

# WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 27, 2019

## MINUTES – (Informational)

The Wright County Planning Commission met on June 27, 2019 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with all Board members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office.

Riley announced that representative of the #2 agenda item, requested his matter be moved to later on the agenda. It was suggested it be heard before #10. On a motion by Borrell, seconded by D. Thompson, all voted to move agenda item #2 and hear the matter between items 9 and 10.

### MINUTES

On a motion by Bravinder, seconded by J. Thompson, all voted to approve the minutes for the June 6, 2019 meeting as printed.

#### 1. STEVE D. LANGANKI – Cont. from 6/6/19

LOCATION: xxxx Fillmore Avenue & 150<sup>th</sup> Street NW - NW ¼ of NE 1/4 , except ...Section 19, Township 122, Range 26, Wright County, Minnesota. (Unnamed NE Lake - Silver Creek Twp.) Tax #216-100-191200 Property owners: Carstens  
Petitions to rezone approximately 34 acres from AG General Agricultural & S-2 Residential-Recreational Shorelands to A/R Agricultural Residential & S-2 Residential-Recreational Shorelands and for a Conditional Use Permit for an unplatted two-lot residential subdivision as regulated in Chapter 154 and Sections 155.028, 155.029 & 155.047 of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Steve Langanki

- A. Riley reported the County Board acted on the Commission's recommendation and rezoned the property to A/R Agricultural-Residential. Since, the applicant has provided the survey and soil work to show the two-lot unplatted subdivision meets all requirements. The survey does not show the Ordinary Highwater Mark of the lake; however, Staff are confident the lots have 10 acres above the Ordinary Highwater elevation.
- B. Mol opened the hearing for public comment, hearing no response returned to the Commission.
- C. D. Thompson moved to approve a conditional use permit for a two-lot unplatted subdivision in accord with the survey completed by Dennis Taylor; File No. 18131 with the following conditions: 1) Per Feedlot regulations the new A/R parcels will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units and any building that houses animals will need to be 100 feet from property lines; 2) If required, access permits will need to be obtained through the Township prior to construction; and 3) A new survey is required prior to the sale of either lot showing the Ordinary Highwater Mark of the lake and the acreage above the Ordinary Highwater. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**JOHN KLINKNER** – Item held over - moved to Item #9

2. **JAMES FEEHAN** – Cont. from 6/6/19

LOCATION: Part of S ½ of NE ¼ of Section 7, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Part of Tax # 213-100-071300 & -071404

Petitions to rezone 40 acres from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for a four-lot unplatted residential subdivision (minimum 10-acre lots) as regulated in Section 154.14, Sections 155.027, 155.028 & 155.047 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: James Feehan & his agent, Lance Lindstrom

- A. Riley summarized the rezoning request was continued for a site inspection. Maps to show the location of the property were displayed. Property is currently zoned AG General Agricultural and in the Land Use Plan as “Rural-Residential” with a request to rezone to A/R Agricultural Residential. The concept of proposed lots was provided and viewed. There was discussion at the last meeting about prime farmland and the decision on the rezoning is before them.
- B. Mol opened the hearing for public comment, no one came forward and Mol returned to the Commission for questions or action.
- C. Borrell moved to recommend approval to the County Board of Commissioners to rezone the property from AG Agricultural 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. Bravinder seconded the motion.

*DISCUSSION: Mol – noted this is in the Land Use Plan and he votes along those line; but, they are taking agricultural land out of production. On the site inspection they saw this was ag land. Borrell suggested they look at the Plan and try not to hold unto the ag land; at some point, agricultural may not be as important as it once was in Wright County. Mol – should look at not splitting land up into 10 acre lots and more at condensing lots. They need to look long range into the future.*

D. VOTE: CARRIED UNANIMOUSLY

- E. Borrell moved to continue the Conditional Use Permit to the July 18, 2019 meeting for the information needed for the subdivision. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **STANLEY J. & CAROL E. VANDER KOOI** – Cont. from 5/16/19

LOCATION: 1499 30<sup>TH</sup> Street SE – Part of the N ½ of the NE ¼ of Section 20, Township 119, Range 25, Wright County, Minnesota. (Crawford Lake – Rockford Twp.) Tax #215-100-201101

Petitions to rezone approximately 40 acres from AG General Agricultural and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and part S-2 Residential-Recreational Shorelands and a Conditional Use Permit for a four-lot unplatted subdivision as regulated in Chapter 154; and Sections 155.028, 155.029 & 155.047 of Chapter 155, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Stan & Carol Vander Kooi

- A. Riley reviewed the maps and Land Use Plan designation for “Rural-Residential”. At a previous hearing, a recommendation for A/R was made and action to rezone was taken by the County Board. Before the Commission is the Conditional Use Permit for subdivision. The survey prepared was viewed to show four lots along an existing road are proposed. Noted an existing driveway needs an easement for a small portion of it. The surveyor is showing the location and the information was included in the Board’s packet.
- B. C. Vander Kooi stated they have reached out to an attorney and this driveway belongs to the buyer who bought an “entitlement” and the small triangular area describes where this portion of their driveway is located. An easement will clean this up. Riley added, that owner has an owned 33’ wide access strip for their driveway. An easement can be described on the deeds to protect the location of the physical driveway. They are not proposing to change the property line, only record an easement for that small area.
- C. Felger asked if the subdivision would reflect that? Riley explained because it is not a plat, the small area is reflected on the site plan. Felger asked if the new survey shows that area? C. Vander Kooi stated it does. There will be a legal description to describe this on an easement document.
- D. Mol – opened the hearing for comment, hearing no response returned for action.
- E. Felger moved to approve a conditional use permit for a four-lot unplatted subdivision in accord with the survey completed by Meyer-Rohlin Land Services dated 6/24/2019; File No. 19258 with the following conditions: 1) Per Feedlot regulations the new A/R parcels will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units and any building that houses animals will need to be 100 feet from property lines; 2) If required, access permits will need to be obtained through the Township prior to construction; and 3) Driveway easement must be recorded on Parcel D for the property to the east to continue to use this access. This must be recorded prior to the sale of any lot. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **VALLEY PAVING, INC.** – New Item

LOCATION: 14584 County Road 75 NW – Part of W ½ of NW ¼, Section 22, Township 122,  
Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax 216-100-222300  
Property owner: Russell Martie

Petitions for a Conditional Use Permit to locate a temporary hot mix plant for the 2019 season 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: John Wokasch

- A. Riley - stated the Commission had the first hearing on this, followed by a continuation. A Citizens petition was made and there has not been a final determination by the County Board on whether to order the Environmental Assessment Worksheet. Suggested a continuation to the July meeting.
- B. D. Thompson moved to continue the hearing to July 18, 2019 for a decision on the EAW by the County Board of Commissioners. J. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **TILLER CORPORATION** – New Item

LOCATION: Part of Gov't Lot 2; S 695 feet of the SE ¼ of NW ¼, east of township road; Part of N ½ and Part of NE ¼ of SW ¼ all in Section 24, Township 122, Range 26, Wright County, Minnesota. (Mississippi River – Silver Creek Twp.) Tax # 216-100-241301; 216-100-243104; 215-100-241300

Petitions for a Conditional Use Permit regulated in Section 155.029, 155.048 & 155.100 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow temporary placement of a ready mix concrete plant and hot mix asphalt plant at the current mining and extraction site for local projects and the I-94 project.

Present: Mike Carron

- A. Riley reviewed the location of the property, zoned AG General Agricultural and a portion is Wild & Scenic River District. The property is designated for “Rural-Residential” in the Land Use Plan. The existing gravel pit has a conditional use permit for mining and has had reviews. The request is to place a redi-mix and concrete plants in the pit. The red outlined area was noted and the placement of the plants would be in the area zoned AG, south of the area zoned W & S.
- B. Carron explained the site has been an active mining operation since the 1960's. They had leased more land from NSP in early 2000's and an Environmental Assessment Worksheet was completed. The current proposal is to locate the plants at this facility for the I-94 road project. It is not certain both asphalt and concrete plants would end up here. Besides the I-94 project, there could be other projects in the area and these could be used to serve those projects. They met with the neighbors prior to this meeting. The product going into the plants would be coming from this site whether the plants are in the pit, so the amount of truck traffic leaving the property would not change. Borrell – the another proposal is going to use propane and asked if that would be the case here. This would reduce odor and would better neighbor relations. Carron – understands the point.
- C. Jennifer Dickinson - has lived to the south, in the area 40 years – expressed opposition to the plan because years ago they were told the gravel extraction was going to be expanded and when that was done it would be turned into a park. Now they are hearing it will change to an asphalt plant. She was concerned if there would be a spill how would that impact the aquifer. Will there be money set aside to compensate them if that should happen. The asphalt smell is a concern and even if the plant would go somewhere else, still looking at 300 trucks a day going out. Asked they put the plant somewhere else if they have to live with the gravel operation.
- D. Barry Heikkinen – resident and a Silver Creek Supervisor – attended the information meeting with the applicant. Carron stated their technology is 20 years old and that concerns him when it is a piece of equipment that could emit pollution. The applicant has told the neighbors they could call if they see trucks leaving uncovered. He feels that was the applicant's responsibility to monitor and not the residents. Borrell asked if Heikkinen was speaking as a resident and not the Town Board? Heikkinen – he is speaking as a resident. His wife has lung cancer and has a disorder himself and is concerned about both pits and being sandwiched between the two pits.

- E. Butch Aschenwitz - 885 145<sup>th</sup> Street – talked with his neighbors and they did not receive notice or know about the meeting at the pit or this hearing. The hearing should be continued for that reason, they are opposed. Riley – responded the Office sent out the legal notification and would imagine there are others that did not have notice that might also have concerns. Explained the notification requirement is a quarter mile out from the property. Aschenwitz – stated his concern is property valuations. They had to put up with the dogs (kennel permit), junk yards and now an asphalt plant which he is opposed to.
- F. Sally Heikkinen – resident of Silver Creek Township – is not against progress; but asking the Commission to consider they will be impacted although she is not within a quarter mile. She is concerned that people believe there even 1% can send many emissions into the air. Based on her research, there are things they can do to make things safer and protect people with vulnerable and health. She comes from a mining community and were told a lot about the safety. Felt Carron was forthright and explained the bag systems. If the Commission could hear the concerns and they could implement some of the conditions it might ease their minds. Borrell – was impressed by some suggestions made by the Silver Creek Board to minimize the impacts. S. Heikkinen – understand this might go through, but the residents that are sandwiched between the two plants want some assurance there will be some safety things in place.
- G. Lance Linstrom – lives within one half mile – there are some environmental concerns with the river. The power plant has adverse impacts by itself. Felt if the product should be produced as close to the road as possible. The roads are gravel and are beat up the way they exist, there may be better places for this. Understand the gravel is a good resource, but take it and process it somewhere else.
- H. Carron addressed the road and access to the pit. The road is paved from CR 75 and Appleton to their entrance and would not be gravel roads the trucks would use. Some customers were using a road to the west and they have directed those companies to travel east or southeast and stay on hard surface roads. The 20-year old technology he referred to at the previous meeting was comparing the drums and benefits of the counter-flow drum which contains the concrete and recycled material and reduces the odor. Over time, there have been other improvements with burners and pollution control items. The asphalt is solid at ambient temperatures and does not flow far; and if released, they have containment. The issue about a park going in was explained. Carron stated when they leased additional property, NSP took an option on the rest of the property, once material is depleted it is NSP's intention and not them to turn it into a park.
- I. Felger asked Carron to point out the paved and gravel roads which Carron confirmed. Felger if the asphalt plant is issued would they direct all truck traffic on the paved road? Carron – yes. Signs would be posted. Klein informed them the road was built up to support ten-ton. Felger – is it Carron's opinion their facilities and equipment are "state-of-art"? Carron – yes, they are permitted and inspected at full capacity and the permit given has a production limit per hour, pressures in the baghouse has to be monitored and if there are any drops, retested or replaced if there are any leaks. The records must be maintained for five-years. The purpose of the baghouse was described and the emission meets the EPA and PCA limits. If they change equipment it has to be retested. The records reflect the equipment and are checked by these agencies. Felger – asked what constitutes a secondary containment? Carron – depends if it is a permanent site it has concrete. A

portable site they use a heavy mil plastic with a berm around it, which would likely be the case at this location.

- J. Borrell – asked would this be propane? Carron –at this time cannot commit. He noted there are periods of time when there is a shortage of propane and it would not be feasible. Borrell suggested they could make it a condition, subject to the Township. Carron – or County Staff to determine.
- K. Mahlberg – asked the anticipated length of time the temporary plants would be in the pit? Carron – depends on the projects and it has not been determined by MN DOT. Mahlberg – asked the applicant to address his experience and knowledge of impact on property values near these plants. Carron – they have ten plants located around the metro area. One site is in Eden Prairie where they are within 1,000 feet of a high-end neighborhood with a child care facility within 600’. Another plant location in Empire Township is within 1,100 feet of neighborhoods established for 30 years and a new one since 2000. There has been a new school added nearby. The Scandia site is more rural and similar to this location where neighbors are less than 1,000’ away and their values go up similar to those homes further away. In their experience, they see no difference in values compared to others. Mahlberg summarized Carron’s opinion is because people continue to build homes near these plants it does not affect the value. This does not answer the question on the value, other than there are people willing to build near them. Carron – homes were there or homes continue to come in and don’t see a difference in the value of them. He is basing this on comparable home sales, specifically on nearby gravel mining. Mahlberg stated because it is one of the things the Commission must consider, requested the applicant provide those comparisons.
- L. Felger – questioned the plant to be placed. Carron- uncertain if it will be a new one. Felger asked if it would have to be tested. Carron if it is a plant that is not permitted, it will be tested. An existing plant would not have to be retested if all the equipment is the same.
- M. J. Thompson – asked how long the pit has been here. Carron –started in the 1960’s and later expanded. There has not been a lot of activity in recent years, however, they are now seeing the market pick up. J. Thompson – her concern is that this could go on for 50 years and asked if he has an educated guess on life of the pit. Carron – his guess is at least 25 years, but no guarantee. Have another 15 years on their lease. J. Thompson – would like to see the site.
- N. J. Thompson moved to continue the hearing to July 18, 2019 for a site inspection. Borrell seconded the motion.

**VOTE: CARRIED UNANIMOUSLY**

*DISCUSSION: D. Thompson indicated he would like to see the area between the two proposed plant location. Carron –would need notice so they know how many people are coming and make provisions. Borrell suggested meeting outside the gate and a driving tour. Mol – understood the Commission does not want to do anything to violate safety regulations. Felger asked what portion is zoned W & S and what it implies. Riley – displayed a map to show that. Mining does cross into that area, but the plant would be placed outside of W & S. There are two parcels under different ownership. Felger – it appears there is much being mined in both. Riley what is relevant to this application is that W & S is a stand-alone zoning district that allows mining but not production of asphalt or concrete.*

6. **SUPERSLAB PROPERTIES LLC** – New Item

LOCATION: Part W ½ of SW ¼ all in Section 1, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax # 204-100-013204

Petitions for a Conditional Use Permit regulated in Section 155.029 & 155.054 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a two-lot unplatted subdivision. Property is zoned B-2 General Business

Present: Marlene & John Grady

- A. Riley reviewed the property that is zoned Commercial and in the “Transition Area” of the Land Use Plan. The proposal is to subdivide the lot in half (north to south) for two separate commercial lots. A site plan was displayed to show the location in Clearwater Township and the proposed division. Subject to County Highway requiring them to abandon the existing access and move it when the new use is applied for on the second lot. The new approach would be shared by both lots.
- B. J. Grady indicated it is a simple land split. Borrell felt both parcels would be good size. M. Grady stated they met with a joint City and Township meeting and both approve. J. Grady stated most of the land would remain farmed.
- C. Mol – stated he happened to be at the same meeting. The City and Township are working on an annexation agreement. If this were to happen later, it would trigger additional hardship on the applicants.
- D. J. Thompson moved to grant a conditional use permit for a two lot un-platted subdivision, in accord with the survey completed by O’Malley & Kron Land Surveyors, Inc. dated 6-5-2019 Job No. 2019-194 with the following conditions: 1) When a use is proposed on the new lot the existing access will need to be closed and a shared access along the common property line will need to be permitted through the County Highway Department. Also, easements will need to be recorded for that shared access; and 2) Any use will require a conditional use permit. J. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY



7. **DANIEL J. GERADS** – New Item

LOCATION: 17371 – County Road 75 NW - Part of E ½ of SE ¼, Section 2; and W ½ of SW ¼ all in Section 1, all in Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax # 204-100-013204; 204-100-013203 & -024100

Property owners: Danco Properties LLC & Superslab Properties LLC

Petitions to amend a Conditional Use Permit as regulated in Section 155.029 & 155.054 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an adjustment of division line between two lots approved in 2013. Property is zoned B-2 General Business.

Present: Dan Gerads & Tyler Gerads

- A. Riley displayed the two concept plans and explained this is the same property as the previous item on the agenda. Again, the zoning and land use were summarized. The applicant is proposing a lot line adjustment of the original rezoning and subdivision that was approved in 2013. This would add about 2 acres of land to his lot to give more parking area for his trucks.
- B. Gerard – explained it was determined he is over the property line and is willing to purchase that portion of land he is using.
- C. Mol – indicated he was at the Township meeting and felt this was an oversight on the applicant’s part. This change will clean up the matter.
- D. J. Thompson asked for clarification of what the applicant currently owns. D. Gerard pointed to the land outlined in blue. Air photo displayed shows the encroachment.
- E. Mol – opened the hearing to the public, hearing no response returned to the Commission. Borrell asked how close would they be getting to the proposed west line? D. Gerard felt they have at least 30’, up to 40’. Riley confirmed it meets the minimum setback of 20’.
- F. Bravinder asked if this motion allows the applicant to pick one of the two concept plans? D. Gerards stated his surveyor could not get to the site until the following week. John Grady stated the footage difference is minor, but want to leave enough room for them to park their trucks. Riley felt either option allows for that.
- G. D. Thompson - approve an adjustment of a division that was approved in 2013, and approves either concept A or B as shown on site plans submitted by O’ Malley and Kron Land Surveyors, Inc. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **GREGG R. MATHIOWETZ** – New Item

LOCATION: Part of E ½ of NE ¼, Section 34, Township 118, Range 27, Wright County, (Victor Twp.) Tax #219-000-341102 Property owner: Lucille Schermann

Petitions for a Conditional Use Permit for a temporary borrow pit during the 2019 season for removal of 25,000-35,000 cubic yards of dirt to be used for the Winsted Airport project as regulated in Section 155.029, 155.048 & 155.100 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Gregg Mathiowetz, owner of R & G Construction

- A. Riley displayed the location maps along with the zoning and land use to show the property is currently zoned AG and designated to remain AG. The maps show the farm field has a couple of high spots and the proposal is to remove the clay and use it in the Winsted airport project.
- B. Mathiowetz – described one hill is by County Road 6 and this cut will have positive drainage and will leave a percentage of slope and can be farmed again. In the winter this should cutdown on the snow drifting on the County Road. Time frame is to start in August and be done in October. Expect three weeks of hauling.
- C. Discussion followed about the timeframe of the airport project. The air strip is a turf field.
- D. J. Thompson asked if they would remove the top soil and reserve it on site and replace it back after the clay is removed. Mathiowetz affirmed that is the case. The project described as 15 working days of hauling. Mathiowetz – stated they will have a broom on site to keep the road clean and will build a temporary access. Hauling will take place between 7 a.m. – 7:30 p.m., only an occasional Saturday if they get rained out during the week. Borrell suggested warning signs be installed.
- E. Mol – opened the hearing for public comment. No response.
- F. Borrell moved to approve a Conditional Use Permit for a temporary borrow pit for mining according to the narrative and plans submitted. All conditions of the Wright County Highway Department shall be followed. The permit shall be good for one year and will expire June 27<sup>th</sup>, 2020. All traffic will go south out of the site and no hauling is allowed on Wright County Township roads. Hours are limited to 7 a.m. – 7 p.m. Monday – Friday and up to five Saturdays a year for those same hours. D. Thompson seconded the motion.

*DISCUSSION ON MOTION: Mol asked if there is any requirement for a bond.*

Borrell indicated confidence in this Company and would not require a separate bond; however, add to the motion: Condition: Follow the reclamation plan and description provided by the applicant.

*DISCUSSION: Bravinder noted the Ordinance does not allow until 7:30. Mathiowetz clarified that comment was about clean up and not hauling of material. Riley felt the motion makes it clear.*

VOTE: CARRIED UNANIMOUSLY

9. **JOHN KLINKNER** – Cont. from 6/6/19

LOCATION: Part of Gov't Lots 4 & 5 & NE ¼ of SE ¼ of Section 7, Township 118, Range 25, Wright County, Minnesota. (Fountain Lake – Franklin Twp.) Part of Tax # 208-200-071400

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 Residential-Recreational Shorelands and also a Conditional Use Permit for a two-lot unplatted residential subdivision (lots proposed are approximately 13.5 and remainder parcel of approximately 41 acres above the Ordinary High-water Mark of lake) as regulated in Section 154.14, Sections 155.027, 155.028, 155.047 & 155.057, Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto, Otto Associates

- A. Riley – this matter was continued for a site inspection. Maps were displayed to show the AG zoned property which is in the Land Use Plan for AG. Commission noted the wetlands and marginal areas and discussion was left at whether it meets criteria for rezoning riparian if it is “especially suited to residential”.
- B. Borrell questioned who determined the wetland. A standard applies for land that 6 out of 8 years has been in crop would not be classified as wetland. Riley stated Soil & Water Conservation District (SWCD) have identified these and a map was supplied by them. It seems like an area no one would want to build a driveway at.
- C. Otto – noted all Commission members visited the site. He felt the Board needs to look at each lake, what is around the lake in order to make a determination on the “especially suited” and if it fits rezoning. He pointed out these lots will be much larger than other lots on the lake, offer beautiful views and wildlife and felt it is suited for this lake. This is a Natural Environment Lake and would have a 200’ setback.
- D. Felger – asked where the 200’ setback would be measured from. Otto – stated the ordinary highwater (OHW) level and on this type of lake it would be at the cattail/canary grass line. The air photo and the map show open water; however, that is not where the OHW is.
- E. Bob Belbeck - spoke of the death of a dog due to the algae bloom in the lake. The State and County have not done anything to improve the water quality. Only change has been another 8 homes have been added, now they are considering adding more homes. He is opposed to increasing density until the lake deterioration is solved.
- F. Bob Mattson – had spoken at the first hearing – owns the nearby five acres. He questioned the location of the road. Riley – the request would not require a new public road. These would be driveways to serve the homes. Mattson if the lots are sold, it would prevent anyone access to run the farmland. He questioned when development is going to stop. Adding more development and sewers will add to the pollution. Wells are already polluted.
- G. Mol – explained this is not in the Plan but can be considered because it is riparian.

- H. J. Thompson – after visiting the site, agreed it is a beautiful site; but her concern is it is planned for agricultural and should remain AG. Hearing the concerns about pollution, adding more homes could increase phosphate going into the lake. Felt the residential lawns may add more than the farmers who operate under strict regulations. She is opposed to rezoning.
- I. Mahlberg – noted there are references to denial of past rezoning requests for this property in the 1980’s and 1990’s because it did not meet the intent of the Land Use Plan. Historically, asked if standards were different at that time then are being applied today. Riley – the standard is not different; it was in the Plan as AG previously. There were different concept plans and he could not say whether that had an impact on someone’s opinion on the rezoning or did it have to do with the standard. He noted previous requests to rezone were for R-2 & R-2a and confirmed the standard to find it is “especially suited to residential” is what is being considered.
- J. Borrell –at one time he was concerned about comments received about all the wetland. However, after seeing the site found a lot of high ground and good building sites. He would disagree that the chemicals used on residential yards add more pollution. He farms and felt the farmers probably still add more phosphates even though it is improving. His impression is that this is “especially suited”, it is a beautiful area. Understands these neighbors are out there and don’t want more. He was impressed with the area and feels it meets the standard to rezone for these large lots.
- K. Felger – questioned if there is a building “eligibility” now? Riley – no, it is restricted.
- L. Mahlberg was unsure where he stands on the issue. Noted there was a similar discussion a few months back when a full Board was not present. Asked Borrell to explain his position so he could better understand. Agreed these would make beautiful building sites; but, is that good enough. The County has many lakes just like this one. After seeing the site, he found it is not all wetlands. Questioned if there are other things they should be looking at because there are an abundance of lakes similar to this lake. Mol – noted it is different things to different people. Some people want a sandy beach and ability to put a dock out, under those conditions it would be “especially suited”. From what they viewed, they are not going to be able to put a dock out and will they impede the cattails to get to the lake. Borrell – noted as Bravinder has pointed out in the past, there are buyers that just want a beautiful view and don’t want to go out on the water. A rezoning on Little Rock Lake (not in the Plan) had beautiful Maple trees and his brother would love to live there and tap those for syrup. He could see this property would meet the criteria also. He understands there are differences of opinion on the Board. Mahlberg - the difficulty is that if the standard is in the “eye of the beholder”. D. Thompson what is the difference between the very large proposed lots and existing developed lots that are similar.
- M. Felger – what prevents someone from coming back for further subdivision. Riley – at a minimum the Commission would be reviewing a new subdivision. Likely, another rezoning to a smaller district because the limited road frontage. Someone could propose a new town road. Mol- nothing prevents someone attempting to vary the requirements. Riley – an A/R Planned Unit Development requires both a rezoning and new subdivision. Otto – 350’ & 393’ are the frontages proposed for the two lots. Felger – It is zoned and guided for AG and the fact that it has shoreline it comes before them; otherwise, they would not be considering

this. The shoreland is beautiful to look at; but not something he would use or want his kids or pets in the lake. Questioned if this is good shoreland. Mahlberg – they are looking at shorelands. The language of the standard states “shoreland especially suited for residential” and to him it does matter the type of shoreline. The Commission has seen other lakes that are different; are sandy bottoms and are recreational lakes and this type of lake inspires different uses. There is not a clear line for the standard and this looks like so many other lakes around the County. Felger – asked if Malberg would consider many of the lakes around the County similar to this and would not fit? Mahlberg would not exclude all of them, but the word “especially” only includes some. Felger noted a request on Washington seemed to fit because it had a nice shoreline. One on Ember Lake had a beautiful beach area; however, the request on L. Rock he did not support because it was ag and that was not suitable for residential. He does not see it fits here and to remain consistent; because of the marshy shoreline cannot support the rezoning. Agrees the building site would offer a beautiful view.

- N. Bravinder – he is considering the properties to the west. The lot to the west had a newer home. Riley stated that is about 5-6 acres on an “entitlement” division and did not have to meet the rezoning criteria. Beyond are lots created before the Ordinance in the 1970’s. Bravinder - felt because of the existing homes; he does not look at this as an island by itself. He does not agree that it has to have shore to launch a boat. On Little Rock Lake he had mentioned the buyer determines how the property will be used. Buyers will not be interested in these lots if they want to launch a boat, lake is only about 15’ deep. He is skeptical of narrowing it down; but give the property owner some opportunity to add to bordering lots.
- O. Mol – the number of animal units allowed were noted. He was born and raised on the west side of Sugar Lake and in 1969 the lakeshore that was solid cattails and bull rushes was developed into small lots. People wanted to get to the lake and as a result all the cattails and bull rushes are gone. Those people removed the vegetation to use the shoreline and they can’t assume they would not here. The bull rushes and cattails act as the best filtration system and protects lakes. Put two homes and they get 6-8 horses, they have to control that. They are hearing about the deterioration of the lake. Mol does not feel at this location it is suitable, the house next door is allowed as an “entitlement”. This is Ag land and just because it is water does not mean the owner should capitalize on the land by rezoning. Borrell disagreed, cattails will grow back up; unless someone comes into the property during the winter to harvest them for fuel then it is taken out.
- P. J. Thompson – explained her experience is people will do what it takes to get to the water. She would not take out the vegetation on the shore, but the next person would. Until the Land Use Plan and Ordinances are changed did not know how they can approve this request. She would not support rezoning until the Plan should change some day.
- Q. Mahlberg –asked Bravinder about the standard and if he would apply it the same as Borrell in that: as long as someone is willing to live out here that is a good enough reason. Borrell stated if it is suited and if someone wants to buy it. Disagrees it must be a sandy beach. Bravinder stated he does not pigeon hole his view of what S-2 is under “especially suited”. It is on a Natural Environment lake, different from Sugar Lake and these are two different types of lake. He feels there is adequate checks and balances to prevent damage to the lake, has a 200’ setback. Agrees very long docks are put in and can be done without hurting the

environment. Mahlberg asked, is there anything that would make it “unsuitable”, he is hearing as long as someone is willing to build here it should be developed. Bravinder – two lots do not seem to impact the area, felt the hill is where they can build and won’t change the landscape by much. Did not think there is limit on amount of phosphate a farmer can put on and there is a test. He thinks the Commission can look at how the area has already been split up and won’t change the ag land. The previous owner sold off his “entitlements” and have waited long enough to allow some lots.

- R. Borrell moved to recommend rezoning from AG General Agricultural and S-2 Residential-Recreational Shoreland to A/R Agricultural-Residential and S-2 because it meets the standard of the riparian provision and is especially suited to residential development. Town Board approves. D. Thompson seconded the motion.

*DISCUSSION: Borrell noted if this were not rezoned, a large number of animals could be allowed. The Ordinance allows one-half animal unit per acre. Mahlberg – if this were not shoreline, not in the Plan it is unlikely the request would be before them. It is not in the Plan and questioned how it is different from straight Ag land and could find people who would buy the lots and put homes on them. Is that not similar to this. Bravinder – the Commission had a request for A/R that was not in the plan they turned down because the Town Board did not want it. J. Thompson – they are discussing is that this is not in the Plan. Borrell – noted it is wetlands, but riparian does not mean a sandy beach.*

VOTE: Borrell, D. Thompson & Bravinder Nay: J. Thompson, Mahlberg & Mol  
Abstain: Felger

MOTION FAILED

*DISCUSSION ON HOW TO PROCEED Riley – his preference is a recommendation; but either way, the County Board makes the decision. Mol -asked if that is what the Commission wants? Mahlberg –agreed and Borrell can explain this is an issue the Commission struggles with. Borrell – noted each petition is different. Mol – agreed in this case, they can forward it.*

*Dustin Rief – City Administrator of Orono came forward. His City deals with this type of action. His opinion is it takes another motion to forward without a recommendation.*

Borrell moved to forward the request to rezone from AG General Agricultural and S-2 Residential Recreational Shorelands to A/R Agricultural-Residential and S-2 without a recommendation. AG General Agricultural and S-2 Residential Recreational Shorelands tD. Thompson seconded the motion.

*DISCUSSION: Felger indicated he would have voted for a motion for denial. He felt the issue needs some higher authority to give them guidance. It may be suited, but there are many issues such as environmental concerns and possibility it could be further developed. The owner got under the wire simply because it touches shoreline. There are many similar lakes around the County and he would not want to see lakes of this nature all developed. He would not support it here. If you look at it through a certain prism, every piece of property that is shoreline could be rezoned and developed. He would support sending it to the County Board and ask for some guidance. J. Thompson did not think it is logical to forward without a recommendation. This body is the Commission charged with making a decision.*

VOTE: CARRIED, J. Thompson voted nay      ACTION TO CONTINUE CUP-SEE NEXT  
PAGE

Mol called for a recess and reconvened the meeting at 10:00 p.m.

**JOHN KLINKNER** –action after Board recess

Mol informed the Commission the Conditional Use Request for the subdivision will be pending, waiting action on the rezoning by the County Board.

S.     Bravinder moved to continue the petition for the Conditional Use Permit to July 18, 2019 to give time for the County Board to act on the rezoning request. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY



10. **JOE E. LEMMERMAN** – New Item

LOCATION: 11746 Deegan Avenue SE – Lot 7, Block 1, Franklin Ponds, according to plat of record, Section 34, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-228-001070 Property owner: Burau

Consideration on whether a “concept” plan the Planning Commission reviewed as part of the 1999 Planned Unit Development Plat as a Conditional Use Permit can be re-subdivided. That concept plan had up to 6 residential lots, using the previous Planned Unit Development Outlot as regulated in Chapter 154; and Sections 155.028, 155.029, 155.047 & 155.059 of Chapter 155, Land Usage & Zoning of the Wright County Code of Ordinances. Property is zoned A/R & PUD. Commission also reviewing a new concept plan of 3-4 lots if the Planning Commission finds the original 1999 plan is not in accord with the Wright County Ordinance.

Present: Joe Lemmerman, property owner’s son-in-law

- A. Riley – in the late 1990’s the entire property was one large farm. He displayed the location map and zoning which is A/R and Planned Unit Development district. Lots approved as a part of the PUD, with a restricted Outlot that has one house and another large lot with a home. The only lots platted at that time. A concept plan was presented at that time to show the remaining density under the PUD standards for a future second Phase, that would require a new CUP for the subdivision with a new road. At the time people thought it would happen sooner, it is now 20 years later. He is looking for direction from the Commission. In general, the Commission does not usually have two phase developments; and if something is new, then it should meet the regulations at the time it is done. If the Commission is to approve the second phase as first laid out, there is a potential for six lots and a new road that the Town Board would have to review and accept. If it is a new proposal and stands on its own, then it would have to be a PUD with less density with 24-25 acres and include a new Outlot on that parcel. A proposed subdivision of the Outlot is outlined.
- B. Mol – because this was laid out earlier, would the Outlot still pertain. Riley – as it was laid out it was one large piece for Phase 1 and potential Phase II. There was no proposal for another Outlot for the second phase. That is part of the decision, do they go forward with Phase II with the original density of calculations or re-evaluate the separate 24-25 acre parcel on its own. Felger – asked for clarification on whether the Commission had approved the concept plan as a Phase II. Riley – the 1999 CUP motion, document and minutes were provided to the Commission. He felt it was discussed in enough detail that Condition #4 included and refers to it, which he read. Riley the road is being further explored by the Town Board. First, the Commission should give clarity on whether they are recognizing Phase II; or should it be re-evaluated and require a new PUD.
- C. Borrell if they allow them to share the Outlot they would have to give an access to the new owners. Riley – that is not a parcel owned in common, but fell under the restricted portion of the PUD and given one of the density “entitlements” for the PUD. It is privately owned and has a house on it.
- D. Otto – explained that this was presented as a PUD for the total property. He has the notes when his Dad handled the first plan and related work. After reading the record and notes it

seems clear it was part of the original PUD and still meets the Ordinance requirements for density. Although it has taken them longer than expected to develop Phase II, if they read the minutes, it should not be a surprise and they are not trying to skirt any rules. One thing that is different from some PUD's, is the restricted land has an "entitlement". The road is under the flood plain in some areas; at this time don't know how much they have to raise it. They slightly adjusted the layout of the seven lots due to the position of the house. They understand it had to come back to the Commission.

- E. Mol opened the hearing for public comment.
- F. Dustin Rief resident at 11887 Eaken Avenue- has concerns about the density for the 80 acres. Originally the six lots were approved and another six lots. He did not believe it meets the density requirement anymore and remainder should not have more than three homes.
- G. Randy Nichols – neighbor to the north – his house was built 15 years ago. In addition to the density; the Commission should consider the topography. Noted the high hill and a ravine that drains water into a pond, through a culvert onto his property and into the river. Is here to find out what the proposal is and asked they keep in mind the drainage.
- H. Mol –in this case the PUD was designed and the Outlot was sold off. Usually a PUD has common owned land and asked how does it fit as a restricted land. Riley – PUD also allows restricted land. They would have to find changes in the area to warrant more density then allowed under the PUD. Mol – what stops others from coming back to resubdivide restricted lands. Riley – it is possible with changes to the Land Use Plan, but they would have to come back and ask for more density then allowed in the original PUD. Otto – most often they are looking at the natural features. For a while the Commission did look at the farmlands and were trying to save it. If it is owned in common, how do you deal with rent with multiple owners. The "restricted" land it says it cannot be further subdivided and is a different mechanism. His Company has only done 2-3 of these. Riley – most don't have a home on it. Mol – he is an advocate of a PUD, but Outlots are usually owned in common. If they do this, they may have the argument from others to re-subdivide to match the smaller lots. The Commission has just debated the shorelands. Otto – the difference is that the overall density fits today's Plan. The original 80 acres would end up with 12 homes. The County staff will review the record and will strongly discourage an applicant from trying. With this one it is very clear. The Commission has a lot of latitude. Riley explained there is an additional hurdle, existing PUD plats that used up all their density would require another rezoning. He has not seen that yet. Mol – is concerned about later, could see it in the future.
- I. Chris Klein - Silver Creek Heights was a PUD with a restricted Outlot he owns and farms. He thinks it would make sense to further subdivide that restricted land rather than rezone and subdivide another piece of land somewhere else. Would it make more sense to further develop that Outlot and leave parcels that might have better farming characteristics undeveloped. He would rather see developments tight rather than scattered around the County.
- J. Lemmerman – when his father-in-law planned this 20 years ago, they were proposing there were five lots and a house on the large parcel, with the remainder parcel. There were

numerous drawings at the time; however, the Commission wanted the farmland preserved. As far as he knows, there was not a time limit. His in-laws have been planning their retirement on the six additional lots. The Planning Commission wanted to remove the agricultural land from the building area. Mol agreed the Outlot is not owned commonly. People could appeal and try to get it changed. As a former Town Board member, he had supported the concept of a PUD and as they have evolved. People want to live in the country and want to see some wildlife and agricultural areas. What concerns him is the piece in the middle that is not going to be owned in common. Staff will discourage redevelopment of it, but people have the right to ask. Otto – this follows the rules for restricted lands and is part of the zoning code. Agreed, in the future, 50 years down the road, these PUD Outlots will get further subdivided.

- K. Borrell – was uncertain it would happen with several lot owners involved, many do not want more neighbors. Otto stated he lives in a PUD and there is a 66’ wide strip to the Outlot and someday when the value of the property is high enough, it will entice owners. He referred to the redevelopment in the Twin Cities they see and if the dollar is there, it will happen.
- L. Mahlberg when Phase I was allowed, did the maps at that time look like what they are now proposing. Otto – referred to the 1999 concept plan; if they approved the Outline Development Plan, they approved that layout. His belief is the only reason Phase II was not approved was because the road was too low. There is reference to work needed to the road and they have done some improvement, but more is needed. They saw this plan. Mahlberg – does not disagree. In reading the record of the CUP, para. 3 & 4, it states no lots shall take place on Lot 7 until Deegan Avenue is brought up to flood plain access standards, requires approval of a new CUP and the acceptance of a new road from the Town Board. His interpretation of the record is that this was all anticipated and delay may have been road related.
- M. Lemmerman –asked about the definition of restricted lands for Lot 6. Riley – explained it was assigned one of the “entitlements” and it is not actually an Outlot. Discussion on developing restricted lands may only be enabled by rezoning the land. So other owners of these restricted lands who come back are subject to a number of conditions which he read out of the Ordinance. Again, that is referring to “restricted” lands but whatever they do on this piece does not guide what can happen on “restricted” lands. Mahlberg is trying understand what the Commission was thinking. Was it, as long as there is an agreement on the road, or have something else in mind. Lemmerman – when they sold Lot 6 they understood they did not have further entitlements. His understand is that owner asked to further subdivide and they have been declined the request.
- N. Otto – it is hard to decipher what is really meant. Does the new hearing mean this is with the Commission or the Town Board, because it is about the road. He feels they were talking about no more than one home until the Town Board was comfortable with the road situation. Riley – the Office does not define approval as a recommendation from the Township. He would interpret it was a new hearing before the Commission with approval on the road. Otto – they have talked to the Town Board about what would have to happen with the road. They need continued discussions after they get through this meeting.

- O. Mol it is not certain they have the Township's blessing. Commission would not want to force this if the Town Board does not want it. A continuation is in order to work this out. Understands the PUD and could go along with the first concept approved by a previous Commission, as long as the Town Board is in agreement. The don't want problems with water later.
- P. J. Thompson – is not familiar with the property and felt as part of the process they should go out and see the property.
- Q. D. Bravinder – reading the minutes, he notes that part of the road would have to be raised 3-4'; and asked if that was done. On June 24, the Township references the road and must be as high or higher than the 100-year flood stage. Otto – Deegan is along the river and it is the existing road that has to be raised. Bravinder – in the 1999 minutes it states they were not going to raise it at that time because Phase II may be another ten years.
- R. Bill Hernamanen – resident to the west. Had sold the small triangular piece where the driveway goes in, that is high point. The road was raised, but a major 1965 flood, Deegan toward Watertown was underwater by 8' and at the corner of Deegan and Eaken had about 3'. He drives through there at times in flood stage and is not up to standard, but has been raised some. Based on the 1965 flood, it would have to be raised quite a bit.
- S. J. Thompson – moved to continue to the July 18, 2019 meeting for a site inspection. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

11. **RUSSELL V. MARTIE** – New Item

Requests an amendment to **FARM ACCESSORY MOBILE HOME – Section 155.03(B) (46)** to include language that allows conversion of an accessory structure into habitable living space as a temporary residence by a farm employee.

Existing definition reads as follows: (Planning Commission to consider amending this definition to include above amendment language.)

(46) FARM ACCESSORY MOBILE HOME. A mobile home placed on a farm which already has a primary residence on the same parcel or nearby land under the same homestead, said mobile home to be used as a temporary residence by a family member or farm employee. Farm employment must be the primary occupation of the resident of the mobile home, and the applicant for such a mobile home must demonstrate the need for such occupant to be located on the farm site in addition to the primary farm residence. No such mobile home shall be allowed as the primary or only residence on any parcel.

Present: Russ Martie

- A. Riley explained this is a proposed amendment to the standard process for a “farm accessory” for a mobile home placement under a Conditional Use Permit. The change would be made to the existing definition. All Townships and Cities were notified and the input received were included in the Commission’s packet. The applicant is asking an amendment to the wording to allow conversion of an out building for habitable living space as an option to a mobile home. Riley explained if the amendment is adopted and the “farm accessory” use ends, they would need to return the space to storage or remove building.
- B. Martie gave some history of the “restricted parcel” he has owned for 25 years, noting he also owns other land down the road. The person who sold him the parcel had been living in a garage for a couple years and this was in violation because there is no “entitlement”. Explained the land includes 20 acres of swamp, has out buildings and overlooks a creek and he wanted a house on there. Has moved a couple homes in past years; however, now that is no longer economical. A carpenter friend had suggested converting the pole shed into the house, had to put in a new sewer there is a well and he has horses up in that area. Explained his hardship, the loss of his wife leaving him with two kids with handicaps at home; and the County will give him some help. Found a couple women, one trains and can care for the horses and needs a place to stay. He would prefer this rather than putting in a mobile home. A carpenter looked at the pole building structure and determined it was structurally sound. Referred to other pole structures new and used that are being used for residences. He explained the construction, how he would modify the structure and assured them it will be finished nicely. He checked into the modular homes and the cost, felt this structure will be better and warmer. Noted the Township and County can get some taxes off it. If this person and her mother leave and he cannot find anyone else to help him with the horses, he would close it up and return it to hay storage. These people are nice and need a place.
- C. Borrell asked how the Township made a recommendation without proposed language for the amendment. Riley stated they have a definition, allows conversion of an accessory structure.

Noted other types of construction used for dwellings include, stick built, log and pole structures; but, they need an “entitlement”. This is a use for farm help and must qualify to obtain a Conditional Use. Borrell the County may also want to allow this for an elderly parent.

- D. Mahlberg – asked if Martie farms for an occupation. He asked if this person has a separate business and would like to stay there. Martie stated he has ten horses and about 300 acres. He explained the arrangement is, she would pay rent and he would compensate her for doing chores. This woman has had horses over the years and now living at the in-laws and as a result, had to sell her horses. The daughter is also good with the horses. If this party moves out, he would find someone else to do it or close it up. The location is good for this.
- E. Borrell – summarized once the Ordinance is changed, then Martie would have to come back and ask for the use. Would finish the shed instead of pulling in a trailer house. Borrell supports allowing the conversion of a structure.
- F. Felger – asked is this parcel restricted? Riley – yes, otherwise he could use the “entitlement” for a standard house. The hearing is not about this property but an Ordinance amendment. Martie described why he would not want a mobile home. Felger questioned the applicant’s mining parcel and his house location. Riley confirmed that is to the east.
- G. D. Thompson – referred to the small “granny-pods” that he has seen and areas that allow owners to bring in the backyard. Riley – this is for farm help. Mol – reminded them what is before them is a zoning amendment. Martie- spoke with Commissioner Husom and she supports this. Referred to a large farming operation with a pole barn house that is being constructed for help. Riley – the County does not prohibit pole barn homes, this is about use as farm accessory.
- H. Chris Klein – Silver Creek Township Supervisor – his Town Board had a lengthy discussion and they were not unanimous; vote was 4/3 on this. He feels it should be easy to determine if it is being used for the intended purpose. They would be willing to review it annually at the Township level. Personally, he felt it is a good idea to make the language change and bring the language up to reflect the times. He would prefer this over a trailer home, because they are often junk when they come in. Asked about a mobile home used for elderly care that does not come up for review. Riley – that type of use is reviewed at the County level.
- I. Bravinder – he would prefer this over a trailer. He referred to one in his Township they are trying to get off the property because it is in disrepair. They review the farm accessory every two years at the Township. Riley noted it can be tough for the Township if another family member moves in and they have to kick someone out. Mol – how in the definition could they make sure they are not making a bunkhouse for multiple people to live in a large structure. How will the County regulate this? He agrees it could be a good idea, there would have to be regulations and the structure meet building code. Bravinder – these questions are usually worked out through at a workshop.
- J. Mahlberg – asked for more information on the “farm accessory”, as he is not familiar. The reason is there is a large farm operation and help is needed to run the operation. The facts being brought up here are different. This is a separate business, the renter may want to start a horse boarding business and it would be convenient for her to live there. This could result in

someone getting two houses on the property with another person just running the boarding facility. Borrell – stated there is not a limit on the size of the farm operation; but the person is helping out on the farm. If they qualify, could bring in a trailer home now. Mahlberg – questioned a scenario where the owner is not farming; but brings in a person to run the acreage. Now that is a second source of income for the owner. Borrell this will still require a CUP and the change would give the option to finish off a portion of the pole building for the hired help. Mahlberg – Ordinance language states a family member or farm employee. Riley stated as he reads that, it addresses the occupation of the person living in the mobile home. The assumption is the landowner is part of the farm operation. The person living in the “farm accessory” structure is working in the farm operation.

- K. J. Thompson – relayed her experience when she had a horse operation and had an employee while she worked and travelled. She lived in the primary residence and the farm help was in the secondary. This is similar to Martie, who lives in the primary residence and the people he is proposing are going to live in a pole barn that he converts.
- L. Mol –Mahlberg’s question relates to what constitutes an employee. Mahlberg – the language states that the farm employment is the primary occupation of the person working for the farmer. Or, is this going to be a way to have a second house in the Agricultural area. He agreed he would rather talk about this in a workshop. Riley – what Mahlberg is questioning is already the case. Mahlberg –would they have to remove the structure? Borrell – they have to vacate it. Mahlberg if there are problems now with mobile homes, it could happen that someone will not be willing to pull out the plumbing and improvements have made to the pole barn. Borrell – the County will not allow it. Riley – that is if he knows about it. Mahlberg – the concern is someday someone would want to keep the living space and rent it out.
- M. Martie – he is 75 years old and this will go to his son, who would have someone live here and run the farm. He is at the point he needs some help.
- N. Tom Neumann– Maple Lake Township Supervisor– stated his Town Board voted against this. They do not like the language and would like something that will require that it has to be torn down or living quarters removed. The Township has some farm accessories that are working out fine, yet another is going on eight years and they cannot get it removed. He would agree pole structures might look nicer. This property does not have an “entitlement” and would want to be sure this property does not get sold off and end up as an “entitlement”. He knows the applicant well and this is not against the applicant. Needs some clarification. Martie the Ordinance has been around a long time and could be worded to address his concern.
- O. Chris Klein – added there maybe additional language to address this; but, Martie needs someone to help with the horses and farm work. He is not going to have a second side business. The Town Board would want annual review to make sure someone is not using it for rental housing. As far as decommissioning it when it is no longer used for farm or elderly care help – the Town Board will know it. Riley – there is no simple zoning enforcement and even if it is abandoned and owners notified it must be abandoned, owners are not always willing to pull out the investment made or that it would happen in a short time. This is the case with the manufactured units now. Klein – the problem is the same regardless if it has wheels under it or not. If the owner does not comply it goes to the County Attorney.

- P. Borrell questioned the language. Riley read the wording. Mol asked if they should have a workshop. Borrell –they have talked about this for some time and it is time to move it forward.
- Q. D. Thompson – likes the idea of workshop. He would suggest a limit on the square footage to avoid people building a large residence that would make it more attractive to become permanent. He would suggest 400-600 square foot. Martie – explained a very large living space that Maple Lake Lumber referred to. Borrell he would not mind limiting it to a size, a 16' x 80' is a common mobile home dimension. County also allows double-wide ones. Felger – asked does the mobile home have to be removed when the farm is sold.
- R. Bravinder – asked if the Ordinance could be changed so that if the structure is not being used for the “farm accessory” it cannot be used. Feel it is not necessary to ask someone to remove the building. Borrell –stated a mobile home can be converted to an agricultural use now. Riley the intent of the temporary structure is that it is removed, unless converted to ag use. The pole building would not be torn down; but cannot leave everything in place. The Ordinance would not mean that the Town Board would confirm no one is living there, they would have to remove things to make it not a residence. Bravinder questioned why they would pull out the plumbing. Borrell questioned how they can make them remove it. Mol – they required the mobile home Bigalk owned be removed. Borrell the current Ordinance can be abused, would support the amendment. Wants to avoid a workshop and did not think this group does well in that setting.
- S. Borrell moved to adopt the change and direct Staff to draft the final language to include they have assurance the resident is working on the farm. For discussion, Felger seconded the motion.

*DISCUSSION followed about the language and requirements. Borrell suggested the final language be sent to the Town Boards. Mol – noted the Commission defers to the Town Boards on these issues and looking at the responses, they are not all supportive. Borrell was concerned the Commission cannot make a decision; but felt this will pass at the County Board. Riley – this is the first meeting on the change and the amendment was brought before the Commission by the applicant. He could not assume what the questions and discussions might be. Borrell felt this has been discussed for some time; however, members indicated this is the first they have heard of it. Riley – he needs to know if the vote on the motion is favorable, there should be a continuation and action at the next meeting. Felger felt there may be some confusion at the Township level and they have several negative responses. Asked if the draft language can be forwarded to the Town Boards? Riley – the next meeting does not give enough time for all Townships to meet.*

**MOTION WAS AMENDED:** Borrell moved to continue action on approval of the amendment to July 18, 2019 for Staff to prepare final language.

**VOTE:** CARRIED, Mahlberg & D. Thompson abstain



**DISCUSSION ITEM – LAND USE PLAN:**

Mol – stated he has been approached by some Townships and people who want their land use plan looked at. The individual Town Board who might want some changes could bring this forward and Commission study in a workshop. This would avoid a County-wide study which is a huge undertaking. J. Thompson – if they do that they would not need this Commission. Mol – would still need to come before the Planning Commission. Bravinder – this would just address the Land Use Plan and would still require hearings and a Conditional Use Permit.

Chris Klein – Borrell and others had presented this at the annual Township Association meeting. Most Town Boards do not want anything to do with a new study. He did not think they would get any participation unless it is driven by the County. His Township is a good example because residents don't want to see change. He would agree with Bravinder. Mol – his concern is the agricultural land; and if the Town Board wants them to stop developing agricultural land, then they have to stop rezoning it. Felger – if that is the case, a Township has to come in and say no more. Klein – of particular concern are the A/R PUD plats where there are Outlots. He feels it is screwing up those large parcels for 50 years or more. Felt the north or northeastern portions of the County may need some change. Feels change needs to be driven by the County. Townships on the west side may come in and say they don't want a change. Mahlberg – noted Klein makes a big commitment by attending meetings regularly. Asked if he is speaking for the Town Board, or personally wants a change to the Silver Creek Township Plan? That is different than saying all the Townships. If the Town Board wants to see change, he suggested they bring a request forward. Riley – explained in the past, Franklin Town Board has come before them for changes as have other individual Townships. But, any change should be spearheaded by the Town Board. Also, the County has done quadrant studies.

Borrell – referred to the Young rezoning and the storage proposal – the Town Board members were not interested in changing the Plan because they live in the south end away from City.

Klein – he is speaking as a resident of Silver Creek Township and to what he is seeing happen in his area. He has seen the ring of the twin cities develop and additional expense for the future. Would like to conserve what they have but allow for common sense development. Mol in past years the density is “1 per 40” and goal was to build the house in the woods saving tillable land. Things have changed and now protecting the woods is also important. The question is should they change the “1 per 40”. They need to consider if 10 acres lots make sense; if it makes the cost of hooking up to sewer and water when it comes through prohibitive. Riley – whether it comes from the County or Township; and it is not supported by Township citizens, it will not make a difference who brings it up. Klein – in his Township the residents do not want to discuss it at all. Riley – questioned the purpose of considering the change if the residents don't want it. Borrell – suggested it might make sense for someone who has a number of entitlements to move them. Riley – there was an amendment passed that allows an owner who has owned the land for at least three years to move it within a township.

**SITE INSPECTION**

Board scheduled Tuesday, July 9 at 1:00 for site inspections. Members to meet at the Government Center.

Meeting adjourned at 11:58 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

cc: Planning Commission  
County Board of Commissioners  
Kryzer  
Twp. Clerks  
Applicants/Owners