

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: March 7, 2024

Minutes

The Wright County Planning Commission met on March 7, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 6:30 p.m. with members present: Dan Mol, Pat Mahlberg, Ken Felger, Jeanne Holland, Jan Thompson & Dan Bravinder. Absent: Sandy Greninger Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON FEBRUARY 8, 2024 MINUTES

On a motion by Bravinder, seconded the Thompson, all voted to adopt the minutes for the February 8th, 2024, meeting as printed.

PUBLIC HEARINGS:

1. JON TERP – Cont. 1/11 & 2/8

LOCATION: 10054 Cty Rd 17 SE – part of the N 1/2 of the NW 1/4 in Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-252100 Property Owner: John Terp & Dalton K Terp Petitions for a Conditional Use Permit for a land alteration of approximately 4,400 cubic yards for an ATV trail and a pad for a shed as regulated in Section 155.029, 155.048 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Petitions for a Conditional Use Permit for a land alteration of approximately 4,400 cubic yards for an ATV trail and a pad for a shed as regulated in Section 155.029, 155.048 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

- A. Kryzer – at the February 8th meeting the matter was closed to further written or oral comment. The Commission was provided with staff-drafted findings with conditions based on discussion.
- B. Thompson stated at the last meeting, she voted against the proposal. Her reason for voting against it has not changed, and she feels this Commission has the responsibility to make sure the neighborhood views are included in the proposal. She does not feel the question on noise or the Environmental Assessment Worksheet (EAW) has been adequately addressed. She realizes this Commission cannot demand an EAW, but the County Commissioners do have that ability, and her hope is they will review it at the next meeting. She has thought a lot about the noise and reflected on what occurs in her neighborhood with snowmobiles and other off-road vehicles that go up and down the dirt road outside her home. Those vehicles come and go quickly. She doesn't have the constant noise that would be in place in this situation. She would like to note that she believes there is an obligation on the part of the Planning Commission to, at a minimum, address the concerns of the neighbors. Her first concern would be the noise; the noise is such that any off-road vehicle makes noise, so the easiest way to address this would be to include a condition that all vehicles need to be electronic, if at all possible. The other item would be additional screening. It appears a lot of trees were removed along the driveway to make room for the shed. As a Commission, there could be a requirement for better screening along all property lines. She feels that even though it was pointed out that trees along the north side of the property are buffers. They are actually on the neighboring property, not the one in question. Her belief is that it is owed to the neighbors of this community to control the noise, control the dust, and know that the drainage is properly handled.
- C. Motion made by Thompson that she would include noise be addressed, at this particular phase of the CUP application and that dust control be considered as well as the environmental impacts. Motion seconded by Felger.

DISCUSSION: Holland – at the site inspection, there was a large shed that is a sound barrier to the closest neighbors. That neighbor has stated they do not have a problem with what is being done. This neighborhood is also hearing the snowmobiles that use the trail and have nothing to do with the Terp family property. At the site, the covering was visible, so there would not be dust. Feels that the closest people, who don't have a problem, are

the ones that would be impacted the most. Personally, does not feel it is her duty to tell people how to run the property they own.

Felger – voted against the proposal at the last meeting. What struck him was the magnitude of the endeavor. Personally, he lives in the country with a neighbor who rides a motorbike all the time. It is all he hears, but recognizes it is their right. Within a ¼ mile of his home, there is a small engine repair shop that likes to test run bikes and snowmobiles up and down the driveway, which is their right. He leans towards owners' property rights and allows owners to do as they wish with their property. In this case, it is the noise factor. He also has snowmobiles that go by and are gone as fast as they came. They are not going around in a circle. He would agree some measures need to be taken to alleviate what he would consider excess noise and sight of the track. Felger stated he is leaning towards not supporting the proposal.

Mol stated the Commission needs to be careful with what is being looked at. The CUP is for the land alteration of roughly 4,400 cubic yards of material to be used for an ATV track and building pad. This is not a CUP request related to a public track, and this Commission needs to be careful in addressing noise and the use of ATVs on private property. A comment was made regarding ATVs used on public roads; they have the right to operate on public roads. This is private property, with a testament from the applicant that it will be privately used. There is a presented condition limiting use to 6 weekends a year that addresses noise and commercial use. This is a CUP for 4,400 cubic yards of material, not a commercial ATV track. He feels that sound was taken into consideration with the limited use as a large group. This applicant is willing to have a limiting condition added to their private use of the property. Drainage would be addressed through the MPCA permits, which have been completed. The field could have been left flat, and they would have been allowed to go around and around in a circle for hours. Here, they are being allowed a limit of 6 weekends for extended family use.

Thompson stated this is a CUP, but in a CUP, there is a duty and responsibility to view other conditions that might be beneficial to the community that don't exactly relate to the land alteration. The proposed land alteration is for a track that will create noise for the neighborhood. Argues the point that if rules are to be kept, it is going to be hard to address and enforce the noise, so alleviating the noise is one way to address the concern.

Mahlberg questioned member Thompson on what should be said about noise as a condition. Thompson – the obvious would be allowing to ride all one would want, as long as there is no noise. That could be accomplished with a vehicle that has an extremely good muffler or an electric bike. Mahlberg – other than requiring any vehicle using the track to be electric and not make noise, are there other conditions? Thompson – no, if not feasible an alternative would be to require plantings along the entire parameter. Mahlberg – personally, not prepared to say someone can't make noise on their property that carries over to a neighboring property. That goes from the use of bikes, bonfires, shooting, or running dogs in the country. Screening has been talked about, and the idea of planting trees now that in 80 years might provide coverage doesn't address the sound issue in question. Thompson – so agree the mufflers or electric vehicle would be easier on the rest of the neighborhood. Mahlberg stated that he does not think requiring people to convert their recreation vehicle to electric motors, in this case, and in Wright County, is easier, more cost-effective, or consistent with the spirit of the ordinance or the fact people choose to live in the country. Thompson – feels harsher conditions have been applied to other CUPs and disallowed items. Mahlberg – the proposed conditions related to a land alteration permit significantly restricts their ability to use their private property. Thompson questioned what is being done to protect the neighbors from being able to enjoy their property and who is going to enforce the conditions. There is nothing in the proposal that says the track can't be used 24 hours straight. Mahlberg – there is a condition related to use around sunrise and sunset, plus there are applicable noise standards through MPCA. Officers are not assigned decibel meters, so they can go drive around trying to find something that might be so noisy and bothering someone. Feels that the proposed conditions are appropriately limiting the scope of use and allowing neighbors the ability to use their property in the way one would expect to use their property in Wright County.

Bravinder addressed page 8 of the proposed findings. Did the applicant receive more favorable treatment because of the after-the-fact? In looking at the discussion, he feels that the applicant received very critical treatment because of the after-the-fact treatment, and the applicant has not received favorable treatment. When it

comes to the noise, it is in the findings that the MPCA rule must be followed. There is a condition related to sunrise and sunset and 6 weekends a month is appalling. Bravinder stated that he is in favor of the findings, not in favor of the 6 weekends a year, but the applicant has agreed to that condition.

Felger asked for the motion to be repeated. Daniels (minute taker) – Thompson motioned that she would include noise be addressed, at this particular phase of the CUP application and that dust control be considered as well as the environmental impacts.

Mol called for a vote.

VOTE: Thompson & Felger NAY: Holland, Mol, Bravinder and Mahlberg

MOTION FAILED

D. Bravinder moved to adopt the Notice and Order for Approval of Conditional Use Permit with Findings and Conditions, as presented. Motion second by Holland.

VOTE: Holland, Mol, Bravinder and Mahlberg NAY: Thompson & Felger

MOTION CARRIED

Kryzer noted the signed CUP approval along with the Findings and conditions were directly handed to Jacob Saufley, the attorney representing the applicant, and Dalton Terp, co-owner.

2. **ZEB HANEY (Formerly ESTATE DEVELOPMENT CORPORATION)** – Cont. 10/12, 11/16, 12/14, 1/11, 2/8

LOCATION: 11126 Eastwood Avenue SE – The NW 1/4 as well as part of the NE 1/4 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

The petition is to rezone 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: Zeb Haney and Kevin Miller

- A. Rhineberger displayed a revised concept plan and reviewed the request. The matter has been continued several times, last heard in November, and since that time there has been a change in the applicant. The item was continued for Township review related to confusion in the original recommendation that included just the rezoning but not the establishment of the PUD or establishment of the road. Since that time, staff has received a new concept plan, which mostly involved the removal of the common open space. Instead of common open space, the proposal includes a large “restricted land” parcel that would be roughly 31 acres. The lots on the revised concept plan would be extended and take up what was originally proposed as common open space. With the revision, the original farm parcel has been increased in size and is the proposed “restricted land.” The Township has submitted a new response indicating that they have reaffirmed their recommendation to approve the rezoning, approval of the establishment of a PUD district, and gave preliminary acceptance that the Township will take over the road.
- B. Haney stated the summary was done well, and he has no additional comment.
- C. Mol opened public comment with a request that comments be kept to 4 minutes.
 - Jeff Sullivan – 4386 115th St SE – just a few of the residents will speak on behalf of the neighborhood. They are looking to have the preliminary PUD redesigned and updated to show one of two things: the elimination of the Eckert Ave extension completely or a complete extension of Eckert Ave to 110th or Eastwood Ave. There is concern with the length of the proposed extension, which violates Chapter 154 of the ordinances. Chapter 155.059 addresses PUD creation, and in Section 155.059(D)(2) there is a specific reference related to coordinating with Ch. 154. Chapter 154.32 (B) states, “*cul-de-sacs shall not be longer than 500 ft, including a turn-around.*” The proposal adds 1,200 ft. to the already existing 450 ft. cul-de-sac, for a total length of 1,650 ft. With the PUD process, a variance can be granted through 154.059 (E) and 154.059 (E)(4) states, “*variances will not constitute a threat to the property values, safety, health, and general welfare of the owners or occupants of adjacent or nearby land.*” There are concerns about the safety and the general welfare of the adjacent owners. These concerns, regardless of a variance, should be considered.
 - Cody Thompson – 11638 Eckert Ave SE – has lived in the area for approximately 14 years. The main reason they picked the location is to raise a family with space and safety. He has 18 years of police officer experience and can firsthand offer knowledge of safety concerns that neighbors have about this proposed development. The first item of concern is the extension of Eckert Ave remaining a cul-de-sac and not extending as a thru street. This will increase traffic with the additional 11 homes. Research shows the average American household has 2 cars with each driver making an average of 2.44 trips per day. That works out to an increase of 19,593 vehicular traffic over a year and does not account for delivery or visitor traffic. The road is not designed for that increase in traffic, there are no sidewalks, no speed limit signs, no shoulders, and no streetlights. Many families use the current road

for walks and biking, and the increase in traffic will take that option away or limit use. The neighbors are asking that, if approved, Eckert Ave connect to 110th St SE to divert and spread out the increase in traffic. With a fire district map displayed C. Thompson went on to explain the development area is on the border of the Delano and Watertown Fire Department zones. From personal experience, he knows that if a 911 call requires a Fire Dept. response the call will be directed from the Wright County Dispatch to Carver County so Watertown FD can respond, and that transfer can add valuable minutes. If the call is related to a structure fire, Wright County automatically dispatches the Delano FD as a dual response type of call. Carver County will be contacted as well so that Watertown FD will respond. With access from 110th St SE, the arrival time could be cut down, and possibly save lives and/or property. If Eckert Ave does not go thru a minimum of 1.5 miles would be added to the distance first responders have to travel to reach these new homes. This may seem minimal, but in an emergency, seconds can be crucial. C. Thompson stated he has reached out to the Watertown FD Chief, Tom Hanson, and inquired about the area and unique fire zones, with the 2 counties having dispatch centers responding as well as a cul-de-sac versus thru street. The response from Chief Hanson was that the fire department dislikes cul-de-sacs and would prefer a thru street for the operation of the trucks. With not having fire hydrates, a cul-de-sac situation makes setting up trucks more difficult. Delayed emergency response is a large concern. C. Thompson provided his written statement to the Commission. Bravinder questioned if Watertown and Delano have an auto-response agreement. C. Thompson stated they do. Bravinder – so they would not be waiting for a call to aid. It is an auto-response. C. Thompson – confirmed.

- Billy (William) Erickson – 4308 115th St SE – here tonight on behalf of neighbors to address the infrastructure, property value impact, construction process, and being collaborative. Asking for help in negotiating the well-being of their community. Need to address the existing infrastructure as roads, utilities, public services, and amenities. It should be determined if the new demand can be supported without affecting the existing residents' quality of life. A new development is supposed to enhance the surrounding developments. What enhancements is this development bringing in? It can be argued that with a well-planned development, property values can increase. He is not a relator and can't tell if this development will positively or negatively affect the value of the existing homes. The additional development will bring in at least 5 years of construction. He did talk with a realtor, and if he decides not to deal with 10 years of area construction and instead chooses to sell his home, in today's market, he will not be able to purchase a home that is comparable to what he has today. The construction process can be disruptive, and the area is already seeing the impacts on the local roads from the recent construction of 3 homes. The neighbors are asking the developer to add 1,800 ft. of road and connect Eckert Ave with 110th St. The extension of the road will alleviate construction traffic and also may alleviate any bonds that would be needed to replace 1.5 miles of existing roads. The last item he would like to address is collaboration. There has been zero negotiation with the previous and current developers when asking for an extension to the existing road. The developer has stated that the cul-de-sac preserves the integrity of the horse farm, and the cost of an additional 1,800 ft. will no longer make the project financially beneficial. The neighborhood is asking for consideration for the current and future residents. There is no one standing in support of the development outside of the developer. At a crossroads of financial advancement versus community engagement. They are asking for help in negotiating for the well-being and betterment of their community and neighborhood.
- Dan Zerr – 4244 115th St SE – there are legalities and rules to consider, but the ask is of the people in the neighborhood as the constituents and taxpayers. They are not asking for denial or not developed but are asking for their well-being to be considered as the item is discussed and deliberated. Behind the scenes, the neighborhood discussed if there could be a possibility of financially helping with a thru road; that is the level of commitment.

D. Haney feels some concerns are overblown. Regarding the traffic increasing, with 11 new homes on the southern end of the property, that works out to be 3.52 cars per hour with most of us wishing only 3.52 cars

drive by our homes a day. Extending the road north is not feasible. Worth noting, on the south side of the development, there are 8 homes all serviced by the same Fire Dept. so the extra distance a fire truck would have to travel is nominal. He does not have safety concerns; it is a neighborhood just like we all have to live in. This is going to be a nice development, and many of the homes on the southern border were farmland 2 years ago and created like this process. Trying to create a road from the top of the cul-de-sac will cut right next to the horse farm and house, near wetlands, and it is much more logical to keep it as proposed. Haney reiterated they can't do the project if they are required to extend the road north. Mahlberg questioned if when saying it can't be done is strictly related to finances and no other reason. Haney confirmed. Miller – on the west side of the horse farm there are some bluffs that are so steep a street would not be an option. On the east side, there are setbacks from the lake of 200 ft. with erosion to be addressed, and it just doesn't seem to work. Mahlberg – hearing a financial feasibility issue from Mr. Haney and Mr. Miller stating it doesn't seem to work. In this circumstance and under Chapter 154.32(B), there needs to be justification for allowing a cul-de-sac other than financially unfeasible. Haney – used the proposed site plan to explain the area of the horse arena and pasture that would be cut into and went on to state the property designed to hold horses would be ruined. Malberg – regarding the issue of construction traffic, he would like to hear more related to the development of 11 new homes and the expectation of traffic on a cul-de-sac longer than the ordinance allows. Haney – has a real-estate background, and in his experience, he feels that most times, once the ground is broken, it typically takes 10-14 months, not a 4-year process. Over a 10-14 month period, you'd have your typical tradesman but couldn't begin to guess how many visits. Mahlberg – the 10-14 months would depend on the absorption. In this market, all lots could sell fast, and work be done on multiple homes at once. In a different market, there could be a longer period between the home builds. Haney – Delano is one of the most sought-after markets, so he suspects these lots will go fast.

- E. Thompson questioned the county rules regarding streetlights and sidewalks that could address the mentioned concerns. Rhineberger stated he does not recall any requirements ordinance.
- F. Felger questioned the lot sizes and number of lots. How did they change from the original proposals? Haney – horse farm parcel went from roughly 18 acres to roughly 30 acres. The number of lots stayed the same, with lots west of Eckert Ave. extended in length and widened and the open space parcel was removed. Felger – asked if anything is considered open space with Haney replying, not at this point. Felger questioned the number of lots in the extended cul-de-sac area. Haney – 14 new lots total, with 15 being the existing horse farm. Rhineberger reiterated the number of lots did not change, but an open space area was removed. Felger questioned the requirement of common open space related to a PUD. Rhineberger stated there must be common open space or restricted lands. He recalls two developments approved where open farm field was left restricted and not allowed to be built on. The development where the current cul-de-sac is located is the same as what is being proposed. Beacon was displayed and used to review several neighboring PUDs and how they were developed with common open space or restricted lands. Rhineberger went on to read Chapter 155.059(J)(2)(a) & (b). The PUD to the south will not allow for any additional development on the restricted parcel, which was the original farm site. Felger asked for elaboration on what is meant by restricted. Rhineberger – property is not further developable or entitled to any more residential structures. Felger questioned if the parcel could be rezoned again. Rhineberger – there are provisions in the PUD that handle restricted land and common open space land with a possibility the land could be rezoned to a more dense zoning district. There are a lot of possibilities and even the possibility that the City of Delano could annex, and you will see an increase in density.
- G. Mahlberg stated that in reading Section 155.059 (J), he wants to understand the fact that the property currently being residential use versus productive agriculture lands doesn't cause a problem. Is it that the present use as residential makes it okay to include it as restricted land, versus if there was not a residential use, it could not be put into residential use once restricted? Rhineberger – his position is based on how previous administrators and this Commission have previously viewed the section. Mahlberg – read Section 155.059(J)(1) and went on to state that basically what is being said is if there is a productive farm you can then save it. In reading Section 155.059(J)(2)(b), he is hearing that historically residential uses are being grandfathered in that would otherwise not be allowed. Rhineberger confirmed. Kryzer – Rhineberger is very mindful of the Planning

Commission's history and has worked with two Administrators, one of whom helped in writing this ordinance, so he has extensive knowledge of the ordinances. This Planning Commission has the right to change its interpretation if it feels the prior interpretation is incorrect. Mahlberg questioned if anything is stopping the applicant from extending the road, taking out the horse area, and creating a few more lots along the lakeside of the road. He sees a lot of sense in a thru road but also understands the value of a large horse farm and wonders if a small horse farm could be left and the development saved. Haney – asked for clarification. Mahlberg – appreciates a thru road would be expensive, but it can be done. Would like to know if lots can be adjusted in size, including the horse farm, and also create lots along the lake that would compensate for the financial cost of a thru road. Haney – the short answer is no. There would be a road along a steep grade to the water, which would not be good, and the horse farm would be ruined. Questioned where the lots along the lake would go. Mahlberg – that is the question, has there been a study done on a thru road with changes and additions to lots? Miller – has studied, and the issue is the lake setback and topography that complicates a homesite. Mahlberg – he is trying to get a finer point if they put pen to paper or just looked at the site and made the assumption it would not work. Miller – the engineer did look, and it was determined the cost and difficulty doesn't make it worth it. Rhineberger – in the end, it would not be a couple extra lots because based on PUD standards, there is only 1 additional available site. With the proposed site plan displayed, Rhineberger reviewed the possible reconfiguration of lots as the discussion of options continued. Haney stated he doesn't see how a change in reconfiguring can work with Miller adding that if the east area of the horse farm were taken away, there would be a loss in flat land for the horses. Haney – there are factors in play, but he does not see that there is a way to add additional lots to offset the cost of thru road. Mahlberg stated that it sounds like a thru road is not feasible from a developer's perspective, and that is a good enough answer for him.

- H. Felger questioned Mr. Haney on why they were not willing to sacrifice the horse farm. Haney – the people selling the property want to retain the property as a horse farm for someone else to enjoy. He agrees it is a beautiful property that he would not want to mess with. In the end, they can't, and they do not want to. Felger – it is not an economic situation, but simply a do not want to situation. Haney responded it was both.
- I. Thompson stated she has been a horse person all her life and appreciates the saving of the farm. When developing the other lots, has the idea been entertained of having the owners invest in the farm or use the farm for stabling their horses? Haney – that decision would be with the future owner of the horse farm and how they choose to use their facility.
- J. Mol – had served on a Township Board for many years, and if the ability was there, they wanted to see the road run thru. In looking at the aerial map, there is roughly 10 ft. of slope to build a road, which is not impossible. He is a farmer, and to him, horses are livestock, and there is a concern mentioned about home values. If this area is rezoned, add in 14 new homes, and now you will have high-end homes next to livestock and all the smells and flies that come with the horses. The Commission has been asking for a thru road, and the comeback is there isn't a way to do so, and there is a desire to keep the horse farm intact. For safety, the townships like to see a thru road, and there are a lot of farms in Wright County that are close to roads, so it is not abnormal to have roads within 100 ft. of buildings. He believes a thru road would work, and this Commission can't consider finances. The problem he has is trying to save a horse farm and not run a road along the farm, but he is more concerned with a horse farm now being right next to high-end homes. He isn't against the rezoning, as the property is in the Land Use Plan, but he is seeing the preservation of the horse farm as an issue. He believes there are ways to figure out how to build a thru road and maintain a horse farm, and for him, a thru road needs to be strongly considered.
- K. Bravinder questioned if approved for the rezoning portion how much wiggle room is there with the proposed PUD district and road issue. Kryzer stated now would be the time to outline the concerns. If the concept plan is not favorable now would be the time to seek a change, and if the applicant is not willing to make those changes, now would be the time for denial. Bravinder – the major concern is that in Section 154.32, there is a maximum limit of 500 ft. on a cul-de-sac. There is a reason for that requirement. The same section addresses the planning of roads to discourage their use by non-local traffic. The question is would a thru street

encourage that type of traffic, or would a thru street mainly service residents? Mahlberg – in looking at the map, he feels the road would only be used by locals. It isn't going to be a shortcut route. Bravinder – agreed but wanted the Commission to be aware of that portion of the ordinance. He is of the mindset that with a development of this magnitude, he would be in favor of a thru street to 110th St. He understands a property owner wanting to save the beauty of their property, but this can be done by maybe giving up a lot. Haney – giving up a lot, and the increased cost of the road extension is a significant amount. He knows they are not supposed to take into consideration the cost, but it is just not workable to extend the road. Bravinder – the cost of development is reflected in the cost of the lots. Haney stated, in theory, yes, but he knows the numbers, and it doesn't work.

- L. Felger questioned the highest and best use of the horse farm sitting among multiple large lots. Haney – as a home for a person who wants to have horses as well as possibly house other people's horses. Felger – even among high-end homes on large residential lots. Could the highest and best use possibly be ready for development with an addition of 5-6 lots? Haney – not sure there is an objective answer. Not sure one could make more money if the horse farm is carved up. He didn't look into that as there is no desire to do so. Felger – the home could remain on its own separate 3-4 acre lot. In his opinion what would be sacrificed is the arena, paddock, and outbuildings. Feels there is an opportunity to run the road thru. Haney – there is no desire to tear down the horse farm.
- M. Mahlberg questioned the idea of the restricted parcel. Could the stables be rented and fall under agriculture use? Rhineberger – interpretation would be boarding horses is one thing, and riding stable is a completely different situation as riding stables are an interim use. A riding stable would be out of the scope of what the restriction would allow. It should be noted that, as a rezoned property, there would be a limit of up to 9.99 animal units (AU's) per the feedlot rules.
- N. Holland – if the road goes through, would the horse farm shrink enough to alter that animal unit limit? Rhineberger – depends on the acreage. The most likely parcel would be roughly 20 acres which holds a 9.99 AU limit. If a street cuts thru, what is the proposed farm site a separate second parcel is created and is no longer part of the horse farm acreage.
- O. Mol addressed the applicant and asked how they would like to proceed. Sounds like the Commission is looking to see a thru road. The option is to continue and possibly come back with revised plans. A vote could be had that may or may not pass, and the final option is to withdraw the request and apply at a later date. Haney asked if put to a motion, could they return. Mol – depends on the motion, if denied, it would be 6 months before allowed to reapply from the date the County Board acts. Haney stated he would like to continue. Rhineberger – if making changes, he would recommend the Township review before the next meeting. Mahlberg – Township stated they approved the cul-de-sac. Bravinder – in this situation, they are probably reasoning that a cul-de-sac is not being added. They are simply extending, and maintenance will remain the same.
- P. Motion made by Bravinder to continue the item to the April 4th meeting, giving the applicant time to review plans and if any substantial changes meet with the Township before the April 4th meeting. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

Mol called for a 5-minute chairman's break at 8:16 p.m.

3. **CHIP BAUER** – New

LOCATION: 10840 Aetna Ave NE - Part of NW 1/4 of the NE 1/4, Section 07, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-072400 Property Owners: BARTHEL REV LIV TR

Petitions to rezone from General Agriculture (AG) to Agricultural/Residential (A/R), as regulated in Sections 155.028, 155.047 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

Present: Chip Bauer

- A. Rhineberger displayed property details as he reviewed the request. The property is roughly 39 acres, located on the corner of Aetna Ave NE and County Road 39 in Monticello Township. The property is zoned General Agriculture. Additionally, the property is designated in the Northeast Quadrant (NEQ) Land Use Plan as “Agricultural.” The existing property has one entitlement, which is being used by the existing homestead. The request is to rezone the property from General Agriculture (AG) to Agricultural/Residential (A/R). If approved, the applicant would subsequently apply for a three-lot unplatted subdivision. Monticello Township has recommended the denial of the request. One neighbor has also requested that the property remain agricultural. The Wright County Highway Department has indicated they will allow access for the parcel along County Road 39 with the appropriate permit.
- B. Bauer stated he missed the Township meeting. In addition to the comments made several board members stated they would be okay with the land division but felt the rezoning was more for this Commission to decide.
- C. Mol opened public comment.
 - Kelly Bobick – lives across the street. She is in support of the land change from AG to A/R and the allowance of four 10-acre lots.
- D. Bravinder questioned the uniqueness of this property. Bauer – tasked with finding the rare and uniqueness of the property with very little guidance or definition and is ambiguous at best. Understands where the lines are drawn, but before 2007, the property sat in the same land use as the property to the south, and when the new land use was adopted, this specific parcel was excluded. Mahlberg – rare and unique comes up quite often. Asked to talk about what is different from this tract than any other similar tract in Monticello Township. Bauer went on to review the supplement he provided before the meeting. The majority of properties that border this property have already been subdivided into smaller parcels. To the east are several 2-4 acre lots. This property has 8 acres that are tillable, and the land is really useless for large equipment. Looking at the prime soil maps, resource overlay maps, and wetland maps, they do not mention this parcel as agriculture. There are high contours with 80% grassland. The developed property to the south is high and black soils. Feels this property is much more suited for development. Mahlberg – all of what was stated makes sense, and what was said are comments this Commission frequently hears, and if that were the case the ordinance could be tossed out and zoning rules not followed. Looking at this property he is not able to find a compelling answer to what is different with this property than others. The Township, through a collaborative process, in the next few years will be reviewing the land use plan, so what right now justifies rare and unique. Bravinder – read the full comment from the Township Board, and in their perspective, they were not opposed to the lot division, but they were opposed because the property is not zoned in the land use plan for the division. He would like to do a site inspection and give the applicant time to meet with the town board.

- E. Bravinder moved to continue the item for a site inspection and allow the applicant time to meet with Monticello Township. The item will be heard at the April 4th meeting. Seconded by Thompson.

DISCUSSION: Rhineberger – some comments from the Commission and wanted to ensure others had the opportunity to comment. Mol stated he looked at the Land Use Plan, and the south side is in Land Use Plan A/R or already rezoned. There has to be a place where there is a line, and the Township at one point probably stated Highway 39 is that line. There is also an area of transition that comes into play. When talking Ag land, it does not mean corn and beans. It can be open land and wetlands as open land. There was mention of wetlands and not a lot of area for homesites. This is a property that is a transition parcel.

VOTE: CARRIED UNANIMOUSLY

4. **LOGAN WOLF** – New

LOCATION: 4849 County Road 37 NE – Part of the NE 1/4 of NE 1/4 in Section 35, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-351102 Property Owner: Colt J Hentges & Alyssa K Hentges

Petitions for an Interim Use Permit to operate a non-commercial contractor's yard to include the storage of equipment and materials for the applicant's asphalt business as regulated in Sections 155.003(30), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Logan Wolf

- A. Rhineberger displayed the property aerial with the proposed site plan as he reviewed the request. The property is a 2.98-acre parcel located along County Road 37 NE in Monticello Township. The property is zoned General Agriculture-AG and is designated in the NEQ Land Use Plan as "Resource Land." The Commission approved a Conditional Use Permit for a non-commercial contractor's yard in August 2018. Today's request is for a new Interim Use Permit for a new non-commercial contractor's yard for an asphalt contractor, with the applicant being the potential buyer of the property. The applicant would like to have two outdoor storage areas and the ability to use the existing 50' x 72' larger pole building, which is shown on the site plan, along with the proposed outdoor storage area. Currently, the property is out of compliance with the accessory building limitations. The property is allowed 3,200 square feet of accessory buildings based on the property's size of 2.98 acres. Our office approved the building of a 50' x 64' (3,200 sq. ft.) pole building in the southwest corner of the property. However, after the building was finalized through the proper inspections, it was found the building is 50' x 72'. Additionally, since then, three other unpermitted structures have been built. The applicant is proposing to tear down the three unpermitted structures. Monticello Township has recommended approval of the request.
- B. Wolf had no additional comment.
- C. Mol opened public comment.
- Chad Bennett – lives directly to the west of the main parking area. Excited to have Logan as a neighbor and fully supports the IUP. Mahlberg – recalls Mr. and Mrs. Bennett at the original meeting for the existing owner and the lengthy discussion regarding screening. It is a rare occasion when a neighbor doesn't raise a hand against them but instead shows up in support though it will impinge upon their free use of their property. Bennet – is concerned with more of who they live with than where vehicles are parked. Bravinder questioned if with the former business were there complaints. Bennett – no. Knows 3 sheds are in the process of being taken down. Liked the sheds as they provided an area to get stuff out of sight. Had zero problems.
 - Mike Curtis – owns property just west of Bennett. The reason Bennett didn't have a problem with the last company is because that is their daughter and son-in-law. There is quite a bit of noise that comes from the site, but with the permit issued before they purchased, they had decided not to say anything. With the asphalt, there is a lot of related heavy equipment and smell, which they don't want. Spoke with the neighbor to the south (Utermarck), who are currently out of state, and they are opposed. He has cattle that are pastured in an area that butts up against the property. The concern is extra noise.
- D. Thompson questioned if the equipment would be stored in the shed. Wolf – some trailers and dump trucks will be stored outside, with smaller equipment parked inside. Currently have 2 dump trucks but applied for 3 to address future growth. Will not be making asphalt on the property, and no smell will come back with the equipment.

- E. Felger questioned if any product is stored onsite. Wolf – generally, no. There could be a few pallets of crack-fill that will be stored inside.
- F. Mol asked for a general explanation of the operation. Wolf – crack-fill projects, but all of the larger jobs will have home bases where they can stage. Seal coating, crack filling, and paving from residential to commercial. Has 2 dump trucks, a seal coat trailer, a personally owned dump trailer, and a hot box with no work being conducted on-site. The crack fill is heated up off-site and generally does not even heat product until at the job site.
- G. Thompson asked if there has been a thought of providing exterior storage screening. Wolf stated he had not thought that direction. There are quite a few trees in the area and are not opposed to looking into additional screening.
- H. Felger - with the proposed site plan on display Felger questioned the use of property and buildings with Wolf explaining parking location and storage areas. Rhineberger addressed the Commission and pointed out there is a significant berm already established between the proposed parking area and the road. There was a tree planting requirement that was part of the original CUP approval that does not seem to have been completed. Mahlberg and Holland agreed that the berm is significant, and there isn't a worry that County Road 37 traffic will see the site.
- I. Felger moved to approve an Interim Use Permit for a non-commercial contractor's yard in accordance with the discussion, plans, and narrative held on file, with the following conditions; 1) All work must be conducted off-site; 2) Business-related materials must be stored inside the building or within the areas indicated for exterior storage; 3) Applicant must live on the property and have the property homesteaded prior to operations commencing on the property; 4) Existing buildings built by the previous owner must be removed no later than August 1, 2024; 5) All signage must be in accordance with the County sign regulations; 6) Any change in use or expansion would require an amended IUP; 7) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations; 8) Township to review in one year, with subsequent reviews at an interval established by the Township. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

5. **SUSAN LOUISIANA** - New

LOCATION: 750 22nd St SW – part of the E 1/2 of the NW 1/4 in Section 13, Township 119, Range 26, Wright County, Minnesota. (N. Fork Crow - Marysville Twp.) Tax #211-000-132402 Property Owner: Jory K & Susan J Louisiana

Requests a Conditional Use Permit to allow a land alteration that includes the placement of 1365 cubic yards of fill in a flood fringe to raise the grade and create a building pad for a potential future home, as regulated in sections 155.056 and 155.101 of the Wright County Code of Ordinances.

Present: Susan Louisiana

- A. Rhineberger displayed the site plan and reviewed the request. The property is a 2.4-acre lot of record parcel that is just east of County Road 12 and borders the North Fork of the Crow River in Marysville Township. The property is zoned General Agriculture (AG) with a floodplain overlay. The most recent FEMA flood maps indicate the entire property is listed as actually floodway. There is a classification discrepancy between the survey and what the FEMA map shows. This request for land alteration to move and bring approximately 1,365 cubic yards of material onto the property with the idea of a future building pad but also give enough elevation to make the property usable. This application is just for the fill, if there is potential for a home in the future there will be additional conversations with FEMA, DNR, and other agencies to determine if a home could be built. The Township has responded that they are not making a recommendation but have concerns with the truck traffic on the township road. The Township is requesting that, if approved, the applicant have the road inspected before and after the fill has been brought to the site, and any damage to the road be fixed at the property owner's expense. A neighbor has also expressed concerns and is asking for the alteration to be denied. The Buffalo Fire Department submitted comment and stated that 22nd St. appears satisfactory for fire access.
- B. Louisiana – initially purchased with an old rundown home, trailer, and shed. They have since removed all of those structures and cleaned up the property. Once buildings were removed, they realized it would be much easier to maintain with some added fill. At this time, they have no plans to pursue a home. That was never the intention when purchasing and is shown on the plans based on direction from staff. Their goal is to work with the Soil and Water Conservation District (SWCD) and come up with a vegetation plan that they won't have to constantly mow. Mol – clarified plan is to bring in fill because of the depression that is now there after the cleanup. Louisiana – confirmed.
- C. Holland – currently, no home? Louisiana – confirmed.
- D. Mol opened public comment.
 - Joe Hickman, Township Supervisor, stepped forward. Bravinder stated he is concerned with the road and questioned the response that the resident would take care of the road. Hickman stated that the road is low to start with, and their concern is the underbelly of the road will be torn up. Bravinder – in Cokato Township, they had a similar situation and what they did was take photos before and after the project. There was a requirement that the road be put back to the status it was before starting work. Hickman – the Township is telling the residents they will need to pay for damages and to get the road back to pre-project condition. Louisiana – at the Township meeting, they had requested contacting the road supervisor and having him inspect before hauling as well as take photos. That is their plan. When the project is done, they will again connect with the Township. Felger questioned the road's load capacity. Hickman – that is the problem. They do not know the load capacity, and the road is already really low. Without tearing into the road, there is no way of knowing the base of the road. This is a dead-end road that is very low maintenance and traffic type road. Felger questioned Louisiana on the commitment of taking on the expense of repairing damage to the road, with

Louisiana stating they are willing to take on that commitment. They are the only ones that use the road.

- E. Felger moved to approve the Louisiana petition to move approximately 1,365 cubic yards of fill with the condition that the applicant will comply with the Township's request of taking responsibility for the road repairs, should it be damaged from trucks coming in with fill. Motion seconded by Holland.

DISCUSSION: Rhineberger recommends a few additional conditions; 1) stormwater and erosion control be installed and remain in place until vegetative cover has been established; 2) immediately upon completion of the alteration, the disturbed area is seeded and protected from erosion. This would be consistent with a blanket, mulch, or other material to protect the site from erosion through flooding or other stormwater. Louisiana – referring to parts that are being raised? Rhineberger – confirmed and went into detail about stormwater management and flood erosion prevention methods that could be considered. Mahlberg questioned the allowed type of blankets being included in the condition so that they don't contaminate the river. Mol agreed to there needing to be a biodegradable material used. Felger felt like the requirement would be overkill. Louisiana – the part that is being raised has never flooded. It is not that they wouldn't protect the area but is unsure what SWCD would propose. Rhineberger and Mahlberg agreed that SWCD would be able to assist with what would be appropriate.

Felger and Holland agreed to amend the motion to include the suggested conditions; 1) stormwater and erosion control be installed and remain in place until vegetative cover has been established; 2) must abide by SWCD recommendations for post-completion seeding to ensure grassy cover is established as soon as possible to protect area in case of flooding.

Bravinder questioned if the motion would address the Township's concerns and their ability to stop work if they feel the road is being compromised. Felger deferred to Hickman. Hickman – confirmed that is what they would like to see as conditions. Without knowing what is there for a subbase, they are concerned that once trucks start hauling on the road, they won't be able to stop the work before it is too late. Felger – the size of trucks might need to be limited. Hickman – estimated 97 tandem dump truck loads. Felger questioned Louisiana if she was okay with the Township being able to stop the process. Louisiana agreed that the Township could stop work. Hickman explained that once the Township is notified, they would visit the site and take photos of the road before hauling and also visit the site during the hauling process. Felger stated he was fine with that response. Kryzer – if looking for approval, he is not able to draft a contract agreement during this meeting. If that is something this Commission would like to see, he would suggest a continuation. Mahlberg stated that with the applicant being the only one serviced by the road, they are putting their own access in jeopardy. Louisiana confirmed they are the only ones that live on the road and ones that would be affected. Felger called for a vote.

VOTE: CARRIED UNANIMOUSLY

6. **ADAM PAINSCHAB** – New

LOCATION: 676 Cty Road 8 SW – part of the W 1/2 of the SW 1/4 of Section 5, Township 119, Range 26, Wright County, MN (Marysville Twp.) Tax # 211-000-053201. Property Owners: Adam Painschab

Petitions for an Interim Use Permit to operate a home extended business for a small auto repair shop as regulated in Sections 155.031, 155.048 & 155.103, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Adam Painschab

- A. Rhineberger displayed the site plan as he reviewed the request. The 2-acre property sits along County Road 8 SW in Marysville Township. The property is zoned General Agriculture (AG) and considered a Lot of Record. In February 2024, the Board of Adjustment approved a variance request for a home-extended business for an auto repair shop to be approximately 405 feet from a neighboring residence. The request is for a small auto body shop with hours of operation Monday through Friday from 8 am to 5 pm. All work and storage of equipment will occur within an existing 30' x 28' (840 sq. ft.) pole building. The expected workload each day would be approximately 2-3 vehicles. Marysville Township has recommended approval of the request, with township review in two years. Another neighbor has submitted a comment regarding support of the request but concerns regarding traffic on the County Road and requesting a "hidden driveway" sign be installed. Comments from the residents within 405 feet of the proposal indicate their support of the request.
- B. Painschab – wants to keep the business small and will be doing his work inside, so there shouldn't be a lot of noise. Feels there will be minimal disturbance to the neighborhood.
- C. Public comment opened.
 - Mike Spike – lives just east of the home and is the one who sent the letter of support. There is a nice tree line, and he would not like to see a fence.
- D. Felger questioned where used oil and fluids will be stored and if there are regulations related to storage. Painschab – required to have an appropriate container that will be emptied by a third-party company.
- E. Bravinder moved to approve an interim use permit for a home extended business for an auto repair shop, in accordance with the discussion, plans, and narrative held on file, with the following conditions: 1) Days and hours of operations are 8:00 am – 5:00 pm, Monday -Friday; 2) No more than one employee in addition to the owner/operator and family members residing at the homestead; 3) No outdoor storage is allowed, and all business-related items must be contained within the building; 4) All business-related waste must be properly disposed of or recycled; 5) Township to review in two years, with subsequent reviews at an interval established by the Township; 6) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Felger.

DISCUSSION: Kryzer questioned condition number 3, and when dealing with an auto repair shop, would the Commission feel business-related items would be vehicles waiting to be worked on or awaiting pickup? Mol – feels a specific number of vehicles stored outside should be addressed, so it does not get out of hand. Painschab stated he has worked for shops in the past, and he does not want the liability of customer vehicles sitting outside. He would be okay with a limit.

Bravinder amended the motion to include 7) no more than 3 vehicles stored outside at a time. Felger agreed.

Mahlberg questioned if there was anything that needed to be done to address the hidden driveway issue comment. Kryzer – that type of concern will need to be addressed by the County Highway Department and is not something this Commission can require. There is much more that goes into the determination of appropriate signs.

VOTE: CARRIED UNANIMOUSLY

7. **KAYLA BARTHEL** – New

LOCATION: 14555 County Road 37 NW - Approx. 1.5 acres being described as Part of SE ¼ of SW ¼, Section 15, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-153410 Property Owners: DB Properties MN LLC

Petitions for an Interim Use Permit to amend a CUP to allow a middle unit of an existing commercial building to be split into two suites and to allow a truffle shop to operate in one of the proposed new suites, as regulated in Sections 155.031 & 155.054(B), Chapter 155, Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

Present: Kayla Barthel

- A. Rhineberger displayed property details as he reviewed the request. The 1.5-acre site is located on the southwest corner of what is known as French Lake Corners. The property was rezoned B-2 General Business in April of 2022 and approved for a commercial building that included three separate portions for different commercial uses. In June 2022, a Conditional Use Permit for a concrete business and subsequent storage was approved by the Planning Commission for the east and middle units of the building. In February 2023, an off-sale liquor store was approved in the west unit of the building by the Commission. This request is to divide the middle unit into two separate spaces. The request included an IUP for a truffle shop in one of those units. The applicant has informed staff that the truffle shop will no longer be a part of this request. However, the applicant does want to continue with approval to divide the middle unit into two separate units. Rhineberger went on to review the proposed site plan. French Lake Township has approved the request. Comment was received from what appears to be Our Saviors Lutheran Church, and they are asking for denial of the request.
- B. Bravinder stated he spoke with the Chairman of the church who indicated there might be a letter like this being submitted. This is not a letter that has been sent from Our Saviors Lutheran Church. This was sent from an individual.
- C. Barthel – they are trying to make the space more appealing to renters. They have found the site is too large for most inquiries or the cost is too much. They hope this plan will entice renters. Mol questioned if the suite sizes would still be appealing. Barthel – believes so. Each side will be 60 ft. x 20ft. Rhineberger displayed photos of the outside and inside of the existing building.
- D. No public comment.
- E. Felger questioned if both suites have exterior exits. Barthel – with the building plan displayed, the exit locations were described. Felger asked if a review was done by the Fire Marshal or if there is State Code to be followed. Rhineberger – building permit could have been applied for the middle unit, but because they are wanting to go from a 3-unit building to a 4-unit building an amended IUP is required. Building codes and fire codes will be addressed at all stages of construction. Occupancy is also an item that has been discussed with the applicant and could change the related codes, so conversations should be had early with the Building Official. Each use will need to come before the Commission for their own IUP.
- F. Motion made by Thompson to approve the amendment to the interim use permit, allowing the middle unit of the building to be divided into two separate units, with the following conditions: 1) Any uses proposed for the units will require a separate interim use permit; 2) Required permits be acquired, and all inspections must be completed. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

8. **YOUSSEF SHEHAB**

Petitions a text amendment to the Wright County Code of Ordinances. The proposal is to add the non-commercial contractor's yard use as an interim use to **Section 155.050**, the Suburban Residential (R-2) zoning district.

Present: Youssef Shehab & Jannette Sierra

- A. Rhineberger explained this request is an applicant request for an ordinance amendment to allow non-commercial contractor's yards in the R2-Suburban Residential district. A notice with the new language was sent to all cities and townships within Wright County. Franklin Township, Victor Township, Woodland Township, Clearwater Township, and Monticello Township responded with those documents included in the staff report.
- B. Shehab questioned what the responses were. Rhineberger – some approval and some denial. Monticello Twp. recommends denial, as does Clearwater Twp. Woodland Twp. disapproves, and Victor Twp. stated no concerns with the proposed amendment. Franklin Twp. does not feel there is enough information to make a decision and is indifferent. Shehab – Himself, along with his wife, they are dump truck owners/operators. They have 2 dump trucks and 2 spares that they use. It is difficult to park a dump truck somewhere else, and he owns 7 acres with a tree line and a large area of land. He is applying to be allowed to use part of his land to park his trucks, go to work in the morning, and come home at night. Usually, they leave their home before anyone else is leaving and arrive home after everyone else is home. He is not creating sales and does not have customers at his home. He simply parks his trucks at home 6 months out of the year as he spends half the year in Florida at his auto repair business.
- C. Sierra – from FL and decided to move and raise their family in Minnesota. They are doing what it takes to raise their family and have been very welcomed by the neighbors. They have always asked the neighbors if there are any complaints about what is happening and in the last 3 years have not had any complaints. They do want to follow the law and be legal. Simply asking to be allowed to park the tools they use to work at their home. If they have to park the dump trucks far away, it would take more time away from their family. They work long hours for 8 months, and the rest of the year, the trucks are parked.
- D. Public comment opened.
- John Bell – adjoining property owner with 10 acres. There are 8 dump trucks and external fuel containers outside of the shed. In 1992, he built his home on 10 acres on a 1-mile-long dead-end road where there are approximately 12 homes in an R-2 residential area. Now, his home is next to a dump truck business in a residential area with employees that come and go. Yes, seasonal, but can the road accommodate the extra traffic? There is more traffic coming and going from the site than the rest of the homes combined. There is noise from the trucks idling, and on cooler nights the exhaust plume comes across the field with a nice diesel order. There are other areas specifically zoned for this type of business. He has environmental concerns with fuel kept in the tanks as well as noise from the trucks. The area is quiet, with

no lines on the streets, and where families walk the roads with kids and dogs. He can't imagine property value have not been impacted by the business. Mahlberg – here talking about the specific property and the use that is taking place, which this Commission would hear if the interim use permit (IUP) was even available. Tonight, is about an ordinance change. Questioned if the prospect of operating any yard like this simply could never be in this zoning district or if a case-by-case situation could be appropriate. Bell – feels the Commission should take into account the intended use and purpose of the property that is being zoned. In this case, the property was designed for residential use not commercial use. It would be one thing if the operation was just 2 people, but there are 8 dump trucks with employees.

- Michael Mitchell – lives next door to the Bell family and along the river. Understands the request is for an ordinance change, not specific to this particular parcel. The staff report does a good job outlining the argument for why things are written and why there are rules. The topic of properties being special, rare, and unique is a good example in this specific incident and why things are zoned as they are. This is a dead-end road; parts of the property are in the Wild and Scenic (WS) district. There are huge restrictions to what can and cannot be done along the river and the WS area. When he built his home 30 years ago, he looked into what was permissible or not. They chose to live on a dead-end street, along the Mississippi River and Wild and Scenic area because of the zoning. Staff notes indicate conflicting uses within proximity, and allowing this use as an IUP is not a good idea for the area. He feels the decision should be on a case-by-case basis and individual merits versus a change in the Countywide ordinance.
- Brian Severson – lives directly across the street from the applicant. The best way to sum up is they have been parking the trucks at the house, and they were notified of a violation because someone did complain. Now they are trying to figure out how to get their trucks to and from work. Eight trucks or two trucks, maybe there is a condition on how many trucks are appropriate and if fuel tanks are allowed. The question that should be presented is if the amendment or conditional use is appropriate.
- Rosalie Bell – feels the number of trucks makes a difference primarily related to sound and noise. They have tried to do a nice job by cutting in a new driveway. The area has been kept orderly, and that is appreciated. These are big trucks going up and down a township-managed road. What will that do tax-wise and property-wise? People do walk on a road that is now being used as more business than residential. When they built 33 years ago, it was residential, and she feels the area should stay residential. Several years ago, another neighbor tried to open a business and had to move the business to another area, as they were not allowed approval to operate, and their business had less heavy equipment than this business. This is not about a contentious situation of human beings. These are people trying to raise a family and are good people and we are also good people. This is about finding a balance that will work for all involved.

E. Shehab stated they are the only ones with kids on the road, and they are very careful. The weight of the trucks complies with township road limits. They can certainly cut the number of trucks down. He currently stores trucks for his cousin's business and can cut the number of trucks down to 4. That

would then mean no employees coming to the house. He does not sell anything or come in with loaded trucks.

- F. Mahlberg believes if a person has a truck that they use for work, they are not required to get a contractor's yard permit, and a person can choose to drive their work vehicle home. Would there be a violation if, hypothetically, two people were driving their large work trucks to and from work and parking at home overnight, no matter the zoning? Rhineberger – just the vehicles and nothing else, no. Thought would be a commercial vehicle would possibly entertain a different aspect. Mahlberg – a long haul semi driver happens to live in an R-2 district, are they not allowed to park their tractor at home? Rhineberger stated he has not had to address that type of situation, but he would say a daily thing where the tractor is coming and going is different than an over-the-road trucker coming and going sporadically. Kryzer – frequently seen are electricians or plumbing contractors with Class D vehicles that are not considered commercial. Occasionally have dealt with tow trucks, but it is a single tow truck, non-large commercial size tow truck that is being allowed. Mahlberg – vehicle size is not regulated in the definition. Kryzer stated roughly 95% of complaints in residential areas are related to Class D vehicles that someone uses as part of a trade. Rhineberger – one electrical contractor who parks his truck in his garage and doesn't store business-related items outdoors is generally not generating a complaint. If forced, he might need to enforce the ordinance because of how it reads, that type of use is not allowed. Complaints come from the larger vehicles, exterior storage of equipment, noise from those larger vehicles, and activities conducted on-site. Even something as small as a single truck with a trailer for an electrical contractor, by ordinance, would not be allowed to operate out of a residential-zoned property. It is not uncommon to hear complaints of contractors operating in a residential area. The connotation is if you start with approval in the R-2 district, the Urban/Rural Transition (R-1) is skipped, and Agricultural/Residential (A/R) was not included. If this change is approved, he believes this Commission will see requests coming from all residential zoning districts and can think of 4 that he is sure will step forward that were not allowed to operate and came to the attention of staff from complaints. Kryzer – feels that if this were to be approved, the Commission would see a proliferation of snow removal, landscape, and paving companies popping up all over the county. Mahlberg – to date, the solution has been the removal of commercial equipment or finding an appropriate property to rent or buy.
- G. Felger questioned under what zoning district is a non-commercial contractor's yard allowed. Rhineberger – General AG (AG) only.
- H. Mol – wants to clarify that this request is for an ordinance change, the applicant is not asking for an IUP. This Commission is reviewing a county-wide change, and if the ordinance change is approved, the entire county will be affected. This is not a debate against the dump trucks but looking at a change in ordinance. Shehab – in a meeting with Mr. Rhineberger, he was instructed the next step would be to apply for this request. What he wants is to be able to park his trucks at his home. They have been operating for 3 years with no complaints, and once he allowed his cousin to park his trucks, the complaints came forward. If he were allowed to park his and his wife's truck on-site, he could abide by that condition. Sierra – Mr. Rhineberger stated there is a part of the property that can be used for parking. Rhineberger – displayed Beacon and went on to explain the split zoning of the property. Part of the property is in the Wild & Scenic district (WS), and part is in the R-2. The allowed uses in the WS district cannot be changed, as it is a federal designation and follows federal

rules. The only area allowed to be amended is the R-2 area of the property, which would be the only area they would be allowed to operate. This request is about an ordinance amendment and would need to be approved before there is a discussion about where vehicles will be allowed to park.

- I. Holland – from a County Commissioner standpoint, this is a large county with a lot of townships and what this change does is open up a large precedence for the future. Other townships will have a lot of people coming forward asking if they can take their big trucks on roads that might not be able to accommodate them. The debate is not about this specific operation. The debate is related to an ordinance change. Shebab – wants to keep R-2 and scenic. He simply wants to be allowed to park 2 trucks on his property. Holland – if in another zoning district, the operation would be allowed. Shebab stated he is looking for an industrial lot, which is not an easy process. Holland stated that even if this request is approved here, she is not sure it will pass the next board's review.
- J. Mol –this request is not about the specific owner; it is a county-wide ordinance change. The ordinance needs to be changed before there is any discussion related to the parking of trucks. To change the ordinance for the entire county, there are a lot of residential areas to be considered. If the applicant had purchased 10 acres in AG zoning, the operation would probably be approved for an IUP, but the unfortunate fact is the property is zoned residential, and this type of use is not allowed. The debate tonight is around an ordinance change, not the operation of the existing business. This Commission has quite a bit of discussion when an issue affects the entire county, and that is what this amendment would do.
- K. Kryzer stated he is hearing the Commission leaning towards a recommendation of denial for ordinance amendment 24-2 to the County Board of Commissioners. If that is the case, he has a proposed motion drafted that would be to close the public hearing to further oral and written comments and direct staff to draft a resolution with findings consistent with the denial of ordinance amendment 24-2 and direct the proposed findings and resolution to the Wright County Board of Commissioners along with the record to date.
- L. Mahlberg questioned if Rhineberger would be present to discuss with the County Board. To him, this is a decision related to who can come to ask for what. He is more than happy to hear an IUP request in the R-2 district and review the specifics of the operation. He does not feel in this circumstance, as one member of the Planning Commission, he has a factual basis or knowledge to advise the County Commissioners. Mol – a past County Commissioner who served on this Commission was involved in a situation where the Planning Commission recommended denial, and that Commissioner did not agree with the decision and went the other way, and the County Board approved. The Planning Commission members were a little frustrated, but in the end, the County Commissioners have the final say, and this is strictly a recommendation. Mahlberg – he does not want the County Commissioners thinking, on this issue, that he has any expertise. He may have more experience related to Planning Commission items and zoning issues, but on this issue, he feels County Commissioners might not have the same approach as the past delegate and may look at this Planning Commission as experts. Holland – feels current County Commissioners will dig deep and ask the opinion of Kryzer and Rhineberger.

M. Thompson motioned to close the public hearing to further oral and written comments and direct staff to draft a resolution with findings consistent with the denial of ordinance amendment 24-2 and direct the proposed findings and resolution be direction to the Wright County Board of Commissioners along with the record to date. Seconded by Felger.

DISCUSSION: Kryzer stated the Planning Commission can provide a neutral response to the County Board. Mahlberg stated his stance would be to provide a neutral response instead of an approval or denial. He does not want the County Commissioners to think he knows enough on this issue to direct them in what should be decided. Felger – would debate that comment. His feeling is that member Mahlberg has sat on this Commission for several years now and through that time has seen quite a bit, and the County Board does listen to what is said. Mahlberg – what he is saying is that, on these issues related to broader policies and ordinance changes, it should be the County Board deciding. Where he sits, this Commission is to review the requests for IUPs, rezoning, and review items on a case-by-case basis. The issue of whether this is good to open up on a county-wide basis is what the County Board is good at reviewing and what they work through daily. Felger – they hold the expertise. Mahlberg – confirmed, and that is why he holds a neutral position.

Bravinder –the applicant is just doing as guided by staff. If here for an IUP with 2 trucks and related conditions, he could possibly go along with approving an IUP. He would never support this ordinance change because he can see the ramifications of what a change like this would do. Many people would take advantage and not be concerned for neighbors. As it stands, he is not in favor of the ordinance amendment. The use came to light due to the increase in truck traffic and complaints. Mahlberg – feels what was said is important. The comment stated that if he could give this situation their day, he would do so but then went on to say the ordinance should not be changed. Only by changing the ordinance can they be given the chance to be heard. He can't tell if member Bravinder is saying he wants to have the chance to consider a case like this on a fact-by-fact basis or not. Bravinder – exactly. According to the current code, this property cannot have a contractor's yard, and the gray area for him is driving the vehicle home from work. Counsel spoke of the common work vehicles being Class D, and his opinion is the type of vehicle might be dependent on location. He is not struggling with the change in the ordinance. He is struggling with the fact that this Commission should be having these tough discussions on IUPs and what can be allowed. Mahlberg – by saying no to changing the ordinance that is saying no to any discussion. Bravinder – if the ordinance is changed and the applicant is required to come before the Commission, what would be the criteria for offering the IUPs? Mahlberg – CUP or IUP standards with options to place conditions. If the ordinance is not changed, this Commission will not hear because it is not an allowed use as IUP or CUP. Bravinder – if an item came to this Commission in the R-2 district, and in reviewing, it was determined the location doesn't fit, then there is the ability to deny. After the discussion, he might rethink his view of the ordinance change because he does trust this Commission to review an IUP that might be presented if the ordinance change occurs. Thompson stated this might be a topic better suited for a workshop. Believes discussion needs to occur but also believes back-and-forth conversations are not appropriate. Mol – respectfully disagrees. Feels this Commission is doing what they need to do by discussing and debating. Whether this takes 10 minutes, an hour, or two the decision will be hammered out and what he, as Chairman, is trying to direct. If there are Commission members respectfully going back and forth, he is going to allow continued discussion and debate. Other members will be allowed to speak and discuss as well. This is the same process that can occur with any item that comes before this Commission. No matter the

recommendation from this Commission, at the end of the day the County Commissioners have the final say.

Felger – feels an ordinance change, of any kind, that affects the entire county will last forever or until changed again. Many times, contractor yards start small and tend to expand well beyond what this Commission allows. His feeling is this is too broad of an ordinance change. How many more individuals will come up in this particular zoning district? He feels the requests will mushroom. He cannot support this ordinance change.

Mol called for a vote.

Mahlberg asked for clarification on the motion. Kryzer recommended staff to draft a resolution, which will include some findings and present directly to the County Board of Commissioners, not coming back to the Planning Commission. Rhineberger stated he would be present at the County Board meeting and available to address questions asked by the Commissioners. What was included in the staff report, along with tonight's meetings, will be included in what is provided to the County Board.

Mol called for a vote.

VOTE: Holland, Mol, Thompson, Felger ABSTAINED: Mahlberg & Bravinder

MOTION CARRIED

Kryzer addressed the application and advised public hearing is closed and that the County Board should be hearing the item at the April 2nd County Board meeting.

SITE INSPECTION

Commission scheduled a site inspection date for Monday, April 1st, with the Commission to meet at 8:30 a.m. at the Government Center.

Meeting adjourned at 10:50 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR: sd

cc: Planning Commission
Kryzer
Twp. Clerks