

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: October 28, 2021

MINUTES - (Informational)

The Wright County Planning Commission met on October 28, 2021, 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 the following Board members present: Mol, Pat Mahlberg, Mike Kaczmarek, Ken Felger & Dan Bravinder. Absent was Jan Thompson. Sean Riley, Planning & Zoning Administrator, & Stacy Marquardt, Planner, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

RECOGNITION OF SEAN RILEY.

Mol thanked Riley for the 28 years of service. He noted Riley started out as a Planner for the Board of Adjustment, worked with the Environmental Health Division, and promoted to Administrator. During that time worked with many Commissioners, Board members and assisted them in making their decisions fair and according to the Ordinance. He has enjoyed working with Riley. Applause. Riley – thanked Mol and commented he could not have done his job well without his Staff.

MINUTES

On a motion by Bravinder, seconded by Kaczmarek, all voted to approve the minutes of September 30, 2021, meeting as printed.

1. **DENNIS G. HAVEL** – Cont. from 9/30/21

LOCATION: xxxx Davern Avenue NE – NW ¼ of NE ¼, & part of Gov't Lot 1, Section 3, Township 120, Range 25, Wright County, Minnesota. (Gilchrist Lake - Buffalo Twp.)
Tax #202-000-031200

Petitions to rezone approximately 85 acres from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and a Conditional Use Permit for an unplatted eight-lot subdivision as regulated 155.028, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Riley explained the applicant, reached out and asked for a continuation to December 16. Kryzer asked if they are okay with the 15.99 Statute? Riley – answered yes, it is still an incomplete application.
- B. Felger moved to continue to December 16, 2021, at the applicant's request. Bravinder seconded the motion.

DISCUSSION: Mahlberg asked if it is a problem since he asked for November in writing? Riley – the applicant then reached out and asked for December.

VOTE: CARRIED UNANIMOUSLY

2. **GERALD STOCKHAM** – Cont. From 9/30/21

LOCATION: 12081 Duffield Avenue NW – SW ¼ of SW ¼, Section 33, Township 122, Range 26, Wright County, MN. (Silver Creek Twp.) Tax #216-100-333300

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential and for a Conditional Use Permit for an unplatted four-lot residential subdivision (one lot to include existing house) as regulated in Section 155.028, 155.029 & 155.047 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Gerald Stockham

- A. Riley was continued for a site inspection and Town Board recommendation. Maps to show the zoning, which is AG, Land Use Plan that is Rural-Residential and the proposal is to rezone to A/R Agricultural-Residential.
- B. Mol opened the hearing for public comment. Returned to the Commission for questions or comments. No response.
- C. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners 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 Township approved. Kaczmarek seconded the motion.

DISCUSSION: Felger at first look he was of the opinion this might be a little premature, however, there are other ten-acre lots nearby and must start somewhere.

VOTE: CARRIED UNANIMOUSLY

- D. Bravinder moved to continue the subdivision portion of the request to November 18, 2021, for the County Board to act on rezoning and the applicant to have time to obtain survey work and soil borings. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MN CSG 10, LLC** – Cont. from 9/30/21

LOCATION: XXX 85th St NE – Part of E ½ of SE ¼ & W ½ of W ½ of SW ¼, in Section 21, Township 121, Range 25, AND Part of W ½ of W ½ of SW ¼ in Section 22, Township 121, Range 25, AND N ½ of NW ¼ in Section 27, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #'s 213-100-214100 & 213-100-223200 & 213-100-272201 Property owner's: Sustainable Holdings LLC and Holthaus Properties.

Petitions for a Conditional Use Permit for a 1 MW Solar Farm on approximately 9.8 acres in the southeast corner of the property as regulated in Section 155.048 & 155.108, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Lauren Walberg

- A. Riley summarized the continuation from the last meeting. Staff were directed to develop a motion based on the discussion. The Commission has been considering this application for a 1 MW solar farm for a while, have been to the property. Commission did debate hours for the construction of the solar farm, noting 7 a.m. – 7 p.m., restricting work on Sundays and there was not necessarily a consensus.
- B. Walberg stated they have reviewed the suggested conditions provided by Staff and they are acceptable. Riley stated he had forwarded a draft to the applicant.
- C. Mol opened the hearing for public comment, no one came forward. He noted the Commission has all reviewed the lengthy motion, unless there are changes it could be adopted by reference.
- D. Kaczmarek – noted all members may not agree on the suggestion to cut out work on Sunday. This suggestion was made to give residents a break. The hours of 7 – 7 each day are what activity in gravel pits are limited to. Riley noted gravel pits do not operate on Sundays and often the Commission limits hours on Saturdays. This permit is for construction and not ongoing. Kaczmarek would agree to exclude work on Sundays but would not limit Saturday.
- E. Mahlberg support no work on Sunday and does not relate this CUP with a gravel mining. The only disruption will be the noise when they are driving the poles. Questioned a condition for locating field tiles, did not see that included. Riley understood there are none on the property. Walberg concurred. Bravinder – would feel more comfortable if that were added in the motion.
- F. Felger moved to approve an Interim Use Permit to locate a 1 MW solar farm in accord with the plans and narratives on file with the following conditions: 1) Panels to be mounted using the existing landscape conditions. Also limit the amount of service roads to what is shown on the plan. Noting all internal roads created will be created in a fashion to meet the standards of Subsection 155.108 (C) (12) of the Wright County Code of Ordinances; and minimize impacts needed to return the property back to a similar condition and use at the end of project life; 2) The applicant must keep up with ongoing vegetative and system maintenance, noting that noxious weeds are not allowed in the project area under any circumstance; 3) Proper building permits (along with any required State permits) are obtained prior to work started on the site; 4) Construction hours will be limited to 7:00 am to 7:00 pm each day to limit noise; 5) Access is approved over the easement out to Highway 25 noting this allowance does not circumvent any private agreements or recorded easements; 6) Must conform to all setbacks, noting current plans show it meets the setback requirements; 7) An agreement must be entered into with Wright County for decommissioning and financial security in accord with Subsection 155.108 (14) (a) (b) and (c) of the Wright County Ordinance, which must include an approved decommissioning plan in accord with 155.108 15(g) with a security

amount to be approved by the Highway Engineer that is at least 150% of the estimated cost of decommissioning with a minimum amount to be no less than \$100,000.; 8) The agreement shall take into consideration any potential access road easement damages or Highway damages; 9) Any storm water controls, such as storm water ponds, are to be reviewed by Wright County Soil & Water Conservation District and the Monticello Town Board at the time of building permit to assure increases in storm water are not introduced to surrounding properties; 10) The Conditional Use Permit for Solar Energy Farms shall expire at the same time as the Solar Energy Farm lease, but in no case shall it exceed 30 years; At that time the land must be returned back to agricultural land; 11) The pole number and configuration on the plan must meet requirements of one pole per 1 MW and one overall general on-site utility pole, for a total of 2 poles; 12) Onsite internal power and communication lines shall be buried underground; 13) The applicant is responsible in assuring all final utility interconnection approvals from Excel Energy are obtained and followed for this project and before obtaining a building permit; 14) Annual Township review unless the schedule is changed by the Township. The Township also requests to be notified of any change in owner or maintenance contacts; 15) If there are substantial changes to the plans submitted and approved, a new interim use permit hearing will be required; 16) The interim use permit shall expire and all infrastructure shall be removed within 30 years; 17) The building permit will not be issued until the agreement is finalized with the county and the decommissioning security is on file with the Wright County Office of Finance and Tax Payer Services; 18) Identify any drain tiles on the property; and, 19) No Sunday operations. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **MBE, INC.** – Cont. from 9/2/21

LOCATION: xxxx State Hwy. 25 N & 50th Street NE– Part of SW ¼ of SW ¼, Section 4, Township 120, Range 25, Wright County, MN. (Buffalo Twp.) Tax #202-000-043206 Owner: Ventures West LLC

Petitions for a Conditional Use Permit to mine sand and gravel from approximately 32 acres to include screening, washing, crushing of materials and include stockpile and processing of recycled materials as regulated in Section 155.029, 155.048(D) & 155.100, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Riley informed the Commission a citizen's petition for an Environmental Assessment Worksheet was received that must be resolved by the County Board. That process must take place before the Commission can hear the matter. This should play out the month of November. Staff will send new notification for the date it can be back before the Commission.
- B. Mahlberg moved to stay the petition until the petition for the Environmental Assessment Worksheet is completed. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **TERRY P. GALLE**– New Item

LOCATION: 749 Ebersole Avenue NE – Part of SE ¼ of NW ¼ and E 33' of NE ¼ of NW ¼, all in Section 35, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.)
Tax #202-000-352401

Petitions for a Conditional Use Permit to have a contractor's yard to store equipment and materials for the applicant's lawn care and snow removal business as regulated in Section 155.003(30), 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Terry Galle

- A. Riley displayed the location, zoning, and land use maps. The property is zoned and in the Plan for AG General Agriculture. The conditional use permit the applicant is looking for is a lawn care and snow removal business.
- B. Galle stated he wants to construct a 30' x 60' building to provide storage for his equipment he uses in his lawn and snow removal business. This is a family business and does not have employees.
- C. Mol opened the hearing for public comment. No one came forward and returned to the Commission for questions or action.
- D. Mahlberg moved to grant a conditional use permit for a contractor's yard on site. All work must be done off site and items must be stored inside the newly constructed shed as much as possible. No outside storage of materials will be allowed except for the vehicles used for the business. A building permit will be required for the new building for this type of use. Any change in use or expansion would require an amended Conditional Use Permit. Kaczmarek seconded the motion, noting the Town Board approves and no public comments.

VOTE: CARRIED UNANIMOUSLY

6. **RYAN M. BRESNAHAN** – New Item

LOCATION: 702 50TH St. NE – Part of SW ¼ of SE ¼ Section 6, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-064300

Petitions for a Conditional Use Permit to have a contractor's yard, RMB Construction LLC, to store applicant's business equipment and materials in a new pole structure to be constructed on the property as regulated in Section 155.003(30), 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ryan Bresnahan

- A. Riley displayed the location, zoning, and land use maps. The property is zoned AG and in the Plan for "Rural-Residential". The conditional use permit the applicant is looking for is a contractor's yard. An old building will be replaced with a new shed.
- B. Bresnahan – explained the existing shed is too big and plans to tear it down and build new. He explained his business is general contracting and he does not employ anyone. This will continue what he is already doing, just in a different building.
- C. Mol opened the hearing for public comment, hearing no response returned to the Commission.
- D. Bravinder moved to approve a conditional use permit for a contractor's yard on site. All work must be done off site and items must be stored inside as much as possible. No outside storage of materials will be allowed except for the vehicles used for the business. The business cannot commence within the new structure until the old structure is removed and in compliance with the Wright County Zoning Ordinance and Building Code. Any change in use or expansion would require an amended Conditional Use Permit. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **DENISE M. FERRELL-BECKALA**

LOCATION: 13493 10TH St. SW – W 66 ft. of NW ¼ of NE ¼; & Part of W ½ of SW ¼ of NE ¼ that lies northerly of the N. Fork of Crow River, Section 11, Township 119, Range 28, Wright County, MN. (Cokato Twp.) Tax # 205-000-111201& -111300

Petitions for a Conditional Use Permit to operate a beauty shop in the existing home as a home occupation as regulated in Section 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Denise Beckala

- A. Riley displayed the property location in Cokato Township. The zoning and land use designation is AG, and the property is the applicant's homestead. The permit requested is to locate a beauty shop in the home as a home occupation.
- B. Mol asked how many clients she expects? Beckala stated she is the only one in the business and could range from 4-12 people a day. No weekends and she has talked with neighbors, and they did not object to the extra traffic from her business.
- C. The hearing was opened to the public for comment, no one came forward.
- D. Kaczmarek moved to approve a conditional use permit for a beauty salon in accord with the narrative and site plan on file with the condition that any expansion or change in use would require a new CUP. A building permit will be required before commencement of operation. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **DONOVAN L. DesMARAIS** – New Item

LOCATION: XXXX Bice Avenue NW – Part of Gov't Lot 3, Section 35, Township 120, Range 26, Wright County, Minnesota. (Birch Lake – Chatham Twp.) Tax #203-000-353401
Property owners: Chadwick & Roark

Petitions for a land alteration to allow approximately 100 cu. yds. of material to construct a private gravel lake access/boat launch to be shared by seven lake lots as regulated in 155.030, 155.047, 155.057 & 155.101 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. The MN Department of Natural Resources will be reviewing the portion of the boat launch that is below the Ordinary Highwater Mark of the lake.

Present: Donovan DesMarais

- A. Riley reviewed the property in Chatham Township. The Commission had two recent requests before them to consider a cluster of "1 per 40" entitlements and rezoning part of the property to A/R. The request before them is a Land Alteration permit for the purpose of constructing a private access to the lake for the lots in the development. Staff from the office and DNR have been to the site to review the lakeshore. A detailed plan to show the boat launch and drive was provided and viewed by the Commission. He noted most of the drive will be natural and not improved with a gate at the road. Only owners of these lots will have access. Town Board approves and a response from the neighbor that adjoins to the south spoke to the proximity to their line and asked for landscaping to screen this.
- B. DesMarais stated Birch Lake does not have a public access. The seller had made promises to buyers to give them a good access to the lake. In the past an owner on the south end of the lake was allowing access to the lake, however, recently decided not to allow that anymore. The location was chosen because it will have the least impact to trees and shoreline. Town Board approval was given. Most of the drive will be in grass, not gravel. At 35' off Bice Avenue a secure gate will be installed. A minimum amount of the tree canopy will be impacted, with only a 10-12' wide area cleared for access and turn around. He did not think the neighbor's request was reasonable due to cost. Noted the seller incurred \$100,000 in extending natural gas to these lots. He noted the seller did not need to do that but that along with the proposed access is for the enjoyment of the residents.
- C. Kryzer asked if they plan to record an easement and agreement? DesMarais responded yes and an operating agreement. Kryzer suggested a condition be added for an easement and operating agreement prior to construction.
- D. Mol opened the hearing for public comment. No comment.
- E. Felger asked about the plan and if there will be any provision near the lake for parking. DesMarais – no because the purpose is to get the boats in the spring to bring it to their docks and out in the fall. In reference for the neighbor wanting some buffer, he does not feel the need and that owner will have the benefit of being close to it. He pointed out the location of this neighbor's lot. They are not creating a large sight line to the lake, but minimal change. There are building projects on both the subject lot where the easement is going and the neighbors.
- F. Mahlberg – asked if the neighbor bought from the applicant's client? DesMarais yes; and signed an amendment acknowledging there would be an easement somewhere along the acreage. DesMarais, felt planting all the pines and screening is unreasonable, felt it could be \$10,000-15,000. Mahlberg asked what is within the Commission's scope to set conditions on the easement? Kryzer – just must be reasonable related to the request. Mahlberg – asked if there will be language on limited use of the easement. DesMarais – they are not opposed or think the owners would oppose and are open to that. It is private so the intent is not to let

friends and relatives to use the easement. They will get the addresses, names of adults, license number of vehicles and boats to monitor that. The two neighbors closest will monitor that. Mahlberg – the neighbor opposing this will have access? DesMarais – yes and will have direct access without improving his own.

- G. Felger – questioned whether an owner of one of the lots could let a family member use it? DesMarais – will register what water equipment that owners can launch. Felger owners will be made aware? DesMarais – yes all buyers are fully aware and are anxious to get it approved. They have all been given legal notice and part of their purchase agreements. This is a major benefit for these owners because it provides access without having to go through their own lots and tree lines. Sees no opposition to setting some conditions.
- H. Kaczmarek – what consequence will there be if a complaint comes into the Office and will Planning & Zoning follow-up? Kryzer – the suggested condition was read. Staff would not be able to police this very well. This will be addressed more effectively through a civil action that owners would have to bring. Mahlberg not approving a use but a land alteration. This is to get a boat in and if they are violating the access agreement. Kaczmarek questioned including a condition the access is not to be used for the general public, just the owners in the development. A resident phones in a complaint is it relevant to have the condition in there if not enforced by them. Kryzer – it is relevant should someone want to open it up to the public and charge for access. The developer and owners could enforce it and what they are suggesting is more restrictive. DesMarais – sees it as being self-policed. Kaczmarek questions the purpose of putting this in the approval if we cannot police it. Mahlberg – looking at the comments from the neighbor to the south who talk about privacy, he would be willing to add the proposed condition, but not the screening they requested.
- I. Bravinder – he felt Lake Associations do a good job of policing, although they may not be setting one up, with the type of homes to be built he thinks it will take care of itself. The motion can stand as written.
- J. Kaczmarek – how did that condition get in the suggested motion? Did someone ask for it? DesMarais, not a matter of optics, but what he said would be done, is private and is part of the language he included in his application. DesMarais – with the ditch, no one could get around the gate. Kaczmarek – suggested a sign be posted in the event a law enforcement is called out. DesMarais agreed they could do that in several places.
- K. Felger moved to approve the request for the creation of a boat access, according to the plans submitted and following conditions: 1) The access is not to be used for the general public and is only to be used for the 7 specified residences within the development; 2) The boat launch shall comply with all DNR regulations; 3) Erosion control measures must be taken for the creation of the turnaround and driveway; 4) Property shall be posted at entrance with a sign that says private access; and 5) An easement and maintenance agreement will be provided prior to any construction. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **MINNESOTA TEEN CHALLENGE, INC.** – New Item

LOCATION: 8150 - 20TH Street SE – W ½ of SW ¼, Section 9, Township 119, Range 24, Wright County, Minnesota. (Rockford Twp.) Tax #215-000-093300
Property owner: Sacred Portion Foundation

Petitions for a Conditional Use Permit as regulated in 155.003(B)(165), 155.029, 155.048(D)(25) & 155.110 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow operation of a residential treatment and recovery facility using the existing buildings.

Present: Rich Scherber, CEO of MN Teen Challenge; Eric Vagle; Tom Peterson, architect

- A. Riley displayed the maps to show the location of the property, the current zoning map showing the land is zoned AG; Land Use map shows the property falls within the Transition Area. An existing use and layout of the property of Youth With a Mission (YWAM) that has operated for 25 years was displayed, since some of the land has been sold off. The current request is a Conditional Use Permit (CUP) for a residential treatment and recovery facility. The Commission and County Board heard a text amendment to the Zoning Ordinance last year for this use.
- B. Scherber – CEO of the organization stated the request meets the criteria and performance standards and respectfully ask for approval. This is one of the largest residential operations in the State with 13 different campuses they operate. The Wilder Foundation has done several studies and given them one of the highest success ratings. This is a faith-based program and funded much through donations. Have submitted many letters of support to the Commission. The campuses are adult, except the Lake Charlotte location is a boy teenage facility. All their campuses are in residential districts, this will be the least dense facility, including one that has 160 residents and share a campus with the convent of Assisi Heights, Catholic nuns in Rochester, see letter from them in support. This is a well-run organization and a recent mention this past week in the News Week magazine, rated them second for the best treatment programs with the Hazelton-Betty Ford facility coming in first. After a meeting with the neighborhood and hearing their concerns, addressed their concerns in their proposal. Understand over 230 signatures on a petition were obtained against the treatment facility. This was a mass-mailing and a door to door that included information not pertinent to the request. He suspects it may have included inaccurate information and fear messaging. Reference was made of change in zoning, that is incorrect. Pointed out three concerns raised in the petition. The Ordinance that was passed addressed many of the concerns.
- C. Eric Vagle – questions raised are who the clientele are they are bringing in. Understand these are real concerns. No evidence or record was submitted that there has been an increase of illegal activity in the neighborhoods they are located in. This is the reason they have good relationship and endorsements with the law enforcement agencies. They have taken the feedback and tailored their admission criteria based on what they heard. The client will go through an extensive evaluation, will not accept anyone with a known history that pose a risk, or anyone charged with criminal sexual activity that could be a threat to neighbors or other residents. Evidence submitted from activities from other facilities they run, but those are much larger, 3-4 times larger. They anticipate the problems will be much lower at this facility because they will not be allowing any of the 40 residents that are entered in to have any significant medical needs or that have criminal records. Feel calls will be dramatically lower at this facility. None of the calls submitted were for any criminal activity around the facilities.
- D. Peterson explained as an architect, he has assisted MNTC with over 12 of their projects. Noted the property had received approval for a resort which was allowed at the time for up to 65 visitors for training at the facility. The request does not include plans for additions, just

some remodeling to go from 65 to 40 guests. There are separate staff living facilities with no outward changes. Residents don't generally have cars, just staff coming in with an estimate of 20-30 cars on a daily basis. A question raised is if they would impede orderly development? His opinion is there will be no detection of a change. This brings the facility from a legal non-conforming use to a legal use. Residents would stay for up to 90 days, there are many rules and expectations. Residents cannot leave unsupervised and are well supervised on-site. No change in zoning, land will stay AG. Concerns raised about whether the use conflicts with the Annexation area for Hanover. This is not a change to the property, is on its own septic system and does not create a burden to the City. About half of the property is in preservation to keep the natural character of the land. The packet includes some images, and he has shown 1,100 feet from the residence to the nearest house and a large hill is between. Maps to show the site and building can be shown if needed.

- E. Kaczmarek – asked about what they know about violent behavior, predatory offenders or criminal history, known violent histories of clients and how are they checked to prevent admittance. Vagle they do private and criminal background checks, don't take them at their word. Kaczmarek is that just an exception/modification at this facility and checks for addresses. Vagle yes it is. Kaczmarek – what is the "ride" if ejected out of the program, where is that to, just the property line or a convenience store? Vagle – the people coming to this facility are a different clientele and with commercial insurance treatment programs and not Government funded. These clients, generally have family support. They would make sure there is transportation for them and not just dropped off.
- F. Felger earlier comments by Scherber indicated density would be the least dense of all their treatment facilities, except Lakeside. Asked if the other 12 facilities reside in city or township boundaries. Scherber – in cities and are generally in higher density residential areas. Felger – are you aware of any criminal activity that required a call to law enforcement at the Lakeside Academy. Vagle stated these were a couple teens that have fled the facility which is not a lock-down facility. These are troubled teens placed by their parents. He is aware of 4-5 calls over the past 2-3 years.
- G. Bravinder the number of Staff at night on duty? Vagle from 11 p.m. to 7 a.m. two will be on, doors and windows are locked, there are security alarms and cameras around the facility. Felger – followed up about the ratio of Staff. Vagle at night it is 1:20 would have one in each building at the stay awake station. Mol asked about traffic and number of vehicles. Vagle stated the number of vehicles stated by Peterson was inaccurate, that the 30 would be during visitation times. He indicated it would be more like 15 to include, maintenance, food service and counselors. Kaczmarek noted current factors and the trouble finding needed staff and what is the plan if they cannot find or keep staff? Vagle – would reduce the number of resident intakes, they also would use temporary staff, bring out some of the 250 employees they have out to this facility. Kaczmarek would this be a priority facility over others? Vagle could not say that, but they would certainly make sure it does not fall below their standards.
- H. Mol opened the hearing for public comment and stated each would be limited to 3 minutes per person:
 - Adam Sylvester resident at 8912 17th St. SE – indicated he was speaking for a group of immediate residents present so they don't have to all speak- first addressed that it is in the Transition Area zone and looking at the requirement of #2 criteria for a CUP and designation for Transition Areas. Emphasized the importance of not impeding normal development or conflict with the policy zone for the area. He noted he cannot separate his property in smaller pieces and must be held for future growth when it goes into the City. If they have a treatment facility, he argued that would harm potential development to the surrounding area and be in direct conflict with the Plan, designed to become residential in the future. Much discussion has been had on potential crime, which is of concern for a rural location. Police logs for their other facilities were obtained. Looking at Lakeside Academy in Buffalo

they had 62 in the last four years of which were run aways, 31 juvenile complaints, 23 assaults, 12 disorderly complaints, 12 criminal damage to properties, six fights and 4 burglaries. So it is hard to say there are no criminal complaints and shows it would be injurious to surrounding properties. They are saying these are adult males but noted that any age gets into fights, and creates more concern if they are in a rural area not near services. Should be denied because of the conflict with the Transition Area. The text change was made to address a need in Wright County, no agreements to make this a facility for Wright County residents, no commitment with the turnover and he would like the County residents served first if approved. There is demand for this property, there are other Church organizations and others that are interested in buying the property. Another consideration is the proposed density of 40 beds and is significantly more than the density allowed in the AG zone which they suggest a maximum be 18 based on AG "entitlements".

- John Peterson – attorney for the opposition - this is not a comment on the character of MNTC, but the focus is on key elements is it is in the Transition Area. Rockford Township recommends denial, city of Hannover have indicated they are opposed, it is a joint planning area and have not had a chance to study this.
- David Connell- 8370 20th St. –the community has provided a list of conditions they presented at a meeting with MNTC and that they would not move forward is what they were told at that meeting. Prefer the permit not be issued, but provided the list for the Commission to consider if they move forward. Suggest they issue it for only a year, no expansion of buildings. Based on a definition of a private residence, with three entitlements allowed for the property, they suggest no more than 18 residents, client screening procedure they add language that no persons registered or listed on the MN BCA or an out of state registry as a predatory be allowed on premise or allowed in the program; all residents must be a MN resident for a minimum of six years; 50% of residents are from Wright County; outdoor lighting be minimized with down lighting so not to impact neighbors; no amplified audio allowed; no outdoor activities that would disturb residents; and, no activities within 100' of property lines. Suggestions for screening to provide security include a 25' barrier to provide a non-institutional look with fencing and barriers around the property of natural screening. The applicant agrees to take on any costs of improvement needed to 20th Street, no trespassing on neighboring properties, and of these counted as an infraction to the CUP and applicant agrees if there are three incidents of a violation of conditions of the CUP, it would be terminated. Moving violations on 20th Street and other listed infractions are also considered a violation of the CUP. A 24-hour hot line be established for complaints.
- Pete Scharber 40-year resident of Wright County – spoke in support of the need for facilities like MNTC – he owns Marksman Metals in St. Michael where he employs 100 people, a number have been graduates of MNTC. He feels it is important to give opportunities to these people so they can enter back into society as responsible citizens. When St. Michael gave permission to the Lakeside Academy it was approved by 9 of the Planning Commission members, two did not vote. Four, in addition to the Mayor of the City Council approved the purchase and operation at the Lakeside Academy on Lake Charlotte. Feels this organization is doing a good job. He realizes people are afraid and don't want it in their backyard. Urged the Commission to move forward and approve this because the facility is needed, many need a second chance in life.
- Joe Francis resident at 529 Halsey Avenue SE - been on Lake Charlotte most of his life– agreed there was a lot of opposition when MNTC wanted to buy the girl scouts camp – but since they have purchased the property they have been a good neighbor, there have been many improvements and have operated without problems. The kids provide community services in the spring and fall offer to take docks and boat lifts in and out for the lakeshore owners. Related his personal experience, a son's experience with the MNTC program was

successful and has been sober for 9 years. He has been to the YWAM facility on business luncheons and does not know of a better location or organization for a facility like this.

- Mark Dzik– 297 Halsey Avenue - except for Lakeside Academy most facilities are in the city limits, but cannot say anything negative about the kids at the academy. They are well supervised when out on the lake, know there are runners because it is an involuntary situation, but after they are there a few days they seem to enjoy the place. He cannot address the Transition designation. The other things, light pollution they have a problem with existing residents and felt that is overreach. Supports granting a 20-year permit.
- Jacob Annis – 7998 - 26th St. – has no experience with the organization but has a lot of respect from what he hears of them. Although cannot address the policy of a Transition Area, he felt this is very similar to the YWAM use. The opposition is about a change in the tenancy, but felt the organization is responsive and they amended the request with considerations of the community. He is in favor.
- Robert Lindell – three miles from the site – his son is currently in the program, if there is concern about crime, they need to look at the broader picture, these residents are going to commit less crimes when they come out. He relayed the significant change he has seen in his son who has been in the program the last 8-9 months.
- Eric Robeck – lives 150 yards from the Lakeside Academy facility – he was concerned about his safety and that of his 17-year-old daughter, property values and none have been issues. He was one of the calls to the police when the kids broke in his shed and sat in lawn chairs and proceeded to get high. They came over and got them and talked with the boys and he followed up by going over to the Academy to talk to the disgruntled boys. He does not see these adults would be an issue, support the proposal to go forward.
- Gary Connell resident at 8370 20th St. SE – property just east and is opposed to the CUP. He shares the sentiment and has supported the program in the past. No one is here to argue that it is not a good organization. As an owner living next door, one concern is future, what is to say this organization does not move on. What would they get with the next owner? They are a multi-generational household and they have walking trails around the perimeter of their property and a basketball court. One criterion for issuing a CUP is it cannot be injurious to the enjoyment of their property, and this use will be. They will have 40 new neighbors every few months, they will never know who will be over there. Even though, if approved, he hopes to be a good neighbor with them. He owns another entitlement and he felt if this goes in that will not happen. They no longer would commit to investments in their property with this next door. Things have a way of evolving far from where they start as they do over time. Another condition to consider is not allow detox that they allow at other programs. Putting this high density in this location is not compatible.
- Michael Mahoney – resident of Wright County for many years- had been on the Planning Commission and Council of City of Waverly in mid-90's, worked at the New Beginnings facility in Waverly agrees the concerns are valid. The reality is since 1984 when the New Beginnings with about 40 residents was located in Waverly, the property values nearby have increased and they became a good addition to the County. He had been recruited by MNTC and the program has grown and blossomed and sees they will continue to serve the community. He had been asked to serve at the Lakeside Academy in 2017 and has been out there since. There has been a track record, with Scherber at the head of success. Professionally speaking, as civil servant and working with the organization, those calls to law enforcement were internal incidents that resulted in calls, and they have heard from neighbors. Asked the Commission to consider they have been doing this for a long time, there has not been anything negative, but been a positive and encouraged the continuance.
- Charlie Borrell – Woodland Township resident – he has experience serving on a Town Board, School Board, 8 years on the County Board and on the Planning Commission – there

are categories they see in response to requests, the number one is NIMBY. The issue of a NIMBY addressed by a publication written by Senator Steve Dille, an author with experience as a Town Board member, County Commissioner, Senator which he read there are many things that are needed to make society work and they need to be placed somewhere for a benefit of a society and people need to be willing to live in neighborhoods where things are not always ideal. A copy of publication provided. He compared an objectionable use is a large Ag operation in Woodland township near him that people find objectionable. New Beginnings has a facility near where he lives, occasional there is more traffic, occasional an emergency medical call. As nearby residents, he and his wife bear it. His interactions with the residents have been positive, they do not have any trouble with the nearby facility. They need these facilities and trusts the Commission will support it. The permit will be issued to MNTC, and any new owner would have to come back for a new permit.

- Angie Henry - they have a lot of homes to the south with a lot of little kids, in addition to teenagers. Not saying the facility is not needed, this is not the right location. The facilities they have are in the cities and they say they are gearing to middle class, but they have addictions and when they are going through detox or decide they are done and leave the issues are the same. They currently feel they have a safe neighborhood. Will she want her ten-year-old in his tree house, can kids bike on the roads. This could take police 20 min. to respond out here. She has seen the police reports, has first-hand experience with addiction with family members, but opposes the location in the neighborhood.
- Erin Sylvester 8912 17th St.- additional traffic, impact on the roads and the fact this is a non-profit and don't pay taxes any costs will fall on the citizens and a lot of detriment to the citizens.
- Greg Eckblad – Town Board Supervisor –have had two meetings at the town hall with a lot of citizens that showed up. They did not receive any positive comments and the Board voted it down. A year ago, this was on their agenda, a larger crowd and petitions when they heard even more negative comments. The only positive comments were from people living in other cities. The Town Board listened to the residents and voted against this in their neighborhood. His vote was for concern for increased traffic, and it lies in the Transition Area, with Hanover having something to say about it. His biggest reason was the neighbors concern. Mahlberg expressed his appreciation for Eckblad showing up. He understands the number of residents that showed up in opposition, but the Commission cannot consider that, but must look at the specific criteria other than the dislike to the particular use. Eckblad – he arrived at his decision for the fact it falls within the Transition Area and traffic concerns. He looks at this as a business that will be incorporated into the city and does not know what that would look like. Referred to previous annexations the Township was dealing with when he came on the Board. He represents the citizens. Mahlberg asked on the Transition part, the LUP was done in 2009, they look 15-20 years ahead and questioned if Eckblad has any sense of what the more realistic view of the Transition is? Eckblad indicated he could not foresee the future.
- Susie Brun – submitted her written concerns. Chose to raise their family in the country in a safe environment. There are a lot of little children, not always watched well. They walk on the gravel road where people take a lot of liberties. The 30-day turn around with this proposed facility creates more disturbance. With WYAM, they could see the difference when people were moving in. As much as they are trying to make this a good place, this use is a concern.
- Tracy VanLith - grew up in the area - she used to live in the bottom of the hill by Girl Scout Camp. She has spent her life working with people with all kinds of trouble. People are basing their opinions on fear and the unknown. She has lived near a level 3-level pedophile and had concern about property values and crime. There were instances at that home, law enforcement was called in, but was always there to make sure everyone is safe. This is not

anything to fear. As far as staffing, everyone brings in partnerships, organizations and form a family. It is always transitional, and not to be feared but grow with. Working with a problem clientele, she explained the transition is that they all start at rock bottom, they work and hope to change their behavior and thought processes. Allowing MNTC will be a benefit and allow area to grow and allow a bigger family and support for individuals. Should be no fear and is no different than a hospital, fire and police station. They cannot pick neighbors but need to grow and live with them.

- Steve Eide – 8163 20th Street – moved into his property in 1991 which he pointed out on the map when WYAM moved in, and traffic went up. Nothing against MNTC and has family members that have gone through treatment. Agreed they cannot pick neighbors, but one thing he could rely on is the Land Use Plan. He has read the Plan, this is something that people should be able to depend on based decisions on. December there were arguments before this Board, then the Ordinance was changed. He feels a treatment facility belongs in a city where there are all needed services. Residents know what the zoning is and know what can be there. He understands NIMBY and there is a need for the facility, but questions why have zoning?
- Claudia Rudenberg - 7913 20th Street SE – she is concerned about the hilly, gravel road, cars speed way too fast, noting the 55-mph speed level which is too high considering many large families with lots of kids that use the road.
- John Clark, son of John & Nancy Clark, founders of the Sacred Heart Foundation who purchased the property in 1996. His parents wanted him to speak their heart to the Commission. He relayed their mission is to the growth and ministry of Jesus Christ, their mission statement is to perform acts of mercy for the sick, poor, handicapped, homeless, sick, persecuted, displaced persons or persons with personal needs. The focus being compassion, not just empathy but actions. He read the definition of compassion and bible verse related to the ministry of compassion. His parents have gone out and carried on those goals and they feel it is the core value of Team Challenge which he stated. His parents would love the applicant to get this property and continue their mission. Has never been any intention to sell the property to anyone but Teen Challenge. Have worked with them in the past. A Wright County mission statement was read: Wright County provides fiscally responsible quality services, through innovation, leadership, and compassion. He noted compassion takes sacrifice and asked the County to continue his parents' mission of compassion.
- Andrew Raskawill (sp?) – resident of Annandale, now a productive member of society who suffered from alcohol addiction for 14 years, with a criminal record who turned his life around by going through the Teen Challenge program. Best decision he has ever made seven years ago and is in support of the proposal.
- Sheriff Derringer-first made a public announcement and urged for their safety, people lock their doors and stuff up, regardless of where they live. In support, every Sheriff is looking for continuity of care. Although they have resources to bring in counselors etc. while incarcerated, they are looking for additional care partners after release. They have sent their addicts into MNTC, and the Department fully supports the program and everything the organization stands for. A year and half ago he was asked if he would talk at a graduation ceremony at their Minneapolis treatment facility. One graduate was a Wright County resident who is clean, sober, has her driver's license back and has had a job the past three years. There has been a lot of unfair critical comparison to the one on Lake Charlotte, they are completely different. That program is for teen boys, young and will run. They have quarterly meetings with the staff at that facility, his deputies work in the area and meet with them regularly. He personally goes out there a couple times a year. They live out their mission statements, not only show concern for their residents, but work hard to be good stewards and neighbors. He found 98 calls since early Jan 1, 2020, and if you take out

calls related to runaways and juvenile complaints, it leaves 32 calls. They are great partners, are out there often because they have an office there and can stop out there to use facilities. Supports the organization, they are good stewards and wanted to speak on behalf of law enforcement and relationship they have had.

Mol called for a chairman's break and reconvened the meeting at 9:55.

- I. Mol asked if the Commission members want to look at the property, the roads serving the area. He comes from the northwest corner of the property and is not familiar with the site.
- J. Kaczmarek asked to recap the history, noting the matter started in December of 2020. Members of the Commission are the same, except for his appointment to replace Borrell who retired. After the election he started attending various meetings one was the December Planning Commission meeting. What he heard was Borrell moved to deny the amendment, motion was seconded; Borrell spoke from the audience and corrected that statement and said Commission Thompson made the motion, he was the second. Kaczmarek – continued, it appeared others on the Commission were looking for more information to make the decision. Then it went to a vote when Borrell abstained from the motion he earlier seconded, so it was passed and went onto the County Board meeting of December 29. Not sure what the urgency was. Kryzer was before the County Board and said it was before the PC and now before the County Board, but there was no mention or narrative that it was recommended the Ordinance not be changed. No discussion between the Commissioners, no questions asked. The vote on the amendment to the Ordinance passed. The applicant followed through and asked for the CUP. He has read a large amount of written documents in preparation of this meeting. His experience includes 28 years as a Wright County deputy (currently on leave) and has taken calls at many treatment facilities of all types, somewhere between 50-100 calls a year including Lakeside Academy. He patrolled St Michael most of last year; a person mentioned 4 calls there, but suggests they check the record, he was there at least 3 times himself. That included kids who fled on foot, an assault, a side-by-side stolen from the facility. Calls take a minimum of two hrs. including time spent on a call, follow-up, interview at the cost of \$85 hr. Rockford Township does not have a contract. Deputy responding could be taken from Montrose borrowed from the City on a contract who might be asked to come out to assist. There was mention of road and maintenance, there will be delivery of supplies which are for food for three meals a day, likely by semi-truck. This is a 5-ton road and a consideration is for the road. EMS come to this location from St. Michael or City of Buffalo, and call load shows there are a lot of medical related calls and response time for medical services when needed is a consideration. There has been a lot of discussion of the Transition Area and is part of the criteria and policy was read. Rockford Town Board has not approved, Hanover was referenced. He talked to the Hanover City Administrator, they have not submitted a response and have not had time to review. Today, they sent written response stating they have not had time to review it, asked for the application which they received and would like time to weigh in. He felt they should give them time to weigh in on the Transition Area, another important piece, by tabling this to hear from them and make a site inspection.
- K. Mahlberg responded to Kaczmarek on the passage of the Ordinance change last year. He was as frustrated as everyone with the process and felt he was outsmarted. He took exception that the County Commissioners did not know their opinion on it, did not think they were not prepared even if they were not given an oral presentation. They get packets on the issue, with the PC minutes and the Commissioners educate themselves on the issues. Now they are operating under a new Ordinance they must work with and consider whether it fits the criteria for a CUP.
- L. Bravinder – this Board has dealt with the Transition Areas in the past, adjacent to Howard Lake and the City Administrator was opposed to a residential plat because they wanted smaller lots. He does not agree with ghost plats, they go away. If Hanover does not want to

see this, then he wants to see what their plan in. He does not know that there is any future plan for the area.

- M. Felger – this being in the Transition zone and that Hanover is recognized as a legitimate participant, but the letter submitted today do their concerns have anything to do with the use. They bring up the important issues, medical and emergency response and building codes. Although those are legitimate concerns, he would agree they need to give time to weigh in on the issue, give some guidance if it is granted and language for it. Mol – asked if there is an agreement between the Township and City of Hanover? Riley – this area was arrived at by public hearing and agreed upon by all parties for a Transition Area in the Land Use Plan. It is not a binding agreement such as an Annexation Area agreement. Like Land Use Plan like everything, it is only as good as adhering to it. Typically, they are talking about rezoning, density, housing and don't allow development that hinders, restricts future city development, their facilities. It will be up to the Planning Commission whether this use, layout of buildings will conflict with the Land Use Plan.
- N. Bravinder moved to continue for a site inspection, noting Hanover asked for time to comment, and matter will be heard again on November 18, 2021. Kaczmarek seconded the motion.

DISCUSSION: Mahlberg asked if the motion was a condition or reference City input is part of the reason for the extension, Bravinder his comment is that they will be notified that this will be back on the agenda and the Commission will be looking for their input.

VOTE: CARRIED UNANIMOUSLY

10. **FINAL PLAT OF HANNAHS LANDING**

On a motion by Mahlberg, seconded by Bravinder, all voted to approve the final plat of Hannahs Landing (Southside Twp.) and authorize the Chairman's signature.

SITE INSPECTION

Commission members agreed upon a site inspection date and set Friday, November 12, 2021.
Members to meet at 3:15 p.m. at the Government Center with arrival time at the site at 3:30 p.m.

Respectfully submitted,

Stacy Marquardt
Planner

SM:tp

cc: Planning Commission
Kryzer
Twp. Clerks
Applicant/owners