

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 16, 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 7:30 p.m. with members present: Dan Mol, Jeanne Holland, Ken Felger, Sandy Greninger, Jan Thompson & Dan Bravinder. Absent: Pat Mahlberg. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was the legal counsel present.

ACTION ON APRIL 25, 2024 MINUTES

Rhineberger stated condition #3 under the Meulener request is not applicable and should be removed from the motion and not included in the recorded order.

On a motion by Bravinder, seconded by Greninger, all voted to adopt the minutes for the April 25, 2024, meeting with mentioned condition #3 of the Meulener request be removed.

PUBLIC HEARINGS:

1. ARBOR CREEK HOLDINGS LLC % Josh & Sarah Pomerleau – Cont. 4/25

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.

- A. Rhineberger – as directed, Staff drafted findings consistent with approval and conditions as stated on the record. The findings have been provided to the Commission for review and would not be up for discussion, changes, or a motion; however, the Commission so chooses.
- B. Greninger stated she had a hard time during the last meeting with the item, and at the last minute, changed her vote and does not feel good about the direction she voted.
- C. Greninger moved to draft findings denying Arbor Creek Holdings. Holland seconded the motion.

DISCUSSION: Holland – was not at the meeting but did review the discussion. Recalls at the site visit members of the Township were present and stated they don't know why they were instructed to be present because the Planning Commission will do what they want and not listen to the Township. She responded that the Commission does take Township responses very seriously, and this Township has said twice they do not approve of the request. Wright County Soil and Water Conservation District (SWCD) stated the amount of fill being requested is roughly 500 truckloads of dirt. Greninger stated those would be trucks that hold 14 cubic yards. Holland questions why this Commission would allow that and feels if allowed, other properties will want to do the same, which would be setting a precedence. The Township is in charge of the lake, the lake association is against the request, SWCD is not fond of the idea, and she feels allowing will be going against the Township. She is not in favor of approving.

Thompson agrees with statements made by member Holland and is not for approving.

Kryzer clarified that the motion should be to direct the Wright County Attorney's office to draft findings consistent with the denial that will be reviewed at the June 6th meeting. Mol questioned if that would meet timeline requirements. Rhineberger – July 27th is the 120-day mark.

Thompson questioned the motion. Mol – motion on the floor is to direct staff to draft findings for denial and continue to the next meeting. Mol called for a vote.

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

MOTION CARRIED

Kryzer reminded the Commission and members of the public that the item is closed to further written and oral comment.

2. **MARK BUTLER** – Cont. 4/25

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 recalled the item was continued to allow time for the applicant to meet with the Township. This request is for a temporary asphalt/hot-mix plant for two years. Details and plans are provided to the Commission in the staff report. Southside Township has recommended approval with conditions that days and hours of operation be Monday through Friday, 7 am to 7 pm, with the Township being notified of any operations outside of those hours, which by county rules will require a separate approval unless granted by this Commission. Noise should be kept to a minimum and only during hours of operation. The Township indicated a one-year period, not the two years requested.
- B. Butler stated he doesn't agree with the one-year.
- C. Bravinder questioned Saturday operations, will it be every Saturday or maybe only 5 times a year. Butler – depends on the job and could be zero if no work in the area.
- D. No public comment.
- E. Mol questioned how the Commission feels about the Township approving a single year, but the request is for two years. Greninger stated she would support one year as the Township has its reasons. If good in a year, they can look at extending. Butler questioned what the extension looks like. Mol – this same process would be repeated. Rhineberger – by definition, it would be a new permit, not an extension, and processed as a new application.
- F. Bravinder questioned the applicant if they will be operating in the 2024 season. Butler – currently does not look like operating in 2024. Bravinder asked if the 2024 season could be removed from the request. Butler stated he would like to wait a month or two until the bidding season is over. Bravinder – if approved for one season, that would only be 2024. Butler – can 2025 be approved now? Bravinder – sounds like Commission is leaning towards only one season, either 2024 or 2025. Mol – request was applied for two seasons. Bravinder – trying to get a feel of what will happen in 2024. Okay, with the 2024 and 2025 seasons, because, at this point in the year, a full 2024 season won't happen.
- G. Felger stated he would be in favor of approving a 2024 and 2025 season.
- H. Rhineberger – setting up a condition of township review in one year will give the opportunity to address concerns or issues before the second season. The township can notify staff they have concerns and would like the matter reopened for review and possibly a new hearing.
- I. Motion made by Bravinder to approve an interim use permit for a temporary hot mix asphalt plant in accordance with the narrative, plan, and discussion from the meeting, with the following conditions:
 - 1) Approval is for the 2024 & 2025 seasons only;
 - 2) Hours of operation 7 am to 7 pm Monday through Saturday, with operations prohibited on Sundays and County designated holidays as of January 1, 2023;
 - 3) intensification or change in the days or hours of operation requires a new interim

use permit; 4) Methods of odor control must be used as submitted in the application materials; 5) The plant must operate in compliance with all applicable state and federal requirements; 6) Township review in one-year; 7) This interim use permit shall expire December 31, 2025; 8) Plant warm-up time to be 6:30 am, with no stacking or queuing of trucks on the County Road. Seconded by Felger.

DISCUSSION: Greninger stated with equipment starting up at 6:30 am the trucks will line up to get going at 7 am. Rhineberger – new ordinance does not allow queuing and stacking on public roads. There will need to be an area to queue and stack off the County Highway. Thompson questioned if there is a way to include in the motion recognition that the Township wanted a one-year approval, and this Commission is approving two years because of the time of year being applied for. Holland – feels concession is that the Township will review in a year and at that time can address concerns and issues. Thompson stated she was okay with that.

Kryzer – as the motion is stated, the Township will review in one year, which could be May of 2025 and the beginning of construction season. A suggestion would be to review sometime before construction season or maybe in the fall of 2024.

Bravinder motion to amend the original motion to read 6) Township review in February 2025. Felger seconded that amendment.

VOTE: CARRIED UNANIMOUSLY

3. **DEREK NIKKO** – New

LOCATION: 2820 Dempsey Avenue SW– Part of SW ¼ of SW ¼ Section 15, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-153300 Property owner: Peterson

Petitions to renew the Conditional Use Permit for mining that was granted in 2021 and reclassify as an Interim Use Permit for 10 more years as regulated in sections 155.031, 155.048(D), & 155.100, Chapter 155, of the Wright County Code of Ordinances.

Present: Derek Nikko

- A. Rhineberger reviewed the request with the 2023 aerial and mining plan displayed. Property is north of Waverly about 3 miles, east of CSAH 9, and just north of the North Fork of the Crow River. The parcel is 35 acres, with the mining operation approved in 2021 being only in the southeast 10 acres. This request is a renewal of the 3-year permit that was originally granted in 2021 and a reclassification to an Interim Use Permit. According to the most recent annual mining report, this part of the operation has a minable reserve of about 113,000 cubic yards of material and 7 acres left to be mined. There is an active mining operation to the southeast and another one to the south. The Township has recommended approval for an additional 10 years, with Township review every 2 years.
- B. No comment from Nikko or the public.
- C. Felger questioned if there is adequate space for truck traffic. Nikko – operation is small. Two dump trucks usually arrive at the pit around 7:30 am.
- D. Mol asked if this is more of a private pit. Nikko – deliver locally Class 5 and material for homes. Only use their two trucks with a few others now and again coming into the pit.
- E. Motion made by Bravinder to approve an interim use permit for mining in accord with the narrative, plan, and discussion from the meeting, with the following conditions: 1) Existing reclamation surety be kept up to date for the duration of mining activity; 2) Subject to Township review every two years; 3) Any expansion or intensification of the activity shall require a new Interim Use Permit; 4) This permit shall expire and all reclamation shall be completed no later than 12/31/2034, or upon transfer of the property, termination of any lease agreement, or change in business ownership. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **JUSTON D. DOOLEY** – New

LOCATION: 731 County Road 30 SE – the E 1/2 of the NE 1/4 and part of the SE 1/2 of the NE 1/4, Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181102.
Property Owners: Dooley Farm LLC

Petitions for an Interim Use Permit for commercial outdoor use to include an ice structure, skating rink, and sledding hill, as regulated in Sections 155.003(119), 155.031, 155.048 & 155.057 of the Wright County Code of Ordinances.

Present: Juston Dooley

- A. Rhineberger displayed the proposed site plan as he reviewed the request. The property is an established winery/venue located along County Road 30, formerly Woodland Hills Winery, now called Fountain Hill Winery. The property went through a hearing in 2007 for a winery, in 2010-2012 for amendments to the CUP, and two amendments in 2021 to increase large events to 20, allow for a new building under Commercial Agricultural Tourism, and add a pizza oven. In 2022, the BOA approved a variance to attach 26 acres adjoining to the east to the current 20-acre site and an amended CUP to include the distilling of spirits on the site. In August of 2022, the Planning Commission approved the expansion of the current CUP to allow the permitted winery operation to expand onto the newly acquired 27 acres adjacent to the current operation. Lastly, in November 2022, the Planning Commission approved a conditional use permit that was interim in nature for an ice palace that expired on May 1, 2023. The request is for an interim use permit for commercial outdoor recreation for a "winter attraction," including main attractions such as an ice structure, a 50' x 100' skating rink, and a sledding hill. The ice structure is proposed to be roughly 130' wide by 200' long by 20' tall and made from ice blocks, snow, and water. The winter attraction event is proposed annually from December 1 to March 31, with hours of operation including Wednesday and Thursday from 4 pm to 8:30 pm and Friday through Sunday from 3 pm to 9:30 pm. The winter attraction will be a ticketed event with time slots being 1.25 hours at a time. An extension of the parking lot will be created, which, when completed, can hold approximately 115 vehicles. Porta potties are proposed to be at the site. Franklin Township has recommended approval of the winter attraction with a condition that the permit expires in a year. The township requests the Planning Commission to discuss potential security and traffic control measures if deemed necessary by the Commission. No other comments have been received.
- B. Dooley – winter festivities would start mid-December and continue through mid-March, weather pending. The event will serve as an affordable winter playground for children and adults. In the past, they have not had issues with security. Employees and bartenders do go through online certification training related to over-served patrons. This event will be roughly half the size or less than the Ice Palace, so less crowds and traffic. Online ticketing will allow for 1 hour and 15 minutes per group whereas, the Ice Palace allowed for 30-minute visits. Ticketing numbers would be limited to the number of vehicles allowed in the parking lot, which is 115, and the Ice Palace was more like 700 tickets. This will be a different feel and atmosphere from the Ice Palace, with the goal to be as large as the presented plan.
- C. Greninger questioned if there is a buffer between ticket times to allow parking change out. Dooley – did not add in a buffer. With the Ice Palace, the turnaround time was 15 min – 1.5 hours. Greninger – personal experience caused her to be sorry she approved the Ice Palace. Issues were that pizza was served out of a barn that didn't have occupancy approval, and the building was not safe. When first arriving at the site, the wetland area appeared to be filled with Class 5, which was specifically not allowed. There was also twice as much parking in the field than what was stated. Dooley – does not recall the parking situation. The ice palace did present challenges and, yes, it was his property and his CUP, but he cannot do anything with what occurred in the past. He can only try to improve. Greninger questioned the food being served in a building without approved occupancy. Dooley stated he is working with Planning & Zoning staff on the septic permit. Rhineberger – the barn kitchen has a CUP, permit for plumbing and mechanical, with the part not permitted being people allowed in the building. The CUP was granted to allow a pizza-related kitchen in the barn with

an outdoor kiosk for ordering. Seating inside was not allowed. Greninger – the tables and available seating inside were a concern.

D. Public Comment Opened

- Dick Borrell – Woodland Township resident – his experience with the Ice Palace was a fabulous time and the best event they have attended in the winter. He would recommend having a place to do this type of stuff other than debut.
- E. Bravinder – Ice Palace was run by a company; how will this be run? Dooley – has a pending patent on a design of ice molds that look like ice logs. Looking at having an engineer look at the structure.
- F. Felger – look for an engineer or have an engineer? Dooley – looking for someone who specializes in ice. Does not have concerns about the structure falling or tipping. Felger questioned if there is an industry standard. Dooley stated he was not sure.
- G. Dooley – ice rink would only occur if there were time.
- H. Greninger questioned if the intent is to have something like a hockey enclosure or just snowbanks. Dooley – snowbanks. Greninger asked if the City of Delano requires insurance on the play area. Dooley – the city does not have a say on the property. He will carry his current insurance policy along with a special event insurance policy, as he did with the Ice Palace.
- I. Thompson questioned if the building will have a roof. Dooley – no, just walls that are similar to block retaining walls.
- J. Mol stated a site visit could be beneficial with the changes presented. If there is a site visit, he would like to see the site staked so that the Commission can get an idea of what the site will look like.
- K. Greninger moved to continue the hearing to June 6, 2024, for a site inspection. Holland seconded the motion.

DISCUSSION: Bravinder questioned if the 2nd access would be used for parking. Dooley – the plan is to use the current east entrance. Kryzer reminded the Commission the County Highway Dept. specifically stated only one access is allowed to be used at a time.

VOTE: CARRIED UNANIMOUSLY

5. **RICHARD DAVIS** – New

LOCATION: 8937 County Road 39 NE – Part of SE 1/4 of the NE 1/4, Section 16, Township 121, Range 24, Wright County, Minnesota. (Monticello Twp.) Tax #213-000-161400. Property Owner: Deborah Ann Davis, Cynthia Louise Davis & Richard Joseph Davis.

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: Richard Davis

- A. Rhineberger displayed maps of the property as well as a proposed concept plan as he reviewed the request. The property is 37.50 acres and sits on the southwest corner of the County Road 39 NE (95th Street NE) and Jaber Avenue NE intersection in Monticello Township. The City of Otsego is directly east across Jaber Avenue NE from this parcel. The property is zoned General Agriculture-AG and has one building entitlement being used by the existing home built in 1865. The property is designated in the Northeast Quadrant (NEQ) Land Use Plan as “Rural Residential.” The request’s a rezone for the entire property from General Agriculture-AG to Agricultural/Residential-AR. If the rezoning was approved, the applicant would apply for a 3-lot unplatted subdivision. Township response has yet to be received, with the applicant set to be heard by the township on Monday, May 20th. One neighbor recommends denial due to the negative impacts the rezoning would create. Wright Soil and Water Conservation District (SWCD) has responded that there may be wetlands on the property and a wetland delineation should be completed at the subdivision phase.
- B. No comment from Davis or the public.
- C. Mol stated the Commission does like to hear from townships before a vote.
- D. Bravinder moved to continue the hearing to June 6, 2024, for a site inspection. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **SAEED ROUGHANI** – New

LOCATION: corner of Estes Ave NW & 128th St NW – Part of Govt. Lots 2,3 & 6, Section 32, Township 122, Range 26, Wright County, Minnesota. (Ember Lake – Silver Creek Twp.) Tax #216-100-322410. Property Owner: Saeed Roughani

Petitions to rezone from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Agricultural/Residential (A/R) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.047, 155.048 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates

- A. Rhineberger displayed property details and proposed subdivision plan. The property is 35.44 acres that sits along 128th Street NW and Estes Avenue NE in Silver Creek Township. The property is zoned General Agriculture-AG with a Residential-Recreational Shoreland District Overlay-S2 and is considered restricted with no building entitlement. The shoreland overlay exists on portions of the property within 1,000 feet of Ember Lake, a designed natural environment (NE) lake, and Limestone Lake, a recreational development (RD) lake. The property is designated in the Northwest Quadrant (NWQ) Land Use Plan (LUP) as “Agricultural.” This request is to rezone the entire property from General Agriculture-AG with a Residential-Recreational Shoreland District Overlay-S2 to Agricultural/Residential-AR with a Residential-Recreational Shoreland District Overlay-S2. If the rezoning is approved, the applicant would apply for a 3-lot unplatted subdivision. Silver Creek Township disapproves of this request because it does not comply with the land use plan, is not rare and unique, and is too far from other AR areas. As part of their response, the Township also attached two neighbor comments recommending disapproval, which are included in the packet.
- B. Otto – property is a little unique. The property is along Ember Lake, and in the early 90s, the road was moved back away from the lake, and part of the property was eaten up by the lake parcels. There is a remanent piece that is on the north side of the road and is not riparian on the lake but is in the shoreland area. The property does drain to a wetland that drains to Ember Lake, which is unique. The LUP is coming this way on either side and to the south. They are asking for consideration to see if this is the time or still premature for rezoning.
- C. Public comment opened with a reminder to keep comments to 3-4 minutes.
 - Greg Karson – 13241 Endicott Dr. NW – north shore of Ember Lake. This is inevitability going to happen so just allow it is an attitude they have fought against for 20 years. This is not the first situation like this to be looked at in their area. The Township provided several reasons this request doesn't work, and that is good enough for him. This is agricultural land that has been in crops. He does not see a reason it should change. Questioned if the owner was present in the audience because the last time they put up with something like this, the owner never showed up. Feels someone has money that wants to make a profit, and they don't bother with the why other than for profit. To him, this is money looking for an opportunity to make more money.
 - Sarah Bonvallet – 4529 128th St NW – lives adjacent to this request, where the wetland runs into Ember Lake. Concern is development happening in a sensitive area that drains into an NE lake. She feels the community around Ember Lake really wants to see the lake protected as an NE lake, and she would also like to see that lake protected.
 - Ole Knudson – 4802 128th St NW – lives on the west side of the lake, and similar to other concerns, it is a small natural environment lake. Do not know the intent of the request other than putting three homes near the lake. The lake does not have the size to accommodate more people using the lake.

- Patty Hickman – 13002 Ferman Ave NW – lives on the east side of Ember Lake. Parcel is restricted because when the road was moved, the entitlements went to lakeshore properties. One entitlement went to Limestone and another to Ember. This property would be a second-tier development to Limestone and Ember Lake. Ember Lake is under 60 acres and cannot handle a lot of traffic on the lake. What is the purpose of saying this property is unique when it is not unique? The small piece to the north of the lake is there because it was left over from when the road was moved and does not touch the lake. They do not want to see this request approved.
 - Sarah Nieters – 12973 Endicott Dr. NW – lives on the east side of Ember Lake. As mentioned, they want to protect the lake. There is AG zone around the area and they would prefer to stay that way and avoid changes that could lead to more risky development.
 - Patty Knese – 12291 Estes Ave NW – does not believe this is a rare or unique circumstance. It was mentioned there are different lots developed around the area. The lots to the north were riparian, and part of the reason they were probably able to develop that way, even outside the LUP. The lots to the west on Limestone and the ones on Ember to the north were all developed lots before the comprehensive plan or the LUP. Looking at the land to the south and east of the property, it is all contiguous farmland. It was mentioned one of the farmers that is farming the land would have gladly purchased the land if they had known it was for sale and would have continued to farm the land. Our farmers in the area only have so much land, with a lot of investment going into farming, and they need to know the county is protecting land from being eaten up in a checkerboard pattern. Does not see this as a unique circumstance, it is not riparian. Believes there are over 4,500 acres in the LUP available for development in the NWQ, and the reason those lots are part of the LUP is so that developers know which lots to purchase as known developable land. Does not feel agriculture is one to be developed.
 - Brent Chrast – 12290 Estes Ave NW – owns property adjacent and to the south. When he purchased his home 7 years ago, they moved to get away from people and be in the country. He doesn't want additional development. The farmer that is farming the property has been doing so his entire life and wanted to purchase the property, but it was too much. The current owner wants to develop the property and make money. If the request was for the owner or family to build a home, he would be all for the request, but if developed, it will change the area. Changing this property will cause more people to buy farmland to develop. We need to be supporting the farmers.
 - Shawn Shoutz – 4967 128th St NW – would like to reaffirm what has been said by others and that this request should be rejected. Mr. Shoutz provided a letter to Rhineberger that came from another neighbor.
 - Rhineberger proceeded to read the letter from Julie & Bruce Urbatch – 12537 Estes Ave NW – *the full letter can be found on file with Planning & Zoning*. The letter essentially stated they are against the rezoning of the agricultural land and feel the land is better suited to remain agricultural than to add more congestion. Silver Creek Township unanimously voted against the rezoning.
- D. Otto – property is not in the LUP. One reason he feels the property is unique is that developed land is better for wetlands and lakes than agricultural land because of more grass and less pesticides. He believes that with proper management and development, it is better for wetlands and lakes if a parcel is developed versus farmed. The LUP is on the other side of the lake and ½ mile away on the other side. The parcel is odd-shaped, and a portion is disconnected. Those are the reasons why he feels it is rare and unique.
- E. Bravinder questioned why the road was moved. Mol – moved by the Township to provide more room for lakeside homes, septic systems, and address safety.

- F. Otto – wanted to make sure it was clear that this property is not riparian, it does not touch the water and there is no access to the lake.
- G. Greninger – does not see how the land is rare and unique. Feels the parcel should remain AG.
- H. Thompson stated she is not familiar with the property and would like a site inspection before moving forward. Mol – roughly 3 years ago, a site inspection was done for the lots on Ember Lake. Thompson – she does not recall this property and would like a refreshed look before having further discussion.
- I. Holland 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 to rezone, and continue the matter to June 6, 2024. Seconded by Greninger.

DISCUSSION: Mol questioned Kryzer if there was enough discussion to draft findings. Kryzer stated public comment addressed the LUP, mentioned 2nd tier development, protecting farmland, other areas suitable for development in the NWQ Land Use Plan, and how this is a crop field that is completely flat with nothing unique, or that would warrant any development. The public said what he feels this Commission would have stated.

Bravinder – in favor of smart development. This Commission is supposed to look at what is happening to the property, not circumstances around who is developing the property. Feels that when a person claims a property is rare and unique, they should look at the property, he is in agreement with member Thompson.

Holland – feels the Township knows this area well and it was mentioned by the residents and noted in the staff report the Township does not approve. The Township was part of the LUP and knows the property. Bravinder – in Cokato Township this very same thing was done and the Township did not approve but a site inspection was done.

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

MOTION CARRIED

Mol called for a 10-minute break at 8:46 pm

7. **THOMAS BORRELL** – New

LOCATION: corner of Estes Ave NW & 128th St NW – part of the NE 1/4 of the NW 1/4, Section 5, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-052106. Property Owner: Patrick G. Borrell, Virginia A. Monk, Gene Matthew Borrell & Jacob Paul Thrift, as Personal Representative of the Estate of Jerome Paul Borrell.

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

Present: Tom Borrell

- A. Rhineberger displayed the proposed site map as he reviewed the request. The property is 21.44 acres with road frontage along US Highway 12 and Emerson Avenue SW in Woodland Township. The property is currently zoned Agricultural/Residential-AR. It is designated in the US Highway 12 Corridor (US 12) Land Use Plan as “Transition Area” for the City of Waverly with city parcels directly across Emerson Ave. In 1993, the property was part of an approved rezoning request from General Agriculture-AG to Agriculture-A/R and a two-lot unplatted subdivision. The request is to re-subdivide the eastern lot that was created in 1993 into its own two-lot unplatted subdivision, with proposed Parcel A being 10.73 acres and proposed Parcel B being the remaining 10.71 acres. Both Woodland Township and the City of Waverly have recommended approval of the request.
- B. Borrell – family owns this property, and he hopes to keep it in the family, with his family purchasing one of the parcels for a home.
- C. Public Comment.
 - Dick Borrell – 4859 Us Hwy 12 – owns the adjacent property to the west and feels it will be nice to have his son and family be his neighbors. Is in favor of the request.
- D. Felger feels the request is cut and dry.
- E. Felger moved to approve a conditional use permit for a two-lot un-platted subdivision in accord with the survey completed by Schoborg Land Services Inc., dated 08/11/2023, with revisions dated April 6, 2024; Job Number 9270, with the following conditions: 1) If required by Woodland Township, access permits must be obtained before any construction activity commences; 2) Per Feedlot regulations, the A/R parcels will be allowed a 1/2 animal unit per acre and will not be allowed to reach 10 animal units. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

8. **MICHAEL BUNN** – New

LOCATION: xxxx EMERSON AVE SW – part of the N 1/2 of the SW 1/4 and the S 1/2 of the NW 1/4, Section 5, Township 118, Range 26, Wright County, Minnesota. (Unnamed Lake - Woodland Twp.) Tax #220-000-052401. Property Owner: OLD APOSTOLIC LUTHERAN CHURCH OF DELANO

Petitions for a Conditional Use Permit for a church and a cemetery as regulated in Sections 155.029, 155.048 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Mike Bunn and Ryan Sarkinen

- A. Rhineberger displayed property maps and proposed site plan as he reviewed the request. The property is a 72-acre parcel bordered on the east by Emerson Avenue SW, the City of Waverly and a solar farm on a city parcel, and on the west by an unnamed Natural Environment Lake. To the north is property zoned AR-Agricultural/Residential, which is also before this Commission tonight for a two-lot subdivision, with entitlement divisions and agricultural land bordering on the south. Although listed as 72 acres, roughly half of the property is under the lake, with approximately 35 acres being usable ground. The property is currently zoned AG-General Agriculture and S2-Residential-Recreational Shoreland and is in the US Highway 12 Corridor Plan as “Transition Area” with the City of Waverly. In 2015, the property was approved by this Commission to have a solar farm, which was never constructed. In 2023, a deed restriction was completed, allowing the existing farmstead to be divided, leaving the property with the acreage listed above, along with the one remaining building entitlement. The request today is for a 34,500 sq. ft. church with associated amenities, such as Sunday school rooms, a large open congregation area, and kitchen facilities. The proposal also includes a 5.1-acre cemetery on the south portion of the property. Woodland Township has recommended approval but may require dust control at the applicant’s expense. The City of Waverly has also recommended approval. Wright Soil and Water Conservation District (SWCD) has indicated that the plan would not impact wetlands. However, the stormwater plan is still under review.
- B. Bunn – a few years ago, they built a church in Delano and that church has now reached capacity. There is now a need to build a new church, and the hope is the Commission will agree with the Township and City of Waverly on approving this project.
- C. Public Comment – Mol asked for comments to be kept to 3-4 minutes.
- Josh Borrell – 4838 70th ST SW – tried to purchase the property to protect and keep the rural character. At the time, he spoke with the county about developing and was told this is rural land. Wright County is trying to preserve rural farmland. Ironical that it has not sold, and a church is planning to develop 30 acres, which is not preserving agriculture or rural land. There has to be another location inside city limits where a church could be built without taking away farmland.
 - Charlie Borrell – 4359 70th St SW & 6469 Emerson – this property is not going to be farmland no matter what. If not sold to the church, it will be sold to a developer, annexed to the city of Waverly, and will become industrial or housing. When he heard a church was going in versus a housing development, he rejoiced. This property will not stay in agriculture. He can’t say enough good things about this church and how it is managed. We should be thankful that this is going to be the use. He hopes the Commission approves.
 - Joe Borrell – 6407 Emerson Ave SW – just south of the property in question. Questioned the lighting of the church in comparison to the surroundings. Will lights be on 24 hours a day or at certain times? Asked about the traffic flow. Is this just a Sunday service in the morning or activities throughout the week?

- Jeremy Scheuble – 2392 40th – stated he is in support of the church being built.
 - Patty Borrell – 4859 US Hwy 12 SW – west of this property. Would prefer farmland but is okay with a church. Heard nothing of the cemetery until this notice was received. In favor of churches, but a cemetery is something that if the church moves on will be there forever. The cemetery is right in the middle of farmland. The cemetery is her concern.
 - Jared Bunn – 3167 Dalton Ave SE – recommends this project move forward, and he approves. Feels it is a good endeavor for the community.
 - Sam Redinger – 2678 Hwy 25 SE – supports this project and would like to see it moved forward.
 - Dick Borrell – 4859 US Hwy 12 SW – questioned the height of the church, which appears low profile. He flies small planes in the area, so the height is a concern.
 - Charlie Borrell - 4359 70th St SW – the township stated requiring dust control from Highway 12 to 70th Street. He spoke with representatives from the church, and they were in agreement to that condition, until a time when the city took over the road, the road was paved or township dust-proofed all roads. Feels that dust control should be part of the conditions.
 - Mike Wren – 4381 Hwy 12 SW – just north of the solar farm. Understands the property is located in the township, not city limits, but he doesn't want to get roped into city limits and sucked into issues related to drainage pipes and water running through the ditch.
- D. M. Bunn – operation is to mimic Delano church with Sunday service starting at 11 am and Sunday school at 10 am. The facility is not used during the week. There are occasions when the Church Board will meet in the evening. A few times a year, there will be a several-day gathering, Friday – Sunday type event. There are no youth camps or other activities at the site. Light pollution was a concern for neighbors at the Delano location, so they do recognize that, and the lights will be on a timer. Believe the pitch of the roof is right around 32 ft. There is no plan to hook up to city services unless annexed. Rhineberger – the septic system design has been reviewed and approved by Environmental Health.
- E. Mol questioned if there is a need for the cemetery. This will be a new cemetery, and it will be long-lasting. M. Bunn – does have a need and understands the concerns in a time when churches may be closing faster than opening. They do not build a church with the intent to move. Bravinder questioned the location of the cemetery. With the site plan displayed, the location was reviewed, with Bravinder commenting if separate from the church, the location would not be easy to maintain and access. Questioned if there is a cemetery board in place. M. Bunn – yes.
- F. Kryzer addressed the applicant and questioned if they would be willing to formally revoke the Solar Farm CUP before the issuance of the building permit. Believes the solar farm was proposed to cover the entire parcel, and it would be ideal to clean up the records. M. Bunn – stated they would agree to that condition, being that the church would take up the parcel.
- G. Felger – questioned pitfalls and celebrations related to the experience with the Franklin Township project. M. Bunn – it is such a thing that no one wants it in their backyard. They learned to be more diligent in visiting with neighbors, which they did. Drainage is a concern for many in the area, and in Franklin Township, there were issues that have since improved. Felger – recalls a question and concern at that time related to traffic. M. Bunn – aware of concerns, with part of the CUP condition being a southbound right turn lane.
- H. Holland – if the church in Franklin Township grew, is there room to grow this church or plan to move to a larger property and leave this building behind? Leaving behind the cemetery is concerning. M. Bunn – do not

expand facilities but build new is how they do things. The Waverly building would stay if so needed to expand to another facility. Kryzer – looking at the site plan, no plan to expand east or west, but there appears to be room. M. Bunn – no plan to expand. Learned this is about as large of a building as they should have. Once beyond that, it is time to build a new building.

- I. Bravinder – can attest to what was stated. There are two churches in the Cokato area, and it has been typical to move into a new building, not keep expanding the existing building.
- J. Thompson – feels the cemetery is a good thing to have.
- K. Felger questioned if there will be a steeple. M. Bunn - no.
- L. Mol asked if there is a school something in the congregations' thoughts, as that would change the use. M. Bunn – can't speculate on the future, but they believe that children should attend public schools.
- M. M. Bunn stated they would welcome additional comments and questions from the neighbors. Mol opened the floor to the public.
 - Josh Borrell questioned the plan for the other 50 acres that is wetland and across the wetland. Willing to talk with the applicant after the meeting.
 - Joe Borrell questioned the location of the septic system. Rhineberger used the site plan to explain primary and alternate sites. Joe Borrell stated his home has drainage issues with water coming from the north and does not want to have additional problems. Rhineberger – there is a stormwater management plan that will be reviewed by SWCD. Staff will review the septic design at the time of application.
 - Dick Borrell questioned the location of the well and its depth. He does not want his well to go dry.
 - Greg Halling with Halling Engineering and the one who prepared plans for the septic system. Designed peak water usage during the 3 days of events. Use experience with the Delano location when working on this design. Personally, not sure of the average depth of wells in the area.
 - Mike Wren questioned if there is a need for sprinklers in a building this size and how amount of water is required to be on hand.
- N. M. Bunn – not sure about the depth of the well or if there will be two wells. With the Delano location, there is a holding tank for the sprinklers.
- O. Bravinder stated he has concerns with the lighting. With a church across from his home, they had a significant amount of input on what lighting was installed. The lights point downward vs. pushing out and shielded in a certain way. Wonders if there is a way to address lighting in the motion so that neighbors are not affected. Kryzer – lighting would be difficult to address in verbiage. Generally, staff would want to see lighting in the plan. LED lighting is much more sophisticated than older streetlamps. If wanting to see a lighting design, maybe a plan needs to be seen by the Commission with more specific comments. Bravinder – already stated there will be timers, which he is okay with. LED lighting still needs to have proper shielding to not affect the neighbors. Rhineberger suggested condition that all lighting be directed to the interior of the property. Kryzer questioned the applicant if they had any comments. Mike B – no plan for lighting but will be similar to Delano and was a concern of the neighbors. Lighting pollution is managed by timers and only on when the building is used and does not shine outside of the parking lot. When not in use, there will be a few interior corridor lights left on.

- P. Motion made by Holland to approve a conditional use permit for church and cemetery, in accord with the discussion, the plans, and narrative on file with the following conditions: 1) Stormwater management plan be approved by the Wright SWCD and SWPPP from the MPCA be submitted at the time of building permit application; 2) Adequate parking must be provided on-site, parking on public roads shall be prohibited; 3) Any drain tiles located on the property must be maintained; 4) The cemetery must meet all federal, state, and local regulations; 5) Large events shall only be allowed in accord with the narrative and description provided; 6) Any requirements by the Township regarding dust control must be followed; 7) This request is subject to a one-year Township review, with subsequent reviews at an interval determined by the Township; 8) Any change in use or expansion requires a new Conditional Use Permit. Seconded by Thompson.

DISCUSSION: Mol – how is the township to review and reject if the church is already built? Kryzer – mainly addresses concerns related to lighting, parking on streets, or using more than what is on the approved plan. Rhineberger – if not used in the approved fashion, there is a possibility for revocation. Kryzer – at township review, dust can be addressed. Bravinder questioned if a dust control condition should be specified from Hwy 12 to 70th St SW. Mol – suggestion would be to leave as it is motioned with the yearly township review to address at that time. Kryzer – condition 6 could state minimum dust control be provided from the south property line north to Hwy 12.

Holland amended condition number 6) Minimum dust control be provided from the south property line north to Hwy 12. Amended seconded by Thompson.

DISCUSSION: Rhineberger suggested adding a condition that the previous CUP for a solar farm, approved on 12/10/2015, Doc #A1315535, must be revoked by the property owner before construction activities. There was also a comment made by member Bravinder regarding lighting with a potential condition of lighting must be on a timer, be off when the church is not in use, and must not be directed off the property.

Holland and Thompson agreed to include conditions 9) Previous CUP for a solar farm, approved on 12/10/2015, Doc #A1315535, must be revoked by the property owner prior to construction activities; 10) Lighting must be on a timer, be off when the church is not in use, and must not be directed off the property.

VOTE: CARRIED UNANIMOUSLY

9. **Ordinance 24-4** – New

The Wright County Planning Commission will be reviewing and discussing proposed amendments to the Wright County Code of Ordinances. Proposed is to amend Section 155 to include the Floodplain Overlay District with associated changes.

- A. Rhineberger – the ordinance amendment is the result of a floodplain modernization process that was started in approximately 2008. As part of the review, FEMA contractors converted old floodplain maps using the County's LIDAR topography information into new, more accurate, and digital mapping-capable layers. To use those products, FEMA and the MN DNR are requiring the Floodplain Ordinance to be updated to reflect the updated maps, allow the use of the updated maps, and be consistent with federal and state requirements. This amendment will be processed as removal and replacement for the entire Floodplain District section, 155.059, with some associated changes to definitions and other portions of the ordinance as appropriate. Rhineberger, several staff members, and counsel were involved in the review process. The MN DNR Floodplain Division has reviewed and approved the proposed amendment, pending any changes by this Commission or the County Board. There is a timeframe associated with this amendment, as the updated ordinance must be approved by the County Board and submitted to the MN DNR by June 18, 2024, to meet the June 20, 2024, deadline. There are a few cross-over items with the Floodplain Ordinance having some very specific language that cannot be changed, so definitions and the addition or removal language were addressed in several sections of the County Ordinances so that not all properties are affected by the language of the Floodplain Ordinance. Four townships did reply in favor (Rockford, Corinna, Franklin, and Monticello) of amending the ordinance. Victor Township indicated they disapprove because 155.008 non-conforming is too restrictive, and they do not want amendment or removal of the time limit from the wording. In reviewing the language in the non-conforming section, the only item changed was the removal of a portion that references non-conforming in a floodplain. The reason for the change is that the new ordinance has its own non-conforming section, so it would not be needed in two areas of the ordinance.
- B. Holland stated she was part of the Revisor's Group along with counsel, Rhineberger, and another Commissioner who reviewed the ordinance and sent it forward with no change.
- C. No public comment.
- D. Felger moved to close the public hearing and recommend approval of Ordinance 24-4 to the Wright County Board of Commissioners. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission has scheduled a site inspection date for Monday, June 3rd, with the Commission to meet at 8:30 a.m. at the Government Center.

Meeting Adjured: 9:57 pm

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR: sd

cc: Planning Commission
Kryzer
Twp. Clerks