

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: October 10, 2024

Minutes

The Wright County Planning Commission met on October 10, 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, Jeanne Holland, and Dan Bravinder. Greg Kryzer, Assistant County Attorney, was the legal counsel present. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office.

ACTION ON September 19, 2024 MINUTES

On a motion by Felger, seconded by Thompson all voted to adopt the minutes for the September 19, 2024, meeting as printed.

PUBLIC HEARINGS:

Mol announced to the public that when stepping forward to speak at the podium they need to complete the sign-in sheet, state their name, and keep comments to 4 minutes.

Rhineberger addressed the Commission with a request to add discussion regarding the December 12th meeting date to the end of the meeting, with the Commission agreeing to do so.

1. COLE SHAKE – Con. 9/19

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.

- A. Rhineberger called for the applicant or representative to step forward and when no one did he went on to explain that the applicant stated he would not be able to make the meeting, nor was confident his relator would be able to attend. Rhineberger asked to have the item held until the end of the meeting with Chairman Mol agreeing.

2. **ROBIN BRISSE** - Cont. 9/19

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. Rhineberger displayed the Land Use Plan map and proposed concept plan as he reviewed the request. This item was continued from the last meeting for a site inspection, which was completed. The request is to rezone everything north of 142nd Street NW from General Agriculture (AG) to Urban/Rural Transition (R1) with a Residential-Recreational Shoreland District Overlay (S-2). The portion of the property located north of 142nd Street NW is designated as Residential in the Plan and the portion south of 142nd Street is designated as Agricultural. The Township has approved the rezoning request. No other comments have been received.
- B. There was no comment from Brisse or the public.
- C. Holland stated that the request is straightforward.
- D. Bravinder moved to recommend approval to the County Board of Commissioners to rezone that portion of parcel 216-100-214400 north of 142nd St. NW, from AG General Agriculture and S-2 Residential Recreational Shoreland to R1- Urban Rural Transition and S-2 Residential Recreational Shoreland, because it finds the property is aligned with the goals and policies of the Northeast Quadrant Land Use Plan. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

3. **RYAN NELSON** – New

LOCATION: XXXX 127TH St NW - Part LT 1 & 80 RDS OF LT 2 & W1/2 OF SE1/4 EX E1/2 OF E1/2 OF SW 1/4 OF SE 1/4, Section 36, Township 122, Range 26, Wright County, Minnesota. (Melrose Lake - Silver Creek Twp) Tax # 216-100-361301 Property Owner: Nelson Acres LLC

Petitions to rezone a 2.31-acre portion of the property south of 127th Street NW from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential-a (R2a) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.051 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ryan Nelson

- A. Rhineberger displayed maps of the property which included the Beacon aerial view as he reviewed the request. It was noted that this item is a two-part request that is related to the next item. The property is 88.23 acres in Silver Creek Township and currently zoned General Agriculture (AG). The first step of the request is to rezone a 2.31-acre portion of PID 216-100-361301 south of 127th Street NW from AG with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential-a (R2a) with the S-2 overlay. If approved, the second step is the next item on the agenda. That request is for a one-lot unplatted subdivision that is essentially amending a previously approved 1979 5-lot, unplatted subdivision by adding the proposed rezoned 2.31 acres to what is currently PID 216-100-363104. Due to the way the lots were created and the difference in zoning the item needs to go through this process versus a lot line adjustment with the Board of Adjustment. Silver Creek Township approved the request as there are no new buildable parcels and only adding land to the neighbor.
- B. Nelson stated he purchased the property a few years ago and the wooded area does not benefit him so when the neighbor voiced interest in purchasing he looked into what needed to be done to make that happen. When he spoke with Planning & Zoning it was explained this rezoning process needed to occur to divide that small portion.
- C. No comment from the public.
- D. Felger questioned if the 2.4 acres is a separate parcel. Rhineberger used Beacon aerial and the survey to explain that only the 2.4 acre portion would be rezoned with the subsequent step being a subdivision. Felger asked the applicant what assurance there is so that if the 2.4 acres is approved for rezoning the sale won't fall through and there is a split zoned property. Nelson stated that for the past 3 years he has been having conversations with the neighbor and they are the ones that approached him so he does not foresee the purchase falling through.
- E. Thompson moved to recommend approval of the rezoning of that portion of tax parcel 216-100-361301 noted as Tract E on the survey prepared by O'Malley & Kron Land Surveyors, Inc., Job. No. 2021-800, dated 8-14-2024, from AG-General Agriculture and S2-Shoreland to Suburban Residential-a (R2a) with a Residential-Recreational Shoreland District Overlay (S-2) to the Wright County Board of Commissioners. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **MARILYN HENNINGSON** – New

LOCATION: XXXX 127TH St NW – Part of Gov't Lot 5 as well as part of Gov't 1 & 80 RDS OF Gov't 2 & the W1/2 OF SE1/4 EX E1/2 OF E1/2 OF SW 1/4 OF SE 1/4, Section 36, Township 122, Range 26, Wright County, Minnesota. (Melrose Lake - Silver Creek Twp) Tax # 216-100-363104 & 216-100-361301 Property Owner: Marilyn M Henningson Trust and Nelson Acres LLC

Petitions for a Conditional Use Permit for a one-lot unplatted subdivision as regulated in Sections 155.029, 155.051 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ryan Nelson of Nelson Acres LLC

- A. Rhineberger displayed the proposed survey and Beacon aerial as he reviewed the request. The 17.73-acre property was part of an approved rezoning to Suburban Residential-a (R2a) and a 5-lot unplatted subdivision request in 1979. This request is the 2nd part of a two-step project with the first step being to rezone a 2.31-acre portion of PID 216-100-361301 from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential-a (R2a) with the S-2 overlay. That item was just heard and will be moving to the County Board for the official rezoning decision, which will be on November 5th. This request is for a one-lot unplatted subdivision that is amending the previously approved 1979 unplatted subdivision by adding the proposed rezoned 2.31 acres to what is known as Lot E of the 1979 unplatted subdivision. Silver Creek Township has approved as requested. No other comments have been received. If this item were to be approved there are recommended conditions that will ensure the subdivision can't happen if the County Board doesn't approve the rezoning.
- B. No comment from the applicant or the public.
- C. Mol questioned the Commission if there were questions or items to be discussed and heard none.
- D. Thompson moved to approve a conditional use permit for a one-lot unplatted subdivision that attaches Tract E on the survey prepared by O'Malley & Kron Land Surveyors, Inc., Job. No. 2021-800, dated 8-14-2024, to tax parcel 216-100-363104, with the following conditions: 1) County Board approves of the rezoning request; 2) A full survey of the resulting lot be provided to Planning and Zoning prior to transfer; 3) Parcels be combined into one parcel number at the time of transfer or an Administrative Order be signed by the property owner prior to transfer. Holland seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **BIG RIG COMPANIES** - New

LOCATION: 14772 COUNTY ROAD 8 NW – S1/2OF NW1/4 & TH PRT OF NW1/4OF NW1/4WH LIES SLY OF SLY R/W LN OF I-94 Section 21, Township 122, Range 26, Wright County, MN. (Lock Lake - Silver Creek Twp.) Tax #216-100-212300 Property Owner: VORANDESOTO LLC

Petitions for an Interim Use Permit for a truck sales business with diesel services and repair as regulated in Sections 155.031 & 155.054, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

- A. Rhineberger stated the applicant requested the matter be continued to the November meeting to allow them time to work with the Township and developer on concerns mentioned at the Township meeting. Silver Creek Township has recommended denial of the request, as presented, due to not having a turnaround for trucks.
- B. Holland moved to continue the matter to the November 7th meeting, at the applicant's request, in order for them to have time to work through access and road issues. Motion Seconded by Felger.

DISCUSSION: Bravinder wants to make sure that at the November meeting there is comment from the Township regarding the conditions of 148th Street. The road is a little rough and with the proposed heavy traffic he wants to know if there are plans to do anything with the road.

VOTE: CARRIED UNANIMOUSLY

6. **PETER PAUL SHELQUIST** – New

LOCATION: XXXX County Road 39 NE - Part of Gov't Lot 2, Section 16, Township 121, Range 24, Wright County, Minnesota. (Mississippi River – Monticello Twp) Tax # 213-000-161203 & -161205. Property Owner: PETER D. SHELQUIST

Petitions for a Conditional Use Permit for a two-lot platted subdivision as regulated in Chapter 154 & Sections 155.029 & 155.058, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Peter Shelquist (notice error of Paul Shelquist noted)

- A. Rhineberger displayed map details of the property and reviewed the request. The property is roughly 6.9 acres in Monticello Township along County Road 39 NE, zoned Wild & Scenic (WS), and is designated as Rural Residential in the Northeast Quadrant (NEQ) Land Use Plan. This request is to create a two-lot platted subdivision. In the WS district, each lot must be at least two acres in size with 200 feet of width at the building line and the ordinary high-water mark (OHW). If approved, Lot 1 would be a buildable homesite on 3.1 acres, and Lot 2 would be on 3.2 acres. It was noted that the preliminary plat does not indicate that the western lot meets the 200 ft. minimum width at the OHW, which is a requirement. The Wright County Highway Department indicated only one access to County Road 39 will be allowed, so a shared driveway will be required and the easements for the driveways clearly delineated on the plat. Monticello Township recommends approval of the platted subdivision.
- B. There was no comment from Shelquist and the public.
- C. Holland feels the Commission might benefit from seeing the property and that would also allow time for the applicant to get an updated plat document with the required additional details. Rhineberger stated that he wants to ensure minimums are met as there are no variances allowed in the WS district.
- D. Holland moved to continue the matter to the November 7th hearing to allow time for the developer to update the preliminary plat by showing the minimum width at the ordinary high-water mark (OHW) can be met and provide the easement needed for the shared driveway. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

7. **JAMES BURANEN** – New

LOCATION: XXXX Osborn Ave NW - Part of the N 1/2 OF SW 1/4 Section 15, Township 121, Range 28, Wright County, Minnesota. (Southside Twp) Tax #217-000-153101 Property Owner: J & J MARINE INC

Petitions to rezone 10 acres in the southwest corner of the property from General Agriculture (AG) to Highway Business (B1) as regulated in Sections 155.028, 155.048 & 155.053, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Travis Buranen

- A. Rhineberger presented a map of the location and proposal and he reviewed the request. The property involves a 10-acre rezoning out of a 61.69-acre parcel. This process started with a Board of Adjustment (BOA) hearing granting a lot line adjustment to divide 10-acres off of the farm parcel to the north of what is J & J Marine. As part of this process, the lot line adjustment attached the 10-acres to the existing J & J Marine parcels. That adjustment was contingent upon rezoning and re-subdivision, which needs to be done if rezoning is approved. This request is to rezone the 10-acres from General Agriculture (AG) to Highway Business (B1) with the intent to expand the commercial operation of J & J Marine. The Township has approved and no other comments received. The next step would be a subdivision request to put all parcels together and at the same time review a new interim use permit for the existing operation.

Member Sandy Greninger arrived at 8:00 pm.

- B. No comment from the applicant or the public.
- C. Mol questioned the Commission if there were questions or items to be discussed and heard none.
- D. Felger moved to recommend approval to the County Board of Commissioners to rezone that portion of parcel 217-000-153101, noted on the survey by Otto Associates, Project No. 24-0138, dated 2-23-24, from AG General Agriculture to B1 Highway Business, because it finds the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan and will be attached to the neighboring business parcels. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

8. **ARBOR CREEK HOLDINGS LLC** – 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 a land alteration of approximately 3,493 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, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances

Present: Bernie Miller (MSTS), Jason Ver Steeg (Duininck, Inc.), Ken Meek (Earth Science Associates, Inc.), Darrin Flygare (Flygare Excavating, LLC), Darwin Hoffman (D Hoffman Construction, LLC.) and Sarah Pomerleau (property owner)

- A. Mol asked the public to write down their name and address on the sign-in sheet as well as keep comments to 4 minutes.
- B. Rhineberger displayed the proposed site plan details as he reviewed the request. This is the 3rd application for land alteration and amendment to the original CUP. The property is 7.69 acres zoned R2a and part of the Hannah's Landing subdivision. This request includes the movement of approximately 3,493 cubic yards of material within the shoreland district, which requires the CUP, and an amendment to the original CUP condition that the house be built above the bluff. The 1st request was for 14,000 cubic yards, 2nd was about half that at 7,700 cubic yards and this request is at about 3,500 cubic yards. Rhineberger went on to display and review the excavation plan and proposed house plan. Southside Township has recommended denial of the request because the original development approved the house above the bluff. The Greater Lake Sylvia Association (GLSA), through their legal representative, has resubmitted their previous objection to this request as well as another submittal recommending denial. Eight comments have been received supporting the request.
- C. Miller – in the past, there were several concerns around siltation, drainage onto neighbors, amount of fill, and long-term impacts to the bluff or degrade the quality of the lake. The owners brought in engineers, environmentalists, excavators, and builders to review those concerns and determine how they can be addressed and improved. He feels that Ver Steeg (engineer) created a great plan for the site and incorporated an old road that was overlooked in the past. The design utilizes that route instead of building a large land bridge and the area already controls drainage. He feels this new plan does a better job of pulling water away from neighboring property as well as eliminates a lot of fill. He spoke with James Bedell (MN DNR Hydrologist) and he is okay with this plan. He believes that some of the concern around the bluff was with digging out the bluff and removal of trees. The new proposed driveway area has already mostly been cleared of trees and the fill being added to the bluff doesn't degrade the slope of the bluff. As part of the new plan the house has been pulled back from the lake and is now proposed at 102 ft. from the ordinary-high-water (OHW) as well as lowering the grade and leaving most of the ice ridge intact. Miller used the document camera to display and review photos of the existing driveway and proposed home location. Felger questioned the stakes shown in the displayed photos. Miller explained the stakes would have been the previous homesite location and went on to explain that the home area is considerably flat and water will have a hard time getting to the lake. He would be more concerned with the construction aspect but there is still so much room from the bottom of the bluff to the lake and with an added silt fence he doesn't see how water could get to the lake. He feels that the Township thought the plan was a great improvement but couldn't get past that the house is proposed below the bluff versus up top, as originally approved.

- D. Felger questioned why the site plan shows a home on Lot 5. Rhineberger stated that could possibly be part of the original CUP proposal and that Lots 5 and 6 are required, per subdivision conditions, to go through this process to build a home below the bluff. Felger confirmed that on Lot 5 a home does not exist.
- E. Ver Steeg – the Civil Engineer involved in the project – stated that was asked to be involved with the project as a fresh set of eyes and look at what could maybe be done differently. Ver Steeg went on to point out what is different from this plan from past two plans. The current design shifted the driveway to the east and more closely flows with the existing grade while maintaining a 15% longitudinal slope along the drive. This allowed a reduction of fill in the bluff by approximately 8 ft. from what was a maximum fill of 14-16 ft. and allowed an opportunity to remove the need for retaining walls. The new plan is for a hard surface road that will cross the slope into a curb and gutter that runs the bluff side of the driveway. The curb and gutter will direct drainage to a catch basin which will allow for the water discharge in a controlled manner as it flows to the south. The current design reduced the finish floor elevation from 1,057.5 ft. to 1,055.35 ft., which is 4 ft. above the highest known water elevation and 4.85 ft. above the OHW. The current design leaves a majority of the ice ridge intact with the original design showing removal of the ice ridges. The site soils are very sandy so he doesn't anticipate much, if any, runoff into the lake. He feels the proposed swales will operate as large rain gardens and filtration basins. The current design shifted the home back from the lake an additional 22 ft. from the original plan with the proposed home 102 ft. from the OWH. The amount of cut was reduced by 60 yards and the amount of fill was reduced by 4,745 cubic yards with these changes the amount of material involved with raw cuts and fill is very close to balancing. The difference comes from the surfacing materials that will be brought in such as gravel, asphalt, and sand base. There are other smaller minor changes but what was mentioned would be the biggest changes that have the most impact.
- F. Meek – with Earth Science Associates, Inc. – his company specializes in wetland consulting and technical review of various types of sites. Using the document camera Mr. Meek explained his findings indicated no wetlands on the property. Meek displayed the soil survey (on file with Planning & Zoning) and explained the hydric or non-hydric ratings as related to the property and wetland probability; a 100% hydric rating means peat or muck and is considered wetland soil. He feels that the rip-rap being used by the existing driveway currently is helping prevent erosion but the engineered proposed driveway will cause a lot less erosion to occur. The proposed home location soil is considered “rush lake course sand”. This course sand will allow water to soak in fairly quickly so sedimentation will soak in as would with a rain garden feature. With the swales on either side of the home being vegetative they will further capture siltation. It is his opinion that the site has been very well thought out. There is a Stormwater Pollution Prevention Plan (SWPPP), the builders of the home have experience in dealing with construction sites and he feels that the overall plan will reduce siltation that is likely presently occurring. He feels the property owners are trying to do things right and the plan is a well thought out plan.
- G. Greninger asked for the site plan or aerial map to be used and the location of the existing driveway being discussed be pointed out. Mol stated that during the site visit, they walked down the center of the property and what is being shown in photos is on very east side of the property. Greninger recalled the neighbor to the east stating that part of the driveway crossed the property line and was more like a shared road. Miller – not sure if the neighbor had a clear understanding of the property line but he does know he walked where the new driveway is proposed and it follows what is existing. Ver Steeg – there is a shared drive to access the cabins to the east but that is not on this property. Everything proposed stays 100% on the Pomerleau property. Discussion continued with the Beacon aerial and site plan used to explain the location of the proposed driveway and area where the existing riprap driveway photo was taken. Meek – the new plan cuts diagonal through the bluff and has better-engineered controls. Greninger questioned the location of the catch basin with Ver Steeg using the drainage plan to explain that the catch basin is just south of the end of the curb and gutter, will discharges water over a riprap bed and then into a flat swale. Greninger asked what would be brought in for surface material. Ver Steeg – most likely aggregate Class 5 for base and asphalt road surface that could also be concrete. The raw yards of cut and fill essentially balance and where fill is a little more than the cut is

the aggregate base and surfacing materials. Greninger asked if trucks would come in before, during, or after the paving. Ver Steeg – before and during as the paving material and base material. Miller clarified no material will have to be brought into the site unless it is surface material, which is pavement and base. Greninger – still need trucks to move and they are heavy. Bravinder – movement is all on-site. Flygare stepped forward as the excavator of the project and stated that the moving the dirt would not go on a truck or touch a public road. The shifting of the material will be done with a bucket and in a compact area. The driveway and hard surface will be pitched going towards the bluff so that water will come down the driveway towards the curb and gutter and not run towards the neighboring property to the east.

- H. Mol questioned the location of the septic system with Rhineberger stating on the top of the bluff.
- I. Hoffman – the building contractor stepped forward. Hoffman explained his history with buildings in the county and specifically the Lake Sylvia area. With his projects, he works hard to protect the lake by adding silt fences, mats and does what they can to prevent fill running into the lake. He has worked with Miller and Flygare for well over 20 years so together he feels they have a handle on this project. This is a huge project but it is also just moving soil from one side to the other. Mahlberg asked why this would be called a huge project when the excavator stated the area was fairly compact and Ver Steeg stated dirt movement was fairly balanced. He is estimating a total of 20 trucks and the statement this is a huge project has him confused. Hoffman stated he misspoke with the term huge as that is not the correct term he would use. Mahlberg – there are a lot of moving parts with the project but not as much cut and fill as originally proposed.
- J. Public Comment. Mol reminded the public of the 4-minute time limit.
- Douglas Greven – resident of the lake for 26 years and member of the GLSA as well as the Lake Sylvia Peninsula Association (LSPA), which keeps up the peninsula road. Here today to support and recommend approval of the CUP. They have done a lot of work trying to meet the requirements. They have met with the DNR, which does not have issues with the property, Soil and Water District (SWCD) was consulted as well and they have no issues and they are meeting the 75 ft. OHW requirement. With all that they have done with reducing the amount of dirt as well as correcting previously mentioned water flow issues this appears to be an excellent plan and he recommends this CUP be approved. Greninger asked Mr. Greven if he was a member of the GLSA and speaking for himself. Greven confirmed he is a member and speaking for himself. Greninger – the Association stated they are against the request. Greven commented that there are a lot of members of the Association with many of them who would support the request.
 - Steve Burns – his company did the original teardown of the retreat and built the road going into the property. He is well acquainted with the site. The new proposed driveway is an area he has been up and down many times and at one point there were small buildings at the end of the driveway. He feels this is not a bad plan. His company does a lot of work on Lake Minnetonka and many of those projects are much closer to the lake than this project. He does not see any issues with the proposed plan.
 - Eric Lawson – full-time property owner on the lake for 4 years. He feels the owners have done a tremendous job getting the project to this point and cutting the impact in half multiple times. His perspective is this is a perfect location for a home to be built. One thing he believes makes Lake Sylvia a beautiful place is the homes around the lake. During the summer weekends, there is a continuous parade of pontoon boats going around the lake looking at the homes and he thinks the homes make Lake Sylvia the gem of area lakes. He is in support of this request and feels it should be approved.

- Karl Nordberg stated he is a 4th generation landowner on the lake. This property was originally Nordberg farmland and currently owns property just to the west of this lot. He has extensive knowledge of the area and was also on the site inspection. To him, it doesn't matter where the house is built as either location will impact the bluff. If they build on top of the bluff they will still access the lake, which could cause erosion problems. He feels that it is up to the Commission to decide what will be the lesser of two evils. At the top with more or less uncontrolled access to the lake or down below as presented. The steep hill walked during the site visit was a haul road they used years ago to bring in material to build a dyke and what is now referred to as the frost heave was part of the dyke. In front of Lots 5 and 6 the lake was dredged with the material placed where this home is being proposed. That material had a consistency of pudding for 5-6 years and when firmed they hauled in material so that it could be mowed. Since that time the land has firmed up but he wants people to be aware of why the land is so level in that area. He feels this is a no-win situation for the bluff. If the house is on top there will still be traffic to the lake. Bravinder – at the top of the bluff there is a flat area, what was that? Nordberg stated it has been like that for as long as he can remember. There was a dormitory to the east of that area so he thinks the area was maybe flattened for the dorm. Bravinder – it appears man-made. Nordberg – some probably was when excavation took place. The riprap area being discussed was originally the way his uncle accessed his property, which is east of this parcel, because 77th St. didn't yet exist. He thinks they probably put field stone in this area and it was done in the early 50's.
- Rebecca Baack – owns property on Lake Sylvia and has been part of the GLSA on and off over the years. The lake is spectacular and she understands any building does make an impact. She knows the Koinonia Retreat Center was a beloved open space where a lot of people, not even on the lake, would use the property. If it could have been left open to the public that would have been great and fortunately the parcel was only developed into 6 larger lots. When you look at the lots on both East and West Sylvia you would have a hard time finding lots over 5 acres. In terms of impact, she feels lucky there are only 5-6 lots. Baack feels that the Pomerleau's have gone through extreme measures to proactively preserve what they love as Lake Sylvia. They have consulted the DNR, SWCD, and even the Bureau of Indian Affairs to ensure they would not disrupt burial sites. She has heard tonight that they have made considerable concessions to their plans in order to lower the impact on the land, lake, and neighbors. She understands there is opposition to any building on this site but in her personal experience, the vast majority is excited to see what comes next. She understands a lot needs to be taken into consideration to preserve the bluff and lake and it sounds like to her the experts brought in have taken steps to preserve as much as they can. This proposal adds to the aesthetics of the lake, tax base, and overall charm of this lake. She might be one of the silent majority on this lake that says please let them build, especially with what they have done to mitigate the impact. She feels this should be a yes vote.
- Tim Keane (Mol allowed longer than 4 minutes to speak as he is representing the GLSA) – legal representative of GLSA – the first plan was described as a really really bad plan that emerged to the 2nd application, which was a really bad plan. The premise of the GLSA concerns are still the same. Even though the grading and gash to the bluff has been reduced he feels the Comprehensive Plan needs to be referenced and is an important starting point for any land use application. The Northwest Quadrant (NWQ) Land Use Plan for Wright County provides goals and policies and land use designations. Major goal #4 is *to protect, preserve, and enhance the quality of the natural environment and require development to take place in a manner that makes wise use of Wright County's resources without degradation*. The statement goes on to say *'steep slopes, wetlands, unstable soils, and other sensitive environmental features will be protected, as far as practical, in their natural, stable state. Development on or near such areas may be required to provide larger lot sizes, enhanced setbacks, or other conditions. The development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural*

views of shoreland should be promoted. The final statement under Goal # 4 is development activity should take place in harmony with the existing, stable, natural environment. Development proposals should be adapted to suit the natural landscape, rather than altering the land to suit the development. Finally, the NWQ specifically addresses steep slope protection policies. *Areas designated as steep slopes are environmentally sensitive, and development proposals may be altered or denied if they conflict with the County's goals for protecting these features.* The County Ordinance requires a CUP when substantial alteration occurs, which is in excess of 50 cubic yards of material. The original plan was to excavate 17,000 cubic yards of material and even though this new plan is down to roughly 3,500 cubic yards it is still a substantial alteration in a bluff area of steep slopes. Keane stated that most of what he has to say has been stated in previous communications and correspondences. The applicant should be commended for coming in with a 3rd plan that is not as adverse and impactful as the original plan. The nice flat open space was covered with vegetation when this discussion initially started and since that time a lot of alterations have been done to the site with materials moved and trees removed. The GLSA requests that the Commission go back to the foundation of the Comprehensive Plan and measure this application against the goals and statements of that plan. The GLSA respectfully requests the Commission honor the spirit and intent of the CUP that was originally approved and stipulated development should be above the bluff. Mahlberg – submitted letter states there has been significant tree removal and mass grading. He would like to know what that means in terms of the quantity of trees removed. Keane stated that he relied on the County Beacon photos with the before photos showing the area with dense vegetation and the photographs with the letter were taken with a drone. Mahlberg questioned the number of cubic yards of material removed. Keane – visually it would appear in excess of the County's definition of alteration. He does not have a precise measurement. Mahlberg questioned the area in which materials were moved. Keane – along the ravine and existing area. The tree removal took place over a substantial time period with large truckloads of trees removed from the site. Mahlberg asked if it was larger trees or undergrowth brush. He is looking to better understand the comments in the letter as he still sees a lot of larger trees on the property. Keane feels the question would be best directed to the applicant or property owner. Mahlberg stated he would address the applicant but at this is the time he is addressing the letter. Keane explained that he relied on aerial and lakeshore photos showing the before and after and was not at the site measuring trees but does know from firsthand accounts that there were truckloads of trees removed. Mahlberg – with the letter from February and the updated letter he understands the position of the GLSA is to review what was said from the beginning related to the Comprehensive and NWQ Plans. From the GLSA perspective is there a plan that could be presented and acceptable or is it the GLSA's opinion that any plan with the house below the bluff is unacceptable? Keane – the GLSA believes that the Planning Commission got it right when Hannah's Landing was approved and buildings were required above the bluff. Mahlberg – that approval was conditioned that people do get to come and ask for permission. Is there any scenario in which any ingress/egress road can go through the bluff that might be acceptable or will this current leadership of the GLSA not be happy with any plan such as that? Keane – benchmarks being looked at are the Comprehensive Plan to preserve and protect steep slopes and the bluff as well as the County definition of substantial alteration. This plan is still 70 times the County's definition of substantial alteration. Mahlberg – at the end of the day what is being talked about does the GLSA care about the idea of material balance that is occurring? To him, it seems to be hauling in scores or more of trucks, as was in the original plan. This plan is down to roughly 20 trucks, which seems pretty good and they are trying to adapt their plan to be consistent with the natural environment. The major policy goals mention adapting to what is there and he feels that is what they are doing. Is there anything more the GLSA wants to see this applicant do or are any more experts hired to address concerns? Keane – the 2 concerns of the GLSA arguments are that there are well-articulated policies in the NWQ Plan and a code definition of what a substantial alteration is. This plan is many times the County's definition of a substantial alteration and he is not here to discuss an alternate plan beyond the point that the GLSA believes the County and Commission got it right when they recognized protecting the bluff is important and that building on

- these eastern lots should have homes built above the bluff. Mahlberg – there are a lot of houses on Lake Sylvia that have probably been built in bluffs, on top or below bluffs. Besides the extensive engineering that went into this plan, how is this different than development that has taken place over the years? Keane – the adopted Comprehensive Plan which aspires to protect the remaining natural features in the area. Mahlberg – agrees that Plan probably put the brakes on the unfettered development.
- Steve Burns stepped back to the podium – if you drive around the lake everyone is on the lake. He feels that they (Pomerleau's) are protecting the bluff and lake and the engineering with this type of project is exactly what the Comprehensive Plan says.
 - Eric Lawson stepped back to the podium – the Lake Association is fond of saying they represent everyone on Lake Sylvia but as heard here tonight they do not.
- K. Miller – Ordinance 155.101(A)(3) states that *the extraction, grading, or filling of land involving the movement of earth and materials in excess of ten cubic yards within shore, bluff impact zones, or steep slopes in shoreland areas shall require an administrative permit, but not a conditional use permit.* When this plat was approved if wanting to build below the bluff the CUP needed to be amended with a land alteration permit, so a CUP is required. But, if the house is built on top of the bluff they would need an administrative permit not a CUP. It should be noted that if this is not approved they are allowed up to 4,000 sq. ft. of accessory structures that could be built near the lake without a CUP, which gets to the point of the lesser of two evils regarding controlling access. People will access the lake either way and go up and down what is existing and this plan controls a road and addresses erosion. Rhineberger clarified that Miller is correct that in those impact zones, an administrative permit is required with over 10 cubic yards involved but in 155.101(A)(2) it states *substantial alteration, which is more than 50 cubic yards, in shoreland requires a CUP.* So even if not specifically called out in the original CUP this request would still require a CUP for land alteration because of the amount of material within the shore impact zone.
- L. Ver Steeg – the GLSA pointed out the Comprehensive Plan mentions *steep slopes are environmentally sensitive, and development proposals may be altered or denied if they conflict with the County's goals for protecting these features in their natural stable state.* He would argue that this has been denied twice and what is being done here still complies with that goal. Thompson questioned if the proposed driveway would be paved to the front of the home and if a circle noted on the proposed plan is a pond or catch basin for water coming down the hill. Ver Steeg stated the driveway would be paved to the house and the circle on the plan is a center island of the driveway. The water will be directed north and west of the driveway and into the low area between the driveway and bluff. The swales on either side of the home will direct water towards the lake. Thompson questioned if vegetation planting is planned and if so what type. Ver Steeg stated that does not recall the exact type of vegetation but does know it would be a wet type of species that is specifically used for infiltration basins. Thompson – large amounts of paved surfaces are frowned upon near lakes because it takes away the natural ability to absorb rainfall. She sees a lot of areas covered up with this plan and natural features being taken away. In the course of the bible camp, the buildings were hidden and concealed from lake view. She understands people driving around and liking to look at lake cabins but there are people like to look at the natural beauty. Thompson questioned how water runoff from the roof would be handled. Ver Steeg – in the SWPPP the amount of impervious coverage is noted as 0.7 acres. This development has very large lots and it can take a little more impervious surface. Normal concerns with impervious surface coverage are mitigated through the hard surfaces and planned controls. Thompson questioned what is involved with maintaining the curb and gutter. Ver Steeg stated that little maintenance will be needed. With a gravel or dirt driveway there would be quite a bit of maintenance but in this case with a hard surface it will be almost maintenance-free.

- M. Felger questioned the amount of cut and fill and if only for the driveway. Ver Steeg used the grading plan to explain areas of cut and fill that will occur along the driveway that includes the pad for the home. Felger – is the catch basin connected with an underground pipe to the swale? Ver Steeg – yes, all driveway water and west of the driveway will go into the curb and gutter then into a small pipe and a short distance to a west side swale. The east side of the driveway and island will be directed east to that swale area. Felger questioned if soil borings had been completed for the home site. Pomerleau – yes, four soil borings were done before purchase with no soil corrections required.
- N. Malberg asked who could answer to the grading and tree removal done on-site. Pomerleau stated that she spoke with Rhineberger roughly 5 times regarding the tree rules. She also had 2 surveyors stake the lake setback and neighbor lot lines so that they made sure they were only removing trees according to what is allowed. Mahlberg questioned when the property was purchased. Pomerleau – purchased under Contract for Deed 2 years ago with the Contract for Deed closing out a few months ago. Mahlberg questioned if there were trucks and trucks worth of trees removed and what grading occurred. Pomerleau used the aerial photo and described the area of tree removal while explain that the only grading was well above the bluff. She had a survey done so that the bluff impact zone could be staked before having the driveway installed, which was permitted by the Township, and a flat area created for a port-a-potty. Malberg stated he was glad the last request was denied because for him this plan is a lot better. He would like to hear from Mr. Ver Steeg if there is anything that can be done to make it even better. Ver Steeg stated he isn't sure anything can be done to make it better. Drivability to the house needs to be maintained and he to do so likes to keep the slope at 15%. The bluff currently sits at 45%. The last plan did have a 15% slope coming straight down the driveway but there were also very tall retaining walls on either side. If he had to reduce fill at this point he would probably have to make the slope steeper, which would cause safety accessibility issues. Mahlberg – as a Civil Engineer and working with a company that works on roads, is the idea of a 15% slope about the maximum safe slope for travel through this site. Ver Steeg – yes, for a driveway. Mahlberg – the retaining wall with the last plan was a maintenance concern for him. This design is relatively maintenance free but what is the life expectancy of a private curb and gutter? Ver Steeg – with appropriate care and maintenance they could last forever. With a 15% slope water should keep the gutter clean. Movement will be minimal but with freeze and thaw, there might be some curb that needs to be replaced. Asphalt would need to be resealed after 6-8 years and a mill/overlay after 12-15 years. Concrete surfaces can last much longer. Rhineberger questioned maintenance with the catch basin. Ver Steeg – the bottom of the catch basin will flush on its own but leaves should be cleaned off of the grate. Even if plugged water would bypass the catch basin and flow directly into the swale. Mahlberg asked if the curb and gutter design is one he has seen with other private residences. Ver Steeg stated this design exceeds what he has normally designed in these types of situations. There was one designed for a property on Green Lake with about 18% grade, no curb and gutter was done but instead the water was directed down the roadway and it has worked well. This plan gives an extra level of protection so the bluff isn't being eroded.
- O. Bravinder – in looking at the contours what type of water is there going to be coming down the east side of the property? Is there going to be an impact on the neighbor to the east? Ver Steeg – currently the slope comes down into that east neighboring property and with this plan the idea is that only water south of the new driveway will come down the east side of the property and all other water directed into the curb. The east area will be seeded and matted right away so that vegetation can be established and maintain the existing slope. The intention is to improve runoff in that area. Felger – east side water runs into a swale. Ver Steeg – correct, south of the driveway will continue to run south and for the most part will run into a swale along the east property line.
- P. Holland – east neighboring properties driveway appears to be in the bluff or below the bluff. Rhineberger – driveway would be at the bottom of the bluff and just to the north of 77th Street is straight up. Holland asked if the road goes through the bluff with Rhineberger stating yes, for over 75 years.

- Q. Greninger asked what material the circle or island area consists of. Pomerleau stated the area will be where she plants flowers. Greninger – does the driveway extend down the west side of the home? Ver Steeg – the driveway does not continue past the house; it goes to the house and circles around. Rhineberger used the site plan to explain the driveway, island, and parking area.
- R. Thompson questioned if the home would be slab on grade or have a basement. Rhineberger – the lowest floor elevation requirements will not allow for a basement in this area of the property. Thompson – will the area need to be built up for the foundation? Ver Steeg – some fill might be needed. The hope is to get most from other areas of the site but will most likely need at least 6" of the last layer brought in from off-site. The material figures are included in the provided calculations.
- S. Mol called for a Chairman's break at 10:02 pm with the meeting called back to order at 10:13 pm.
- T. Mol questioned the Commission if they would like to have some additional discussion with the applicants or bring the discussion up to the members. He feels the applicant has done a very good job directing and controlling the water. One of the key portions of the past denial was cutting through a bluff so before moving forward is there any way this Commission is going to allow a driveway going through a bluff? Also, how much damage will be done going through the bluff by just accessing the lake? What is the best way to work with this property and utilize the property? Either way if the house is on top or bottom there still needs to be access to the lake and water controlled to prevent erosion. For him, they have met all the setbacks he looks at with the Board of Adjustment (BOA). The proposed plan controls the water and pushes the sewer to the top. Feels they are at the point of dealing with the bluff and with the BOA he deals with bluffs frequently and bluffs are a very hard subject within Wright County. The house and run-off have been addressed but now the bluff needs to be addressed and how the Commission wants to work through it.
- U. Greninger – her concern is regarding the NWQ Plan and she wants to have a good answer as to why they would go against the County's own plan. The applicant has worked hard and addressed many of the concerns but she still feels there needs to be a solid reason for going against the Plan.
- V. Holland feels that the overall plan is good and the uniqueness of the cut allows the driveway to be low impact to the bluff. There are other lots that would go through the bluff and that is what she didn't like with the last request. She doesn't want to set a precedence with allowing a driveway through a bluff. Greninger doesn't want to set the Commission up.
- W. Mahlberg – the idea of setting ourselves up being used as a decision making tool is a good one and not one this Commission has historically done. He does not feel in this situation it gets the Commission in trouble. The applicant has been brought through the ringer, as they should have been, and just because you are put through the ringer and can hire experts to say this is a good plan it does not mean your request is approved. He thinks this plan has been adapted to protect the sensitive natural area of the bluff to the extent that is practical and does not see what more can be done that allows for development in a manner that is consistent with nearby development and overall consistent in his view with the NWQ Plan. He doesn't think the NWQ Plan states that a bluff shall not be touched and if that was the intention at the time they could have worded it that way. He feels there are reasonable interpretations that could lead to both outcomes, same as it was the last go-round. He feels we are here with a better-adapted plan that better protects the natural environment. If others can come in with a plan that is so well adapted to the bluff that the Commission can see it makes sense and at the same time protects the natural environment and valuable steep slope; then he feels that is an okay precedence.
- X. Thompson – one item that bothers her is related to the history. The lake which she has a cabin started with smaller cabins and as the years passed the little cabins were replaced with large cabins. With the larger buildings going up the natural environment disappeared. Eventually, the small cabin she purchased was

replaced with a home. There are now more and more homes with no natural environment left and the feeling of mother nature and what the lake shore was originally like is no longer present. This site, with the church camp, was built so that it would hide the buildings and people could see part of Lake Sylvia in a more natural state. When the camp was sold the idea was for home sites and the scope changed. She liked the development at the top of the hill as it left the natural environment near the lake for future generations to see. She feels that the bluff has been somewhat changed already. She would not object to visiting the site and seeing what changes have occurred. Past decisions have been based on the bluff and she is not confident in approving the plan as it stands but would be willing to look at the site to see if there is anything that would change her mind. She has voted against development at this site and so far her stance has not changed. Before she makes any decision she would like to know if there is a way to get down the hill safely without disrupting more of the bluff.

- Y. Holland – even if the house is put at the top of the bluff, it would not take away ability for a boathouse or other structures by the lake. This is similar to the farmers with beautiful farmland that is now all houses; that is progress. She likes the comments from member Mahlberg and she feels this is a unique property. She does appreciate the drainage will be maintained but still up in the air on her decision.
- Z. Bravinder – his position has not changed since the last request and feels this is a 100% plan improvement. This property will change regardless of what the Commission does tonight and buildings will be built by the lake. This plan drastically improves the water runoff that is currently coming down the bluff and the water management plan is a good one. The bluff currently has the potential of shedding water to Southeast neighbor but this design will hold a lot of that water back. The proposed house is their house and he is not here to judge what type of house a person wants to build. He feels the biggest item to deal with is the bluff alteration. In his eyes the house is not being built on the bluff and they are making the situation better for everyone all around.
- AA. Felger – except for the original CUP he has consistently voted no because of the impacts. He would note that this is a substantial betterment of the original grading plans. One item that stood out for him is that if the home is at the top of the hill there would be accessory buildings lakeside and the bluff still impacted. That impact may not be as corrective as this current proposal. He likes this plan and the idea of where water will be directed. What held him back when he previously voted no were the sentiments of the Township Board. He feels the Commission needs to understand that this bluff would be impacted with either accessory buildings by the lake or a home, the lake will be accessed. At this point he is leaning towards support of this request because of all the improvements that have been made. There is an ordinance in play but this Commission exists to allow for some wiggle room to the ordinances. He is not sure what else could be done and feels this should be the end of the road. Currently, he is leaning towards support of the current plan.
- BB. Bravinder moved to close the public hearing to all further written and oral comment 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 conditional use permit and continue the matter to the November 7th hearing. Seconded by Holland.

DISCUSSION: Rhineberger asked the Commission if they would like to have any discussion regarding the impact to the existing trail that goes to the lake. This plan does not include corrections or remedies to that path. Mol asked Rhinberger if he is suggesting an added condition that the path be restored. Felger and Thompson agreed that they would like to see the existing path restored. Mahlberg – when you start to talk about corrections and remedies, the source of the trail predates this owner. Earlier testimony indicated that over 70 years ago it was used as a haul road so if the Commission is going to talk about corrective action he wants to see engineered plans that will restore the area and not cause a problem greater than currently exists. Felger – doesn't see the need for an elaborate plan but just a strong suggestion to lay a blanket down or something that will stop the erosion. Mahlberg – the Commission can't strongly suggest something to be done and hope for follow through. The idea is to include a statement as part of the motion that corrective action would be taken but not knowing what that is

isn't fair to anyone involved. Felger – would like to see a simple solution. Rhineberger – suggested a condition that the engineer provide a plan for restoration at the time of building application. Mahlberg questioned what would be required to be done to an area that has been eroded for 75 years. Rhineberger suggested a plan to address future erosion potential. Throughout discussion it was brought up by the Commission that this access was still going to be an erosion problem and now with a new route being allowed does the Commission want something done to the existing route as part of the approval. Mahlberg – if included staff should be directed to say nothing more than best practices will be instituted on that road as there is no record as to what else should be done. Felger – agrees that a specific condition isn't needed. Thompson feels that the roadway to the lake has greatly changed since the Commission visited the site. She has driven into the cul-de-sac and quite a bit of vegetation has been removed from the top of the bluff that could easily be restored. If there is a paved road to the lake there isn't a reason not to have the existing path restored and vegetation added. Holland feels that the path will be fixed because if they don't do anything the water running down the path will likely rush right into the new home. Mol – there is a presented design that does not include the path and something will have to be done to maintain the path. He doesn't feel it needs to be part of the conditions.

Felger called to question.

VOTE: Felger, Bravinder, Mol, Greninger, Mahlberg, & Holland voted AYE. Abstained: Thompson

MOTION CARRIED

9. **COLE SHAKE** – Con. 9/19 (held over from the beginning of the meeting)

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.

A. With no representative present Rhineberger recommended the Commission continue the matter to the November meeting.

B. Mahlberg moved to continue to the November 7th meeting. Motion seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

Discussion Item:

Rhineberger let the Commission know that the December 12th meeting, which was moved to 7:30 pm due to a conflict with the Boardroom, could be moved back to the original 6:30 pm time. The Commission unanimously agreed to the change and made note.

Site Inspection:

Commission scheduled a site inspection date for Tuesday, October 22, with the Commission to meet at 9:00 a.m. at the Government Center.

The meeting unanimously adjourned at 10:50 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR: sd

cc: Planning Commission
Kryzer
Twp. Clerks