

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: APRIL 25, 2024

Minutes

The Wright County Planning Commission met on April 25, 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, Sandy Greninger, Jan Thompson & Dan Bravinder. Absent: Jeanne Holland. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON APRIL 4, 2024 MINUTES

On a motion by Thompson, seconded the Bravinder, all voted to adopt the minutes for the April 4, 2024, meeting as printed.

PUBLIC HEARINGS:

1. ARBOR CREEK HOLDINGS LLC % Josh & Sarah Pomerleau – New

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

Petitions for a Conditional Use Permit for land alteration of approximately 13,415 cubic yards within the shoreland overlay district and amend an existing CUP for a platted subdivision to a home to be built lakeside below a bluff, as regulated in Sections 155.029, 155.051, 155.057 & 155.101 of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates

- A. Rhineberger displayed several site plans as he reviewed the request. The site is a 7.69-acre property on East Lake Sylvia, a General Development Lake, zoned Suburban Residential-R2a with a Residential-Recreational Shorelands District Overlay (S-2). The property was rezoned to Suburban Residential (R2a) and was part of a 6-lot platted subdivision known as Hannah's Landing by the Commission in 2021. In June 2023, a land alteration request was applied for but was later withdrawn by the applicants/property owners. As part of the 2021 subdivision conditions, approval included the following conditions, which are relevant to this current request: *1) Clear cutting is prohibited in the shore and bluff impact zones; 2) Building and driveway locations on Lots 5 and 6, the house must meet the bluff setback at the top of the bluff. If they are going to be built lakeside, an amendment to the Conditional Use Permit for the subdivision and a Conditional Use Permit for a land alteration must be applied for.* This request is to amend the 2021 CUP to allow clear-cutting of the bluff, a land alteration permit with new plans differing from the 2023 request and amending the location of the dwelling to be lakeside of the bluff. The notice indicated that 13,415 cubic yards of total cubic yards of land alterations would be made. After conversations with the engineer, it was determined that the correct amount is 7,731 cubic yards of alterations. The updated numbers still require review by the Commission and a Conditional Use Permit. The total cut for the request is proposed at 1,101 cubic yards, with the total fill proposed at 6,630 cubic yards. The 2023 land alteration proposal was for 16,798 cubic yards. The amount of tree removal and land alteration being conducted within the bluff has also been significantly reduced as the alteration is more closely tied to the existing trail that accesses the lakeshore area of the property. The majority of the fill will be going to the homesite to address the 4 ft. above Ordinary High Water (OHW) requirement, less will be cut out of the bluff and instead more fill will be placed over the bluff. Southside Township recommended denial of the request due to the adequate room to build about the bluff and the excessive amount of fill. Wright Soil and Water Conservation District (SWCD) are okay with the proposed plan, which includes the Stormwater Pollution Prevention Plan (SWPPP). However, they wanted to highlight the importance of installing silt fencing correctly and restabilizing the hill once grading is completed with vegetation. The Minnesota Indian Affairs Council would appear to be okay with this request, as the project area has shrunk and is located in the same location as the 2023 request. The MN DNR has provided comment that they are making no recommendation regarding the request. It should be noted that MN DNR policy is they do not comment in favor but will make recommendations or suggest denial. One neighbor responded that

the alteration be kept to the absolute minimum. Another neighbor recommends denial of the request. The Greater Lake Sylvia Association has requested denial.

- B. Otto – the proposal has been before the Township 4-5 times with three various plans reviewed and an indication that if the DNR approved, they might be on board. His clients spoke with the DNR, and the outcome was that they didn't want the bluff cut into, but filling on top of the bluff would not affect the structural integrity of the bluff. They were acceptable to material being placed on top of the bluff for the driveway. The DNR does not say they approve it is their policy to state no comment and is as close to approval that one can get from the DNR. The actual bluff area will receive approximately 1,000 yards of fill and the plan is to follow the same existing trail the Commission would have seen at the site visit. There is no request for setbacks related to the project, only dealing with the amount of fill needed. The water will be drained to the sides of the home where it will sit and slowly work to the lake. Water will be maintained on the property with the installation of swales on both sides of the home. There will be about 100 yards cut on the top of the bluff that will be removed. The majority of the fill will be used down by the lake to build up the pad of the home to meet the 4 ft. separation requirement.
- C. Bravinder – reading the DNR letter, he does not see the comments regarding being okay with filling the area. Rhineberger stated he spoke with James Bedell at the DNR, and the basic premise is that the DNR will recommend denial or some type of best management practices to address a potential concern. It was indicated that with this request, the DNR will not make a statement, and it would be up to the local authorities to decide and manage. The DNR prefers not to make decisions when above the OHW.
- D. Felger questioned the grade of the proposed driveway. Otto – steepest is 14% coming down the bluff. Felger – mentioned runoff will be handled on-site. Is there a pond or area water will gather? Otto – the project doesn't meet the criteria for stormwater management, but there are two areas that will settle the water and allow for slow drainage or percolation. Felger – fill will be brought in for the home. Will that be slab on grade? Otto – there will be footings and a two-story with no basement. Rhineberger questioned how much fill is needed to raise the structure to meet the 4 ft. above the OHW. Otto – roughly 4,500 yards will be used to raise the house pad.
- E. Thompson asked if the slope is 14% from the top of the hill to the bottom. Otto – the driveway will be fairly steep, but there are flat areas on either side of the bluff. Currently, the steepest portion might be 30% or more, and the fill will bring that down about half or to roughly 14%. Thompson questioned the vegetation erosion plan. Otto – a landscaper will be hired to establish vegetation. The stormwater management plan has erosion control blankets and seeds for the interim and will be installed once grading is complete or if construction activities are not taking place within a 7–14-day period. The SWPPP plan was displayed, and it was explained that blankets would be used during construction and that a landscaper would address trees and other vegetation plantings. All areas in bluff will have swales near home and will have blankets that will be installed prior the house build. Thompson questioned if the blankets will be installed along the driveway prior to construction vehicles going up and down the driveway. Otto – confirmed. The SWPPP will need a state permit, and if there are issues, the state would be the one to inspect and could impose fines if the plan is not being followed. The County could even contact the state if they have concerns the SWPPP isn't followed. Thompson – assumed when this process started that all of the buildings would be on the upper level. This is an unwelcomed surprise, and she has a hard time with the amount of fill coming in and activity that will happen up and down the hill. She is not fully comfortable with who would be policing the site and ensuring massive washouts don't occur.
- F. Public comment opened with a 4-minute limit.
- Peggy Danielson – lives east of this parcel for over 40 years, and never have they had a water problem in their yard. The original proposal was 16,000 cubic yards, that was a big concern, and now

- at 7,000 cubic yards. She would like to know from where the ground is currently how much the land will be brought up with the added 7,000 cubic yards. Originally, it was 4 ft. Rhineberger – roughly 2 – 2 ½ feet above current grade. Proposed is a swale between the house and property line that is intended to keep water on the property. At the property line, there will not be a big elevation difference. Danielson questioned if the water can be impacted. Mol – The plan and swales should control water so as not to impact the neighboring properties.
- Doug Greven – lives on East Lake Sylvia. Supports the request. The DNR, SWCD, and Indian Affairs have been to the site with no objections to what is being proposed. There is a 75 ft. setback to the lake, and in the plan, the house is at least 80 ft. from the lake and well away from neighbors. He supports the approval of the CUP.
 - Lynn Rexroth – lives just to the east of the property in question. Questioned the elevation of what the lot will be at the shoreland, 25 ft. and 50 ft. north. Water cannot be controlled from the east without putting in anything higher than what is there today. The flow comes from 4 houses away, goes west, and can't control that with any amount of fill. The County appraiser dropped the value considerably due to the water flow, and this will make the situation continually worse. He does not want to see this affect the water flow from the east. Rhineberger – according to the plan, there is some fill at the water line and, if anything, earth movement or cut into the ice ridge. The plan was displayed and reviewed. Rexroth – it is important that the change in the natural water flow doesn't affect the neighbors. Mol stated this Commission does the best to review to not impede water flow or cause problems for neighbors.
- G. Otto – highest part of the ice ridge will be cut out. There is a swale by the home that will be 3 ft. lower than the proposed home and even lower than the neighbor's septic, which is over the property line. They understand the water flow is already a problem, so they plan to lower the grade near the home and pull the water away from the neighboring septic system. Mol – hearing problems with the current water flow will be improved with the proposed plans. By cutting out the ice ridge, the water will flow to the lake more freely. Otto – not sure what is happening with the neighbor's septic system. He didn't look into that, but standing on the site, it appears water does pool near the existing system and could be causing issues. The plan should not make the neighbor's situation any worse. Greninger questioned if there is an issue with the septic system; shouldn't that be a concern when discussing this request? Otto – he is not saying there is a problem with the septic, but as a designer, he would like to see more grade in the septic location and, therefore, in the plans, extend the swale to ensure water is moved away from the area.
- H. Felger questioned if the neighboring septic system is a conventional type of system. Otto – believes it is a Type I or standard mound system. Felger – within the mound system, what is the lowest pipe? Otto stated he is a septic designer but did not inspect the system in question. His guess would be a pipe sits 1-1 ½ ft. below the mound. Felger – with an aerial of the property displayed, he questioned the water flow in the area. Otto – explained there appears to be an impression that it is most likely sandy, and water will drain, but there could be points of water pooling. The existing homes in the area may have been built prior to the flood rules being in place and therefore, don't meet the 4 ft. of separation.
- I. Mahlberg questioned what clearing activities will take place. Otto – taking trees through the bluff. There are a few at the top and no trees at the bottom. The site plan was displayed and reviewed. The driveway width of trees would be removed, which works out to be roughly 6 larger trees that are in the bluff or bluff setback, with some smaller ones as well. Mahlberg – there is room on top of the bluff for a home. Otto – yes. In review of past minutes, the discussion was that there wasn't detailed plans, so how is a home approved without a detailed plan? This was all discussed, and the Zoning Administrator, at the time, felt a home and plan could be talked about and approved, but depending on the owner, the entire plan could change. If he bought this lot, he would want his home down by the lake. Mahlberg – it does make sense to have the home by the lake, but how that can happen under the current rules? Recalls Lots 5 & 6 were treated slightly different, than Lots 1-4, and it was clear on Lots 5 & 6, at that time, the houses will be at the top of the bluff. Otto – recalls approval

related to Lots 2-4 are not in a bluff, so the bluff doesn't apply just the steep slopes. Lots 5 & 6 or any of the properties are allowed to come back to the Commission. Mahlberg – recalls a comment from the owner of Lot 1, and their point being zoning ordinances and decisions are supposed to be reliable. He is struggling with the thought that it makes sense to have a house by the lake and what was said and done to be consistent. Otto questioned what the struggle is. Mahlberg – for him, the Northwest Quadrant (NWQ) Land Use Plan reads to not mess with natural areas if there are alternatives. If one has to mess with an area, then limit the amount to what would be practical. He is trying to balance a good spot for a home with the instructions to not mess with it if there is an alternative. Three years ago, there was an alternative, and there is an alternative now with evidence of a recent purchaser that may have decided to buy based on a review of a decision and the ordinance, and now the area is changing from what was expected for a single owner. Otto feels this plan fits 100 times more than the original plan. If you look at the NWQ, the statement is 'do not alter the bluff'. With this plan, the bluff alteration is 100 cubic yards, and then fill material is going over the top of the bluff. His feeling is that the bluff is not actually being altered. Mahlberg – alter is to change. Otto stated the bluff will be in its natural state, just under the driveway. Otto feels the integrity of the bluff will still be present in its natural state, and what the DNR rules typically mention regarding bluffs is related to grading. Mahlberg – the function of the bluff is not begin altered, but the bluff itself is not being left in its natural state. Commissioner Mahlberg and Otto continued discussing the definition of alteration and if, in this case, the bluff would be altered. Mahlberg's final statement was that the rules state if there is a practical alternative to altering a bluff and the natural state of sensitive areas, the board should make a decision that the bluff is not altered. Ultimately, they did agree to disagree. Rhineberger – addressed the original question from Commissioner Mahlberg regarding lots being treated differently. The conditions of the motion read; 4) *Building and driveway locations on Lots 5 and 6, the house must meet the bluff setback at the top of the bluff, if they are going to be built lake side an amendment to the Conditional Use Permit for the subdivision and a Conditional Use Permit for a land alteration must be applied for;* 5) *On lots 2, 3& 4 if construction takes place on steep slopes towards or down at the lake a Conditional Use Permit for a land alteration is required.* Condition 9 addressed the depiction of house locations shown on the original preliminary plat for Lots 2-6 be disregarded, and a revised plan be submitted to Planning & Zoning showing home locations moved from below to the top of the bluff for Lots 2-6. Mahlberg – in reading the older minutes regarding his thoughts on Lots 5 & 6, he feels his position at the time was that the homes on Lots 5 & 6 would be at the top of the bluff, period. The Commission didn't preapprove homes located below the bluff but expressed acknowledgment someone could come back to the Commission asking for a home below the bluff.

- J. Thompson questions the elevation of the driveway. Is there a cross-section? Mol – the displayed site plan shows the cuts and topography lines. Rhineberger – topography line of 1070 is roughly 14 ft. above the current grade. Thompson – she is concerned water will run down along the driveway. Due to her own personal experience, she knows how fast land alterations can negatively impact drainage. The Township does not like the request, and she does not either. Her feeling is homes on Lots 5 & 6 need to be at the top of the bluff.
- K. Mol – if a home is built at the top, the landowners can still access the lake on what is existing. Are there limits to what can be allowed to run up and down the existing access? There are already ATVs and vehicles that run up and down the trail. Can this Commission not allow motorized vehicles? Rhineberger – what is existing can continue to be used as it has been. He is not going to dictate what is used on the path. If it fits, it can be used. If there is a wish to alter the area, then a land alteration permit could be required and is dependent on the amount of material that is involved. Stairways and certain size of decks with landings are allowed within the bluff. There are a number of ways to gain access and a number of ways that don't even require permitting. Mol – in his opinion, what is existing will be used, and eventually, there could be a big washout. The first request with a large cutout was not an option for him. He views this request as bridging the bluff, not altering the bluff. He feels this is a good plan to maintain and control water. The current ice ridge is holding back water and affecting the neighbors; addressing that area will be helpful. Three years ago, he was on board with the homes at the top, but that was because there were no plans to be approved. He feels this is a solid plan.
- L. Bravinder – does agree with member Mol because the request will slow down the water flow. Concern was where the loose fill was going to go, and it has been explained that 4,000 cubic yards will be for the house

site. There will be a little cut within the bluff near the top. Otto – the idea is to lower the driveway outside of the bluff setback to the north. They will cut about 4 ft. before getting to the bluff, so they will be closer to the bluff elevation before going over the bluff. Bravinder – feels this plan will improve water flow going down the bluff area, which is beneficial to the lake and neighbors. The plan is well thought out and engineered. He feels the bluff is being altered in a good way.

- M. Greninger – it was stated the two lots should have homes located at the top of the hill, and if this Commission isn't going to follow their own rules, there should be time to review the rules in play. She likes the proposed plan but feels the rules need to be followed.
- N. Felger – recalls three years ago, there was a great deal of discussion about where the homes would be located. At a prior meeting, the owner of Lot 1 was under the impression that homes would be located at the top of the bluff. The approved CUP does allow some of the lots to come back before this Commission if the owner wanted their home near the lake, and that is what is occurring. Mr. Otto was asked about the location of the proposed septic system. Otto – displayed the site plan, which shows the proposed system at the top of the hill.
- O. Thompson read the July 1st, 2021, minutes, specifically the third discussion section. *“Mahlberg referred to a preliminary map dated, 5/20/21. He was referred to the third map in the Staff Report. Felger, they have a map with house pads on it and a motion where there is a conflict with that. Mahlberg, they have gone a long way on the wording of the motion. He would like to see the motion include that the homes on the preliminary plat shall be disregarded, and that the homes on Lots 5 & 6 will have to be built above the bluff. Although the record will bear out that no homes will be built in the bluff or below it, the homes on the preliminary plat does create some confusion because of where the homes are shown. The motion that incorporates the preliminary plat is overridden by the condition that they put on Lots 5 & 6. Bravinder – suggests the final plat must reflect these conditions. Kryzer – the final plat will not have home locations. Riley the referred to the preliminary plat, but the house placements were disregarded. Felger suggests an amendment to the third line with the date of the preliminary plat, they state, except for any depictions of house locations Riley stated lots 2-6. Felger moved to amend the motion to include another Condition: 9) any depiction of house locations on Lots 2-6 as shown on the preliminary plat, signed, and dated 5/20/21 should be disregarded. Mahlberg seconded the motion. Thompson moved to amend the motion that the applicant provide the Planning & Zoning Office the preliminary plat showing that the location of the homes are moved from below to the top of the bluff on Lots 2-6 as discussed by the Commission. Kaczmarek seconded the motion.”* This would have been the final act made by this Commission on the location of the homes. Feels the Commission did agree the top of the bluff for Lots 2-6 and a revised plan was to be submitted.
- P. Mahlberg – recalls the original map showed houses possibly down by the lake. The Commission didn't want to prejudge home sites, and it was discussed if the current map could be referenced with words being used to disregard home sites or if a new map would be required. What was read by Rhineberger was an apparently recognizing that people could come back to this Commission. Rhineberger – that was the recorded order that includes the motion as reflected in the minutes. Mahlberg – have minutes, but there are also orders, and, in some contexts, the only official actions are through the written orders versus old minutes. Kryzer – this body speaks through motions when voting that are transferred to an order. There was an older plat that came up a few months before this request that did have approved home locations. To move the house, the Commission was required to grant approval. At the time, he feels the Zoning Administrator and this Commission wanted to avoid a similar issue. Otto – a new map was made based on the last part of the vote and did show the homes moved.
- Q. Thompson – the driveway will not have a ditch. Otto – there will be a slight ditch at the edge of the driveway and retaining walls. Thompson questioned the height of the retaining wall. Otto – series of three walls up to 14 ft. in height. The grade will be lowered up to the bluff so that at the bluff the elevation is matched and then will fill over the bluff. There will be three retaining walls spaced out from the driveway.

R. Thompson moved to close the public hearing and direct counsel to prepare findings based on the record and discussion, consistent with the denial of the request for a land alteration and amendment to the condition of the conditional use permit and continue the matter to the May 16th hearing. Seconded by Greninger.

VOTE: Thompson, Greninger & Felger NAY: Mol, Bravinder & Mahlberg

MOTION FAILED

DISCUSSION: Mahlberg – in hearing the conversation on the quality of the plan and reviewing the Land Use Plan (LUP) verbiage, he changed his decision within the last few moments prior to the vote. In the LUP, there are different entries triggered in this discussion. Some say leave in stable natural state and other entries say to protect sensitive and natural areas. He feels that based on the plan and comments from the other members, regarding the plan, it would be accommodating a practical development in a way that is protecting sensitive and natural areas. Reviewing the approved order in 2021, it is not saying homes can never be built by the lake but that if wanted to build near the lake, the Commission will have to approve. For those reasons, he went against the proposed motion.

Mol – sitting on the Board of Adjustment (BOA), Lake Sylvia is an active lake with properties frequently before the BOA. This plan takes care of everything that is asked of by that board. It meets setbacks and gives clear direction of where the water will be going. How do we protect a bluff? To have an ATV going up and down the existing path will wear and tear on that path, and eventually, it will wash out. There are ordinances that need to be protected, but each request needs to be reviewed individually and worked through. This isn't exactly what he would like to see done with a bluff, but he feels this is the least impact to the bluff. In his opinion, the bluff is being bridged. This is a solid, engineered plan.

Greninger – not opposed to the plan. The concern is that the rules need to be looked at. Bravinder – in the 2021 motion, there was approval for an applicant to come back to the Commission to amend the 2021 permit. He feels due diligence has been done and proven to him that what will be put in place will be better for the area than what is existing.

Thompson – would disagree with those that voted in favor. There are levels of government and the most local and impacted has voted no, which is the Township. The residents of Lake Sylvia have a very tight committee and group of people that want the very best for their lake and community and are very much opposed to this plan. It feels like it is a disservice to area residents and Township. It is not the job of the Commission to act as the BOA. It is the Commission's job to review the ordinance as written and vote accordingly. She believes the intent, starting at the beginning of this process, was that the homes will stay at the top of the bluff. The Township was asked to assume responsibility of the road, which they did. They were not asked to put a road to the bottom but a road with a cul-de-sac at the top. The responsibility of this Planning Commission and staff is to follow the rules that are set out in the ordinance. The Commission represents all of the county, not just the applicant.

Mahlberg stated many times he has not agreed with the Commission's decisions. Questioned what in the ordinance is being violated by allowing it. Rules don't always let the Commission abide by common sense. Based on the rationale he heard, he can find a reading in the NWQ plan that allows him to say yes to this request, and that is the rule to protect sensitive and natural areas. What he is seeing and hearing is the proposed plan protects a sensitive and natural area. Thompson – at the site, one could see the bluff. At one time, there was a wetland which was filled in, and why the pond is at the bottom of the hill. Now, there are rules and regulations in place that say wetlands cannot be filled in. From what she heard at previous meetings, her feeling is the proposed home site by the lake has already been altered. The lot in question appears to be the low spot of the area, and the house is proposed to occupy the majority of the wetland area. Feels that when the church owned the camp, they chose to use the area by the lake for recreation and didn't build structures because it isn't a suitable area. Mahlberg – can't speak to the choices of the church and the reasoning for what they chose to do or not. Thompson – the area was a wetland, and the church knew it wasn't good long-term thinking to build in a wetland. The retaining walls and draining plan proposed may not stay the same. The concern is that the retaining

walls will create additional problems, and the design cannot be guaranteed. Plus, at any point, someone could alter the walls.

Mol – by design, the retaining walls and drainage plan should work. Questioned if someone would want to make a motion but also wanted to mention last vote was a tie. It may be appropriate to close public comment and continue the matter for a full board vote.

Felger – this plan is a vast improvement over the previous two plans. The Township has thoroughly discussed this item a few times over the course of the past few years, and he would like to respect their decision. The plan does address a great number of issues, but he cannot support the proposal.

S. Bravinder motioned to close the public hearing and direct counsel to prepare findings based on the record and discussion, consistent with approval of the request for a land alteration and amendment to the condition of the conditional use permit and continue the matter to the May 16th hearing. Seconded by Mahlberg.

DISCUSSION: Mahlberg questioned role of absent member at the next meeting. Kryzer – absent Commissioner could vote.

VOTE: Mol, Bravinder, Greninger & Mahlberg NAY: Thompson, & Felger

MOTION CARRIED

2. **MARK BUTLER** – New

LOCATION: Part of the W 1/2 of the SE 1/4 of Section 14, Township 121, Range 28, Wright County, Minnesota. (Unnamed - Southside Twp.) Tax #217-000-144300 & -144200 Property Owner: Granite City Aggregate LLC

Petitions for an Interim Use Permit to allow for the addition of a temporary and seasonal bituminous hot-mix plant to an existing mining operation, as regulated in Sections 155.031, 155.048, 155.057 & 155.100 of the Wright County Code of Ordinances.

Present: Mark Butler with MN Paving and Materials

- A. Rhineberger displayed the site plan and reviewed request details. The property is roughly 89 acres in size with road frontage along County Road 101, zoned General Agriculture-AG and mostly within the shoreland area of a natural environment Unnamed Lake. The property is designated within the Northwest Quadrant (NWQ) Land Use Plan as an "Aggregate Resource Area." There is quite a bit of mining history on the property, including having temporary asphalt/hot-mix plants at various times. In 2004, the Commission approved a gravel pit with a crusher and an asphalt plant for the 2004 season. In 2005, an amended mining CUP was approved that included a permanent wash plant with an asphalt plant for the 2005 season. An asphalt plant was also approved under various permits for the 2006, 2007, 2010, 2014 to 2016, and the 2017 to 2019 seasons. In 2018, the Commission approved a 7-acre expansion of the existing gravel operation. Today's request is for an interim use permit for a temporary asphalt/hot-mix plant with approval for two years. The asphalt/hot-mix plant is proposed to run from April to October from 7 am to 7 pm, with startup/warmup commencing at 6 am. The applicant's narrative addresses dust, noise, and odor controls. The plan suggests about 50-200 trips per day to the facility for the current mining operations and added asphalt/hot-mix plant. The applicant is set to meet with Southside Township in early May. As such, Wright County has not received a Township recommendation or response as well as no other responses have been received.
- B. No comment from Butler or public.
- C. Greninger questioned the actual startup and lineup timing for trucks. Butler stated 6 am equipment will be started but trucks won't haul until after 7 am.
- D. Felger questioned if there is a specific project with Buter explaining they are preparing for contracts opening so they can bid on projects in the area.
- E. Mahlberg moved to continue the item to the May 16th meeting to allow time for the township to review and comment. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

3. **JERRY LIEBHARD** – New

LOCATION: 15217 60th St NW – PART OF GOVERNMENT LOT 1, Section 04, Township 120, Range 28 Wright County, Minnesota. (W. Sylvia - French Lake Twp.) Tax #209-000-041205 Property Owner: Jeffrey A & Rebecca J Harkman

Petitions for a Conditional Use Permit for a land alteration to exceed 50 cubic yards of material in a shore impact zone as regulated in Section 155.029, 155.048(D)1 and 155.101 of the Wright County Code of Ordinances, to create a crushed granite path down the bluff and 3 retaining walls to create some flat areas by the shore. Earth moving consists of approximately 21 cubic yards of crushed granite, 13 cubic yards of sand, 10 cubic yards of dirt for excavating, and approximately 60 cubic yards of boulders, with 10 cubic yards excavated and backfilled for walls.

Present: Jerry Liebhard, contractor & Jeff Harkman

- A. Rhineberger displayed proposed site plan and reviewed the request. The property is 1.5-acres on the SE shore of West Sylvia in French Lake Township. The lot was created as an entitlement division, so it is zoned General Agriculture (AG) and is in the land use plan as Agriculture Residential (AR). About half the lot is considered bluff. Permits for a new dwelling and septic system were issued for the property in 2023. This request is for a rather typical landscaping project on an undeveloped lake lot, however, nearly all of the alteration will take place within the bluff or bluff impact zone. The project includes a class 2 granite path with retaining walls and outcroppings as needed for grade, with a sand area above the Ordinary High Water (OHW). Approximately 100 yards of various materials will be imported, and approximately 10 cubic yards will be cut to create the path and retaining walls. French Lake Township approved the request and no other responses have been received.
- B. Harkman – currently building home well above the bluff. The objective of this project is to provide safe and easy access to the lake. Ideally, they want to keep the property as natural as they can with no plans to clear cut. Township and neighbors are supportive.
- C. Liebhard – plan is to run the path with the existing grade. Boulder wall area is already a drop off. Really not looking to remove much but just improve access to the lake.
- D. Kryzer questioned the notation on the plan stating, “smooth out man-made grade as much as possibly without disrupting trees.” Harkman explained the site had an old farmhouse that when removed left an area that needs to be smoothed out and planted with vegetation to prevent further erosion.
- E. No comment from the public.
- F. Felger moved to approve a conditional use permit for a land alteration in accord with the plans and narrative submitted and the discussion at the hearing, with the following condition: 1) Stormwater and erosion control measures must be installed prior to any land alteration occurring and remain in place until vegetative cover has been established; 2) Mature tree removal within the bluff is limited to only the area affected by the path. Clear-cutting of the bluff is prohibited. Plans on file noted as Exhibit “A”. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **JEFFREY MEULENERS** – New

LOCATION: xxx Clementa Ave SW – Part of SE 1/4, Section 27, & & xxx County Rd 112 SW – Part of SE 1/4, Section 35, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-274200 & -354200 Property Owner: Jeff & Mary Ann M Meuleners Livtr

Petitions for a Conditional Use Permit to amend two existing CUPs for “1-per-40” residential clusters and to allow the transfer of a residential building entitlement from a property in Section 27 to a property in Section 35, both owned by the Jeff & Mary Ann M Meuleners Living Trust, as regulated in Section 155.029, 155.048(G)(5)(a) of the Wright County Code of Ordinances.

Present – Jeff Meuleners

A. Rhineberger displayed plan and explained the request. PID # 220-000-274200 is a 131.27-acre property located along County Road 10 and 105th Street SW in Woodland Township, zoned General Agriculture (AG) and is designated as Agricultural in the US Highway 12 Corridor Land Use Plan. The property was originally roughly 146 acres with four building entitlements. In 1988, a “1-per-40” variance was approved to divide off the original farmhouse onto PID #220-000-274100. In June 2017, a Deed Restriction was approved administratively to divide off an entitlement to create PID #220-000-274101. In July 2017, the Commission approved a “1-per-40” cluster to divide off the two remaining homesites. A Deed Restriction was approved for both homesites to be divided off but only one site was ever created, PID #220-000-274102. Currently, PID #220-000-274200 has one entitlement assigned to the second homesite that has yet to be created. The second parcel of the request is PID# 220-000-354200 and is a 138-acre property along County Road 112 in Woodland Township. This parcel is also zoned General Agriculture (AG) and designated as Agricultural in the US Highway 12 Corridor Land Use Plan. The original farmstead consisted of roughly 160 acres with four building entitlements. In 1979, a small division was made to create the property whose current PIDs consist of PID #220-000-354201 and PID #220-000-363101. In 2000, an Administrative Order was created that tied the two PIDs together and expanded the 1979 division to the ten-acre property that you see today. In 2006, a Deed Restriction was approved administratively to divide off PID #220-000-354202. In July 2017, a third entitlement was approved and divided off through the Deed Restriction process. That process created PID #220-000-354101. Also, in July 2017, the Commission approved a “1-per-40” cluster to divide off the last entitlement. A Deed Restriction was approved, and PID #220-000-354102 was created. In 2018, minor changes between PID 220-000-354101 and the property consisting of PID #220-000-354201 and PID #220-000-363101 were approved through a corrective Deed Restriction. Currently, PID #220-000-354200 has zero entitlements. The applicant is requesting to move a building entitlement from PID # 220-000-274200 to PID #220-000-354200. Because of the history on the properties the applicant must amend the two existing CUPs for “1-per-40” residential clusters in order to move the building entitlement. If this request is approved an entitlement division of 2.5 acres would follow. As standard practice, a Deed Restriction would be required for the division. This request comes down to the transferring of the entitlement from Section 27 to Section 35 with correct documents and new Deed Restrictions. Woodland Township has approved the request. No other comments have been received.

B. No comment from Commission, applicant or public.

- C. Thompson moved to approve amending the previously approved conditional use permits for “1-per-40” clusters in sections 27 & 35, recorded under document number A1351687 and A1351686, and approve a Conditional Use Permit to transfer a “1 per 40” building entitlement from a property in Section 27 to land in Section 35, both owned by the Jeff & Mary Ann M Meuleners Living Trust, with the following conditions: 1) A Termination of Deed Restriction for document number A1346141, be filed with the Wright County Planning and Zoning Office, releasing the entitlement to be transferred; 2) A new Deed Restriction is filed with the Wright County Planning & Zoning Office, restricting the property in Section 27 from any further development except as may be allowed by the Wright County Code of Ordinances and any amendment thereto and assigning the residential entitlement to the property in Section 35. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **BARBARA BOLANDER** – New

LOCATION: 5377 Quimby Ave SW – Part of SE ¼ for the NE 1/4, Section 32, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-321400 Property Owner: Carolyn Bolander

Petitions for an Interim Use Permit for a commercial outdoor recreation use to operate outdoor crafting and wellness events, as regulated in Sections 155.003(119), 155.031 & 155.048 of the Wright County Code of Ordinances.

Present: Barbara Bolander

- A. Rhineberger displayed site plan and reviewed the request. The 5-acre property is located along Quimby Avenue SW in Cokato Township, zoned General Agriculture (AG), and is designated as Agricultural (AG) in the US Highway 12 Corridor Land Use Plan. There is a pending variance to exceed the maximum building area allowed for a home extended business with the first hearing for the variance, with the Board of Adjustment, set for May 6, 2024. This request is for commercial outdoor recreation use to host outdoor crafting and wellness events. The plan is to have the ability to host three events each month from March through November on Saturdays from 10 am to 4 pm. One monthly event would feature approximately 100 people throughout the day. This event would have a food truck and ten or fewer vendors, with tents and tables selling handmade items. The two other monthly events would be limited to 25 people per 2-hour block from 10 am to 4 pm with a total attending at roughly 150 people. Cokato Township has approved the request and the City of Cokato did not have objections.
- B. Bolander – events outdoors will be weather permitting.
- C. No public comment.
- D. Bravinder stated that Cokato Township does not have concerns. The applicant has had events in the past and was not aware a permit was required. The Township does not feel this will grow into a multifaceted type of site. People come over the course of the day versus all at one congregated time.
- E. Felger questioned Bravinder of his knowledge on the neighboring railroad crossing and if it is controlled. Bravinder – not controlled, crossing really is only an issue during winter with drifting snow.
- F. Mahlberg moved to approve an interim use permit for Commercial Outdoor Recreation to seasonal outdoor events in accord with the discussion and the plans and narrative on file with the following conditions: 1) No more than 3 events to be held each month from the months of March through November; 2) Events to be held on Saturdays only, between the hours of 10:00 a.m. and 4:00 p.m.; 3) Sanitary facilities should be provided in a quantity recommended by the County Environmental Health Office; 4) This request is subject to a one-year Township review to ensure compliance and that the Township Road is handling the amount of increased traffic; 5) No parking on the Township Road; Any change in use or expansion requires an amended Interim Use Permit hearing; 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 Bravinder.

DISCUSSION: Rhineberger questioned adding a statement or condition that would address transfer to Ms. Bolander as she has plans to purchase or acquire the property from her mother in the future. Ideally it would be smoother if she was not required to come back to the Commission when she obtains the property. Kryzer suggested adding to Condition 6; with the exception of any transfer to Barbara Bolander.

Mahlberg and Bravinder agreed to amend Condition 6 to include, with the exception of any transfer to Barbara Bolander.

VOTE: CARRIED UNANIMOUSLY

Meeting Adjured: 8:45 pm

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks