

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: September 19, 2024

Minutes

The Wright County Planning Commission met on September 19, 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, Pat Mahlberg, Ken Felger, Sandy Greninger (late), Jan Thompson, and Dan Bravinder. Member Jeanne Holland Greg Kryzer, Assistant County Attorney, was the legal counsel were absent. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office.

ACTION ON AUGUST 29, 2024 MINUTES

On a motion by Bravinder, seconded by Mahlberg all voted to adopt the minutes for the August 29th, 2024, meeting as printed.

PUBLIC HEARINGS:

1. ROBIN BRISSE - New

LOCATION: 3108 142nd St NW - Part of Government Lot 1 Section 21, Township 122, Range 26, Wright County, Minnesota. (Locke Lake - Silver Creek Twp) Tax # 216-100-214400 Property Owner: JOHNSON, LENORE

Petitions to rezone the portion of the property north of 142nd Street NW from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Urban/Rural Transition (R1) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.049 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

A. Chairman Mol called for the applicant or representative three times and with no one stepping forward, the item was moved to the end of the meeting.

2. DONAVON DESMARAIS – New

LOCATION: 1079 County Road 39 NW - Part of the SE 1/4 of the NE 1/4 of Section 11, Township 121, Range 26, Wright County, Minnesota. (Lake Ida - Silver Creek Twp) Tax # 216-000-111401 Property Owner: JD DOSSIER HOLDINGS LLC

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

A. Chairman Mol called for the applicant or representative three times and with no one stepping forward, the item was moved to the end of the meeting.

3. **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 amend a Conditional Use Permit for a three-lot unplatted subdivision by adjusting the line between Parcels B & C of the original approval, as regulated in Sections 155.029 & 155.047, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Richard Davis

- A. Rhineberger gave a brief review of the request as it was recently heard in June for the rezoning and even more recently at the last meeting for a different version of the 3-lot subdivision. Today's request is to amend the previous 3-lot CUP by adjusting the common property line between lots B and C of the previous approval. Only Parcel B and C of the original three-lot subdivision approved in August 2024 are being adjusted. This adjustment moves the property line between those two lots to the south 115.99 feet and therefore creates Parcel B at 13.53 acres and Parcel C at 13.53 acres. The reason for the alteration is that potential buyers wanted to even out the acreage of the two lots. Monticello Township has recommended approval of the request. Staff does not have outstanding concerns, as both proposed lots would meet the minimum A/R zoning requirements, and an unplatted subdivision had previously been approved. The revised request will not change the Notice of Decision for the wetland delineation on the property and based on the new survey there is still room to place a driveway around the wetlands on the southern proposed parcel.
- B. Davis – the soil borings were double-checked and the line movement doesn't affect location of a septic system.
- C. No public comment.
- D. Rhineberger stated that the proposed change in lot lines came up right before the August meeting and with not enough time to change the public notices it was decided to continue with that request so that Parcel A could be sold and the applicant would reapply for this amendment.

Greninger arrived at 7:34

- E. Mahlberg moved to approve a conditional use permit for a two-lot unplatted subdivision in accordance with the survey completed by Bogart, Pederson & Associates, Inc., signed and dated 6/19/2024; file number 24-0084.00 with revisions dated 8/27/2024, with the following conditions: 1) If required by Monticello Township, access permits must be obtained prior to any construction activity commencing; 2) Per the Feedlot regulations, properties will be allowed 1/2 animal unit per acre and are limited to less than 10 animal units regardless of parcel size. Motion seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

2. **DONAVON DESMARAIS** – New (Held over from earlier in the meeting)

LOCATION: 1079 County Road 39 NW - Part of the SE 1/4 of the NE 1/4 of Section 11, Township 121, Range 26, Wright County, Minnesota. (Lake Ida - Silver Creek Twp) Tax # 216-000-111401
Property Owner: JD DOSSIER HOLDINGS LLC

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

Present: Donavon DesMarais

- A. Rhineberger displayed the proposed plan and reviewed the request. The 35.39-acre property is in Silver Creek Township and as of August 2024, the property has been rezoned to Agricultural/Residential (A/R), with most of the property falling within the Residential-Recreational Shoreland District Overlay-S2 since the property is within 1,000 feet of a lake. The request is for a CUP three-lot unplatted subdivision with proposed Parcel A as 10.2 acres and road access along County Road 39 NW, Parcel B 13.29-acres with the existing home, and Parcel C to be an 11.9-acre lot with road access along Baker Avenue NW. All three lots meet the A/R zoning minimum requirements. Silver Creek Township recommended approval of the subdivision when the request was in front of them in July for the rezoning. At the time, Silver Creek had some drainage concerns with Parcel C and Baker Avenue. However, Silver Creek Township was recently working on cleaning out the ditch and the applicant has spoken with Silver Creek Township regarding the drainage. The Wright County Highway Department commented that Parcel A would be allowed access to County Road 39 NW, but an access permit would be required.
- B. No comment from DesMarais or the public.
- C. Mahlberg questioned if this specific item was heard at the Township. Rhineberger explained the Township heard and responded simultaneously to the rezoning and the subdivision concept plan, as presented. Mahlberg questioned if the drainage concern was truly addressed with DesMarais stating there is an email record that was provided. Rhineberger confirmed email document is in the Staff Report provided to the Commission. Mahlberg stated he read the email but may not interpret the statement as affirmatively.
- D. Thompson questioned the wording of the proposed animal unit condition and what animals would be allowed. The condition reads; *'Per the Feedlot regulations, cattle and swine are prohibited. All livestock must be at least 300 feet from any lake.'* Rhineberger explained the Feedlot regulations related to 300 ft. and 1,000 ft. shoreland rules and what animals would and would not be permitted. Consensus was that, if approved, the condition could read; *All other livestock must be at least 300 feet from any lake.*
- E. Mahlberg addressed the email exchange between Chris (Chris Klein with Silver Creek Township) and Paul (Paul Otto with Otto & Associates) and questioned the comment made by Chris regarding being unsure if there will be additional drainage needs. Malberg asked member Bravinder, as a

Township Supervisor himself, if the drainage is an issue that should be addressed. Bravinder – in the email, Chris states he recalls drainage concerns being a non-issue at this point. Mahlberg stated he wants to be sure that an issue doesn't need to be addressed. Bravinder – at the site visit the Township was in the process of cleaning the ditch. He feels that the building sites will not add more water to the drainage issue. His interpretation is that if there is a drainage issue it would be in the ditch and therefore a Township problem to address, which they are. Rhineberger – at the July 9th Township meeting two separate motions were made. The first was to approve the request, which was rezoning,. The second motion was to approve the presented concept plan. Bravinder questioned if that was their Planning Commission or Town Board approval with Rhineberger explaining both. Mahlberg – there was a motion asking for an engineering study for an assessment on the drainage as well. He does not think there was a study done or presented to the Commission. What he is hearing from member Bravinder is that he would be comfortable, at a Township level, that approval of the concept plan will not compound a drainage issue if one exists. Bravinder state he is confused by the Townships motion and was a drainage assessment supposed to be done by the County? Rhineberger – no. Bravinder – the concept plan was approved by the Township.

- F. Mol – the water issue is with the Township ditch and that is their problem to address. Bravinder agreed.
- G. Felger moved to approve a conditional use permit for a three-lot unplatted subdivision in accordance with the survey completed by Otto Associates, signed and dated 8/19/2024; file number 24-0288, with the following conditions: 1) An access permit must be applied for and obtained from the Wright County Highway Department prior to any construction activity commencing on Parcel A and from the Township, if required, for Parcel C; 2) Per the Feedlot regulations, cattle and swine are prohibited. All other livestock must be at least 300 feet from any lake. Properties will be allowed 1/2 animal unit per acre and are limited to less than 10 animal units regardless of parcel size. Motion seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

4. **COLE SHAKE** – New

LOCATION: 909 25th St SE - NE 1/4 of SE 1/4, Except part of highway, Section 18, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-184100 Property Owner: BING PROPERTIES MN LLC

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

Present: Cole Shake

- A. Rhineberger displayed the proposed site plan and reviewed the request. The property is 40.37 acres located in Rockford Township and zoned General Agriculture-AG. The property has one entitlement and a current conditional use permit for an existing cell phone tower, which was approved in January 2011. Today's request is for an interim use permit for a non-commercial contractor's yard for a tree service company. The applicant, who is the potential buyer, would like to convert roughly 840 square feet of the existing 6,600 square foot pole building into a single-family dwelling unit. Non-commercial contractor yards require a dwelling, business owner to live on the property and the property to be homestead. The applicant is also asking for a 50' x 60' outdoor storage area just west of the pole building. Proposed remodel plan for the existing pole building was displayed and reviewed. The applicant has not met with Rockford Township. The Wright Soil and Water Conservation District indicated there are wetlands on the property and zero fill or drainage is allowed in those areas. There have been no other comments.
- B. No comment from Shake or the public.
- C. Mol – with no response from the Township the Commission needs to decide how they want to proceed.
- D. Bravinder stated he at this point he has no questions and feels continuation of the item would be good. Mol asked about thoughts of a site inspection with Bravinder agreeing a site visit would be good.
- E. Bravinder moved to continue the item to the October 10th meeting to allow time for the Township to respond and the Commission to visit the site. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

1. **ROBIN BRISSE** – New (Held over from earlier in the meeting)

LOCATION: 3108 142nd St NW – Part of Government Lot 1 Section 21, Township 122, Range 26, Wright County, Minnesota. (Locke Lake – Silver Creek Twp) Tax # 216-100-214400 Property Owner: JOHNSON, LENORE

Petitions to rezone the portion of the property north of 142nd Street NW from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Urban/Rural Transition (R1) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.049 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No representative present

- A. Rhineberger pointed out that with most rezoning requests the Commission does like to visit the site as part of the process. The applicant has yet to meet with the Township but they were advised to attend tonight's meeting so if there was discussion they could be involved. He is not sure why no one is present but now would be the time for the Commission to set a site inspection.
- B. Thompson moved to continue the meeting to the October 10th date and there be a site inspection. Motion seconded by Mahlberg.

DISCUSSION: Mahlberg asked that Staff contact the applicant and confirm they are still wanting to move forward with the request prior to the date of the site inspection so that time is not wasted.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled a site inspection date for Monday, October 7th, with the Commission to meet at 9:00 a.m. at the Government Center.

Discussion Items:

1. Rhineberger let the Commission know that the proposed 2025 meeting calendar is in their packet. If there are dates members have concerns with they should notify Staff. The calendar will be officially voted on at the first meeting in 2025.
2. Mol tossed out the idea of a Board workshop this winter with staff to go over rezoning and the planning of the county moving forward plus other items the Board might have questions on. Bravinder agreed that it would be a good idea to meet and talk about possibly updating the Quadrant Plan. Rhineberger explained that is a decision made by the County Board. Mol stated he would like to see a workshop in January or February. If there is an item a board member would like to discuss or learn more about they can let staff know. Thompson agreed a workshop would be good. Mol directly asked Rhineberger to look at dates in January and February. Rhineberger confirmed he will work with his staff on a plan and feels it would be good to have both the Planning Commission and Board of Adjustment involved.

1. **ROBIN BRISSE** – New (Applicant arrived late)

LOCATION: 3108 142nd St NW – Part of Government Lot 1 Section 21, Township 122, Range 26, Wright County, Minnesota. (Locke Lake – Silver Creek Twp) Tax # 216-100-214400 Property Owner: JOHNSON, LENORE

Petitions to rezone the portion of the property north of 142nd Street NW from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Urban/Rural Transition (R1) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.049 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Robin Brisse

- A. Mol called Brisse to the front and explained the item was already continued but he'd be willing to allow her to speak on the item.
- B. Rhineberger displayed various maps of the property, area, and concept plan as he reviewed the request. The property is part of several parcels but only the 23.08 acre parcel is part of the request. The property is located along 142nd Street NW, in Silver Creek Township on Locke Lake. The request is to rezone everything north of 142nd Street NW from General Agriculture (AG) to Urban/Rural Transition (R1) with Residential-Recreational Shoreland District Overlay (S-2). If rezoning is approved, the applicant would like to apply for a simple platted subdivision, creating two riparian lots on the roughly 2.5 acres rezoned to R1/S2. In the Northwest Quadrant (NWQ) Land Use Plan, the portion of the property located north of 142nd Street NW is designated as Residential. As mentioned earlier in the meeting no response from Silver Creek Township has been received. With the concept plan displayed Rhineberger went over the rezoning details of the two lots north of 142nd St and the remainder being left at General Agriculture (AG). Following and approve rezoning request would be a simple plat request with no new roads required. No neighbors have commented.

- C. Brisse questioned if the request would not be approve at the county level until approved with the Township. Rhineberger explained that the Planning Commission relies on comments from the Township when making their decision and therefore want to hear from them prior to making a decision. With rezoning the Planning Commission will make a recommendation to the County Board and the County Board is the one to have the final say on approval or denial of the rezoning. As of right now, the Planning Commission has decided to continue the item to the October 10th meeting to allow for Township response and a site inspection on October 7th. Brisse asked if she should be at the site inspection or the County Board meeting. Rhineberger – at the site inspection we would like to have a representative present that could answer some basic questions. The County Board meeting does not require attendance. Brisse and Rhineberger went on to discuss the steps of rezoning and plat process with Brisse stating she understood the process and would contact Planning & Zoning with additional questions.
- D. Mol stated the item was continued to the October 10th meeting to allow time for a site inspection on October 7th and the applicant to meet with the Township prior the meeting on the 10th. Brisse confirmed she was set to meet with the Township October 1st.

Meeting unanimously adjourned at 8:20 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks