

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: January 14, 2021

MINUTES – (Informational)

The Wright County Planning Commission met January 14, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance were: Dan Mol, Dan Bravinder, Pat Mahlberg, Corey Tanner and County Commissioner, Mike Kaczmarek; participating remotely were Ken Felger, Jan Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office. Greg Kryzer, Assistant Attorney, present remotely.

ORGANIZATIONAL ITEMS:

First meeting of the year was opened by Administrator Riley, acting as Chairman pro-tem at 1:00 p.m. First order of business was to call for nominations for a Chair:

Mahlberg nominated Mol as Chair, seconded by Bravinder. Riley called three times for any further nominations, hearing none, a unanimous ballot was cast for Mol as the 2021 Chair.

Mol assumed the Chair and called for nominations for a Vice-Chair:

Mahlberg nominated Felger as Vice-Chair, seconded by Bravinder. Mol asked if there were any further nominations, hearing none a unanimous ballot was cast for Felger as Vice-Chair for 2021.

MINUTES

On a motion by Bravinder, seconded the Kaczmarek, all voted to adopt the minutes for the December 10, 2020 meeting as printed.

2021 MEETING DATES

Mol asked if the Commission received and reviewed the suggested meeting dates for 2021.

After hearing a clarification on the April date, Felger moved to adopt the 2021 meeting calendar as presented. Mahlberg seconded the motion. VOTE: CARRIED UNANIMOUSLY

1. **WAYNE & LAURIE STEFFENS** – Cont. from 12/10/20

LOCATION: 14149 Cushing Avenue NW - Part of Gov't Lots 1 & 2, Section 22; Part of Gov't Lot 1 of Section 21, all in Township 122, Range 26, Wright County, MN. (Locke Lake-Silver Creek Twp.) Tax #216-100-214408/216-100-223300/216-100-223301

Petitions to rezone approximately 2.24 acres that is riparian and lies between Cushing Avenue and Locke Lake from AG General Agriculture and approx. a quarter of an acre in Section 21, zoned R-1 Urban-Residential & S-2 Residential-Recreational Shorelands to R-2 Suburban Residential & S-2. That part of property that will remain zoned AG General Agriculture is approximately 3.3 acres and includes an existing dwelling. Also requests a Conditional Use Permit to allow an unplatted two-lot residential subdivision (the two lots proposed are for the existing house on 3.3 acres and remaining 4.8 acres that is on the lake will be allowed one new residence (the new lot includes the north 2.5 acres on the lake rezoned R-2 in 1988) and waiver of platting requirements as regulated in Section 155.028, 155.029, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Laurie & Wayne Steffens

A. Riley reviewed the property and summarized the previous action for approval of the rezoning to the County Board. The action to rezone part of the property was outlined and

approved in November by the County Board. The survey work to show the subdivision was received. The land area outlined in red is to remain zoned AG and one R-2 lot.

- B. Steffens agreed what is outlined on the map and displayed represents what they are asking.
- C. Mol opened the hearing to the public and Commission, hearing no response indicated a motion was in order.
- D. Felger moved to approve a conditional use permit for a two lot un-platted subdivision with a waiver of platting requirements, the existing home to remain General Agriculture, in accord with the survey completed by Meyer-Rohlin Land Services, dated 12/8/2020; File No. 20442, with the condition that an access permit will need to be obtained, if required, by the Township before construction on the new lot. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JOE P. BOLLANT** – Cont. from 12/10/20

LOCATION: 220 80TH Street NW –Part of SE ¼ of SE ¼, Section 24, Township 121, Range 26, Wright County, (Maple Lake Twp.) Tax #210-100-244400 & 210-100-244301
Petitions to rezone approximately 3 acres out of east side of 210-100-244301 from R-2a Suburban-Residential to AG General Agriculture and a Conditional Use Permit for a subdivision to expand existing residential lot (210-100-244400) that is zoned AG General Agriculture for septic area as regulated in Section 155.028, 155.029, 155.047 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Joe Bollant

- A. Riley reviewed the property location and current zoning. One parcel is a narrow lot that is zoned AG General Agriculture with an existing house. The adjacent property zoned R-2a was pointed out. The Land Use Plan was displayed to show the designation of “Rural-Residential”. The property owner wants to enlarge the AG parcel and include land that has the sewer system for the existing house. The proposal is to rezone 3 acres of the larger parcel back to AG General Agriculture. If the rezoning back to AG is approved, the conditional use permit would make a new two-lot layout.
- B. Bollant – explained the lot they have is very long and narrow. The house is only 10’ off the backlot line. In order to get a new sewer system and with the County’s help, they acquired an easement and it was installed on the adjacent land. If they are allowed this subdivision, the lot can be wider to include the sewer and eliminate the easement.
- C. Mol asked if they would not combine the two tax parcels? Bollant right they would keep two. Riley – the large residential lot is not built on and a smaller residential AG lot with a house exist. They want to expand the smaller lot and the end result would be two separate lots. Mol the area in red would be combined and they would have one lot with the house and a larger lot? Riley confirmed that there are two now and the end result would be two.
- D. Thompson – asked if anyone from the public have a comment? Mol – no one and asked the Commission members if there are further questions or comments, hearing none indicated a motion was in order.
- E. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners to rezone approximately 3 acres of property PID 210-100-244301 from R-2a Suburban-Residential to AG General Agriculture because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- F. Thompson moved to continue the hearing to February 4, 2021 on the subdivision portion of the request to allow time for the applicant to finalize survey work and obtain other required information for subdivision approval and for the County Board to act on the rezoning. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES H. PREUSSE** – Cont. from 12/10/20

LOCATION: CR 106 & Acacia Avenue NE – Part Gov't Lots 5 & 7; also S 5/8 of E ¼ of NW ¼; all in Section 19, Township 121, Range 25, Wright County, MN. (Monticello Twp.) Tax #213-100-192400 & -193100 Property owners: Vaughn Veit, Kelly Johnson Veit & Maple Cerro, LLC

Petitions to rezone approximately 104.2 acres from AG General Agriculture and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential (10-acre minimum) and part S-2 and a Conditional Use Permit for an unplatted nine-lot residential subdivision as regulated in Section 155.028, 155.029, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Jim Preusse and Jim Splinter, agent

- A. Riley reviewed the maps to show the location, current zoning and Land Use Plan maps. The Commission at the last meeting continued the matter for a site inspection. The Land Use Plan designates this area for Rural Residential. The Commission is first considering the petition to rezone to A/R Agricultural-Residential and part S-2. This district would allow for minimum 10-acre lots. An existing lot out of the property (as shown on the concept plan) is not in this rezoning consideration.
- B. Mol after asking for further comment from the applicant, opened the hearing to the public. Hearing no one from the public the discussion was brought back to the Commission.
- C. Thompson asked about the easement from the road to get access to the existing lot. She questioned why they would not be permitted an access? Riley explained that is not an easement, the lot does have an owned access strip out to the road. The lot is a pre-existing "entitlement" division that is zoned AG.
- D. Mol – noted the written correspondence they received copies of.
- E. Bravinder was satisfied that the criteria are met for rezoning.
- F. Mahlberg read the letters, including one from the owner to the east. After visiting the site and considering the Plan, he was comfortable with the request and does not see this as some unforeseen use. He does not think the rezoning would be a burden for that property.
- G. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners from AG General Agriculture and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and part S-2 because the Board feels it meets the criteria laid out in the Land Use Plan. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- H. Mahlberg moved to continue the hearing to February 4, 2021 for the County Board to act on the rezoning and for the applicant to obtain the required information for subdivision. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **MARY LOGEAIS** – Cont. from 12/10/20

LOCATION: XXXX County Road 37 NW – Gov't Lot 1, except part lying southeast of the highway, Section 9, Township 120, Range 27, Wright County, Minnesota. (Albion Lake–Albion Twp.) Tax #201-000-094400 Property owner: Goelz

Petitions to rezone from AG General Agriculture and S-2 Residential Recreational Shorelands to R-2a Suburban Residential and S-2 and a Conditional Use Permit for a three-lot unplatted subdivision as regulated in Section 155.028, 155.029 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Ordinance.

Present: Mary Logeais, attending remotely

- A. Riley reviewed the property location map and action at the previous hearing was a recommendation to rezone. The County Board action rezoned the property to R-2a and S-2. The survey work and information required for the Conditional Use Permit show the three-lot subdivision meets all the requirements. The survey showing the three new lots was displayed.
- B. Mol asked if anyone from the public is online? Riley responded no.
- C. Felger questioned the applicant about Parcel C that shows a deck encroachment. Logeais indicated they are addressing that encroachment.
- D. Riley noted the County Highway Department is requiring a shared access for Parcels A & B. Lot C would have to use the existing field access, or it would be replaced further west and away from the intersection. Logeais stated that is her understanding. Riley – explained the shared driveway approach will need separate easement documents recorded.
- E. Bravinder asked about the drain tile and if it is coming across the field south of the road? Logeais – it is diagonal from the southeast in the field (south side of 37 and east side of CR 6) under the intersection and comes through that lot. The tile runs through properties owned by family members and the field tile has been there as long as they can remember. Riley asked if the applicant feels that lot can be built on and avoid that tile? Logeais yes.
- F. Mahlberg moved to approve a conditional use permit for a three-lot unplatted subdivision in accord with the survey completed by Otto Associates dated 1/5/2021; Project No. 20-0459 with the following conditions: 1) Per Feedlot regulations, livestock are allowed as regulated by Section 152 of the Wright County Code of Ordinances; 2) A shared access is required for the two lots per Highway Dept. the easements will need to be recorded prior to any permits being issued along with an access permit obtained by the County Highway Dept. prior to any construction. Also, an access permit will be required from the County Highway Dept. for the north lot prior to any construction occurring; and 3) Drain tile on the north lot cannot be disturbed unless properly redone. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **BRADLEY D. PAUMEN** – Cont. from 12/10/20

LOCATION: 346 County Road 12 S – Gov't Lot 2, & part of south 22 rods of the SW ¼ of NE ¼ lying east of the County Road, Section 1, Township 119, Range 26, Wright County, Minnesota. (Mink Lake–Marysville Twp.) Tax #211-000-011400 & - 011401 Owners: Matzke & Applicant

Petitions to rezone the north 4 acres from A/R Agricultural-Residential and S-2 Residential Recreational Shorelands to R-2 Suburban-Residential and S-2; rezone 4.46 acres from A/R Agricultural-Residential and S-2 to AG General Agriculture and S-2 to expand the existing 1.41-acre lot owned by Matzke (currently zoned AG General Agriculture and S-2) and the balance being the south 17.3 acres +- to remain zoned A/R. Also requests a Conditional Use Permit for a three-lot unplatted subdivision (one lot is the existing Matzke homesite) as regulated in Section 155.028, 155.029, 155.050, 155.051 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Brad Paumen, Scott Dahlke & Brian Matzke all in attendance remotely

- A. Riley summarized the proposal. The County Board accepted the rezoning recommendations and rezoned the north lot on the lake to R-2; down zoned the area to be added to the pre-existing Matzke lake lot, leaving the remainder land to the south A/R. The request before them is the Conditional Use Permit for the subdivision.
- B. Paumen – explained the adjustment to the Matzke lot will take care of existing land issues and give them owned access to the road. The Town Board has given their approval. He has no new information from the last meeting.
- C. Matzke – indicated he has no comment.
- D. Mahlberg – referred to the Town Board's recommendation for a condition that there be no further subdivision. Although he understands the sentiment, they would not bind a future Planning Commission's consideration of future requests that might come before them. Mol agreed at that time the Planning Commission would be made aware of that discussion.
- E. Bravinder moved to approve a conditional use permit for a three lot un-platted subdivision with a waiver of platting requirements, existing home parcel will be expanded but will remain General Agriculture, in accord with the survey completed by Meyer-Rohlin Land Services dated 10/22/20; File No. 20275, with the following conditions: 1) A shared access is required for the north two lots and the easements will need to be recorded prior to any permits being issued along with an access permit obtained by the County Highway Department prior to any construction. Also, an access permit will be required from the County Highway Department for the south lot prior to any construction occurring; and 2) The proper deeds are recorded for all three lots prior to any construction or permits issued since we are altering an existing General Agriculture lot. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **BUFFALO LAKE, LLC, represented by Michael M. Erpelding** – Cont. from 12/10/20

LOCATION: Part of Gov't Lots 4, 5 & 6 Section 1, Township 119, Range 26, Wright County, MN. (Deer & Buffalo Lakes – Marysville Twp.) Tax #211-000-012400 & - 013100

Petitions to rezone from AG General Agriculture & S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and a Rural Planned Unit Development District. Also requests a Conditional Use Permit for a platted 12-lot residential subdivision as regulated in Section 155.028, 155.029, 155.047, 155.057 & 155.059, Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant not present

- A. The applicant asked for a continuation to complete the preliminary plat.
- B. Felger moved to continue the conditional use permit to the February 25, 2021 meeting. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **JUSTON D. DOOLEY** – New Item

LOCATION: 731 County Road 30 SE – Part of E ½ of NE ¼, Section 18, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-181101 Owner: Dooley Farm LLC

Petitions to amend the existing Conditional Use Permit to allow for the expansion and addition of a “tasting room” in a new building for the winery under Commercial Agriculture Tourism to allow for indoor gatherings and to expand the limit of 10 large public events a year for up to 350 guests to 20 large public events a year as regulated in Section 155.003(B)(119), 155.003(B)(25), 155.029, 155.048 & 155.109 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Juston Dooley

- A. Riley reviewed the property location of the existing winery on County Road 30. The history of the winery and the Planning Commission action was reviewed that includes a tasting room and events. The addition of beer sales and events was added later. The 2012 conditions for the existing Conditional Use Permit were included in the Board’s packet and referred to. The map shows the existing operation and the new building proposed for a tasting room and to increase the number of events from 10 to 20.
- B. Dooley stated they purchased the existing winery about a year ago and have plans to expand the tasting room, adding a new building east on the property. The building is about 2 ,000 sq. ft. and can hold about 155 people based on occupancy. This will give them the ability to cater Christmas parties or have corporate social gatherings here. Hope to have more customers in and be able to social distance that meet COVID regulations. The biggest reason is to offer this during the winter months.
- C. Riley stated he has no one from the public attending remotely. Pointed out the written comments included in the Staff Report.
- D. Kaczmarek – asked the applicant if they are agreeable to the hours allowed in the past, for 11 a.m. – 10 p.m. only Friday and Saturday. Dooley – he is agreeable to the hours, noting music until 9. Kaczmarek - there is comment about the music in the past and he is looking for something more definite on the hours, amplified music or not, indoors or outside. Based on his past experience working at these venues around the County, now is the time to consider those issues. Dooley – they have considered that. The property does not have the best history and they have turned that around during the short time they have been out here. Last year they had two major events with a maximum of 250 people, to meet Governor Walz’s order. The stage was positioned on the east side facing west, CR 30. Did not recall any complaints from neighbors. That would be the same if they were to have outdoor concerts. The stage would be setup the same way, facing west and away from the neighbor, Nolan, who submitted comments. Although he does not have much knowledge of the wind direction out here, a couple of his neighbors said they felt they come from the north, northwest heading south and southeast rather than the comment in the letter that states from west to the east. Kaczmarek – amplified music is a concern, noting another orchard is only allowed one musician, not allowed to have amplified music. Dooley it is important to have it amplified with the acreage. Did not know that would carry in this space. Someone 9-10

acres away could not hear the music if it were not. Larger concerts require a stage and his hope is to have most inside. One event with 101 people counts as one event. Not all 20 events are going to exceed 300 people. He hopes to keep the amplified music, does not see a way around it. The musician singing or playing a guitar would not carry out to a crowd of 200.

- E. Mahlberg the existing CUP in place and understanding the disparate treatment with this one and Orchard where they are only allowed a single person with an amplifier, I would not be in favor as an occasion to further limit it. The original CUP has some broad language that the holder has to make sure it does not become a nuisance and a loose standard. Until he has more evidence of a demonstrable problem, would not be in favor of further limitations.
- F. Tanner – asked with larger events would those require a special permit for those and notification to neighbors. Mol – explained this hearing is the permit with the parameters set and there would not be a separate permit or notification. Neighbors would not have to be informed prior to each large event.
- G. Felger – it is his understanding that the proposed expansion would run through the same time period, January 13 – December 15, between 11 a.m. – 10 p.m. Friday and Saturday with music ending at 9 p.m. Issue of amplified or non-amplified music, asked for a recap because he was not able to hear the discussion. Riley – recapped the conditions about the hours and days remains the same under this request. But, expansion is to go from 10 to 20 events. A new building is proposed. Condition #10 was referred to by Mahlberg that the music does not become a nuisance, although noted that standard is somewhat vague. The question on whether there is a second permit for the large events, it was noted that is part of a CUP not a separate permit in this case. The applicant stated due to the size of events and type of music it lends itself to being amplified, and because of the building some of those events would go indoors. Felger – asked if it has not been fairly consistent that the amplified music be inside, specifically referred to the restaurant east of Buffalo as an example? Riley – from the Staff’s opinion, he felt they have tried to be consistent. This original winery opened this up trying to deal with the issue of outdoor music. The initial reaction was not to have it amplified, received some complaints although it was a different operator. Other properties applicants with requests for outdoor music and issue of amplified and non-amplified; then had Norm’s with an indoor venue, but also an outdoor stage with much discussion on instruments, how to set that up with insulation, etc. If we now have outdoor stage with completely amplified that seems to go beyond our previous ceiling, he would have a tough time determining what is a nuisance for the neighbors.
- H. Thompson – felt because there are a few new Board members since the permit was given, she would suggest postponing making a site inspection, so they can view this.
- I. Thompson moved to continue the hearing to February 25, 2021 for a site inspection. Felger seconded the motion.

VOTE: CARRIED Abstaining from the vote were Bravinder & Mahlberg

8. **MN CSG 10, LLC** – New Item

LOCATION: XXX 85th St NE – Part of E ½ of SE ¼ & W ½ of W ½ of SW ¼, in Section 21, Township 121, Range 25, AND Part of W ½ of W ½ of SW ¼ in Section 22, Township 121, Range 25, AND N ½ of NW ¼ in Section 27, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #'s 213-100-214100 & 213-100-223200 & 213-100-272201
Property owner's: Sustainable Holdings LLC and Holthaus Properties.

Petitions for a Conditional Use Permit for a 1 MW Solar Farm on approximately 9.8 acres in the southeast corner of the property as regulated in Section 155.048 & 155.108, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Lauren Walburg, representing MN CSG 10; Maren Denise (sp?) of Sunrise Energy participating remotely

- A. Riley displayed the air photo to show the location, the existing zoning and Land Use Plan maps. The property is zoned AG, is in the Plan to stay AG. The gravel pit was approved in 1999, the irrigation farmland was noted. A solar farm has been approved to the north and another solar farm to the northwest, but not built yet. The request before the Commission is a new 1 MW solar farm in the southeast corner of the property. The site plan shows they will use the existing haul road for access to build and maintain the solar farm and a field road to service the other solar field, if necessary. Town Board did not make a recommendation but request a site inspection with the Commission.
- B. Walburg – they constructed the solar farm north of this site as well as the other one. Offered to answer any questions. They met twice with the Town Board who suggest a site inspection. They are agreeable to that.
- C. Mol is this a reclaimed gravel pit? Walburg confirmed that it is.
- D. Hearing no one from the public, Mol opened the hearing up to the Commission.
- E. Felger where is the nearest three phase line they will be connecting up to? Denise said the interconnection is on Highway 25, near the gun club.
- F. Discussion on a continuation date. Walburg indicated they are back to the Town Board on February 4. They were anticipating the inspection before that date if possible.
- G. Felger moved to continue the hearing to February 4, 2021 for a site inspection. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Mol congratulated Terrie Pira and her 40 years of service to Wright County which is greatly appreciated.

SITE INSPECTION

On a motion by Bravinder, seconded by Tanner, all voted to schedule January 20 at 1:00 p.m. members to meet at the Government Center.

Meeting adjourned at 2:20 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
Twp. Clerks
Applicants/Property owners