

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: October 13, 2022

MINUTES - (Informational)

The Wright County Planning Commission met on October 13, 2022, 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, Ken Felger, Sandy Greninger & Dan Bravinder. Absent was Jan Thompson and Mark Daleiden. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON SEPTEMBER 29, 2022, MINUTES

On a motion by Bravinder, seconded by Greninger, all voted to approve the minutes of September 29, 2022, meeting as printed.

PUBLIC HEARINGS:

1. BLAINE JOSEPHSON – Cont. 9/29

LOCATION: xxxx Platt Ave NW – Lot 7, Block 2, Northridge Addition in Section 28, Township 121, Range 28, Wright County, (Sylvia - Southside Twp.) Tax #217-034-002070 Property owner: Julie A Peterson

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.030(D), 155.049, 155.057 & 155.101 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances for a land alteration over 50 cubic yards in a shoreland area to add rip-rap, bring in fill to level ground, build a 2' boulder retaining wall and create a sandy beach area. Also redoing the unapproved trail down the bluff with Agtec Geocell Ground Grid for stabilization.

Present: Casey Tilvet designer for Blaine Josephson at Outdoor Specialized Services

- A. Rhineberger reminded the Commission the item was continued from the September 29th meeting to allow time for a site visit. The request is for a path and landscaping near and in the lakeshore area. Roughly 40 cubic yards in shore impact zone and another 40 cubic yards in bluff zone will be used to create a gravel parking area below the proposed path as well as a beach and retaining wall.
- B. Tilvet – no additional details at this time.
- C. Bravinder feels the plan was well designed. No impact to the lake, with the beach sitting up above the berm. The elevation of the beach was questioned. Tilvet – believes at least 10 ft. from where rip-rap would end. Bravinder feels this is a good plan for the area.
- D. Mol questioned the path going down and voiced concern of preventing the path from washing away. Tilvet – there will be an Agtec Geocell Ground Grid that is an interlocking system and erosion control blanket to prevent erosion. Realize the current path was not approved, but the feeling is that with the installation of the Geocell grid system the path will be improved. Bravinder – at the bottom the path appears to go onto the neighbor's property. Tilvet – correct, the path goes onto the neighboring property because that neighbor created the path for a past landscaping project. The new path will stay on the proper property.

- E. Felger questioned the physical location of the road in relationship to the platted right-of-way. Based on the site plan there appears to be trees that go into the platted right-of-way. Where would the road be relative to the platted right-of-way? Tilvet stated she wasn't quite sure what was being asked. Felger explained that many times roads do not fit in the platted right-of-way and there does not seem to be an indication on the plan showing the road traveled versus the platted right-of-way. Tilvet – they were provided an existing survey which they added their design onto. This is the only survey they have. Felger – appears the west edge of the lot there is an area that might need parking. Tilvet – correct, there is an area of the plan that would be parking. Felger – that area appears to be in the right-of-way. Rhineberger – on the plan, there are arrows that show edge of bituminous and shaded road right-of-way. There is a portion into the woods that is part of the public right-of-way. Felger – does that pose a problem with people parking on the township road? Rhineberger stated situations like this happen all the time, with Bravinder agreeing.
- F. Mahlberg – the conditions that Staff proposed it is mentioned the path is to be used by ATVs and UTVs and not allowing for the use of vehicles. Tilvet stated that is all that would fit down the path. Mahlberg – if someone wants to drive on their property, on or off the path, is it related to a weight issue or what is the reason behind the condition. Rhineberger – more of a use and parking issue. Once you get to the point of the ability to have passenger vehicles in a location there is potential to have issues with what is hauled and parked down the hill. There are rules related to limiting parking within shore impact zones. The issue comes when there are 2 – 3 vehicles parked by the lake with weighted vehicles. Mahlberg – the condition listed that is related to RV's and other habitable spaces would be to prevent a person from living in those structures, is that correct? Rhineberger – by ordinance an RV is not allowed to be used as habitable space if it does not meet the primary structure setback. With this lot it is not possible to meet the required setback because of the bluff. Mahlberg – asked if he built a home on this site could he not park a fish-house in his driveway. Rhineberger – storage is a different situation, once it is used to spend the night different requirements must be met.
- G. Felger – the Township noted in their response that it was stated someday the property owner would like to build a small building. Tilvet – the shed is noted on the plan. Rhineberger – provided all setbacks can be met and it is used only for storage, with no habitable space, the shed would be allowed.
- H. Mol opened the floor to the public.
- Jerry Euteneuer – 7798 Platt Ave NW – stated he does have a survey of his property from July 2022. Any stakes the Commission may have seen were placed by his surveyor. Has no problems with the path, as long as it stays on the proper property. No objection to what is being done near the lakeshore. Rhineberger stated that based on what was seen at the site, for property stakes, he would estimate the 1060 contour line would be where the current path veers onto Mr. Euteneuer's property. At some point in the middle the current path will need to be moved over. Greninger questioned if the path being on a different owners property needed to be addressed. Rhineberger – the proposed plan has the trail all on the proper property.
- I. Bravinder moved to approve a conditional use permit for land alteration according the plan and description as outlined in the application, with the following conditions: 1) Access path may not be

used by passenger vehicles and is limited ATVs, UTVs, and similar; 2) RVs, fish-house, or any other structure or equipment that is designed for habitable or sleeping space is NOT allowed on the lot unless the appropriate variance is granted; 3) Access path MUST be constructed using Agtec Geocell Ground Grid or similar product to address water run-off and erosion. Sides of the path must also include erosion controls measures. Motioned seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

2. **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

Request for a Conditional Use Permit for a four-lot un-platted subdivision as regulated in Section 155.028, 155.029 & 155.047, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations Chapter 154 Land Usage and Zoning, Title XV of the Wright County Code of Ordinances.

Present: Patty Knese and Dale Plaggerman

- A. Rhineberger displayed the proposed site plan while reviewing the property details and request information. The property is a 41.75-acre parcel that was rezoned to Agriculture Residential A/R by this Commission in July 2022 with the County Board approving August 2, 2022. The applicant is now before the Commission for the 4-lot unplatted subdivision, with each parcel containing 10-acres or more while meeting the width, depth, and road frontage requirements. Approval from Silver Creek Township was provided. Comment was received by Wright County Soil and Water (SWCD) that without a wetland delineation of the property, the access and use of Parcels A and B might have issues with a potential wetland. Parcel B is the primary parcel in question, with the location of what could be a wetland and the ability to get a driveway in and around the area in question.
- B. Knese – the property owner is currently using the property and runs his four-wheelers around the property. Parcel B does not have any cattails growing in the area in question. There aren't usually trees growing in wetland and it is evident the area is wooded along the north side of what they indicate as a potential wetland on Parcel B. Plaggerman indicated there could be a few cattails in that area. Knese – Parcel A shows the house would be on the front end of the lot, not in the indicated areas of lower lying land. Parcel B has the homesite on the west side of the indicated wetland, so that definitely would require a driveway around possible wetland area and through the woods. Mol – agrees a driveway could be built through the established trees. Plaggerman – has trails on the south side of the indicated wetland he uses with his four-wheeler.
- C. Greninger questioned why a wetland delineation not been completed. Knese – Planning and Zoning mentioned one might be needed. Priced it out at \$4,500 and in the end the thought was with the location of the house sites one might not be needed. The other reason is the property owner to the north is interested in purchasing Parcel A and possibly Parcel B. Kryzer – the presence or lack of cattails does not indicate a wetland, there is much more that goes into determining a wetland. In this situation it would be his legal recommendation to require a wetland delineation. Given what is provided, the wetland size or area is not known and potentially selling property that does not qualify for a de minimus exception or pass a sequence analysis could be problematic. Knese questioned what a sequence analysis is. Kryzer – sequencing analysis is whether or not a wetland could be impacted and possibly mitigated, which is very expensive. Last he heard a wetland impact credit was roughly \$70,000 per acre. Knese – the landowner to the east had said some of his land could be switched for the wetland but SWCD indicate that is not how the process works. Kryzer – confirmed that is not how this works. Once a wetland delineation is received the property lines might change and the area north of the wetland might not be passable if the wetland extends out beyond what is thought.

- D. Felger questioned if the wetland mitigation can occur on the same property. Kryzer – the mitigation review would have to go through a full restoration process with the Army Core of Engineers. Felger – thinking to keep it simple why can't more land be added to the wetland area on Parcel B. Kryzer – would need to go through a full mitigation process with approval. Felger asked if in the future it came up that the north lot line of Parcel B needed to be adjusted could it be done administratively. Rhineberger – no, that would need to come back before the Commission for approval. Any changes to an un-platted subdivision line would need to be heard by the Planning Commission for an amended order. Felger – as long as the road frontage and lot size meets the standard could the line between Parcel A and B jog up to avoid the wetland? Rhineberger – it could be possible, but without a wetland delineation how is one to know the line is moving enough. Felger – if the delineation did indicate the wetland boundaries could a new survey be done with the line adjusted to jog around that determined area? Rhineberger confirmed that could be possible.
- E. Mahlberg asked what is the difference in the topography of the northside of the lowland and area in the trees. To him it does not appear to be a huge difference in topography. Plaggerman – not a huge difference. Mahlberg – feels that sometimes when looking at 2D it appears to be a problem but when at the site you see there is plenty of room for a driveway. Thinking a wetland delineation could be ordered or the Commission could complete a site visit and have an uneducated opinion with common sense overcoming the legal advice of a required delineation. Rhineberger – wetlands are not just about topography. Grasses, vegetation, and soils are part of the determination. Mahlberg – understands, there are times when a site visit could clearly indicate an area is not a wetland. Agrees, a wetland delineation is more definitive.
- F. Felger – appears to the west of the wetland, of Parcel B, there is adequate building space but maybe not preferred. Plaggerman – that area is field and buildable. Knese – did not request the building area locations. They requested Miller Sewage to indicate homesites and do the perk tests and they are the ones that put the homesite to the east.
- G. Bravinder – this Commission could approve the request as presented and the burden of wetland delineation would be on the seller and buyer. If a property would need a delineation, it could be a condition of the sale. Kryzer – the problem with Parcel B is if that wetland is too large for a driveway and a de minimus exception cannot be met. The sequencing analysis will most likely fail because there is a buildable site to the west and impacts to the wetland can be avoided. The property owner then will need to come back to the Commission asking to build to the west with a lot line adjustment request or needing to obtain wetland credits.
- H. Knese – SWCD letter stated that if the current landowner chooses to not go ahead with a wetland delineation it should be disclosed that future landowners may need to complete a wetland delineation and demonstrate that the proposed project will not impact wetlands.
- I. Mol – the Commission could pass as stated, but the burden is just transferred. Feels that if the Commission orders the delineation the landowner and buyer would be protected. The Commission is well aware of how minds are changed or a proposed homesite is not where the new owner wants their building site. A delineation done now will make it clear to buyers what they are buying and what issues could be present. The Commission simply needs to continue the request and require a wetland delineation. This proposal can be done, it might just require some revisions.

- J. Felger – not sure if this Commission can predict what will happen in the future and should the Commission be protecting people from themselves and what can't be predicted. He has trust that people will provide information to the buyer and the relator is well aware of what full disclosure means. Feels he would vote for approval as presented. In the meantime, the line could be adjusted to try and avoid a wetland delineation. If a lot line jog is done would a wetland delineation still be needed to verify the line is jogged enough? Kryzer – confirmed a wetland delineation would be needed. Felger – options are to spend \$4,500 for a delineation plus the surveyor cost or leave as is with full disclosure to a potential buyer. Trust people to fully expose the condition to potential buyers and he would approve as presented.
- K. Rhineberger – part of the planning process is to advise applicants to contact SWCD to discuss any potential concerns. It does not sound like the applicant has met with SWCD to review the site and formally discuss the property. From a planning perspective, Staff would rather deal with issues on the front end and address concerns or issues prior to Commission approval. Not doing so can cause additional hearings with additional costs and time. Ultimately it is the Commissions choice to approve or not but feels in this situation it is within reason to require a delineation with what has been presented.
- L. Greninger – in good conscious would like to see the wetland delineation completed. Feels it is the Commission doing their due diligence in requesting a delineation prior to a decision.
- M. Mahlberg asked if the applicant can go back to the surveyor and have the line moved enough away from the commonsense area of the wetland and a delineation not be required. Is there a way to adjust the line that would not require a delineation? Kryzer – in theory there is 26 ft. the line can be moved north and still maintain the required road frontage. But the minimum of 10 acres will be lost, so a jog will need to be added at some point on the line. Mahlberg – wondering about paying \$500 to the surveyor to redraw a line that jags enough versus the \$4,500 to find out what can't be done and then paying the surveyor to draw the line. Kryzer – as stated, for proper planning the delineation should be done upfront so it is known exactly where the wetland line is located and the proper property lines can be drawn. If the delineation isn't done now there is the potential issue later of getting 2 property owners in agreement to adjust the line with an amendment or replat. Or stuck with a sequencing analysis that he believes will fail. Mol questioned if a lot line adjustment would be heard by the Board of Adjustment with Rhineberger explaining in a situation like this all lot line adjustment request would be heard by the Commission.
- N. Rhineberger – if left for the future owners to address you could run into a problem with 2 property owners not in agreement. If Parcel A sells first that owner does not need to agree to an adjustment of the shared line with Parcel B. This is why at the frontend it is important to address concerns and the property can be marketed with what can be done not what possibly can be done.
- O. Knese questioned if approved as presented they would be allowed to follow through with a delineation on Parcel B or market fully disclosed. Bravinder stated they would be back to where they were originally with the concerns.
- P. Mol opened the meeting to the public.
- Jedd Kangas questioned if on Parcel B the area between the west side of the wetland and road is a buildable space. Mol – that is not definite. Rhineberger – the provided soil borings are all east of the possible wetland area and if there is a reason for that it is not

known. In theory one could bore a septic line around the wetland to get back to the proven septic sites. Soil borings were not provided for a house site to the west of the wetland. For a house site west of the wetland the owner would need to provide soil borings or show a septic design with the line running around the wetland to the already proven boring site.

- Q. Felger questioned the applicant if they would mind continuing the hearing until additional information was gathered and they had time to talk over the possibility of a delineation. Knese – to address the building site west of the wetland; Parcel A building area is on the frontend of the lot, so one would think it could be the same for Parcel B. The main hope for Mr. Plaggerman would be that he would be able to get some of the lots sold this year. If the burden were put on the owner and agent to make sure proper disclosure is done so that Parcels C and D could be sold, as his agent, she would suggest getting the delineation done for Parcel B before selling. Mol – contingencies can be put on a purchase agreement. What he would like to see is a survey be obtained and if a delineation can be done so that the Commission can clearly see what is there before a decision is made. There is a potential wetland in the middle of a parcel and a wetland creates issues.
- R. Plaggerman questioned if Parcels A and B can be combined. Mol – yes, a 20-acre lot could be sold with a single building entitlement. Rhineberger – if that were the direction the applicant choses to go that could potentially allow the sale of Parcel C and D with A & B combined as a single site. A delineation may not be able to be done this year with the constraints of weather. At a future date a request could come back to the Commission to divide the 20-acres into the proposed Parcel A and B, with the delineation information included in the plan. A similar situation is currently being disussed with Staff on a division that occurred 20 years ago. The combination of the 2 lots meets the requirements of being divided and could be addressed at a later date, with another hearing. Another option might be to slide the south line versus the north line. If the common line is moved too far complications with the road frontage and acreage could become difficult to work with. Mol – they could market as a 20-acre lot and that buyer could go through the process of creating the division. Rhineberger – correct.
- S. Knese – would the 20-acres have two building sites or one. Rhineberger – one home would be allowed with a similar request, as this, to divide into two sites or parcels. Bravinder – after the wetland delineation is done.
- T. Felger – concerned if they allowed the 20-acres, the owner would not be relinquishing any further opportunity to come back and divide, once all the wetland information is received. Feels Administrator Rhineberger addressed that concern and explained it well. Rhineberger – if the delineation comes back to be exactly what is presented the owner can come back and apply for this same 2-lot subdivision.
- U. Bravinder addressed the applicant and owner asking if they are okay with Parcels A and B combined to 20-acres with a single home allowed. Plaggerman understands they could list 3 parcels. Knese questioned what the cost of another hearing would be. Rhineberger – the hearing cost would be \$500, which is the current un-platted subdivision cost and does not change depending on the number of lots. The rezoning portion of the process would not be required.
- V. Mahlberg questioned if there is an opportunity to allow the applicant and owner to talk about what is being asked of them and come back to the Commission at a later point in the meeting. Mol – a small recess can be had on the issue, or the item could be continued to the next meeting. The Commission

is not trying to power through the process, there are options to allow time to review and discuss. There is a wetland potentially right in the middle of one of the lots and it could create issues that the Commission is indicating they want to see addressed prior to making a vote. Plaggerman – if wanting approval tonight sounds like Parcel A and B needs to be combined to 20-acres. Mol – if the item is continued there is time to talk with SWCD or the surveyor and address the wetland concern. Knese – if approved tonight with 2-10 acre lots and 3rd larger lot, that can be marketed, we can come back to another meeting if wanting to divide Parcel A and B. Or can continue tonight and still come back to another meeting. Mol – if a vote is done tonight the next meeting would include a new application fee. If continued tonight, there is opportunity to think about options and potentially determine the wetland boundary with a delineation and there is no additional application fee. Kryzer – believes with weather starting to turn colder the opportunity for a wetland delineation is coming to a close very soon. With a continuation tonight there is probably enough time to have a delineation answer by the next meeting or at least have the time to discuss the option to combine Parcel A and B and what that means for the sale of the property. Felger – next hearing would be November 17th.

W. Mahlberg questioned if there is an opportunity to hold the item over until the end of the meeting and allow time for discussion amongst themselves on what they want to do. Bravinder – agrees. Kryzer - the Commission can table the item until the end of the agenda. Felger got the impression the applicant would like to continue to the next meeting. Plaggerman and Knese agreed.

X. Felger moved to continue the hearing to November 17, 2022, allowing for the property owner and representative to have time to discuss the issues discussed by the Commission. Seconded by Mahlberg.

DISCUSSION: Rhineberger clarified for the applicant a decision would not be made tonight, the matter will be continued to the November meeting. Knese and Plaggerman recognized that as being accurate. Felger asked the applicant if they recognized what they are up against with the wetland issue, time, and cost as well as the cost of combining Parcel A and B. Chairman Mol called for a vote.

VOTE: CARRIED UNANIMOUSLY

3. **MIKE DEZIEL**- New

LOCATION: 4375 Highway 55 SE – Part of NE ¼ of SW ¼, Section 14, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-144200 Owner: Deziel Properties LLC

Petitions for an amended Conditional Use Permit as regulated in Section 155.003(30), 155.029, 155.055 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a storage building that will be used for the business.

Present: Mike DeZiel

- A. Rhineberger – with the current aerial photo displayed and proposed building site noted, the property details and request were reviewed. The property is 10.32-acres located along State Highway 55 with a Conditional Use Permit to operate an HVAC business, known as DeZiel Heating & Air Inc., that was granted in 2021. The property is zoned General Industry and is designated in the Land Use Plan as Limited Industrial. The request is to amend the current CUP to allow for the construction of a 60 x 90 building, for business replated equipment and supply storage. Since the original plan was submitted the proposed location was adjusted some in order to address the Highway 55 Corridor Ordinance. The Hwy 55 Corridor Ordinance imposes a setback from the proposed right-of-way associated with future expansion the highway. The revision moved the structure out of that impact area with no other changes made. There are no changes to the operation, hours, or access to the property. The Township did approve of the request.
- B. DeZiel stated that the Township did approve, and the building will not be near any of the property lines.
- C. No public comment.
- D. Felger moved to approve an amendment to the existing Conditional Use Permit, to allow for a 60 ft. x 60 ft. storage building according to the revised site plan on file and consistent with the discussion at the hearing. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

4. **JEDD KANGAS** - New

LOCATION: 5604 County Road 30 SE – part of the SW 1/4 of the SE 1/4, Section 01, Township 118, Range 25, Wright County, MN (Franklin Twp.) Tax # 208-200-014312 Property Owners: Jedd & Laura Kangas

Petitions for a Conditional Use Permit to have a non-commercial contractor's yard to store business equipment and materials for the applicant's residential contracting business in an accessory 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: Jedd Kangas

- A. Rhineberger displayed the proposed site plan and reviewed the property. The parcel is 1.07-acres located along County Road 30 SE in Franklin Township and across from the Delano School. Zoning is General Agriculture (AG) and designated in the US Highway 12 Corridor Land Use Plan as Transition Area. The Board of Adjustment recently approved a variance allowing a detached 30' x 40' shed to be built 80 feet from the centerline of County Road 30 SE. During that meeting, the comment was made by the property owner, that he is a contractor and will be storing business related equipment and supplies at the site. At the time he was not aware that a Conditional Use Permit is required for this type of use and is before the Commission today asking for a non-commercial contractor's yard permit. The applicant intends to store some equipment and occasionally construct pre-manufactured sheds or saunas within the proposed 30' x 40' storage building. Franklin Township has approved the contractor's yard with the request of having a one-year review for the CUP.
- B. Kangas – during the Board of Adjustment meeting became aware of the need to have a permit for his residential contractor business. When the notices went out there were 3-4 neighbors that did stop and voiced positive statements and are supportive of the request.
- C. Mol asked the applicant to address what type of business related items will be stored outside and in the building. Kangas stated he is a residential contractor with most work being remodel jobs. Currently he keeps a work truck and trailer on site. Occasionally, will use the garage for preassembly. Was not aware he needed a Conditional Use Permit. Mol questioned what is stored outside. Kangas – dump trailer, flatbed trailer and truck. Materials are kept in the garage.
- D. Bravinder moved to approve plans on file for a Conditional Use Permit with no conditions. Seconded by Greninger.

DISCUSSION: Rhineberger stated that he did not include a staff drafted motion for the Commission. Due to the lot size and location, he would suggest additional discussion be had regarding the number of employees onsite, address outdoor storage and potential screening. There are contractors yards on much large parcels that have conditions related to those items. Due to the type of operation being presented and the lot size he does not foresee outdoor storage being an issue but unless specifically conditioned, outdoor storage would not be prohibited. Non-commercial contractors yards do not have performance standards as other types of uses do. It is up to the Commission to decide if they want conditions and which ones they would like to see. Mahlberg stated he would like to honor the request of the Township with their request to see a 1 year review.

Bravinder amend his motion to include Condition #1, to read “Township review after 1 year”. Greninger amended her second.

Kryzer cautioned the Commission that with no conditions it can be difficult for Staff to control what occurs on the site.

Mahlberg questioned the applicant if timing was an issue. Feels it would be a good idea to get the standard set of conditions and he isn't sure that would be able to be accomplished tonight. The item could be continued to get a set of conditions from Staff and finalized the next meeting. Rhineberger stated he needs guidance from the Commission to what they are looking for with the conditions. There is not a performance standard or set of conditions for this type of use. Discussion is helpful in setting the conditions and so far, discussion has been light. There has not been enough discussion for him to determine if the Commission is looking to limit the number of vehicles, outdoor storage or other items. Mol – that is a good point, it is not known what a business grows into, and this is a small lot. Rhineberger – complaints have been had on lots this size with the number of cars parked. Mahlberg – wouldn't a set of conditions be similar to situations that the Commission has heard in the past? There has to be similar contractor yard that conditions can be drafted after. Rhineberger – discussion can be had on record tonight and conditions drafted.

Felger – agrees with Staff that this can be addressed tonight. Would like to see outside storage allowed in a small area, possibly north of the garage. Outdoor storage should be screened, preferably with a fence. Maximum of one additional employee, besides the owner with no more than a maximum of 3 vehicles parked in the driveway. Kryzer questioned member Felger if intention for screening was a wood panel type fence at a particular height. Felger – would like to see wood panel fence at least 6 ft. in height and 15 ft. out along the north side of garage. Greninger questioned if the vehicles included trailers while Bravinder asked if the vehicles included personal vehicles. Mahlberg stated it should be clarified as business-related vehicles. Felger – agreed. Kryzer suggested 2 business vehicles and 2 business trailers stored outside. The Commission members and Kangas were in agreement. Felger – business might grow so allow for an additional employee. Mahlberg clarified an additional employee vehicle parked outside and coming to the site. Vehicles can be parked inside and not part of this count or numerous employees just not coming to this site. Kangas – no problems with what is being mentioned. This structure is 1,200 sq. ft. and 1,400 sq. ft. is maximum allowed. He is trying to build a garage that will be set up for the next person, not a warehouse for his business.

Rhineberger presented the Commission with a suggested motion to read; approval of the conditional use permit for a non-commercial, contractors yard, with the allowed use being consistent with the applicant's narrative, plans, and discussion on file at the October 13, 2022, meeting. With the following conditions: 1) Township review in one year; 2) If the applicant has outdoor storage, a 15' x 40' area of 6-foot high privacy fencing is placed to the north of the storage building; 3) No more than 2 business-related vehicles and 2 business trailers may be kept on the property outside; 4) Only one additional employee besides the owner may be able to access the property.

Mahlberg questioned if forcing storage behind the north side of the garage and plans on file not showing the driveway to the back of the garage could be a problem for the applicant. Statement to include bituminous might be in order. Kangas – currently planning to use the bituminous that is there now. Doesn't need to put up a fence unless something is stored outdoors. Feels that right now he will be able to store everything inside. In the event that he does need exterior storage he would be up that fence and add driveway. Mahlberg – does a statement need to be made that he can put in a driveway to that area

being indicated for storage, as it is not part of the current site plan. Kryzer – as long as he doesn't go over the impervious coverage the access to that storage area shouldn't be a problem.

Bravinder amended his motion to read he moves to approve the conditional use permit for a non-commercial, contractors yard, with the allowed use being consistent with the applicant's narrative, plans, and discussion on file at the October 13, 2022. With the following conditions: 1) Township review in one year; 2) If the applicant has outdoor storage, a 15' x 40' area of 6-foot high privacy fencing is placed to the north of the storage building; 3) No more than 2 business-related vehicles and 2 business trailers may be kept on the property outside; 4) Only one additional employee besides the owner may be able to access the property. Greninger seconded the amended motion.

VOTE: CARRIED UNANIMOUSLY

5. **ELIZABETH SEWARD** - New

LOCATION: 3750 Meridian Ave S – most of the N ½ of the SW ¼ as well as the SW ¼ of the NW ¼ all in Section 19, Township 119, Range 25, Wright County, MN (N. Fork Crow River - Franklin Twp. & Rockford Twp.) Tax # 208-300-193200, 208-300-193100, 208-300-192301 & 215-100-193101.

Property Owners: William J. Soligny

Petitions for a Conditional Use Permit to operate a riding academy with a horse training stable as regulated in Section 155.003 (127), 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Elizabeth Seward

- A. Rhineberger displayed the arial photo while reviewing the property and request details. The property includes four tax parcel IDs that combine for 90.92 total acres, located northeast of the corner of 36th Street SW and Meridian Ave S in Franklin Township. The North Fork of the Crow River runs through the very northeast portion of the property, which created a tax parcel in Rockford Township but is not accessible without crossing the river. The site is zoned General Agriculture (AG) and is designated in the Land Use Plan as Agricultural. The applicant intends to purchase the property and use as a riding academy. The property will be used for the training of horses to meet the needs of individual owners and riders. This would include using the existing stables, indoor riding arena, and outdoor riding arenas on the property. Franklin Township has approved of the requested use with the request of having a one-year review for the conditional use permit. The Township stated they would like the applicant to be mindful of the 5-ton posted road on 40th Street.
- B. Seward stated she has been renting the property for 2 years with the hopes to close tomorrow if this permit is approved. Through the purchase process she came to realize there was not a CUP on the property for the current use. Currently there are 30-40 horses boarded on site. There is a riding arena to the north and paddocks to the west. Regarding Townships concern of the road, for their facility, 40th Street access is not used and 36th Street is the primary access used by truck and trailers and that is not a 5-ton limit.
- C. No public comment.
- D. Felger questioned if there is a home on the site. Seward – confirmed there is a home. Mol questioned if she lives on site with Seward confirming she does.
- E. Motion made by Felger to approve a conditional use permit to operate a riding academy to include, horse boarding and training in the existing indoor and outdoor arenas, in accord with the narrative and plans held on file with the following conditions: 1) Township review in one year; 2) Any events would require an amendment to this permit prior to the event being held; 3) Any signage must conform to County Ordinance. Seconded by Mahlberg.

DISCUSSION: Mol addressed the applicant and asked if she understood the condition related to events being held. Seward stated she wasn't sure what that statement meant. Rhineberger explained that the narrative provided stated training of horses or rider with no mention of holding public events or opening up to the public for events. Events like a horse shows, dressage, barrel racing or rodeos would be some events that would not be allowed with this motion. Seward – doesn't have these types of events

nor is it part of her business plan. Questioned an open house event and if that would fall under that prohibited condition. Rhineberger – would not consider an open house to be an event. An open house is a way to promote and attract customers. An event would be more of an invite of a horse with a rider for a specific reason. Seward reiterated she does not operate that way and does not foresee events to be part of her plan. Mol – reminded applicant that if there are plans for horse shows she just obtain the proper permit.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 8:56 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
County Board of Commissioners
Kryzer
Twp. Clerks
SWCD