

**WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: February 3, 2023**

**MINUTES – (Informational)**

The Wright County Board of Adjustment met February 3, 2023, in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:30 a.m. with Board members present: Aarestad, John Jones, Dan Mol, Dan Vick & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

**ACTION ON MINUTES FOR THE JANUARY 13, 2023 MEETING**

On a motion by Jones, seconded by Vick, all voted to approve the minutes for the January 13, 2023, meeting as printed.

**1. ALLEN & CARLA SUNDBLAD – NEW**

LOCATION: 3665 Pleason Ave NW – part of the SE of the NE in Section 17 as well as part of the West Half of the Northwest Quarter of Section 16, Township 120, Range 28, Wright County, MN (French Lake Twp.) Tax # 209-000-162300 & 209-000-171100 Property Owners: Carla L Sundblad and Allen L Sundblad

REQUEST: Variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow three “1 per 40” entitlement divisions. All three proposed divisions would be over the maximum allowed 10 acres. One of the proposed divisions would include the existing old farmstead. The two proposed divisions without an existing home would be over the maximum allowed 2.5 acres of prime soils.

Present: Carla and Allen Sundblad

- A. Ogle displayed the proposed site plan with parcels “A”, “B” and “C” noted. The property is composed of two General Agriculture (AG) parcels in French Lake Township, that combined equal 92.82 acres. Recently 10 acres to the north of parcel 209-000-162300 was sold to the Wright County Parks and Recreation Department with no entitlement. The proposed request is to divide the existing 92.82 acres into three “1 per 40” divisions, with each parcel having an entitlement. The proposed divisions are 19.60 acres, 31.19 acres which is also the existing homesite, and 42.03 acres. The two proposed divisions, without the existing homesite, are over the maximum allowed 2.5 acres of prime tillable soils, over the allowed 10 acres and do not follow the quarter-quarter section lines. The Township approved with the caveat that the entitlements would need to already be existing on the parcels and not to include additional entitlements beyond the three allowed. The Soil & Water Conservation District (SWCD) believes a wetland delineation should be conducted for proposed parcel “A” as wetlands are present that could impact future access and development. The wetland area was displayed with the two possible wetland boundaries noted along the entire road frontage of proposed parcel “A”.
- B. Sundblads had no additional comment and there was no public comment.
- C. Mol – reservations with the request and would like to hear from the applicant why the proposed lines are where they are. C. Sundblad – 20 acres to the north is more valuable and appealing than a 10 acre parcel. The southern 42 acres is going to be purchased by the neighbor across the road, for farming. That line was drawn along the original field line as a way to preserve as much farmland as possible. Mol – it is his understanding that mortgage companies won’t work with 20 acres, only up to 10 acres. He feels that the prime soils involved in the proposal goes against County Ordinance. He is looking for a practical difficulty as to why the lines are where they are proposed and would like to hear what other members have to say.
- D. Vick – reservations as well. Would the wetlands restrict access to that north parcel? Ogle – approved access from SWCD is needed. As far as Planning & Zoning knows there is a wetland in that area. A wetland delineation will determine if there is indeed a wetland and the boundary. Without the delineation both Planning & Zoning and SWCD do not see a feasible access for parcel “A”. Vick questioned if the wetland area should be determined prior to the Board making a decision. C. Sundblad stated she was of the understanding from conversations with Ogle that a delineation was not needed. Ogle – via email in August he

suggested contacting SWCD. At that time Andrew, with SWCD, responded to the inquiry that a delineation should be completed. Statement from SWCD is that parcel “C” does have an area of potential wetland, but because of the proposed shared access that parcel was not a concern. With the proposed parcel “A” there is concern that access could be a problem and recommended a wetland delineation. Vick – would reserve making a decision until the access and possible wetland was addressed. Kryzer – the Board could require a delineation first or could they require the variance first. If divided the parcel would potentially need to go through a sequence analysis and there could be de-minimis but that is not known until a wetland delineation is completed. Due to the time of year a delineation might not be done for months but if the Board is looking at the prime soils, then a delineation would not matter. He cannot definitively give legal advice that a delineation or a variance should be first.

- E. Jones – has some of the same thoughts as other members. Trying to figure out why there is a need to divide into the proposed size parcels. This is not just a decision for this request and proposal, but for the entire county as a precedence. At his time, he doesn’t see a need for the proposed size of parcels. C. Sundblad questioned if the southern parcel could be divided off, as proposed, and leave parcel “A” out of the equation. For resale value they would like to downsize and try to sell, and it is hard to sell a home with 90 acres. Once approval from the County is given the southern parcel will be sold and will remain farmland. Jones – confirmed parcel “B” is the current home. Stated he was still unsure how parcel “A” will be accessed with the division and wetland.
- F. Neumann – has a much more definitive response. There is more than 2.5 acres of prime tillable soils involved and the proposed request is purely a want versus a need. There is the ability to sell off a 10 acre parcel, with an entitlement, administratively. Understands the desire to maximize the property value but that is not a concern of this Board. This Board looks at hardships or why a rule should be allowed to be broken, and with this request he does not see a reason to break the rules.
- G. Mol questioned if they have to follow quarter-quarter lines to split off 40 acres. Ogle – splitting off 40 acres would have to follow the quarter-quarter section lines. Mol – and this property does not have those lines. Ogle – correct, proposed parcel “C” doesn’t follow “1 per 40” standards of a quarter-quarter section line but is proposed about 40 acres with an entitlement. It would be up to the Board to decide if it meets enough of the “1 per 40” standards. The only reason parcel “C”, at about 40 acres could not be divided administratively, is it does not follow the quarter-quarter section line. Mol – the County Ordinance does say one house per 40 acres. Could the Board maybe allow a division of 40 acres with any other division allowed at 10 acres or less. The 10 acres or less would be administratively and the 40 acres would be more of a lot line adjustment, approved by this Board. Does agree with member Neumann regarding not seeing a need for the divisions with prime tillable soils but can see allowing a 40 acre lot line adjustment and strictly 10 acres, or less, for any further division.
- H. Aarestad – addressed the applicants. Based on the discussion of the Board it is likely the presented proposal will not pass. As member Mol mentioned there is a possibility of alternative property lines. A goal of the Land Use Plan is the preservation of farmland, so part of the struggle is seeing quite a bit of prime tillable soils being moved out. There is the ability to continue the hearing for time to redraw lines, withdraw the request completely or allow for a vote.
- I. Ogle – addressing member Mol questioned if his suggestion is that he would like to see proposed parcel “C” redrawn to exactly 40 acres? Mol – the County Ordinance states, “1 per 40” and as a landowner if he can come up with a 40 acre division than he should be able to do so, even just as a lot line adjustment. Ogle – 40 acres would still be an entitlement division/assignment. The proposed parcels “A” and “B” would not be part of that approval. The applicant could propose a division that meets the administrative requirements of a minimum 10-acres, maximum of 2.5 acres of prime tillable, and proper road access. Mol – they own 90-acres that could have two 10 acre divisions. But in this situation a neighbor wants to buy 40 acres for his farm, so it is a unique situation with a lot line adjustment. Vick – asked for clarification that the proposed 42.03 acres needs to be brought down to 40 acres. Mol – correct, the northern line of parcel “C” will have to be adjusted

and may need to keep the shared driveway. Ogle – because of the location of a neighboring feedlot the shared driveway would need to stay as proposed and feedlot setbacks followed. Mol stated he would be okay with a 40 acre division. C. Sundblad questioned if the property owner buying parcel “C” owns the parcel to the south do they need to have access off of parcel “C” or could they gain access off of the boarding property that they currently own. Ogle – a newly created parcel is required to have public road access. C. Sundblad – what if an entitlement is not included in parcel “C”. Ogle – with this current request an entitlement is being included. If thoughts are to not include an entitlement, that would be a separate type of request and depending on the plan may need to be noticed differently. C. Sundblad – the County purchased the 10 acers without an entitlement and a lot of farmland. Ogle – County Parks didn’t purchase with an entitlement and have adjacent property. C. Sundblad – they might be at a point to review options.

- J. Aarestad questioned if the March 3<sup>rd</sup> meeting would be enough time to come up with a new proposal. Ogle – wetland delineation would not be able to be completed until May, at the earliest according to SWCD. A. Sundblad – clarified the Board is asking for parcel “C” to be brought down to 40 acres, with an entitlement. Kryzer – would recommend continue to March and at that point in time if they decide on a wetland delineation the item can be continued out longer. C. Sundblad questioned if a new survey is required. Ogle – the Board needs a proposal for the meeting but more than likely an approval will be subject to a survey. Planning & Zoning software isn’t survey grade precise but could be accurate enough to draw up a proposal. A. Sundblad stated they would like to continue to the March meeting.
- K. Mol moved to continue the hearing at the applicant’s request, to revise proposed plans, to March 3, 2023 meeting. Vick seconded the motion.

VOTE: CARREID UNANIMOUSLY

Meeting adjourned at 8:55 a.m.

Respectfully submitted,

Aaron Ogle  
Planner

BR:sld

Cc: Board of Adjustment  
Applicants/Owners  
Twp. Clerks