

## MINUTES

### Blue Earth County Planning Commission

#### Regular Meeting

Wednesday, July 5, 2023

7:30 p.m.

#### 1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Joe Smentek. Planning Commission members participating in the meeting included Bill Anderson, Kurt Anderson, Dusty Riley, Dan Roberts, Taryn Surdy, and Chairman Smentek. Staff members George Leary, John Considine and Garrett Rohlifing were present.

#### 2. APPROVAL OF MINUTES

Ms. Surdy made a motion to approve the minutes of the June 7, 2023, Planning Commission meeting. Mr. Roberts seconded the motion which was carried unanimously.

#### 3. APPROVAL OF AGENDA

Mr. Leary stated there were no changes to the agenda.

#### 4. NEW BUSINESS

##### PC 15-23

**Thomas Kehoe** - Request for review and approval of an Interim Use Permit to operate a mechanic shop as a Level II Home Occupation in the Conservation District. The Property is in the southwest quarter of the northwest quarter of Section 32 Garden City Township. The location address is 16685 510th Avenue, Lake Crystal MN, 56055.

Mr. Considine presented the staff report.

The applicant was present and available for questions.

There was no further discussion.

Mr. Roberts made a motion for recommendation of approval of the request to the County Board based on the findings prepared by staff and with the conditions recommended by staff.

Ms. Surdy seconded the motion, which passed unanimously by a roll call vote.

##### PC 20-23

**TRANQ LLC and Pentagon Materials, Inc.** – Request for review and approval of an Interim Use Permit for an aggregate mining operation. Activities will include extraction, crushing, screening, washing, and stockpiling of aggregate materials. The proposal also includes recycling of concrete and asphalt products. The property is zoned conservation and includes a small area of Shoreland of the Cobb River. The property is in part of the East Half of the Southwest Quarter of Section 19 of Decoria Township. The location address is 56896 175th Ln, Good Thunder, MN.

Mr. Leary presented the staff report.

Jim Voda from Pentagon Materials, Inc. was present and addressed the Planning Commission. He stated that the materials from the site will be used for company projects and local projects. He indicated the primary locations of Pentagon Materials, Inc. are in Savage MN and Belle Plain MN.

He added his company has been reviewing the site for two years and that it is a smaller site. He stated his company has put a lot of work into the project and have worked with the two nearest neighbors to reduce the impact.

Mr. Voda stated the operating hours of Monday through Friday will be 7:00 a.m. to 6:00 p.m. They will also provide screening plantings and may move the sedimentation basin from the southeast corner to the middle of the site.

Mr. Leary asked if the change to the operating hours and site plan could be updated prior to noon on July 11<sup>th</sup>. Mr. Voda said yes.

Mr. Smentek asked Mr. Voda if his company is agreeable to the road agreement with the township. Mr. Voda said yes.

Cameron Rather asked for more information on TRANQ LLC, who are they and where are they from? He said he had searched on-line but couldn't find anything.

Mr. Voda said that Dennis Loken and his son Jason Loken are owners of TRANQ LLC. Mr. Voda also stated his belief that the permit would run with the land.

Mr. Leary indicated to the Planning Commission that Interim Use Permits do not run with the land. If the site were sold, the new owners would need to re-apply for a permit.

Mr. Smentek provided information he found on his phone regarding TRANQ LLC on the Minnesota Secretary of State website.

Dan Persson stated he owns the only current residence along 175<sup>th</sup> Lane. Mr. Perrson asked if the setback requirement to 175<sup>th</sup> Lane will change if it is upgraded. Mr. Leary indicated there would be no change to the 65-foot setback requirement.

Todd Enz stated the applicants have been working with them on some modifications to the plan. He added that he hopes they will follow all the rules.

Mr. Kurt Anderson stated he had received a call from a neighbor approximately 2,000 feet from the site. Mr. Anderson thought the individual would have no further issue if the hours of operation are amended as proposed by the applicant.

Mr. Anderson also stated he had received a call from Lyle Femrite (Chairman of the Decoria Township Board). Mr. Anderson stated the township was also meeting this same evening and they were therefore unable to attend the Planning Commission Meeting. Mr. Anderson noted that the township's request is that the nine items listed in the comments they provided to staff be included as a condition of approval of the request. Mr. Anderson stated that Mr. Leary's intention to have the County Attorney's office comment on the inclusion of the township conditions in the resolution of the permit is reasonable. Mr. Anderson further stated that the township's attorney (Troy Gilcrest) believes the nine items need to be referenced in the conditions for approval in order to be valid. Mr. Anderson stated a solution would be to add to item H "as outlined in attachment 9."

Mr. Bill Anderson concurred with Mr. Kurt Anderson.

Mr. Riley thanked the applicant for being present and for their willingness to work on some compromises with neighboring landowners.

Mr. Roberts stated there has been a lot of consideration provided by the township and everything seems to be covered by the conditions.

Ms. Surdy expressed her concerns with the road and mining in the Conservation Zoned District. She briefly opined on the environmental impact of mines in general.

There was no further discussion.

Mr. Kurt Anderson made a motion to recommend approval of the request to the County Board based on the findings prepared by staff with an amendment to condition H to include the information provided by the township which outlines their requested conditions as shown in attachment 9, and to amend the hours of operation to coincide with the testimony provided by the applicant.

Mr. Bill Anderson seconded the motion, which passed by a roll call vote of five in favor to one opposed. Members Anderson, Anderson, Riley, Roberts, and Smentek voted in favor and Ms. Surdy voted in opposition.

### **PC 21-23**

**John F. Just Sr. Family Cabin Trust and Sandra Lynn Sontag Revocable Trust** - Request for review and approval of the preliminary and final plat of South Shore Subdivision. The plat will create two lots from an area not currently platted and Lots 1, 2 and a portion of Lot 3 of Hillside Lake Washington. The properties are zoned Rural Residence and located within the Shoreland of Lake Washington. The properties are in the Northeast quarter of the Northeast quarter of Section 19, Jamestown Township. The addresses of the two resulting Lots are 4120 Hillside Lane, Madison Lake, MN and 4122 Hillside Lane, Madison Lake, MN.

Mr. Considine presented the staff report.

The applicant was present and available for questions.

There was no further discussion.

Mr. Roberts made a motion to recommend approval of the request to the County Board based on the findings prepared by staff and with the conditions recommended by staff.

Ms. Surdy seconded the motion which passed unanimously by a roll call vote.

## **5. OTHER BUSINESS**

### **A. County Board action on items from the previous Planning Commission meeting:**

- Marks Farms, Inc – Conditional Use Permit for the expansion of a poultry operation. APPROVED
- Friedrichs – Preliminary Plat review. APPROVED
- Bohrer – Preliminary Plat review. APPROVED
- Lorentz Construction – Interim Use Permit for a Gravel Mining Operation. Tabled due to EAW petition
- Bielen – Cutting and Filling in a bluff zone for a lake access path. APPROVED
- Just – Vacation of a portion of public right-of-way. APPROVED

- Blue Earth County - Request for the review and revocation of Conditional Use Permit PC 35-21 to operate a source-separated organic material compost facility due to noncompliance with the findings and conditions of approval. REVOKED

**7. ADJOURNMENT**

Ms. Surdy made a motion to adjourn the meeting. Mr. Roberts seconded the motion, and the meeting was adjourned at 8:25 p.m.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Date