

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: November 16, 2023
Minutes

The Wright County Planning Commission met on Thursday, November 16, 2023, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice - Chairman, Ken Felger, called the meeting to order at 7:30 p.m. with members present: Jan Thompson, Pat Mahlberg, Ken Felger, Sandy Greninger, Jeanne Holland & Dan Bravinder. Absent member Dan Mol. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON OCTOBER 12, 2023 MINUTES

On a motion by Holland, seconded the Bravinder, all voted to adopt the minutes for the October 12, 2023, meeting as printed.

PUBLIC HEARINGS:

1. **ARBOR CREEK HOLDINGS LLC** – Cont. 7/20, 8/10 & 9/21 & 10/12

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.

No Representative Present

- A. Rhineberger reminded the Commission this item has been continued several times for various reasons and a site inspection. Based on previous discussion the applicant has been working with the MN DNR on revisions to the proposed plan. The applicant is requesting continuation to the December 14th meeting to continue revisions of the plans in accord with the recommendations of the MN DNR and also to present those revisions to the Township. Due to the number of continuations staff would recommend the Commission discuss thoughts on future continuations and whether the applicant should be advised to withdraw or a decision be made at the December 14th hearing.
- B. Bravinder – Wright Soil and Water Conservation District (SWCD) already provided a comment and was aware of the issues. Rhineberger – original plan included an enormous amount of fill. The applicants did provide revised plans that reduced fill but MN DNR still did not support and so the applicant went directly to the MN DNR asking what specifically needs to be done. Feedback was received and now they are in the process of working up a plan with those revisions.
- C. Mahlberg asked Rhineberger if conversation has been had with the applicant on the continuances and possibility of pulling the item until plans are complete. Feels that plans might be different from what was originally proposed and possibly another site visit will be needed. Rhineberger – conversation has been had with applicant on the number of continuations. Staff is fielding a lot of calls from

neighbors questioning if the item will be heard at the upcoming meeting. He cannot compel the applicant to withdraw so their choice was to ask for another continuation.

- D. Bravinder – are they on the Township agenda for November or December? Rhineberger – Township December meeting, which is early in the month and prior to the December 14th meeting. Not sure if applicant is on the agenda or not. Thompson stated she read the Township minutes and the applicant was not at the November meeting.
- E. Paul Otto – Otto Associates – stepped forward as he is involved with the project. Client was hurt in October and laid up for roughly a month. They met with MN DNR in November and his office is actively working on plans that are in line with recommendations from the MN DNR. Not sure what that looks like but the goal is to be at the Southside Township meeting in December. Malberg asked if MN DNR will have another review of the plans. Otto – they are trying to have the feedback from MN DNR prior to the Township meeting. Mahlberg – does not feel this Commission will make a decision tonight but suggested to Mr. Otto that he encourage his client to withdraw if the plan is not ready by the December 14th meeting. Otto stated he understands.
- F. Mahlberg moved to continue the item to the December 14th meeting at the request of the applicant. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ESTATE DEVELOPMENT CORPORATION** c/o Tom Gonyea – Cont. 10/12

LOCATION: 11126 Eastwood Avenue SE – The NW ¼ as well as part of the NE ¼ lying westerly of Rice Lake in Section 35, Township 118, Range 25, Wright County, MN. (Rice – Franklin Twp.) Tax #208-200-352102, -352100, -351201. Owner: David Lubben Trust

Petitions for rezoning from rezoning from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agriculture/Residential (A/R) with a Residential-Recreational Shorelands District Overlay (S-2) and establishment of a Rural Planned Unit Development overlay district as regulated in Section 155.028, 155.047, 155.048, 155.057 & 155.059, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates.

- A. Rhineberger – item was continued from the October meeting to allow time for a site visit. Since the last meeting the Wright County Highway Department responded that the developer should be made aware that the bridge connecting Eastwood Ave. to County Road 16 will be replaced in the summer of 2024. Four neighbors have also submitted letters of concern and do not support the proposal as presented.
- B. Otto – at the site felt the Commission was able to see the proposed vision. Extending road from the south, lots on the ridge and preserving the existing farmstead. Similar to projects in the area that this Commission has seen.
- C. Thompson questioned if there will be an exit on the north road. Otto – do not have that in the proposal. That would bisect the horse facility they are trying to save. Thompson – access would be off of existing street to the south. Asked if the road to the south of the cul-de-sac is slated to be connected to another road in the future. Otto – not sure, it does abut vacant land so possibly.
- D. Felger – recalled statement was made last month that indicated Eckert Ave. ending in a cul-de-sac was temporary in nature. Otto – correct, believes there is a temporary easement. Felger questioned if temporary because they anticipated Eckert Ave. would be a public road. Otto – assume it was a township requirement to allow future access.
- E. Public comment opened with a maximum 5 minute limit.
 - Mary Sullivan – 4386 115th St. SE – last meeting it was stated Franklin Township agreed to maintain the road. She ran into Renee Olson, who serves on the Township Board, and questioned the road. Renee stated she was not aware of the road and the Township had not seen a proposed plan or discussed the road. The response letter from the Township only states they approve of the rezoning. Feels the expansion of Eckert Ave. will affect 25 families and by not expanding, and going to the north, only one family would be impacted. Does not feel the plan for the road to go through is even a thing if the property is Agriculture. Rezoning would have to happen before you can plan for a through road and she was not able to find a plan that showed the road going through. Main concern is the doubling of traffic and impact on 25 homes. The reason they built is due to the open space and natural look to the property. Unsure if there is a plan for the open space. Photo of the view from her yard and the proposed open space was displayed for Commission and provided to staff. Concern is there is no plan

- for the open space and she feels her land value could be affected. Concern that the neighbor's property value will be affected with the removal of the cul-de-sac, added traffic, and change to the open space. Mahlberg questioned expertise on land value. Sullivan – bought and sold 4 homes and aware of value. Owned a home in Delano that they knew for a fact would be a through road because of the presence of barricades. When they purchased their current home there was no indication or expectation that the cul-de-sac wouldn't remain. Statement made that she does not have property value expertise, besides being a homeowner. Mahlberg – understands the no expectation but the plat map indicates a potential through road. Sullivan – not familiar with a plat map and where this file exists. Rhineberger – displayed the plat map being discussed and explained plats are on file with the County Recorder and this one appears to have been approved in 2003. There is also a file on hand in Planning & Zoning. Greninger asked where Ms. Sullivan's home is located with Rhineberger using Beacon to display. Sullivan – quite a bit of proposed open space will merge with their existing open space. Mahlberg questioned if area is mostly wetland with Sullivan confirming swamp and cattails.
- Kelly Thompson – 11638 Eckert Ave. SE – before the Commission asking if there is an alternate to keeping her neighborhood a neighborhood for her children. She had provided a detailed letter to the Commission. In 2008, when she moved in, there were 3 homes and she has watched new homes pop-up with plans of 5 more homes. Feels we have not begun to realize the traffic that is happening on this road. Her kids are young and they enjoy riding bikes on the road. This road does not have a posted speed limit, lights, or capacity to handle this amount of traffic. Her child deserves to ride his bike to a friend's house without being pegged by a car. People drive 50 mph on this road and she can't bear to see another 16,000 cars drive by her home yearly. Concerns with home value. Not a real-estate agent but does know when she goes to buy a house the level of traffic does play a role in what she is willing to spend. She lives a busy stressful life and wants to be able to have her piece and quite, this is not what she bought or signed up for. Feels the property can easily be accessed through another point. Concerned for wear and tear on the road. Every year there are horrible potholes and she is not sure how the roads will be maintained with increased traffic. Wants to know who will pay for wear and tear and maintenance, doesn't feel they should have to pay. Feels it would be safer to have less car driving through the neighborhood. Mahlberg – with location map displayed asked what the alternative would be to access the homes. Thompson – 110th or through Mr. Lubbens private horse farm. Mahlberg – at the site and from a topography perspective he viewed the top area being the existing paddock and drop off towards the trees. Question how she would suggest access to proposed Lots 5-15. Thompson – through edge of Lot 4. Has heard years ago there was another builder that looked at developing and there was access coming from an alternate point.
 - Amy Warner – 4251 115th St SE – opposes access coming off of the current cul-de-sac. The only reason why that isn't happening is to preserve a horse farm. Mahlberg – that is not known. Warner – will hear from all families along 115th and Eaken there are small children and a big part of reason they purchased is very quiet and little traffic. This will greatly impact how they enjoy their property just to save a horse farm. Feels access can come off of 110th St. or Eastwood Ave. Looking at the lot sizes, they don't seem consistent with neighborhoods in the area. They actually have larger lots, she personally lives on 23 acres, and there are not a lot of existing 1-2 acre lots. Thompson asked which lot Ms. Warner owns as displayed on Beacon aerial. Mahlberg asked for a historical aerial to be displayed as he believes this was the only property present prior to the lake lots. Rhineberger – confirmed, this was the original farm property developed as Rice Lake Retreat.

- Mark Nettesheim – 4255 115th St SE – stated his home was one of the first of the development and concern is the increase in traffic and the curve of the road is hard to see around. His 4 children love to ride four-wheelers, snowmobiles, and bikes; the addition and tacking onto the end of the development will be detrimental to kids safety. His family is in opposition of this extension. Mahlberg – before the lots were developed the people living off of Eaken were having the same thoughts as being presented tonight. He is struggling with at what point do you get yours and the next person doesn't. Nettesheim – Mr. Gonyea builds a great home and he doesn't feel that his home value will be deterred. The issue is added traffic and ability to find another access point off of 110th or through trees and horse farm. Feels that there is a better way to route traffic besides through the existing neighborhood. As mentioned, the smallest existing lot is 3.4 acres so to add in 1-3 acre lots it does change the demographic of the Rice Lake Retreat and is a concern.
 - Kristi Mittelstaedt – 4243 115th St SE – lived in this home since 2004. Brother is the one that developed the original property with no intention, at that time, for the road to go through. There are a lot of people that walk and use the road because it is a quiet road and safe to use. Changing this will change the entire dynamic of the intended use of the development. It was intended that the road would not go further and access would be from the gravel road. Previous comment made about what should stop someone else from coming in when we were given the access to live here, is true, except that was not the intended purpose. Intended purpose of the development is quiet country lots not intended to be turned into a larger development with small lots. Mahlberg – mentioned it was not the intent, what does that mean? We are talking about a piece of land that was not part of the original development so where is the basis of the statement that this was never the intention. Mittelstaedt – the two gentleman that developed the property never intended the cul-de-sacs to be connected to another development. Mahlberg – confirmed Ms. Mittelstaedts brother was one of those gentleman and questioned if conversation was had with brother in response to this request. Mittelstaedt – no, not in response to this.
- F. Greninger – questioned if 110th area was wetland. Rhineberger – displayed site plan and explained the ridge area and wetland.
- Jeff Sullivan – 4386 115th St SE – abuts the property in question. No doubt in his mind that any changes to the land will negatively affect his property value. They have always known and understood there could be changes to this parcel of land, including development similar to theirs. Also, they have understood their development is closed with expectation any development done would be done as its own unit with its own access. This proposal does not align with either of those expectations and he would like the entire proposal rejected. Written comment was provided (included in staff report) as to why this proposal violates the Wright County Zoning Ordinances and negatively affects his family and his neighbors. There are 7 main statutory issues that should be addressed to ensure compliance. If this Commission chooses to not reject in its entirety, he would like these 7 items to be considered. Mr. Sullivan went on to read and summarize the submitted comment document related to the 7 items. Kryzer – appreciates the comments and 7 items but the purpose today is related to rezoning. When making a rezoning decision this Commission will provide the County Board a recommendation and there are not conditions attached. Items mentioned are part of the record but are more considered as part of the subdivision process. Sullivan stated he understood but it is hard to approve the rezoning if one isn't aware of the plan.

- Brad Beyer – 11572 Eckert Ave – moved to Rice Lake in 2020 and purchased solely for a quiet neighborhood. Feels this development isn't going to be stopped but his ask would be that the access be looked at from 110th or Eastwood Ave. Mahlberg – his letter came in today so if there are items not yet said he can do so. Beyer – environmentally it was pointed out where the river enters Rice Lake. Not sure of plan for that proposed lot but every spring the road does close due to flooding and the larger parcel would be underwater. Mahlberg – asked for clarification if 110th St. closes in the spring with Beyer using displayed Beacon map to explain area of 110th that does get closed.
 - Cortney Bragg – 4308 115th St SE – at the last meeting it was stated that the intent was to look at these (rezone & development) in tandem. Kryzer – a preliminary plan is required as part of the rezoning so there is an idea of what is coming. The main statement was regarding the procedure process. Yes, they do review the preliminary plan and comments are valid, good to hear and part of record. Bragg – recognizes development is inevitable. Land development, in most cases, is seen as a form of progress. Whether development is positive or negative will always be a personal interpretation based on how it affects each individual. In order to take personal interpretation out of the matter at hand Wright County has statues in place when rezoning from General Agricultural (AG) to Agriculture/Residential (A/R) and statues for Rural Plan Unit Developments (PUD). There is Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances that she would encourage the Commission to uphold. These rules ensure the development has a positive impact on the community, fits into the counties plan and has gone through proper channels. In this case the plan put forth by Estate Development Corporation does not comply with at least 7 items in the mentioned statutes, chapters, and ordinances. Details regarding those items were provided earlier and can be found in the staff report. Estate Development Corporation has not discussed the plans for a PUD with Franklin Township. She requests the rezoning and Rural PUD request be looked at independently and that the Rural PUD plan be denied until Estate Development Corporation can meet the required statutes.
 - Dan Zerr – 4244 115th St SE – recently purchased his property and is here to be supportive of his neighbors and in alignment with them. The statement made by member Mahlberg of “who gets theirs and who does not” was the most valid point he has heard tonight. His hope is that everyone that wants this development to happen get their wish and those in attendance get their wish. Tonight, he has heard a decision was made to preserve a horse farm over what these families have repeatedly stated and that is not right. He feels that Mr. Otto can figure out an alternate access point. Felger – questioned where Mr. Zerr lives with Mr. Zerr replying 4244 115th St.
- G. Rhineberger stated that a lot of the discussion has been around the concept plan. Subdivision Ordinance 154.32 does explain why the development of Rice Lake Retreat was done the way it was and that the road was not developed as a cul-de-sac but a dead end 66 ft. wide road right-of-way for potential extension of the road. Rhineberger went on to read Ordinance 154.32(A) *Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts.* In this case, if in the subdivision phase, the logical connection would be to connect Eckert with Eastwood or 110th St. and makes the most sense. Long cul-de-sacs are actually discouraged and you do what you can to connect to an already existing street. Referencing the Subdivision Ordinance access wouldn't be as shown on the

concept plan or another cul-de-sac coming in from 110th or Eastwood Ave. but it would be a connecting street extending Eckert to Eastwood or 100th. Mahlberg – confused on the references to the Subdivision Ordinance 154. Questioned if those standards are applicable now or during the subdivision process. Rhineberger – reviewed at the subdivision point. If rezoning and PUD district are approved then the Commission will look at some of this when discussing the development of the PUD. If the rezoning is approved but not the PUD district some of this might apply and some might not depending on the presented plan at that time and possible road situation. Without the PUD the lots must be at least 10 acres in size and have at least 300 ft. of road frontage.

- H. Mahlberg – a separate issue, that possibly Mr. Otto can address, is the statement made regarding what the Township was presented and their response. The Township response form states they approve rezoning from AG to A/R and stops there. Questioned if the Township had intentions to share thoughts on the establishment of the PUD. Rhineberger stated he has the response that everyone else has.
- I. Greninger questioned if this is voted on could it be sent to staff for findings. Kryzer – could recommend staff draft findings consistent with approval or denial, that is up to the Commission. Franklin Township does have a meeting December 4th so the matter could be sent back for specific review and comment on the road. Rhineberger stated where we are in the process feels a remand for recommendation on the PUD but not the road, the road is part of the subdivision process, which has yet to be applied. Kryzer – feels there is some ambiguity with the road and what the Township would like to see.
- J. Bravinder – read what the township received. *Petitions for rezoning from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agriculture/Residential (A/R) with a Residential-Recreational Shorelands District Overlay (S-2) and establishment of a Rural Planned Unit Development overlay district as regulated in Section 155.028, 155.047, 155.048, 155.057 & 155.059, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.* Feels the Township had more information than just rezoning and knew the request was for a Planned Unit Development. Mahlberg – staff notes on that notice does say, *Requests complies with the Land Use Plan designation for “Rural-Residential”.* Planning Commission may recommend the establishment of the PUD district. Questioned who staff is on this notice, is it Planning & Zoning or Township? Rhineberger – Planning & Zoning is staff making the note. Mahlberg – Township responded that zoning sounds great but there is now a question on the PUD part of the request, as there is no related comment either way. Bravinder – Cokato Township would give a yes or no separately for the PUD portion, as it is a separate portion of the request. Mahlberg – according to what he is hearing member Bravinder state; Franklin Township did not take action on the PUD. Bravinder – confirmed.
- K. Mahlberg questioned if Mr. Otto was at the Township meeting and has an opinion. Otto stated he was at the meeting and he presented a plan to the Township. He would suggest to this Commission that if they want certain answers to certain questions they are listed as line items for the townships. He visits the majority of the townships in the County and feels 75% of them do not understand what staff is asking. Most times the township looks at the plan and they say, ‘yep looks good, we like it’. At the meeting with Franklin Township, they discussed the cul-de-sac and their request for an island in the middle, it may or may not be in the minutes. They do provide feedback but feels they don’t understand what is needed for the County level when it comes to a motion. Feels that to the Township rezoning and rezoning with a PUD is the same, they don’t understand the intricacy of what the County needs or looks at. Rhineberger – roughly 3 years ago there was a township training session

and one of the issues is that the townships do have turnover. There are plans in the works for another training session and responses are one of the topics that will be discussed. Otto – not opposed to going back to the Township and getting what is wanted by the Commission. Currently at the rezoning phase so talking about subdivision things is premature. As mentioned, he can design a road coming from the north but he is almost certain the Township will not want another cul-de-sac coming from the north. The southern corn field area is the best area for lots and either the road from the north will connect to Eckert Ave. or Eckert Ave. will be extended, as proposed. Staff requires a concept plan and there is a lot of thought put into the best building sites. If a road is run near the horse barn and house, he is not sure what they would do with the property, as it exists. Overall, he feels rezoning with a PUD the most logical for this property and 10 acre lots do not make sense for this property.

- L. Bravinder – he is in full support of continuing the item so that a sound response from the Township on PUD and A/R rezoning can be received. Feels the Township didn't fully understand the request. The PUD development, as described to the Township, is for lots 1-11 and aligns with the existing PUD lots. He is not convinced the Township understood the full request. Mahlberg – he doesn't feel it is right that the Township didn't understand what they are approving. They might not have understood the process to get there. At a township meeting the Board doesn't care what sections of the ordinance are being referenced, they see a concept plan and approve it. This Commission might not always get detail findings with backing of how a decision and why a decision was made but he feels the townships do understand the overall request. Bravinder – specifically the PUD portion he does not feel the Township addressed in their reply. For himself he wants a specific response on the PUD portion of this request in order to make a decision on the rezoning request. Mahlberg – if this Commission remands the request, then that Township should be notified of what this Commission is specifically looking for. Kryzer stated that staff can present a list of questions for the Township. It should be noted that timeline MN Statue 15.99 waiver runs out 12/30/2023 and there are limited County Board meetings. If the item is remanded a waiver of MN Statue 15.99 should be signed by the applicant and he is not present. Otto stated he is not authorized to sign that document. Bravinder – if making a decision tonight he would recommend approving the rezoning from AG to A/R. In his opinion they (Franklin Township) are approving the entire request. The plat and road would get addressed later. Mahlberg – approving the rezoning doesn't address the establishment of the PUD. Bravinder – yes, it is in the request. Mahlberg – reads the request as a petition to rezone and establishment of the PUD. Can they not be acted on separately? Kryzer stated they could be acted on separately.
- M. Holland feels it would make sense to address what the Township approved, which is rezone from AG to A/R and then kick back to the Township and have them review the PUD. Rhineberger – the timeline runs with the totality of the request so 15.99 waiver would still apply to the establishment of the PUD. Kryzer – if continued to December it will need to be for findings because the applicant is not here to address the 15.99 waiver. Holland questioned what date is the last County Board meeting with Kryzer stating December 19th and this Commission meets December 14th. Rhineberger commented deadline for County Board agenda submission is December 13th.
- N. Thompson – the Township response states they approve rezoning from AG to A/R, and that is what we are here doing tonight. Mahlberg – we are here for the rezoning from AG to A/R and the establishment of the Rural PUD. This Commission needs to provide a recommendation to the County Board on both items. Rhineberger – the rezoning and establishment of the PUD are both zoning approvals that require County Board review. The PUD district is an overlay district, so it has to be established and approved by the County Board. The actual creation of the PUD is a subdivision. Otto – not approving the proposed plan but approving the development would be lots less than 10 acres.

Based on discussion and direction from this Commission the plan could look different than presented tonight. Tonight, the proposed plan itself is not being reviewed but the idea of the smaller clustered lots on less than 300 ft. road frontage and preservation of open space is what is being discussed. It would be ideal to come to a rezoning meeting with a blank piece of paper but these discussion help make a better project for the developer and the neighbors. He takes note as to what is being discussed and does take into account the concerns and discussion when reviewing the plans.

- O. Mahlberg – the PUD provision 155.059(F)(4)(d) states the outline development plan must include a *statement of preliminary approval from the township board, which indicates that any proposed roads will be accepted as township roads*. Is this not applicable? Kryzer – provision cited deals with the establishment of a PUD. The official subdivision of that PUD comes at a later date, it is a twofold process. Yes, here you would need input from the Township. Feels the Commission could make a finding that rezoning at this time is not ready. It may be in the plan but given facts in the record there is not enough to establish rezoning, at this time. Mahlberg – what basis would there be for denial from AG to A/R, it is in the Land Use Plan and Township is recommending? Kryzer – Planning Commission and County Board can always say those items are present but they can also say they are not ready for development in this particular area and not ready for development at this time. Mahlberg – is the preliminary approval supposed to have been received at this point? Kryzer – depends on the townships. Usually, the townships indicate they are acceptable to the road but there have been times when a township clearly stated they would not maintain the road. In this case not having that approval statement and the comments made tonight does create some ambiguity. Otto – most of the townships are not going to approve the road until at the preliminary plat stage and most times comment is approved if built to township standards. Mahlberg – provision 155.059 states that along with an application and underlying development plan an approval statement from the township accepting the road is required. Is this something new or something that just is not done? Otto – procedure has changed over the years and before this administration. Mahlberg – if the Township saw this request and dug into what 155.059 states, they would see a procedure that is not being followed. Otto – correct, not sure the old procedure was correct either. Rhineberger – in the past when the PUD was established, if they approved the preliminary plat, it was subject to County Board approval of the PUD. Feels going this way follows a better form so that work is not done by the applicant prior to approval. Mahlberg – he is all for efficiency but he is not a fan of the ordinance, he is supposed to apply, telling him something that is not being done. Feels there is a possibility the ordinance needs to be changed or the process followed.
- P. Felger addressed Kryzer and asked for clear options. Kryzer – option could be to close the public hearing and direct counsel to draft findings based on the record and discussion, consistent with the denial of the request to rezone, and continue the matter to December 14th. Another option would be to approve and recommend approval to the County Board of Commissioners to rezone the property from General Agricultural (AG) and part Residential-Recreational Shoreland (S2) to Agricultural/Residential (AR) and part Residential-Recreational Shoreland (S2) and establish a Rural Planned Unit Development District (PUD) based on the concept plan completed by Otto Associates dated 7-20-2023, Project No. 23-0282, because it is aligned with the goals and policies of the US Highway 12 Corridor Land Use Plan. Mahlberg questioned if this Commission is permitted to make a decision that if a 15.99 waiver is received can be revoked and it is as if the Commission did not make a decision and therefore not heard by the County Board. Kryzer – logical way would be to recommend denial that is contingent. Mahlberg – suggestion would be recommend denial of the rezoning based on the discussion and findings to be drafted; however, if the applicant provides a 15.99 waiver within 7 days the decision is automatically revoked without further action. Kryzer – feels this would be reasonable. Hope would be the applicant would provide the waiver and meet with

the Township prior to the December 14th meeting. Otto – client is pretty agreeable and doesn't see that type of motion being a problem. He would like the Township to be made aware of what this Commission is wanting to see with a response.

- Q. Malberg motioned to close the public hearing and direct counsel to draft findings based on the record and discussion, consistent with the denial of the request to rezone, and continue the matter to December 14th; provided however that in the event the applicant provides a signed waiver of the 15.99 time requirements within the next 5 business days this motion shall automatically be revoked with the item set to be heard at the December 14th Planning Commission meeting provided the applicant has met with the Township prior to then. Further directing staff to issue inquiries to Franklin Townships Board as to the basis for whatever decision Franklin Township makes on the rezoning request and the request for a Planned Unit Development. Motion seconded by Holland.

DISCUSSION: Felger – motion mentioned the applicant has to meet with the Township, could that be the applicant representative? Malberg – confirmed. Felger question Mr. Otto if 5days for the waiver would be achievable. Otto – if a signed email form would be acceptable, he doesn't see a problem. Kryzer – needs a signed form, email is fine, and with the holiday he would suggest deadline of December 4th.

Malberg and Holland agreed to amend the motion from 5 business days to no later than December 4th.

VOTE: CARRIED UNANIMOUSLY

Felger – at 8:45 p.m. a 5 minute recess was called.

3. **ABDILLAHI MOHAMUD** – Cont. 10/12

LOCATION: 15007 County Road 27 NW – Part of N 1/2 of NW 1/4 Section 21, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-212202 & -163303 Property Owner: Schany Marital Trust

Petitions for an Interim Use Permit for an over-the road trucking operation to include office space, repairs, and storage for trucks and trailers as regulated in Sections 155.031 & 155.053(B)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

No Representative Present.

- A. Kryzer stated the applicant has decided to not pursue this matter and requested dismissal.
- B. Bravinder moved to dismiss the matter without prejudice, at the applicant's request. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **JEREMY RICE** – New

LOCATION: 4138 Braddock Ave NE – Part of N ½ of SW ¼ of SW ¼, Section 8, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-083300 Property Owner: Equality Farms LLC.

Petitions for an Interim Use Permit to allow for the construction of an approximately 1,250 square foot greenhouse to an existing Commercial Outdoor Recreation use as regulated in Sections 155.003(119), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jeremy Rice

- A. Rhineberger – property site plan displayed and request reviewed. Property is roughly 10.94 acres just north of the Wright County Government Campus along Braddock Ave NE in Buffalo Township. The property is zoned General Agriculture-AG and is in the Northeast Quadrant (NEQ) Land Use Plan as Residential Large Lot. In 2012, the Commission approved a Conditional Use Permit for a commercial outdoor recreation use to offer seasonal jobs and educational activities to adults with developmental disabilities related to growing and sale of organic crops, produce and flowers. Current use allows 4 events per year with maximum of 150 people per event with open months April through October. In original approval there was no approval for events to take place in the requested building. The building itself is actually smaller than one being replaced but now will be used as part of those events; with public and others being able to enter, not just those doing the jobs. This process will also roll the use into an Interim Use Permit (IUP) with the only real difference being that the IUP will cease at time of property sale. Formal Township approval was not received in written format but in speaking with a Township Supervisor it was verified the applicant did meet with the Township and the Township did approve. Email was received from Buffalo Fire Chief with comment that use of the buildings may change occupancy and affect access for emergency vehicles. Further conversation should be had with the Fire Chief.
- B. Rice – operates an organic farm and the greenhouse site has existing roads that would be easy for firetrucks to access. Does not foresee an issue with the concerns of the Fire Chief. Greenhouse is considered a deep winter greenhouse and sits below the surface. The greenhouse is going to be in the center of the property at 25 ft x 50 ft. in size and the staging ground for volunteers to gather trays before heading to the field. Volunteers are by invite only and the site is not open to the public. Main core of the operation is people with disabilities that come from neighboring communities. They also have local groups, Pride Transitions, that have kids come and learn. Vision is to create groups, eventually large companies, that come out as a team building exercise. Waiting on decision tonight before moving forward with final engineered building plans.
- C. No public comment.
- D. Felger – appears to be a standard operation, other than changes with building a greenhouse to commercial standards for the public to enter.
- E. Mahlberg – first proposed condition stats ‘*all buildings used on site must be brought up to code*’. Questioned if this request is approved would there be an issue if required to spend thousands of dollars to sprinkler a building if the public doesn’t even entire the building. Rhineberger – proposed

conditions were carried over from previous CUP approvals. Believes that the other buildings have already met that 2012 condition. Kryzer – if the fire code requires that the road be improved that would be a requirement under the mentioned condition. Felger questioned how that condition would be verified complete. Rhineberger – condition could be added that Fire Marshall approval be obtained and submitted at time of building application.

- F. Motion made by Mahlberg to approve an Interim Use Permit for a commercial outdoor-recreation use to offer seasonal jobs and educational activities to adults with developmental disabilities related to growing and sale of organic crops, produce and flowers in accord with the plans and narrative on file with the following conditions: 1) All buildings used on site must meet or be brought up to code before use; 2) On-site sanitary systems used or installed are adequate for this type of use. For the larger events, the criteria for porta-potties are met; 3) The operation runs seasonally from April through October; 4) No more than four events are allowed annually with up to 150 people for each individual event; 5) Any signage used must meet the sign regulations; 6) Township to review in one year, with subsequent reviews at an interval established by the Township; 7) This interim use permit shall expire upon property transfer, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Holland.

DISCUSSION: Rhineberger questioned if with a greenhouse operations occur year round. Is there a need to discuss the operation months? Rice – no events will be held after the final harvest, which is October. Minimal operations will occur in the winter with starter plants and it does not take a large number of people. Kryzer – will work be done by adults with developmental disabilities during the winter months? Rice – confirmed they operate year round. Large events are not done during all months.

Mahlberg moved to strike condition 3) The operation runs seasonally from April through October. Holland seconded that amendment.

VOTE: CARRIED UNANIMOUSLY

5. **VONCO II, LLC** – Representative Aric Olsen – New

LOCATION: 5570 County Road 35 W – Part of E ½ of SW ¼, Section 31, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax #203-000-313401 Property Owner: Todd Wurm & Krista Wurm

Petitions for an Interim Use Permit as regulated in Section 155.029, 155.048(D) & 155.100 of Chapter 155, Title XV, Land usage & Zoning of the Wright County Code of Ordinances to renew the 2018 Conditional Use Permit and reclassify as an Interim Use Permit for the mining of clay borrow up to 130,000 cubic yards of material. Approximately 91,200 yards of material are remaining.

Present: Aric Olsen

- A. Rhineberger displayed property location as well as proposed plan. Property is 80 acres on the north side of County Road 35 in Chatham Township. Currently zoned General Agriculture (AG) and in the plan to remain General Agriculture. The request is to renew the 2018 Condition Use Permit (CUP) and reclassify to an Interim Use Permit (IUP) for the mining of clay borrow up to 130,000 cubic yards of material. Approximately 91,200 yards of material are remaining. Clarified the original thought by applicant was that Phase 3 was approved in original approval. This request is strictly for Phase 2 and needs the extension. If they move into Phase 3 a separate application will be required. The request is for a 5 year extension for the clay borrow site. Township did approve and indicated they are making farmland with less slope and therefore less runoff of soil. Note that the proposed conditions came from the 2018 original approval. One difference is that the new ordinance requires finical surety at \$5,000 per acre. Plans indicate 2.5 acres to be open which equates to \$12,500 finical surety. Olsen stated this was news to him but is acceptable.
- B. No Public Comment.
- C. Mahlberg moved to approve an interim use permit and extension of the mining of clay borrow for 5 years, in accord with the plans and descriptions on file and the discussion on the record, with the following conditions: 1) The permit is limited to the area designated as phase; 2) Any expansion into phase 3 will require a new interim use permit; 3) The applicant shall post a \$12,500 financial surety to be reviewed and signed off by the Wright County Attorney's Office to benefit Wright County in the event the applicant fails to reclaim the property or fails to comply with any of the conditions listed herein; 4) All traffic will go east out of the site and no hauling is allowed on township or city roads; 5) Hours of operation are limited to 7 a.m. to 7 p.m. Monday through Friday and up to 5 Saturdays a year for those same hours; 6) This permit shall expire December 31, 2028. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

6. **Ordinance 23-4** – Cont. 9/21

The Wright County Planning Commission will be reviewing and discussing a proposed amendment to the Wright County Code of Ordinances. Proposed is to amend 150.01 to amend an incorrect reference. Amendments are also proposed to Chapter 155 with regards to the Zoning Administrator, Planning Commission and Board of Adjustment authorities and Regulations. The proposed amendments also include proposed amendments to how the zoning map and ordinance changes are processed. Essential services under 155.098 is also subject to amendment for the placement and operation of energy storage systems.

- A. Kryzer reminded the Commission previous discussion was had on the presented Amendment 23-4 and went on to review each amendment while highlighting key aspects of the additions, corrections, and changes. There is an added potential Amendment 23-4A, which would amend the Essential Services and was provided to the Commission with the staff report for review.
- B. No public comment.
- C. Rhineberger – Victor Township, Rockford Township, Franklin Township and City of Maple Lake all submitted approval of the proposed amendment, as written. Cokato Township did approve with comment Section 3, Item 2 should be changed from ‘10 days’ to ‘30 days’.
- D. Bravinder stated that Cokato Township felt 10 calendar days was not ample time. Felger – this was previously changed. Rhineberger – when first adopted the ordinance read 10 days and recently the County Board and Planning Commission adopted at 30 days and this proposal would bring back down to 10 days.
- E. Greninger questioned if 10 days is an adequate time for Planning & Zoning. Kryzer – it is not a Planning & Zoning issue; it is up to the landowner to file an appeal. Rhineberger– if someone will appeal a determination, they currently have 30 days and this change would give them only 10 days.
- F. Mahlberg pointed out that Cokato Township noted Section 3, Item 2 and that is the amount of notice before a revocation hearing. Appeal is Article 3, Section 1. Conversation continued around the intent of the Townships reply. Member Bravinder, who serves as a Supervisor for Cokato Township, stated intent of the response should be related to the appeal of the Zoning Administrators decision deadline. It was acknowledged the Section and Item numbers were incorrectly noted on the response form. Mahlberg questioned if the appeal form, prescribed by the Zoning Administrator, is easily accessible online or in office. Rhineberger – yes. Mahlberg – ran an internet search on the Wright County website and a form does not immediately popup. Rhineberger – reference is appealable to the Board of Adjustment, that is where the appeal application is located. Mahlberg stated that if only allowing 10 days he wants to ensure the general public can easily find this form. Discussion continued around options with the conclusion being that if approved at 10 days Rhineberger will update the current application. Kryzer – other issue is complying with MN Statue 15.99 which states a request must be submitted in writing, on an application form provided by agency. Trying to ensure the ordinance complies with 15.99 waiver. Mahlberg – understands concept but wants to ensure it is very clear for

the general public to file an appeal. Based on discussion Rhineberger agreed to addressing the format of the application.

- G. Bravinder asked if this Commission would be acceptable to 10 business days versus calendar days. Mahlberg – potentially would be in agreement with compromise between 10 and 30 days. Not sure business days is the way to go as it would exclude holidays. Calendar days don't need to address holidays. Suggestion would be 15 calendar days. Bravinder was in agreement.
- H. Felger – clarified Article I is a simple correction to a listed section number. Questioned under Article II who would be considered an “*enforcement official*”. Kryzer – that could be the Township, Feedlot Administrator, County Deputy, or even Planning & Zoning. Rhineberger explained most of the staff in Planning & Zoning have enforcement written into their job description. Felger went on to questioned what crime is being committed under the “*Failure to comply with a stop-work order is a crime.*” Kryzer – according to MN law a crime is considered a misdemeanor. Felger – referenced Page 3, Section 3, and questioned if there is any leniency or redress to the statement of missing three consecutive meetings. Kryzer – presented is what he was directed to draft. The reasoning and how the County Board operates is up to the 5 elected members of the County Board. Mahlberg questioned this same amendment and the wording “*by resolution*” which is existing and by “*by action*”, which is in the proposed amendment. Kryzer confirmed the same meaning is there and the wording can be changed so that they are consistent. Felger – referenced Page 4 and asked if an amendment can be initiated by the County Board of Commissioners individually, as a whole or both. Kryzer – if initiated by the County Board of Commissioners three votes are required, it could be the Planning Commission or even the Zoning Administrator. Felger stated he has heard of one Board member requesting a change so he is questioning if this amendment allows for a single County Commissioner to make a request. Kryzer stated that if a County Commissioner asks to have an item sent to the Planning Commission, he will draft what is requested. Dialogue continued around how the process of amendments has worked in the past and the recently created committee, which includes 2 County Commissioners, that will discuss ordinance changes. Felger – the *Procedure* section appears to indicate the Zoning Administrator may toss out an item that may violate the established time limits. Kryzer –if a situation comes up with this Commissions next meeting violating 15.99 waiver the Zoning Administrator would have the ability to pull the item and refer directly to the County Board.
- I. Mahlberg addressed Page 4, Section 4 (B)(1) and asked to have wording amended to read “*Notwithstanding the aforementioned, the Zoning Administrator is authorized to refer the application directly to the County Board...*”. Feels the point is the same but less confusing. Kryzer agreed to the change.
- J. Thompson referenced Page 3 and the Planning Commission section where it mentioned missing three consecutive meetings. In the past the Planning Commission had members that required hospitalization and potentially missed three meetings. Questioned if there could be a clause that a medical emergency be considered appealable. Rhineberger – the way it is written is that any member may be removed. It would be up to the County Board of Commissioners to determine if they want someone removed.
- K. Felger referenced Page 4 (B)(3), and the removal of the requirement that the Planning Commission taking action within a period of time. Kryzer confirmed. Rhineberger explained there are already requirements in place regarding a decision being made so an initial hearing deadline isn't necessary. Felger stated he would rather see some type of deadline versus no deadline. Kryzer – the item does get placed on the next public hearing. Rhineberger – there is a deadline in place with 15.99 wavier

and the requirement of 120 days to make a decision. Mahlberg – feels the 30 day deadline is an unnecessary provision.

- L. Mahlberg moved to recommend approval to the County Board of Ordinance Amendment 23-4 and Amendment 23-4A with incorporated changes to Article 3, Section 3 on Page 3 wording from ‘action’ to the word ‘resolution’ and in Section 4 on Page 4 change wording from ‘reference’ to ‘remove’ as well as in Section 1 on Page 3 change ‘10 calendar days’ to ‘15 calendar days’. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION ITEM

Rhineberger addressed the Commission regarding Critical Incident Training. At some point there might be an opportunity for training and he simply wanted to make sure the Commission is aware of the conversations and planning being had.

Meeting adjourned at 10:24 pm.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator
BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks