

# WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 13, 2021

## MINUTES – (Informational)

The Wright County Planning Commission met May 13, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Ken Felger, Vice-Chair, called the meeting to order at 1:00 p.m. with Dan Bravinder present in person; in attendance remotely were Pat Mahlberg, Dan Mol and Corey Tanner. Absent were Jan Thompson and Mike Kaczmarek. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office.

### MINUTES - April 15, 2021 meeting

On a motion by Tanner, seconded by Bravinder, all voted to approve the minutes for the April 15, 2021 meeting as printed.

#### 1. JON P. TOEDTER– Cont. from 4/15/21

LOCATION: 13779 37<sup>TH</sup> 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: Jon Toedter

- A. Riley – summarized at the last hearing the Commission recommended rezoning to the County Board. County Board action to rezone the property has taken place. The air photo of the property was viewed, and the existing house was pointed out. The applicant has submitted the survey and soil information which was included in the Board's packet. This hearing is about the subdivision.
- B. The hearing was opened for comment from the applicant and public. No response.
- C. Bravinder asked the applicant where the road access would be. Toedter stated Lot 1 is off 37<sup>th</sup> Street, and Lot 2 comes off 36<sup>th</sup> St.
- D. Bravinder moved to grant the preliminary plat of Hidden Hillside Estates is approved in accord with the record of these hearings and the plans, terms and specifications submitted by the applicant and completed by Webb Surveying, LLC dated 4/28/2021 Project #20168 and is subject to the following conditions: 1) Prior to the recording of the plat the final plat checklist must be completed including but not limited to the following: a) Park dedication is paid along with the other fees noted on the plat checklist; b) Title opinion is submitted and accepted by the County Attorney; c) Driveway approaches onto Township roads must be approved by the Township; and 2) Any building or development proposed for any lot must include plans to show the preservation of proper surface drainage and both a primary and secondary sewage treatment site. The Zoning Administrator may require that any significant change of the building location or land alteration on lots shall require review by the Planning Commission as an amendment to this plat approval. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY



2. **JOHN A. FRITZ** – New Item

LOCATION: 3837 CR 12 S – Part of SE ¼ of SE ¼, Section 23, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-234100 Property owner: Hickman

Petitions for a Conditional Use Permit for a land alteration involving approximately 10,000 cu. yds. of material to add two feet of topsoil that will complete reclamation of an old gravel pit as regulated 155.029, 155.048 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: John Fritz, attended remotely

- A. Riley reviewed the zoning and land use maps that show the property is AG. Previously there was a gravel pit on the property, there is a house and outbuildings. The proposal is to bring in topsoil to better level off the property where there are low spots. Board viewed the pictometry to see the photos of the property.
- B. Fritz explained there is not much topsoil and pockets of sand. They have been rotating the corn and bean crops. He has a couple of projects coming up that he can bring material here from. Not planning a berm but to better level off the site. This may take a couple years. He would fill an area at a time, replant so not to disturb the whole thing.
- C. Riley noted the Commission heard a similar request from Duane Rolstad. The Commission had given that applicant a three-year time frame to complete.
- D. Felger asked the applicant if three years was acceptable? Fritz agreed.
- E. Bravinder asked whether the property was never reclaimed properly. Riley – indicated it may have been partially and mining went deeper than what they had originally thought and was not enough material.
- F. Felger asked the location of the former gravel pit. Riley using the air photo noted the location of an older pit. Because of the age, it never received a Conditional Use Permit. Felger asked where the 10,000 cu. yds. are coming from and if it is clean fill? Fritz stated one site is a school site in Watertown and there is another project along Highway 12 in Maple Plain. No contaminated soils, all clean fill.
- G. The hearing was opened for public comment and further questions by the Board. No response.
- H. Bravinder moved to approve approximately 10,000 yards of clean fill material to be brought in to grade the previously mined site according to the plans and description provided by the applicant. Hours of operation limited from 7:00 a.m. to 7:00 p.m. Monday-Friday and can continue for three years from this date. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MICHAEL A. STRONG** – New Item

LOCATION: 2187 30<sup>th</sup> St. SE - Part of the NW ¼ of NW ¼ of Section 21, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-212203

Petitions for a Conditional Use Permit for a contractor's yard to locate lawn care business on the applicant's homestead as regulated in Section 155.003(30), 155.029 & 155.047, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Michael Strong

- A. Riley reviewed the property location and maps to show it is zoned AG and in the Land Use Plan for Residential. An existing house and outbuilding exist. Applicant wants to storage his lawn care equipment for his business on the property and wants an additional building. The work is done off-site with the equipment leaving and coming back to the property.
- B. Strong stated this is a small lawn care service, they do not handle supplies or materials for sale and the equipment comes in and leave in enclosed trailers. Felger asked if they store any landscaping materials or rock on site? Strong answered no, they only do maintenance and not landscaping. He explained the only employees are his brother-in-law and himself and a few kids help.
- C. Mahlberg asked what vegetation exists to screen this from the neighbor? Would the property to the east need any screening? Riley – stated past practice has been to require some screening, especially where the equipment is stored. Noted there are a few trees along that property line. Building would be oriented north/south. This was brought to the Commission's attention to see if there are any concerns.
- D. Felger asked if the Land Use Plan designation calls for the A/R zone? Riley – there is a potential for five-acre parcels, or in some instances R-1 in developed areas.
- E. The hearing was opened for public comment, hearing no response discussion returned to the Commission.
- F. Mahlberg moved to approve a Conditional Use Permit for a contractor's yard to locate lawn care business on the applicant's homestead in accord with the site plan on file. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **DONAVON L. DesMARAIS** – New Item

LOCATION: XXXX Bice Ave. NW – Property on Birch Lake - Chatham Twp. – Gov’t Lots 1, 2 & 3, Section 35, Township 120, Range 26. Tax #203-000-353400

Property in Marysville Twp. – Gov’t Lots 3, 4, 5 north of creek & N ½ of NE ¼ Section 2, Township 119, Range 26, Wright County, Tax #211-000-021200 & -012200 & -021400

Property owner: Belinda Jones

Petitions for a Conditional Use Permit as regulated 155.029 & 155.048(G)(5)(a), Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances to allow a cluster of three “1 per 40” entitlements on Birch Lake.

Present: Donovan DesMarais & Paul Otto, Otto Associates

- A. Riley – reviewed the property that lies between Chatham and Marysville Townships and is zoned AG General Agriculture. The following agenda item involves a rezoning request to A/R. The property under the current AG zone has six entitlements. The property boundary was outlined on a copy of the air photo. The first request is to consider using three entitlements in one location which takes a Conditional Use Permit for the cluster of entitlements. A survey displayed shows what the three lots “cluster” would look like. As noted in the Staff Report, there is one entitlement being moved from Marysville Township. Both Chatham and Marysville Townships were notified for input and have not received response from Marysville. Chatham Township responded on paper for a denial. There is some confusion on which request or both (agenda item #4) they were responding to as the Response Form was filled out on the cluster.
- B. Felger asked about entitlements with all adjoining parcels can be considered for a cluster. Riley stated two were there (Chatham parcel) and the rest on the remainder parcel (Marysville parcel). These are all contiguous parcels. He explained the transfer can be done between contiguous parcels across the Township line. Because this will result in three in one corner of the farm it requires the Conditional Use Permit to cluster. To transfer to non-contiguous lands under common ownership, that requires a Conditional Use Permit and must be in the same Township. If this is approved, there would be three remaining entitlements on the leftover large ag. piece.
- C. Otto further explained that they are bringing one entitlement from the south parcel to be used on the lake, north parcel. The rest of the entitlements would be left in Marysville Twp. The three four-acre lots are meeting the shoreland requirements.
- D. Felger asked if the Planning Commission has any questions? The hearing was then opened for public comment. No response was heard.
- E. Ann Smith stated she owns the land that adjoins to the north of the Chatham property. She could not make the Town Board meeting and is trying to find out what is being planned. Noted much of this land is wetland with a creek running through. Questioned how many lots are being planned. Felger explained this request is to locate three lots in a cluster on the lake. Riley further noted the following request is a rezoning to a residential zone to allow more lots.
- F. Felger opened the hearing for comments from anyone attending virtually. No response.

- G. Bravinder moved to continue the hearing to June 3, 2021 for a site inspection. Tanner seconded the motion. VOTE: CARRIED UNANIMOUSLY

5. **DONAVON L. DesMARAIS** – New Item

LOCATION: XXXX Bice Ave. NW – Property on Birch Lake - Chatham Twp. – Gov’t Lots 1, 2 & 3, Section 35, Township 120, Range 26. Tax #203-000-353400 Property owner: Belinda Jones

Petitions to rezone from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and also requests a Conditional Use Permit for an unplatted four-lot subdivision as regulated 155.028, 155.029 & 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Donovan DesMarais and Paul Otto, Otto Associates

- A. Riley – displayed maps to show the area north of the previous item in Chatham Township. The current zoning map showing the property is zoned AG General Agriculture. The Land Use Plan shows the “Rural-Residential” designation. The proposed rezoning is for the A/R district and a plan showing the proposed lot layout was provided. The concept plan with contours shows the woods, wetland, and drainage area. Chatham Township response was on the “cluster” request; however, understands it was their recommendation on both requests. The applicant could revisit the Town Board.
- B. Felger asked if they met on both issues? Otto – met with Chatham and talked about both items at the same time and not separate. The Board did not make a formal motion, but their opinion was 2/1 of a three-member Board, one of the members who was opposed lives across the road. There objection was they did not want more houses out here. Otto had pointed out to the Town Board the number of existing homes, the properties nearby to the north and property on Bice Avenue that have been rezoned in the last ten years. The entire area of the Township is planned for residential lots. If it is not supposed to be in the Plan and traffic is too much, not sure but was confused by their denial. Could have looked at a Planned Unit Development but felt ten-acre zoning was more appropriate for this land due to the lowlands, the Natural Environment Lake designation and type of property. Trying to keep most of the woods and creek in one lot and with one property owner who becomes the steward of the land. That lot is the only one that will have an opportunity to build in the woods, the rest would build in the field. He assumes the Commission would want to see the property. They did not meet with Marysville Township on the “cluster” request” had thought that could be done administratively; but is willing to meet with them also.
- C. Bravinder asked about the lot on the north and if it includes all the land to the west? Otto stated they included the swamp and very little useable land except maybe in the winter. Felger asked about the building site on Lot 1. Otto – felt it would be near the tree line, on the edge of the field. Lots 3,4 & 5 felt the elevation of the highwater level is at the edge of the woods and the building site would likely be at the edge of the woods on those lots.
- D. Chairman opened the public hearing for comment.
- E. Ann Smith – has lived next to this property for 47 years and does not want development to come. Asked how close the house would be on Lot 1 which is next to her land. Otto expects it would be in the middle of the lot, in the back of the field near the tree line. Riley estimated that could be 100-120’ from the north property line. Otto stated the minimum setback is 30’ from the line. Riley noted on this large of parcel, most owners would not want to crowd a line.

- F. Riley clarified for Felger the location of the three cluster lots, directly south of proposed Lot 4.
- G. Bravinder moved to continue the hearing to June 3, 2021 for a site inspection. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **ANTHONY M. RIEGER-BORER** – New Item

LOCATION: 11988 Jarvis Avenue NW – Part of W ½ of NW ¼, Section 3, Township 121, Range 27, Wright County, Minnesota. (Long Lake - Corinna Twp.) Tax #206-000-032200

Petitions to rezone 10 acres of existing 39.2 (approx.) parcel from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 as regulated 155.028, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Anthony Rieger-Borer & Adam Rieger-Borer

- A. Riley – reviewed the location of the property. Existing zoning is AG and in the Land Use Plan for AG. The surrounding land shaded green is Public Lands. The property has a dwelling and restricted has no more “entitlements”. Request is to rezone 10 acres to A/R for one more building site.
- B. Anthony Borer – looking to get a building site and does not matter to them how the lot is configured.. The lines suggested includes the wetlands. That was the old homesite with sheds and the wetland. The rest they would put into a Land Trust and preserve that with a perpetual easement. Had owned a prairie restoration company here and a project was done. They want to protect these species. Only one home, no development is proposed. The building on the north end is his home. This corner is where the outbuildings from the original homesite are. This would be a building site for Adam.
- C. Felger questioned the buildings on the property and asked for an explanation of the Land Trust. Anthony Rieger – this is a National Organization, with a MN chapter that monitor these. The Trust would have an exclusion for the house, this is a legal covenant which states it must stay as it is, even the house. This would protect the wetlands and prairie, is managed into perpetuity and there are people in Minnesota that monitor it. Felger asked Riley if that is his understanding? Riley – that is beyond what he knows. Mahlberg – agreed with the applicant’s general description. Anthony Borer– although he plans on setting up a Trust, it his “give” to do this.
- D. Bravinder – realizes they don’t want to see “hop-scotch” zoning, but looking to the east of the DNR land it is zoned A/R. This cannot connect to the other A/R zoned property because of the public land. Anthony – agreed.
- E. Felger opened the hearing to the public.
- F. Mary Lefebvre - 12405 Jarvis Avenue NW– they have always been neighbors and she is still farming on land where she grew up. Other neighbors present have always farmed out here. They understand that Planning & Zoning have plans to follow and they do not have an objection to people using their AG “entitlements”. Are concerned once they put in the A/R zone it could open other properties to rezoning. Other owners will use it as a precedent for properties designated for Agricultural in the Plan. They have experienced what happens with more development, it creates more challenges for the farmers. Restriction’s mount and make it burdensome for the farmers and their rights are taken away. More homes bring assessments for road work new residents want as things get built up. She is not in favor of putting in a residential zone and once it is changed it is done. In response to Felger, she pointed out on the air photo where her farm is and where her son is located who farms with them. The land they rent was also pointed to as well as the neighbor’s

farmland and land in CRP. Another neighbor who wanted to develop lots for homes was turned down.

- G. Loretta Peterson – 9430 1029<sup>th</sup> Street – expressed concern with the result if rezoning is approved and where it will stop. She has over 76 acres they want to keep in CRP. Everyone is trying to break up land.
- H. Jim Dierkes – 9001 115<sup>th</sup> St. NW – has lived out here since 1972. If they start rezoning ag land soon there won't be any left. He wants his land to stay ag and everyone around him and don't want to see that change. Although this is a neighbor; felt it should stay ag. He farms to the west.
- I. Marty Lefebvre (remote comments) – lives at 12481 Jarvis Avenue – reiterated the comments. The applicant is a good neighbor, however, there is a Land Use Plan in place for a reason. Understand there is going to be growth, however, the County must be careful where. They need to have a balance and protect the agricultural lands. It is a slippery slope if they rezone land not in the Plan. Understand the Land Trust is unique, but other owners might feel their situations are unique as well. Property to the north wanted to rezone last year and Clearwater turned that down. Felt there should be some consistency.
- J. Danelle Lefebvre – 12481 Jarvis Avenue – reemphasizes what her mother-in-law and husband stated. She personally does not know the applicant. If it were rezoned already or have another entitlement that is one thing, but to change it now she is what might come about years down the road and what they could be looking at. Their sole income is her husband's farming operation. She noted the conflicts that the farming operations have with residential. Concerned that rezoning opens the door for others. How would this affect the hunters in the area.
- K. Anthony Borer – does not know how much weight legally the Land Trust has, but the people who spoke and these other properties will not be protected. The future depends on the owners wishes or the County. His land on the other hand would stay as is. The reference Dierkes made had to do with a consideration to divide land between his children, but not build homes. What the County gains is the offer to put the land in a Trust to be protected into perpetuity.
- L. Mol – stated he lives in the area and heard Bravinder's comment. He noted there is existing development around the lakes, Sugar to the east and Bass to the west. However, properties along 24 are agricultural. He feels they must be very careful rezoning in this area rezoning when not in the Plan. Also, it is surrounded by a wildlife area and with hunters using this area questioned whether it is the right thing. He noted they hear things are being done for family, but situations change. Did not know that is good reason to consider when it is not in the Ordinance.
- M. Mahlberg – stated after listening to what is being said, shares a lot of Mol's sentiments and others and is trying to figure out where this Commission is at. Often times, they do make exceptions. Former Commissioner Borrell had the opinion, if all they do is follow the Plan, what are they doing here. He is not changing his sentiment but now the area has driven the road often. If they go look at this they must consider whether this is a rare and unique circumstance. The Trust is not making that argument, but it might be worth looking at the layout of the property and location of the wetland.
- N. Bravinder moved to continue the hearing to June 3, 2021 for a site inspection. Tanner seconded the motion. VOTE: CARRIED UNANIMOUSLY

- O. Anthony Borer – understands it is hard to attach the Land Trust with their decisions but feels that is a good precedence. If people who are willing to preserve their land into perpetuity, that would be a good land use precedence.

### **FINAL PLAT**

On a motion by Bravinder, seconded by Mahlberg, all voted to approve the final plat of Franklin Woods and authorize the Chairman's signature.

### **SITE INSPECTION**

Commission scheduled site inspections for Monday, May 24. Members to meet at 9:00 a.m.

### **DISCUSSION**

The COVID restrictions were discussed. The new Governor's Order was noted and the changes coming. Riley anticipates they may be back to in person meetings in the evening by July.

Meeting adjourned at 2:40 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp