

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: November 17, 2022

MINUTES - (Informational)

The Wright County Planning Commission met on November 17, 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: Dan Mol, Ken Felger, Jan Thompson, Mark Daleiden, Sandy Greninger & Dan Bravinder. Absent was Pat Mahlberg. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present via Microsoft Teams.

ACTION ON OCTOBER 13, 2022, MINUTES

On a motion by Daleiden, seconded by Bravinder, all voted to approve the minutes of October 13, 2022, meeting as printed.

PUBLIC HEARINGS:

1. PATTY KNESE – Cont. 10/13

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 & Dale Plaggerman

- A. Rhineberger reminded the Commission this item had been heard at the October 13th meeting and was continued to allow time for the applicant to possibly address the concerns of the potential wetland or decide if they wanted to go with an alternate plan. At the October meeting the Commission was concerned with the potential wetland between parcels A & B. The Soil and Water Conservation District completed a wet delineation which resulted in a slight adjustment in the proposed lines. The adjustment provides adequate access room north and south of the determined wetland area and parcels B & C have a small jog in the middle of the proposed parcels. All parcels still meet division requirements. SWCD did recommend noting for the record that parcels A & B have wetland areas that must be avoided. Staff feels the concerns of the Commission were addressed. The Township has approved with no other comments received.
- B. Knese had no additional comment and there was no comment from the public.
- C. Mol thanked the applicant and owner for doing what the Commission had suggested and moving forward with the wetland delineation. The proposed plan has plenty of room to get around the wetland.
- D. Bravinder moved to approve a conditional use permit for a four lot un-platted subdivision in accord with the survey completed by Meyer-Rohlin Land Services, Revised on 11/16/2022; File Number 22314, with the following conditions: 1) Access permits from Silver Creek Township must be obtained before any construction activity commences; 2) Driveway access on Parcels A & B must be approved by the Wright County SWCD prior to driveway construction; 3) The Commission notes that significant wetlands exist on parcels A and B and these wetlands must be avoid and no alteration of the wetlands may occur without prior approval by the Wright County SWCD; 4) Per Feedlot regulations, the A/R parcels will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units.

VOTE: CARRIED UNANIMOUSLY

2. JUSTON D. DOOLEY – New

LOCATION: 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 (20 acres recently divided). Property Owners: Dooley Farm LLC

Petitions to amend the current Commercial AG Tourism Conditional Use Permit to include an Ice Palace, 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: Juston Dooley with Fountain Hill Winery

- A. Rhineberger – the Commission is familiar with the property known as Fountain Hill Winery. With the property location on County Road 30 in Franklin Township. The property did go through a few expansion requests this past year, including adding of a distillery and inclusion of 27-acres, that was attached through the Board of Adjustment, for winery activities. The request before the Commission is to amend the current CUP to allow for an ice palace this winter. The conditions of the current winery CUP, which is 100 visitors for daily operations and 375 maximum for events, will likely be exceed with the proposed use of the ice palace. It was recommended to the applicant to amend the current CUP and separate this ice palace use from the restrictions and conditions of the current winery. Operation hours are similar, but the applicant is looking to not be confined to the same number limitation during the time this ice palace operation would be open. Franklin Township has approved with a request to review in a year. The Wright County Highway Department has responded with a letter that addressed access to the property and is included in the staff report provided to the Commission.
- B. Dooley – the idea of the ice palace was brought to staffs attention roughly 3 months ago, when applying for the distillery permit amendment. Staff mentioned the use would fit under the current CUP. Rhineberger confirmed the use could fall under the current CUP. Dooley – with that information he meet with the Ice Palace company out of Idaho and started a partnership. All was moving along until roughly 2 months ago, recommendation from Rhineberger stated the current CUP should possibly be amended in the anticipation the event would exceed the number of allowed daily visitors and it was suggested to have this treated as a separate event. It has been difficult in the last few months with communication as well as discussion that this ice palace might not be allowed and may not fit into the current CUP. With all that said, he truly believes in the Ice Palace company and feels grateful the winery is the first location for them in the state of Minnesota. Ice Castles have been in MN in various versions for many years. Ice Palace uses a different process but creates a similar picture. Belief is that this will bring massive amounts of financial gain to businesses around Delano, the surrounding community and Wright County. This is a very family-oriented event with the hope to provide this event to the community for many years to come. There will be characters walking around and interacting with children as well as the winery will be open for adults. Communication with the Highway Department continues as they try to work through logistics. With the proposed site plan displayed Dooley reviewed the parking area that will be on the newly acquired 27-acre property, running north to south. The current parking will be open to employees only. The Ice Palace will provide porta potties. This event is something that he feels will put Delano on the

map. It will provide a healthy income for his family, and he has invested a lot financially and emotionally into this process. Acknowledges that being the first year there will be a lot to learn. The community has been supportive, especially the Delano Chamber. There has been no negative interaction with surrounding neighbors, and he wants it to stay that way.

- C. No public comment.
- D. Greninger questioned the size of the parking lot and number of vehicles it will hold. Dooley – not yet sure. The topography that runs north and south is more on the high side of the elevation in the area of the proposed parking lot. He would guess about 4 acres of parking, as that is what they use in Idaho. Mol – clarified the area of parking proposed and that a driveway will have to come all the way across a field. Dooley confirmed. The plan is to cut across the wetland and build up with class 5 gravel. He has communicated with a valet service to assist with those that might be elderly or not able to walk the distance. Daleiden asked for confirmation the plan is to cross the wetland with the driveway. Dooley confirmed the area across the wetland is the highest point. There is another area to the very north that the farmer currently uses. When the property was purchased the only portion that is wet is the direct center or area that narrows. The land is high near the road and more south of the grassy area shown on the Beacon photo is where the land slopes down. Daleiden questioned if SWCD has been contacted and intentions discussed. Dooley – no, this is just temporary and is not sure who SWCD is. Rhineberger – Wright County Soil and Water Conservation District enforces the Wetlands Conservation Act rules. If any class 5 is put through that area the wetland rules could be violated. A wetland delineation may need to be completed and this time of year that may not be possible. Dooley – the original plan was to come south along the east side of the wetland and where it dries out head west. Daleiden – this is something that needs to be addressed so that it does not become an issue. Daleiden asked when this event would be occurring. Dooley – plan to open December 16th and run Tuesday – Saturday until February 25th, weather dependent. Work will happen Monday – Saturday for 4 weeks straight to get the palace built. The owners of Ice Palace are from Idaho, and they have moved with their employees, who are mostly family, here for 4 months to work on the ice palace. So far, they have started staking the grounds.
- E. Thompson questioned if a wetland delineation would need to be completed before any portion of what might be wetland could be used as well as asked for clarification as to where the driveway will go through the wet area. Dooley – with Beacon aerial photo displayed the proposed driveway location was described. The farmer that farms the field currently crosses the area with his combine and has mentioned this is the highest area of the “wetland”. Thompson asked for the alternate driveway to be explained. Dooley – thought is it would run along the east side of the wetland and cross to the west once past the wettest area. Rhineberger used Beacon drawing tool to show the possible lines of the two potential driveway routes. Dooley – having the vehicles drive the majority of the field north to south is much smoother and that was part of the reason behind having them cross east to west at the top of the property. Another reason is that the very south portion, of what might be a wetland, tends to be the wettest area and concern is what will happen as the weather warms.
- F. Dooley stated he wanted to back up and give some history of the Ice Palace company and Youngstrom family. Fulltime they build log homes in Idaho. Their architect will come out before

opening and verify the palace is structurally sound. The Youngstroms will carry an insurance policy as well as his insurance policy will be amended to facilitate the event.

- G. Felger – one of the contentious issues is due to anticipated attendance and that the event may not fit into the current CUP. Rhineberger – the use itself he feels is part of the allowed Ag Tourism or Commercial Outdoor Recreation. The conditions of the CUP is more of the issue. If Mr. Dooley wanted to start doing tours of his winery that would be allowed but the number of visitors attending would probably not exceed the allowed limit. Same applies here but the anticipated attendance could be in violation of the existing CUP. Felger asked what the anticipated daily attendance on a Saturday evening or Friday could be. Dooley stated because this is a new event, he does not have that figure. Along the lines of crowd control and number of people, the patrons will have to purchase a ticket to enter the event and is one way to have crowd control. Restrooms inside the tasting rooms will be closed with porta potties as the only source of restroom. Felger – on weekends, Friday and Saturday, current CUP allows for a maximum of 375 people. Is that Friday and Saturday only? Rhineberger – that is strictly for events. According to conditions any day or event with more than 100 people in attendance it is considered an event and the current CUP allows for a total of 20 events per year. Greninger – is each day an event? Rhineberger – each day over 100 people would be an event. Greninger – would think the Youngstroms would have provided an idea of what normal attendance could. Feels that 375 would be a low figure for an event like this. If weather holds out from Dec 16 – Feb 25 the allowed events would run out. Dooley stated that is why it was suggested to amend the CUP. Greninger questioned if he was not provided with an idea of what the numbers could be in a weekend. Dooley – a number was not provided as they have not done this event in MN. Greninger asked if the Ice Castle in Stillwater was contacted for their attendance history. Dooley – he did not as the two companies are currently under a patent related issue. Greninger – attended the Stillwater castle and there 100's of people during an off day. Rhineberger – part of the conversation with Mr. Dooley was to go this route so that the business isn't stifled, and attendance could potentially become an issue if not addressed with an amendment to the current CUP. Greninger – feels this is a great idea and would love to see this in the area but wants to make sure that parking, attendance, and restrooms are addressed so there are not issues. Dooley – does plan to have many more meetings with the County Highway Department. They had requested a 650' setback and he is waiting to get additional answers on where that line is measured from as his measurements do not align with what he is being told by the Highway Department. Daleiden – it is by line of sight with 650' of clear view from either side. Dooley stated his tape measure says 667', so he continues to look for some clarification. Daleiden – the Highway Department is very particular regarding the line of sight and will not deviate. Dooley – started to plan the access further east. The individual that leases the farm property stated he likes the idea of moving the access further east as I would make crossing County Road 30 with his combine easier.
- H. Felger – will security be provided? Dooley – will continue conversations with Wright County and if recommended he will have an off duty officer patrolling traffic. Inside the palace security has not been discussed. Felger – Mr. Dooley mentioned there are logistics to be worked out with the Highway Department. Dooley – correct. Felger stated that the letter from the County Highway Engineer specifically spells out the options. Questioned Mr. Dooley if he is ready to abide by those options. Dooley asked for clarification. He received an approval letter and a denial letter about 3 days apart due to a glitch in the system that automatically sent out an approval. The recommendation was to

close the current access, which is being done but not permanently because this in an event not forever and move the new access further east. Felger clarified the plan is to close the access where the parking lot currently is, temporarily, move the north entrance of off County Road 30 east and improve with a driveway down to the parking lot. All of this is to be done this year. Dooley – correct. There will be no paving of the new access just work to make sure the driveway is safe and plowed. Greninger asked where will employees enter if the entrance is closed. Dooley – the access will be closed to the public. If Wright County Highway doesn't want any cars in that parking lot they will have to park on his personal side, which is behind the winery.

- I. Bravinder asked Mr. Dooley to describe a day of this event and how it will be used by a visitor. How long will a visitor stay, activities, number of cars going in and out. Dooley – does not have the exact number of patrons or vehicles. Opens at 5pm, during the weekday, and closes at 9pm. Music will be broadcast through a Bluetooth speaker built into the ice. There will be a ticket booth by the entrance. Bravinder asked specifically how long a participant will be at the event. Dooley – maybe an hour, it would take roughly 15 minutes to walk through the ice palace. Bravinder asked if the event is associated the winery. Dooley – yes, hope is attendees visit the winery. Revenue from ticket sales does not go to Fountain Hill Winery. Greninger – thought is that visitors will be there long enough to tour the ice palace and possibly eat and drink. Dooley – correct. There will not be any tasting and a very limited menu. Bravinder was trying to get an idea of how many people would be going in and out on a regular basis or parked during the entire time the event is open. Greninger asked if there would be a bar at the ice palace area. Dooley – no, visitors would need to visit the winery. South of the palace will be a courtyard that would have 2 wood firepits and 2 propane firepits for warming up. Bravinder – has the area talked about as wetland been formally identified as wetland or just not farmed. Dooley – it just has not been farmed. At times the southern portion has been very wet and not farmed for a distance into what is shown as plowed field. Bravinder questioned if a wetland determined by more than just a wet area. Rhineberger – soil types and vegetation are some of the other measures. Dooley questioned if the Beacon site identified the area as wetland with Rhineberger stating Beacon does not identify wetlands. Dooley – there is no wildlife in there as far as ducks. Thompson – personal experience is that you really do not know if an area is wetland until a wetland delineation is completed. A wetland could be just 6" wide in locations and still is not allowed to be built in. Dooley questioned if a wetland delineation has been done. Daleiden stated that would be something SWCD might have but it will need to be discussed with them.
- J. Mol – the Township asked for a review in one (1) year. If an amendment is granted can a condition be placed for a single year? If given a year this Commission and Township have the opportunity to review and address any concerns or issues that arise. Felger – agrees with the year review. Asked Mr. Dooley if the contract agreement with Ice Palace is for one (1) year? Dooley – five (5) years, with a review at the consecutive year. Felger asked how that contract would be affected if at a year review the Township comes back stating they don't like what is occurring. Dooley – that is a communication he would have to have. Clarified the first two (2) years are set and the 3rd year Ice Palace would be able to cancel. Kryzer – agrees, a one (1) year term is a good idea and will allow for the Commission and Township a chance review. There are just too many unknowns with traffic, site line, access route that does not appear to be approved by Highway Department and wetland issues that have come up. Would recommend an interim permit for one (1) year and review for renewal in a year.

- K. Rhineberger proceeded to read a list of recommended conditions he drafted that are based on the Commissions discussion. Conditions: 1) Approval shall be interim in nature and shall expire May 1, 2023. This date was used to provide Mr. Dooley plenty of time to address concerns that might be brought up by the Township. This is a new type of operation for the County so there are unknowns that will probably come up. 2) The limitations on visitors to both the winery and ice palace be suspended during the operation of the ice palace. The limit of visitors will not apply during the dates specified for the ice palace. If it isn't done this way, there is no way to track visitors to either winery or ice palace. 3) All Wright County Highway access requirements be met, and the appropriate permits granted. 4) Portable toilets must be provided for large gatherings in accord with the letter dated October 14, 2010, from the Wright County Environmental Health Officer. 5) All conditions from all prior conditional use permits are incorporated herein by reference, unless specifically addressed by another condition as part of this interim permit.
- L. Daleiden moved to approved a conditional use permit for an ice palace to be place on the property in accord with the plans and description held on file, in accord with the discussion, with the following conditions: 1) Approval shall be interim in nature and shall expire May 1, 2023; 2) The limitations on visitors to both the winery and ice palace be suspended during the operation of the ice palace; 3) All Wright County Highway access requirements be met, and the appropriate permits granted; 4) Portable toilets must be provided for large gatherings in accord with the letter dated October 14, 2010, from the Wright County Environmental Health Officer; 5) All conditions from all prior conditional use permits are incorporated herein by reference, unless specifically addressed by another condition as part of this interim permit; 6) SWCD approval of the driveway location is required. Motion seconded by Thompson.

DISCUSSION: Daleiden asked Kryzer if there are any other issues that should be conditioned. Kryzer – could ask that a deputy be present for traffic control, onsite security could also be condition. This being the first year it is hard to say what needs to be done because the traffic and attendance is unknown. Daleiden – would think the Sheriff would have some recommendations once they get an idea of traffic counts. He has visited and ice castle in the past and feels it could get a little crazy. Believes this is a great event for Wright County and will put Delano and Franklin Township on the map. Dooley – regarding security, fully agrees there needs to be some traffic control. Questioned what determines when traffic control is needed. Daleiden – when traffic can't flow. The Sheriff will determine what is needed.

Daleiden amended his motion to include condition 7) Must review traffic control with Wright County Sheriff's Department. Seconded by Thompson.

Rhineberger – the way the motion would read is that this permit would expire May 1, 2023. Is the Commission looking for the amendment to expire or for the Planning Commission review? Daleiden – can the amendment be pulled at that time? Rhineberger – if the Planning Commission wants to review, regardless, the review can be done without a completely new application but instead a \$50 re-notification fee. Everyone that was notified the first time will be re-notified, which will allow neighbors to make comment or attend a meeting. If the Township requires a new hearing, that can be a condition. If a review is what is wanted the expiration date should be removed but that would take away the interim

part of the permit. Mol – would like to see it expire. If all goes well the event will be granted again. If the permit doesn't expire and the event goes bad there is a lot of channels to go through to get the permit revoked. The way he read what the Township wanted is the permit to be looked at in a year as a review. Questioned if there is a way to have only the \$50 notification fee. Dooley asked if there is a stipulation that could be added stating if Franklin Township approves it is an automatic renewal and if they don't approve it is not. Mol – that would be difficult to add into the motion. Daleiden stated he can see some tweaking after the one (1) year time frame.

Daleiden motion to add a condition that Township review is required after the first year, with Thompson agreeing.

Felger called the question.

VOTE: CARRIED UNANIMOUSLY

3. DUSTIN PARKER – New

LOCATION: 15152 Elder Ave NW – Part of SW 1/4 of SW 1/4 , Section 16, Township 122, Range 26, Wright County, MN. (Silver Creek Twp.) Tax # 216-100-163306, 216-100-163301, 216-100-163305, 216-100-163310. Property Owners: Dustin Parker, Crystal Lawrenz and Barry A Hart.

Petitions to for a Conditional Use Permit to operate a bar and restaurant as regulated in Section 155.027, 155.029(B), 155.054(B)(9) of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Dustin Parker and Crystal Lawrenz

- A. Rhineberger displayed the site plan, building plan and reviewed the property. The property is 1.8 acres that is comprised of 4 parcels. In 2012 the property was rezoned to B2-General Business and is designated AG-Agriculture in the Land Use Plan. At one time the site was the old Hasty Saloon, which is the location of the proposed bar and restaurant. In 2012 a conditional use permit was granted to operate a winery, which was never operational. The renovations, as proposed, might need Board of Adjustment approval, as there is a small expansion of a nonconforming structure. The applicant has yet to meet with the Township, but staff would recommend continuing to the next meeting with discussion be had so that any concerns with the proposal can be addressed before the December 15th hearing. No other comments were received.
- B. Parker stated their goal is to bring the bar back to life.
- C. No comment from the public.
- D. Mol reminded the Commission of the location and locality to I-94 and the Hasty Truckstop.
- E. Felger questioned the last time the bar was open. Parker – possibly 2002. Felger asked if on street parking would be allowed. Parker stated he was not sure. Mol – the road in front of the building is a town-line road with Clearwater Township on one side and Silver Creek Township on the side of the building in question. Bravinder stated that it is up to the township if they will allow parking on their road. Felger wanted to make sure there is enough parking off street. Rhineberger displayed the site plan and reviewed the proposed parking details and plan related to what is required. Mol – when previously open he remembers on street parking with Greninger agreeing.
- F. Mol – one of his concerns is future use and if the idea is to have outdoor music. Parker – future plan is the 2nd level eventually being set up for live indoor music. With an outdoor patio as part of future plans.
- G. Bravinder asked the applicant to review the phases of his five (5) year plan. Parker – depending on how busy he is the hope is to get up and running with the first goal to put in a full size kitchen on the backside. By year five (5) the hope is to have the upstairs remolded and running. Bravinder – remodel downstairs, upgrade kitchen and then remodel upstairs. Parker confirmed.

- H. Thompson questioned if the condition of the building is acceptable or will there be major problems during renovation. Parker – hired a structural engineer that signed off on the building. The roof was actually replaced roughly 7-years ago.
- I. Rhineberger stated that most of the parking requirements are listed in the ordinance. There are specific requirements for off street spaces that are required for restaurants, cafes, bars, taverns, and night clubs based on capacity design. The number of spaces as well as size of space is regulated and calculated with a specific formula.
- J. Felger moved to continue the item to the December 15, 2022, meeting to allow time for Township review. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. APP Properties LLC. represented by Kyle Ashwill - New

LOCATION: 15405 US HWY. 12 SW – Part of N 1/2 of the NW 1/4 lying south of the railroad, Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-331200 & -331204 Property Owner: APP Properties, LLC

Petitions for a Conditional Use Permit for a platted 7-lot industrial subdivision as regulated in Section 155.028, 155.029, 155.055, & 155.059, Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations Chapter 154.

Present: John Parks for Kyle Ashwill

- A. Rhineberger displayed the site plan while reviewing the property details and proposed plan. The 46.5-acre parcel is located west of the City of Cokato, in Cokato Township, and is bordered on the north by railroad tracks. The property was rezoned I1-General Industry by the Planning Commission and County Board in June 2022. The lot is designated in the Land Use Plan as Transition Area. The original plan had some items that were of concern for the Township; those were addressed, and a revised plan was provided that meets their requirements. SWCD did complete a wetland delineation. Approval was received from the City of Cokato as well as the Township. The developers agreement will address concerns the City presented with regards to the types of businesses allowed. The applicant is requesting waiver of the open space dedication fee, similar to a recent request the Commission reviewed for a property in Monticello Township. The Commission decided, for that request, to go with an adjustment in the fee to a per lot amount versus a full waiver. The overall process of determining the open space fee was reviewed. If per lot calculation is used in this scenario the fee would be reduced from \$27,340 to \$21,700 with a \$3,100 per lot figure used.
- B. Parks stated this is the 1st he had heard of the fee and questioned when it was implemented. Rhineberger – part of the subdivision ordinance since the 70's or 80's.
- C. No public comment.
- D. Felger motioned to approve a conditional use permit for a 7-lot platted industrial subdivision called Pheasant Addition, as the Commission finds the terms of Chapter 154 and Chapter 155 Section 155.055 of the Wright County Code of Ordinances are met. The proposed plat of Pheasant Addition is approved in accord with the record of these hearings and the plans, terms and specifications submitted by the applicant and completed by North Star Surveying dated February 25, 2022, Job No. 2022034, held on file, and subject to the following conditions: 1) Prior to recording, the final plat checklist must be completed including but not limited to the following: a) Park dedication of \$3,100 per platted lot, at 7 lots, for a total of \$21,700 is to be paid along with the other fees noted on the plat checklist. b) Title opinion is submitted and accepted by the County Attorney. c) Developers' agreement between the applicant, City of Cokato, and Cokato Township be recorded. 2) No conditional use permit application nor building permits will be issued until final acceptance of the road as a township road by Cokato Township has been submitted to the Planning and Zoning Office. 3) Wetlands must not be disturbed, altered, or filled, unless proper approval has been received by the Wright County SWCD. 4) Uses allowed on the lots will be limited to those expressly allowed

through the recorded Developer's agreement. Any conditional use permit application not listed in this agreement will be denied by the Zoning Administrator. Motion seconded by Daleiden.

DISCUSSION: Bravinder questioned the park dedication fee, and his understanding is the fee is intended for property owners to use the parks in Wright County. He is trying to figure out how this fee would work with a business plat. Daleiden – in the past Cokato Township has had park dedication fees used to pave the pathway for the school, that runs to the school from the city. Originally, the path was to be funded three ways and the Township didn't want to contribute so funds were taken from the park dedication fee and utilized for this path. The funds are there to provide enjoyment for residents of the area. Bravinder – was involved with that process. In Cokato Township parks are not built and does not see that changing. He is trying to understand why a business development needs to pay the same fee as residential plats, this seems like a double taxation. Daleiden – the fee is being reduced. The ordinance reads that all properties have to pay the dedication fee. Bravinder – understands how the ordinance reads but is trying to understand the spirit in which it was intended. Rhineberger – residential or commercial development still allows for anyone working here the opportunity to use nearby parks. He believes that if a county park were across the street from the Government Center it would be used heavily. As mentioned at the last meeting, he would like to have a discussion of the park dedication fee as a whole. The way the ordinance reads is, all subdivision, with no limitation on what that is. There has not been an opportunity to delve into a discussion of the ordinance, but it is on his list to address. Bravinder stated he looks forward to that conversation.

VOTE: CARRIED UNANIMOUSLY

5. ORDINANCE AMENDMENT 22-4 – cont. 9/29

- A. Rhineberger stated that Mr. Kryzer brought these amendments to him shortly after he was hired as the Zoning Administrator. The amendments include some fortification related to the duties and responsibilities of the Zoning Administrator as well as appeal language changes. The appeal language would put an official end date on a Zoning Administrator determination. The way the current ordinance is written there are 20-30 year old opinion letters, from prior Administrators, that could be appealed, because there is no set limitation. With the Board of Adjustment and Planning Commission, if a ruling is made there is a specified timeframe in which the decision can be appealed. Currently a Zoning Administrators decision does not have an appeal time frame. The amendment will not eliminate the ability to appeal but will eliminate an appeal based on a decision that was made by a Zoning Administrator that is long gone. Amending of section 155.003 addresses some confusion in language between what is defined as Impervious Surface and what is written in the definition of Access Drive. In 2007, the Impervious Surface ordinance was amended to include all driving and parking areas, not realizing impervious surface coverage was also part of the definition of Access Drives. This amendment would clean up that conflict. The solar ordinance amendment is related to the recently adopted size limits spelled out in 155.108 solar ordinance. There are specific listings in zoning districts stating energy system sizes in relation to permitted or condition uses. This amendment removes the specific size reference listed in each zoning district and instead states, as regulated under section 155.108, which is the solar ordinance. This way if the solar ordinance changes there is not a need to change each related zoning district wording, the change will be addressed by the reference to section 155.108.
- B. Felger thought that the Planning Commission could possibly consider a longer duration time for the appeal process. The wording states 10 calendar days, and he does not feel that is long enough. A longer timeframe would allow parties wanting to file an appeal, more than 10 days to put together their details. Felger stated he does not have a number in mind and tossed out 90 or 60 days as a possibility. Rhineberger – Board of Adjustment and Planning Commission have a 30 day time period. He would suggest 30 days to keep timeframes consistent with other decisions made by the County. Felger stated he felt that was acceptable with Thompson agreeing. Daleiden questioned if this amendment would need to be published. Kryzer – no, a notice of intention to amend this section was already completed. Felger asked if the Townships would need to be notified. Rhineberger – all cities and townships were notified. Response was received from Franklin Township, Rockford Township, and the City of Maple Lake; all of which approved. Rhineberger stated he did attend a meeting at Albion Township, Tuesday evening, and in the reading of the minutes it was stated that they did approve; but did not return a formal response. No other responses have been received.
- C. Mol opened the floor to public comment with no one stepping forward.
- D. Motion made by Daleiden to recommend approval of Ordinance Amendment 22-4 to the County Board of Commissioners with the noted change to 155.025(C) to change 10 calendar days to 30 calendar days. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

6. ACTION TO ACCEPT THE FINAL PLAT OF NORTH LAKE ACRES (Craig McAdams)

On a motion by Daleiden, seconded by Bravinder, all voted to approve the final plat of North Lake Acres and authorize the chairman's signature.

Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

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