

# WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 21, 2016

## MINUTES – (Informational)

The Wright County Planning Commission met April 21, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order with Commission members, Mol, Dave Pederson, Charlie Borrell, Ken Felger, Dave Thompson and Dan Bravinder present. Absent: Jan Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES – for April 14, were in the Board’s packet to be acted on at the May meeting.

1. DARRELL J. & BEVERLY KOOPMAN – New Item

LOCATIOIN: 132 Alderwood Avenue NW –Lots 3 & 4, Olson’s Point, according to plat of record, Section 36, Township 120, Range 26, Wright County, Minnesota. Tax #203-021-0000030 (Chatham Twp.)

Petitions for a Conditional Use Permit to move in a 24’ x 30’ garage as regulated in Section 605, 612 & 718 of the Wright County Zoning Ordinance

Present: Darrell and Beverly Koopman

- A. Riley displayed a map and site plan to show the lot on Buffalo Lake zoned R-1. The photos of the structure were viewed to show the condition of the move-in garage. The purpose of the Conditional Use Permit is to determine if the structure will fit into the neighborhood, can be brought up to code and completed within a specified time-frame.
- B. D. Koopman stated the garage is complete, other than the cement work to be done. They are trying to get the structure moved in before Knife River upgrades their road this summer. B. Koopman stated the road work is slated for the last week in June.
- C. Mol asked if the siding would match the applicant’s home. D. Koopman stated it is not the same color, but is in very good condition. He has a letter from the neighbor that adjoins who has no objection.
- D. Riley stated the structure will have to meet setbacks. He was glad to have something from the neighbor as he questioned if the garage might impact drainage. D. Koopman stated they are higher, but there is a drainage swale that goes around.
- E. Mol opened the hearing for public comment, hearing none, discussion returned to the Commission. Mol asked if any landscaping is planned to keep the water from draining directly to the lake. D. & B. both commented that the property is fairly flat and this structure should not cause any washouts.
- F. Discussion followed on the time needed to finish the structure. B. Koopman stated the building should be moved in by June 1. Kryzer suggested the applicant’s be given adequate time to finish the work and get a final inspection.

- G. Borrell moved to approve a Conditional Use Permit to relocate a 24' x 30' garage in accord with the description provided by the applicant on the record, with the following conditions: 1) Proper building permits are obtained and building is brought up to code; and 2) Project completion date must be no later than September 1, 2016. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JAMES R. BOSSERT** – New Item

LOCATIOIN: 10690 Hwy. 25 SW – Part of W ½ of SE ¼, Section 25, Township 118, Range 26, Wright County, Minnesota. Tax #220-000-254200 (Woodland Twp.)

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and a Conditional Use Permit for a two-lot unplatted residential subdivision as regulated in Section 606 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: James Bossert, Seth Bossert and George Schaust

- A. Riley reviewed the property location on Pooles Lake. The property is currently zoned AG and Woodland Township has include this in their Land Use Plan for Rural-Residential. Zoning map was displayed to show nearby property zoned A/R. An existing house is on the north side of the property and rezoning would allow for one new residence. The applicant was informed they would have to make sure each lot has 10 acres above the Ordinary High-water Mark. The approximate lines are shown in red indicate Lot “B” has 15 acres and Lot “A” has 18 acres, based on the legal description but that includes land that runs into the lake. The Commission has to decide whether the property should be rezoned.
- B. J. Bossert provided a preliminary survey and that information shows Lot “A” has 10.52 acres above the lake and Lot “B” would be shy of ten acres at 8.13 acres. The proposed division line was suggested by the Town Board because it follows a drainage ditch. Riley informed the applicant if that estimate is correct, it would not give them the acreage required for the A/R zone. J. Bossert asked if they could get a variance, noting the new lots would still be larger than what is out here. Riley stated a variance cannot be given for the zoning district for new lots. He questioned how the estimated Ordinary High-water Mark (OHM) was determined. Initial review of the contours looked like it would work.
- C. S. Bossert – explained the person surveying the shore used the 961.5 contour and set points along the shore. The survey equipment used on site is much more accurate. Felger asked about the concern that there is not ten acres. Riley – correct, it was Staff’s concern going into this. Felger pointed out that the lake is non-meandered and he owns into the lake. Would the owner not get credit for the land he owns? Riley explained the ordinary high-water mark is used and in this scenario it is the land above the OHW.
- D. Discussion followed on how the acreage was determined. Kryzer noted the information provided by the applicant shows the surveyor did not measure to the center of the road. Calculations indicate the property would still be less than 20 acres needed.
- E. S. Bossert asked about lots to the north were developed. They do not appear to be 10 acres. Riley stated this property would need an R-2a zone to get the second lot if there is less than minimum acreage. He agreed he could research other lots developed on the lake.
- F. Borrell asked if there is any harm in rezoning it and then have the site work done. Riley agreed it could be rezoned and should not change the taxes.

- G. Felger estimated with a 40' from centerline, the survey work done would make the total parcel 19.68 acres. He asked the acreage on the tax statement. J. Bossert – it is 33.4 acres.
- H. Pederson moved to continue the hearing to May 12, 2016 to allow applicant and Staff more time to research the matter. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **SUSAN V. MULVANEY** – Cont. from 4/14/16

LOCATION: 2226 85<sup>TH</sup> Street NE – E ½ of E ½ of SW ¼ of NW 1/4, Section 21, Township 121, Range 25, Wright County, MN. (Monticello Twp.) Tax #213-100-212306

Petitions for a Conditional Use Permit for a personal dog kennel as regulated in Section 302.(72), 505 & 604. of the Wright County Zoning Ordinance. Applicant currently has ten adult dogs.

Present: Steven Conroy, applicant's attorney

- A. Riley summarized the property and location. Commission has heard the matter a couple times, made a site inspection and directed Staff to develop an Action Plan with a timeframe of four months. Two dogs have been removed, but that timeframe does not give a lot of time to get the dogs neutered/spayed and reduce the number of dogs. The Commission heard from the agent from the MN Humane Society who has been working with the owner. If the Commission approves the CUP, Staff recommend that the Action Plan be included. Suggest a one-year temporary or interim permit with a review following.
- B. Conroy reported the applicant has had one of the dogs spayed. Another adoption prospect is a County deputy who might be interested in one of the dogs. He noted the applicant's request was to keep all ten dogs. She understands that won't happen and has been directed to work with Staff and MN Humane Society for help with training and re-homing some of the dogs; make improvements to the facilities. The dogs will be kept inside at night. Although the applicant loves her dogs, she has agreed to try and find homes and work with a plan. At the last meeting, it was suggested she keep five dogs, of which three would be outside in the kennel, one dog in a back kennel and one is kept in the house. With the additional training, she is willing to work with that.
- C. Felger summarized that there are 8 dogs on the property now, one has been neutered and another may be adopted out soon.
- D. Mol opened the meeting for public comment. Betty Klein – adjacent neighbor reported the barking continues. Conroy responded, his client called him to report the Klein's have been on their deck making "cat calls" to try and agitated the dogs. Kleins refuted that.
- E. Mol – noted the applicant has been at this property for quite some time and felt the Commission should give her some time to correct the issues. He suggested a CUP until January. If problems continue they can address it before this goes into the following summer. Borrell agreed with a CUP there is more control. If she reduces the number to 3, there are no conditions on it. Mol felt the Action Plan is good and this gives her some assistance.
- F. D. Thompson stated he can sympathize with the neighbors. Felger agreed this has been a nuisance; however, he was concerned the situation could get worse if she were unregulated with three dogs. He hoped the neighbors would see it that way, too.

- G. Bravinder suggested because of how long this has been going on, they give the applicant a chance to correct the problem.
- H. Borrell moved to approve an Interim Permit for a personal dog kennel and allow up to 5 adult dogs in accord with the action plan on file, dated March 29, 2016. The Planning Commission will review this at their January 2017 meeting. Bravinder seconded the motion.

*DISCUSSION: Felger suggested having some dates for the neutering and spaying. Riley stated the Action Plan does spell this out. Understands that there would be 2-4 weeks between surgeries on one dog before the next would be done. Felger noted it states a timeframe of August, but he wants the applicant to understand this needs to get started and improvements realized this summer for the neighbors benefit. Mol – noted on the other hand if they make the time frame too tight, it might not be possible. One of the dogs could have a complication from surgery. Felger asked who will monitor progress. Conroy stated Kathy Rupp, MN Humane Society agent, has indicated she would be actively involved. It was suggested the documentation of the surgeries should be provided.*

A suggestion by Kryzer was to add a condition, Borrell amended his motion, Bravinder the second to include: Applicant to have all dogs neutered and spayed by August 11, 2016 and documentation be provided to Staff. D. Thompson asked about a dog named “Willie”. Riley stated that dog was done in order to re-home. He understands it is easier to find homes for the dogs that have had the surgery.

VOTE: CARRIED UNANIMOUSLY

- I. D. Pederson commended Stacy Marquardt for the excellent job she has done working on this matter. Conroy agreed that this has been a difficult situation and Marquardt has been wonderful to work with and has gone over and above what is expected.

4. **GERARDO G. RUIZ** – Cont. from 4/14/16

LOCATION: Property on the corner of Dempsey Avenue & 70<sup>th</sup> Street SW - W ½ of NW ¼, except tract desc. in Book 80 of Misc., page 384, Section 10, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Property owner: Todd & Mark Wurm Tax #220-000-102300

Petitions for a Conditional Use Permit to locate five contiguous solar gardens, each 1 MW as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance.

Present: Applicant not present

- A. Riley informed the Commission and audience the applicant asked for a continuation to May. The applicant has another request scheduled for that meeting.
- B. Bravinder moved to continue the petition to the May 12, 2016 meeting at the applicant's request. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **DEAN LEISCHOW** – Cont. from 4/14/16

LOCATION: xxx 85<sup>TH</sup> Street NE (aka CR 106) E ½ of SE ¼ of Section 21, also W ½ of W ½ of SW ¼, Section 22, all in Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Owner: Holthaus Family LP Tax #213-100-214100 & -223200

Petitions for a Conditional Use Permit to 5 MW solar farm on approximately 50 acres as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance.

Present: Dean Leischow & Fay Simer, Sunrise Energy Ventures

- A. Simer informed the Commission the applicant, Dean Leischow, is on his way. They can start review or if the Commission is willing to wait for him to arrive.

Mol held the matter over until the applicant arrived and hearing proceeded as follows:

- B. Riley displayed the maps of the location of the proposed solar farm. The hearing was continued for further information on the power poles, bond and explanation why a solar farm cannot be located in a reclaimed gravel pit.
- C. Simer stated they submitted two letters to Riley for further clarification. Riley referred the Commission to their packet. This addresses the reasons for not putting it back in the pit and one is about land alteration. Simer – explained the letter on the land alteration addresses the access roads. A site plan was displayed. The east-west access road would be needed for any emergency vehicles and the semi-trucks to bring in the equipment during construction. The other three gravel roads are for maintenance and the width was reduced to 15'. The first plans showed a road on the south end. The second item discussed with the Commission was the portion of the property that has been mined and not reclaimed to County standards. They are willing to reclaim that to meet those requirements. Second, the question why they would not located the panels into the pit; and third, the financial security. She stated Sunrise Energy Ventures would put up a bond for \$153,000 as surety. Leischow stated that is 125% of the actual cost. As far as building in the gravel pit, their partner, Solar City, addressed this in the letter. The limited space, shading from the slopes and the fact the mine that is down 20' would not provide the stability required for the foundation of the arrays.
- D. Borrell when the Commission was first presented these, they were told they can establish the arrays to fit the land. He expects this parcel would not need much alteration. He has been supportive of the solar farms, but has concerns now that he has seen they are moving all the land around, putting in gravel roads and an excessive number of poles. He could speak to how the road construction destroys farmland. The County Board last week established a moratorium on these because of the concerns that have come up. The land will not be as productive with the gravel used in the roads. Leischow – this site requires very little movement of the soil; roads will be minimal and can be removed. The soils here are not the best for farmland. This is a perfectly flat parcel. The location of inverters are on the roads. This piece of land is different then what they saw on the Aurora project. These are tracker solar panels. The fixed system are the ones that can be put anywhere. Borrell – appreciated the forthrightness of this applicant, but the residents

are not happy at the other site. He is concerned that there are five cells here that need five poles; then Excel comes in with another five poles. He understands the solar company does not have any control over Excel's poles, however, they need to address that. Kryzer – noted this is a valid concern, cited the criteria the Commission has to make on these requests.

- E. Pederson asked where the inverters are located. Leischow – explained the poles, transformers and meter. There ends up being ten poles total for this site. This particular site has good screening with the existing berm. Their poles will be on the south side of the berm. The poles are about 20-30' from one another.
- F. Kryzer – at the County Board Tuesday, they learned that Excel are proposing large towers for emergency shutoff. Leischow –these are used for a secure network communication in the event of any problem. They can go anywhere on the site and don't require any physical wires. This development will not have that. Borrell asked about a common bus, metered for the five cells, but goes out on one line. Leischow – stated everyone is trying to get that done, but it has not been approved. Riley – what they were saying is they can work with Excel on that. He would assume it costs more to do it.
- G. Borrell had a constituent contact him and stated if they are 1 MW they are not subject to a tax paid to the community. Leischow – explained anything 1 MW above does, each one of these are 1 MW for a total of 5 MW. Borrell are they stating each is 1 MW to avoid that tax. Leischow no. explained the reason it is in how the legislation was written; what the solar gardens are; and it has to do with how you break up the subscribers. Borrell – stated the real estate taxes may also go up if it is five acres or more. Leischow – explained the personal tax is separate for the real estate. He understood the real property could change to a commercial tax.
- H. Mol asked for public comment, hearing no response, returned discussion to the Commission.
- I. Bravinder –questioned the decommissioning cost for removal of the gravel roads. They list bulldozer work, however, do not list the removal of gravel roads. Leischow – there is no line item; he would assume the roads are included in that figure. Bravinder – felt the amount based on the number of roads for a site might be helpful. That could be labor intensive. Leischow –this was calculated by the engineers they are working with on other projects in Minnesota. The bond is sufficient, unless they want to see another. He felt the figures are standard cost they use and agreed they could look at this in ten years to see if adjustments are needed. Bravinder appreciated the breakdown, but has questions on the details. He would agree it is something they should revisit every ten years.
- J. Pederson – felt this proposal is different than some they have had before them. The primary resource here is the aggregate and has been approved for mining in the past. In 30 years when this is decommissioned they will still have the resource that can be mined. Borrell would concur, this is not good farmland. He would like Excel to make a change and go to a common bus. Leischow –agreed, everyone is against it and a petition for change was suggested. He would bring it up at the monthly meeting. The industry contests that they are getting resistance from the PUC. Borrell – suggested Leischow draft

a letter to the PUC with a cc to Excel. This is new to the Association of Counties and they are not informed well on this issue. He would agree this site is not a prime ag site. Leischow agreed he would send a letter.

- K. Pederson – as far as restoration of the gravel pit; because this is a natural prairie area he would like them to so with a Company does prairie restoration, rather than just seeding it down and ending up with box elders. Less maintenance. Simer asked if Riley could describe the reclamation standards in the County Ordinance. Riley – there are standards they were given, then there are conditions that can be placed on a CUP. The slopes and seeding were noted. Leischow – 80% is reclaimed to the County’s satisfaction so there is not much left. They have an agreement with the landowner.
- L. Felger asked if the narrative includes a fence. Leischow stated a 6’ high fence with three-strands of barb wire. They use a tan opaque slats for a natural look. The electric code have requirements. This is a generating facility generating 1,000 volts, 5 million watts and it is in their interest to keep people out.
- M. Mol noted as Pederson points out, this location is different or unique because these are lighter soils, not prime. This site also have a natural buffer.
- N. Borrell moved to approve a Conditional Use Permit to locate five contiguous solar gardens, each 1 MW in accord with the revised plans, submitted 4/21/16 and narratives on file with the following conditions: 1) Existing screening using the berm and planted trees along north line be maintained. This would include the replacement of any trees that may die; 2) The applicant must keep up with ongoing vegetative and system maintenance as stated in plans, which states up to 5 times per season; 3) Proper building permits, along with any required State permits, are obtained prior to any work started on the site (note the fence may need a permit depending on final height); 4) Proper access permits are obtained from the County Highway Department and all access roads created will be created in a fashion to have minimal impacts to return the property back into its original state at the end of its useful life); 5) Must conform to all setbacks; 6) The existing gravel pit must be reclaimed in accord with the plans approved for the gravel pit prior to the commencement of the solar garden project. The issuance of this Conditional Use Permit for a solar farm negates the current gravel pit Conditional Use Permit; 7) The decommissioning plan be followed and a bond or other appropriate financial assurance in the amount of \$153,000 is required to be posted within 90 days of the issuance of the Solar Garden permit; 8) The Conditional Use Permit for Solar Energy Farms shall expire at the same time the Solar Energy Farm lease or in 30 years in accord with the ordinance noting the site will be returned to its original condition; 9) The applicant is responsible for assuring all approvals from Excel Energy are obtained and followed for this project and these requirements do not alter what has been approved by the Planning Commission or the applicant will be required to come back to amend the Conditional Use Permit; 10) If there are substantial changes to the plans submitted a new conditional use permit hearing would be required. Felger seconded the motion.

*DISCUSSION: On the bond. Riley explained it varies. It was 90 days after completion for Hawkins. The second one, the Commission required a bond after 10-15 years and the Wright-*

*Hennepin was community owned; they felt there was adequate capital. This is about decommissioning.*

*Borrell would like the applicant to work with Excel to the extent possible to get a common bus for the power leaving the site. This property would likely go back to a future gravel mine and not farmland. Borrell wants to include the applicant is responsible for any damage to the County Road. Leischow –agreed they would be responsible for any damage to the road. Kryzer add a Condition 11) That the applicant during construction of the solar garden shall not cause any damage to the county roads leading to the project. If they do, would reimburse the County for any damages, therein. Applicant to review their plans for construction with the Wright County Highway Engineer prior to starting construction. Leischow agreed. Kryzer also suggested add #12 or after condition #6: The property owner must complete and record revocation of the CUP for the gravel pit prior to the start of the solar garden.*

Borrell moved to include the suggested amendments as suggested by Kryzer: Felger amended his second. Add condition: 11) That the applicant during construction of the solar garden shall not cause any damage to the county roads leading to the project, if they do would reimburse the County for any damages, therein. Applicant to review their plans for construction with the Wright County Highway Engineer prior to starting construction.

ALSO:

Include in condition #6: The property owner must complete and record revocation of the Conditional Use Permit for the gravel pit prior to the start of the solar garden.

*DISCUSSION: Pederson asked if they could include in #6 that the restoration be in prairie grasses. Riley read the reclamation requirements. Kryzer noted conditions #2 and reference to the plans. Pederson that is the entire site, indicated he was talking about reclamation of the pit. Riley stated that would have to have a clear plan in addition to what the mining permit called for. Mol – noted most has been restored and felt it already says legumes and grasses. Pederson indicated he was satisfied.*

VOTE: CARRIED UNANIMOUSLY

6. **ORDINANCE AMENDMENT** – New Item

Amend Wright County Zoning Ordinance to strike and replace definition of Commercial Agricultural Tourism and add section to Wright County Zoning Ordinance adding a Purpose, Standards, and Conditions for Commercial Agricultural Tourism. Complete Zoning Amendment language can be obtained from the Planning & Zoning Office.

- A. Riley summarized the issue originally discussed a couple years ago when the Ordinance was amended to add Commercial Agricultural Tourism. A recent application a couple months ago, was the item in Chatham Township for a Commercial Outdoor Recreation allowed a rural event center without using the barn. The typical CUP for Commercial Outdoor Recreation are for things like a golf courses, gun club, orchard and some that have associated outdoor activity, i.e. wineries. Those are things allowed in AG or need a CUP. Over the past 5-10 years the wineries, orchards have a demand for more amenities and indoor things. The activities still are associated with the winery or orchard. Pictures to show those events, using tents and all activities are outside in the countryside was displayed. The proposal is to allow the outdoor wedding, activity; and then have a reception/dance in the stand-alone barn. The debate is should they go from just the outdoor activities, to the wineries orchards that have some buildings associated, they would have some outdoor countryside element; but obviously the biggest thing is the building and indoor use. During the workshop held by the Commission they found it was difficult to do it with just a definition. He noted at the original hearing the Commission was presented a more detailed Ordinance draft; however, the Planning Commission wanted some language that gave them a way to say no if the proposal crossed the line. An example was a bar/restaurant that is open seven days a week. The draft of a new definition was prepared, striking the whole definition and replaces it with a more permissive or subjective wording which he read. The statement on the purpose was read. Allows expanded use without a negative impact to the agricultural operations or residential areas. 743 C. outlines major things the issuance of a CUP cannot do.
- B. Kryzer asked about the food item, requiring the food be catered in. He referred to Monticello Township's comment. He felt there is a real potential for a Community Support Agriculture (CSA) coming to Wright County that would serve the local grown food on site to be served at gatherings/weddings. Riley noted the CSA would not be a large scale event held inside a building and could be allowed. Bravinder – would agree that activity might be the wave of the future. This was done on his property for his son's wedding. When they are doing it for hire, would they have to comply with the food guidelines? Riley stated it would be no different than the building code, they have to meet regulations, this is about should we allow it. The CSA may be a unique circumstance; but questioned if that would not have to have a full commercial kitchen like a restaurant. Pederson stated they could grow the food and bring it to a caterer who would prepare and serve it. Bravinder and Kryzer stated that is not what would happen. Borrell added, the Ag location is part of the atmosphere. Riley – stated these barns are not built for these kitchens. Kryzer stated what he is talking about is a "farm to table". He noted another thing popping up is the pizza farms. Pederson – asked if it would have to be a commercial kitchen. Bravinder the regulations for the outdoor pizza ovens are being written by the people who make them, no one knows how to regulate this. Food service falls under the Department of Ag.

- C. Borrell – suggested they include wording that they have to prepare the food in an approved kitchen. Riley cautioned what it could mean. Would a stand alone barn with no produce grown on site be included; or a commercial kitchen and preparing a full meal be the same thing. Bravinder – wondered if it would make a difference. There are mobile kitchens where they prepare food on site. Riley noted what is driving this is people want a different venue than for instance the Rockford Town Hall. These are catered gatherings. If they do not care where the food is coming from, why would they distinguish that it is a CSA that grows the food on site. He wants the Commission to understand what they are deciding on. He noted some of the wineries and orchards do prepare pies, have some sandwiches and soups, but they come to the property for the outdoor activities. On the other hand, what would the tie be to the outdoor setting or agricultural if it were just a building or barn with a commercial kitchen and serve food such as a restaurant? Kryzer – felt the CSA will become an issue if they cannot prepare food onsite. Riley expects a request for one, that owner has over 10 acres, grows the product on site, people pick up the product and he wants to educate on how to grow and prepare the food. If he comes in and wants a kitchen and indoor use, would it be allowed? Would the Commission want a request for an indoor facility with a commercial kitchen without all the outdoor activities and it is not a CSA? Borrell suggest they include a condition that the food has to be grown on-site. Kryzer - add to #3 Standards, food must be catered in unless the food was grown and prepared on site. Riley –clarified what they are talking about is the large-scale events, such as weddings outdoors and then go inside where the food is catered it. Mol – it has to be written so that it limits the events to rural/agricultural. Otherwise, they will get someone who takes a barn and converts it wedding venue. As long as it is tied to a winery; an example is the orchard on Hwy. 15 in Meeker County. Riley noted right now there are allowances for limited indoor food activity for the winery or orchards like Mol described. CSA relates to agricultural and produce on site. Bravinder – noted it also includes roasting pigs in a pit, or grilling outdoors. The caterers bring the grills in and carry a catering license. Riley the question is how could they make it work in a barn, if that is the request.

DISCUSSED WAS INTERUPPTED TO hear Agenda #5 (applicant arrived). The following comments completed the discussion:

Mol opened the hearing for PUBLIC COMMENT:

- D. Leonard Wozniak – representing Stockholm Town Board – noted things have evolved over the years. The Carlson Orchard is an example. That owner started out growing apples and trying to market them. Later started up a bakery to make pies after installing a commercial kitchen. Later, started a seasonal restaurant. The property is zoned AG and falls under Commercial Ag Tourism. He agreed they want to keep that as tight as possible. He was concerned how the change would affect the current Ordinance. He felt to go beyond that, for an event such as a wedding, it should have some agricultural use and should not conflict with the AG community. He understands people want a place for weddings, but have to keep a handle on it. He understands the wineries need a tasting room or things to get the people out to buy it. Urged the Commission not to water the regulations down so they can keep a handle on it. If there is a need something other than

AG Tourism, maybe it should be set up with a different set of rules, otherwise to hard to separate the operations.

- E. Linda Yonak – lives on County Road 37 in Monticello Township – had questions on comments about the proposal. She felt Wright County is behind other Counties that have more ways to use Ag lands. She owns 32 tillable acres and cannot make a living on that and people need ways to utilize their properties. She would support change. The definition on the first page seems to conflict with #3 on the second page. The food and alcohol has to be catered, it appears to be in conflict. Riley the wedding or group is outdoors under the Commercial Ag Tourism and the question is if the food part of it on these large-scale events held inside the building, such as the barn shown in the picture. The winery or orchard that has a small building, they will have a place for pies or lunch items. The proposed Ordinance is modeled after the Chisago County Ordinance. They are allowing something like Wozniak referred to, “Carlson’s Orchard” and not Carlson’s Supper Club”. He explained it is a tough balancing act to have outdoor activities and also have indoor activities taking place. L. Yonak – the County has changed from what used to be all farms to now people coming out to enjoy or get a taste of the farm activities. Why would it matter if the wedding is indoors or outdoors? The language in the Chisago ordinance is not as tight. She understands Wright County wants it to meet code, but why limit it to seasonal. She read a portion of the Chisago Ordinance, includes year around and the liquor and food would have to be subject to all regulations. She agreed seasonal or part-time is acceptable, because it would not be every day.
- F. Mol - they are trying to avoid someone buying a ten-acre parcel in the middle of the country, build a barn and come in for an “event center” that has nothing to do with agricultural. They want to protect the neighbors and ag community. He noted they should make sure there is some tie to agricultural. Riley – interesting to hear the CSA events and the other activities that go along with it. He again noted the features that would have to be considered if these structures are a part of it. Mol – offering hay rides and then go into the barn for the wedding would not be a problem. Riley – most people are wanting to host a wedding because they want a rural setting, enjoy the outdoors; otherwise, it is event center. L. Yonak – which is it. Riley – he tried to explain that there are two separate kinds of uses.
- G. L. Yonak – asked about a honey or maple syrup operation. Bravinder – that is agricultural. Riley that is an ag use and if the people are coming out for that reason, there is a provision for that. L. Yonak – understands the line drawn for the wineries and orchards. However, questioned groups like the Master Gardner’s or the bee operation, could she use the barn for that use. Riley – confirmed those are ag related; but would not open it up for 12 events out there have nothing to do with the flowers or honey operation.
- H. Bravinder Yonak is referring to what she is doing with her own ag product. The line is drawn where they want to lease a barn out for 12-15 events a year for weddings. That is a for-profit business, not using anything on the property for the event. Something related to the product she is raising on the property is different. D. Thompson –agreed if she were to lease the property for these unrelated events, that is different. Borrell – if they are having the public to come out to the farm to look at the flowers or honey that should not be a problem. Riley – those are seasonal ag related events.

- I. Kevin Yonak addressed the Commission. He did not think owners are going to build a structure (pole) like Mol suggests and wants to open up an event center. He suggested they restrict it to a classic “old” barn and that would alleviate someone putting a pole building and calling it a barn. Riley stated the discussion is about the use and not a particular style/color of building. K. Yonak – Chisago does not have the restrictions we have here, they do not restrict year-around. Mol – asked Yonak what it is in this Ordinance that won’t work for them. L. Yonak – B) #3 under standards. Kryzer – small events and outdoors? L. Yonak – felt the wording contradicts with the first paragraph on the first page states. Riley – explained the difference on the two types of events. He noted the use he is illustrating with the smaller building, has limited retail, limited food and maybe 20 people there at one time. The large-scale are a limited number of times a year, would have to have some tie to the Ag or outdoors and when they go inside, they can have a large gathering with the food and alcohol catered. The Commission has to be clear on what is it outside that the public is coming for and allows them to go indoors for large gatherings. The intent is clear and should relate to rural agricultural tourism. K. Yonak – the Ordinance should be more open. Mol – the Commission is trying to make it very specifics. He felt this change makes this more liberal and they are not trying to be more restrictive. Riley –read the purpose in Chisago’s Ordinance states it is to attract people to the property for Ag purposes and that these are small scale. Kryzer – noted Yonak might be mixing the two. There has been the Commercial Outdoor Recreation that has been in the Ordinance for a long time. That does not allow anything inside a building, however, this Ordinance now allows something indoors. Riley – as an example, the orchards and wineries allow limited indoor use; this amendment would allow more. The agricultural use or rural environment is why people are coming and not just because it is zoned AG or there is a barn on the property. K. Yonak – they have a barn, crop land, chickens, horses and cattle and is a farm operation. Riley those are permitted and people don’t come out to see the animals and growing crops. K. Yonak – that is part of why people want to come out for a wedding. L. Yonak – they want to share the farm activities. Borrell – asked what Yonak wants to do and what it is in the language does not allow them to. L. Yonak – reads the use must be related to an outdoor activity. What if she wants non-profit groups such as the Master Gardners’ out, how does a wedding fit in. They would need to have other large groups that would bring in some income to bring the barn up to code. Would a wedding be associated with the outdoor activity? Borrell felt this would allow them to do that. L. Yonak - Bravinder and Borrell suggested adding language that the food item is subject to all State regulations. Riley – then they would have to make sure they can do that. Mol – add catered or meet all State food guidelines. Kryzer –prefers the wording as written that says it has to be catered or limited food preparation that would allow a “food to table” operation and gives the Commission some room for interpretation. Riley – cater most of the time. They would still need to meet all codes required for proper sanitary and food preparation and storage. Bravinder agreed, but the Department of Ag would handle that. K. Yonak – the way it was communicated it sounds very restrictive. Riley – felt this allows something without getting out of hand that could lead to other issues. He gets a lot of calls from people who want a commercial kitchen in a building and invite people in. But that does not fit this. K. Yonak – if they insulate the barn and have people in part-time. Borrell –noted different seasons could allow different uses. Riley asked when Carlson operates. Wozniak – started the operation starts the last week of August and closes after the pumpkins and apple season is over in November. Mol – noted his Commercial Outdoor Recreation CUP

had limits on the permit. The Commission would consider the location and the proposed activities to see if there is an Ag related use and extent of activities. K. Yonak – on the other hand, the County has commercial enterprises that are coming in for the solar farms taking up the agricultural lands in the County.

- J. Wozniak – suggested a different category for the type of use that would introduce the public to ag activities and education. Riley stated that would fall under this. If the purpose is to define restaurant that is something else.
- K. Discussion on the food Kryzer – the key word is limited food preparation; add the catering of the alcohol, it is appropriate. This is for food grown on site they want to prepare it there for a limited number of times a year. Riley it is a given they have to meet all State or Dep't of Ag requirements. He knows what B. Standards, 3) means and it could be confusing. Using the photos he illustrated what can be done today. If the Commission decides to add the large events, such as an existing barn, the food would have to be catered. If it includes limited food preparation as found in the definition, what will it be? That definition does not address the apple orchards or wineries they have been permitting. Borrell – would agree with Kryzer's suggested definition and the Commission can interpret each use that comes in. Bravinder – it is not as simple as the CSA. The chicken can be sold, but once you process the chicken or a vegetable it falls under other laws. Borrell – most are going to have it catered; however, there might be someone who wants to use a product they grow. Bravinder – felt the cost of the commercial appliances will take care of the concern. Kryzer – agree they have to meet the AG Department standards. The reason we are addressing this again, is the standard did not give flexibility and does not want to see this back when they get a CSA request. Riley – agreed the definition does say limited food preparation if they want to add limited food preparation under B) #3 perhaps it avoids confusion. Borrell would agree to allow someone to diversify use their facility and keep the farm in business to make a living. Kryzer – it will be best if the County leaves the alcohol under a caterer, who has the liquor license and insurance.
- L. Discussion on whether the Commission wants more time or is ready to make a recommendation to the County Board. Discussion on the language. Riley make the same allowance as is in the definition to include under B) #3. Felger – say food “on-site” will be given the most consideration. Commission agreed to add. D. Thompson change has to have under B) 1. Pederson –asked about a size limit on accessory structures under item #25 definition. Kryzer – would have to meet the zoning limits. Riley – over ten acres, there is not be a size limit and specifics of buildings would be considered by the Commission as part of the request.
- M. Felger moved to recommend to the County Board of Commissioners changing the definition to allow the building use as discussed. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**DISCUSSION**

Riley informed the Commission the County Board adopted an interim moratorium on solar. Public Hearing is scheduled for May 10.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

cc: Planning Commission/County Board/Kryzer/Twp. Clerks /applicant/owners