

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 1, 2023

MINUTES

The Wright County Planning Commission will meet on Thursday, June 1, 2023, 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 members present: Ken Felger, Sandy Greninger & Dan Bravinder. Absent members: Pat Mahlberg, Jan Thompson and Jeanne Holland. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON May 4, 2023 MINUTES

- A. Mol stated page #20 of the minutes there is a correction to the acreage of potatoes. Minutes read 18,000 – 24,000 and should read 1,800 – 2,400 acres.
- B. Greninger motioned to approve the May 4, 2023, meeting minutes with the noted correction and as printed. Seconded the Bravinder.

VOTE: CARRIED Abstained: Felger

PUBLIC HEARINGS:

1. MATTIE CYMEK – Cont. 5/4

LOCATION: 8025 State Hwy 25 NE – Part of E 1/2 of SW1/4, lying west of the westerly right of way line of Highway 25 and south of..., Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax # 213-100-223402 Property Owners: Double H Properties, LLP

Petitions to rezone the area outside of the shoreland overlay on the property, as seen on the concept plan, from General Agricultural (AG) to General Industry (I-1) as regulated in Section 155.028, 155.048 & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Bruce McAlpine representing Mattie Cymek

- A. Rhineberger – matter was heard May 4th and continued for a site inspection. Commission did visit the site and since then an update response from the Township was received. The original response was no formal recommendation was provided and a site inspection was requested. The Township was at the site inspection with representatives from the maintenance department on hand. The updated response is recommendation of denial based on no clear development plan for the property. The Township indicated it does not make sense to change zoning from General Agricultural (AG) at this time, as the owners are selling the property and Elsenpeter Auction operates with a conditional use permit (CUP) on the property as it is related to agriculture uses.

- B. McAlpine – surprised by the response. Trying to transition so that the property is General Industry (I-1) and it can be sold. There was mention of a developers agreement between the Township and County and that the new buyer could come forward to get a plan approved. Would not need an AG CUP if zoned General Industrial. It has been discussed that there is a priority of ensuring Elsenpeter could stay and transition into the space.
- C. No public comment.
- D. Bravinder questioned the applicant if he attended the Township meeting with McAlpine confirming. Bravinder asked if the developers agreement was brought up at that meeting and discussed as there is no record. McAlpine – no, not at that meeting. Discussion was had in the parking lot, during the site inspection, and it was the maintenance employees as no members from the board attended. Bravinder – Cokato Township recently went through a similar process and at the request of the city a developers agreement was put together, which the landowner was in favor of. Disappointed this discussion did not happen. McAlpine – interpretation was that if moved forward it would be subject to a developers agreement. Bravinder – this is just a rezoning request with no plan. McAlpine – correct, there is not a specific buyer. Several people have inquired what could be done but can't move forward until rezoned. Rhineberger stated there was an applicant but the proper information and signatures were not included so the application was rejected. Mol – recalls the property in Cokato Township had the developers agreement completed prior to rezoning approval and everyone involved was in agreement. Rhineberger – similar situation but that property was in the transition area, which does require that City provide comment. In this case, the property is outside the annexation area and therefore is solely under the jurisdiction of this Commission. Part of that vetting process and only way that the City of Cokato would approve the rezoning was the developers agreement. McAlpine – would question the board members that were at the site as it seemed like a positive review of the site. As mentioned, the decision really is not up to the Township but is a recommendation with the Commission making the decision. Did not have anyone at the meeting to talk about regarding developers agreement. Monticello Township mentioned they do not have anything like this, and it may be unique to them. Rhineberger – Monticello does but the annexation is governed differently than other cities. McAlpine – this property is outside the Monticello Orderly Annexation Area (MOAA) so it is different.
- E. Greninger stated she is in agreement and would like to see a developers agreement. Concerned that Monticello recommended denial unanimously and would like to know more on what their reasons were. At the site she asked the applicant what the intended use would be and what businesses were looking to come in. McAlpine stated his reply was that there were 3 specific types of business, but none are contracted to move forward. Greninger questioned what makes this property unique. McAlpine – already being used in a semi agriculture capacity. Ag commercial is very limiting to industrial use so General Industrial will allow to branch out. Greninger – the property doesn't conform with the Land Use Plan so what makes it unique and why should she be looking at going against the plan? McAlpine – not part of the MOAA so there is more flexibility, the City of Monticello doesn't have anything to do with the property, the 1,400 running feet along Highway 25, it borders commercial and future commercial as well as multi-use on the other side of the road. The

property borders the Monticello Sportsman Club, a mine and 40 acres of solar panels. The property is kind of an island and has an Ag industrial commercial usage currently and to move to industrial commercial usage would not be that big of a leap.

- F. Felger – the property is in the Land Use Plan as Agriculture. During the NE Quadrant studies there was ample opportunity for all jurisdictions, citizens, and landowners to comment on their land. This parcel is clearly not in the plan and not in the MOAA. He would prefer to see a plan before rezoning. Rezoning is a fairly big issue that is taken seriously and feels the timing is not correct. At this time, he is not in favor of the request, and he takes the Township supervisors comments seriously. Yes, this Commission has jurisdiction over the request, but the Township has a lot of weight when it comes to the recommendation. At this time, he cannot support the request. Rhineberger – in most cases with rezoning from AG to A/R a general concept plan is required. When rezoning from General Agricultural (AG) to General Industry (I-1) there is no way to tell what plan there is until the rezoning occurs. There could be a plan and general concept but once rezoned the parcel opens up to any other use. When it comes to residential the requirement of a concept plan is there to make sure minimum requirements of the lots are met. It is not uncommon to get the actual plan and CUP request until after the rezoning is known. This request is based on the concept of zoning and if that zoning is approvable by the Commission. At this point there is no indication of anything beyond a business on the property. To get multiple businesses on the site there will likely need to be a subdivision request. If there is a specific business potentially current CUP may need to be amended or amend with IUPs. Rezoning is the front end of the process.
- G. Mol questioned if the applicant or representative attended the Township meeting when the denial was made. McAlpine – no, was not aware they needed to go back. Mol – not a requirement but someone could have been at the meeting to discuss. Questioned McAlpine if he would like the item continued to have further discussion with the Township. McAlpine stated he would like to have a conversation with the Township as comments regarding the CUP would not be relevant. Comment at the meeting was that Elsenpeter would not be allowed to stay at the location; but that is not accurate as the CUP would supersede if moving to a commercial designation. Rhineberger – correct, the use as it exists being primarily Ag Auction could still exist. If they want to transition away from Ag use the CUP would need to be amended. Mol – questioned McAlpine if he would like to continue the item and meet with the Township. As it sounds a vote from the Commission does not sound positive. Also, can withdraw the request and walk away with no prejudice. McAlpine stated he would like to talk with the Township. Unless everyone is against rezoning because it is 66 ft. away from the commercial designated land, then maybe he shouldn't go forward. Mol – with the Township not on board it is an uphill battle. McAlpine – did not realize the Township carries that much weight on something they already stated they were not against and simply asked for a site visit. Mol – Township gave a formal denial, and this Commission needs a good reason to go against the Township. Kryzer stated that the Township also based their denial on the Land Use Plan and criteria in the Land Use Plan, which requires this Commission to find rare and unique circumstances. If continued he would encourage review of the Land Use Plan and really pay attention to the rare and unique circumstances as it needs to be clearly articulated. McAlpine stated he thought he had with the reasons he provided. Kryzer questioned how neighboring a gravel pit is rare and unique when between Buffalo and Monticello there are roughly 5 gravel pits on Hwy 25. How does that make this parcel rare and unique? McAlpine

– the gun club, gravel pit and solar panels. Kryzer – those are all Ag uses and this request is out of the Ag zone with the current CUP operating in an Ag capacity. Rare and unique has to be specific to this property. McAlpine questioned what is being looked for as rare and unique.

- H. Bravinder – the only thing that could possibly tell him that the land is unique is that the parcel borders transition area. It is only transition area and the only thing he sees as rare and unique. McAlpine feels that is unique enough. Questioned the parameters and ceiling for rare and unique. Kryzer – it is a heavy burden to go against the Land Use Plan. McAlpine – has done this type of thing in many areas and regardless of how many other the parcels along Hwy 25 could be rezoned he feels this one has a little more rare and uniqueness based on location. He did not realize that the Township would carry this much of a vote. Bravinder – would be okay continuing the item. McAlpine stated he would need time to discuss with the sellers. Bravinder – in his 21 years on the Town Board he has dealt with a situation like this and both times the owner of the land was the developer. This is different in that the owner just wants to sell and a developer is not involved. McAlpine asked who would want to buy if the next step of the process is not complete. Kryzer – there are three possibly buyers in the neighboring property owners.
- I. Mol questioned if there was time to continue with Kryzer confirming there is time for at least 2 more meetings before going to the County Board in August.
- J. Bravinder moved to continue to the June 29th meeting with Greninger seconding.

VOTE: CARRIED UNANIMOUSLY

2. **JOHN FRITZ** – Cont. 5/4

LOCATION: 7607 State Hwy 25 NE - Part of Gov't Lot 3 lying north of the south 550 feet, and lying northwesterly of the northwesterly right of way line of highway and portion of the SE ¼ of the SE 1/4, Section 28, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-281401, -281400 & 213-100-272300, -273200. Property owner: Goetzke

Petitions to renew the permit that was issued in 2018 to allow mining of the remainder of the aggregate at the property, and to clean up the property and process the material brought in by the previous operator. Will include the processing and crushing of recycled concrete and asphalt and hauling material for restoration. Also, to include a slight modification of the 1998 reclamation plan to farm field.

Present: John Fritz

- A. Rhineberger – request was heard May 4th and Commission continued for a site inspection. Received updated response from the Township with recommended approval of the pit for 10 years with added the conditions that the debris is cleaned up within 120 days, approval of the State Fire Marshall before any brush pile burning is done at the pit, and complete reclamation of the site be completed no later than December 31, 2033. No other comments have been received.
- B. Fritz had no additional comment.
- C. Floor was opened to public comment.
 - Jason Kolles – questioned what fill will be used. Mol – reports stated will haul in material from other jobs. Kolles – site is an eye soar. Will it be cleaned up? Rhineberger – plan is to crush material that is at the site, get that hauled out and there will be a crushing operation 4 weeks a year for the next 10 years with the material hauled back in. The pre-crushed pile will be tucked back into the southwest corner. Reclamation material for the north and northeast has already started to come in. There is a little material left in the pit that will be removed with this permit. Kolles stated he likes the plan.
- D. Felger questioned Mr. Fritz if he is okay with the condition of crushing for a maximum of 4 weeks with Fritz confirming. Felger went on to review the conditions the Township specially requested and if those were acceptable. Fritz – confirmed.
- E. Kryzer stated the current mining ordinance only allows for 10 years. This permit, if issued today, would have to expire 6/1/2033.
- F. Greninger – looks forward to the site being cleaned up. Feels there should be a reclamation bond and the new ordinance states \$5,000/acre. Felger questioned if the \$5,000 bond is a general requirement or something to be placed into the conditions. Rhineberger – this pit is not the same as other pits that are currently permitted. The original permit did not include any bond or surety for reclamation and is one of the reason we are at this point. A new pit would have language related to surety amounts for reclamation. In this situation it is within this Commissions realm to require a bond. Felger questioned if the Commission has the right to not include a bond. Rhineberger – in this case and with the history related to this pit, yes. Greninger questioned the number of acres. Rhineberger – roughly 36.3 acres.
- G. Felger questioned if the IUP would expire 6/1/2033. Kryzer – current Mining Ordinance states an IUP for a mining operation can be issued for only 10 years. Therefor all reclamation must be completed by 6/1/2033.

- H. Mol – in this situation because there wasn't a bond it might be a good idea to have a reclamation bond.
- I. Greninger asked if the money is put up front or is it more of an insurance policy. Rhineberger – requirement is to file a letter of credit or something similar with the county and that is then held for the duration of the permit. As reclamation takes place a request can be made to reduce the bond value. Greninger – does it cost to request an adjustment? Rhineberger – does not believe so. With road related projects he has seen the bond amount adjusted as certain steps of a road are completed. Greninger – does not want to see this pit in this situation again. Felger questioned if there is interest included or the amount will only be what was set 10 years prior. Kryzer – amount is what is set as of today.
- J. Bravinder – the cleanup of debris does not include the concrete. Rhineberger – correct, the Township specified old tires and equipment. Bravinder – struggles with a full bond and could see going with \$2,000 per acre. Greninger – agrees, fine with \$2,000 per acre. Fritz agreed to the bond requirement.
- K. Felger moved to approve the renewal of the existing mining operations in the pit (to include aggregate mining, recycling/crushing of bituminous and concrete, screening and stockpiling, not to include a wash plant or a hot-mix plant), except that this will now be classified as an Interim Use Permit, with the following conditions: 1) All material brought to the site to be used for reclamation must be clean fill; 2) Crushing to be done seasonally for a maximum of 4 weeks per season; 3) Access to the pit must be gated so as to prevent trespassing and illegal dumping; 4) Reclamation shall comply with Wright County's new reclamation standards (rolling topography, no finished slope to exceed 25%, and at least 4" of topsoil); 5) This Interim Use Permit shall expire June 1, 2033. Any operations past that date shall require a new IUP; 6) The berm along Hwy 25 and the natural tree barrier along the west property line must remain in place and maintained; 7) No work to be done on Memorial Day, July 4th, or Labor Day; 8) Clean-up of the debris on the property must be done within 120 days; 9) Approval of the State Fire Marshall before the brush pile is burned; 10) Complete reclamation of the site no later than June 1, 2033; 11) Surety for reclamation of \$2,000/acre be filed with the County. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

3. **CITY OF MONTICELLO/WRIGHT COUNTY** – New

LOCATION: 10224 Briarwood Avenue NW – Part of the SE 1/4 of Section 8, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-084100,-084300, -084302, -084400, -084301 & 213-100-171201 Property Owners: COUNTY OF WRIGHT - PARKS & CITY OF MONTICELLO

Petitions for a Conditional Use Permit to allow a land alteration permit to support public recreation improvements at Bertram Chain of Lakes Regional Parks as regulated in Section 155.029, 155.030 (D) & 155.101 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Tom Pawelk, City of Monticello Park Director

- A. Pawelk – request is related to a land alteration permit for Bertram Chain of Lakes, Phase 2 of construction. The plan is to add access points, expand the northern and southern parking lots, trail access will be provided for the entire site as well as ADA access, landscaping, and a two-way gated service road to the main area of the County camping location. Phase 2 follows the master plan, which was already reviewed and approved. Looking to being the work starting in August, pending approval.
- B. Rhineberger – proposed and master plans displayed and referenced. The plan is to move around 35,000 cubic yards in this phase. This improvement will be primarily parking and some other amenities that are part of the master plan. Monticello Township has approved this request.
- C. No comment from the public.
- D. Bravinder questioned if material will be hauled off site. Pawelk – no, all material will be used onsite.
- E. Mol verified this will help in making the park handicap accessible. Pawelk used the displayed master site plan and reviewed areas where the work will be completed and how handicap accessibility will be addressed. There will still be some future regrading, but this project is building up the infrastructure.
- F. Felger asked if this would be the final stage. Pawelk – will be back again for some additional work. Rhineberger displayed a site plan showing existing, proposed, future areas as Mr. Pawelk reviewed. Felger – what is the size of the pond and is it able to handle the water runoff? Pawelk – confirmed that even if the pond is not pumped it would still be able to manage the water runoff.
- G. Greninger moved to approve a conditional use permit for a land alteration in accordance with the plans submitted with the following condition: 1) All provisions for soil erosion and sediment control under Wright County Ordinance 155.084 shall be met. Motion seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

4. **MARK D. JOHNSON** – Cont. 5/4

LOCATION: xxxx Pleason Ave NW – SE 1/4 of SW 1/4, Section 9, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax # 209-000-093400 Property Owners: Mark D & Jodene M Johnson

Petitions to rezone the entire 34.65 acres from General Agricultural (AG) to Agricultural/Residential (AR) as regulated in Section 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Applicant not present

- A. Rhineberger – item was continued from the May 4th meeting to allow time for the applicant to meet with French Lake Township. The applicant was hopeful he would be able to have an opportunity to meet with the Township through a special meeting. The applicant has since confirmed that a special meeting will not be occurring and requested continuation to the June 29th meeting.
- B. Felger moved to continue the matter to the meeting of June 29th, at the applicant's request. Motion seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

5. **BENET DESMARAIS** – New

LOCATION: 1841 2nd St SW – part of Gov't. Lot 5, Section 02, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax # 211-000-022201 Property Owners: DesMarais

Petitions to rezone from Agricultural/Residential (A/R) to Suburban Residential (R-2a) as regulated in Sections 155.028, 155.047 & 155.051, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ben Desmarais and Paul Otto with Otto Associates

- A. Rhineberger – maps of the site and concept plan displayed as details of the property and request were stated. The property is a 25.1-acre site located on the corner of 2nd Street and Bolton Avenue SW in Marysville Township. The property was previously rezoned to Agricultural/Residential (A/R) with a subdivision approval included with that request. This request is to rezone the northern acreage and create two 5-acre lakeshore lots. The rezoning request is for Suburban Residential (R-2a), which carries a 5-acre lot minimum. The property is in the Land Use Plan as Rural Residential and is currently zoned A/R. Marysville Township has recommended denial, as they feel the current A/R zoning is appropriate for this area. Two neighbors request denial of the request.
- B. Desmarais – lived on the land all his life, it is a 3rd generation property. The lake is private with the only boat landing on their property. Hope to rezone for future use and can stay in the family. With the price of land going up the only opportunity family would have would be to have something like this occur and keep in the family. He purchased the land through his parents and his hope is to allow his kids to also purchase. Feels this option is best feasible to use the lake and have the back acreage remain Agricultural/Residential.
- C. Otto – portion of the zoning ordinance being used is related to the lakeshore. This is probably some of the better lakeshore on the property. The lots are 300 ft. wide and would meet the width requirement. The proposed plan is 6.5 acres and 6.7 acres and 11 acres on the back parcel, so the lake lots could be adjust to 7 acres. With a meandering lake the lakeshore is taken out of the property. If the lake was not there this property would be roughly 30 acres and there could be 3 lots. This is part of the reason why they are asking for this particular request. They feel the request fits well with other properties around the lake. Recently, on the east side of the lake the properties were rezoned into 10-acre parcels, with 300 ft. and there was an entitlement cluster division directly east. There is a PUD on the lake with smaller lots and there is another subdivision, with very small lots, on the northwest corner that predates the ordinance. This is about the last lakeshore with one parcel left which does not have much lakeshore frontage. This is nice lakeshore that has been used as access to the lake for years.
- D. Public comment opened.
 - Eric Knudson – bought the 10 acres just to the west. Prior to purchasing he called the County and asked what could be done to the land and if they could build. Stated land is Agricultural/Residential all in of that area. There are lots of farms with horses in

- the area on the 10 acre lots. He is against the rezoning but is not opposed to breaking off and selling a portion. A few years ago, he was present when the land on the west side of the lake was rezoned and is not opposed to development at all. The reason they purchased is because they saw all areas were Agricultural/Residential and were told it is very hard to rezone. They bought because they knew the area more or less could not be changed and were even discouraged to try and divide 5 acres from their parcel. Opposed to rezoning but not opposed to selling off half of the land.
- Dave Neske – lives on 2nd St. – questioned the guidelines for Suburban Residential (R-2a). If this was 1 per 10 another entitlement would be allowed but with this proposal would there be 2 more entitlements? Rhineberger – proper term is building eligibility. When property is rezoned, the entitlements don't exist as they only exist on General Agriculture properties. In this case it would be building rights and buildable lots. What is requested would result in 3 buildable lots with 2 being lakeshore lots and 1 lot none lakeshore, that is to the south. The minimum for the R-2a zone is 300 ft. in width and 5-acre minimum. In this case without changing rezoning, they could request a subdivision to break off the house with lakeshore as one piece without any rezoning. There is potential for one additional house site without going through rezoning. Neske questioned if there are other Suburban Residential (R-2a) lots in the area. Rhineberger – with zoning map displayed the area zoning was reviewed. There is a PUD on the north side that is governed by a standard believed to be R-2, which is 2.5-5-acre size standard. Parcels are zoned A/R but as part of the PUD is governed by a different zoning standard. Neske – clarified the 2 brown colored parcels are Suburban Residential (R-2a) with Rhineberger confirming.
 - Kristine Hamm – lives on Bolton SW – Township has held fast to the 10-acre rule on subdivisions and with this request the Township did recommended denial. She agrees with the denial of the request, as presented, but would be fine with two 10 acre or more parcels. The township road does see more and more traffic so there is concern. The increase in traffic is a concern for those that live in the area. The 10-acre rule has been held fast for many people that have asked for smaller parcels and they have been denied by the Township.
- E. Kryzer – the Land Use Plan does not allow second-tier development and generally with riparian it is everything along the lakeshore and not divided by a roadway. In this instance 2nd St. goes through the proposed divisions that are claimed to be riparian. He would like to hear Mr. Otto's thoughts on whether or not this is a second-tier development and if not, why. All other parcels on Bice, along Deer Lake and Armitage is on one side of the road and riparian to the lake. He cannot remember, in his 13 years at these meetings, an instance where riparian was bisected by a road and the building site is located on the other side of the riparian. Otto – his opinion is that second tier lots would apply to a platted road, which stops ownership. This road is an easement to the Township; the property is owned underneath the road with the Township given rights to use and maintain the road. The stoppage of a second tier is ownership. This property is owned all the way to the lake, even though the road is there. That road could be an impediment to the case but does not feel it qualifies as second-tier development. B. Desmarais – grew up at this location. They had to cross the road to use the lake and the road has not impeded him in the last 55 years. There is an old cattle

underpass to the east that can be used as an access to the lake. To use the lake there are options.

- F. Rhineberger – in looking at the zoning map he looked into the previously mentioned two brown colored lots. They both meet the A/R standards and in looking at parcel history those were rezoned to R-2a in 1982. Which predates A/R zoning in the ordinance. They were rezoned R-2a because A/R did not exist but meet the A/R standards.
- G. Mol questioned the Commission on how they would like to proceed.
- H. Bravinder moved to continue the meeting to Thursday June 29, 2023, to allow time for a site inspection. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **SKIES LIMITED LLC** – New

LOCATION: Area North and South of 72nd St NW – part of the NW 1/4 of the SE 1/4 and part of Gov't. Lot 2 as well as a portion of the SW 1/4 of the SE 1/4 and the SE 1/4 of the NW 1/4, Section 25, Township 121, Range 26, Wright County, Minnesota. (Black Lake - Maple Lake Twp.) Tax # 210-100-254200 & 210-100-252400 Property Owners: Robinson Acres LLP

Petitions to rezone from General Agriculture (AG) to Agricultural/Residential (A/R) S-2 Shoreland as regulated in Sections 155.028, 155.047, 155.048 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Phillip Kothrade and Paul Otto with Otto Associates

- A. Rhineberger displayed the property and reviewed details. The property consists of two parcels that total 139.9 acres in size that is located along 72nd Street NW and Ames Avenue NW in Maple Lake Township. A portion of the property does border Black Lake. The property is currently zoned AG-General Agricultural but is designated in the Land Use Plan as Rural Residential-A/R. This request is to rezone from AG to A/R with a concept plan for 10-acre lot minimums. There is also going to be two entitlement divisions that will be broken out of the property before the rezoning takes place. That process is already in the works for those deed restrictions to be done and assigning those entitlement divisions that border Ames Ave. The two entitlement divisions would be 2.47 and 2.29 acres in size. Maple Lake Township has recommended approval of the request, with a note regarding driveway locations. Two neighbors have recommended denial, citing the desire for no further development in the area.
- B. Otto – property is in the Land Use Plan. Proposed is 7-lots that are 10 acres and to be A/R zoned. The proposed plan shows 9 lots but 2 of those are the mentioned entitlement divisions. Usually, these properties can be developed to their maximum but in this case, there is one 53-acre lot because they are not able to get to a 40-acre wooded area due to location of a wetland. There is also 21 acres of woods with a nice meadow that has issues with access not being very good. The property is not going to be fully developed to maximum potential. The property is in the Land Use Plan and does match neighboring properties. There are some 10-acre parcels and Planned Unit Developments (PUDs) on either side. Feels this property and plan fits into the Plan and is the best use of this property. This wouldn't be the best situation for a PUD with the lakes and rolling topography.
- C. Comment was opened to the public.
- Mary Kay Bondhus – 7336 Aladdin Ave – concerned with the proposed development and safety on the road. The topography of the land consists of steep hills and basins with severe blind spots and jackknife curves. Ames Ave. is a central road to this area and the proposed development. It is the primary road to access County Road 37. Ames Ave. is a very steep and a dangerous hilly road that allows barely two vehicles to pass each other. The roads in this area have no shoulders but instead ditches on both sides and sometimes very steep ditches. The winter weather turns Ames Ave. into a nightmare and acquires a sheet of ice that lasts the winter. The steep hill

requires momentum to climb and is impossible to see what is on the other side. The ditches on these roads can be easy to get stuck in and difficult to be towed out of. During the winter most people drive in the center up the hill. This is already a dangerous situation and developing the area further will increase likelihood of accidents on these country roads. Ms. Bondhus described a potential scenario related to the driving dangers of the area associated with winter road conditions. Introducing a driveway to the east side of Ames Ave. creates concern as Ames Ave. is extremely icy the majority of the winter. Where 72nd Street turns into Aladdin Ave. there is a hairpin curve that has brought many vehicles into a very deep and dangerous ditch, right on the edge of a cliff. At this curve most people drive on the wrong side of Aladdin Ave. to avoid the ditch and an increase of traffic may not allow this. Aladdin Ave. also has a blind hill and an increase in homes and added driveways near this hill should be a concern. Residents of this area use the roads for walks and with no shoulders doing so is already dangerous. Safety in this area should really be reviewed. The existing infrastructure supports Ag designation and simply does not support rezoning for the proposed development.

- Lindsay Syverson – Ames Ave. – property backs up to Black Lake. What was previously stated about the area and roads is not an exaggeration. Primary concern is that Ames Ave. is not a road meant to handle an increase in traffic. Winter driving concerns mentioned by previous the resident is not an exaggeration. Her farmhouse has been there for 117 years, and it is a beautiful place to live, she gets why people would want to live in the area. Her bias is to buy an existing property with a well-loved home. These new lots with new homes, will probably be very pricy large homes, and seems sad and ultimately cliché. If not personally familiar with the area and Ames Ave. she would suggest a visit to the area. The Commission should ask themselves if they would be comfortable with their kid riding a bike on the road or a spouse walking their dog. Encouraged a site visit before making a decision.
- Tracy Provo – 72nd St, next to Black Lake – there is a boundary gap that she was not aware of until this discussion came up. She went into additional details surrounding her concern with the property line discrepancy, possible access to the lake being added and how her yard will be impacted because of this discrepancy. Questioned what will occur with this chunk of land. Chairman Mol stepped in and reminded her, the public and Commission the item at hand is rezoning. If rezoned, then comes the concept plan with the first step of the process related to rezoning. This Commission might want a site inspection or make a decision tonight. What is being asked about the line discrepancy they are not able to answer because the rezoning has not occurred and the concept plan has not been presented. Provo – lives on 72nd St, right on the curve by the lake, it is a deep drop off to the lake at this corner with many safety issues.
- Chris Paumen – 7307 Aladdin Ave. – lives in the country and wants the area to stay country. Did not move into a housing development nor do they want a housing development moved in. What has been stated about the traffic is accurate. This winter he had a garbage truck more in his yard than on the road.

- Marty Chard – 7224 Baker Ave. – as mentioned, this is a pure safety issue. He is not anti-housing and lives in the PUD that was recently created. Post COVID he started to work from home and he sees the traffic. Between Aladdin, Baker, and Ames it is the cut through from County Roads 106 to 37. There are 4 garbage companies that go by weekly and 3 school buses daily. This proposal would be adding another 9 lots which is about 27 cars added a day as everyone has 3 cars. If this devolvement was done in a city there are studies and improvements to the road's preconstruction. When done in the country plans are thrown in because it is supposed to work. According to his research, these roads were last updated in 1968 and have not been improved since. With the 12 lots added 20 years ago, the roads were not improved, and they continue to get worse. He personally has had 3 school buses in his yard over the last 20 years. Before another 9 lots are allowed, he would like to be proactive versus reactive.
- John Schriver – lives north and east of property– asked for aerial view of property displayed. There is a pond in the middle of the north property as well as a 40-acre field and contiguous woods going from Aladdin all the way over to Baker Ave. The southern area has some farm fields as the property goes to Black Lake. Looking at the aerial the area is unique with a horseshoe shape. Around the horseshoe are homes and properties on the north, south, east, and west area but yet in the middle it is a wild area. The pond was put in approximately 25 years ago when the neighbors decided the drain tile could be removed and the pond formed quickly. It is a great wildlife pond. It is rare and unique because this center area that is wild is surrounded by houses on each side. To the south of his property is a fairly productive farm field. Trouble is that the field is very low and frequently floods out. There are some years that a tractor would not be able to get to the field until early June, so building there could be a problem. Agrees, this area does fall in the A/R of the Land Use Plan, but the property has always been zoned AG and feels the Robinsons have been good stewards of the land and kept natural. Looking at that A/R it is stated that rezoning from AG to A/R will be considered on a case-by-case basis and not be automatic, which he does agree with. All of the fields are considered prime soils so by allowing development on these fields is taking prime farmland out of production. Agrees with statement from Ms. Bondhus, the roads are terrible for this request. Aladdin Ave. has a water problem, and the Township works extremely hard to keep the road in a drivable condition. There is prime farmland, wetlands, and open spaces that should be reviewed before development is approved or A/R is approved. This is a very nice section of land that he feels meets the rare and unique definition in the Land Use Plan. He would encourage the Commission to make a visit to the site. This area is good farmland but also unique relative to the wildlife, pond, and contiguous woods.
- Steve Lehn – it was stated that the Township was in favor of the request. Questioned if they could review the traffic studies that were done on the roads leading to the property. Mol stated that would be an item to talk with the Township regarding. Lehn – believes none was done. Agree with what was stated by others that these roads are not good, and something needs to be done to improve the roads before another lot or house is added to the area. He would recommend the Commission see the site and deny until an area study is completed.

- Mark Hayes – 7292 Baker Ave. – as all neighbors have stated about the infrastructure is not true, it is worse than what is being stated. From middle of December to the first week of January, this year, there were 21 accidents on these roads involving various vehicles. He suggested the Commission visit the area driving 35 mph and see what is left of a vehicle. These roads cost \$500-\$800 in car repairs a year, because of lack of infrastructure. He does not believe that Maple Lake [Township] tries at all. In one location of Ames Ave. there are tamarack logs for the road base. For 20 years he has hauled wood ash to the end of his driveway so the Maple Lake school bus can get up the hill because it is a sheet of ice. Another neighbor had a car in the field for 7 days because no tow truck would come down 72nd street. Until Maple Lake [Township] gets its act together there should be a complete ban on new building in the Township and on Township roads. As bad as these roads are the rest of the 77 miles of roads in the Township are not any better. Mr. Hayes stated he is a Geologist and Hydrologist by trade. The area has DSL for internet, and he can tell when a neighbor turns on their computer because his connection goes away. There are two T3 fiber optic lines running down the road that no one is allowed to tap into. The area is beautiful, but the infrastructure is horrible. Mr. Otto stated this land was good for development, but he does not feel it is fit for corn or soybeans. This area has pockets of quick clay, which is like quicksand. He has several deck piers that disappear because of the quick clay. For the last 20 years he jacks up his deck to install a block that he can watch disappear. There are spring fields all over the area. Wright County wants to protect large tracts of farmland, but he feels that it is arbitrary. He has a client who wants to buy 4 acres, for horses, from a willing farmer in Rockford Township that is not allowed by Planning & Zoning. Most importantly, there is a ground water problem. The ground water has tannic acid which comes off oak leaves and other plants and is bad for your health. The tannic acid comes from a pond in the area and the water then flows through the aquifer towards Black Lake. Wells in the area pick up the tannic acid from that aquifer and adding homes will make the problem worse. Mr. Hayes stated that he has well logs on hand and reviewed location of bed rock on a neighboring property which indicates there is not another aquifer to draw from. He is against the request. PUD's have been allowed in spring fields and they create messes that he has to try to clean up as the 'water expert'. Mr. Hayes provided staff the documents he reviewed and referenced.
- Fred Patch – Cty Road 106 – concern with the request is that the area is guided towards Rural Residential and with very large lot requirements but what bothers him is that these 2.5 acre lots on the corner are out of place just as much as the existing 2.5 acre lots are. The ordinance mandates entitlements are allowed in the AG zoning district, but this is being heard as part of the rezoning. There are 2 small lots being developed that take advantage of the existing zoning and when rezoned the deed restrictions vanish and leave the lots with A/R zoning that requires the 10 acre lots, unless a PUD. If this was his land being developed, he wouldn't take advantage of the small entitlement lots. It doesn't make sense to have the smaller lots.
- Gale Isaak – Aladdin Ave. – lived here for 40 years and agrees with what has been said about the road. The roads are slippery and dangerous. Concerned with more traffic to the area. The lot across from Aladdin is very low, just last week the water

was almost up to Aladdin. She would not want to build a house in this area with what happens during a very wet year. Concerned with more access to Black Lake and the preservation of the pond as they are both precious wetlands and sanctuaries. She would hate to see the area disturbed. Those PUD's that keep being mentioned are both located on dead ends, not the middle of an area that is a traffic flow through. Those areas are not impacted by the traffic as this area would be if a number of houses are added. She would like to see the area stay agriculture and keep the neighborhood as it is. Concerned with the safety when more traffic is on the roads.

- Tom Neumann – neighbor but also on the Town Board and has farmed many areas on the presented map. The Township was here about a year ago asking to not allow a driveway on the top of the hill. Originally turned down and later reviewed with a decision to change the location of the driveway to not be located on the top of the hill. Here again there is an ask for a driveway on the top of the hill and there is no way he could go along with that request and the location was moved with properties adjusted. Everyone that spoke tonight was welcome to build their home and now they are against anyone else building. He farms and understands but also someone has the right to sell their farm and within the law they should be allowed to do as they choose. Agrees, this is probably the worst hill in the Township.
- Jason Kolles – Ames Ave. – what neighbors have stated is right. Feels if going to buy property should be able to do what you want. In this case does not think there is 7-9 lots even fit to have a house. He is in the gravel business and sees build locations all the time that he questions. There are stakes across from his house in an area he would not put a house. On Aladdin there is a big field that is not prime land, none of the land is great for farming and he farms it. Feels that the land isn't good for 7-9 lots, maybe a few less houses on larger lots. As stated, on the top of the hill we are grateful there is no driveway and even coming down the steep hill you can't put a driveway there. At the bottom of the hill, he is not sure where a house could go. The hill was a lot steeper and was fixed to where it is now and probably has to stay this way. Does not care what people do with their land but does not feel some of these lots are fit for a house.

D. Bravinder moved to continue the item to June 29, 2023, to allow time for a site inspection.
Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **MARJORIE DENZIN-STEWIG** – New

LOCATION: 1573 State Hwy 55 NW – part of NE 1/4 of NW 1/4 lying north and east of State Hwy 55 and west..., Section 14, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax # 210-000-142101 Property Owners: Torgerson
Petitions for an Interim Use Permit to operate a landscape design company as regulated in Sections 155.031 & 155.055(2), Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Marjorie Denzin-Stewig

- A. Rhineberger displayed various maps and proposed site plan while reviewing the property details and request. The parcel is roughly 2.68-acres located along State Highway 55 NW between the City of Buffalo and Maple Lake, in Maple Lake Township. The property is currently zoned General Industry-I1 but is designated in the Northwest Quadrant (NWQ) Land Use Plan as Agricultural. This property has a history of conditional use permits over the years. From a fabrication, repairing, and manufacturing business in 1973, a cedar sales business in 1989, a construction business in 2001, a drywall business in 2006, a commercial roofing business in 2008, a diesel repair, welding, and metal fabricating business in May 2010, a boat detailing, shrink wrapping, and storage business in September 2010, and lastly, an auto sales lot to include auto detailing in August of 2011. The request before the Commission is to allow the operation of a landscape design company that will operate within the existing building. The proposed plan includes outdoor storage within the existing fenced area, where plants will be staged and supplies and trailers stored. Additionally, the applicant would like to construct a 20' x 50' hoop house. The plan and narrative were included in the staff report. Maple Lake Township has recommended approval, as long as it stays clean outside.
- B. Denzin-Stewing – has no plan to set up retail. Her plan is to use the location to handle operations with bringing product in, primarily plant material. Will not be storing large bulk bins as she needs outside space for staging plant material through the growing seasons. They do not grow plants, they simply stage.
- C. Comment opened to the public.
- Tom Neumann with Maple Lake Township – Township approved as long as area is kept clean. Assumes there would be a 1-2 year renewal review set by the County. Bravinder questioned if the Township is asking for a 1-2 year review. Neumann – under the impression that the County sends out a CUP renewal. Rhineberger – review forms are sent on those CUPs that require a township review as part of the conditions. In this case if the Commission is seeking approval there is recommendation for the motion to include a review within the first few years and subsequent interval is determined by the Township. This would allow the Township to decide if they wanted to go longer or shorter on the review timeline without having to amend the condition. Neumann – thought this sounded like a good option and if issues come up before a review they could still be addressed.

- D. Felger questioned the applicant on how many vehicles are predicted to come in and out on a daily basis. Denzin-Stewing – daily during busy growing season would estimate 7-10 autos. Large delivery trucks would be visiting the site maybe 4 times a year. Everything they take off the property is going out in a cargo van or pickup with trailer. Felger – is there access to the road to the north? Denzin-Stewing – yes, that is 40th street.
- E. Denzin-Stewing asked for clarification on the review process that was discussed. Rhineberger – if approved, a condition is normally included to send a review notice is to the local township, property owner and applicant for a chance to review and ensure conditions are properly being followed and hopefully prevent complaints or issues from arising. Mol – when the notice is received you will want to attend the township meeting.
- F. Felger stated he is particularly sensitive to tree farms or landscape business. Sensitive to items stored outside so would like to know the plan for items being stored outdoors. Denzin-Stewing – plan if for plant material to be stored in containers, that can be moved by hand. Most all that they do is by people, not machines. Will not be hauling in trees to create a tree lot, the space is not big enough for something like that. Felger – how about boulders? Denzin-Stewing – no, primary is seasonal enhancements. Change out containers and garden spaces up to 4 times a year. Also, a landscape designer. Felger asked who would be a typical client. Denzin-Stewing – residential home with landscaped area or accent containers where the resident does not want to manage and maintain the plants. Their business will do the needed weeding, pruning, and spreading of bag mulch. Large scale mulch and tree planting will be contracted out.
- G. Bravinder moved to approve an interim use permit to operate a landscape design company, in accord with the plans and narrative on file and the discussion at this hearing, with the following conditions: 1) Signage on site must be in accordance with the County sign regulations; 2) Township to review in two (2) years, with subsequent reviews at an interval established by the Township; 3) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

8. **KELLY MATSON** – New

LOCATION: 5063 County Road 30 SW – part of NE 1/4 lying southerly of the center line of County Rd 30, Section 19, Township 118, Range 26 and portion of the S 1/2 of the NW 1/4 , Section 20, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax # 220-000-191401 & - 202300 Property Owners: Roger Kiefer & Denise Doll-Kiefer

Petitions for an Interim Use Permit to operate a kennel to include dog boarding, training, grooming, and limited sales, as regulated in Sections 155.003(73), 155.031, & 155.048(2), Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Kelly & Nick Matson

- I. Rhineberger displayed the aerial site image and proposed kennel building plan. The property is roughly 40 acres in Woodland Township off of County Road 30. Request is for a kennel to include dog boarding, training, grooming and limited sales. The plan is to remodel the existing building to house 60 dogs as well train dogs on the site in the building and areas around the building. No neighbor comments received. Woodland Township has recommended approval according to the plan submitted, with yearly township review, unless otherwise adjusted by the Township.
- J. No comment from the applicant.
- K. Comment opened to the public.
 - Scott and Karen Diers – S. Diers – lives just south of the property. Aware there will be hunting dog training. They have 3 kids they are supposed to keep safe from dogs that could potentially not be controlled. Concerned with that many dogs and fairly large volume of training occurring with kids running around the yard. K. Diers – have 3 young children in their care. S. Diers – safety is a concern with that type of facility right next door.
 - Tracy Janikula – representing Diers Corporation, which owns the land directly to the north of the parcel in question. Currently there is not a home but there is an eligibility for a home that would likely be located less than 200 ft. from the property line and therefore fairly close to the shed. Concerned with the 6:00 am release of dogs into the outdoor runs and possibility of barking. Feels 7:00 am would be a more reasonable start time.
- L. K. Mattson – with 3 kids of their own understands the safety concern. Part of the plan is that the primary hunting training will occur in the area between the shed and the wetland, which is quite a distance from the neighboring property. When the dogs are out of the building, they are out one on one with an individual trainer. They do e-collar training working on obedience, which includes barking and jumping. Understand the concern of noise and plan to minimize as best they can with trainers only having one dog out at a time. The morning let out can be flexible. Reason went with 6:00 am is that they want the dogs out as soon as

possible to use the bathroom. Outdoor space where they would use the bathroom would be 6 outdoor runs, located on the north side of the shed. Using this location would help with noise and security of the dogs. Having only 6 runs along that building would take up roughly ½ of the building. Each inside run does have an isolation panel between the dogs, so no face-to-face contact and minimizes barking. The building is fully insulated, and they plan to install an interior wall for all kennels. With the 6 outdoor runs that is the amount of dogs out at a time and usually out for roughly 10 minutes at a time. N. Matson – there will never be a time when all 60 dogs are outside at once. K. Matson – there is no group times or times groups of dogs will be out together.

- M. Rhineberger – at the Township meeting it was mentioned there will be birds. K. Matson – there will be birds. There is currently a small bird pen directly behind the building. Plan is to get enough birds for the months training and restock monthly. Rhineberger – appears likely bird pen is not meeting setback requirements and there might be some other feedlot requirements that go along with having live birds. Some other discussion at the Township included firearms being fired. K. Matson – the early training introduces dogs to the sound of a shotgun, and they start that training with a 22-caliber blank pistol, which sounds like a loud clap. Sound is increased over the 10 days with the last few days being shotgun training using a 28-gauge. This is typically 2 birds per session at 4 rounds per dog. N. Matson – this is only the last 3-4 days, so maybe 10-12 days a month. K. Matson – the more advance training would be typically 5 days of hunting training where shotgun work is done. Rest of the training is related to e-collar obedience. Tallying up all training sessions would be about 2 hours of shooting in a day. There is not training sessions on Sundays, there would only be boarding dog pickup. N. Matson – shooting would only occur during daytime hours.
- N. Bravinder – is the dog boarding for only training dogs or anyone? K. Matson – any dog but training dogs would receive priority. N. Matson – no daily daycare.
- O. K. Matson – at the Township discussion was had about dog waste. Spoke with Scott Deckert, with the County, regarding the septic system and he recommended to not use the current holding tank as it runs to the house septic. A septic designer has been contacted and the idea is to install 4,000-gallon holdings tanks for the kennel waste.
- P. Felger questioned who owns the dogs being trained. K. Matson – clients bring dogs to them for training.
- Q. Greninger – clarified if boarding space is available, it could be filled by any type of dog, not just a hunting dog. K. Matson – confirmed. Greninger asked for daytime hours to be defined related to live ammunition. K. Matson – daytime means light hours where it is legal to shoot a gun. Greninger – what birds are used? K. Matson – chukar partridges, less regulated than pheasants. Greninger questioned the 6-dog limit number. K. Matson – 6 outdoor runs with full training at 60 dogs.
- R. Mol – at capacity of 60 training dogs and 12 days of shooting, is that saying 60 dogs will be at the different stages of training with shooting then occurring daily. K. Matson – dogs would be in different programs and come in at blocks of time. N. Matson – come in at 1st of the month, in a 28-day program. All dogs come on the first and end between 19-21st of the

month. K. Matson – the intermediate training and lower-level training are on a different schedule. Offer standard obedience training for none hunting dogs, which is roughly ½ of the dogs that they have. Mol questioned what are the credentials for running this type of business. N. Matson – 7 years for experience full time training dogs and managing a kennel that has roughly 78 kennels on 40 acres. K. Matson – has ran the administrative side.

- S. Felger asked for clarification on this site being 40 acres. K. Matson – used aerial photo to explain acreage and there being 2 parcels. Felger – is the property purchased or contingent? K. Matson – purchase agreement contingent on this CUP being approved.
- T. Greninger asked if there are currently kennels in place. K. Matson – there will be 56 kennels installed after property is purchased. Technically there is room for double that with the space they have but they do not have staff to do that many kennels at this time.
- U. Bravinder questioned the listed Sunday hours of 4:00-5:00 p.m. and what will occur. K. Matson – those hours are for boarding dogs to be picked up with no training occurring.
- V. Felger moved to continue the meeting to Thursday June 29, 2023, to allow time for a site inspection. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

On a motion by Greninger, seconded by Bravinder, all voted to schedule June 26th at 8:30 a.m. with members to meet at the Government Center.

DISCUSSION:

Rhineberger addressed the Commission regarding the number of items on the past and upcoming agendas. There were 5 items continued from tonight's meeting and with what is currently received, and conversations had there is a potential for 9 items; with a cutoff still a week out that number could go up. At some point there might need to be a conversation with the Chairman regarding the number of applicants on the June 29th meeting. Mol – may want to role in new items to the next meeting. Greninger asked if the Commission could meet on another date in June or would there need to be another meeting in July. Rhineberger – with publication requirements a new meeting can't just be added. It does not always work out to ask an applicant to go to the next meeting. Discussion continued with Commission being on notice that meetings could be long or a new meeting added.

Mol stated that he would like to bring up a concern he has heard from other members regarding attendance at a site inspection but not attending the next meeting. The issue is going to the site inspection and not attending the next regular meeting to make a decision and being paid for the

site inspection. It doesn't happen often, but it does happen, even for himself. Rhineberger – this would be addressed by the County Board. Mol – believes it can be discussed here and come from this Commission versus coming down from the County Board. As the Chairman he wants to at least mention it and possibly discuss, as it has been mentioned to him. Bravinder – there are some sites he has seen 3 times and since not there to discuss there is no reason for him to visit the site. Kryzer – that is fine, it is when a member shows at the site inspection and then doesn't come to the next meeting and possibly not at the previous meeting when inspection was set. It is for the member that shows up at the site inspection but does not attend the meeting on either side. Mol – not asking for a decision but a conversation had by the group and would like to bring it up again at an upcoming shorter meeting. Bravinder and Greninger agreed. Kryzer asked if the Planning Commission wanted a formal resolution, noted in the minutes or a set motion. The County Board would set a change in December to be effective in January. Mol – feels there is time to discuss and should come as an official request from the Planning Commission.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission

Kryzer

Twp. Clerks