

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: August 31, 2023

MINUTES

The Wright County Planning Commission met on Thursday, August 31, 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: Dan Mol, Pat Mahlberg, Ken Felger, Jeanne Holland, Jan Thompson & Dan Bravinder. Absent was member Sandy Greninger. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; absent was Greg Kryzer, Assistant County Attorney, as legal counsel.

ACTION ON AUGUST 10th, 2023, MINUTES

On a motion by Bravinder, seconded the Thompson, all voted to adopt the minutes for the August 10, 2023, meeting as printed.

VOTE: CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

1. RODNEY HEBRINK – Cont. 7/20, 8/10

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 – continued from July 20th and August 10th meetings with a site inspection conducted. Additional information submitted by the applicant has been included in the staff report. The applicant will present a slideshow that will be displayed and is included in the staff report.
- B. Hebrink – this is a 2-part request with the 1st portion to rezone roughly 30.9 acres along the east shore of Millstone lake. The 2nd part of the request is to rezone a 24.5-acre parcel to the north. These were submitted as separate requests due to the difference in lakeshore. Tonight, he will focus on Millstone lake, compare other Natural Environment (NE) lakes, and address the especially suited to residential development definition. The request is based on the provision in the Land Use Plan that allows for rezoning of riparian shoreland that is considered especially suited to residential development. Fully understands the fear of change in the area as for 20 years there were no new homes built. In recent years there were several new lots created and homes built around the lake. Millstone is classified as an NE lake with Minnesota having roughly 5,000 NE lakes and it being the most common lake classification in the state. Wright County has 158 NE lakes. Some NE lakes are little more than wetlands with heavy weed growth and algae

blooms while others are very sizable bodies of water. With a presentation displayed, and included in the staff report, the applicant reviewed details presented in the slideshow and related to the request. (Slides are on file with Planning & Zoning) Regardless of how the other lots on Millstone lake were developed, he feels that this request meets the criteria established in the Land Use Plan of being especially suited to residential development.

C. Mol opened the floor to public comment with instructions to keep comments at 4 minutes.

- Elinore Opitz Hopfer – 9602 Cty Road 8 NW – owns the dairy farm on the lake. The Minnesota DNR states NE lakes are recommended to have less than 3 dwellings per mile of shoreline. Millstone lake has 2.59 miles of shoreline. Millstone lakes average depth is 4 ft. and there is no outlet, which severely limits ability to absorb any development. Feels Millstone lake is nice to look at and with the public access does provide duck hunting. The condition of the lake is a testament to how well cared for the lake is and she would hate to see what changes could do to the lake. Mr. Hebrink has lived here for 20 years and not proposed development until now, when he is moving out of the area. He has enjoyed the Ag neighborhood for 20 years and now will not stay around for the consequences related to the changes he is asking for.
- Randy Wagner – 9050 Endicott – owns property directly south of the proposed property. Site inspection allowed to look at the prime farmland with this year the crop look great, even in a drought. We cannot make more farmland and that is a big concern for him. Once farmland is gone it is gone. Similar to the pervious comment, there is a lot of livestock around Millstone Lake, he is one of them. People moving into the area might not like living by livestock. Mr. Hebrink showed lakes around the area that have had development and have an algae bloom or marshes with a comment that Millstone Lake does not have that; yet. He would like to keep Millstone Lake the nice lake that it is. In the 11 years he has lived in this home he has only seen a single jet ski on the lake and it was only on the lake for a very short period of time.
- Teri Dickinson – applied for a rezoning from General Agriculture (AG) to Agricultural/Residential (AR) for one home on her 70 acres yet she was turned down. If reconsidering, she would like to be in the mix to be allowed to live on her 70 acres with one home.

D. Hebrink addressed comments made by the public. He is not aware of a recommendation from the DNR on how many homes per miles of shoreland. Cleary that is different from NE lakes around the county. There is an outlet on his property that flows into Silver Creek. Water quality is something he wants to protect and does not think residential use will affect water quality. Hard-pressed that row crops along lakeshore is better for water quality than a more extensive grass buffer or hay land. In terms of the sale of the property the decision to sell came after he deiced to look at creating residential use along the lakeshore. The prime farmland is a classification based on soil types established by the USDA with several factors considered. The property to the north is also considered prime farmland and he has had a portion of his land set-aside Ag protection. Soil types can vary greatly within a small area and even though some of his land is considered prime farmland it really is not a large amount.

- E. Felger – statement was made by the applicant that the county sees the highest and best use of this property as residential. Hebrink – in talking with the Silver Creek appraiser the Ag land is 65% of the estimated market value with the balance coming from development opportunity or potential. To get to the total estimated market value the property has to be developed. The highest and best use economically would be residential or development. Rhineberger questioned if the entitlement value was provide. Hebrink – yes, roughly \$60,000 - \$65,000. Felger – familiar with appraisals and terminology but not sure how an appraiser can opine that value is based upon an eventuality rather than the current situation. Feels it might be a stretch that the value is based on the highest and best use as residential. Hebrink – standards for appraisers would refer to highest and best use of any particular property. Conversation among the applicant and members continued on the highest and best use related to value and conversations had with the local appraiser. Mahlberg – the appraiser is not offering an on-the-fly appraisal of the property. Would agree that they do make determination of the highest and best use when rezoning is reasonable and probable to happen. Would guess that an appraiser can give limited feedback without formally producing an appraisal report. Hebrink – if appraising the entire 31 acres for residential development the value would come out differently than the estimated market value. Mahlberg – no doubt the value will be higher if rezoned and able to break up to residential lots, that is not up for debate. Hebrink – estimated market value is well above the Ag value which he feels comes from the development opportunity.
- F. Holland questioned what Silver Creek Township had to say with the request as they have a vested interest in the higher tax valuation. Hebrink – they did not approve the request. Materials related to the meeting with the Township were provided. Holland – did the tax valuation come into conversation? Hebrink – it never came up in conversation the evening of the hearing. Spoke with a few members later and they did acknowledge, and thought, value was part of the reason they voted in favor.
- G. Mahlberg – Mr. Hebrink did a great job laying out reasons why this property would be one that could be especially suited to residential development. He is having a hard time differentiating the good qualities pointed to on this lake with the other positive attributes that can be pointed to on any other NE lake or lake in this County and dependent on who is making the case. Asked the applicant to give an example of an AG zone property that is riparian and would not be especially suited to residential development. Hebrink – opposite of attributes discussed. Shoreland that is weedy, or cattail filled. A soft, muddy shoreline with marshy areas or steep banks that are not buildable. Water that isn't accessible for recreational use. Some of the NE lakes fall into these categories but he does not feel they would be especially suited to residential development. In this case, there is a shoreland that has far more in common with Recreational Development lakes than those attributes of NE lakes. There are 158 NE lakes in the county that are very different from each other and a statement that is very broad. Mahlberg – in his 10 years on this Commission there have been roughly a dozen applicants that have made this same case on marshy lakes. To him this is a very subjective item that the Commission is being asked to review, with not a lot of guidance. There needs to be consideration that there is prime farmland and good AG land. One of the prime Land Use Plan policies is to protect Ag land from encroaching uses, like this. The applicant is allowed to come in and ask for the zoning change when especially suited to residential development. For him, he is hearing a lot of the same sort of sentiment that is

reviewed on all of the other requests and is having a hard time justifying this request over similar requests from the past.

- H. Mol stated he is from the area. During the presentation the Vandergon lots were mentioned. Some of those lots were created to protect farmland. If the entitlements were put on the other side of the road, in the middle of 40 acres, farmland would have been affected. The houses are up against Millstone lake to protect the farmland that is still being farmed today. Looking at the area and on the zoning map there is nothing in the Land Use Plan to be A/R. Silver Creek Township choose years ago where to place growth and it is not this area. This area is good highly productive soil. If rezoning on Millstone lake is allowed it will continue to move to other lakes in the area that are not in the Land Use Plan. Need to really look at the Land Use Plan and what is guiding the Commission. There is public lands and resource lands in the area and still preserved. The land is not in the Plan to be changed and he feels strongly that the Land Use Plan is there to preserve Ag land. The Township, County Commissioners and Planning & Zoning have approved the Land Use Plan for the future. This Commission needs to consider the Land Use Plan and the neighboring community. There are a lot of 40 acres with small squares taken out but nothing rezoned. Entitlements have been used but nothing has been rezoned and if we allow the rezoning it will set a precedence.
- I. Bravinder – historically in favor of this type of rezoning because of the large lots at 10 acres or more. This is not a new conversation to the Commission. There was a similar situation 5 years ago that was rezoned to A/R with large lots. Understands the comments on property value, in looking at Beacon the 24 acres on the lake is valued at \$11,000 per acre with the 30 acres south at \$7,100 per acre. Would guess the disparity is related to the lake. Viewed part of especially suited to residential development as riparian. He feels the lake will not be impaired by allowing development around the lake with this request. The part of the request that is to the north he does have an issue with because of how flat and low the ground is. Hebrink – that is why the parcels were separated, so that different decisions could be made. Bravinder – most likely in favor of the request. Though protecting farmland is important he does not feel rezoning in the middle of the country should be allowed unless it is riparian. Mahlberg – addressing member Bravinder, if what he is saying is that if the property is on lakeshore and big enough that is good enough. Bravinder – not necessarily, there is a Mud lake in French Lake Township that he does not feel is especially suited for development because the bottom of the lake and shoreline is very muddy and it would be hard to develop. The topography is a lot different than Millstone Lake. Mahlberg – there was a previous member that voted yes on a lake that would require walking through 200 ft. of cattails to get to a small area of water. He is struggling with trying to find the right line for especially suited. Every single time this Commission hears a justification for why a lake is especially suited but they cannot all be especially suited or there would be a provision that states a riparian AG zoned lot can be rezoned to a large lot. Bravinder – in the ordinance riparian related property is allowed and that is different than rezoning in a hopscotch fashion in the middle of Ag country. The ordinance does allow for this type of request to happen as well as give credence to the owner's ability to do what they want with their land, to an extent. Does not feel that other times approvals, such as this, have set a precedence attributing to a line of requests to develop lakeshore.

- J. Thompson – recalls that this Commission has approved similar riparian lots for development. Questioned how far the property is from the City of Maple Lake. Hebrink – 5 miles. Thompson – feels the property is getting close to development spreading out to the area. Would be more in favor of seeing 10 acre lots developed than a lot of small lakeshore lot. Feels that a lot of small lots would cause the lake and wildlife to suffer. While discussing this is great farmland, we should consider the progress and growth and that looking forward into the future the environment should also be protected. In the long run people come and go but we need to keep the animals and wildlife living, therefore leaning towards approving.
- K. Mol – historically this Commission has looked at each application and where the uniqueness and ability to rezone lies. When looking at other rezoning requests, like in Rockford Township where the east side of the county is growing and developing fast is not the same as this area. This request is not located in the part of the county quickly growing, this is the part of the county that remains mostly Ag land. Most of the time when people come out to this area to buy property, they are buying because it is Ag land without a neighbor right next door. The Naaktgeboren gravel pit is right up the road and has been in this location for many years. The request is looking at putting A/R lots where this Commission has been permitting a gravel pit. Whether farmed or gravel pit, this is Ag land. Agree, there has been riparian lots that he has voted for but this is one that looking at the Land Use Plan and nearby zoning there are several miles before any A/R zoning or heavy development.
- L. Holland – when looking at this side of the county it is agriculture. If a precedence is set there is no reason why the rest of the people around the lake won't ask for development. When that happens there will be issues with roads and we will see requests for wider roads or improved roads. There will be more people saying they don't like the smell of animals, gravel pit activity and tractors on the roads. Feels that at this point she does not want to set a precedence, does not support the request as Silver Creek Township stated the request is not within their Land Use Plan and are against the request.
- M. Felger – the Land Use Plan map was put together by many jurisdictions and citizens. This was the Plan that Silver Creek Township and the County Board approved. These maps were put together with input from residents and part of why, at this time, he cannot support the request. Believes some of the approvals made in the past have been on General Development lakes, not all Natural Environment lakes. There is a distinction within lake types. Rhineberger – there are three types of lakes. Most of the requests associated with especially suited for residential development would be on Natural Environment lakes and Recreational Development lakes. Most General Development lakes are either more or less developed or are in Plan for some type of development. Felger – the Township has spoken against the proposal; the zoning map is clear and there has been no other nearby development occurring.
- N. Mahlberg – wants to be clear that this Commission does not stop if the zoning map designation is listed as AG. The Plan does say that the Commission can look at riparian lots and decide if they are especially suited for development. Hearing discussion around the growth pressures on a countywide basis and not just looking at these particular shorelands in the most discrete sense possible but in the broader scheme of how the County is attempting to direct growth.

- O. Mol – correct in what is being said about the growth of the County. The growth of the County, without bringing up all the maps, will show there is probably more A/R or development type potential in the east side of the county verses what is noted in Silver Creek Township or the western townships. The westside of the county is not developing as fast as those areas to the east. Otsego was a Township not that long ago as well as Albertville and Saint Michael eating up township property. He served on the Clearwater Town board when the Plan was developed and the areas of wanted growth were addressed by all of the Townships. Around Millstone Lake it is all Ag land with a lot of 10 acre lots split from larger parcels. Agrees with Ag land change through the years that people move in and even though they buy knowing there is a farm or gravel pit it is inevitable that in a few years the complaints and challenges start. If this property is rezoned it starts a precedence of rezoning around Millstone Lake, then it opens up all of Mink Lake that could be rezoned and developed.
- P. Holland – in the 8 months as County Commissioner representing the Cities of Albertville and Otsego, which have a lot of development, there are residents that want to see Wright County remain Ag. There is an understanding houses will come because we are by major roads but they still want to say they are from agricultural Wright County. Feels Ag land needs to be protected.
- Q. Hebrink asked for clarification on next step if denied. Mahlberg – in event of motion for denial it would be a motion to deny with instructions for counsel to draft findings consistent with denial. Acting on those findings would be at the next meeting. Hebrink – actual denial would be at the next meeting? Rhineberger – next meeting would be the adoption of the recommendation to the County Board to deny the request. The formal denial would be by the County Board.
- R. Motion made by Mahlberg to close the public hearing and direct counsel to prepare findings, based on the record and discussion, consistent with the denial of the request to rezone. Seconded by Holland.

VOTE: MOTION CARRIED, Thompson and Bravinder opposed

2. **ETHAN WENZEL** – New

LOCATION: 3623 156TH St NW – Part of Gov't Lot 3, Section 16, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax # 216-100-162401 Property Owners: Steven & Nancy Betzler

Petitions for a Conditional Use Permit to allow a single-family dwelling unit with an attached garage to be relocated on a pending 2.78-acre lot as regulated in Sections 155.029, 155.058 & 155.92, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ethan and Esther Wenzel

- A. Rhineberger displayed property maps, site plan and home photos while reviewing details. The request is for a move-in dwelling on a pending 2.78-acre lot that is part of the newly approved Betzler Addition. The move-in structure was inspected by Wright County's Building Official. Silver Creek Township has approved of the request.
- B. Ethan Wenzel – house has been moved in already as they were under the impression it was okay to do so. Understands that was not accurate and are now going through the proper steps.
- C. No public comment.
- D. Mol questioned if the home is on the property. Ethan Wenzel – yes, sitting on the move-in equipment waiting for approval and foundation. Mol – what is the timeline to get the project done? Ethan Wenzel – ideally done before winter. The hope is end of September would be the timeline to start. Mol – finish by next spring? Ethan Wenzel – completely finished by next spring but moved in before winter. Getting house on the foundation before winter and sealed is goal.
- E. Holland asked if there is a septic plan. Esther Wenzel – septic design was included in the application.
- F. Mol stated his concern is history of move-in homes being left unfinished and just sitting there unattended on the property for years. The house is there already, this is an after-the-fact type of request. Would like the motion to include wording that the project is completed.
- G. Bravinder 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, which cannot occur until the plat is approved by the County Board; 2) The house may not be occupied until approved by the Building Inspector and the septic system is installed and inspected; 3) The project completion date must be no later than December 31, 2024. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

3. **DANIEL RASSET** - New

LOCATION: 13953 Grover Ave NW – NE1/4OF NW1/4LY WLY OF CTR LN OF TWP RD in Section 25, Township 122, Range 27, Wright County, Minnesota. (Sheldon - Clearwater Twp.) Tax # 204-100-252103 Property Owners: Daniel Rasset

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, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Daniel Rasset

- A. Rhineberger displayed details of the property while reviewing the request. The property is roughly a 26.6-acre site located along Grover Avenue NW in Clearwater Township. The request is to rezone the entire property from General Agriculture (AG) to Agriculture/Residential (A/R). If approved, an application for a two-lot unplatted subdivision to create a second 10-acre buildable lot would follow with the remaining property to stay with the existing farmstead. The property is currently zoned General Agriculture (AG) and is designated Rural Residential in the Northwest Quadrant Land Use Plan (NWQ). The large body of water on the aerial photo is considered an unclassified body of water, not a lake or wetland. Clearwater Township has approved, noting it is in the Land Use Plan.
- B. Rasset – request is to provide them the ability to build a retirement home.
- C. No public comment.
- D. Mol – knows the property and it is in the Lane Use Plan for growth. According to the zoning map there has been growth in the area. Believes the body of water was created by a broken tile line.
- E. Mahlberg questioned if this unnamed body of water would be considered riparian. Rhineberger – no, only DNR designated bodies of water are considered riparian.
- F. Bravinder – approved by the Township. Riparian or not makes no difference as property is in the Land Use Plan and the property owner wants to rezone. Those are all positives in his eyes.
- G. Felger moved to recommend approval to the County Board of Commissioners to rezone PID204-100-252103 from AG-General Agriculture with the S-2 Residential-Recreational Shoreland Overlay to AR Agricultural/Residential with the S-2 Residential-Recreational Shoreland Overlay because it finds the property is aligned with the goals and policies of the NW Quadrant Land Use Plan. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **MATHEW MUGGE** – New

LOCATION: 4252 Clementa Ave SW – part the South 1/2 of the NW 1/4 along with part of the West 1/2 of the SW 1/4 of the NE 1/4 and part of the North 1/2 of the NW 1/4 in Section 26, Township 119, Range 26, Wright County, Minnesota. (Unnamed Stream - Marysville Twp.) Tax # 211-000-262303, -262301, -261300, -262200 Property Owners: David Frisbie, Darrell D Frisbie Revtr

Petitions for an Interim Use Permit for Commercial Outdoor Recreation for dog training grounds as regulated in Sections 155.003(B)(119), 155.031 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mathew Mugge & Kelsey Wehr

- A. Rhineberger displayed property maps and reviewed the request. The property consists of multiple PIDs that equal roughly 133.27 acres located on the corner of County Road 107 SW and Clementa Ave in Marysville Township. The property is currently zoned General Agriculture (AG) with the majority of the land designated to remain AG. There is a small portion of the eastern property that is designated as Transition Area for the City of Montrose and does border the City of Montrose. Today's request is for a Commercial Outdoor Recreation dog training grounds. In 1980 the property was granted a CUP for a 10-dog kennel within existing building. The request before the Commission is not for a kennel. The plan is for the new owners to have less than 4 dogs of their own on site. Dogs will be brought to the site on a daily basis with the offering of the property for training based on an appointment and lease schedule. Business plan and narrative is included in the Staff report. Township has approved and is requesting renewal in two years. Mol questioned renewal or review. Rhineberger – response states renewal. Clarification has yet to be received on what renewal means. Not sure if they want an expiration that would require reapplication, or they intended to have a review.
- B. Mugge – property was developed 40 years ago to be a world class retriever training property and has been used that way for the last 40 years. Intent is to preserve the property and continue to use for retriever training but also give an opportunity to other retriever enthusiast to have access to world class training grounds.
- C. Opened to public comment.
- Colleen Ellingson – 1531 40th St SW – questioned traffic, hours of operation and what kind of guns will be used. Aware of what current owner did and there were no problems. As long as similar to what that was, she feels it will be a great use of the land. Rhineberger – based on business plan all traffic will come off Clementa on the existing driveway. Proposed parking plan displayed and reviewed. Hours of operation are noted as 8 am – 8 pm or ½ hour after sunset. According to the business plan ammunition used will be blanks, which is most likely .22 cal.

- Nathan Bodin – 4607 Clementa Ave – welcome the applicant and glad to see the property continue with how the current owner used the property.
- D. Holland – nice to see neighbors are in favor of the request. Approved by the Township and feels like this is a great use of the property.
- E. Mol questioned how was land used in the past as a training ground. Wehr – learned of the property as they have trained there in the past. The owner had his own dogs that he trained but would open up daily to area professionals to train their dogs. Retriever training typically allows a small group of 1-2 dogs that train together for a few hours. The property has always been opened to use but not sure if anyone was charged for the use.
- F. Thompson questioned if the use would remain at small groups. Mugge – average size is 4-6 people per training side at any given session. Thompson – number of people or groups per day? Mugge – 3 groups per day. Rhineberger questioned if that is per field or total with Mugge replying per field so 6 total. Thompson – are the groups separated by level of experience? Mugge – yes but based on capability of the dog. Thompson asked if guns are used in the training. Mugge – will not allow live ammunition from lessees on the property. It is common to use a boom cannon that simulates the sound of a gunshot. There is also a starter pistol that could be used. Thompson – did current owner have the same setup with the boom cannon? Wehr – yes, he also shot live ammunition.
- G. Felger – are the groups supervised? Mugge – we will live on the property but not always go out with the groups. The plan is to give an orientation with rules, designated areas reviewed as well as a safety training. Felger – is there a daily fee? Mugge – yes, there will be an online booking system, so they are aware of who is coming and going. Felger questioned if they will allow walk-ins. Mugge – no, at some point a gate will be installed at the end of driveway. Felger – any experience with a dog taking off and running? Mugge – has not happened to him personally. Could it potentially happen, yes. The ratio of dog and handler is a one-to-one ratio and the dogs do wear e-collars. Felger – who is the handler? Mugge – owner or possibly a local professional.
- H. Rhineberger asked the occurrence of the boom cannon being used daily. Wehr – broken down per hour is 2-3 birds per setup and dog. Each dog's turn would take 10-15 minutes so potentially 2-3 shots every 10-15 minutes. That is not a constant occurrence. Oftentimes training is occurring with no shooting. Felger – did the Township get asked what their intention was with the renew versus review? Rhineberger – no, that was a recent submittal. Felger questioned if the City of Montrose responded with Rhineberger stating no, they did not respond.
- I. Mol opened floor to public.
- Colleen Ellingson questioned how many whistles will be going off.
- J. Wehr – part of retriever training is using hand signals and whistles. Typically, there would be one blind retrieve, that requires whistles, to every 6-7 marked retrieves. Feels there would be fewer whistles than simulated gunfire.

- K. Felger asked for the Land Use Plan map to be displayed and confirmed surrounding properties are AG zoned. Rhineberger – there is some public land to the north that is school district.
- L. Bravinder moved to approve an Interim Use Permit for Commercial Outdoor Recreation use for dog training grounds in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Operation is allowed Monday through Sunday between the hours of 8:00 am to 8:00 pm or ending 30 minutes after sunset, whichever is earlier; 2) Lessees' dogs must have direct supervision at all times with at least a one-to-one ratio of dog to trainer or lessee; 3) No more than 12 lessees and 12 lessees' dogs are allowed on the property at any given time; 4) Animal waste must be properly disposed of per our Environmental Health guidelines; 5) Lessees are not to park on or block Clementa Avenue SW or County Road 107; 6) All properties associated with the use must remain under common ownership; 7) Prior to operations commencing property owner must file a form with Planning and Zoning voluntarily revoking the 1980 conditional use permit; 8) Township to review in two years, with subsequent reviews at an interval established by the Township; 9) Any change in use or expansion requires an amended Interim Use Permit hearing; 10) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Seconded by Holland.

DISCUSSION: Rhineberger stated that a lot of the conditions are based on a recent kennel operation. Since this request is not a kennel there might be room for discussion on condition #4, related to animal waste. This should not be an issue unless there are dogs in a location for a period of time with waste building up. Does not see that this will happen but there is room for possible discussion. Bravinder – if left as a condition how is owner affected? Rhineberger – nothing, unless waste accumulates. Mol – could potentially be a problem in the parking area, so leaving this in there could address that concern. Bravinder – fine with leaving the motion as is. Observation with this type of dog owner is they are very aware of what their dog is doing. Rhineberger – similar conversation with condition #8. Leave as is at review or set for renewal, based on response. With review forms that are sent to the township, it does allow for requests to be opened up for further review. Bravinder stated he would like to leave condition #8 at review. Holland agreed on both counts.

VOTE: CARRIED UNANIMOUSLY

5. **CORAL PROPERTIES LLC** - New

LOCATION: XXXX 52ND St SW – PHEASANT ADDITION LOT 5 BLOCK 1 in Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax # 205-023-001050 Property Owners: Coral Properties LLC

Petitions for an Interim Use Permit to operate a tree service company as regulated in Sections 155.031 & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mark Kivisto with Coral Properties

- A. Rhineberger displayed the property maps and reviewed the request. The property is a 6.10-acre site located at Lot 5 of the recently approved Pheasant Addition, which is General Industry (I-1) district just west of the City of Cokato and in Cokato Township. Request is to allow the operation of a tree service company as a contractor's yard. Business plan as well as stormwater management plan are included in the Staff report. The request will include 7,500 sq. ft. commercial building with roughly 6,600 sq. ft. for equipment maintenance and storage. Plans is for roughly 2 acres of parking for employees and equipment as well as material storage. The formal comment from the Township or the City of Cokato has yet to be received. Understanding is that the City of Cokato will hear this request on September 11th. And email was received from the City Administrator with a general statement that the City and Township have approved the Developers Agreement, that the applicant would be required to follow. The Developers Agreement was included as part of the final plat approval and does list the types of business that would be allowed in the industrial park.
- B. Kivisto – currently rent office space in Dassel and run the actual equipment operation out of home, north of Dassel. Looking to move to a central location and away from home. Currently service three (3) Electric Co-Ops with work done off-site and jobs are not always local. There will be onsite material, such as wood chips and logs, they do not try to haul material from worksite. Building will be used as office space as well as maintenance of equipment and machines. The 2 acres will be used for parking of large trucks and woodchippers. A stormwater management plan was included with application. Rhineberger – material brought back, what is the final disposition? Will there be burning on the site? Kivisto – will not burn at this site. Moving wood across county lines is difficult and you have to be careful. Local county wood will be the only material onsite, and they do sell local wood for firewood. Woodchips is the same thing and people are always looking for fresh woodchips. Rhineberger – is there any intention to burn on the site? Kivisto – no. Most material is chipped or sold in log form.
- C. Public comment opened.
 - Dean Mahlstedt – Cokato Township Supervisor – one of the Township Supervisors is employed with treeStory, so when it comes to official meeting in September there will only be 2 that will discuss and vote on the item. Member Bravinder servers on this Commission and can comment as a Township Supervisor. Prior to tonight went to the proposed site and reviewed the engineering plan and related ditch. Over the course of the summer, he has become very familiar with the road, and it appears that with Mr. Ashwill's full involvement with the development there is quite a bit of continuity. Feels this business will be a great addition to the area. Knows the material will not sit or stockpile at the shop as there is enough of a need in the township for the materials that are brought in. There has been talk about the

- development of the east side of the county but there is as much pressure on the west side but none of the cities are ready for the growth. This development for the area was a perfect mix for what is needed. In his position as Township Supervisor, he will vote to approve of the request.
- D. Bravinder – agrees with what was stated by Mr. Mahlstedt. The Township has spent a lot of time overseeing this development. The Township does require a driveway permit prior to any work being done on the site, with Mr. Kivisto agreeing. There is a ditch between Lot 5 and 6 that must be maintained and cannot be touched during excavation. The stormwater plan submitted fits with the ditch requirements. He would agree to approving of the request.
- E. Mol – have not heard from the city, does this Commission need to hear from them before voting? Kivisto – in April received email from the city stating that it does meet the requirements. Bravinder – email received tonight, from the City Administrator, stated the City Engineer wanted to review the stormwater plan. Kivisto and Bravinder agreed that they were under the impression that back in April all was good to go and plan fits the criteria. Mol – this is Township and the Township Supervisors have given their opinion. Does this affect agreement with Township and City? Bravinder – stormwater would not affect the city. The stormwater plan was approved by the Wright County Soil and Water District (SWCD) and being the property is in the County he does not feel that the request will be an issue with the city.
- F. Holland moved to approve an interim use permit for a tree service business in accordance with the narrative and site plan on file with the following conditions: 1) Signage on site must be in accordance with the County sign regulations; 2) Wetlands must not be disturbed, altered, or filled unless proper approval has been received by the Wright County SWCD; 3) Business activities on the site cannot commence until the proper building permits have been issued and the stormwater management measures installed; 4) Proper permits through the MPCA, if required, are granted and submitted at the time of building permit application; 5) Driveway permits issued through the Township prior to building permit application. Seconded by Felger.

DISCUSSION: Mahlberg questioned if anything needs to be done to address the city having an outstanding review and possible condition on receiving subsequent approvals from the City Engineer. Mol – this is a township property and a county decision. Feels that if the Township is not concerned with this decision affecting the agreement or relationship with the city than this Commission can move forward with a vote. Rhineberger – the CUP for the subdivision was granted on the condition of the Developers Agreement, which lists out uses that are allowed and # 8 is a contractor's office. Thompson asked if it would hurt to include a condition as it does seem reasonable. Rhineberger – the development as a whole has a condition that the Developers Agreement be reviewed. Mol – the City and Township worked through the Developers Agreement and the request meets the requirements, property is in the township and within county jurisdiction. If SWCD approves of a stormwater plan, that is through the county. Mol called for a vote.

VOTE: CARRIED UNANIMOUSLY

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

Present: Gary Lantto

- A. Rhineberger displayed the property and proposed site plan. The farm is 60 acres with the Commission recently approving the rezoning of the northern 10 acres to Agricultural/Residential (A/R). This request is to create a one-lot unplatted subdivision of that 10-acre parcel. French Lake Township has approved this request. County Board did approve of the rezoning.
- B. No comment from the applicant or public.
- C. Thompson moved to approve a Conditional Use Permit for a one-lot unplatted subdivision in accordance with the discussion, plans, and description held on file, with the following conditions:
1) Access permits from the French Lake 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. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

7. **SKIES LIMIT 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 for a Conditional Use Permit for a seven-lot unplatted subdivision as regulated in Sections 155.029, 155.047 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Phillip Kothrade & Donovan DesMarais

- A. Rhineberger – displayed property maps and the proposed plan. This property was recently zoned to Agricultural/Residential (A/R) and part S2-Shoreland in July. Today's request is to create a seven-lot unplatted subdivision. Maple Lake Township has approved, with conditions that new driveways are permitted through the township prior to being constructed and the driveways are level with the road for the first 30 ft. New owners will have to apply for a driveway permit prior to installing any driveways. Two neighbors have responded with concerns, comments attached in the staff report.
- B. Kothrade – there was discussion on the driveway location of a few lots. The Maple Lake Township Engineer was on site and a memo from the engineering firm for Parcel "G" and "C" regarding the location of where driveway intersects the street.
- C. Public comment opened.
 - Gale Isaak – looking at the CUP that was requested and discussion related to the moral and welfare of the occupants of the surrounding lands. Would like to remind the members that at the initial rezoning meeting there were roughly 15 neighbors that were very much against this and how many houses will be added into the neighborhood. With the 2 entitlements used this will be 9 more houses and the effect to the neighborhood and 1 mile stretch of township roads are a concern. Does not know anyone in the neighborhood that is for this request, except for the Robinsons. Not against the property being sold but would rather see larger parcels spread out versus three 10-acre lakeshore lots. Trying to protect the environmental lakes for the preservation of nature and wildlife. This was compared to other developments in the area but those are all off shoots with their own separate roads going into a development or cul-de-sac; not 9 more houses right on the rural road. These roads are walked and biked quite often. Does not feel this is something the neighborhood morally supports.
 - Jason Kolles – 7203 Ames Ave – questioned the number of proposed lots. Rhineberger – 7 lots with the subdivision request and another 2 that would be entitlement divisions. Kolles asked if there would be a new road or cul-de-sac and where would the proposed house sites be located. Rhineberger – with site plan on display it was explained there are no new roads and proposed soil borings indicate location of where a home could be placed. Kolles

questioned if they would be lake lots or cattail lots. Rhineberger – the DNR would deal with the removal of cattails and vegetation. Lots “E”, “F” and “G” would be lake lots and the size of the lot is based on the area to the Ordinary Highwater Mark (OHW). This zoning does require at least 10 acres above the OHW or lake level. Kolles – was this approved last meeting? Rhineberger – the last meeting addressed rezoning and this meeting is where the subdivision will be reviewed and voted on. Kolles – does not feel that some of these lots are buildable.

- D. Bravinder stated his concern was the driveway approaches and that was addressed with the Township. Kothrade – concern was on lots “C” and “G” and where the crown of the road is located. Bravinder – the Township Engineer already addressed this concern and the report is on hand.
- E. Mahlberg moved to approve a Conditional Use Permit for a seven-lot unplatted subdivision in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Access permits from Maple Lake Township are required prior to driveway construction 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 Bravinder.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:45 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission

Kryzer

Twp. Clerks

Applicant/owners