

**Murray County Planning Commission
Meeting Minutes – June 16, 2022**

The Murray County Planning Commission held a meeting on Thursday, June 16, 2022, in the County Commissioner's Meeting Room, Murray County Government Center, Slayton, Minnesota, and via a Teams Link and telephone.

Members present: Kevin Vickerman, Ron Holinka, Vern Carlson, Bob Ossefoort, Marc Hollahan, and Dave Thiner

Others present: Jean Christoffels, Connie Wieneke, and see attached Sign-In Sheet

Others present Call in: Kayla Johnson

Vice Chair Vern Carlson called the meeting to order at 7:00 pm and asked if there were any corrections or additions to the agenda.

MSP: Bob Ossefoort, Kevin Vickerman to accept the agenda as presented.

Agenda #1 Identify any Conflict of Interest – Planning Commission

None were identified.

Agenda #2 Asa Nelson Conditional Use Permit Public Hearing

See Asa Nelson Conditional Use Permit Public Hearing Minutes.

Agenda #3 Lake Wilson Renewables, LLC Conditional Use Permit Public Hearing

See Lake Wilson Renewables, LLC Conditional Use Permit Public Hearing

Agenda #4 Carlson Addition Final Plat Review

A title opinion conducted by Malone & Mailander regarding the property, is on file. The developer was notified of an error with the legal description in the order of vacating the cartway, which needs to be fixed before the plat can be recorded. Also, the township will need to vacate that part of the cartway being platted. The Recorder's Office has reviewed and made sure that all signatures' lines/titles are on the plat as needed. The plat is ready for final approval.

Motion made by Ron Holinka, seconded by Kevin Vickerman, to recommend final plat approval of Carlson's Addition as a new subdivision for seven (7) non-riparian lots and road right of way in the Residential and Shoreland Overlay Districts on a General Development Lake for Part of Government Lot 4, Section 12, Mason, Murray County. Motion carried.

Agenda #5 Third Pre-Advisory Meeting for Pelican Bay Subdivision

Since the last meeting, Doug provided a revised plat, and turned in another revised plat today which was just the addition of a utility easement between the two lots on the north end of the subdivision. Also submitted to the Commission were Jean's comments and questions regarding the revised plat, and Doug's questions and comments on the same. One question he had is why we regulate the floodplain. Jean sent information to the Commission titled the Minnesota Quick Guide for Feedlot and Floodplain Rules, where it explains why we regulate floodplain, how the floodplain works, and what happens when flood plain land is filled in and causes the displaced water to go to areas that have not been flooded in the past; basically creating new floodplain areas.

Doug also wondered what local permits and approvals are needed, and minimum elevation requirements. Jean explained that the FEMA base elevation is 1,487' for Lake Shetek and then the State of Minnesota requires an extra foot freeboard for a total of 1,488' above sea level. In the flood of 2018, Lake Shetek came to within six inches of state flood elevation; if the County only required the FEMA base elevation, we would have had more flooding. Minnesota is experiencing more heavier and stronger rain events, and according to the State Climatologist, this is going to continue. Since Murray County is a participant in the National Flood Insurance Program, we must comply with all FEMA regulations; anything allowed to be constructed below FEMA regulations could jeopardize everyone in Murray County from a payout if there would be a natural disaster.

After receiving comments from people stating there has been work continuing at this site, Jean had staff take pictures from the Inlet Waters' cul-de-sac. The pictures were taken towards the north end of Doug's proposed subdivision, which shows piles of dirt; the land has been altered since the Commission met out there last year. Vern Carlson questioned Doug as to what he is doing on the north end of the subdivision. Doug responded that they are mining materials to build roads and driveways; this is the second hill on that side, the first one they took product from many years ago to widen Highway 59 for turn lanes, field approaches and driveways. Doug added that they took out about 15,000 yards of clay at that time and this time they are going to take just a couple thousand yards; the rest will be needed to widen this subdivision road going out to the township road. He pointed out all excavation would be above the 1,488' elevation.

Jean questioned Doug if this dirt is being excavated from that land or if they were bringing it in. Doug said taking it out. Jean responded that they are changing the elevation of the land surveyed for this subdivision even when a preliminary plat public hearing has not been done yet; there has been no permission or approval to start doing any work or construction for the subdivision. Doug noted that he has had a permit for 25 years to haul gravel and clay out of there for roads in Murray County, and they continually haul out of there. Jean restated that they are changing the elevation of the subdivision before there is even an approved subdivision. Doug replied that yes, every time material is hauled out, the elevation is lowered; he added they will never go below the 1488' because that would not make any sense.

Doug went on to say that they are going to need five times the amount of material they have right now to build up the road to the township road and since there are lots that are too high, they will use some of that material to raise the lots that are too low.

Vern stated that they need to have a plat that is current, with the correct elevations, before they can approve it. Ron questioned if a property can be permitted for two things at the same time; should the gravel pit cease to exist before the land is platted. Jean explained that per FEMA regulations, if they are moving/adding more than a thousand cubic yards in the floodplain, then they would be required to obtain a conditional use permit for the property. According to the Murray County Subdivision Ordinance, the buildable area of a lot, which is seventy-five feet from the lake, ten feet from property lines and thirty-five feet from the road right of way, must be at or above the regulatory flood protection elevation of 1,488 feet above sea level.

Ron asked Jean if the land could be reworked before the subdivision plat is presented; raise the low spots and lower the high spots, as long as it is not in the wetlands. Jean said yes, as long as he does it with a conditional use permit and before the subdivision is platted; buildable lots cannot be below 1,488'. She added that once Doug has the land where he wants it, the property will have to be resurveyed with two-foot contours to prove that they are at the correct elevations. Ron felt that Doug should be able to get the lots read for the subdivision but cannot put in any roads or driveways until the plat is approved.

Kevin believes that making application for this plat is premature and that Doug needs to wait until he gets everything leveled. Dave questioned the stockpiling of the materials, which needs to be done placed where it would not affect the plat. Jean questioned if this would be done in the area that the delineation was just completed on. Doug said he had the whole sixty-six acres delineated and he knows he has to stay above the

1,488'. She just wanted to make sure that he was not negating the wetland delineation by changing the elevations.

For the conditional use permit application, Doug will need to submit a drawing with the estimated cubic yards of fill needed for building up the lots, and where it will be placed. Jean will email a conditional use permit application to Brenda.

Ron added that Doug would need to go through the proper channels for any activity Doug proposes that would impact the wetlands. Doug thought it would be about two tenths of an acre that he wants to infringe on for some of the road and that he has been in contract with the Soil and Water Conservation office and the DNR.

The Planning Commission did not feel that Doug was ready to make application for a preliminary plat due to the fact that some of the lots are not meeting the required elevations for a buildable lot. And that once he is finished with his mining operation, then he would need to have the property resurveyed, with two-foot contours, to ensure that the lots are at the proper elevation, before moving forward with public hearing for a new subdivision.

Agenda #6 Approval of Planning Commission Minutes

- a. 05-19-2022 Bavaria Solar LLC Conditional Use Permit Public Hearing
- b. 05-19-2022 Planning Commission Meeting

MSP: Kevin Vickerman, Bob Ossefoort to approve the minutes as written.

MSP: Ron Holinka, Bob Ossefoort to adjourn at 8:41 pm.

Respectfully submitted,

Connie Wieneke
Murray County Environmental Services