

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 21, 2022

MINUTES – (Informational)

The Wright County Planning Commission met June 30, 2022, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance: Ken Felger, Dan Bravinder, Sandy Greninger, Pat Mahlberg, and Jan Thompson. Absent members: Dan Mol and Mark Daleiden. Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel was absent.

ACTION ON JUNE 30, 2022, MINUTES

On a motion by Bravinder seconded by Mahlberg, all voted to approve the minutes for the June 30, 2022, meeting as printed.

DISCUSSION ITEMS:

Rhineberger petitioned the Commission to add a discussion item to the end of the agenda regarding change in meetings dates.

PUBLIC HEARINGS:

1. MAC MALECHA – Cont. 6/30

LOCATION: 1616 40TH Street SE – part of the Southwest Quarter of the Southeast Quarter and the North Half of the Southeast Quarter of Section 20 Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax # 215-100-204305 Owner: Mindy J. Brummer Trust

Petitions amendment to the existing mining permit to include the crushing and recycling of asphalt and concrete materials. Asphalt and concrete rubble would be stockpiled throughout the mining season and would be crushed once yearly for a period of 3-4 weeks in accordance with normal operating hours. Also requesting a warmup period to start equipment at 6:30am.as regulated in Section 155.029, 155.048(D), 155.057 & 155.100 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances, and the Rockford Township Code of Ordinances.

A. Rhineberger – item was continued from the June 30th meeting to allow time to meet with the Township. After meeting with the Township, the applicant did contact Staff and asked to withdraw his request. The applicant has signed the appropriate withdrawal document and would like his item dismissed.

B. Motion made by Bravinder to dismiss the matter at the applicant's request. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

2. **CRAIG MCADAMS** – Cont. 6/30

LOCATION: 693 90th St. NE – Part of NE ¼ & part of Gov't Lot 2, Section 19, Township 121, Range 25, Wright County, MN. (North Lake – Monticello Twp.) Tax #213-100-191200 Property owners: North Lake Acres LLC.

Petitions for a Conditional Use Permit to allow a simple platted seven-lot residential subdivision as regulated in Section 155.029, 155.047 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances Subdivision Regulations.

Present: Craig McAdams & Tim Hillukka with North Lake Acres LLC

- A. Rhineberger displayed the location, zoning, and land use map along with a revised preliminary plat. The request is for a 7-lot AR Agricultural/Residential platted subdivision. The item was heard at the last meeting and continued to allow time for applicant to revise plans and work through some items with the Township and the Township's Engineer. A new plan was provided that includes some of the updated information, including the hammer head fitting within the platted right-of-way. This gives the Township the ability to have a hammer head or a cul-de-sac, if so desired. Included in the proposed plan is an easement along Lots 2 and 3 in an area that would have the driveways come together and lessen wetland impacts. This allows for some flexibility for the home location on Lot 3. The applicant has applied for a wetland de minimis determination with the Soil and Water Conservation District indicating the property meets the requirements and threshold. There was a list of issue and concerns from the Township's Engineer that the surveyor did address. Those concerns and documentation are included in the packet provided to the Commission.
- B. Felger questioned if Staff agrees all discussion items, relative to the proposal, have been satisfied. Rhineberger – appear to be. Some matters are not up to staff to verify satisfaction. There are items that will be addressed during construction of the road that is not on staff to manage. McAdams – introduced himself as a representative of the project and proposal. Feel the concerns or items they were asked to address have been done.
- C. No comment from the public.
- D. Bravinder – the Township requests have been addressed.
- E. Motion by Bravinder to approve a conditional use permit for a seven-lot platted subdivision called North Lake Acres, as submitted by the applicant and completed by Otto Associates dated 6/7/2022 Project #21-0375, with revisions dated 7/8/2022 and is subject to the following conditions: 1) Prior to recording the final plat the plat checklist must be completed; including but not limited to the following: a) Park dedication is paid along with the other fees noted on the plat checklist; b) A title opinion is submitted and accepted by the County Attorney; c) A Developer's Agreement and surety requirements be approved by the Township; d) the Township will have approved the road as a public road; unless Township provides confirmation that road has been completed to the extent they will approve of Township road access for a building permit to be issued; e) Notice be submitted by the Township to the Planning and Zoning Department that all requirements listed in the Township response and Township engineer's report have been completed to the Township's specification; 2) The Commission notes that there are wetland areas and storm-water ponds throughout the plat and that these areas are subject to regulations and controls and cannot be altered without the proper permits through the Wright County Soil & Water Conservation District; 3) Driveway approaches onto the Township road must be approved by the Township; 4) Building location for Lot 3 shall

generally comply with the plans submitted; any proposed movement of this location to the west of the wetland will require SWCD review and approval prior to a driveway being built and building permit issuance; 5) Reciprocal easements for the driveway location across the wetland between Lots 2 and 3 be recorded at or before transfer of ownership; 6) The appropriate deed restrictions be complete and transfers conducted creating the two entitlement divisions on the north end of the property prior to the final plat being submitted; 7) All feedlot regulations must be met, including all new A/R zoned parcels being allowed no more than ½ animal unit per acre after Notice of Construction and Expansion of a Feedlot form is submitted to Planning and Zoning, but will not be allowed to reach 10 animal units; and 8) Cattle and swine are prohibited on Lots 4 and 5. Seconded by Mahlberg.

VOTE: CARRIED UNANIMOUSLY

3. **JUSTON D. DOOLEY** – New

LOCATION: 657 & 731 County Road 30 SE – Part of the E ½ of the NE 1/4 , Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181100. Property Owners: Dooley Farm LLC & Gerald A. & Joann M. Loecken

Petitions for an expansion of the current Conditional Use Permit to allow for the permitted winery operation to expand onto the newly acquired 27 acre that is adjacent to the current operation, as regulated in Section 155.027, 155.029(B), 155.048 & 155.109 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant not present

A. Rhineberger expected the applicant or representative to be in attendance.

Felger held the matter over until the end of the agenda to see if anyone would attend.

4. **PATTY KNESE** – New

LOCATION: XXXX Fillmore Ave NW – Part of the SE ¼ of the NE ¼, Section 19, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-191400
Property Owners: Plaggerman, Dale H & Lorie J.

Petitions to rezone approximately 41.75 acres from AG General Agriculture to A/R Agricultural-Residential as regulated in Section 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Patty Knese with Edina Realty and Dale Plaggerman

- A. Rhineberger displayed location, zoning, and land use map along with a basic concept plan. The property is a 41.75-acre site on Fillmore Ave. NW in Silver Creek Township. The property is currently zoned AG-General Agriculture and in the Land Use Plan as RR-Rural Residential. The property currently consists of approximately 17 acres of tilled field, most of which is considered prime tillable farm soils, with the remaining acreage being wooded. The concept plan, if rezoning is approved, would be a simple 4-lot unplatted subdivision. All 4 lots would meet the minimum requirements with 300 ft. of road frontage and 10-acre minimum size. Silver Creek Township has approved the request. No other comments were received.
- B. Knese – no other comment.
- C. Chris Klein, Silver Creek Township, stated he would like the Commission to consider adding a condition regarding the requirement of seeding down the property or farming to continue. When the division occurs, and the land is taken out of agriculture production, there can be a problem with rouge trees and thistles. There is a field that was divided, roughly 2-3 years ago, that currently is mostly thistles and is a real problem. Does not feel it would be a burden for the current property owner to seed the property or allow it to remain farmed. Thompson questioned what is meant by seed it down. Klein – would suggest a type of grass cover. If not allowed to be farmed, the new owner should seed with some type of grass.
- D. Felger – did the issue of weed control come up in the interim prior to the lots being sold? Knese – currently farmed. Felger – will parcel continue to be farmed until new owner says no. Plaggerman – as long as he is owner it will be farmed. Currently seeded in bean crop. Felger – had not given this much thought in the past but the point is a valid. Rhineberger – the division request hearing is the time when this topic can be discussed and conditioned.
- E. Mahlberg moved to recommend approval of the rezoning from AG General Agriculture to A/R Agricultural-Residential to the County Board of Commissioners because the Commission feels it meets the criteria laid out in the Northwest Quadrant Land Use plan and the Township approved. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **JAMES FREEBERSYSER**– New

LOCATION: XXXX 93rd Street SW – Lots 08 and 09 Block 2 of Country Estates, Section 23, Township 118, Range 27, Wright County, Minnesota. (Lake Ann - Victor Twp.) Tax #219-025-002080 & 219-025-002090 Property Owners: Freebersyser, James & Treptau, Michelle

Request is for a Conditional Use Permit to replat two lots into a single new building lot as regulated in Chapter 154 & 155, Section 155.027, 155.029, 155.047, 155.057 and 155.059, Title XV Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Freebersyser, James & Treptau, Michelle

- A. Rhineberger displayed the map and proposed survey. The property involved in the request are Lots 8 & 9, Block 2 of platted Country Estates. Country Estates was a platted AR Planned Unit Development in 2004. The request before the Commission is to combine two platted lots, creating one buildable lot for their home to be built in a desirable location. This would reduce the number of lots in the development by one. Septic system information was provided in 2004 as part of the development process, therefore not required as part of this requested. Currently, based on rules and procedures there is not an administrative way to make one of these lots go away, which is why the replat request is before the Commission. If approved, there is a need to vacate the drainage and utility easement between the shared property line for Lots 8 & 9. There have been roughly 3-4 of these type of requests in the last 6 years.
- B. No comment from applicant or public.
- C. Bravinder – straight forward request. Most of the time lake lots are getting smaller in size.
- D. Mahlberg moved to approve the preliminary development plan (by Meyer-Rohlin, File No. 22204, dated 06/07/2022) in accord with the plans, terms and specifications submitted by the applicant and held on file or noted in the record, subject to the following conditions: 1) Prior to recording the final plat, the plat checklist must be completed; including but not limited to the following: a) A title opinion is submitted and accepted by the County Attorney; b) Vacation of the drainage and utility easement along the common property line must be properly approved by the township, recorded, and submitted to the Planning and Zoning Office; 2) Due to the limited lot size or limits on usable areas of the lot, setback standards and limits on accessory buildings shall be regulated by the standards for R-2 zoning; 3) The steep slopes and impact zone adjacent to the lake shall be maintained in the existing, natural condition, and no boathouse or any other building shall be allowed within the lake setback, and no earthmoving nor topographic alterations will be allowed for views or access; and 4) Only single docks, in accord with MNDNR regulations and the conditions of this approval, are allowed on any residential lot. Motion seconded by Greninger.

DISCUSSION: Felger – the Homeowners Association request is not unreasonable. They are asking that the applicant pay 2/19ths of the Association Fees. Questioned if this needed to be part of the motion. Mahlberg – that is up to the HOA, not the Commission to manage. Rhineberger – those requirements are written in the covenants of the entirety of the plat and enforced by HOA, not the Zoning Office.

VOTE: CARRIED UNANIMOUSLY

6. **JUSTON D. DOOLEY** – New

LOCATION: 657 & 731 County Road 30 SE – Part of the E ½ of the NE 1/4 , Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181100. Property Owners: Dooley Farm LLC & Gerald A. & Joann M. Loecken

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Present: Juston Dooley

- A. Rhineberger – with the proposed site plan displayed the property was reviewed. This property has recently been before the Commission for a few revisions and expansions of the current Commercial Agricultural Tourism CUP. With this request the applicant is looking to construct a new building on the adjacent property that he is in the process of purchasing. The applicant would like to make sure the current operations can take place on this new property, prior to finalization of the purchase agreement. This request includes the construction of a 40 x 92 large event building, with associated parking to the east. The building will house the events that are conditioned and stated in the current CUP. The request does not include a change in the number of events, operation hours, days of operation or any other changes previously approved. Approval was received from the Township. There was discussion with the County Highway Department regarding access to the new parking area. Ultimately, the Highway Department responded that they will not allow a second approach onto CSAH 30. The business would only be allowed one access point onto CSAH 30, so if the access on the north end of the property is desired, the existing west access would need to be removed.
- B. Dooley – asked for clarification if the existing access would need to be closed permanently or are they saying only one can be open and used at a time. Rhineberger – one access permit for the entire business is allowed. Therefore, one of the accesses would have to permanently close. Dooley – the current tasting room would be moved to the new building. The existing tasting room would be used for smaller events. The reason behind the new build is to be able to have additional indoor seating during the winter months.
- C. Felger questioned what access the County Highway Department is saying would need to be closed if the access to the north is opened. Rhineberger – the current business access is near the existing tasting room, on the west side of the property, where there is a larger parking area. The business would be allowed 1 access for the business and can keep the personal residence access as is.
- D. Mahlberg asked what portion of the southern operation will remain once the new building is opened. Dooley – plan is to provide small corporate events of 40-50 attendees, that is how many people can fit in that current tasting room. Ideas is for holiday or smaller type parties that could be 5 times or 50 times a year. Believe the current CUP allows for 20 large public events, which are 100 or more attendees, per year. Mahlberg – how would people get to the current tasting room if the west access is closed, that is quite the distance? Dooley – hope is to have the driveway go through the vineyard. Felger – opinion that would render the parking lot to the south rather obsolete. Dooley – agree, hope is to expand that parking lot. Understanding is the entrance on the north would be a lot safer because of the curve on CSAH 30. Felger – remembers past testimony that there has not been any serious incidences related to the west access onto CSAH 30. Dooley – fortunate there have not been any

incidences. If the southern portion of the property is kept open for small events there will have to be work done to access that parking area. It could be that southern area closes with wine making being the only part of the business happening in that area of the property. Someday would like to give tours of the entire property through the vineyards.

- E. No public comment.
- F. Mahlberg asked the Zoning Administrator to provide a summary of what is being asked with this request and related to the previous CUP's. Is the Commission be asked to approve the 26 acres, being attached, receive the same conditions and rules that are existing on the previous CUPs' and consistent with plans and specifications provided with the application? Rhineberger – more or less that is the request. The proposed structure is bigger, provides more people and allows for indoor food. The pizza oven was addressed in a prior hearing and approved inside the existing tasting room or to be placed in a new building. The pizza oven is currently being worked through in an existing building with a walk up widow. One concern from Staff is given the size of the building and what is shown for seating the applicant is requesting this be on a holding tank. Believes a holding tank is not prohibited but not recommended. The design of a Type I system was not received with the application. Mahlberg – given the size of this property is there concern soil borings would not show a suitable septic site? Rhineberger – has had experience with a house division, on 25 acres, not having a suitable Type I site. By looking at that site one wouldn't think it would have been a problem. Without professional soil borings there is no guarantee. Bravinder – must be history of the soils in area. Rhineberger – there will be history, even for the house that is 800 ft. away. The previous example had a 2 acre division 300 ft. that perked in one location but not another. There is just no way to know there is a suitable septic site without having a designer do their soil tests.
- G. Dooley – reason behind the tasting room to the north, it does not make it finically feasible to purchase 26 acres and only grow vines. The land needs to have an additional use to be feasible.
- H. Bravinder questioned the plan for how often it is to be open, what would the winter hours be. That information is a decision maker for him with regards to a septic design versus a holding tank. Dooley – long term goal is to be Wednesday – Sunday. Rhineberger – listed hours of current CUP are Wednesday – Sunday 11-9 pm and Sunday 12-7pm, year round. Dooley – Fridays are hit or miss. Not busy enough or marketed enough to be open Wednesday or Thursday. Bravinder – suggests from the start going with a plan that matches the end goal, do it right from the start. Being open Thursday – Sunday there will be a lot of water being pumped through for a holding tank. Dooley questioned if approval could be contingent on soil borings for a full system. Would not like a mound system. Bravinder – a lot of property owners in Wright County think the same way about a mound system. Feels the septic system design or holding tank needs to fit the long range plan from the very start. Likes the idea of the business and use of the land but feels the septic system could be a real hold up with his decision. Has reservations about a holding tank for a restaurant in the building. Dooley – clarified the building will sell just pizza in the barn, not a full restaurant. The building can hold 100 – 120 people. Bravinder – with a goal is to be filled all the time, that is a lot of people and water being used for the pizza oven and restrooms. Rhineberger – also have the added events that can accommodate 100-375 people. On a nice fall day, a large wedding party could have 275 outside and 120 inside that are both using the restroom and ordering pizza. Greninger – looking at 600 people a week coming through. That is a lot to ask of a holding tank.
- I. Mahlberg – if making a motion does the Commission care about the septic versus the holding tank and the long term decision Mr. Dooley needs to make? Rhineberger – potentially, if for some reason a septic location can't be found near the proposed location and the structure needs to move or the

operation location change. If approved as to what was submitted, it could potentially not meet those requirements. Mahlberg – in that circumstance, if the applicant can't meet what is approved doesn't that mean he needs to come back to amend the CUP for a new building location. The burden is on the applicant to address the building and septic location if they deviate from what is approved. If he is comfortable taking the risk, it should be his choice to do so. Dooley – there is a long list of requirements for the building that must be met before a build can even start, from fire codes to ADA compliance. The build isn't going to happen this year, he simply needs the okay that he can operate as he is under the current CUP on this new 26 acre parcel. The Loeckens are looking to split off a good portion of their property and get this purchase moving sooner than later. He needs to make sure this is a good financial decision for his family as well. If the operation isn't allowed to occur on the new parcel it is not feasible to only grow vines on the land.

- J. Bravinder – when the Commission is presented with a private lot being developed the documents included for the proposal includes soil borings for all of the proposed lots. Feels this situation should not be handled any different. Dooley – if approved, could soil borings be a contingency, so that he doesn't need to come back to the board? Bravinder – the item could be continued to get the septic design. Dooley – does not know if the build will happen next year. Stated he is trying to understand what a septic design would change from what is currently allowed on the 20 acres to what would be allowed on the newly purchased 26 acres. Mahlberg – the concern is if the Commission approves a new building, as proposed, but the septic design comes back that the only good side is at the very south end of the property, then entire plan could be void. The soil borings or septic design will indicate if the building location being approved will be doable. Typically, do not have conditions in permits that say follow the laws. He is comfortable with an applicant taking a risk if they want to take it. If some other law prevents moving forward with the plan, then so be it. Bravinder – feels the only item that was a hitch with the proposal is the septic design. Dooley – understands the concerns. On the flip side there is a lot of items that need to happen in the interim, from lender, title company, closing documents and such. Mahlberg – those professionals might want to see a septic design before they provide approval. There is very good reason to have a septic design created before moving forward. Personally, does not need to see a septic design but understands where member Bravinder is coming from.
- K. Rhineberger questioned the green lines shown on the proposed site plan. Dooley – those will be Green Giants for screening. Rhineberger – Staff would like to point out that the current parking location is a bit further from residents with the new proposed parking location right next to a residential lot. Would like to make sure the Commission sees what is there and make sure that residence owner will be protected from potential disturbances. Mahlberg questioned if Staff is thinking some type of screening should be required. Rhineberger – not stating what should or could be done. Aware that the primary operation is moving from an area that is a ¼ mile away from a residential neighbor to the proposed area being 400 ft. from a neighbor. Staff feels this is something that should at least be discussed and decided if there should be conditions.
- L. Thompson – read through the staff report and have visited the site in the past. Does believe that the Zoning Administrator is correct in stating a site inspection should be done. There are new members to the Planning Commission that have not visited the site. Is a believer that businesses should thrive, but the Commission has the duty to take a look, as a group, and see what is happening with the residential next door neighbor. Dooley – make note, the parking lot is not to scale. The entire proposed drawing is not to scale, just added boxes where they might be located. The parking lot is not right next door to a house.

M. Mahlberg questioned the applicant if there are time constraints on meeting with lenders in next 30 days, where need a positive decision from the Commission tonight is needed. Dooley – the Lokcens might be an issue, not sure.

N. Motion made by Thompson to continue the request to the August 11th, 2022, meeting for a site inspection. Seconded by Mahlberg.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled a site inspection date for Monday, August 1, 2022, Commission to meet at 9 a.m. at the Government Center and 9:30 a.m. at the Dooley site.

DISUSSION

Felger opened the floor for Rhineberger to discuss potential changes in meetings dates.

- A. Rhineberger stated that October 27th he would not be available for the Planning Commission meeting and legal counsel, Greg Kryzer, will also not be able to attend the meeting. With how new Staff is, he does not feel it would be conducive to have a meeting with the two of them absent. Moving the meeting back a week would not work with Staff already having approved time off for MEA. That would put the October meeting on the 13th. There is a set meeting for September 29th, which would be a tight two week meeting gap. Suggestion would be to move the October 27th meeting to October 13th than move the September 29th meeting to September 22nd. This would spread out the meetings a little more.
- B. Greninger – has a conflict with the September 22nd date.
- C. Thompson stated she will not be able to be present at the October 13th meeting.
- D. Felger does not have a problem with changing the dates.
- E. Mahlberg stated he would be okay with both dates being moved, as suggested.
- F. Bravinder – would like to leave the September meeting date alone. If needed they can cancel a meeting for lack of applicants.
- G. Mahlberg motioned to amend the Planning Commission Calendar to remove meeting date October 27th and add meeting date October 13th. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Applicants/Property Owners
Twp. Clerks