

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 20, 2023

MINUTES

The Wright County Planning Commission will meet on Thursday, July 20, 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 all members present. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON JUNE 29, 2023 MINUTES

- A. Greninger stated her name is misspelled on page #19 of the minutes.
- B. Bravinder motioned to approve the June 29th, 2023, meeting minutes with the noted correction and as printed. Seconded the Greninger.

VOTE: CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

- 1. **BENET DESMARAIS** – Cont. 6/1 & 6/29

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.

- A. Rhineberger noted that the applicant has decided not to pursue the rezoning and has requested the matter be dismissed.
- B. Holland moved to dismiss the matter without prejudice, at the applicant's request. Motion seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

2. **MARK D. JOHNSON** – Cont. 5/4 & 6/1 & 6/29

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.

Present: Mark Johnson

- A. Rhineberger – applicant is requesting a rezone of the property from General Agriculture (AG) to Agricultural/Residential (AR) with current goal of only one buildable site. The Commission continued this item so the applicant could meet with French Lake Township. Although staff has not seen the formal Township response, email correspondence with the clerk indicated that the Township has approved, and their response will be submitted by the applicant. The Wright Soil and Water Conservation District has responded that the driveway entrance appears to be through a low area, which will need to be addressed at the subdivision phase.
- B. No additional comments from Johnson or the public.
- C. Mahlberg moved to recommend approval to the County Board of Commissioners to rezone PID #209-000-093400 from AG-General Agriculture to AR-Agricultural/Residential because it finds the property is aligned with the goals and policies of the NW Quadrant Land Use Plan and the Township approves. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **GARY LANTTO** – New

LOCATION: 4830 Peyton Ave NW – East 1/2 of the SW 1/4 of the NE 1/4 and the NE 1/4 of the NE 1/4, Section 09, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax # 209-000-091100 Property Owners: Matt A & Shirley A Lantto

Petitions to rezone the northern 10 acres of the property from General Agriculture (AG) to Agricultural/Residential (A/R) as regulated in Sections 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Gary Lantto

- A. Rhineberger – property is a 60-acre farm site that is located along Peyton Ave NW and in French Lake Township. The property is zoned General Agriculture (AG) and is designated in the Northwest Quadrant (NWQ) Land Use Plan as Rural Residential. In September 1985, a farm accessory mobile home was placed on the part of the property that sits on the southwest corner of the intersection at 47th Street NW and Peyton Ave NW. As of November 2019, the farm has 48 animal units of dairy cows. The applicant is requesting a rezone of the northern 10 acres of the property from General Agriculture (AG) to Agricultural/Residential (AR). There is a current homesite, plus the farm accessory mobile home, on the property. The applicant is hoping to create another homesite by dividing off the northern 10 acres. Township indicated approval of the request with their response provided in the Staff Report.
- B. Lantto and the public had no comment.
- C. Bravinder questioned if the Township provided any comments with Rhineberger stating just the approval.
- D. Mol – confirmed the property is in the Land Use Plan for rezoning to A/R. Rhineberger displayed the current zoning map and described zoning of the area with comment that this request fits in with the zoning and development of the area.
- E. Mahlberg questioned why only 10 acres and not the full parcel. Lantto – due to the estate and agreement with family they are looking to only divide off a small area and keep the rest in farm operation. Mahlberg – the entire area could be rezoned and still farmed. Lantto – goal is to keep the rest as Agriculture. He currently operates and will continue to operate the family farm.
- D. Bravinder moved to recommend approval to the County Board of Commissioners to rezone the north 10 acres of PID #209-000-091100, as shown on the plans submitted by the applicant, from AG-General Agriculture to AR-Agricultural/Residential because the property is aligned with the goals and policies of the NW Quadrant Land Use Plan and the Township approves. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **RODNEY HEBRINK**- New

LOCATION: xxxx Endicott Ave NW – Part of Government Lots 2 and 3, Section 17, Township 121, Range 26, Wright County, Minnesota. (Millstone Lake - Silver Creek Twp.) Tax # 216-000-173100 & - 172401 Property Owners: Rodney W. Hebrink & Carol J. Hebrink Joint Revocable Trust

Petitions to rezone from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Agricultural/Residential (A/R) with a Residential-Recreational Shoreland District Overlay (S-2) 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: Rodney Hebrink

- A. Rhineberger displayed several maps related to the request, including the Land Use Plan map. The properties total 53.7 acres within Silver Creek Township on the east shore of Millstone Lake. The involved properties are bisected by previously approved entitlement divisions. The northern portion is currently restricted and there is a building right on the southern acreage, as it is considered an old lot of record. The property is zoned General Agriculture (AG) and is designated in the Northwest Quadrant (NWQ) Land Use Plan as Agricultural (AG). The request is to rezone from General Agriculture (AG) S2 shoreland overlay to Agricultural/Residential (AR) S2 shoreland overlay, with reference to being “shorelands especially suited for residential development”. Silver Creek Township has responded that they do not find the property to be especially suited to residential development and have recommended denial of the request. A neighbor has also responded with a negative recommendation for rezoning, citing that the property does not appear to be rare and unique, as required by the NWQ Land Use Plan.
- B. Hebrink – request is based on the provision in the Land Use Plan related to riparian lots on shorelands especially suited to residential development. Request was intended to be two parts with one for the southern portion, on the eastern shore, and separately the northern section. That distinction was not clear when he had his meeting with the Township and wanted to be sure it was clear today. Focus is on the southern 30 acres with the northern area included in the request for consistency. The rationale links back to the Plan regarding riparian lots on shorelands especially suited to residential development. The eastern parcel is particularly suited for residential development. The shoreland is lined with trees has a sandy bottom with no cattails or weeds. Each 10 acre parcel will have lake access with gradual slope to the lake. From an agriculture perspective the area is susceptible to wet areas with a natural waterway that needs to be maintained and the land is directly tiled into the lake. The northern portion does have better drainage but shoreline has cattails and access to the lake through the peninsula. At the Township one of the key questions was what the definition of especially suited to residential development meant. The Township was not able to provide that definition and he has since learned there really is not one in place. Sentiment since that meeting is that the meaning is better understood at the county level. There are currently 11 homes around the lake and 4 unused entitlements. There are 2 lots on the southern shore that were created in the early 2000’s, with each lot being 3-4 acres. On the west shore there are 4 lots in the 4-5 acre range. The eastern shore is cleaner and equally suited for development. Feels that there is no reason to treat the east shore differently than the already developed shores. Each year he is asked about residential development on this parcel. There are currently 9 residential homes along Endicott Ave. and one in process. Five parcels are 10 acres or less with the rest 15 acres or larger. The A/R designation of 10 acres was chosen to be consistent in size with the neighboring properties on Endicott Ave. and the surrounding area. Spoke with several neighbors along Endicott with the majority being neutral to supportive of the request. There was one comment regarding increase of traffic as there is a lot of cutover traffic from County Rd 106 and County Rd 39. One reaction was mixed and another started out with a request to purchase 2 acres for development. A neighbor has voiced concern with taking land out of production but that statement is possibly related to some family history related to the farmland. The most

concerned party is the dairy farmer on the west side of the lake. Belief is her concern is rooted in the concept that any additional development around the lake is a threat to the dairy operation. His entire career was in agriculture with much of it in connection with these types of development issues. From experience it is easy to allow the worst scenario to overcome the most likely outcomes and good solutions. For the size of the dairy the setback requirement is 500 ft., in this case there is a ½ mile between the dairy farm on the west shore and proposed lots. Does not want to minimize concerns but feels the distance negates potential conflicts. Consideration of the northern and southern portions of the request could be considered as separate requests and handled differently. There is a provision in the Land Use Plan specific to shoreland lots and this request is consistent with the concept of residential lots along lakeshore. Feels the request is consistent with other uses of properties around the lake. Lots much smaller have been developed on the west and south shore. With this request being consistent with the lots and residential uses along Endicott Ave.

C. Mol opened comments to the public with request to keep comments at 3-4 minutes.

- Elinor Opitz-Hopfer– dairy farmer on the westside. Purchased dairy farm 11 years ago. She farms three of the parcels on the west side, which would be almost the entire west side of the lake actively farmed on both sides of County Road 8. In the 11 years of owning her home, one new home has been built on the lake. It does not appear there has been rapid development around the lake. Believes there are at least four reasons called out in the Townships notes as to why this land is not suited for residential development. The callout for riparian lands to be zoned A/R even when the Plan does not call for it is only for lands that are especially suited for residential development. This land is classified as prime farmland, which should be protected from development. The land is classified as steep slope, over 12% grade, which is especially sensitive to residential development. The land proximity to at least one and at time of Plan three feedlot permits. This lake is classified by the DNR and in the Plan as class 3 or Natural Environment (NE), not class 1 or 2. NE lakes have very limited capacity to handle anymore development. Major Goal #3 of the Land Use Plan was read, which addresses the protection of agricultural lands from encroachment of incompatible land uses. Prior to purchasing the farm, she looked at the Plan and relied on it when purchasing the farm. Knows the farm is in a very sensitive area and has made many changes to ensure she is protecting the land around the lake as well as the lake. Concerned that allowing additional development will be problematic. Does not believe most residential folks like to see an active dairy farm a few hundred feet away from the lake. Regardless if farm is outside of smelling distance, they will all be sharing the same lake. The County very wisely recognized her concerns when they made the Plan and would very much encourage them to honor the Plan that they (County) made.
- Thomas Paumen – 8711 Cty Rd 8 NW – has property across from the applicant and will be applying for a building permit in the next few weeks. Does not understand how this property could be treated any differently than the properties to the west and south. Grew up down the road and has lived in this area for 40 years and has seen at least 3 houses built in what were Ag fields. To tell this applicant his eastern fields are different would not be right. Even if the Land Use Plan doesn't call it out specifically precedence should be followed.
- Theresa Wagner – 9050 Endicott Ave NW – owns parcels directly south of the one in question. Has been out in this area for almost 12 years with only one house built in that time. She did bring up concern of increase in traffic and though she appreciates the care that the Township provides to the road there is no denial that three more houses will bring in more traffic. Other concern is that with 30 acres they own is in a farm crop rotation but they also have animals. They have a vision of taking the 30 acres and potentially allowing beef cattle to graze that field and therefor have concern with new neighbors that do not like sounds and

smells of a farm. With what has already been stated by the County it seems that what would be more consistent with the area is this parcel be kept Agriculture and would be what she would ask the Commission to do.

- Jennifer Johnson – 9174 Endicott Ave NW – has six horses with a feedlot permit obtained 20 years ago. Request is consistent with what is happening in society regarding development but yet it is very sad that farmland, natural shorelands and habitats are being lost. She is proud to live in a county that is still working hard to keep natural and a little haven from the rest of the development that is happening so quickly. With every acre lost there is a relationship to food and it is recognized how precious farm acreage is. Horses are not for food but they are still impacted. Would ask that this request be denied or at the very least restrict to only one home and not allowed to be divided.
 - Keith Schermer – 9980 Endicott Ave NW – has lived on this road for 86 years. The property in question was owned by his wife's parents. When they passed, the property was sold to a farmer, that was on the east side of Endicott, with hopes he would keep in agriculture. That was done with exception of one building site broken off and another piece that remained mainly farmed. When Mr. Hebrink purchased the property, he did have Ag interest and the hope was the land would continue to stay in agriculture but intentions are now to develop and divide. Feels this property should stay in agriculture as it is some of the best farmland in Silver Creek Township.
 - Jennifer Johnson (reappearance) – 10 years ago requested the permission to build a cabin on the land for her parents. They were denied that permit so this Plan has been as it has been for a long time. Other concern is that if we start developing this land the one across the road is next and pretty soon the area is a suburb.
- D. Hebrink – technically there really is no steep slope. If any portion would be considered steep it is a tiny piece in the very southwest hill. He has worked in Agriculture for 43 years and understands the emotion connected with any of these changes. Everywhere you see a residence was at one point Ag land. In this case there is a Land Use Plan that specifically allows for change in zoning on riparian lots. Wright County, in general, continues to have residential interest as a result to the proximity of the metro area. It was very intentional to propose 10 acre lots, not smaller, and maintain the character of the area and attract people that want to be in the country with some property, not on a city lot in the country. Feels this request is consistent with the Land Use Plan and riparian lots suited for residential development.
- E. Mahlberg – standard of especially suited for residential development is often a debated phrase. Questioned the applicant how he would define especially suited for residential development. Hebrink – comparing to the development around Endicott Ave. Mahlberg – absent that comparison. There is a provision that needs to generally be applied with all types of lakes in the County. He would like to hear the definition of land that is especially suited for residential development. Hebrink – partly linked to lots around Millstone lake. The east shore is cleaner and where most of the residential lots are located. That is in part how he would define especially suited for residential development. The desirability of the lakeshore for residential use, not necessarily recreational use. This is a Natural Environment Lake that is used for canoeing, paddle boats, and his daughter used to swim in the lake. It is not a particularly dirty lake, but it is a shallow. Lakeshore here is free of weeds with sandy shoreland in portions and trees that are all amenities that would be attractive. It is common knowledge that people like to have homes on bodies of water. Mahlberg – lots of requests are presented for people that want to build along a lake. There are also requests from people that come in stating the property is especially suited for residential development because there is a vista. There is a limitless number of items that people can point to and say why the land is great for a home. His trouble is

defining especially suited for residential development as anything other than the ever changing 'in the eye of the beholder' definition. In looking at lakes in Wright County, where there is a house built years ago before zoning was in place and build on that as the precedence it can seem unfair for a current request. Still struggling with the idea that this land and lake has characteristics that make it meet the higher bar of being especially suited and separate all the other land in the County that is around a lake. Hebrink – in absence of a definition this item will continue to be debated. Suggestion would be for the County to develop parameters and guidelines as to what especially suited means because without that the public will continue to define it themselves. Mahlberg – agrees with that statement. He drives by this lake most days and cannot recall times he has seen anyone using the lake and questioned the applicant on the level of use. Hebrink – primarily used by residents. There is only one boat on the lake with the rest being canoe and paddle boats. Duck hunters in the fall with maybe one person fishing during the summer. There is a public access and at one point the DNR used as a rearing pond for walleyes which then the lake was heavily used around that time for fishing. Generally used by residents around the lake. Mahlberg asked the lake depth. Hebrink – 10 ft. with a pocket here and there that could be 3-4 ft. The center of the lake is 8-10 ft.

- F. Felger questioned the applicant on how with the field south being characterized as prime farmland the land fits into the definition of especially suited for residential development. Hebrink – lumped in as prime farmland, as a broad area, not necessarily field by field. It is a parcel that slopes to the center as well as there are some low spots and at least 2 tile lines that run directly to the lake. Debate between Ag land and residential use is a reason why the northern parcel was left as a 2nd consideration, as it is better quality Ag land. From a lake quality perspective feels land better suited for residential development because of the runoff from Ag and the tile lines. Felger – tile lines wouldn't continue even as residential? Hebrink – depends on how the 10 acres is used. Could be planted as alfalfa instead of corn and soybeans. No one knows exactly how the land would be used. There is an existing entitlement, so there could be at least one dwelling built. Rhineberger – displayed prime soils map and reviewed details related to what types of soils are noted and classification meanings. There are 3 primary soil classifications and related qualifiers if tiled or drained.
- G. Mahlberg questioned how the southern parcels were created. Rhineberger – use of residential agriculture entitlements that were part of larger farm acreage that was over 200 acres with 5 entitlements. This is the area where most of those entitlements ended up being used.
- H. Bravinder stated not being familiar with the property it will be hard for him to comment until he sees the property.
- I. Motion made by Bravinder and seconded by Greninger to continue the meeting to August 10th so that a site visit can be completed.

VOTE: CARRIED UNANIMOUSLY

5. **ARBOR CREEK HOLDINGS LLC** – New

LOCATION: xxxx 78th St NW – Hannahs Landing Lot 6 Block 1, Section 27, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia – Southside Twp.) Tax #217-084-001060 Property Owners: Hannah's Arrival LLC

Petitions for a Conditional Use Permit for a land alteration of approximately 16,798 cubic yards within the shoreland and amending an existing Conditional Use Permit for a platted subdivision to allow a home to be built lakeside of a bluff as regulated in Section 155.029, 155.051, 155.057 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates, Sarah Pomerleau and Mary Pomerleau as owners

- A. Rhineberger displayed property maps, site plan and grading plan. Property is 7.69-acres that sits on East lake Sylvia, a General Development lake in Southside Township. The property was rezoned to Suburban Residential (R2a) and a 6-lot platted subdivision, known as Hannah's Landing by the Commission, was approved in 2021. As part of the conditions of the 2021 subdivision the following conditions were included, which are relevant to this current request: 1) Clear cutting is prohibited in the shore and bluff impact zones; 2) Building and driveway locations on Lots 5 and 6, the house must meet the bluff setback at the top of the bluff, if they are going to be built lake side an amendment to the Conditional Use Permit (CUP) for the subdivision and a CUP for a land alteration must be applied for. The property in question is Lot 6 of the development with a request to amend the 2021 CUP to allow what amounts to clear-cutting of the bluff, a land alteration permit, and amending the location of the dwelling to be lakeside of the bluff. According to proposed plans, a total of 16,798 cubic yards of land is to be altered. The proposal includes approximately 12,808 cubic yards of cut and 3,989 cubic yards of fill. In the shoreland district, land alterations over 50 cubic yards require a CUP. The clear cutting is the result of the land alteration that will be taking place within the bluff and bluff impact zone. Southside Township has tabled their decision to the August Township meeting, with their reply included in the staff report for review. Wright Soil and Water Conservation District (SWCD) has requested that the applicant not dig thru a bluff. The Minnesota Indian Affairs Council (MIAC) commented because there is a mound cemetery site located in the vicinity of the project and a high potential to contain unrecorded cemetery sites. MIAC Conditions and recommendations are included in the staff report.
- B. Otto – helped with the subdivision process and there we lengthy discussions had with this Commission on the bluff and possible location of homes. At that time the applicants wish was to move forward with homes situated above the bluff with an added condition that any request must come back to the Commission if building below the bluff is preferred. Believes there could be other property owners that will want to build below the bluff and will be coming before this Commission. Proposed plan has the home located 81 ft. from the Ordinary Highwater Mark (OHW) when 75 ft. is required with all side yard setbacks being met. Issues up for review are the land alteration and grading of the bluff. The design is done in such a way to prevent erosion and keep all water on this property. The driveway is designed at an 8% grade with a ditch included to catch runoff and properly direct water into area to be held prior to running into the lake. The southeast neighbor at the time of platting expressed concerns they do get a lot of water through their property so the design does address this issue. Using the proposed drainage map details were reviewed and summarized. Essentially, the water coming down the hill will come into the applicants yard for them to deal with. A berm will be added between Lots 5 and 6 as the neighbor on Lot 5 has plans to build by the lake as well.
- C. S. Pomerleau – owners currently live on Maple Lake and are looking to move to Lake Sylvia. Currently actively involved in the local community as well as the Lake Sylvia Lake Association. Would like to address 5 items with the Commission. 1) Trees on the lot have been strategically removed with many conversations had with professionals, Wright County, and the Planning &

Zoning office. Trees have been removed according to the rules and with respect to the setbacks. The lot was purchased because of the trees and their plan is to replant and work with a professional landscaper to do so. 2) Driveway is currently an ATV trail to the lake. Plan is to use the same path and lessen the footprint as much as possible. Impact would be roughly 12' wide. Lessening the height of the hill is also a goal. 3) There is about 1 acre of land below the bluff. In the event of an emergency or injury below the bluff they need to have room for an emergency vehicle. 4) In reading the minutes the understanding is the developer wanted to move forward with the plan and any changes to the home location would come through this process. It took them over a year working with MIAC to get approval with conditions, currently only lot with approval. Feels the amount of land below the bluff and before the lake makes this property unique. There might not be a lot of lots around the lake with this amount of land before the bluff. 5) Area below the bluff is 1 acre and works well to be ADA accessible. She is here with her family asking to build as proposed. The plan is to replant many of the trees, especially near Lot 5, and address water drainage issues so as to not affect the neighbors.

D. Rhineberger mentioned the Greater Lake Sylvia Association (GLSA) did provide comment that is included in the staff report.

E. Opened to public comment.

- Karl Nordberg – lives at 14660 77th St NW – 4th generation on the lake and recalls when the property was sold by his family to the church in the 60's. Not concerned with the build and present tonight to let the owners know that in the 60's the beach was made with Lot 6 being used for the dumping of lake bottom material. Also, in the area there were many years you couldn't walk this area. There was work done in the area with an existing pond filled and therefore a new pond area created. There is roughly 4-6 ft. of lake bottom material on the lot that was brought in during the 60's. Not concerned with the build but wants to make sure that information is known.
- Peggy Jo Fortner – has lived directly east of this lot for 39 years. Paul Otto has quoted twice, once at the Township and again tonight, they have had water issues. That is a miss quote as not once have they had water issues. Originally was the only high ground with other area dredged. Very concerned with the amount of fill being moved and water could become an issue.
- Tim Keane with Kutakrock Law, representing GLSA. GLSA is requesting the CUP request be denied. The previously approved CUP finding #5 specifically requires any request that is approved not be in conflict with the Comprehensive Plan. The Major Goal #4 of the Plan is to protect, preserve and enhance the quality of the natural environment and require development to take place in a manner that makes wise use of Wright County's resources without degradation. There are steep slopes and a bluff that is subject to the land alteration request. Goal # 4 states steep slopes, unstable soils, and other sensitive features will be protected, as far as practical, in their natural and stable state. Development activity should take place in harmony with the existing stable environment with adapting the development to use the natural landscape. There is plenty of room for development above the bluff. The NWQ Plan addresses steep slopes with protection policies and goals in place as they are environmentally sensitive and states development proposals may be altered or denied if they conflict with these goals. Proposals that do conflict with the Plan will only be approved in extraordinary circumstances, when uniqueness is justified and the basic policies of the Land Use Plan are not compromised. Substantial alteration is defined as movement of earth materials in excess of 50 cubic yards. This request asking to move nearly 17,000 cubic yards, which is over 300 times the county definition of substantial alteration. Request the application, that will result in

clear-cutting and grading a gash in the bluff, be denied because Wright County Code and the Land Use Plan expressly require protection of the bluff and steep slopes.

- Claire Dempsey – owns Lot 1. Purchased the property knowing the other lots would not be allowed to build homes below the bluff. She might not have purchased the property knowing homes could be built below the bluff. If this is approved, feels the county is doing a bait and switch. As a person purchasing a property, she feels she should be allowed to know what could or couldn't happen on neighboring properties. Would not like to see this request happen.

Josh Pomerleau introduced himself as owner representative and stepped forward with P. Otto.

- F. Otto – anyone that read the minutes would know that more than likely a request like this could come before the Commission. Driveway is designed to follow the current trail and with proposed grading will not be a wide swath but about 20 ft. actually going up the driveway. With curve and slope does not feel driveway will be seen from the lake. Trees will be removed with the plans being worked on with a landscaper and arborist to reforest the area. The plan presented minimizes the impact the best that they can and utilizes what is felt as the best area of the property. Even with the house up top the lake will be used so there will be access to the lake. How is it known the bluff will be protected by placing the house at the top of the bluff? This proposal is an engineered plan showing exactly what will be completed by a professional. He has seen properties where the homeowner removes a bunch of trees and by the time the county is made aware the trees are gone. Feels this is a better way to go. The reason here tonight is because it is a process with everyone bringing in opinions. Feels it would be short sighted for the Commission to just say no it is not allowed without looking at the lot, merits of the plan and plan for reforestation.
- G. J. Pomerleau – purchased the lot because of the trees. There are over roughly 10,000 or more trees on the lot. A lot of dirt movement is not in the bluff but before the bluff and in the impact zone. This property is close to 8 acres and compared to neighboring lots it is significantly different. Want to follow the existing roadway that they do currently drive up and down with their truck. From the lake does not feel you will be able to see up the hill. Once stabilized the hope is to add trees right up to the driveway and prevent erosion.
- H. Thompson questioned the lake frontage amount. Otto – believes 200 ft. width.
- I. Holland – no Township reply. Mol – correct. Explained the request was reviewed but is expecting the Commission to complete site inspection and continued. Otto – was at the meeting. This is different than what they normally deal with so it seemed they didn't know what to say. There was a lot of comment that it may or may not work. They didn't have a clear answers so his feeling is they wanted more time and a chance to look at the site.
- J. Mahlberg – would like a site visit. The way he read the Township notes is that it was not tabled to make a further decision but worded they will wait until the County acts to decide what they do. Historically that is not the way this process has worked. Can there be a conversation, by staff, with the Township on if they are taking action or abstaining from taking action? Feels that the statement made by Mr. Otto was essentially that if house is built at the top of the bluff the lake will be used so the bluff will be damaged anyways. It can't be that statement is meaning this Commission should allow bluff impact because the bluff will be impacted otherwise. Otto – can't give specific property details but is aware of past properties that have gotten into trouble for altering a bluff. The work was essentially done without approval and amends were made after the damage was done. There are properties in the last 3 years that have cleared and built driveways to the lake and he is not sure they had approval but in his opinion they look terrible. These properties have homes at the top of the bluff

and the work done was just to get access to the lake. Not that this owner will do this but does not agree with a carte blanche decision of no it is not allowed. The merits of the request need to be looked at and dealing with an issue after-the-fact is too late. All five of the owners might come in for a request and that could be more of an impact than one owner without a permit making a mess.

Mahlberg – argument is related to bad owners not the applicant. No doubt people do work they are not allowed to do all the time but they are not here asking for approval. Looking at the minutes it was very clear that the development was expected to be up top and anyone that wanted to build down below needed to make a request for the Commission to review. Otto – at that time discussion was had with his client and debated if the request should be for homes below or above the bluff. Problem is that approval is only if that is what the property owner wants. Many times, he sees plans approved with the house in a different location than what the owner wants. Feels that each plan needs to have its own merits and each lot is different and treated as its own entity. These rules are in place for the bad apples. If everyone was good stewards and did what they should there wouldn't be a variance board or a bluff rule.

- K. Bravinder – knows the property well. A lot of the discussion was on Lot 6 and recalls conversation that there would not be buildings below the bluff. This was something that was discussed at length because of how the property lays and the change in bluff slope with Lots 5 and 6 being an issue. Otto – would not disagree it was discussed a lot. Also, the proposal had the houses by the lake all the way through but after-the-fact the buildable area above the bluff was shown. Discussed a lot and his client at the time was going to build on Lot 6 and possibly why it was such a hot topic. J. Pomerleau – Lot 5 and Lot 6 are completely different lots. There is an asphalt driveway on Lot 5 that is roughly 16 ft. wide that goes right to the lake. Not sure that owner even wants to build in the next few years. Bravinder – looking more at the bluff impact on those lots, not the topography. Knows the topography and agrees they are different lots. A large part of the discussion was the bluff and feels that this Commission should look at the lot before making a decision.
- L. Motion made by Bravinder and seconded by Thompson to continue the meeting to August 10th so that a site visit can be completed.

DISCUSSION: Holland questioned if the Township will be notified and invited. Bravinder – the Township does get notified of site inspections but that districts Commissioner could make contact. Thompson stated she lives in Southside Township and will contact the Township. Rhineberger – noted that once the site visit schedule is set the Township is notified. Otto – not sure on date of the Township meeting but feels that it is before August 10th. Kryzer – note from Township states tabled to August 1st. Otto – would like to see the site inspection before that August 1st meeting.

VOTE: CARRIED UNANIMOUSLY

6. **ALLEN DOERING** - New

LOCATION: 9624 County Road 8 SW – N 1/2 of the SW 1/4, Section 21, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax # 220-000-213200 Property Owners: Woodland 8 LLP

Petitions for a Conditional Use Permit to allow a single-family dwelling unit with an attached garage to be relocated onto an 80-acre property as regulated in Sections 155.029, 155.048 & 155.92, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Allen Doering

- A. Rhineberger – property is roughly 80-acre parcel sits along County Road 8 SW in Woodland Township. The property is zoned General Agriculture (AG) and is designated in the US Highway 12 Corridor (US 12) Land Use Plan as Agricultural (AG). This request is to move a single-family dwelling unit from PID #219-000-153400 to the roughly 80-acre parcel we are looking at today (PID 220-000-213200). The 80-acre parcel has a current single-family dwelling unit on the property, which would be converted into a storage building. Additionally, the move-in structure was inspected by Wright County's Building Official and the house appears to be in good repair. Woodland Township has approved of this request.
- B. Doering – intent is to move the new home in for elderly siblings who are currently living in the old farmhouse. Septic design was provided with application. Spoke with two utility companies and they are able to address their items with no concerns.
- C. Mahlberg questioned proposed condition #3 that states the existing home be converted to a guesthouse and if two homes are allowed. Rhineberger – explained guesthouses are allowed with a set of requirements. Frequently Planning & Zoning will have a scenario such as this that doesn't come through Planning Commission and there is a process in place that tracks and manages the situation. Mahlberg addressed the applicant and asked if guesthouse was the intent. Doering – no, the house is not suitable to be lived in. Plan is to shut off all water and use as storage. Rhineberger – process in place for this situation as well. A permit will need to be pulled for a conversion to storage with requirements on what that entails. This is not a new type of scenario for Planning & Zoning to address.
- D. No public comment.
- E. Felger questioned if the date of December 31, 2024 in condition #4 conflicted with the condition #3 statement of conversion completed within 180 days. Kryzer explained that if building final was done on December 31st the applicant would have an additional 180 days after that to have the existing building converted.
- F. Mahlberg moved to approve a Conditional Use Permit to relocate a single-family dwelling unit with an attached garage in accordance with the discussion, plans, and description held on file, with the following conditions. 1) Building and septic system permits are obtained; 2) The house may not be occupied until approved by the Building Inspector and the septic system is either updated, installed, and inspected, or found compliant and sized for the proposed new dwelling. If a new system is needed, the existing system must be properly abandoned; 3) The existing single-family dwelling unit must be converted to storage, a guesthouse or removed within 180 days of the building final inspection; 4) The project completion date or building final inspection must be no later than December 31, 2024. Motion seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

7. **PAUL RUMPZA**- New

LOCATION: xxxx 115th St SE – Part of the NW 1/4 of the SW 1/4, Section 35, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax # 208-200-353200 & -353201
Property Owners: Rumpza

Petitions for a Conditional Use Permit for a two-lot unplatted subdivision as regulated in Sections 155.029 & 155.047 Chapter 155, Title XV, Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations, Chapter 154, Title XV, Land Usage and Zoning of the Wright County Code of Ordinances.

Present: Paul with Otto Associates

- A. Rhineberger – proposed plan displayed. Property contains two parcels, PID #208-200-353200 and PID #208-200-353201, for a total of 24.82 acres. The property has road frontage along 115th Street SE and Eaken Avenue SE in Franklin Township and was rezoned to Agricultural/Residential (A/R) in May of 2023. The request is to create a two-lot unplatted subdivision, with proposed Parcel “A” being 10 acres and proposed Parcel “B” being the remaining 14.82 acres. The A/R zoning district requires each parcel to be a minimum of 10 acres in size with 300 feet of lot width/road frontage and 300 feet of depth of the required road frontage. Both proposed parcels meet the A/R zoning district’s minimum requirements. Franklin Township has approved. Wright County Soil and Water (SWCD) did comment if driveway access is from 115th there is some potential wetland impacts from adding the two driveways and should be discussed before being constructed.
- B. No comment from Otto or public.
- C. Bravinder moved to approve a Conditional Use Permit for a two-lot unplatted subdivision in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Access permits from the Franklin Township and location approval from the Wright SWCD, if required, must be obtained before any construction activity commences; 2) Per Feedlot regulations, the A/R parcels will be allowed 1/2 animal unit per acre and will not be allowed to reach 10 animal units. Motion seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

8. **NATHAN COUETTE** - New

LOCATION: 1587 & 1773 Foley Ave NW – Part of Gov't Lots 1 & 2, Section 30, Township 120, Range 26, Wright County, Minnesota. (Rock Lake – Chatham Twp.) Tax # 203-000-302301 & -302200
Property Owners: Bruce W. Wohlrabe, Nathan J Couette & Jackelyn L Couette

Petitions for a Conditional Use Permit to amend an existing Conditional Use Permit for an unplatted subdivision to alter the property line between two lots regulated in 155.029, 155.051 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Nathan Couette

- A. Rhineberger displayed proposed site plan. The properties involved are PIDs 203-000-302301, which is a 10-acre property, and 203-000-302200, a 21-acre parcel. The properties were both rezoned to Suburban Residential (R2a) and approved part of a 3-lot subdivision in 2017. Request is to amend the 2017 unplatted subdivision to alter the property line between PID 203-000-302301 (north property line) and PID 203-000-302200 (south property line) with the proposal keeping the lot sizes the current size. However, road frontages will be slightly altered with PID 203-000-302301, giving 7 feet to the property to the north but both lots will maintain the minimum 300 feet of width/road frontage and 300 feet of depth the road frontage. The reason for altering the property line is to allow for a 4,000-square-foot shed to be built near the other 7,880-square-foot pole building on PID 203-000-302301. Chatham Township has approved of this request.
- B. Couette – speaking with both neighbors they were okay with the plan and appreciated keeping land in Conservation Reserve Program (CRP).
- C. No public comment.
- D. Mol questioned the size of the shed with what is existing and limits of the property. Rhineberger reviewed the 15% building coverage and 25% impervious surface coverage and that a lot this size those limits really are not a concern. Mol asked the reasoning why the building location when there is plenty of room other areas of the property. Couette – idea is to keep the building near the septic system and home while utilizing the existing driveway. There is a wetland area of the property he would like to avoid. If the building is put out in middle of the property it will stick out and is on a hill and can't really move more to the right because of the existing septic tanks.
- E. Kryzer – if approved suggestion would be an added condition with a combination deadline of December 31, 2023, or December 31, 2024. Concern is multiple parcels, and one potentially with a building crossing a property line. If a mortgage foreclosure occurs issues could arise. Couette stated he does not have a mortgage, with Mahlberg commenting that it could be the neighboring property with a mortgage.
- F. Mol – with the Board of Adjustment situations such this are seen and it is asked why it would be okay to allow when there are plenty of other locations on the property to build. There is plenty of room on this property to build in another location.
- G. Rhineberger – if there is not a mortgage on either property there should be no concern or delay of the combination. If there is a mortgage it is important to review the situation with the mortgage company and confirm property descriptions can be altered. The combination process was explained in detail with note that the reminder of taxes must be paid and is one reason why the end of year is usually a deadline. Recommended motion includes conditions to address the combination. Mahlberg suggested to the applicant a conversation with any involved mortgage company should be had. Mol – it is the

responsibility of the applicant to speak with the mortgage company but if request is approved and the combine can't be done did this Commission just create an issue? Bravinder – disagrees, no one is going to build a shed until they own property. Mol – for him before moving forward he would like to see the mortgage addressed.

- H. Thompson – asked for clarification on the proposed condition related to deadline of December 31, 2023, or December 31, 2024. Kryzer explained that a combination cannot be done unless taxes are paid in full and therefore the end of the year is a good time to set as a deadline.
- I. Felger – is this a point to allow time for the applicant to pause and have a conversation with the other property owner and address the concerns mentioned? Couette – wants to do what is needed and can certainly have a conversation with neighbor. History of the property he does not believe neighbor has a mortgage and he himself does not have one. Location is where he prefers to build the shed so he will do what is asked of him.
- J. Greninger – option is now to check on the mortgage concern and come back. Rhineberger – building permit can't be issued without combination completed. Mahlberg questioned for the administration process if deadline of December 2023 or December 2024 matters. Rhineberger – reviewed the combination process and that a deadline of December 2023 is manageable for Planning and Zoning. If there is an issue with the lender it might be a better option to allow until December 2024, so that the applicant has time to iron out issues without becoming noncompliant. Mol – build can't occur until complete. Rhineberger – correct.
- K. Bravinder moved to approve the amendment to the conditional use for an unplatted subdivision, as described in document #A1353769, in accord with the survey submitted by Otto Associates with a date of 6/13/23, Project No. 23-0265, with the following conditions: 1) No new parcels are created. Exchanged portions must be incorporated into existing parcel numbers no later than 12/31/2024; 2) Conditions of the previous approval on document #A1353769 remain in full force and effect. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

The Commission members were in agreement with scheduling July 31st at 8:30 a.m. for the site inspection, with members to meet at the Government Center.

Meeting adjourned at 9:37 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks