

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 12, 2016

MINUTES – (Informational)

The Wright County Planning Commission met May 12, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, Ken Felger, called the meeting to order at 7:30 p.m. with the following Board members present: Felger, Dave Pederson, Jan Thompson, Charlie Borrell, Dave Thompson and Dan Bravinder. Absent was Dan Mol. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, present as legal counsel.

MINUTES

On a motion by Borrell, seconded by Bravinder, all voted to approve the minutes for the April 14, 2016 meeting as printed.

On a motion by Borrell, seconded by D. Thompson, a motion passed (Pederson abstained, was not present at that meeting) to approve the April 21, 2016 meeting as printed.

1. **JAMES R. BOSSERT** – Cont. from 4/21/16

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 map to show the location on the Natural Environment Lake. The current zoning is AG and in the Plan for Rural-Residential. The request to rezone to A/R was held over for further determination on acreage. This lake has an established Ordinary High-water Mark and it was found out at the last meeting there is not 20 acres to allow a division into two ten-acre lots. The owner has title to the centerline of the road. The information submitted by the applicant still shows he is short of the required acreage to get two lots. He referred the Commission to the last paragraph in the Staff Report on how the Plan is written. When it comes to rezoning lots have to meet the minimum requirements and variances are not the proper way to go when creating new lots through rezoning.
- B. J. Bossert explained they could divide the property to be closer to meeting ten acres in each lot. He asked what zoning might be appropriate. Riley stated the R-2a district requires the 300' wide on a road, but would allow a lot down to 5 acres. The excerpt out of the Plan was included in the Staff Report and the Commission would need to determine if that is appropriate under the circumstances. If that is viable, the applicant would qualify for the 8.44 acre lot and there would be no reason to shift the line. J. Bossert indicated that division line would also meet with Woodland Township's recommendation.

- C. Riley explained the R-2a zone has a higher standard to meet. If the applicant wants to pursue that zone, new notification is needed. The office would not charge another application fee. A new request would require meeting with the Town Board and a new hearing before the Commission. This only makes sense if the Commission feels this property warrants the R-2a. Felger stated he would only consider it if the applicant adheres to a maximum of two lots. J. Bossert agreed, that is their intent. Felger asked if they are certain of the location of the Ordinary high-water mark? S. Bossert – had surveyed, using 50 shots for the topo line to determine that. He is very familiar with survey work and was comfortable with the information. Riley noted in this case they have a definite number elevation on the OHW, many times on the Natural Environment Lakes they do not. J. Bossert – made application because they thought they had 20.1 acres above the lake.
- D. Borrell noted the A/R would not allow a division the Town Board wanted to see. S. Bossert stated the R-2a district did not come up until today, so they have not had an opportunity to talk to the Township. Using the drainage ditch as the boundary would allow maintenance for the farmer upstream which was very important to the Town Board.
- E. Felger asked if there are other R-2a lots in the vicinity. Riley stated not on Pooles Lake. Existing parcels include divisions zoned AG or A/R. Some lots appear to have been approved before some new water elevation data in the 1990s. If it is density, the Commission might find the R-2a reasonable as the total lots will need to stay at two. Borrell asked the applicant if the Commission would consider R-2a that the subdivision would be only two lots. Bossert agreed. Riley answered Felger’s question on the differences in the zoning. R-2a allows a minimum five-acre lot; but would also have a limit on accessory buildings. Felger asked about animals. Riley restrictions for that are based on size of the lot and location to the lake. Felger asked the applicant if he would accept the limit is for two lots. J. Bossert answered yes. Felger explained the R-2a may make the property eligible for another lot, but the indication is they would not be in favor of a third, but would want to run it by the Town Board. J. Bossert – explained that is not possible because of the house and barn locations and they would need 300’ width. They intend to stay on the property.
- F. S. Bossert asked if it would be better to ask for R-2a for just the smaller lot. Riley felt that is cumbersome and the third lot would require platting. J. Bossert agreed they don’t want to plat.
- G. Borrell moved to accept the applicant’s request to dismiss the petition for A/R zone without prejudice. J. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Bossert signed a dismissal request form.

2. **ALFRED S. NELSON** - Cont. from 4/21/16

LOCATION: 7928 Aetna Avenue NE – Part of Gov't Lot 1, Section 30, township 121, Range 25, Wright County, MN. (Cedar Lake–Monticello Twp.) Tax #213-100-301200
Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-1 Urban Rural Transition and S-2 as regulated in Section 504, 605 & 612 of the Wright County Zoning Ordinance. (If rezoning is approved, applicant will re-apply for a subdivision to create one new building site.)

Present: Al & Julie Nelson

- A. Riley reviewed the previous hearings, Commission made a site inspection and further review by the Town Board. The last meeting the Commission directed Staff to develop a motion in favor of rezoning. The applicant made effort to meet with the Town Board. Some of the issues early on were how the lots would be developed. The Town Board is recommending denial of the rezoning.
- B. A. Nelson – stated the work is done on the road access. The culverts have been dug out. This addressed the concerns of the maintenance person for the Township. Riley noted the photos of that work were submitted by the applicant to show this work. That matter has more to do with the subdivision review.
- C. Brett Holker – Town Board Chair –appeared to answer any questions or clarification on the Town Board's action. The Town Board had first looked at whether it was buildable. One question they had was the driveway. From the driveway aspect the applicant has addressed the access and that is fine. The subdivision is usually something they defer to the County so it is consistently applied across the County. When it came to the rezoning they voted 3/1, with one member abstaining who was in a position to deny. The Town Board did not find this was unique enough or especially suited to residential. Concerned this would open the Township up to more. Borrell – agreed it becomes a judgment call. He felt from what he saw at the site inspection, it appeared to make a beautiful building site. Holker – this was not an easy decision. There are many 5-6 acre lots that owners would like to split in two. The Town Board has been holding to the “1 per 40” density.
- D. Riley – the way lots are configured and very limited road frontage, it would be difficult to split the existing AR lots on this side of the lake. Felger – there was a lot of discussion about that concern. Those larger lots are comprised of much low land, not like this parcel that is high above the lake. Holker that may be on this lake; but on other lakes in the Township that may not be the case. He would have a tough time turning them down if they allow it here. There are also non-agricultural 5-10 acre parcels not on a lake, to say it is okay here, but not somewhere else? Felger explained what makes it unique is the riparian. Riley –stated that is a provision in the Plan for riparian. There is always a long debate on whether lakeshore is especially suited to residential development. Holker–stated they had a lengthy debate on both sides of the issue.
- E. Felger asked for further public comment – hearing none, closed the public hearing.
- F. Borrell understands the Town Board's concern, however, this site has good high ground that other parcels on the lake would not have.

- G. Pederson – this lake is borderline between a Natural Environment and Recreational Lake. The lands around the lake are not suited to further development. Town Board deliberated on this twice and he would go along with the Town Board’s recommendation.
- H. J. Thompson – the concerns the Township representative spoke of make a lot of sense and she would support their recommendation.
- I. D. Thompson – would agree he would support the Town Board. Borrell asked if D. Thompson was at the last meeting. D. Thompson stated he was at one of the meetings. Borrell – stated at the last meeting they had four members in favor of rezoning and directed Staff to develop Findings for approval. In that case, the applicant might want a continuation. A. Nelson – stated it was approved with direction to Staff to come up with the language. Riley – there was no formal action and that was a meeting with only four Commission members present.
- J. D. Bravinder – felt the Town Board is primarily concerned about setting a precedent. He did not think that is a concern with the unique piece of property here. Felger recalled action on Lake Washington that did not open up a flood of rezoning requests. Felger would agree with Bravinder and they did give the applicant indication they would direct Counsel to draft Findings consistent with approval. He would support rezoning.
- K. D. Pederson – the Town Board knows their situation and did not want to over-ride that. Felger – this is a County Ordinance and the Commission values the Town Board’s opinion, noting he seldom votes against that. The applicant has put together a package to show how this is unique. He did not think they would be opening doors on this lake for further development. In this case, everything seems to fit.
- L. Borrell – suggested they continue for a full Board. Kryzer – suggested a continuation; or, refer to the County Board with a neutral recommendation.
- M. Pederson moved to refer the rezoning request to the County Board without a recommendation. MOTION FAILED FOR LACK OF A SECOND
- N. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG General Agricultural & S-2 Residential-Recreational Shoreland to R-1 Urban Rural Transition & S-2 Residential-Recreational Shoreland because the Board believes it meets the criteria of the Land Use Plan, is riparian and especially suited to residential development. D. Thompson seconded the motion.

DISCUSSION: Borrell noted at the first meeting, a Township Supervisor indicated they were more concerned with the driveway. He understands the concern is the Township does not want to open the flood gates. The Township recommendation was a split vote. The Commission has to look at these on a case-by-case basis. He noted the rezoning on Lake Washington turned out well. Pederson noted the second time around the Town Board voted to deny rezoning.

VOTE: CARRIED, Bravinder, D. Thompson, Borrell, Felger in favor; D. Pederson & J. Thompson, nay

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

LOCATION: 3527 US Hwy. 12 SE - W ½ of NE ¼, and E 1 ½ rods of N 14 rods of NW ¼, except...Section 3, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Property owner: Ventures West LLC Tax #208-200-031200

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 the applicant has asked for a continuance on this item.
- B. Borrell moved to continue the hearing to the June 9, 2016 at the applicant's request noting the applicant has signed the 120 day waiver. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **GERARDO G. RUIZ** – Cont. from 4/21/16

LOCATION: Property on the corner of Dempsey Avenue & 70th 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 the applicant has asked for a continuance on this item.
- B. Borrell moved to continue the hearing to the June 9, 2016 at the applicant's request noting the applicant has signed the 120 day waiver. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **CITY OF MONTICELLO/WRIGHT COUNTY** – New Item

LOCATION: xxxx Briarwood Avenue NE –SW ¼ of SE ¼, Section 8, and part of Gov't Lot 4, Section 17, all in Township 121, Range 25, Wright County, Minnesota. (Bertram Lake-Monticello Twp.) Tax #213-100-171201, 213-100-084301; 213-100-083402

Petitions for a Conditional Use Permit as regulated in Section 505, 612 & 728 of the Wright County Zoning Ordinance for a land alteration to improve and develop the site with entrance drives, parking and 10' bituminous pathway to regional park entrance. Twenty acres to remain open green space for sport fields.

Present: Tom Pawelk, Jason Amberg & Angela Schumann

- A. Riley reviewed the property location in Monticello Township that is zoned AG and in Land Use Plan as Resource Area. Currently, is undeveloped cropland and proposal is to do a land alteration to prepare site for entrance, parking lot, bituminous pathway that hooks into the bigger park system and green space for fields. In response to Felger's question, Riley explained further that land alteration includes bringing in and taking out soils for site corrections.
- B. Schumann- explained the history of the partnership to establish a regional park consisting of 1200 acres. This project is a cooperative regional park between the City and County. A portion is a 100-acre recreational active park for the City of Monticello. There are 20 acres of open space and parking lot to support that space for active green space for sports fields. Project also includes a connection to the larger regional park from the active area.
- C. Borrell stated this is a well-thought out project and the County Board is supportive of this. He explained the plans, most of the park is going to be kept pristine. This plan has been in the process for a long time.
- D. Felger asked if this is parking for soft ball and baseball fields. Schumann stated the parking is primarily for active green space for soccer and lacrosse; eventually may be ball fields. Borrell explained the City has shared the cost to obtain land and the corner of the park for this use. Borrell stated this was half-way through the process when he came on the County Board and for that reason is in support. There is a memorandum of understanding between the City and County. The details have been worked out.
- E. Felger opened up the hearing for public comment. Hearing no response, closed the public hearing.
- F. Bravinder moved to grant a land alteration for a gravel entrance drive, gravel parking area, a 10' wide bituminous pathway and approximately 20 acres of open green space in accordance with the plans submitted. Borrell seconded the motion.

DISCUSSION: *Pederson spoke of the opportunity the County and City took to see this through. He felt this is a once in a generation opportunity and commended them for rising to the occasion to protect this entire area.*

VOTE: CARRIED UNANIMOUSLY

6. **DEAN R. SPIKE** – New Item

LOCATION: 14933 Huber Avenue NW – Part NE ¼ of NE ¼, Section 22, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-221101

Petitions to rezone from AG General Agricultural to R-2a Suburban-Residential as regulated in Section 504 & 606.4 of the Wright County Zoning Ordinance.

Present: Dean & Kathy Spike

- A. Riley reviewed the maps to show the location of the 11-acre homestead in Clearwater Township. The current zoning is AG and in the Plan for AG. The history of the property was detailed in the Commission's Staff Report and includes the outcome of the 2002 rezoning request. The applicant is proposing a rezoning to R-2a; and if granted, a potential subdivision was shown. Riley noted Huber Avenue was used as the dividing point between an area designated for Rural Residential (A/R) and AG to the west of Huber. Noted two AG "entitlement" lots that came off a nearby property and rest was zoned A/R. An old subdivision developed in the 1970's was pointed out to the northeast. Land Use Plan was displayed and pictometry to show the area. The decision before the Commission is rezoning.
- B. Felger confirmed it is in the Plan as AG. Riley – correct. D. Spike – stated since 2002 there has been substantial change in the neighborhood since. Using an air photo, he noted a 160 acres to the east and south is owned by two parties and has been split up. Decided to re-apply because there are two six-acre lots across the road from him. He has lived here 32 years and wants to build a new house here because he likes his property, the neighborhood and wants to stay. He has approached most of the neighbors who have signed that they are in agreement. Town Board approves. This fits the neighborhood and one more house would have little impact. Felger asked is there a road on the south and east? D. Spike – yes. The existing house would be on the north end. He would sell that house or rent it out.
- C. Elsie Knutson – lives at 7742 153rd Street NW– to the northeast of this property. Her concern is establishing an R-2a, what does that mean. Her property has been secluded and they want to keep the neighborhood that way. She asked more about the classification and asked if they would have small lots or high buildings. Hearing that it will be one house, she is not as concerned. Asked about restrictions and wondered about the solar farms.
- D. Riley explained the 11 acres now is only entitled to one home. Noted the ag land, wetlands and permitted ag uses. A rezoning would allow him to split the property in two. The two lots would allow two homes and maybe outbuildings. E. Knutson – hearing the use would be similar to what is out here, had no concerns.
- E. Scott Serbus – 15104 Clever – lives to the north and east of the property – He is one of the neighbors that signed the petition in support. He has watched the progression out here. This site has no agricultural use and he would support his neighbor's request.
- F. Barry Kukowski – 8373 148th Street – pointed out his home location. He noted the land is wooded and supports the request for one more home.

- G. Hearing no further comment from the public, Felger closed the public hearing.
- H. Borrell – with what the Town Board has said, he does not see a problem.
- I. Felger – referred to a site that was very similar they approved a rezoning. It was next to a gravel pit in French Lake Township and he felt this is very similar to those elements.
- J. Riley explained the designation of AG includes more than tillable land. It includes the woods, wetland and pastures. Always have boundaries in a land use plan. The neighbor who rezoned land east of this road that was in the Plan. Figured out how to break off two smaller lots that are zoned AG and came back to rezone the balance to A/R. Wanted to make it clear those smaller lots were not rezoned, but are “entitlement” divisions. The pre-existing development to the northeast, would not have been allowed under the current Ordinance unless developed as a PUD.
- K. Borrell felt this fits the neighborhood. Felger noted Town Board approval was given.
- L. J. Thompson –noted the Land Use Plan designates AG and allowing this rezoning they would be going against what Ordinance says. Riley if a parcel is rezoned, that is a change to the Land Use Plan. That piece is then guided by the standards of the new zoning district. The issue is the Land Use Plan.
- M. Borrell in 2002 had also approved the request; both times have been on board. J. Thompson was hesitant because it would be precedent setting and it also affects other Townships if they rezone this. Riley explained the one referenced by Felger on CR 3 in French Lake Township was in an area made up of small lots and across from a lakeshore area where they had many small lots. There are situations where you might have a 20-acre parcel where they could ask for A/R, this is a step down to go to an R-2a zone. J. Thompson asked if they can meet frontage requirements. Riley – from what he can tell it will meet the lot standards; but the owner has not provided all the supporting information. J. Thompson was it 2009 when the Land Use Plan was updated. Riley – yes, there has been no changes to the plan since 2009, it is the piece to the east that is in the Plan where they used “entitlement” divisions and rezoned to A/R which was consistent with the Land Use Plan.
- N. Borrell moved to continue to June 9, 2016 and direct Staff to come up with language consistent with approval because this fits the neighborhood and Town Board approves. Bravinder seconded the motion.

VOTE: CARRIED, J. Thompson voting nay

Board took a 5 minutes recess.

7. **DAVID M. NESKE** – New Item

LOCATION: xxx Colbert Avenue SW –Lots 1-4, Block 1, Birch Haven, Section 3, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-031-001010 thru 001040

Petitions to amend conditions placed on the plat approved as a Planned Unit Development District as regulated in Section 505, 612, 614.8 & 728 of the Wright County Zoning Ordinance. Requests consideration to allow revised placement of homes that would require tree removal and review proposed land alterations.

Present: Dave & Ruth Neske and Paul Otto, Otto Associates

- A. Riley stated the property is zoned A/R and developed in 2005 as a Planned Unit Development plat with eight residential lots. Two lots have been built on and a road was built between the lots; an Outlot reserved for agricultural use. The red box on the site plan displayed shows home placement as presented and allowed on the original plat. In addition to home locations, a condition protecting the steep slope adjacent to the lake (definition) was to leave it in its natural condition. The intent was to do the best to not disturb or cut down trees in that slope. Now as buyers look at these lots, they want walkouts and want some view of the lake. Since the plat was recorded, more trees have grown up into the lots. Otto has drawn up some alternate house locations and detailed land alterations to build in those locations. A pictures show the view from the lake, where it is flat, the trees and the slope down to the lake. People are wanting to build in the treed area closer to the lake than in the open field. Understands the Commission members, other than Pederson, did not hear the original plat approved. Suggested a site inspection.
- B. Pederson – the original plan and house placement was brought to the Commission by Otto. Otto felt it is now more complex. He noted there has not been many PUD in the County since that time. The detail was to show approximately where the house would go. There was not as much detail as the Commission sees now. How they do they mitigate the lake which is a NE lake with a setback of 200'. There was much discussion throughout the process about protecting that slope, restrictions on access to the lake. Noted two lakeshore owners have to share an access to the lake if they want a dock. He has discussed the development with Riley a few times. He recalled the comments from that time was what the Commission said they could not do anything within the 200' setback; such as land alteration or tree removal. How they look at these today, is they show where the likely spot for a house would go from his experience working with clients. Neske wants to market these lots. Lot 3 has a buyer who has a specific house design and location and he designed that out; on Lot 3. Although the house placement is the closest to the lake, there is the least amount of dirt being moved. They are planning the house design to fit the lot, it is a walkout, cutting the material out and putting the material in the front yard away from the lake. A buyer of Lot 4 is present and directed Otto as to what he would like to do. Otto stated in the event this potential buyer does not buy Lot 4, they developed a second option in the event that sale falls through. The other house locations designed were for Lots 1 & 2. A 60' x 80' pad is shown and most homes should fit into that. They show a house on Lot 1, location in blue and the septic systems toward the road. They flipped the location, providing a better view and taking advantage of the walkout on the

hill. The house for Lot 2 is essentially is in the same location – this is a steep slope (over 12%), but felt the Commission had used steep slope in a more general reference. He is showing what he envisioned. All lots were assumed to be walkouts. He noted the house location for Lot 3 is a better position as it pulls out of a swale. Lot 4, is pretty close to where it was shown on the original plat, staying out of the woods. Otto pointed out the following: He prepared a grading plan, pointed out a line labeled “F” that is the limits of the grading. This could be given to a contractor to work off. Noted the silt fence line. There is also a tree removal line. They are asking for another distance, 8’ below the back of home, to give the owners an option to do some tree removal. The remainder of the slope tree removal would be prohibited, other than dead, diseased trees or invasive species within the 200’ lake setback. If anyone would want to remove anything within that area that is not dead or diseased they would have to come back to the Commission with that.

- C. Felger and D. Thompson asked for clarification on the tree removal. Otto used the site plan, showed on Lot 3, tree removal is up to the 200’. Using the 200’ line, he illustrated where it would be. Felger in terms of tree removal, the original design was more restrictive, keeping the natural conditions, he would interpret they meant further. Otto stated that is where they differ. He thought if it was within 200’, no tree removal or grading.
- D. Riley - a few things to note, they don’t send it back to the Commission, for just a small relocation of the house. Felt the Board should walk the site to see the change from the road to these points. The 200’ setback is a given, this is not a bluff. Although it may have been realistic to say absolutely no alteration or tree removal within 200’; but he thought the intent was also to do the best to minimize the impact to the steep slope to the lake. He would have also made that argument. The plan for Lot 4, the amount of grading shown would have required a land alteration regardless. This is accomplishing two things, reviewing the original intent of the action; and now if it is changing, is this amount of grading, walkouts and tree removal acceptable. Otto agreed it is good this has come up for another review. Interpretations can differ, he believes this plan meets the intent. He reminded the Commission that trees are 11 years older, there is tree up growth, not being farmed so that has changed. There was not a road in at the time and did not look at all like this. If they were not allowed to do walkouts and take advantage of the hill; he would not have agreed to that. They agree they want to protect Birch Lake, but need to work with the land which he thinks they are accomplishing. The idea they were going to build houses with full basements on the flat of the hill is no realistic. They would not have envisioned or agreed upon that. Felger asked if they had laid out these house pads for walkouts at that time. Otto yes, noted on Lot 2 is over the hill and in woods. They have had several discussions and is not opposed to this process. They may also have to look at each lot individually, but need to know what they can tell buyers.
- E. Felger noted quite a bit of grading on Lot 4, is that for a shed. Otto answered yes, that potential owner is present. There is a second option, as Riley had some reservations about that plan. He would suggest that buyer speak to it. He is moving more dirt and it would have required a separate land alteration. Riley – this is based on the conditions of the plat. If the intent was for a walkout basement, how can they go with a retaining wall and move trees up to the 200’ mark. Since it was not clear, he is left with a condition to leave the steep slope in the natural condition. Once allowed on the one lot, it would be difficult to

prevent someone else from doing it. Otto –suggested for future PUD’s they draw a line on paper to show where and what they want to preserve or prevent grading. Riley – agreed to say there are protections, but not to delineate on a map makes it difficult.

- F. Bravinder – asked Pederson if the 200’ setback is where they were protecting. Pederson – could not say for certain, noting at that time the Commission was looking at a large number of plats. The steep slope is protected, and felt they could look at each lot to see how it can work to allow a marketable house location and protect the erosion and lake. He is in agreement with what Otto has designed here.
- G. Riley felt because of the original house locations, tree removal and the proposed land alteration, he would highly recommend seeing the property. Then if there are reservations about portions of this plan they can set the limits.
- H. Pederson – in ten years understand there are a lot of trees grown up, some trees they may want to save others may not be worth it. Borrell agreed a site visit is appropriate.
- I. Matt Nelson, proposed buyer of Lot 4 – the Otto design shows the home and future shed. They are more concerned about the proposed home at this time which is well outside the 200’. The tree removal would be minimal, using the plan he pointed the location out. They want to buy out here to enjoy the country environment, however, want a walkout rambler and preserve as much as they can. Looking at a minimal slope and would not be pushing out much dirt. Felger it appears they would not have to take out many trees. Nelson –some tree removal with some grading. Their main focus is the house at this time. Riley – that was not on the original plan, this is larger home; most garages were designed with a drive in garage from the road. There is shed with an 8 -10’ difference in elevation with significant land alteration. There were other changes and the tress are why they are reviewing this. Want to make sure it does not conflict with the overall Plan approved.
- J. Pederson – did not think anyone would want to take out Ash or Oak trees, but the junk trees would be better removed and once new ones planted be more stable. Riley agreed this is ten years later, but the question is the slope also. At 200’ there is slope and further back there is same slope trees and vegetation, just up from the lake. Nelson added if anything they would be adding more trees and vegetation. Not including shrubs, expect to put in another 15 trees. Want to take advantage of the natural environment of the lot.
- K. Kelly Brecht – he is the father of the buyer of Lot 3 – there are only a couple trees that would need to come out, still meets the setback. Plans on putting in more trees and do the construction with minimal alteration. Very little impact on trees. Without approval for a walkout house in that area, they would not purchase it because the lot will not work for a walkout.
- L. Felger brought the hearing back to the Commission. Public hearing would remain open.
- M. Borrell moved to continue the hearing to June 9, 2016 for a site inspection. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **ARLENE LITFIN/GERALD G. LITFIN – New Item**

LOCATION: 6255 – Farmington Avenue SE – Part of N ½ of S 1/2 of NW ¼, Section 1, Township 118, Range 25, Wright County, Minnesota. (Crow River - Franklin Twp.) part of Tax #208-200-012401

Petitions to rezone 11.5 acres from AG General Agricultural to A/R Agricultural-Residential as regulated in Section 505 & 603 of the Wright County Zoning Ordinance and Subdivision Regulations. (*Balance of land will remain zoned AG with the existing dwelling and 26.7 acres combined by the Board of Adjustment action dated March 4, 2016.*)

Present: Arlene Litfin and Gerald Litfin

- A. Riley reviewed the two parcels owned by the applicant. The back parcel with the access strip went to the Board of Adjustment and was expanded, leaving the remainder restricted. The request before the Commission is to rezone the restricted parcel so there can be one residence. The map displayed showed the access strip and existing house in back.
- B. G. Litfin – stated the remainder parcel has 345' wide on the road.
- C. Riley reviewed the zoning and development in the surrounding area. The color coded map shows the green as A/R zoned parcels. Most lots are larger agricultural zoned lots. Noted the series of 10-15 acre lots.
- D. J. Thompson referred to the Staff Report that explains this is in the Land Use Plan for Rural Residential. The Town Board is in support so she would be in favor
- E. Bravinder agreed this fits.
- F. DeWayne Bauman – Town Board Supervisor – reported the Town Board approves because there is similar development along Farmington Avenue.
- G. Felger asked for further public comment; hearing none, closed the public comment period.
- H. D. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners to rezone 11.5 acres of the property from AG Agricultural and S-2 Residential-Recreational Shoreland to A/R Agricultural Residential and S-2 Residential-Recreational Shoreland because it meets the criteria of the Land Use Plan and the Town Board approves. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **MARK E. BERNING** – New Item

LOCATION: 7776 County Road 37 NE – All of NE ¼, except for applicant’s home site; and part of the N ½ of the S ½, all in Section 32, Township 121, Range 24, Wright County, Minnesota (Monticello Twp.) Tax #213-000-321400 & 213-000-321301
Property owner: Green Waves Farm Inc.

Petitions for a Conditional Use Permit as regulated in Section 604.4 of the Wright County Zoning Ordinance and 6.005 & 8.003B of the Wright County Feedlot Ordinance to allow an animal feedlot in excess of 500 animal units. The proposed expansion includes an addition to an existing total confinement barn that houses dairy cows and an increase to 995 animal units of dairy cows and young stock. There are currently 5 total confinement barns and one partial confinement barn with a concrete open lot. Manure is stored in existing liquid manure storage areas of concrete and a Slurrystore® System. Some of the current barns are within 1000 feet of a neighboring home; the proposed barn addition is not within 1000 feet of a neighboring home.

Present: Mark & Paul Berning

- A. Riley reviewed the location of the farm east of Pelican Lake. The zoning and land use plan maps were displayed which show the property is zoned and planned for AG General Agriculture. The contiguous ownership of the land was outlined that is a long-time family dairy operation. The Commission is hearing the request to expand because they will be going over 500 animal units. A portion of the barn is being added to. Town Board recommends a site inspection so the Commission can get an understanding of the farm and nature of the land. Borrell suggested protective boots be worn at the site inspection.
- B. M. Berning – stated he met with Janikula, County Feedlot Officer and satisfied everything she has requested. He met with the Town Board, they asked about manure application, some has a distance for travel. First option would be to use a hose and inject it. They have a licensed applicator who did this last year. This method creates much less smell. The 130’ x 280’ expansion to barn allow up to 480 milking cows, few dry cows and young stock. This expansion allows them to pass this operation onto a future generation.
- C. Loren O’Brien - 7204 72nd Street – he is northwest of Berning. He asked how many cattle they have now. He has more questions about the plan and would like more detail. Why is there a cut-off of 995 rather than 1,000 head? Kryzer – stated a 1,000 would require a MN PCA permit. O’Brien – he would like to research that at there may be some things the Commission might not know about. The method of waste disposal is not meeting air quality. He has serious concerns about that, especially if they are doubling the number of animals. Does the applicant have enough land to handle the waste for that number? Riley - 995 is animal units, and does not mean that is the number of animals. He displayed the map to show the manure management plan, land owned or under contract for disposal. Holker is the large landowner the applicant has a contract for much of the land and the requirements are spelled out in the Manure Management Plan. These documents are on file. O’Brien questioned the requirements to monitor local wells and would like answers on when it can be applied, such as winter months.

- D. J. Thompson – asked where O’Brien’s home is located. O’Brien – pointed it out. He said the air quality is affected much further out than the maps show. He just built his house out here last fall, owned the property the last fifteen years and been on site a few times a year. He is familiar with the current operation and are willing to put up with it. However, doubling the numbers is not acceptable and will be an issue.
- E. M. Berning – explained they have a little over 300 milking cows, 350 total now, going to 480 milking and a total head of 560. Currently there is no runoff, it is all going into a cement basin pit or most into the slurry storage. They have addressed any neighbors concerns that have approached them. This is the first he is hearing of it. He would put in a windbreak behind the barn to help. They have 440 acres they own and over 800 acres on contract from neighbors to apply manure. The Feedlot Officer asked for one acre per animal unit. They do a little winter application, but most is done in the fall after the crops are off. They haul a distance of 4.5 miles with trucks; the injection was handled in three days. The intent is to contact land owners for permission to run a hose across fields to get the properties for injection. He has talked with the applicator and as a precaution would put three pumps on the hoses so they can shut it off over that distance. Trying to stay away from Pelican Lake in case something should break. He noted there are shut off valves that stop pumping.
- F. O’Brien asked what the storage capacity is. M. Berning explained they have two now, would be emptied once a year. The cement pit is sometimes emptied in the winter. O’Brien asked where the smell is coming from. Other neighbors would likely address the smell. Don’t have a problem with the number, but what they have now is not taking care of the smell. He asked if Staff could reach out to Fred Bengstrom of the DNR. Scott Glup US Fish & Wildlife. With the amount of dollars spent on cleaning up Pelican Lake, they would be concerned about this. He asked about monitoring nitrate levels of the soils. Riley responded, not that he is aware of. O’Brien is there any similar operations in the area. Borrell – one he knows of is the Woodland Dairy and they have close to 2,000 animal units. O’Brien – does not feel this is an area where it should be expanded, is near I-94 corridor and the St. Michael schools are in the area. Asked the Commission to continue to give time for the applicant to show the neighbors the plans and time to seek legal counsel.
- G. Ryan Johnson 7506 Jason Avenue – they moved six years ago to this site and smell has gotten worse over that time. Strong odors when there is a west wind. He noted drain tiles that go into the Mississippi River and part drains into Pelican Lake. He has concerns about water quality and smell. He would not object to a small expansion, but is concerned with these numbers. Borrell noted 1.4 animal unit is the measure for a dairy cow.
- H. Barry Hanson – lives to the north of the barn –they do get the smell, felt the injection was better last fall. Discussed with Berning tonight about a wind break to reduce the smell in the evenings. They are at the mercy of the south winds. He would like to see something worked out, it is tolerable now but don’t want the smell to become twice the problem.
- I. Ron Weber – 8783 County Road 37 – pointed out where he lives on the map - adding more cows will add more smell and the wind comes from that direction. Right now he does not experience a problem.

- J. Roger Bauman 7018 72nd Street – shared the same concern about odor. He grew up on a farm and understands about the smell. In the evenings when they cannot have their windows open. He is concerned about increased odor.
- K. Dale Hendrickson – 6356 Halsey – he pointed out his residence – questioned a small leg of property. Berning no plans for that – but had applied manure there last fall. Hendrickson – has concerns about the proposed expansion. He does inquire with the applicant when they are planning a large family gathering, because he does get some odor.
- L. Borrell relayed a dairy operation that is twice the size of this within a 1.5 mile of where he lives. He understands, but only has about six nights a year where he really smells it, especially when the air is heavy. He prefers land spreading over the liquid manure, but it is the way the industry has changed.
- M. Bravinder – his main concern is when people don't try to address some of the concerns and he feels like the applicant has. P. Berning – when they improved the operation with a newer barn they spent over \$1,000,000 with a new system to handle the waste. M. Berning – explained the above ground storage, the agitators and better way to handle this that limits the amount of odor. Borrell – explained new owners at Woodland Dairy have become a better neighbor and explained how they handle the manure. P. Berning – stated they have not heard from the neighbors who spoke. They did reach out to the closest neighbors and since they have taken this over they have improved things along with the health of the cows. Borrell stated the dairy operation he referred to has found a way to pick up the methane.
- N. M. Berning – agreed to a site inspection and neighbors are invited at that time. They have not opened it up because more disturbance is more impact to the cows. He would supply boots.
- O. Pederson moved to continue the hearing to June 9, 2016 for a site inspection. Bravinder seconded the motion.

DISCUSSION: Borrell asked anyone attending the site inspection, stay together and people are not allowed to go off into areas not allowed. Felger – announced there would be no testimony taken. Kryzer – stated that is correct, it is not a meeting of record; the purpose is to look at the site and the operation. Felger – no notice is sent to neighbors, they can call the office for time; and respect the property owner's wishes on where they can go. M. Berning asked people coming for the site inspection to park on the cement driving area.

VOTE: CARRIED UNANIMOUSLY

10. **NOTICE OF INTENT TO ORDAIN AND TO ADOPT THE REORGANIZED AND RESTATED WRIGHT COUNTY ORDINANCES** – New Item

The Wright County Planning Commission will be reviewing and discussing the proposed adoption of a reorganization and restatement of the Wright County Ordinances. This new proposed reorganization will renumber and catalog all of Wright County's Ordinance into one binder and catalog. The proposed ordinance can be reviewed in person in the Office of the Wright County Attorney or online at <http://www.co.wright.mn.us/765/Wright-County-Code-of-Ordinances>

Presenter: Greg Kryzer

Kryzer explained the Ordinance Codification project was an on-going project in the County Attorney's office that started by his predecessor, Tom Zins, in the 1990's. A number of large litigation issues side-tracked this project. American Legal Publishing was hired to facilitate this and the biggest hurdle was the original format used from the 1970's. The Commission has a copy of the Resolution, the Chapters and Titles on how they plan to reorganize it. Previously Chapter 153 will go to 51 and that has been approved at the Ways & Means Committee. The other packet is an outline that Staff had been recommending for changes to the Ordinance that cleans up some of the language and corrects some cross-references. He gave an example of the Building Code. There are also some redundancies and cleaning up titles.

Riley explained, currently there is no centralized system for the County Ordinances. This is a catalog for the public to find these in a centralized area. Anytime you translate something the result is different numbers and look. This will take some time for the Department to find things.

J. Thompson felt this is great.

Borrell asked about Traffic Court? Kryzer they have something reserved if it is ever adopted. Kryzer explained this is built for expansion. General and business regulations were summarized in the different Chapters. Kryzer –all the County Ordinances will be in one book.

J. Thompson moved to recommend adoption of the Wright County Code of Ordinances as presented and amended. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTON – Commission scheduled site inspections for May 24, members to meet at 1:00 p.m. at the Public Works Building with Berning scheduled at 1:15 at the farm.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
County Board of Commissioners
Kryzer
Twp. Clerks
Applicants/Owners