

**WRIGHT COUNTY PLANNING COMMISSION**

**Meeting of: June 30, 2016**

**MINUTES – (Informational)**

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

On a motion by Felger, seconded by Bravinder, all voted to approve the minutes for the June 9, 2016 meeting as printed. Also, interchanged tonight's Agenda Item # 4 & 5.

1. **CHRIS R. SWANSON** – Cont. From 6/9/16

LOCATION: 3870 20<sup>TH</sup> Avenue NE– Part of the East 5/8ths of the SE ¼, Section 22, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-224401 Property owner: D. Miller

Petitions for an amended Conditional Use Permit for the nursery/irrigation and landscaping business with retail sales that will be expanding into a new building (to include office space) as regulated in Section 505 & 604.4 of the Wright County Zoning Ordinance.

Present: Chris Swanson & Craig Ballensky

- A. Riley reviewed the Commission heard this request and matter was continued to allow the applicant to meet with the Town Board. The zoning and land use maps were displayed to show the property is AG and designated for the long term as AG. Similar uses are proposed for the property as in the past which include the use of a greenhouse and landscaping business. The applicant plans to fix up the existing building and run a new operation, along with construction of a new building for storage and partition off a portion for offices. A schematic drawing to show the new building was provided.
- B. Swanson stated the meeting with the Town Board went well and included a couple of neighbors.
- C. Mol opened the hearing up for public comment, hearing none, the discussion came back to the Commission.
- D. Bravinder moved to amend the existing Conditional Use Permit on file for the nursery/irrigation and landscaping business with retail sales to expand into a new building, which includes office space in accord with the plans and narrative submitted and held on file with the following conditions: 1) The holding tank must be certified prior to the issuance of a building permit to make sure there's an alarm and to make sure it's still water tight; 2) Proper building permits are obtained; 3) The County Highway Department in the future may have further requirements if the traffic generated increases; 4) All signage must conform to current sign regulations; and 5) Any changes or expansions of the use will require a new hearing to amend the existing Conditional Use Permit. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **KEVIN E. BUTCHER** – Cont. From 6/9/16

LOCATION: 10006 Fenner Avenue SE – North 26 acres of the N ½ of the NE ¼, lying east of the town road, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-251102 & -251100 Property owner: Morrow

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for an unplatted two-lot residential subdivision (north lot to include existing house) as regulated in Section 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Applicant not present

- A. Riley stated the Commission had recommended favorable action on the rezoning which has been forwarded to the County Board and approved. The applicant needs additional time to meet with Wright County Soil & Water Conservation District on the wetlands and access.
- B. J. Thompson moved to continue the hearing until July 21, 2016 to give the applicant time to meet with SWCD on getting their approval to alter a wetland. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MARK E. BERNING** – Cont. From 6/9/16

LOCATION: 7776 County Road 37 NE – All of NE ¼, except for applicant’s homesite; 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 Berning

- A. Riley noted the Commission has held a couple meetings on this matter and made a site inspection. At the last meeting Staff were directed to develop formal Findings consistent with approval and the record with a decision tonight. The property is zoned AG, in the Land Use Plan for AG. He reviewed the site and buildings. Formal Findings were prepared with conditions and provided the Commission previously for their review.
- B. Felger moved to approve the Formal Findings for Approval of the Conditional Use Permit to allow an animal feedlot in excess of 500 animal units. Bravinder seconded the motion.

*DISCUSSION: Riley read the Findings into the record – noting it is for a Conditional Use Permit for a feedlot in excess of 500 animal units.  
For Clarification, Mol read the request; Felger and Bravinder confirmed that was their motion for approval.*

VOTE: CARRIED UNANIMOUSLY

- C. Kryzer handed Berning a copy of the signed Findings. Mol reflected for the record, the applicant was provided a copy.

4. **GERARDO G. RUIZ** – Cont. From 6/9/16

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: Michelle Mathews and Bob Perry

- A. Riley displayed the location, zoning and land use maps for the subject property. The Staff were directed to draft Findings for approval. The Findings were provided the Commission earlier in the week for their review.
- B. Mol read the request for the record. Everyone has received copies of the Findings.
- C. Attorney Nylin in the audience, interrupted and asked to present information (minutes) to show the public hearing was not closed. Chairman Mol, along with Kryzer's advice, stated the meeting had been closed for public input at the last hearing. Mol noted unless the Commission is willing to reopen the hearing, he felt they have heard a lot of comment from the public, the hearing is closed. Attorney Nylin – stated they have made a mistake and minutes will show that; he would be willing to show why he believes the hearing is still open. Kryzer – the objection is noted for the record. Mol – re-stated, the hearing is closed.
- D. Borrell – stated although the County has established a moratorium and that does not apply to this request; the Commission has ability to add some of the things they are working on in the Committee meetings. He felt a gravel road was one issue, to take out a gravel road is expensive. The idea of posting one bond could include cost for removal of the road. The applicant drop the road shown on the plan. Borrell stated also the electric poles and switch boxes could be reduced. Kryzer referred to condition #13 that does address that concern. No poles can be constructed inside the security fence. Mol – read that condition. Borrell further addressed whether the road is necessary. These contracts provided the owners are complex; his neighbor who leased land for a solar farm did not realize they were putting gravel access roads on his land. He felt the Board could take care of that problem.
- E. J. Thompson asked for clarification on the information provided for the barrier for the Stolz property. Mol explained the agenda items were switched and this is the other item.
- F. D. Thompson – the decision is difficult but he supports the solar farm for this property, even though the City is not in favor. Bravinder – this has gone through extensive hearings and they have heard much testimony. He would not support a special condition that has not been asked of other applicants. Counsel has done an excellent job on the Findings and made references to the Ordinances on the books. Borrell he would come down on the other side. With the land use plan and the precedent to try to follow the land use plan. J. Thompson – stated she is still opposed to granting the CUP.
- G. Mol asked for further questions and if the Commission was ready for a motion.

H. D. Thompson moved to grant a Conditional Use Permit for a total of 5 MW solar garden and adopt the Findings for Approval as presented. Bravinder seconded the motion.

VOTE: CARRIED D. Thompson, Bravinder, Felger and Mol voting in favor  
VOTING AGAINST THE MOTION: Borrell and J. Thompson

For the record Ms. Mathews was handed a copy of the Findings.

5. **GERARDO G. RUIZ** – Cont. From 6/9/16

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: Michelle Mathews; Bob Perry

- A. Riley reviewed the location of the property, noting it was heard before and public hearing closed at the last meeting. A site inspection was made by the Commission. The maps show existing, long-range Plan is for AG for the property. The handouts for the landscaping plan was pointed out. The fence with the yellow outlines illustrates a distance of 100' from surrounding property and panels further away from the fence. The next page shows the applicant has indicated a willingness to move the fence right up against the panels and that distance from the neighbor is 186' and 117'.
- B. Mol asked about the screening and trees shown on the diagram. Riley reviewed the screening is for two rows of hedges and trees. No matter where the fence is there will be a double row of trees on the north and east side of the residential lot. Borrell asked if there are taller trees on the north. Mol – stated the plans show a black spruce and it appears the applicant is addressing what J. Thompson was requesting. J. Thompson – stated they have not stated the size to be planted and was concerned if they are not large enough it could take 25 years to be of any value. Mathews –stated she did supply information on the height. Riley – read, the information shows they are 8' high, to be planted 12' on center. Mathews clarified at planting they will be 6' tall, with the height of 8-10' within a year or two. Riley – read the explanation for the access road down the middle, for access for maintenance and emergency crews. The applicant has discussed this with their engineers and are suggesting they remove 16" of topsoil and store it on site, lay down a geo-tech fabric barrier and then 4" aggregate. At the end of 25 years, the road would be simple to remove both the gravel and barrier and topsoil replaced.
- C. Borrell – asked about the cost and bond required for road removal, which has not been included. Riley – in looking at the suggested action, a letter of credit \$5. Per KW to be delivered in year 15. He would say that is near what they originally suggested in the beginning for a total of \$25,000. Borrell did not think that would be adequate. Having the poles augured in, they may have to be snapped off because it is not as easy to pull out as he thought; and felt they might have to have assurance they can be removed. Riley – the purpose of the bond is if the County has to go out and clean up the site. Borrell noted they had thought the materials would have value with no concern it would not be removed. However, even with the panels, as Commissioner Sawatzke pointed out, the technology might be so old that they would not be worth removing. Felger – in the event this Company is not around in fifteen years, he would like to see a letter of credit sooner. Asked Kryzer if this could be an “interim” permit. Kryzer as discussed, the CUP is interim in nature and don't think there is harm in putting that in the heading.

- D. Discussion on requiring an adequate bond. Borrell felt it should be substantially more than \$25,000 because it would cost more than that to include removal of the gravel in the future. He came up with \$20 a sq. ft. for removal of the road alone. One bond could include removal of the road, poles and panels. Riley – the other item is the inter-connection; previous was an underground configuration. The applicant has indicated a willingness in the corner of the property. The first phase there will be five independent hookups but there is a way to do it with five poles and the underground hookup. They are still working on the engineering. Borrell –asked if it is not somewhat up to Excel. Kryzer – his understanding is they still need five poles. They have to remain independent in the event 1 MW garden is sold to a separate party. Riley –noted there may be requirements that are part of the tariff or at the higher level. Discussion on the best method and avoid the 50’ pole. Borrell when Excel was at their Workshop meeting he had a somewhat different understanding on how they were hooked up. Bravinder – at the Workshop he understood originally a total of 15 poles; but Excel drew a plan where they are all connected reducing it to five. Kryzer – the engineer had referred to a private system and they are not doing that now. Bravinder – after the meeting, Excel was willing to talk about other options. Mol – the Work Group is working on standards, but they have to work with an Ordinance adopted. Riley –a condition can be attached to the CUP. But it requires a ground mounting and there will be one pole with each MW garden. Bravinder stated that is his recollection. Borrell if this passes, he wants to see the number of poles reduced to the extent possible. J. Thompson – supports a plan that is better for the residents. Asked if the condition could not be added to the CUP. The bonding requirements are not reflective of the true costs of reclaiming and suggested wording to address Borrell’s concern would be appropriate to make sure the property gets returned to its original condition. Borrell asked if they could add \$20 per sq. ft. for the aggregate road and a switch box for the solar gardens be ground mounted to inter-connect with Excel. The Township has asked for a bond for construction, but asked if the \$50,000 bond should be required down the road when it is reclaimed. He is okay with requiring the bond at fifteen years.
- E. Kryzer suggested they could adopt the wording in the last Finding, which he read. Riley the bond is difficult and want to get it right. He estimated at \$20 sq. ft. Perry – in the construction business estimated it might be 156 yards of material. Riley – he needs a definite number for a letter of credit and time frame for when an application for a building permit is requested. Initially, saying \$20 sq. ft. for the road. Borrell objects to a gravel road at all, he did not think it is necessary on a grass covered parcel. D. Thompson asked the area for the road. Riley – it is 800’ x 16’ wide. The concern is turning it back to farmland. Bravinder – was not as concerned with the offer to put down the road fabric and 4” aggregate. Felt the aggregate will be valuable and will be easy to remove with fabric that will separate it. J. Thompson asked the thickness of the membrane. Bravinder – was not sure, but felt a skilled operator will be able to peel that off. J. Thompson – the mil of the fabric is unknown which concerns her. Felger asked who inspects the construction of the road. Riley stated the Office has not inspected roads in the past; however, they could ask the Highway Department to verify it. Bravinder - would have no problem approving this with the bonding as required on the last item. The cost of removal is unknown. Riley the previous item was a \$125,000 bond, provided within 90 days of construction, kept active for 26 years. In that case it was on a County Road. The road bond was for a Town road during construction. He does not know what an adequate amount would be for de-commissioning. The Township would have to let him know they received the bond before

he issues the building permit. Borrell – sometimes bonds are set higher to be sure the work gets done. Riley – this work is not going to be done until the decommissioning happens; asked what they are motivating. It is important the number is right. J. Thompson - asked if there is a professional that can advise them on bond cost and how they are rated. Kryzer stated the County Attorney's office would prefer a Letter of Credit as required of Perry. Riley stated the Commission needs to decide how much. Felger asked counsel if \$125,000 was required on the last request, if it would be adequate on this one.

- F. Discussion on which plan the Commission would accept for the fence and screening. Would they prefer the fence be moved back as far away and next to the panels, or just the 100'? Borrell would agree getting the fence further back would be best. Mol felt if the applicant is willing to push the fence back to the 117 and 186' with proper screening, they should go with that plan. That would almost double the distance from the neighbor's line.
- G. Riley offered a suggested motion based on the discussion. Felger moved that the Commission approves a Conditional Use Permit to locate five contiguous solar gardens, each 1 MW in accord with the revised plans, received on 4/16/16 and 6/3/16 and additional landscaping plans since that time with the following conditions:
- 1) Screening is added along 70<sup>th</sup> and Dempsey Avenue adjacent to solar panels in accord with the Township recommendation and the new plans submitted on 6/3/16 but dated 4/20/16, with additional screening on the southwest part of the project, must take place similar to what is done on the road; with two rows, first to be hedges and second row trees; and the plan that shows the fence 186' to the east of the neighbor (Stoll) and 117' north of the neighbor (Stoll) is the one used and built;
  - 2) Panels to be mounted using the existing conditions of landscape and limit the amount of service roads to just the one that is shown on the revised plan received 4/6/16; noting all internal roads created will be done in a fashion to have minimal impacts to return the property back into its original state at the end of its useful life. Based on the design submitted for a 16' wide road, which will be excavated with a geo-tex fabric for roads placed with 4" gravel on top for the road and the topsoil must be reserved on site for reclamation;
  - 3) The applicant must keep up with ongoing vegetative and system maintenance as needed, no noxious weeds are allowed to take over on the property;
  - 4) Proper building permits (along with any required State permits) are obtained prior to any work started on the site;
  - 5) Proper access permits are obtained from the Township;
  - 6) Due to drain tiles being located on the property, the applicant will need to locate and replace all drain tiles that are damaged prior to the installation of the panels;
  - 7) The decommissioning plan described must be followed;
  - 8) A \$50,000 bond in accord with the Township's agreement be held by the Township to cover any damage or repair that may be required along Dempsey Avenue and 70<sup>th</sup> St SW and must be posted to the Township prior to the County issuing a building permit;
  - 9) A \$50,000 bond be filed with the Township at the time of decommissioning to cover damage or any repair caused to Dempsey Avenue or 70<sup>th</sup> St. SW caused by decommissioning;
  - 10) A letter of credit from a FDIC insured financial institution for \$125,000 must put on file with Wright County within 90 days of construction and stay active for 26 years or until the use authorized under this temporary permit is completely terminated. The FDIC Financial Institution must be located within 100 miles of the City of Buffalo, Minnesota.

The purpose of the Letter of Credit is to allow Wright County to draw on the Letter of Credit in the event the applicant fails to complete the removal of the solar panels, the road or follow their decommission plan.

11) The plans submitted require an interconnection method that must be ground mounted and not aerial. Excel Energy project feeder line is allowed to be initially constructed with a three-phase aerial connection. The grounding transformer, protective relays and reclosures shall be ground mounted. The main service meter and point of interconnection with Excel Energy shall be ground mounted. All utility poles will be on the far outside edge of any road right of way and not within the security fence;

12) Applicant is responsible for assuring all approvals from Excel Energy are obtained and followed for this project;

13) Wetland regulations are followed for any impacts and alterations;

14) If there are substantial changes to the plans submitted and approved, a new conditional use permit hearing would be required; and

15) This Conditional Use Permit for the solar energy farm shall expire at the time of the solar energy farm lease at 25 years and this is an Interim Use Permit.

D. Thompson seconded the motion.

VOTE: CARRIED: IN FAVOR: Felger, D. Thompson, Bravinder and Mol  
OPPOSED: Borrell & J. Thompson

6. **ROBERT L. PERRY** – New Item

LOCATION: Part of E ½ of SE ¼, Section 33, and part of W ½ of SW ¼, Section 34, all in Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-343201 & -334100 Property owner: Theisen

Petitions to amend the Conditional Use Permit for expansion of the gravel mining operation into approximately 7 acres to the northwest into the adjoining parcel as regulated in Section 505 & 727 of the Wright County Zoning Ordinance.

Present: Bob Perry

- A. Riley displayed maps to show the location of the property. The zoning and land use maps show the property designated for AG. The history of the previous mining on the property were summarized. Mining is ongoing with portions of the property reclaimed. The new area to be mined was pointed out. Three sets of air photos showing the progression were included in the packet. This is a small area and no detailed plans were provided. The reclamation proposed is similar to the previous conditions. A site inspection is suggested so the Commission can get a good idea of what has gone on and what it looks like now.
- B. Perry – this site has had a permit since 1996. He came on the site later, the lower area had been restored and is now being farmed. Processing includes screening and a concrete recycling operation on part of the property. A portion was nearly restored on the north end and cleaned with some of the sand left. Discovered that there is more sand beyond the permitted boundaries. He plans to take out material they can market and reclaim it back to a field. Material taken out would likely be used for a project where they need to bring clay or black dirt in which would be brought back to restore at the same time. The property owner would like it back to the current contours. The before and after plans would be close to the same elevations. The intended end use is for agricultural.
- C. Felger – questioned, returned back to the same contours? Perry – explained because they would be hauling back in from a building project the hole would be filled in. It could be a project in need of a soil correction, needs a clean granular material which they would haul out and bring back clean organic soils.
- D. J. Thompson asked the time frame for reclamation. Perry was uncertain because it would depend on demand. When the market has been better, there could be 20,000-30,000 yards moved out in a year. The area outlined in yellow is to be done this year.
- E. William Hoernemann – stated he lives across the river. His only objection is that the reclamation was started but not completed. The property has looked terrible for some 17 years which he felt was too long. He hoped the Commission would address this.
- F. Philip Schalet – noted his property is to the north across the county road and this project affects him on two sides of his property. He has lived here 20 years. He objects to mining and did not think others would want to live this close to it. These uses never seem to get reclaimed properly. The noise, asphalt and concrete piles are not what they want to see

driving along the river. He objected to ripping up good agricultural land, noise and the lack of remediation.

- G. Chris Schroeder – stated they own a lot directly west and have been putting up with the noise, back up beepers for 20 years. Their site is high on the hill so have to look at the unsightly property that was once farmland. Although during the summer months, there is screening and they do not see it as much; they do see the piles of material on this prime farmland. The applicant started mining in the proposed area before applying for a CUP. Reclamation is not complete in the areas already mined. Suggested conditions that certain things happen before mining continues. Asked if the property can be put back into prime farmland. The materials brought back are not going to be the best soils. Anything that can be done to help with visual aspect would help. The topsoil that is stockpiled can become covered with weeds and some plantings in that area would help. The work hours have been requested for 7:30-6:00. Because they had been working in the rest of the pit from 7-5, they would prefer that in order to have evenings free of the noise. Crushing limited to 30 days with an end date on the permit. The Notice was unclear on it this was going right up to their property line. They are concerned what they might not be able to sell their property and they want to be able to make future plans. Borrell asked if the noise is from the crushing. Schroeder –yes, but the noise also comes from the trucks. Discussion on whether backup beepers could be shut off. Borrell stated it did not sound as if they were crushing in this expanded area. Schroeder – just wants things better defined and an end date would help.
- H. Perry explained this permit is for mining gravel. The crusher and screening would stay where it is currently located. An excavator is used to load the trucks and a dozer would be used to backfill. Black dirt was pushed off to determine where the sand was located and it would be reserved for reclamation. There is a lot of rock in the black dirt and would be screened out which is an improvement for the farmer in the end. The CUP was in place by a previous operator, Brad Theisen, and he ended up taking over the pit. Borrell noted this will not end up a big hole in the ground and will be reclaimed similar to what is there now. Perry agreed, and used the project on the Groskreutz as an example of how they have reclaimed properties in the past.
- I. Dan Schroeder – referenced the work to the north and questioned the trailers put in there. There are other vehicles coming in and dumping different things. He noticed a sewer truck coming in and dumping. Trailers were not something granted on the past CUP. Perry responded that the property owner, Theisen, has a construction company and most of that material is owned by him and he uses that area as a yard.
- J. Felger asked Perry about the activities that occurred on the seven acres. Perry – they pushed the top soil back. The seam of clay on top of the sand had to be determined. Felger – asked if they usually make core drillings? Perry in this case they used a dozer. J. Thompson – Theisen is the fee owner? Perry that is correct, there is approximately 135 acres. He expects to find the sand which was deposited in a hole and where the center is where the deepest resource is. Borrell asked Perry if he would have a problem limiting operating hours from 7 a.m. – 5 p.m. Perry – he would not, but his customers would have a problem. Because this is a seasonal business in Minnesota and although they try to limit hours, a contractor working on a timeline has asked they stay open. The Ordinances allows mining from 7 a.m. – 7 p.m. Borrell suggested mining end at 5 p.m., but loading until 7 p.m. Perry

– they usually load right from the ground. He stated they try to be a good neighbor. Borrell suggested a two-year permit with no more than three. Perry – he would have to be back asking for an extension. Mol in this environment, he felt it is tough to say the time needed. He suggested a site inspection and he would leave the public hearing open.

- K. Borrell moved to continue to July 21, 2016 for a site inspection. J. Thompson seconded the motion.

*DISCUSSION: D. Thompson asked for clarification on where this borders Schroeder property. Riley explained the map attached to the Notice shows the entire tax parcel. He demonstrated where the seven acres within that tax parcel is located.*

**VOTE: CARRIED UNANIMOUSLY**

7. **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 R-2a Suburban Residential (minimum 5-acre lot requirement) 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: Seth Bossert, James Bossert and George Schaust

- A. Riley reviewed the previous request for an A/R district that was heard by the Commission. During the process it was discovered the applicant's parcel was not large enough and a new application for the R-2a district was submitted. The question before the Commission is whether this riparian property is especially suited to residential development for smaller lots. The Commission had initially discussed that perhaps two lots might be justified. The issue the Town Board reviewed was drainage and a ditch and have made suggestions on where the new property line be located.
- B. Bossert reported the only change from a month ago on the proposed division is that the dividing line be moved south 10'. He explained at first, the Town Board had wanted them to follow the ditch and after discussing it further, felt one property or the other should have ownership of the ditch. This provided better control of the maintenance of the ditch. The lot described on the plan as "A" is the larger parcel with 11.33 acres as adjusted slightly; and the remainder to the south is "B" and would contain approximately 8.34 acres.
- C. Discussion followed about establishing the R-2a, which has a minimum of five acre lot size. Bossert assured the Commission he has no intentions of further subdividing the 11 acres he would retain. Mol asked if the Commission can make that a condition. Riley indicated this process would not allow a restriction, but it will be part of the record. A third lot would also require platting which is a considerable investment. He noted the way the house and buildings sit on the lot, it would make a division improbable.
- D. The zoning map was displayed. Riley pointed to property to the north is zoned A/R and there is an R-2a zone south of the property.
- E. J. Bossert noted the Town Board also expressed concern about further subdivision of the north parcel. Bravinder referred to the Woodland Town Board response which suggests a condition. Kryzer – noted reasonable conditions can be placed on action, however, that would not stop anyone from applying. The record will reflect the sentiment. Riley noted the division line is not arbitrary, the division suggested follows a ditch. He suggested a condition could be added to the Conditional Use Permit as further information to future owners.
- F. Gene Janikula – representing the Town Board – addressed the issue. The Town Board was not opposed to the two lots but with an R-2a zone do not want to see the 11 acres further subdivided. The Town Board recommendation is the ditch remain open and accessible.

Important to maintain a culvert and ditch which has not been cleaned in a number of years and may need to be cleaned. Bravinder understood this is lower than State Highway 25. Janikula stated it is a natural waterway that runs to Pooles Lake and estimated the ditch drains about 200 acres that has to go through the culvert. Mol noted there are rules governing a natural waterway that protect that ditch. The Commission could include something in their motion to help protect that.

- G. Felger supports the Town Board's recommendation to limit the subdivision to two lots, but what happens in the future if someone else petitions for the third lot. Janikula – noted they cannot predict what may happen in the distant future and a future Board could override what they do here. Riley stated conditions would be attached to the decision.
- H. D. Thompson moved to approve the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural & S-2 Shoreland to R-2a Suburban Residential/ S-2 Shoreland because it meets the criteria laid out in the Land Use Plan and the Town Board approves. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- I. D. Thompson moved to continue the Conditional Use Permit to August 18, 2016 to allow time for the applicant to finalize survey work and other required information for subdivision approval and for the County Board to act on the rezoning. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **CLIFFORD H. DUSKE** – New Item

LOCATION: 4957 Crofoot Avenue SW & 5700 Cushing Avenue SW – S ½ of SW ¼, Section 27; & Lot 2, except roadway, and W ½ off SE ¼ north of roadway, Section 34, all in Township 119, Range 26, Wright Co., Minnesota, except tract described in Book 324 of Deeds, page 146. (Marysville Twp.) Tax #211-000-273400/-343100

Requests a Conditional Use Permit of Section 503, 604.6(5) of the Wright County Zoning Ordinance to allow a transfer of an “entitlement” (existing homestead to be divided off) between parcels that are non-contiguous and an “entitlement” is required for the existing cell tower on the farm.

Present: Clifford & Wendy Duske

- A. Riley displayed the maps to show the two parcels owned by Duske. Property in question is zoned AG. The parcel with the existing house also has a cell tower and the second parcel has a building “entitlement”. In order to divide the house off and leave the tower, an “entitlement” is needed for the tower. The Ordinance requires a Conditional Use Permit (CUP) to transfer. The applicant will have some options later if anything changes.
- B. Borrell questioned why the cell tower takes up an “entitlement”. Riley explained the Ordinance. C. Duske stated he was just following direction from Staff.
- C. W. Duske stated they are proposing a ten-acre division with the homestead. The tower is a long way from the buildings and cannot be included with the existing “entitlement” division.
- D. Riley noted the parcel that has the “entitlement” is in the “Transition” designation of the Land Use Plan. He noted there is some potential for that parcel if the City ever reaches out this far and the “entitlement” may not be an issue for that parcel.
- E. Borrell moved for approval of the transfer from the 116 acres parcel #211-000-343100 to the 79 acres parcel #211-000-273400 to better preserve a large agricultural piece of land and keep an entitlement with the existing tower with the following conditions: 1) A deed restriction must be filed, recorded, and signed by the applicant for the transfer to be complete. It will be recorded on both parcels that are being affected by this transfer leaving the 116 acre parcel restricted to two entitlements, which includes the existing home, 2) The applicant understands all buildability requirements must be met to build on the northern parcel or the entitlements will not be able to be utilized; 3) If a division is requested in the future it may need to go through a cluster hearing at some point and the entitlement must stay with the tower; and 4) All Township requirements must be met for access if they utilize the entitlement on the north parcel. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **SCOTT T. ANDERSON** – New Item

LOCATION: 3511 Darlington Avenue SE – Part of N ½ of SW ¼ and the SE ¼ of NW ¼ of Section 22, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-223108 Property owner: Orval Anderson Living Trust etal

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential a Conditional Use Permit for an unplatted five-lot subdivision as regulated in Section 504, 505 & 603. of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Scott Anderson; Paul Otto, Otto Associates

- A. Riley reviewed the property location, the current zoning map that shows the property is zoned AG General Agricultural and the Land Use Plan designation of “Rural Residential”. Applicant has submitted an application to rezone to A/R Agricultural-Residential and if approved, a Conditional Use Permit for an unplatted subdivision of five lots.
- B. Mol – asked with the Land Use Plan designation if a Planned Unit Development was discussed. Riley indicated they have, but with this property road building was not realistic and they asked what would be preserved. Otto concurred the concept was considered. The ten-acre lots are proposed and the sketch plan shows what he feels a field survey would look like. Farmstead would be sold off first. The remainder lots may be lots that family members will hang on to. They have discussed access with the County Highway Department and they will allow an approach for each of the two parcels proposed.
- C. Felger asked for more information on the location. Anderson noted the location of the Town Hall and CR 14. Borrell questioned the unusual south line. Otto noted those lots were split off prior to the Land Use Plan designation. The middle lot is where Scott lives and needed a lot line adjustment a couple years ago to reflect the area he was using.
- D. Mol opened the hearing to public comment, hearing none, the matter returned to the Commission for action.
- E. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners for approximately 57 acres from AG General Agricultural to A/R Agricultural-Residential because it meets the criteria laid out in the Land Use Plan and the Town Board approves. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- F. Felger moved to continue the hearing on the subdivision portion of the request to August 18, 2016 to allow time for the applicant to finalize survey work and other required information for subdivision approval and for the County Board to act on the rezoning. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **STEVEN MARK PETERSON** – New Item

LOCATION: 4993 Dillon Avenue NW – Part of the NW ¼ lying north of State Highway 55, Section 9, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-000-092100

Petitions for a Conditional Use Permit for a “Contractor’s Yard” as regulated in Section 302.(30), 505 & 604.4 of the Wright County Zoning Ordinance to operate an electrical contractor business out of an existing shed on the property. Signage will include one near the entrance of State Highway 55 and on the building.

Present: Steve & Sharon Peterson

- A. Riley reviewed maps to show the 18-acre parcel is currently zoned AG and in the Land Use Plan for “Rural-Residential”.
- B. S. Peterson explained he has an electrical contracting business. He does both residential and commercial work. The building would store his parts and equipment, but no show room.
- C. Mol asked how much traffic is expected coming to the site. S. Peterson felt he may have three deliveries a week. Mol asked if everything related to the business could be kept inside the building. S. Peterson stated he does have electric wheels outside. There is some existing screening on the property. Pointed to the pine trees along State Highway 55 and additional trees to the west. The existing house was pointed out.
- D. Borrell felt the petition is practical and the Town Board approves. J. Thompson indicated she would agree and noted the business is tied with the existing house on the property. Asked if they could make this an “Interim Permit”. Riley stated the CUP is specific to the electric business and any other use would have to come back for a new CUP. If the Commission makes the permit specific to this applicant, the next owner would have to come back. J. Thompson felt it should be specific to the applicant. Riley explained there are two different permits, home extended business and contractor’s yard. For example, if the applicant’s son were to take over the business, he would have to come in for a new CUP with the suggested condition. Borrell felt limiting to an electric business would satisfy the concern, regardless who is running the business. Mol asked if the business has not operated for a time. Riley stated if the business stops for a period of time, the CUP expires. J. Thompson felt a review may be appropriate with a change in ownership. Bravinder – questioned the need to hinder a home business. He felt the Commission should give this owner the privilege of handing down his business. D. Thompson does a CUP not stay with the property. He suggested they allow the electrical business with this property, but if there is any change or expansion it would take a new CUP. Riley clarified any new type of business requires a new CUP and they do not need to state that in the motion.
- E. Bravinder asked how many items would sit outdoors. S. Peterson –stated currently he has a bob cat, trailer, enclosed trailer and a tilt bed trailer. Riley explained they are concerned about this becoming unsightly. Bravinder asked if the Commission limits him to six large items sitting outdoors if that would be acceptable. Mol felt if the shed is not large enough he could build another shed for storage. S. Peterson stated, if necessary he could add onto

the existing shed. Riley indicated with over ten acres, the applicant is not limited on the size of his accessory buildings. However, if the applicant expands the building for the business, that requires he come back to the Commission. They need to address what is related to the business and what is his personal items. Riley suggested if the applicant expects in the next year to add another 1400 sq. ft. addition to the building, he would suggest the Commission address that now.

- F. Bravinder moved to grant a conditional use permit in accord with the plans and narrative on file for a “Contractor’s Yard” to operate an electrical contracting business out of an existing shed on the property with the following conditions: 1) Signage will include one near the entrance of State Highway 55 and on the building in accord with Wright County sign regulations; 2) Existing vegetation must be maintained as screening; 3) Outdoor storage is limited to six (6) pieces of larger equipment and all electrical material must be stored within the shed; 4) Any expansion of the business will require a new conditional use permit. Borrell seconded the motion.

*DISCUSSION: Borrell questioned if a new CUP would be required to add onto the building? Mol – indicated yes. Riley clarified the outdoor storage limits, not including storage for anything personal/residential. However, if he would add to the building for the business that would require a new CUP.*

VOTE: CARRIED UNANIMOUSLY

11. **PATRICK CHARLES HEDGLIN** – New Item

LOCATION: 12712 County Road 37 NW – 7.24 acres in the E ½ of SW ¼, Section 13, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-133100

Petitions for a Conditional Use Permit to allow a home extended business called “Barrel Country” to clean, store and sell barrels which are to be enclosed in a future shed as regulated in Section 505, 604.4 & 741 of the Wright County Zoning Ordinance.

Present: Applicant not present

A. Riley explained the applicant was unable to meet with the Town Board prior to this hearing. The applicant asked for a continuation to do that.

B. J. Thompson moved to continue the D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**SITE INSPECTION**

Commission scheduled a site inspection for Thursday, July 7, 2016 at 10:00 a.m. Some members indicated they would meet at the site.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

cc: Planning Commission  
County Board of Commissioners  
Kryzer  
Twp. Clerks  
Applicant/Property owners