

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 15, 2021

MINUTES – (Informational)

The Wright County Planning Commission met April 15, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 1:00 p.m. with the following Board members present: Mike Kaczmarek, Jan Thompson, Ken Felger, Dan Bravinder and Pat Mahlberg on WebEx. Absent was Corey Tanner. Sean Riley, Planning & Zoning Administrator, represented the Staff. Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES - March 18, 2021 meeting

On a motion by Bravinder, seconded by Kaczmarek, all voted to approve the minutes for the March 18, 2021 meeting as printed.

1. ROSS L. DANIELSON – Cont. from 3/18/21 PUBLIC HEARING CLOSED

LOCATION: 3138 Bolton Avenue SW – NE ¼ of NW ¼, except tract desc. in Bk. 280-444, Section 23, Township 119, Range 26, Wright County, MN. (Marysville Twp.) Tax #211-000-232101 & 211-000-231200

Petitions to rezone five acres from AG General Agriculture to R-2a Suburban-Residential and a Conditional Use Permit for an unplatted two-lot subdivision (one new 5-acre residential building lot). The existing house to remain zoned AG and split off on 2.5 acres with the remaining acreage to be attached to adjacent land owned by the applicant as regulated in Section 155.028, 155.029, 155.048 & 155.051 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Ross & Jonathan Danielson

- A. Mol announced the public hearing was closed at the last meeting. Riley added the Planning Commission had directed Staff/County Attorney to develop Findings consistent with the discussion and for a recommendation for denial to the County Board. Action on Findings is what is before them. Mol questioned if the Commission has read the Findings?
- B. Bravinder asked if they can forward the rezoning to the County Board without a decision? Kryzer indicated they could. A motion to refer it to the County Board and give them the Findings.
- C. Bravinder moved to refer the rezoning request without a recommendation. Felger seconded the motion.

DISCUSSION: Felger asked Bravinder the applicant may like to give testimony to the County Board. Could the motion state they are referring it to the County so the applicant could ask for withdrawal. Bravinder felt because they are not making a decision that is encompassed. Thompson questioned the reason for the motion. Bravinder gives the applicant an opportunity to withdraw, rather than a denial if they accept the Findings. The County Board has more options, whereas the Planning Commission does not have the option. Thompson – the applicant requested a withdrawal? Mol – they don't know because the public hearing was closed. The motion on the floor is to forward it without a referral. Mahlberg – questioned Riley or Kryzer where is the policy that the PC does not accept withdrawal after the public hearing is closed and Staff have been directed to adopt Findings. Riley – read the policy procedure adopted by the Planning Commission. The County Board does not have that policy. Kaczmarek – his thought is because there is a policy, there was a time and place when it could have been withdrawn. He would like to stick with the Findings that Kryzer prepared. Riley asked should a copy be provided to the applicant and County Board as part of the record? Kryzer – suggested a copy to the applicant, the motion can be to refer it up. A change to page 3 would have to be amended before it goes to the County Board. Riley handed Danielson a copy.

VOTE: IN FAVOR: Bravinder & Felger NAY: Kaczmarek, Thompson, Mahlberg & Mol

D. Kaczmarek moved to adopt the Findings for denial and forward to the County Board. Thompson seconded the motion.

VOTE: IN FAVOR: Kaczmarek, Thompson, Mahlberg & Mol NAY: Bravinder and Felger

2. **JON P. TOEDTER**– Cont. from 3/18/21

LOCATION: 13779 37TH St. NW –Part of Gov’t Lot 6, Section 14, Township 120, Range 28, Wright County, Minnesota. (backlot of French Lake - French Lake Twp.) Tax #209-000-142402

Petitions to rezone approximately five acres from AG General Agriculture and S-2 Residential Shorelands to R-1 Urban-Rural Transitional and S-2. Also requests a Conditional Use Permit for a platted three-lot subdivision (two new 1-acre residential building lots). The existing house with the remaining 2.9 acres as regulated in Section 155.028, 155.029, 155.049 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Applicant not present

- A. Riley stated the applicant has asked for more time. Continuation to the next meeting was suggested.
- B. Bravinder moved to continue the hearing to May 13, 2021 at the applicant’s request. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **KAMI HOLDINGS, LLC – represented by Paul Tucci** – Cont. from 3/18/21

LOCATION: corner of 80th St. & Pilger Avenue NW – NE ¼ of NE ¼, Section 28, Township 121, Range 28, Wright County, Minnesota, except tract desc. in Book, 281 of Deeds, page 659 & except tract described in Doc # 1300464. (W. Lake Sylvia - Southside Twp.) Tax # 217-000-281101 Property owner: Hennepin Ave. United Methodist Church

Petitions to rezone 29.5 acres from AG General Agriculture & S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2. Rezoning would allow one residential building site as regulated in Section 155.028, 155.047 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Paul Tucci & Paul Otto, Otto Associates

- A. Riley stated the Commission continued the hearing for a site inspection. The map showing the large ag parcel lying west of the road was displayed. Also the next agenda item is a proposal by the applicant to rezone to R-2a, followed by a Planned Unit Development and plat. Both properties are designated AG in the Land Use Plan. The decision for the parcel before them is whether the riparian feature meets the criteria of “shoreland especially suited to residential”. If those criteria are met, the rezoning to A/R Agricultural would allow one residential building site. Soil borings submitted show there is an acceptable site on the property to build.
- B. Otto indicated he did not make the site inspection and not sure what the Commission viewed. He has been to the property and felt there is a good home site on the knob north of Pilger Avenue west of the curve in the road. This is in line with an existing house to the south. Another option is on the northeast side. Felger asked for a look at the Land Use Plan map. Noted this is not in the Land Use Plan. He questioned if the parcel is rezoned to A/R would it meet the lake and road frontage requirement? Riley stated it does, but not enough for a two-lot subdivision.
- C. Thompson questioned the portion of the property they looked at and has the location of the entitlement changed? Otto using the map pointed out the area. Mol – added, this is the 29 acres. A potential building location could be anywhere on that acreage. Otto pointed to the location that in his opinion is the most likely spot. Tucci stated he is representing the buyer who has a purchase agreement on that property and working toward closing.
- D. Mol opened the hearing for public comment.
- E. Grant Merritt – stated he is a retired attorney and a volunteer on Environmental issues. He was asked last night to resign as Trustee for the Church (owner of subject property) because of his position opposing the sale of the property. Had first heard in 2019 the plans to sell the property when he thought of the MN Environmental Rights Act which he was responsible for as the head of the MN Pollution Control Agency. Speaking for the owners around the lake, they would like to see as much of Camp Konia preserved as possible. There has been a second purchase offer by Forsman which he thought was feasible and prudent. Under the MN Environmental Rights Act, he felt there is a potential for a lawsuit under this law that protects the destruction of the natural resources, in this case it would be the shoreland and “Big Woods”. The setback is only 75’ and they are allowed large homes that could add to the degeneration of the lake. There are few remnants in the State of “The Big Woods” and there have been successful appeals to prevent the cutting of the woods in other areas of the State. The environmental issues are the lake and “The Big Woods” and increase of density from “1 per 40”. Also requires removal of existing buildings. If this goes forward, has deep concern there would be destruction and impacts to the environment.

Questioned the County allowing rezoning prior to the applicant owning the property. He would recommend postponing until they own the property and after the pandemic. Summarized his credentials in law and environmental law and has done a conservation easement and knows a lot about real estate law.

- F. Tom Gump registered real estate broker representing the Church and property – respects Mr. Merritt and his experience. They do not expect lawsuits to be filed. The Church has a purchase agreement and even if this sale does not go through they plan to sell the property. Don't expect the woods to be significantly impacted and plans can be viewed. Don't think the second purchase offer is valid.
- G. Kaczmarek – referred to one of the written responses that recommend preserving ag land. He asked if there is any tillable? Mol – explained as discussed on the Commission often is that agricultural land is not just tillable, but includes woods, etc. Kaczmarek – another letter received states the Board of Trustees did not receive a unanimous vote as Merritt mentioned. A reference to docks was noted and he asked do they get into enforcing that. Turtle Bay was also mentioned and management of the access and shoreland.
- H. Riley stated things like the bluff, trees and an access have more to do with the Conditional Use Permit. The DNR regulates docks. They can address access by other means.
- I. Mol the discussion is whether this land is especially suited to residential. This is riparian and the Commission have had a number of these requests. The subdivision would address lake access. He noted the Land Use Plan is planned for Agricultural. The Board must decide if the lake frontage is enough to justify rezoning. Riley the point is whether it is “especially suited”, a criteria of the Plan.
Kaczmarek stated he raises the comments, so the public knows it is part of the consideration. Mol – this lake is large and already heavily developed and decision is whether it is suited.
- J. Mahlberg asked Otto to address the criteria of why this site is especially suited to residential development. Otto every case is different as Felger alluded to and need to consider what makes sense later. Question is how large of a parcel and what can the land support without damaging the lake. This is a 29-acre parcel touching the lake with only an acre for the building site out of a large parcel. The remainder will stay the way it is. He feels it is suited for one lot, but not for two or more lots. Mahlberg in looking at the air photo this is not lake frontage with a beach, but a bog. More like what they see on Natural Environment lakes. How does that fit into “especially suited”? Otto – agrees this is not like the sandy beach around most of the lake. But the amount of frontage and an area on the west side may be suited for access or a dock over the bog. There is room for one dock similar to what is to the south in the bay. Mahlberg – unlike most requests that are on Natural Environment lakes in more rural areas of the County, this is a General Development lake and is that a positive for rezoning? Otto – agreed some rezoning have occurred on Natural Environment lakes where they have allowed 5-10 acre lots, a few were smaller lots. The DNR classifies the lakes by the shoreland and partially how it has developed. L. Sylvia was developed in 1950's because it is a great lake. This parcel would have one home unless the County changes the rules. This property would have 500' of lakeshore and in comparison, old lots with 50' wide on the lake.
- K. Felger asked the real estate broker, Tom Gump, if the Church would proceed with sale even if the proposal should fail. Gump – that is the understanding. The Church wants to use funds to help

people in their general areas. Plan to go forward regardless of outcome. Felger much reference to “The Big Woods” and questioned, where are they located.

- L. Riley – does not know of a definition or standard for them; but the age and species of trees and there are remnants of them in the State. Felger –these are often referenced, but what is it and does it exist on this property? Riley – he is not aware that has been inventoried. Thompson – believe they are valued and protected by most residents of Wright County. She believes they should protect them because they are part of our heritage. Felt they should know where they are and how it is defined. She understood they were identified by the Department of Agriculture. She was not prepared to address these; but felt caution should be taken before proceeding. Kaczmarek –also has heard reference and it may be something Staff could research for the future. Understands that it is untouched woods and may be a pattern that cuts through the County. He is not aware they cannot do anything with them. Thompson described the area which had been a large part of the State before farming. She is in Southside Township and owns a part of them.
- M. Bravinder – he first looks at the Town Board response and noted they have looked at this for many years. They are comfortable it will not destroy the woods and voted unanimously to approve. One building site on 29 acres. From where they walked could see the low ground and most of the topography would not be touched. He is comfortable voting to approve rezoning.
- N. In response to Felger, Riley explained where they viewed the two properties. Land to the west is zoned R-2a. Mol – asked how that property was designated in the Plan? Riley – AG. Riley also explained the A/R zone would not have the lake frontage or meet dimensional standards for more than one lot. Although someone could come back to try for a backlot, the riparian policy in the Plan would not support another division (backlot). Felger asked if a request for R-2a fits the standards? Riley no, but there is also an R-1 and R-2. However, that would have road frontage challenges. Building a road is unlikely for another lot and overcoming the wetland issues.
- O. Otto – anything beyond what is proposed would be back before this Board. The Commission should consider what makes sense and does not think further development would. Otto – stated to his knowledge Wright County does not have an Ordinance on the Big Woods. Riley – there are tree removal standards. The Commission can put conditions on wooded areas, regardless.
- P. Felger moved to recommend approval of the rezoning to the County Board of Commissioners from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 because the Board feels it meets the criteria laid out in the Land Use Plan. No tree removal beyond normal development for the building site and associated. No clear cutting allowed. Bravinder seconded the motion.

DISCUSSION: Mol should be careful and not be debating whether these trees are classified “The Big Woods” and is it appropriate for the Commission to classify the type of woods. The decision is if the rezoning request meets the criteria for rezoning. He feels it meets the criteria and the land adjacent was rezoned for lots.

VOTE: CARRIED, IN FAVOR: Felger, Bravinder, Kaczmarek & Mol NAY: Mahlberg
Abstained

4. **KAMI HOLDINGS LLC** - New Item

LOCATION: Approx. 45.5 acres east of Pilger Ave. NW - Part of Gov't Lot 5; South 25 acres of NW ¼ of NW ¼ Section 27, Township 121, Range 28, Wright County, Minnesota. (E. Lake Sylvia -Southside Twp.) Tax #217-000-272200; -272301 & part of -272300

Property owner: Hennepin Ave. United Methodist Church

Petitions to rezone approximately 45 acres from AG General Agriculture and S-2 Residential Recreational Shorelands to R-2a Suburban-Residential and S-2 and establish a Standard Planned Unit Development District. Also, a Conditional Use Permit for platted subdivision (six new riparian residential lots) as regulated in Section 155.028, 155.029, 155.051, 155.059 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Paul Tucci & Paul Otto, Otto Associates

- A. Riley reviewed the zoning map showing it is zoned AG and planned for AG. Location is across the road from the previous agenda item. The property is developed and has buildings including a Church and a caretaker's home as noted. The proposal is to rezone to R-2a that allows five-acre lots. If that district is approved, they propose a Standard Planned Unit Development ((PUD). He explained how the Standard PUD is different than a Rural PUD and there are not bonus lots. The number is determined by the underlying zoning district and a PUD allows them to vary the dimensional and size standards. Also, an out-lot feature as shown on the Concept Plan. A left-over parcel zoned AG would retain the current "entitlement". A Standard PUD allows for more than one zoning district. Concept shows six lots and one AG lot that is the "entitlement". First the Commission should address the rezoning and if it is suitable for the R-2a zone.
- B. Otto – wanted to be clear there is a smaller parcel on the southeast corner that they are bringing into the property so that owner can make some improvements and enlarge this parcel. The buildings on the site would all be removed. On Lot 1, he envisions the house would be between the existing building and shed. Appears that is not a bluff but would have to confirm that. The PUD allows them more room up on top of the hill where this is room to build. It is in the field and leaves the trees alone. He felt this is suited and the shoreland is much different than the other parcel. The property has been used for recreational uses for the Camp. No boathouse or shared dock is proposed. Six lots are proposed and also a common space was noted.
- C. Mol opened the hearing for public comment. Riley indicated no one has given a sign to speak.
- D. Bravinder asked about two existing lots that do not have lakeshore. Is there any intention to sell any of that? Tucci – they have not had that discussion yet. There has been some interest from some of those owners along that finger. Bravinder – if that should happen would there be adequate shoreland. Riley – would likely have enough and as a PUD the Commission could vary the standard. He warned everyone that if there is any thought of splitting anything off for other owners it could be quite cumbersome to do it after it is platted. Bravinder asked if it is at the platting stage not the rezoning? Riley – both would make it difficult. Typically, they would go through a Board of Adjustment first. Bravinder – felt it likely those two lots may want to obtain that. Otto indicated they had discussed that, to bring in another neighbor. Had discussed with Riley about a possibility of an Out lot, but that is not possible. They are already dealing with several people and trying to address the purchaser's proposal. Bravinder understood the complexity when working with a Church Board. Anticipating what might come up.

- E. Thompson clarified they are just addressing rezoning. Riley – correct. They should raise any concerns of the Plan and establishing a Planned Unit Development. Thompson – she had raised the concern that the applicant does not own the property yet, it is a concern with this one also.
- F. Riley opened the hearing for the public comment a second time and recognized Mr. Gump. Tom Gump noted the proposed development would have a lot less impact. Retreat Centers are difficult to market.
- G. Felger – asked Otto about the two or three parcels that might want to expand the lots to the west. Otto – they cannot create out lots to do that, as they would be landlocked. Felger – it has been suggested the homes would be to the north in the open ground. Asked if the soil tests have been done to determine potential building sites. Otto – those tests have not been completed and would come in with the preliminary plat. Felger – questioned setbacks. He noted people will want to build close to the lake and questioned if there is a bluff. Otto – he will have to complete the topographical survey to determine this. He felt Lot 1 does not and would have a 75’ setback; Lot 2 may need to be further back, up on top.
- H. Mol questioned the area not on the lake. With the rezoning could there was a road in there. Is the PUD another way to get a lot in back? Riley – would be one less lakeshore lot, unless there is a way to split off the “entitlement” first. Otto explained the 3.3-acre lot in the northwest corner is an ag split, allowed today. The biggest reason for the PUD is the frontage is 3’ short of meeting the shoreland standard. One lot is 176’ and the rest are 200’. The configuration on how the lines come together is the reason. Riley – the AG parcel should be reviewed as part of the overall request as it is not being proposed to be split out first.
- I. Thompson – the current zoning is AG, is familiar with the area and is rich in gravel. Once rezoned to R-2a that would eliminate the possibility of gravel removal. Riley – agreed that would not be allowed.
- J. Felger – understands they are not near a subdivision stage, but asked if Pilger is an easement road? Otto yes, what exists will be dedicated to the Township. Felger – suggested the road might be moved further north (where the road currently travels).
- K. Bravinder moved to recommend approval of the rezoning of approximately 45 acres (does not include the 3.3-acre AG lot) to the County Board of Commissioners from AG General Agriculture and S-2 Residential-Recreational Shorelands to R-2a Suburban-Residential and S-2 because the Board feels it meets the criteria laid out in the Land Use Plan and the “shoreland is especially suited for development”. Kaczmarek seconded the motion.

DISCUSSION: Felger asked if they want to include minimal tree removal as a condition. Bravinder felt in this case they can address it in the Conditional Use Permit.

VOTE: CARRIED UNANIMOUSLY

- L. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners to establish a Standard Planned Unit Development District because it meets the criteria laid out in Section 155.059 of the Wright County Code of Ordinances. Kaczmarek seconded the motion.

DISCUSSION: Thompson asked for a clarification on what they are voting on. She expressed concern for any implication to the Church this might have if their buyer falls through. Bravinder – stated the applicant had informed them the properties would still be sold on the item heard previously.

VOTE: CARRIED NAY: Thompson

M. Bravinder moved to continue the conditional use for the subdivision until June 3, 2021 for action on the rezoning by the County Board and to obtain survey work and soil borings consistent with a preliminary plat. Felger seconded the motion.

VOTE: CARRIED, Thompson abstained

5. **MICHAEL A. LECY** – New Item

LOCATION: XXXX County Rd. 12 S – 4-acre lot desc. as part of Gov't Lot 2, Section 1, Township 119, Range 26, Wright County, Minnesota. (Mink Lake - Marysville Twp.) Tax #211-000-011400 Owner: Paumen Investment Holdings, LLC

Petitions for a Conditional Use Permit to allow a manufactured home to be moved on a 4-acre residential lot approved by the Planning Commission on January 14, 2021 as regulated in Section 155.029, 155.0450 & 155.102(D) of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Roman Olshanski, representing the applicant

- A. Riley reviewed the location of the property that was recently rezoned and subdivided. The move-in dwelling would go on Parcel "A", the lot on the north side.
- B. Olshanski – explained the architect has submitted a rendition to show what the home looks like. He met with the Town Board and they approve.
- C. Riley displayed the site plans to show where the house will be located. Also, a photo of the home. This is a manufactured unit. He asked the time frame for bringing in the home and completion. Olshanski stated it would be brought in early May. The seller is building a new home and is anxious to get it off the property. Riley suggested the Board could set the deadline end of this construction season and asked if that is enough time? Olshanski replied, absolutely.
- D. Kaczmarek stated he was at the Town Board meeting and relayed there were no problems voiced and Town Board approves.
- E. Mol asked if the setbacks and sewer requirements are met? Riley stated the site offers enough room and has adequate space for two sewers and a well.
- F. Bravinder moved to approve a Conditional Use Permit to relocate a dwelling in accord with the description provided by the applicant on the record, with the following conditions: 1) That the house may not be occupied until approved by the Building Inspector; 2) Building permits are obtained for the new home; 3) All septic requirements are met prior to the certificate of occupancy being issued; and 4) Project completion date must be no later than December 1, 2021. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **MICHAEL G. LUDENIA** – New Item

LOCATION: 10587 County Road 8 NW –N ½ of SE ¼ west of road & S ½ of NE ¼, except parcel...
Section 7, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.)
Tax #216-000-071400

Petitions to amend the existing 1989 Conditional Use Permit for mining to allow operations to include the recycling and stockpiling of concrete and blacktop for resale as regulated in Section 155.029, 155.048 & 155.100 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mike Ludenia

- A. Riley displayed the location maps to show the zoning is AG and designated AG in the Land Use Plan. The parcel shows the existing gravel pit that dates back to 1989. This is a small-scale operation serving the local area. The request for an amended Conditional Use Permit is to allow the recycling of concrete and bituminous.
- B. Ludenia using the map explained the entrance and exit to the pit is off County Road 8. The truck traffic goes through the yard. The air photo shows where they were storing these products. Since then he noted where they have changed the location to the north, where the crusher will be located and where the stockpiles will be. He explained a crusher comes in and they have about 20,000 yards crushed a year they market within a year and don't hold any over. This is a private pit that he operates with his sons and they are very particular on what comes in. He sells to contractors and an occasional resident comes in with a trailer. He has changed the crushing companies, the new one is able to complete crushing in a week rather than have it in there for a three-week period.
- C. Mol opened the public hearing for comments. No response and he returned to the Commission.
- D. Kaczmarek noted the #5 of application asks for the hours of operation and that was not filled in. Ludenia – it would be 7 a.m. – 7 p.m., Monday – Friday. Kaczmarek – requests reclamation and end use? Ludenia – it will be a pond. Kaczmarek - Town Board has recommended review in five years. He asked how they determine who is required a one, two or three-year review. Riley stated a five-year period is when the Town Board currently reviews this operation. The applicant goes back to the Township and not the County. The Town Board has not requested the County review it in five years, although the Commission can if they choose. Kaczmarek – questioned the standard timeframe. Riley – there is no timeframe in the Ordinance for how long these pits last. Older pits did not have any review. In the last 20 years or so, they have attached these reviews to mining and time limits if there are special uses in the pit such as a hot-mix plant or for specific projects. In this case, the original permit did not have a timeframe.
- E. Felger – confirmed the location. Mol stated for this pit he would suggest a five-year review. This serves private contractors and the community. This is not a pit that has large projects or placement of bituminous plants.
- F. Thompson moved to approve an amendment to the original Conditional Use Permit to allow stockpiling and recycling of asphalt and concrete materials and occasional crushing. All waste or refuse dumped on the site shall be properly disposed of in a timely manner. Kaczmarek seconded the motion.

DISCUSSION: Town Board requested review in five-years, but Thompson did not include it her 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, MN. (Franklin Twp.) Tax #208-200-181101 Owner: Dooley Farm LLC
Petitions to amend the existing Conditional Use Permit to allow a pizza oven kitchen in new building (tasting room) approved at the February 2021 meeting as regulated in Section 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 previous hearing and site inspection the Commission had to review, and an amended Conditional Use Permit (CUP) was approved. Since that hearing, the applicant has chosen not to build the separate outbuilding. Dooley clarified he does not want to take the option away. Riley – concurred the applicant has 6-12 months to do the activity. The proposal now is to include a pizza oven in the new building and now the applicant may remodel and expand the existing building. The site plan was displayed to show the site.
- B. Dooley stated he is now considering a larger tasting room (2,400 sq. ft.) and have the pizza oven in that addition. The reason for the change is the estimates increased about 40%. Another option is to add onto the tasting room that is 1,300 sq. ft. and expand toward the pavilion with a porch area, adding approximately 1,000 sq. ft. The current tasting room would be gutted and remodeled with the pizza oven added. They tried the pizza oven in a trailer over this past winter, however, winter temperatures created a lot of issues. His current CUP only allows catered food with limited food preparation and his request is to have this oven in the building. Noting the trailer does not come and go and used when they are open. He will have to review this change with his architect.
- C. Riley what is described requires a CUP, did not know what the plans are. Does moving that area over and attach it to the existing building create a concern. He suggested they can send out new notices and not charge a full new hearing fee once they have plans. Dooley – in talking with contractors the cost is likely to continue to go up. He is concerned about locking in with a contractor at this time. The pizza oven is under the Department of Agriculture and they are already monitoring the wine. He received an email that they would approve the pizza oven going into a building. He explained this type of oven does not allow adjustments in temperature for baking or other types of cooking. It is set at 850-900 degrees and does not need a hood.
- D. Kaczmarek would a motion be appropriate to allow the pizza oven somewhere on the property and not specify which building. Riley – if it is going inside it will require a building permit and building code. He suggested at this time it is uncertain if there is going to be a new building, stand alone or moved into the existing building to be expanded. A site plan and a new CUP is required to expand. The specific plans and use are addressed through an amended CUP. Bravinder – is not concerned because they are not proposing additional people on the property. Riley – like other uses, changes need to be documented. Mol – understands what Bravinder is saying, but they must be clear on what is being permitted. Understands during this time it is difficult, but suggested the applicant figure out what is going on. Riley needs the records and plans to reflect what has been approved by a CUP in the event there are problems. Riley added if the applicant was just moving the pizza oven that is one thing.
- E. Dooley – asking today if he can get approval to put the pizza oven either in the new building or existing. Kaczmarek – they are not opening up to serve lunch, questioned how detailed does it

need to be? Can they go in either the existing or new building? Riley –the concerns is now they are hearing he may remodel and expand the existing building.

- F. Thompson – felt it is important they have a paper trail. It is good business for the applicant to have a specific plan. Suggests they limit discussion. Felger concurred and it states limited food prep. Riley they do not regulate a food truck and that is different than having food and an oven inside a building with larger numbers of people inside. Mol – suggests they continue the hearing for a month or two and allow applicant to finalize and submit plans for what he wants to do. Dooley – asked would it be acceptable for the pizza oven inside an expanded building and have the architect draw it up. Mol – he would suggest he draw plans for what he wants it. He cannot speak for the Commission on how they would vote. Dooley – apologized for being unprepared, just received the quote the night before.
- G. Dooley responded to Felger’s question on what is prepared, and stated they make the dough in house and import tomatoes. Riley asked how much time is needed to draft plans. Dooley agreed to June 3. Riley confirmed that would be within the time frame for a decision.
- H. Felger moved to continue the hearing to June 3, 2021 for new notices and revised plan. Plans to be submitted in adequate time for new notices. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **NOTICE OF INTENT TO AMEND §155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS (Minimum Escrow Deposit and Surety Amount to be Considered)**

The Wright County Planning Commission will be reviewing and discussing proposed amendment to the Wright County Code of Ordinances. Proposed is to amend 155.108(C)(14)(c), to add a minimum escrow deposit and surety amount.

The proposed ordinance can be reviewed in person in the Wright County Planning and Zoning Office in the Wright County Government Center.

- A. Riley stated a moratorium on solar and a Solar Work Group established. The discussion resulted in coming up with a minimal amount for the bond, (bottom line). The recommendation and language provided includes the table. The Commission makes a recommendation to the County Board.
- B. Mol stated he was part of the last workshop meeting. He questioned the reason for piecemeal changes? Riley the moratorium was very comprehensive, impacts not only new ones but also existing farms that had CUP's but don't have a developer's agreement yet. This item was taken out for those that don't have a developer's agreement so that they could move forward. Over the next couple months, they will address the other issues and after that time the moratorium could be lifted.
- C. Riley opened the hearing to the public to comment on the amendment before the Commission. Terry Weese – Buffalo Township – they are in support of what the Commission has come up with. Would like to keep it as high as they can. Riley stated he has no one else online indicating they want to speak at this time.
- D. Felger – asked if anything been lifted from the moratorium? Riley – not yet.
- E. Kaczmarek – asked Kryzer to speak about the escrow deposit. He asked would it be noted in a developer's agreement or easier if these figures change over the next 25 years? Kryzer stated as far as the developer's agreement it was set at 150% of the estimated cost of removal. The table just represents what a minimum surety amount would be set at. Kryzer - There is no expiration of that time, inflation over time, they are just setting a floor and it can go up.
- F. Mol asked if at this time they are asking 1.5 times the cost of removal, but don't have a minimum? Riley confirmed there is no minimum and no estimate for the reclamation of the property.
- G. Felger – asked if they have seen a surety issued to Wright County in the amount of \$350,000 or \$400,000? Riley – did not think they have seen the number, but the amount has been based on size. In Wright County the majority have been 1 MW farms. Felger asked if there was a short time when they had 5 MW? Riley – those were big ones handled at the State because it was at the utility level. Referred to the Aurora project. He has not seen any larger than 1 MW recently. Felger asked if at that level have they seen a \$100,000 surety amount. Riley stated they have seen that and over and was based on information from the developer. But it has left the Planning Commission and County Board struggling on what was the intent or requirement of the Ordinance. Explained the Ordinance language spells out the calculation, but the number comes from the developer. The developer's numbers were getting progressively less. Felger asked if this addresses a disagreement between the Developer and County on what the elements should be. Riley – not so much the element between the true cost. There are three developers on the Work

Group that have some figures that reach that. Felger stated the concern is how they would know what it might cost in 25 years.

- H. Kaczmarek relayed what has come up at the Workshop Meetings are the amounts thrown around by the developers for \$75,000 in 25 years. The County brought an estimate for a 2 MW farm of \$214,000. Because these estimates were not close, the County cut that in half to come up with \$107,000. He personally contacted another company to get an estimate and he was given \$530,000 as a cost of cleanup with an additional \$203,000 to dispose of the items. The point is that no one will know for sure. The question, why the involvement and concern of Wright County? They look at what is the worst-case scenario. The Company puts up the surety and in 25 years they must remove it. Change fees higher figures for cleanup. The option is they could walk away from \$100,000 surety. The property owner is left with the solar farm and decides the land is not worth the cost of cleanup and walks away. Felger asked if they factor in the reselling the panels? Kaczmarek – noted how the efficiency and technology could change in 25 years and what would it be worth. Felger – it is his understanding that the surety is a bond or letter of credit? Kryzer - majority are cash. Felger asked who holds the surety and interest paid? Kryzer – it is a separate account the Auditor sets up with interest earned. Both are returned to the developer. Riley – the utility scale level at the 40 MW, he cannot speak to, but have a similar concept.
- I. Lori Cocking– appreciated the Staff getting back quickly to their questions. The advantages are clear, clean energy and the farmers are excited about the solar farms and the potential income. Asked if the County has researched how other jurisdictions have done this, or are we trying to figure it out on our own. The State requires the funding over time, there are models on this. Using worse scenario is a guess. She feels panels are valuable and after 25 years they can be used somewhere else if they don't stay there. Riley noted like any Land Use issue, some counties and cities require different things and amounts. It has been discussed by the local community. The State has a schedule for the large ones. The money cannot be used elsewhere. Mol – what does the State require. He is aware of the very large ones going up across the river. Riley – he does not have that in front him. These are bigger with 40 MW being a utility scale. It is a similar concept and requirement. Cocking asked Kryzer if this is the second moratorium. Have the issues been researched and looked at extensively. Kryzer noted the proposal now is to put a minimum. Cocking is concerned they are not just pulling a number out of the air. Going from \$100,000 to \$500,000. There is a lot of information out there. She feels there is a lot of paranoia about solar and felt there is a lot of information they can learn from and is asking if there has been research. Kaczmarek stated he has spoken with the Counties to the north and south and they have some of the same concerns. Although they may have different figures, assured her he was not just pulling it out of the air.
- J. John Dietering – Supervisor for Rockford Township – feels these changes will force solar out of Wright County. He does not think the County has a dog in this fight. He feels this is between the property owner and the solar company. He does not think it likely both parties would just walk away. He noted where he has land in the County, and he has never had to removal of silo or dairy barn. These panels are not toxic. He is all for a set of rules; but does not want to see the solar farms discouraged from locating in the County.
- K. Terry Weese – they have a solar farm in his Township. The amount of material is astronomical and the very small price to clean it up is unbelievable. There are two Counties on the border that have put moratorium on them because of the metals in them were contaminants.

- L. Charlie Borrell – resident in Woodland Township – not speaking to the surety for reclaiming. Wants to encourage solar as long as they do not destroy the land or doing major land alteration and destroying the value of the land by removing the topsoil. Seeding into grass allows them to drive on the first year. These are put on some good farm fields and if the soil is left it can always be put back into farmland. Appreciates the solar farm across from his property. As discussed when he was on the Planning Commission, if they do a lot of earthmoving it would not be as valuable.
 - M. Felger – indicated Dietering brought up a point, he also supports solar. Feels they do not want to drive them away because they must come up with this amount of surety. He was surprised at the figures; feels they are astronomical. Solar is here to stay and don't want to drive it away. Although as Kaczmarek as pointed out this, is halfway, but seems excessive and does not want to drive it away.
 - N. Bravinder – he has talked with Harlan Anderson who has two solar farms on his land. When it comes to removal, he questioned Kryzer. If the solar company walks away is that surety available to the landowner. Kryzer – it would not. If the County went in to clean up the property and they assess the property owner for anything over. He would anticipate a situation that the County would work with the landowner, access the surety first. Bravinder in talking with Anderson who has indicated he is comfortable with the surety that was set up for his and thought \$100,000 is adequate. Bravinder noted the property owner is on the hook for it, these are put on large ag parcels and does not see those property owners walking away from the land. There are options such as recycling the panels. Bravinder stated they talked about it at his Town Board, and they thought \$300,000-400,00 for the 5 MW was ample. All these scenarios falling into place is unlikely. Wants to include the landowners in this decision and felt it would be unfair if they are discouraged from going in.
 - O. Felger – in 25 years and the Company is still in business and clean it up, what happens to the surety? Kryzer stated the Company gets it back with interest.
 - P. Mol – it sounds like we are trying to make it more difficult for solar in Wright County. Discussing the cleanup in the 25 years. In 25 years, they will be shutting down the Sherco Plant converting to natural gas, putting in thousands of acres in solar panels to replace it. Several owners in Clearwater Township were trying to shut down the Sherco coal plant. Working on Ordinances, have had two moratoriums, making it more and more difficult. Where will the electricity come from? The coal is not being used cannot come in with nuclear plants. Had not thought much about it, until Anderson mentioned the CRP program came in the 1970's and people did not think land would go back into production, however, it has gone back into production. The land can go back into production if the land underneath is not destroyed. Felt they need to provide this for the County. The solar farm near Buffalo was to be provide electricity to the City utility. Need to look into the future.
 - Q. Felger – noted there is discussion about putting land back into agricultural; but could be replaced in 25 years with more efficient or enhanced units. Agrees with Mol on most points.
 - R. Kaczmarek moved to recommend approval of Ordinance Amendment 21-3 to the County Board. Thompson seconded the motion.
- VOTE IN FAVOR: Kaczmarek, Thompson & Mahlberg NAY: Felger, Bravinder & Mol

S. Mahlberg moved to forward Ordinance Amendment 21-3 to the County Board without a recommendation. Bravinder seconded the motion.

VOTE IN FAVOR: Mahlberg, Thompson, Bravinder, Kaczmarek & Mol NAY: Felger

T. Thompson moved to close the public hearing. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 4:15 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp