

**Summary of the
MEEKER COUNTY PLANNING COMMISSION
March 26, 2019 – MEETING MINUTES**
Audio Available

The Meeker County Planning Commission met at the Courthouse in Litchfield, MN at 5:00pm on March 26, 2019 to consider the following Conditional Use permit, Interim Use permits, rezoning and preliminary plat applications and other business before the Board. Present was Hempel, Piepenburg, Beach, Euerle, Loff, Johnson and Zoning Administrator Cote.

5:01pm

Hempel calls the meeting to order. There is a quorum.

The Board states their names for voice recognition.

Hempel asks the Board if they have any corrections or additions to the February 12, 2019 meeting minutes. None are noted.

Euerle makes a motion to approve the minutes.

Loff seconds the motion.

Motion carried 6-0.

5:02pm

Hempel opens the public hearing for Jeffrey Geislinger, 36920 654th Ave, Watkins, MN 55389. Lot Ten (10), Block One (1), Edward Geislinger's Addition, Clear Lake, Forest Prairie Township. An application for an after-the-fact Conditional Use Permit to move more than ten (10) cubic yards of material in the Shore Impact Zone and within the Shoreland District.

Jeff Geislinger is present for this hearing.

Cote: This property is a riparian R-1 Suburban Residential zoned lot on the west side of Clear Lake in Forest Prairie Township. This lot is located within the plat of Edward Geislinger's Addition. That plat was made in 1975 and is conforming to the size requirements in place at the time in which it was platted. Currently on this lot there is a house with an attached garage, deck and porches constructed in 1986, a swimming pool installed in 1990, and a utility shed constructed in 1990. This property is served by the municipal services that serve the majority of Clear Lake. This is an after the fact permit. In the summer of 2018 the property owner began a project on his lakeshore to establish a putting green. The applicant removed 4" of topsoil and brought in sand and turf. The applicant moved and or brought in a combined total of 20 cubic yards in the shore impact zone. Straw waddles and blankets have been utilized for erosion control. As per Article 19A.04.C.2.d movement of more than 10 cubic yards of material in the shore impact zone requires an approved conditional use permit from the County.

Johnson states that there was a lot of snow out there, so it was difficult to see. He asks Geislinger if he is finished with the project.

Geislinger says that he still needs to add turf to the top. He had no idea he needed a permit to take the sod off and put gravel on a 30x30 area. He works in the excavating business and didn't realize this would require a permit.

Johnson makes a motion to close the public hearing.

Euerle seconds the motion.

Motion carried 6-0.

Hempel reads the conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 20 cubic yards of material.
2. The project shall be completed as per the plans submitted with this application.
3. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.

Johnson makes a motion for approval with the conditions.

Loff seconds the motion.

Motion carried 6-0.

5:08pm

Hempel opens the public hearing for Gilbert Anderson, 24740 743rd Avenue, Dassel, MN 55325. That part of the NE ¼ of the NW ¼, Section Twenty Four (24), Township One Hundred Nineteen (119), Range Twenty Nine (29), more fully described in the application, Dassel Township. A renewal of an existing Interim Use Permit application for aggregate mining, crushing and processing in an A-1 Agricultural Preservation District.

No one is present for this hearing.

Cote: This application is a renewal for a 6.54 acre gravel pit which was last granted an IUP on April 2, 2013. There is no dewatering proposed on this site. The surface water from the pit runs back down into the pit, or to the southeasterly corner of the site which is lower and is at an elevation of 1036. The westerly portion of this pit has previously been reclaimed and planted in vegetation. An appropriate reclamation plan is in place for this remainder of the site. This pit is minimally used. No estimate of cubic yards to be mined during the duration of this permit has been provided. On the southerly portion of this property there is an observed groundwater elevation of 1036.

Cote states that per the auditor's report, there has been no activity in this pit since the last renewal.

Hempel says that this is a very clean pit. She sees no problem renewing this application.

Johnson states that one can clearly see that the pit hasn't been used.

Piepenburg makes a motion to close the public hearing.

Beach seconds the motion.

Motion carried 6-0.

Hempel reads the conditions:

1. The hours of operation on this site are 6 a.m. to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no operation on Sunday and holidays.
2. This permit shall expire in six (6) years from the date of the County Commissioners final approval of this Interim Use Permit with an inspection done by Meeker County Planning and Zoning, which shall occur at approximately three (3) years or mid-point of the duration of the permit, whichever is least.
3. Dust control measures must be implemented on this site to minimize dust.
4. Within 1 year after the operation ceases and the permit expires the applicant must have the site completely rehabilitated according to the reclamation plan unless the applicant has made application for renewal of the permit before the existing permit has expired.
5. Dust control measures must be implemented on haul roads.
6. The applicant must participate in road maintenance on the haul roads when hauling out of this pit.
7. The berm used to capture water on the southeast side of the mining operation must be maintained.

Johnson makes a motion for approval with the conditions.

Euerle seconds the motion.

Motion carried 6-0.

5:14pm

Hempel opens the public hearing for Alan Ranta (owner/applicant), 1318 Red Oak Ave, Red Wing, MN 55066 and Michael Lien (owner/applicant), 8197 351st Ave NW, Princeton, MN 55371. That Part of Government Lot One (1), more fully described in the application. Section Eleven (11), Township One Hundred Twenty (120), Range Twenty Nine (29), Melody Lane North, Lake Francis, Kingston Township. A Rezoning Application to rezone a parcel of land from A-1 Agricultural Preservation District to the R-1 Suburban Residential District.

Al Ranta, Mike Lien, Bernie Miller—Miller Sewage, Chuck Mitchell—Northstar Surveying, Jason Versteeg—Duininck, Inc, Brian Cross—Dolan & Besser, and Will Dolan—Dolan & Besser are all present for this hearing.

Cote: This property is an 11.48 acre of a 48.83 riparian property adjacent to Lake Francis in Kingston Township. Lake Francis is a General Development Lake. Currently on this property there is a cattle barn constructed in 1978. The portion of this property within 250 feet of the lakeshore is zoned R-1 and the remainder is in the A-1 Agricultural Preservation District. In 1977 and again in 1980 variances were given to split off portions of this property. The existing property owners received a variance in 2017 to allow for the establishment of a non-conforming plat. A variance request to construct a nonconforming road was denied in 2017. A condition of the 2017 variance indicated that parcel numbers 13-0177-000 and 13-0184-000 must be given appropriate access to the newly constructed road so that said properties aren't landlocked. The existing property owners are requesting to rezone 11.48 acres R-1 suburban residential to allow for the establishment of a two (2) lot plat.

Ranta states that none of this property is agricultural or tillable. It is mainly a swamp.

Cross says that this property is not very good for farming and the potential loss of nutrients that will be going into the lake. This would be best zoned as residential.

Johnson asks about the road being moved.

Mitchell says that it is basically a goat trail now; it's not really a road.

Johnson asks about the flood zone A line.

Mitchell states that any time you are by the lake there is going to be a flood zone.

Piepenburg asks who puts the road in.

Cote says the applicant is responsible and the township has indicated that they have no issues with the road. It is a requirement of the subdivision ordinance that the road either needs to be constructed or a financial guarantee needs to be put in place prior to the final plat, which needs to be approved by the Planning Commission and the County Board.

Ranta states that this will be a full size road and maintained by the township.

Piepenburg makes a motion to close the public hearing.

Beach seconds the motion.

Motion carried 6-0.

Johnson makes a motion for approval.
Beach seconds the motion.
Motion carried 6-0.

5:25pm

Hempel opens the public hearing for Alan Ranta (owner/applicant), 1318 Red Oak Ave, Red Wing, MN 55066 and Michael Lien (owner), 8197 351st Ave NW, Princeton, MN 55371. That Part of Government Lot One (1), more fully described in the application. Section Eleven (11), Township One Hundred Twenty (120), Range Twenty Nine (29), Melody Lane North, Lake Francis, Kingston Township. An application to consider the Preliminary Plat application for two (2) lots of R-1 Suburban Residential zoned plat of Ranta Shores.

Al Ranta, Mike Lien, Bernie Miller—Miller Sewage, Chuck Mitchell—Northstar Surveying, Jason Versteeg—Duininck, Inc, Brian Cross—Dolan & Besser, and Will Dolan—Dolan & Besser are all present for this hearing.

Hempel says that an issue came in about possibly not having a clear title.

Cote states that the applicant is aware that they don't have clear title—there are gaps and overlaps from the 1970's. Apparently, they have deeds to clear up the title issues. Per the subdivision ordinance there must be clear title to make application for a preliminary plat, which didn't happen in this case. In discussions with the County Attorney, she suggested that if the Board is okay with seeing this plat move forward, approval can be recommended this evening and once the deeds are recorded, I can take it to the County Board. This does need to happen within the County's 60 day time period. The applicant applied on March 4th, 2019, so May 3rd, 2019 would be the 60 days. If we would get to the second commissioner meeting in April and nothing had occurred, I would take it to the County Board and request that they deny the application. The County does have to make a decision within 60 days unless the applicant is willing to waive his 60 days.

Hempel was concerned about the septic placements.

Bernie Miller says that the lots require the ability to support two Type I systems. We demonstrated that can happen. The ordinance does not say that it has to have the ability to have two Type I systems and room for a house, nor does the state code. It doesn't quantify the size of a house.

Hempel reads through the Finding of Fact:

1. Does the proposed plat conform to the County's Comprehensive Land Use Plan? Why or Why not?
 Yes No

Comments: Same and similar use

2. Is the proposal consistent with the existing County Subdivision Ordinance Article 19A? Specify the applicable section of the ordinance and discuss why or why not.
 Yes No

Comments: Same and similar use

3. Are there any other standard, rules or requirements that this plat must meet including but not limited to Shoreland Management, Wetland Conservation Act, Stormwater Management or Environmental Assessment Worksheet?
 Yes No

Comments: Environmental Assessment Worksheet

4. Does the plat conform to all applicable performance standards contained in the County's Land Use and Zoning Ordinance including but not limited to feedlot setbacks, transfer or development rights, conservation subdivision?

Yes No

Comments: They were granted a variance in 2017 for lot sizes to be nonconforming.

5. Does the plat meet the County standards so the potential environmental impacts are resolved or mitigated, such as:

- a. Erosion Control Yes No
- b. Wetlands Yes No
- c. Floodplains Yes No
- d. Shoreland Yes No
- e. Public Utilities/Services Yes No

6. Have the potential public safety or traffic generation impacts been addressed through controlled access, combined access, frontage road access, or some other means?

Yes No

7. Other issues pertinent to this matter?

Yes No

Comments: Contingent on clear title

Piepenburg makes a motion to close the public hearing.

Beach seconds the motion.

Motion carried 6-0.

Johnson makes a motion for approval.

Euerle seconds the motion.

Motion carried 6-0.

5:43pm

Hempel opens the public hearing for Duininck, Inc. (owner/applicant), PO Box 208, Prinsburg, MN 56281 and John Mattila (owner), 6828 Rhoades Ave, SW, Cokato, MN 55321. The Northerly 1150 feet of the Northeast Quarter of the Northeast Quarter (NE ¼ of the NE ¼) and the Easterly 250 feet of the Southerly 550 feet of the Northerly 750 feet of the Northwest Quarter of the Northeast Quarter (NW ¼ of the NE ¼), all in Section Four (4), Township One Hundred Nineteen North (119N), Range Twenty Nine West (29W), Dassel Township. A renewal of an existing Interim Use Permit application for aggregate mining, processing and crushing in an A-1 Agricultural Preservation District.

Tom & Sandi Effertz and Jason Versteeg are present for this hearing.

Cote: This property is an 11.48 acre portion of a 48.83 riparian property adjacent to Lake Francis in Kingston Township. Lake Francis is a General Development Lake. Currently on this property there is a cattle barn constructed in 1978. The currently property owner is requesting to be permitted to establish a two (2) lot plat for the construction of two dwelling. Lot one is proposed to be 32,784 square feet (.75 acres) lot two is proposed to be 35,204 square feet (.81 acres). Several outlots are proposed within this plat. An outlot is not buildable for a dwelling. A variance was granted in 2017 to allow 71' of depth on the south end of lot two and for the non-conforming outlots. The road must be constructed to public standards because it serves four or more lots. This land is directly adjacent to an existing R-1 Suburban Residential zone. Each lot meets the requirements of 30,000 contiguous buildable square feet of area. The land surveyor has indicated a small amount of floodplain directly adjacent to the lake. No construction can occur with a floodplain. The applicant has submitted sufficient soil borings that show two adequate locations per lot for the installation of a mound or pressure bed septic system. The

applicant has submitted a title opinion which does not show clear title. This past cannot go before the county board for a final decision until title has been cleared. We do not show any mining in this pit since the last renewal.

Hempel says that this is a clean pit with no debris.

Effortz states that this pit is much cleaner than it was about 8 years ago. They have since put up gates and rocks blocking the public from getting in.

Piepenburg makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 6-0.

Hempel reads the conditions:

1. The hours of operation on this site are 6 a.m. to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no operation on Sunday and holidays.
2. This permit shall expire in six (6) years from the date of the County Commissioners final approval of this Interim Use Permit with an inspection done by Meeker County Planning and Zoning, which shall occur at approximately three (3) years or mid-point of the duration of the permit, whichever is least.
3. Dust control measures must be implemented on this site to minimize dust.
4. All trucks and vehicles shall enter or exit this site, using the township road, east to MN Hwy #15.
5. Within 1 year after the operation ceases and the permit expires the applicant must have the site completely rehabilitated according to the reclamation plan unless the applicant has made application for renewal of the permit before the existing permit has expired.
6. Dust control measures must be implemented on haul roads.
7. The applicant must participate in road maintenance on the haul roads when hauling out of this pit.
8. The existing berm located adjacent to Minnesota Hwy 15 shall be maintained at its existing elevation.
9. The applicant shall work with Dassel Township to assist in maintaining 278th Street back to Township specifications.
10. Duinick must comply with the all MPCA noise standards, which are 65 decibels during daytime use and 55 decibels during nighttime use.
11. If the wells on parcel number 07-0046-000 or 07-0046-001 are affected by the de-watering, Duinick shall be responsible for the repair of the above-mentioned wells.

Loff makes a motion for approval with the conditions.

Beach seconds the motion.

Motion carried 6-0.

5:52pm

Hempel opens the public hearing for Duinick, Inc. (owner/applicant), PO Box 208, Prinsburg, MN 56281 and John Mattila (owner), 6828 Rhoades Ave, SW, Cokato, MN 55321. The Northerly 1150 feet of the Northeast Quarter of the Northeast Quarter (NE ¼ of the NE ¼) and the Easterly 250 feet of the Southerly 550 feet of the Northerly 750 feet of the Northwest Quarter of the Northeast Quarter (NW ¼ of the NE ¼), all in Section Four (4), Township One Hundred Nineteen North (119N), Range Twenty Nine West (29W), Dassel Township. A renewal of an existing Interim Use Permit application to operate a hot-mix production plant and all related stockpiling in an A-1 Agricultural Preservation District.

Tom & Sandi Effertz and Jason Versteeg are present for this hearing.

Johnson asks if there are any jobs that this pit will be used for in the near future.

Versteeg states that there is nothing under contract at this point.

Johnson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 6-0.

Hempel reads through the conditions:

1. The hours of operation on this site are 6 a.m. to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no operation on Sunday and holidays.
2. Duinick must comply with all MPCA noise standards, which are 65 decibels during daytime use and 55 decibels during nighttime use.
3. The haul road shall be restored back to the condition it was in prior to Duinick, Inc. opening this pit.
4. All trucks and vehicles shall enter or exit this site east, using the township road, to MN Hwy #15
5. Dust control measures must be implemented on haul roads.
6. The applicant must participate in road maintenance on the haul roads when hauling out of this pit.
7. All existing recycled materials on-site shall be utilized or moved to meet the required 200' setback from the centerline of Minnesota Hwy 15. All future recycled materials and stockpiles on-site shall be placed so that they meet the required road setbacks.
8. All tanks must be double walled or the berm shall be lined to prevent leaking onto the ground.
9. There shall be no concrete recycling on this site.
10. Within one (1) year after the operation of the bituminous plant ceases and the permit expires the applicant must have the site completely rehabilitated unless the applicant has made application for renewal of the permit before the existing permit has expired.
11. This permit shall expire three (3) years from the date of the County Commissioners final approval of this Interim Use Permit with an inspection done by Meeker County Planning & Zoning at approximately one and one half (1 ½) years or mid-point of the duration of the permit, whichever is least.

Piepenburg makes a motion for approval with the conditions.

Johnson seconds the motion.

Motion carried 6-0.

5:57pm

Hempel opens the public hearing for Duinick, Inc. (owner/applicant), PO Box 208, Prinsburg, MN 56281. The Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) and the East 764 feet of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Eighteen (18), Township One Hundred Eighteen North (118N), Range Thirty West (30W), Ellsworth Township. A renewal of an existing Interim Use Permit application for aggregate mining, processing and crushing in an A-1 Agricultural Preservation District.

Jason Versteeg is present for this hearing.

Versteeg states that they added some area to the west of this pit. They are somewhat running out of area to mine gravel out.

Cote states that he needs to be cognizant of the stock piling—it needs to be setback 100' from the centerline of the road. Duinick and Meeker Sand and Gravel have a variance that allows them to mine up to the property line.

Johnson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 6-0.

Hempel reads the conditions:

1. The hours of operation on this site are 6 a.m. to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no operation on Sunday and holidays.
2. Duininck must comply with all MPCA noise standards, which are 65 decibels during daytime use and 55 decibels during nighttime use.
3. The haul road shall be restored back to the condition it was in prior to Duininck, Inc. opening this pit.
4. All trucks and vehicles shall enter or exit this site east, using the township road, to MN Hwy #15
5. Dust control measures must be implemented on haul roads.
6. The applicant must participate in road maintenance on the haul roads when hauling out of this pit.
7. All existing recycled materials on-site shall be utilized or moved to meet the required 200' setback from the centerline of Minnesota Hwy 15. All future recycled materials and stockpiles on-site shall be placed so that they meet the required road setbacks.
8. All tanks must be double walled or the berm shall be lined to prevent leaking onto the ground.
9. There shall be no concrete recycling on this site.
10. Within one (1) year after the operation of the bituminous plant ceases and the permit expires the applicant must have the site completely rehabilitated unless the applicant has made application for renewal of the permit before the existing permit has expired.
11. This permit shall expire three (3) years from the date of the County Commissioners final approval of this Interim Use Permit with an inspection done by Meeker County Planning & Zoning at approximately one and one half (1 ½) years or mid-point of the duration of the permit, whichever is least.

Euerle makes a motion to approve with the conditions.

Loff seconds the motion.

Motion carried 6-0.

6:07pm

Hempel opens the public hearing for Duininck, Inc. (owner/applicant), PO Box 208, Prinsburg, MN 56281. The Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) and the East 764 feet of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Eighteen (18), Township One Hundred Eighteen North (118N), Range Thirty West (30W), Ellsworth Township. A renewal of an existing Interim Use Permit application to operate a hot-mix production plant and all related stockpiling in an A-1 Agricultural Preservation District.

Jason Versteeg is present for this hearing.

Cote states that this pit has the appropriate NTDES permits and reclamation plan in place.

No pending projects for this pit.

Conditions:

1. The hours of operation on this site for the operation of an asphalt plant are 6 a.m. to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no operation on Sunday and holidays.
2. Duininck Incorporated must comply with all the MPCA noise standards, which are 65 decibels during daytime use and 55 decibels during nighttime use. The applicant must also obtain all permits required by any Federal, State, or County agency.
3. The operator shall follow all MPCA standards and guidelines.

4. This permit shall expire three (3) years from the date of final approval of this application by the Meeker County Commissioners. An inspection by Meeker County Planning & Zoning shall occur at approximately mid-point of the duration of the permit.
5. Dust control measures must be implemented on all haul roads including the road into the pit. Said dust control must be applied prior to the applicant hauling out of this pit.
6. The applicant shall assist in rebuilding the township road to the condition that it was in prior to the beginning of operation in the Duininck pit.
7. Dust control measures must be implemented on haul roads. Said dust control must be applied prior to the applicant hauling out of this pit. One (1) week prior to any hauling of material to or from this pit chemical dust control shall be applied according to condition #5. A second application of chemical dust control shall be made within forty-five (45) days after the first application if still operating or if operation has ceased, one week prior to the recommencement of operations.
8. The applicant shall contact the Meeker County Zoning Administrator one (1) week prior to commencing hauling of any material from this pit and when operations are completed.
9. All existing stockpiles which do not meet the required 100' setback to the road centerline shall be utilized first in the production process until their closest point meets said required setback.
10. All asphalt plant equipment and newly created stockpiles must meet the required 100' setback to the centerline of the township road.
11. The applicant must participate in road maintenance on all haul roads including the road into the pit. The applicant shall follow all weight restrictions placed on roadways.
12. The applicant must work with both townships to maintain said township road between the easterly entrance of the Duininck gravel pit and Minnesota Highway 22.
13. The applicant must maintain the present distance of approximately 600' to 700' of asphalt in front of the Sommerfeld Dwelling Site Property.
14. Within One (1) year after the operation of the bituminous plant ceases and the permit expires the applicant must have the site completely rehabilitated unless the applicant has made application for renewal of the permit before the existing permit has expired.

Beach makes a motion to close the public hearing.

Johnson seconds the motion.

Motion carried 6-0.

Loff makes a motion to approve with the conditions.

Hempel seconds the motion.

Motion carried 6-0.

6:11pm

Cote states that the Board received copies of Carver County's CUP denial of a solar garden. It is just something to review. It is a good reminder that the Board needs to have solid reasons to deny a CUP.

The Board discusses septic systems.

6:20

Johnson makes a motion to adjourn.

Loff seconds the motion.

Motion carried 6-0.