

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 3, 2021

MINUTES – (Informational)

The Wright County Planning Commission met June 3, 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 all Board members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, provided legal counsel remotely.

MINUTES

On a motion by Felger, seconded by Tanner, all voted to approve the minutes for the May 13, 2021 meeting.

1. **KAMI HOLDINGS LLC** – Cont. from 4/15/21

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, representing Kami Holdings; Paul Otto, Otto Associates

- A. Riley summarized the request and location of the property on Lake Sylvia. The Commission has made a site inspection. The County Board accepted the recommendation of the Planning Commission and rezoned the property to R-2a and Planned Unit Development District. The Conditional Use Permit for a preliminary plat is under consideration and a concept plan. Information provided since that time includes changes to the concept plan viewed at the last meeting and the reason Staff did not prepare a suggested motion.
- B. Otto – there is a lot going on and want to discuss house and driveway placement. Explained the existing buildings from the former Koinonia Retreat center would be removed and they have gone through the changes with Staff. He pointed out the value in this property is the lake and ability to get to the lake. Originally thought they would put the homes on top. After looking closer at the property, they feel they can get some lots and roads to the lake. A PUD allows more flexibility and looking for some direction from the Commission. They could work on wetlands and bluffs with Staff. Another option is to drop one lot and not do a PUD. This is an attempt to create the best subdivision possible.
- C. Mol asked the Commission if there are any comments before opening to the public.
- D. Frank Lushine – resident since '76, previously, bought 35 acres which was the Stearns Camp in 1984 and sold half to Jim Scheibel and now has two homes on it. The citizens concern is that this proposal will destroy one of the last remaining beautiful spots on the lake. He strongly opposes any subdivision of this sort especially within 75' of the lake. He went through this last fall when he did most of the work the applicant has done, United Methodist had wanted a use plan that incorporated a "Christian" carry over. At the time, Lushine had contacted the Carlson family, Marilyn Carlson-Nelson & Glen Nelson who are very concerned. Asked any decision is delayed until the members can talk to Kami Assoc. and make an offer that will be hard to refuse. They

would buy Kami out and give the entire 70 acres to the Lake Association for their use in perpetuity. The piece of land is unparalleled. The Carlson's are concerned they will knock down the Carlson Chapel. The lake needs less traffic, want to ensure the beauty of the lake for generations to come and is not only a benefit to Lake Sylvia, but Wright County. Asked for some delay for these negotiations. He had plans to do this last fall, the owner and Lake Association are supporting him, his offer was 2.2 million, a counteroffer he accepted was at 2.5 million. With this offer had asked for time to meet with the Zoning Administrator, his attorney, and his surveyor. At that meeting he was told he would have put homes 600' back and he backed out. His plan was to put in two homes and dedicate 70% back to the Lake Association. Understands everyone involved wants to make money; but asked for a delay in any decision and urged them not to allow development.

- E. Russ Fortner – resides at 14763 77th St. - President of the Greater Lake Sylvia Association – he has not heard of Lushine's offer until today. His concern is the trees and shoreland. In January he received a map and plan from Steve Bruggeman, Oak Realty who is representing this sale for the property owner. The plans showed homes 600' up on the bluff and that is what he informed the Association members. Most members hearing the homes would be 600' back from the lake were satisfied, although there were some concerns about preserving the trees. Now he is hearing the road will be in front of the bluff and homes 75'-100' from the lake. Members should be informed of the change to the concept plan. Felt the change was slipped in at the end. Much discussion is needed and agrees this proposal should be delayed.
- F. Linda Ruetz - owns property at 15314 76th St. NW – is opposed to splitting this up. She spoke with Christine Austin at conservation easement division of the DNR and was told if not split up the DNR would be very interested in purchasing a minimum 20-acre parcel for a conservation easement. They would pay 50% of the land value (excluding the buildings) and the rest of the property protected in perpetuity. In the current climate crisis, she felt they need to protect remaining forests to reduce the carbon into the air and this is a priceless piece of property that should not be split up and developed.
- G. Deb Iverson – owned land out here since 1963 out here. – the Camp is a jewel of the lake and the lake does not need more development. Destruction of wetland and wildlife habitat is a negative. Agrees Lushine's offer is great and would like a delay to allow for a different choice.
- H. Grant Merritt – 8124 40th Avenue N. – New Hope – been following the proposal as a member of the Hennepin Methodist Church and a member since Carlson donated the land to the Church in 1962. He and his family have spent time out here in the winter and buildings are solid. He is a member of the Parks & Trails Council of Minnesota and former president of the Hennepin Ave. Methodist Church Board. He has dealt with many special places in Minnesota and this qualifies as one of them. The first concern was the setback because it is only 75'. The proposal is for six homes, concern of use of lawn fertilizers and potential pollution to the lake. Visited the site two months ago and found some of the "Big Woods" here. As an attorney he represented owners when Providence Academy were planning to chop down the Big Woods in Wayzata. They successfully convinced the council to urge them to go elsewhere. There are some of these woods left in Nerstrand, but there are not many left. He found some of the "Big Woods" on the property and could be where some of the homes or backyards would be. He felt after the pandemic these retreat centers will be popular again. He feels this development unwise and urged the Commission to deny the request and see if there is a better plan to preserve the property. The Church has not reached out to the conservatory or Land Trust which he felt is unfortunate.

- I. Otto – they are unaware of other offers and does not know if that make any difference to his client. He would like to have discussion about the proposal. A buildable area is shown where they could build meeting Wright County’s zoning standards. The plan shows a 100’ setback. Lots 5 & 6 are near that setback and would like to use the two trails that come down to access that area. The Commission has decided this is a property that could have lots. Looking at the same configuration they approved for rezoning. Wants to hear what makes the most sense, where the homes can be and useability of land and preservation. Although there may be some remnants of some “Big Woods”, there is a church camp in the middle. There may be some remnants, not sure. He is not familiar with the marketing of the property and the fact is no one else bought the land, his client has. Asked the Board to move forward and consider what is before them. Tucci – they have a purchase agreement. Where the bluff is they are trying use the 10’ wide asphalt path and feels they can make that into a 14-16’ wide drive and would only take 2-3 trees out. They would not want to clear cut for open space; but would fit homes in. The homes on Lot 5 & 6 are at 100’ back and stay clear of the bottom of the bluff.
- J. Thompson – asked if the applicant now owns the property. Tucci – there is a signed purchase agreement. Otto – the owner has signed the application and are a party to this.
- K. Tanner - relayed a similar property in Otsego with a park dedicated many years ago and some of the residents were quite upset when the City considered a development. A neighborhood meeting helped. Otto – the County does not have a requirement but has no objection to that. Tanner asked what the typical species of trees found here? Otto –had not noticed. Tucci- replied, Ash & Oak. Tanner – how would runoff be addressed. Otto the plans include stormwater management with two infiltration basins that mostly handle watershed from the road; but are “super treatment” and are handling the hard cover for the entire site. Allotted 20,000 sq. ft. in that design and if a purchaser would go over a half-acre of hard cover, they would have to address the watershed.
- L. Kaczmarek – in summary the potential offers are not before this Board. The proposed plan in red with house placement is before them and Staff have indicated they need more time to review. He feels it is up to the applicant to present a plan and not for them to design. They can weigh in on what they are being presented, but it is not their role to tell them what to come back with.
- M. Bravinder – questioned where the 600’ setback came from? Riley – assumes if the homes were at the top of the bluff that would be the approximate distance from the lake. This is not a standard; but putting in a road that far from the lake, having severe slopes and a bluff between and distance to build at the back. Bravinder – lake setbacks for different lakes? Riley – they range from 75’-200’ and none of those setbacks will get to the top of bluff. The PUD allows for this kind of discussion on arrangement and placement. Bravinder asked about the cross over at Lots 5 & 6 at the bottom of the hill. Otto one of the buyers plans to build on Lot 6. Wants to use the bituminous coming down there minimize what is coming down the slope and share that access for the other lot. Technically he can build his own driveway; but wanted to present it that way.
- N. Felger – asked if the Town Board approves the rezoning. Riley – they did and initial concept plan. Felger – the recent changes in the plat require more Staff review and he feels he would need more information to study that. He is not in favor of the long driveways and the buyer of Lot 6 did they look at that extension to other lots. Otto - Could look at R-2a standards if not a PUD. The outlot would be a remnant or tied into something else. Lot 1 is angled to use an existing driveway. A standard plat would be five or maybe six lots. Otto noted the PUD allows the Commission to ask

for more, otherwise they just have to meet the lot standards and would only be addressing if there were a separate land alteration permit not where the homes can be. Otto indicated they are willing to make some conditions for the PUD; but did not think restricting them from building down by the lake is fair. Felger this is a General Development lake? Riley it is classified by the DNR. Felger would be in favor to continue another month to see if the current proposal can be tweaked, not because of comments that there might be other offers.

- O. Riley – although it is not the Commission’s job to design, they want to avoid further engineering and designing if in the end there are still serious concerns about this. The Commission requires access points at the road, but don’t have new plats driving down 400’ and then driving over to a house site. The bluff should not be torn up by a driveway, but it is being caused by the house location. If the bluff was meeting the bluff setback, there would be no need to get this access. The Planning Commission is issuing a CUP for a subdivision and there are bluff features on up of four of the lots. If these were existing lots they would be requiring a CUP for a land alteration for all these driveways with a detailed plan and the Planning Commission would have the authority to approve, deny or modify a plan. They do not have the detail they need. What should come first is where they are comfortable with the location of the homes. If they agree on alternate locations before them, that will require much more detail that the Commission will have to decide on.
- P. Bravinder asked what Felger meant when he wants things tweaked? Felger – had the understanding the homes would be further back. The private driveway can be as long as they want. Visiting the site he was concerned with the trees and wetland. Understands Otto’s comment about when buying a lot you want to use the lake. Would like to see the trees preserved, keep the neighborhood consistent and not cause a lot of destruction. He is not particularly happy with what is before them; but if it can be designed with the least impact on the woods, wetland and neighborhood that is what he wants to see.
- Q. Mol – as a member of the Board of Adjustment he has concerns about potential variances. The Commission is sitting with a blank slate and all development should meet the setback standards. Also consider any future decks and other construction after the lots are developed. He is concerned about what is before them and would like more time.
- R. Thompson – agrees with the comments about any future appeals to the Board of Adjustment. She feels the changes is an attempt to circumvent the Ordinance. Felt it was a waste of everyone’s time to not come prepared. She would support the Board’s decision. She had not voted in favor of the previous action because there were too many unknowns. The applicant must finalize the plan and have Staff review before she wants to consider this again. Otto took exception to her comment and stated they have looked at detail on that. He has been before the Board enough to know that he needs to show it on his plan. His intent was to show the Commission what an option will look like if they build down by the lake. Before they further develop the plan, he needs to know whether the Commission is okay with that. He is not trying to play games with the Commission or sneak around. Tucci – understands the comment, but they asked to set this up. The box shown is a 60’ 80’ house and have thought of where decks could be. They have designed this so they would not have to come back for any variances. The 20,000 sq. ft. hard surface is in the watershed calculations and they show it will handle the water shed. The bluff line setbacks have been identified, wanted to show where they could build. The shared drives for Lots 5 & 6 would preserve trees, there is enough width and estimates only 4-5 trees would be removed and what they were trying to set up.

- S. Thompson – moved to direct the County Attorney to draft Findings consistent with denial of the request for a Conditional Use Permit and continue to the next meeting. She noted another request for a development of a group camp, the Commission had moved to deny that request.

Mol asked for a second three times.

MOTION FAILED

- T. Felger moved to continue the hearing at the applicant's request to July 1, 2021. Bravinder seconded the motion and commented shared driveways are not something he wants to see and would want further detail on that drive.

DISCUSSION: Tanner – if the Plan fits all the criteria he could support it. Suggests they work with the property owners' group out here. Thompson asked if the continuation could be delayed until, July 22 when she could be present. Mol noted he has a motion and second on the floor and called for a vote.

VOTE: CARRIED, Thompson voted nay

2. **JUSTON D. DOOLEY** – Cont. from 4/15/21

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 in an expansion and remodel of the existing building or allow it in a 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 summarized the matter was held over from the last meeting after there was discussion on changes to the plan and allow some flexibility. New notices went out and the current proposal is to make changes to the existing building and allow some remodeling for the pizza oven.
- B. Dooley stated he had explained at the last meeting he had concern with the high cost on the bid for labor and material. The increase was substantial over the last couple months. He has modified his plan and would like to put the pizza oven in the backside of the existing building where he currently “soft” prepares the cheese and meat trays. He has been in contact with the MN Dep’t of Agriculture who have said this is 100% acceptable with them. These are wood fired ovens and there would be no other changes.
- C. Kaczmarek noted the Town Board approves and there have been no further comments from the public.
- D. No one was present in the audience or online to speak on this item.
- E. Kaczmarek moved to approve an amendment to the existing Commercial AG Tourism Conditional Use Permit to allow for limited food prep in the existing tasting room OR the newly constructed building to include the installation of a pizza oven with the condition permits from the appropriate agencies including a building permit from the Planning & Zoning office are obtained. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **ANTHONY M. RIEGER-BORER** – Cont. from 5/13/21

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: Tony Rieger-Borer & Adam Rieger-Borer

- A. Riley noted the hearing was continued for a site inspection. The property location map, zoning and land use maps were displayed and reviewed. Property is zoned and designated for General AG.
- B. T. Borer stated he was not available to be at the site inspection.
- C. Mol opened the hearing to the public.
- D. Mary Lefebvre – restated much of her testimony from the first hearing. Reminded the Board the family farm operations that are directly north, the long history and importance of protecting agricultural areas to protect the farm operations. The applicant moved into an area that is AG and has a limit of “1 per 40”. Noted even with the applicant’s offer of a “gift”, rezoning would set a precedent and they lose control. She urged the Commission to stick with the Land Use Plan, they will not always be members of the Board. Although she can understand the family dynamics, today, few people stay in one place long, jobs and other life changes come into play. She noted on a 120-acre family farm they clustered two entitlements in a corner near a swamp where the land was not as productive. Asked the Commission to consider the impact on their livelihood. Residents are often bothered by the noise, smells, etc. of normal farm operations.
- E. Marty LeFebvre – noted the Commission made a site visit and could see all the properties around are agriculture and not an area planned for growth and A/R. The Commission has heard from everyone up the road who are opposed to the rezoning. The DNR land to the east will prevent growth and remain undeveloped. Requests the Commission to stick with the Land Use Plan, or if they do not it will open the area to further development and then where will it stop. Understands there will be growth in the County, but it should be researched and keep with the Plan. Understands there are exceptions but did not think this is one that fits that. Careful thought should go into the decision. If his neighbor could put a house without rezoning he would not have a problem with it.
- F. Jim Dierkes – lives to the west across the road. Asked if he can just rezone the ten acres and not the rest? Riley – the applicant is only asking to rezone a portion of the land, 10 acres. Dierkes – questioned that because he thought they would have to rezone the entire parcel. The applicant is thinking of a Land Trust, that is not set in stone. There is no requirement he must. Mol – no, that is voluntary by the applicant. Dierkes – construction of the applicant’s new house went on for 7 years, then the applicant came back with the old house still on the property and asked for what would have allowed 6-7 homes. Mol – that was something the Town Board had before them and did not come to this Commission. Dierkes – did not see the Land Trust happening, the applicant knew the area is zoned AG. Neighbors object to rezoning,

- G. Danielle LeFebvre – neighbor – wanted to point out if they could build another house and not rezone she would not object. Rezoning could open things up for development years down the road. They farm as well as her in-laws. She noted other operations along here and asked if improvements would come after residential development is allowed. Understands the sentimental reasons to have a family member build out here. There are properties nearby that have come up on the market for sale if he wanted to live by his parents. The area is planned to remain zoned AG. Understands land around Sugar Lake has developed; but felt that is different. The Plan shows this area is designated for AG and wants to see it stay that way.
- H. For full disclosure, Mol stated he spoke with Ass't County Attorney, Kryzer, and wanted to inform everyone that his daughter married into the Lefebvre family who are neighbors to the applicant. He has no financial relationship with them.
- I. T. Borer – stated he respects his neighbor's opinions, and he is not trying to create any growth for this area and knew this was a "1 per 40" density. He has lived here for 27 years. The previous request that Dirkes referred was an attempt to give each of his kids lots and it was four, not six and it was right after the Township broke off from the County. His request is to get one home site for his son and realizes the Land Trust cannot be a condition of rezoning. The Trust does take some time to accomplish and had plans to do this regardless. Likes his land and wants to preserve it.
- J. Tanner asked to hear from Adam and his plans. A. Borer – explained he grew up out here, went away to school, lives in Clearwater and has become a business owner the last five years. Wants to live and stay in the area. His Dad has made a beautiful prairie on this property and if he could live out here and would also be a caretaker for his parents in the future. His Dad is the primary caretaker for his mom. He and his wife who is a nurse, can help care for his parents. Tanner asked what business? A. Borer stated he leases property in Rogers and is in the wholesale food business.
- K. Kaczmarek – the applicant understands it is a process to find out the outcome. The information is provided in the packet, Town Board denies the request and provided their reasons. Kaczmarek read the policy on allowing "exceptions in rare and unique circumstances". If there are any, he felt it was created by the applicant and did not find anything unique to go outside the Plan. Riley – clarified that the Town Board has approved the ten-acre request before them. The previous action by the Town Board had seventeen-point reasons for denial and was also enclosed in the Commission's packet as questions about this previous action came up from the public. It is correct that the Land Use Plan was for AG for both requests. T. Borer stated he would not have pursued this if the Town Board had not approved.
- L. Bravinder – compared this request to one in Marysville Township. Riley – that one was in the Plan for A/R and the entire parcel was rezoned because he split up the property in more than one lot. The original parcel was a restricted parcel.
- M. Tanner the applicant brought up that they are a caretaker. T. Borer – stated his wife has a neurological disease that is progressive. Tanner – to him that is a rare and unique and is reason to have your kids nearby.
- N. Jake Piram –on WebEx – noted they have one person trying to change the Land Use Plan for the entire area. He grew up out here too. He would love to build out here too, but his family has 40 acres and would like to give him ten acres also. However, to do that it would change the Plan. If

there is a way to get around that and to help his family out, that is one thing, but it would change the entire area. They were one of the first ones out here, but the area should not be changed for one person. This was tried in the past. Riley – the previous request was not before this Commission. The information was included in the packet as some history for the Board. Piram stated he is against this. One person should not change the Plan asked if the AG is correct? Riley – is zoned AG and there is not a way to get around the “1 per 40” density without rezoning.

- O. Mahlberg – with the “rare and unique circumstances” provision he though you can find something different or compelling, but that is different from the standard. As he sees this parcel he could say the topography of the spot is a great place for a house and it is not the best agricultural land in this corner. However, you could make the same argument for AG zoned properties all over the place. As he sees it “beauty is in the beholder”. He can see that it is unique but is also concerned with spot zoning.
- P. Mol – he has tried to stay with the Land Use Plan. He considers this spot zoning. This is the corner of the two Townships, there are large farm fields in the area. There is the State lands and AG does not limit it to tilled soils, it also includes woods and wetlands. Looking at the NW Quadrant Land Use Plan this is not in Clearwater or Corinna Township areas to be A/R. Much talk about working on the LUP, however, the Townships have not petitioned to open the Plans for reconsideration. Much work and time went into the development of the current Plan there are areas included for growth. The Commission hears often that the Plan is not what people want; but the Town Boards would have to petition the County Board to reopen it. Understands people have special needs, he also has a family member with special needs. They must consider the long-term impact, a decision impacts and includes the entire County,
- Q. Thompson – agrees with Mol and does not support spot zoning, although she sympathizes with the family’s situation.
- R. Bravinder – has considered the rare and unique exception. Because of the DNR public land it will not further develop. Also, Tanner brought up the issue about the health care needs and understands that need. He is not disagreeing with Mol; but is in favor for the reason he finds it rare and unique.
- S. Felger – he has been struggling with the request, particularly on the spot zoning. The Commission has been faced with these challenges in the past that don’t fit the letter of the law. If they only looked at the Plan, what would the purpose of having a Commission be. The Commission does not rubber stamp anything. They do vary from the Plan on occasion when there is room to do it. The Commission takes the Town Board’s recommendations seriously. Did not know if the Town Board heard from the neighbors. The request is to rezone just ten acres. It is unique because the property is surrounded by the DNR land on three sides, never to be touched. He recalled a property that was not in the Plan and they rezoned it. They can do this provided they have input from everyone and authority within the Ordinance. He noted the 39 acres is not actively used in growing crops other than prairie grasses. He asked if there is a provision in the Ordinance to allow two homes for caregiving? Riley – not a second home. The County Board has a medical assistance permit, not a permanent home or division of the land. Felger – that Ordinance could be used in the middle of AG areas. He feels it meets the rare circumstance. Does not feel it would set a precedence because the Commission looks at each situation. Understands there are differences of opinion on the Board.

- T. Tanner moved to recommend approval to the County Board of Commissioners to rezone from AG to A/R based on the discussion and finds it is a rare and unique circumstance. Bravinder seconded the motion.

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

- U. Thompson moved to direct the County Attorney to draft Findings consistent with denial and continue the hearing to July 1, 2021. Kaczmarek seconded the motion.

VOTE: Thompson, Kaczmarek, Mahlberg & Tanner NAY: Felger & Bravinder

- V. Tanner moved to close the public hearing portion of the hearing. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Mol recessed the meeting for five minutes and reconvened at 3:00

4. **DONAVON L. DesMARAIS** – Cont. from 5/13/21

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, Minnesota. 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: Donavan DesMarais & Paul Otto, Property owner Belinda Jones in the audience

- A. Riley noted at the first hearing, the Commission continued for a site inspection. The two-part request is before them. The first is for the cluster of three “entitlements”.
- B. Otto had not met with Marysville Township where one “entitlement” is moving from to create the cluster. Division Street is the common town line. They denied it and are concerned with development and losing one “entitlement. He noted there may be some confusion about the specifics. The “entitlement” can be transferred between properties owned in common, it is the cluster of three or more lots in one location requiring the Conditional Use Permit. He stated they are trying to use the property as best possible. The location uses the narrowest part of the property. He reviewed other options that would not have to come before the Commission. Are trying to work within the Ordinance rules with Staff and what they need to come before this Commission. He feels it makes sense to keep the four-acre lots together on the south end rather than spreading them out around the property. The following agenda item is a rezoning for larger 10-acre+ lots directly adjacent on the lake.
- C. Felger asked if the applicant met with the Chatham Town Board earlier and recently with Marysville Town Board. Otto – right, they were directed to meet with the Marysville Town Board because one of the lots fronts on their road.
- D. John Pawelk – 734 Bice Avenue – have talked with several of the neighbors. Everyone is concerned about the additional traffic the road is heavily travelled already. This road is narrow and a gravel road. None of the neighbors he has talked to are in favor of this.
- E. Tom Schuveiller – Chatham Town Board Supervisor – Chairman and other members of the Board are against this; they are concerned with the increase in traffic and loss of farmland.
- F. On line was Deb Uecker, Town Clerk for Marysville Town Board – they did meet with her Town Board. The Board’s concern was the moving of the entitlement and they are not looking for more traffic on that road. Riley – explained the total property that is between the two Townships and if were sold separately where the entitlements are located. Also, how they can be used with administrative approval. It is because they have decided to use three in one location that they need a CUP for a cluster. Could there be as much traffic on Bice Avenue if the “entitlements” were spread out. There is the matter that one Township is losing tax base by the loss of one entitlement. The County has not done any statistical studies on whether more “entitlements” are leaving than coming into a particular Township.

- G. Kaczmarek – noted both townships have expressed concern about traffic. Asked if all access town roads and could the potential homesites be pointed out. Riley – pointed out the roads and likely traffic routes that serve the area. Kaczmarek stated he is familiar with the area, but one road is a division road.
- H. Mol – wanted it to be clear that they do not confuse the two requests. The rezoning for the additional lots is separate and if this is approved, does not mean the second request would be approved.
- I. Thompson – asked the reason for the “cluster”? Otto – this is where the road frontage is. The entire property has six “entitlements” and they all could be used anywhere as long as they meet the requirements. The property owner wants to keep others in Marysville Township. However, felt they are best suited in the south end of the property, where it is narrow, seems to fit and gets to the lake and works with the following rezoning. He felt this makes the most sense. Did not think a Planned Unit Development District fits this area, is more rural than other areas of the Township and the type of road Bice is that serves the property. There are two “entitlements” on the property in Chatham Township. Thompson – would there be an objection if they did not bring the third lot to this location? Otto – would not have required they get Township approval; it would have been Staff approval for two lots. The reason for the CUP is they are asking to put them together.
- J. Bravinder –he has been on a Town Board for many years and in his Township they make sure the roads are managed properly, dust control and the roads are in good shape for the traffic. They have found the increase in tax base covers the cost of additional road maintenance. The reason he brings this up is the negative comments they received for the “cluster” request.
- K. Felger – clarified in Chatham Township there are two “entitlements” as it sits, with four in Marysville Township. He asked if all six could have been moved to Chatham or vice versa? Riley – not with an administrative approval, it would have required a Conditional Use. If the “entitlements” were used between the two townships in a manner allowed by Ordinance, they would still obviously be using the same road. The consideration is to add one to what is allowed in Chatham. His point is the traffic could be the same. Felger questioned the Land Use Plan? Riley – the current zoning is AG, the Land Use Plan is A/R and portions of the property owned in Marysville Township are planned for A/R.
- L. Felger moved to approve the cluster of three “entitlements” according to the concept plan provided. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- M. Thompson asked how the townships’ traffic concerns would be appeased. It was noted there was no response to Bravinder’s question.

5. **DONAVON L. DesMARAIS** – Cont. from 5/13/21

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: Donavan DesMarais & Paul Otto, Property owner Belinda Jones in the audience

- A. Riley reviewed the portion of the property lying north of the previous agenda item, “cluster” hearing. The zoning map displayed shows the current zoning is AG and the Land Use Plan has the area designated “Rural-Residential”. The rezoning of the property left over from the “cluster”. A concept plan shows four lots that would be on the lake and access along Bice Avenue.
- B. Otto – noted the Planning Commission viewed the property and see why they are asking for A/R zoning and not a Planned Unit Development, but large lots will better fit the land and roads. One of the lots contains most of the woods. The proposed development plan was provided. The property around here has been rezoned already and this fills in a corner of the Plan.
- C. Tom Schuveiller – Chatham Town Board Supervisor noted they were asked for their opinion, but it made no difference. Felt it was a waste of their time.
- D. Deb Uecker – Marysville Town Board has no comment, the rezoning is not in their Township.
- E. Kaczmarek – asked if the line of sight for access come into play? Riley – it is a consideration and Township is the road authority and the Township has denied the rezoning. This is not the subdivision stage and it is not when they make decisions on the layout. Kaczmarek – the Town Board member had a comment about steep slopes on the road. Riley – would be helpful to have input on the driveway locations at the subdivision stage.
- F. Felger – the surrounding property has some smaller lots. Asked about the lot sizes to the east? Riley – they were pre-Ordinance zoned AG. He estimates they are 5-10 acres. Felger is seeing smaller lots than proposed lying to the east, south and on Birch Lake. The point Otto defined is that he sees this as an infill area. Riley – this is a smaller township, close to the City of Buffalo that experienced a lot of developments in the 1990’s, but still has a lot of good farmland. Even though the land is in the Plan, rezoning is not a guarantee. They don’t want to look at Chatham in it ‘s entirety as an infill area.
- G. Mol – a criteria they have looked at is whether land is riparian. This property is on the lake and that is a consideration of the Ordinance.
- H. Bravinder moved to recommend approval of the rezoning from AG General Agriculture & S-2 Residential-Recreational shorelands to A/R Agricultural-Residential and S-2. Tanner seconded the motion.

DISCUSSION: Mol wanted to relay to the Town Board that the Commission does take their comments and recommendations seriously. However, they also take into consideration and uphold the Ordinance. These are difficult decisions and the Commission take the responsibility serious, do not take these decisions lightly.

VOTE: CARRIED UNANIMOUSLY

- I. Bravinder moved to continue the Conditional Use Permit to July 1, 2021 for County Board action on the rezoning and completion of plans for the preliminary plat. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **MICHAEL A. COHRS** – New Item

LOCATION: 5667 90TH St. SE– Part of W ½ of E ½ of NW ¼ of NE ¼ Section 24, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) 00000000000 Tax #208-200-241202 Property owner: Wuerger

Petitions for a Conditional Use Permit to locate a 17.4 kilowatts AC solar array on the property as regulated in 155.029, 155.047 & 155.108(A)(2), Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Mike Cohrs & Janet Wuerger, owner

- A. Riley reviewed the property location, zoned A/R and in the Transition Area of the Land Use Plan. The property is developed, house and apple orchard were noted. The proposed improvement is a residential 17.4 kw solar system. A conditional use permit is needed for any system in excess of 10 kw and is a residential zoning district. Riley noted most of these systems are on property zoned AG. The applicant did not meet with the Town Board, but they have indicated they are comfortable leaving it up to the Commission. Felger asked if the Town Board is asking for a continuation? Riley no, but they could formally review this with the applicant.
- B. Cohrs – explained this is not for a commercial operation, but the residence. He explained the panel sizes that would have an overall width of 100', 14' deep, 60 panels and be 13.5' in height and on the south part of the property. Thompson asked if they are ground level? Riley displayed the site plans to show the location of the panels on the property. He compared the size with a commercial noted the size panel is similar to the commercial ones, just a much smaller number.
- C. Bravinder – asked what was referenced on the site plan as azimuth, 180 and if it is in relation to straight south. Cohrs explained the panels are aligned at 180 degree as much as possible. The panels will be tilted to 30 degrees.
- D. Mol opened the hearing for comment, asked if anyone is online from the public for this item. Riley did not have anyone.
- E. Tanner asked if these are similar to ones around the County? Riley – the County also have some mounted-on homes or other buildings. Most fall under 10 kw. There are larger agricultural ones. Mol in Cokato there is a 99-100 kw, just under the size. Riley noted that is an agricultural one.
- F. Kaczmarek –the size and residential use of this one is the reason it is not under the current moratorium.
- G. Bravinder moved to grant a conditional use permit for the solar array in accord with the site plan and narrative on file with the condition they formally meet with the Township and the Township approves. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **LUCAS D. BALDWIN** – New Item

LOCATION: 11513 CR 6 SW– Part of NE ¼ of SE ¼ Section 34, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-344100

Petitions for a Conditional Use Permit to locate three 30,000-gallon LP storage tanks as “non-commercial contractor’s yard” regulated in 155.003(30), 155.029, 155.048(D), Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Lucas & Amanda Baldwin

- A. Riley displayed the air photo and site plan to show the location of the property. The land is zoned and in the Land Use Plan for AG General Agriculture. The owner is constructing a home on the property and has made application for a contractor’s yard. The business is a propane distribution and activity would take place predominately off site.
- B. L. Baldwin stated they currently live in Winsted and are building a new home over this summer on this property. His family has been in the LP storage business and the events in 2019 pushed everyone to the limits. He explained the demand for LP for crops and felt he can help bridge the gap in the market for this area as well as for residential use. Also referred to the recent event with the Colonial Pipeline problem and felt they need to look for storage to guarantee availability in the event there is a similar crisis, especially in this climate does not leave people without heat. He is asking to locate three 30,000 gas storage tanks that are 70’ in length.
- C. Greg Bakeberg – Town Board Supervisor – stated the Town Board approves, there are already smaller businesses in the Township.
- D. Mol questioned Bakeberg on whether the road is adequate if the business grows. Bakeberg stated this is on a County road.
- E. Kaczmarek indicated he is familiar with the area. This is not on a narrow town road, but a County road where access is adequate. Town Board approves and no public comment was received. Asked if there are any special conditions for the storage of this? L. Baldwin stated it is subject to MN Fire Marshal requirements. The location of the tanks is 600-700 yards from CR 6, in the northwest corner of the property. The setbacks are a minimum of 50’ from the barrel to the property line and 50’ from any insurable building. Distance between barrels must be 5-6’. The contractor that will install will also be available for service. He noted a more volatile item is the small cylinders that are used for grills.
- F. Thompson asked if they should require any screening to buffer these. Riley stated his interpretation of the Ordinance is that the Commission can, but the location of these will be a long distance from the road. L. Baldwin – noted they are building as far back as possible. Riley displayed the air photo and the house and very large storage building locations were noted that would help block these from view. Noted the CR 6 does curve and the tanks would be visible across farmland from one direction. L. Baldwin indicated they don’t want to have them near combustibles if they were considering shrubs or trees. The large building under construction will cover these from the immediate view. Thompson asked if the permit should state 700’? Riley – they can approve it subject to the site plan and narrative. If they want to say it will be west of the house and shed being built. L. Baldwin – referred to the MN Fire Marshall has a standard of 25’

distance from a point of transfer. That could be another standard and they more than meet the depth.

- G. Felger moved to approve Conditional Use Permit to locate three 30,000-gallon LP storage tanks as a non-commercial contractor's yard in accord with the description and site plan submitted and the property is homesteaded. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **CHRIS A. LANTTO** – New Item

LOCATION: XXXX CR 3 & 37 NW- Approx. 1.5 acres being described as Part of SE ¼ of SW ¼ ,
Section 15, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.)
Tax #209-000-153410

Petitions to rezone from R-1 Urban-Rural Transitional to B-1 Highway Business as regulated in
155.028 & 155.053 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Chris Lantto

- A. Riley located the property that is currently zoned R-1 Urban-Rural Transitional. The property is at the intersection of the two county roads where there is a mix of business and residential along with the County Highway shop. The Land Use Plan was viewed to show the property is planned for commercial. The request is to rezone to B-1 Highway Business.
- B. Lantto – he is divesting and moving out of the area. Even though the County is planning to combine shops, he expects that building would stay commercial next door. The taxable value went up \$24,000 and he would not be able to sell a residential lot for an additional \$24,000. There is room for some businesses out here and reason for wanting to change it to B-1 Business. Rezoning gives more options. One of his son's may purchase it if it is commercial.
- C. Felger asked about the highway shop? Lantto directly west is the current County shop, and they are moving out. Across the road is a church. Lantto lives south of the property. To the east is the gas station and store he used to own.
- D. Mol opened the hearing for comments and questions, no response heard.
- E. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners from R-1 Urban-Rural Transitional to B-1 Highway Business because the Board feels it meets the criteria laid out in the Land Use Plan and the Township approved.
Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **JAMES FEEHAN** – New Item

LOCATION: 10356 Aetna Ave. NE - Part of N ½ of SE ¼ Section 7, Township 121, Range 275 Wright County, Minnesota. (Monticello Twp.) Tax #213-100-074202 & 213-100-074203 Property owners: James & Cherie Feehan/Matthew & Melissa Feehan

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential and for a Conditional Use Permit for a two-lot unplatted residential subdivision (one lot to include existing dwelling) as regulated in 155.028, 155.029, 155.048, Chapter 154 & 155, of Title XV Land Usage of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Jim Feehan

- A. Riley displayed the air photo, zoning, and land use maps. Currently the property is zoned AG General Ag and the Land Use Plan designates the area for “Rural-Residential”. Property has no further entitlements under the AG zone. Rezoning is proposed for A/R. The two tax parcels were noted and a concept plan shows the subdivision. A new ten-acre lot is proposed and the balance would be tied to an existing lot.
- B. Feehan explained the existing house used to be his and now is his sons who wants to own everything but ten acres on the north end.
- C. Mol – opened the hearing to the public, no one was in attendance or on-line that spoke. Mol asked the Land Use Plan to be displayed. Riley reviewed the Plan; the Commission recently heard and rezoned property directly north of this. It is in the Plan. The Commission had made a site inspection for the recent hearing.
- D. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the 54-acre site from AG General Agriculture to A/R Agricultural-Residential because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- E. Bravinder moved to continue the hearing on the subdivision portion of the request to July 1, 2021 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. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **ROBERT I. GRUYS, JR.** – New Item

LOCATION: XXXX 110TH St. NW - Part of Gov't Lot 7, Section 1, Township 121, Range 27 Wright County, Minnesota. (Indian Lake - Corinna Twp.) Tax #206-000-013402

Petitions to rezone from AG General Agriculture and S-2 Residential-Recreational Shorelands to R-2 Suburban Rural Residential and S-2 as regulated in 155.028, 155.050 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Steve Bruggeman, representing the applicant

- A. Riley displayed the location map, existing zoning, and land use plan maps. The property is designated for “Residential-Large Lot” and request is to rezone to R-2. The Commission had a similar request on the adjacent land the year before when the Commission made a site inspection. The concept plan for the second addition was provided, but that will be reviewed by Corinna Town Board for action. The Commission and County Board will act on the rezoning before them.
- B. Riley asked if anyone online or in the audience wanted to speak to the item. No response.
- C. Mol – pointed out the location. The Land Use Plan was viewed again to show the request complies. There is quite a bit of development in the area and near Sugar Lake. Riley there has been written comment included in the packet from neighbors and SWCD. Riley noted those were forwarded onto the Town Board. Mol – noted this land complies with the Land Use Plan, is riparian and the Town Board approves.
- D. Thompson – asked if there is a concern about not having an outlet for the highwater as noted in the written comments received. She asked Riley if it complies with the regulations. Riley felt as far as the comment he does not see a problem with meeting setbacks or lot standards. The Commission is only addressing the rezoning. The questions raised would have more to do with the subdivision and protecting the wetlands would be a condition handled by Corinna.
- E. Mol confirmed they are just looking at rezoning. If it is rezoned, the concept shows there could be four lots.
- F. Felger moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG General Agricultural and S-2 Residential Recreational Shorelands to R-2 Suburban Residential S-2 Residential Recreational Shorelands because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

11. **DEREK W. NIKKO** – New Item

LOCATION: 2820 Dempsey Avenue SW– Part of SW ¼ of SW ¼ Section 15, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-153300

Property owner: Peterson

Petitions for a Conditional Use Permit to operate a gravel mining operation on approximately 10 acres in the southeast corner of the parcel. Processing of materials such as washing and crushing will still take place in the applicant's current pit to the east.as regulated in 155.029, 155.048(D) & 155.100, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Derek Nikko

- A. Riley displayed the zoning and land use maps. Property is zoned and planned for AG. The existing operation with previous Conditional Use Permits was viewed on the air photo. This a stand-alone gravel operation without renewal They have received the base line conditions, mining operation and reclamation plans. Town Board approves. It has been standard procedure to make a site inspection on any new pit area.
- B. Nikko – stated they have been operating for 20 years, they are running out of material on the Theisen property. This source is on the Peterson property directly adjacent where they would like to mine into. The wash plant would stay in the current location and they would haul the material from the Peterson property to process the gravel. The mining area is about 10 acres on the adjacent property.
- C. Thompson stated she would like to see the property and suggested a site inspection. Nikko – noted Deckert, Environmental Health, took some good pictures. These were displayed and he described where the drive comes in, the hill was viewed is the bean field they would mine just 50’ before the trees. Riley stated it is typical that the Commission sees the site. Nikko stated he is out of material and would like to start next week.
- D. Kaczmarek – appreciated the complete petition including the information needed. Asked how long he expects the material to last? Nikko hopes to be done in 3-5 years. Kaczmarek - confirmed there have been no complaints. Riley no complaints and there has been some progress on reclamation. Nikko only one open spot way in back, with most put back to farmland.
- E. Felger – because this is a remote location and it appears a clean operation, he moved to approve a mining operation approximately 10 acres according to the site plan and narrative to expire in three years and reclaimed according to plans on file. Bravinder seconded the motion.

VOTE: CARRIED, Thompson abstained because she is not familiar with the property and wanted to view the site.

DISCUSSION

- A. Riley meetings will revert back to evening meetings. The reason they were using YouTube was because attendance by the public was restricted due to COVID. They don't have the IT staff present in the evenings. Kryzer – they would have to have YouTube running if any of the decision makers are on Teams, they have to provide the ability for the public to join remotely in order to meet the open meeting laws. Mahlberg if the meetings are returned to the evening, he will be present in person. Kryzer if all the decision makers are in the room, they don't have to have an electronic platform. Kaczmarek relayed what he has learned at the MN Rural County and bring up what is being proposed, July 1 decision makers have to be back in the room there could be violation, fines and the vote or quorum would not count. He proposes they bring it back they all have to be present or they are absent. He suggested a 6:30 start time and ease on Staff. Bravinder – there has always been opportunity for people to submit comment. He prefers to read these comments. Kaczmarek – did not sound like the legislature had any interest in changing the meeting laws. Kryzer – asked where the July 1 date came from? Kaczmarek, according to the MRC they predict the emergency orders set by the Governor was set. Riley – emergency order or not, if the Board members are present they do not have to stream. Kryzer – correct.

Discussion on the continued items. Kryzer – the neighbors should be renotified of the time change.

- B. Felger –had suggested the start time of the meetings, moving meetings to 8 p.m. in the summer and that was not accepted. Mol – the farmers have a difficult time getting to the meeting at 6:30 – 7:00. He has difficulty often to get here much before 7:30. He noted the meeting used to be 8 p.m. and moved to 7:30 p.m. Riley, the late meetings only happen a few times a year. Kaczmarek – felt decisions that late at night are difficult. Thompson – meetings are longer in the summer months; suggests they add an additional meeting during that time. Riley –it is hard to gauge when it is needed and a previous consensus was one longer meeting was preferred over adding one. Have tried to limit the number of items on agenda, people are unhappy with that too. Mol stated for this time they would return to 7:30 p.m. meetings and the Commission can re-evaluate at the end of the year.
- C. Thompson – mentioned her request wanting a site inspection for the gravel mining request was dismissed. She was at a disadvantage on making a decision and would have liked to see the property. Felger – felt that is something an individual Board member can call up Staff before the meeting and visit a site. Felger and Kaczmarek indicated they were familiar with the property. Kaczmarek – did not think anyone was denied a motion to set a site visit. Did not hear that. Felger – did not personally feel it was needed. Thompson – although she would have like to see it, according to the Robert's Rules of Order, she and other Board members have to stand behind a vote. Discussion on whether there was a motion made, or a statement. Mol indicated the Commission does go out on a lot of these. Although the reclamation is another issue, Thompson is concerned with the areas that are not reclaimed. Discussion on whether a workshop on gravel pits would be beneficial.

Bravinder moved, Tanner seconded a motion to adjourn the meeting at 5:05 p.m.

Respectfully submitted,

Sean Riley

Planning & Zoning Administrator