

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 12, 2025

Minutes

The Wright County Planning Commission met on Thursday, June 12, 2025, 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: Ken Felger, Sandy Greninger, Larry Smith, Pat Mahlberg and Dan Bravinder. Absent was Jeanne Holland. Brian Wold, Assistant County Attorney, was the legal counsel present. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office.

ACTION ON MAY 22, 2025, MINUTES

Greninger motion to adopt the minutes for the May 22, 2025, meeting as printed. Seconded by Smith.

VOTE CARRIED: Mahlberg abstained

PUBLIC HEARINGS:

1. Matt Brummer – Cont. 5/22

LOCATION: 1605 Highway 55 NE – Part of the W 1/2 of NE 1/4 & the West 2 rods of Gov't Lot 3 north of public road, Section 32, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-321300 Property Owner: MINNESOTA BUILT BUFFALO LLC

Petitions to convert the existing Conditional Use Permit for a mini-storage use, granted in 2023, into an Interim Use Permit and to amend the previously approved plans and condition #4 of the 2023 CUP regarding screening and fencing, as regulated in Sections 155.029, 155.031, 155.055 & 155.057 Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

Present: Jason Hagemeyer

- A. Rhineberger displayed the proposed plan and reminded the Commission that the item had been continued from the prior meeting to allow time for the Township to respond. Buffalo Township has approved, noting that a dirt berm and continuation of the fence make sense. The Buffalo Fire Chief's response remains the same: that truck access may already be an issue with the existing buildings and may also be an issue with the proposed arrangement of the new buildings.
- B. No comments from the applicant or the public.
- C. Mol noted that the item was continued to be heard from the Township, and they have approved.
- D. Bravinder stated that he spoke with his local fire chief and reviewed the plans. His comment was that one area of concern is the bottom of the diagram, where the sheds go the other way, and this plan has ample room between the sheds for trucks to maneuver.
- E. Mahlberg moved to approve the conversion of the existing Conditional Use Permit to an Interim Use Permit for a self-storage facility, granted in 2023, and amend the previously approved plans and

condition #4 of the 2023 CUP regarding screening and fencing in accordance with the narrative and plans on file with the following conditions: 1) Business activities within the new buildings cannot commence until the proper building permits have been issued and a final inspection has been passed; 2) All previous permit conditions remain in full force and effect; 3) This permit shall immediately and automatically expire upon transfer, termination of any lease agreement, or change in business operations or ownership. The motion was seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

2. **Paula Dalbec** – Cont. 5/22

LOCATION: 5957 35TH ST NE – N836.42FT OF W552.5FT OF E 618.5FT OF E1/2 OF SE1/4 EX S394.18FT THOF (134102), Section 13, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-134101 Property Owner: PAULA E DALBEC

Petitions to rezone the property from Suburban Residential (R-2a) to Urban/Rural Transition (R-1), as regulated in Sections 155.028, 155.049 & 155.051, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Mol called for the applicant three times, with no response, so the item was held over to the end of the meeting.

3. **Maddie Mithun** – Cont. 5/22

LOCATION: 4875 37th Street SE. – Part of SE 1/4 of NE 1/4 and part of the E 1/2 of SE 1/4, Section 23, Township 119, Range 25, Wright County, MN. (N. Crow - Rockford Twp.) Tax #215-100-234100 & 215-100-234400 Property owners: Apple Jack Orchards LLC

Petitions to amend an existing Interim Use Permit to expand a Commercial Agricultural Tourism use to allow outdoor spaces for weddings and events and the construction of two deck structures to shoot apple cannons and paintballs, as regulated in Sections 155.003(25), 155.031, 155.048(D), 155.057 & 155.109, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Mol called for the applicant three times, with no response, so the item was held over to the end of the meeting.

4. **Kraina Land LLC** – New

LOCATION: 3755 BRIARWOOD AVE SE - E 1-2 SW EXC PRT DESC IN BK 190-31 in Section 20, Township 119, Range 25, Wright County, Minnesota. (Crawford Lake - Rockford Twp.) Tax #215-100-203100 Property Owner: JEROLD A UNTIEDT & SUSAN J UNTIEDT

Petitions to rezone the north 32.43 acres of the property, as referenced on the Certificate of Description by Otto Associates Inc., Project No. 25-0166, from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Urban/Rural Transition (R-1) with a Residential-Recreational Shorelands 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: Paul Otto with Otto Associates and Philip Kothrade with Kraina Land LLC

- A. Rhineberger displayed the property details and concept plan. The property is approximately 78.21 acres in size, with 63.58 acres located above the ordinary high-water mark and the remaining 14.63 acres situated below it within Crawford Lake, which is a Recreational Development Lake. The property is zoned General Agriculture (AG), with portions within 1,000 feet of the lake falling under the Residential-Recreational Shoreland District Overlay (S-2). According to the Northeast Quadrant (NEQ) Land Use Plan, the property is designated as Rural Residential. The request is to rezone the northern portion of the property that is above the OHW to Urban/Rural Transition (R-1), which would result in a 7-lot platted subdivision that includes a new road. The Township has yet to respond, and their input, particularly regarding the road, will be relevant. No other comments have been received at this time.
- B. Otto explained there was a miscommunication with the Township, but a meeting is scheduled for next week.
- C. Public comment.
 - William Yonak – Resides at the edge of the wooded area. He questioned the proposed lot sizes and the placement of the road. Rhineberger used the concept plan to review the road details and lot sizes. The seven lots range from 1.5 to 2.5 acres. Yonak asked whether the county cares about wildlife and green space. Mol stated that at this time, the Commission is gathering information and facts; a site inspection may occur, and input from the Township is still pending. This request will involve several steps that will be addressed over the course of multiple meetings. The Commission considers feedback from the Township to be essential to the process.
 - Craig Fautsch – Lives on 33rd Street and also owns a property adjacent to Mr. Yonak. He emphasized the abundance of wildlife in the area and expressed concern over losing one of the few remaining wooded areas that extend down to the lake. He urged the Commission to proceed cautiously, noting that Crawford Lake is small, only 20 feet at its deepest, and rich in aquatic vegetation, making it a valuable habitat. He appreciates the larger lot sizes but worries that area development encroaches on the lake. He asked whether the road placement was final. Rhineberger clarified that the plan is only conceptual, but if the rezoning is approved, the road location would be fixed based on the legal description. Fautsch also asked if the remainder of the 78 acres could eventually be developed. Rhineberger explained that the rest of the property is not under consideration at this time, but any future development would require going through this same process.

- Tyler Sturos – Lives at the corner of 37th Street and Briarwood. He expressed concern about losing a beautiful grove of trees and the quiet nature of the area. He noted that deer and other wildlife are frequently seen and is particularly worried about the loss of red pines.
 - Nila Ellis – Lives at the end of the wooded area off 35th Street. She acknowledged the owner's right to develop their property but asked about the type of septic systems to be installed, expressing concern about drainage into the lake. She asked for clarification on whether the proposed road would be a dead end and whether the lakeside homes would be subject to a lake setback. Mol reiterated that this discussion pertains only to the rezoning request. Rhineberger explained that the lake classification requires a 100-foot setback and that septic systems must comply with state and county codes.
- D. Felger asked the applicant if a meeting with the Township is scheduled. Otto confirmed that it is.
- E. Mahlberg questioned how the property qualifies as “*especially suited*” for residential development. Otto responded that “*especially suited*” is subjective and varies by individual. In this case, he believes the shoreland, presence of wildlife, and natural beauty make the site attractive for residential use. Many people want to live near lakes for these reasons, and he considers this lakeshore more desirable than others the Commission has reviewed. He suggested that a site visit would be beneficial. He reiterated that “*especially suited*” is relative to the lake’s characteristics. This is a natural-use lake that is ideal for light recreational activities like fishing and puttering around the lake. The larger lot sizes (1.5–2.5 acres) are intended to preserve space and allow flexibility; for instance, western lots could be built within or outside the wooded area. Mahlberg noted that by this standard, requests could never be denied, as every lakeshore property could be considered desirable by someone. He expressed concern that personal preference might unduly influence the decision-making process. Otto feels that the Commission may be working with an outdated zoning code, and defining “*especially suited*” is inherently difficult and subjective.
- F. Felger moved to continue the matter to the July 10th, 2025, meeting for a site inspection and to get a recommendation from the Township regarding the rezoning, which includes a recommendation specific to the road. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

Carryover from earlier in the agenda.

2. **Paula Dalbec** – Cont. 5/22

LOCATION: 5957 35TH ST NE – N836.42FT OF W552.5FT OF E 618.5FT OF E1/2 OF SE1/4 EX S394.18FT THOF (134102), Section 13, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-134101 Property Owner: PAULA E DALBEC

Petitions to rezone the property from Suburban Residential (R-2a) to Urban/Rural Transition (R-1), as regulated in Sections 155.028, 155.049 & 155.051, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paula Dalbec

- A. Rhineberger displayed various maps of the property and reviewed the request. The item had been continued from the previous meeting to allow for a site visit and to give the applicant time to revise the proposed lot lines based on the prior discussion. The applicant submitted a new concept plan showing three total lots, all now rectangular.
- B. Dalbec stated that she had heard the Commission's concerns and redrew the plans to feature straight lines. She asked if the Commission had any questions from the site visit. Mol responded that there were no questions and that the visit allowed them to see what they needed. Dalbec explained her goal is to rezone the property, which she feels is unique due to nearby homes to the south already being rezoned R-1 and other nearby properties divided under entitlements. She believes the property is no longer viable for agricultural use and that rezoning to R-1 would benefit the community by allowing the creation of attractive homesites on beautifully wooded lots. She noted that her property meets the road frontage requirements and does not believe this would set a precedent due to the property's unique characteristics. She also feels the rezoning would be a better use of the land, allowing for two new homes.
- C. No comments from the public.
- D. Greninger confirmed that the R-1 lots were created prior to the adoption of the Land Use Plan. Rhineberger verified the lots were created in 1972. Mol confirmed the subject property is designated as Agriculture in the Land Use Plan (LUP) and is not slated for future development. Rhineberger affirmed this and used the LUP to review the context of the plan and the zoning. The area to the north is designated as Resource Land, which prohibits rezoning.
- E. Bravinder shared that he had driven to the property and found it notable that the road was paved up to the township line and into the development. He expressed interest in hearing from the Township regarding the original intent behind paving the road, suggesting it might have been done with area development in-mind or in response to the 1972 request. He noted that the gravel road to the east lies within the City of St. Michael. Bravinder saw no issues with the request, appreciated the revised lot lines, confirmed that the property has proper road frontage, and hasn't been used for agriculture in years. He stated that the area could develop similarly to its surroundings, which makes it rare and unique. He appreciates that the property is not out in the middle of 40 acres. He supported the request, stating it is a good use of the land.

- F. Felger confirmed that the applicant's intends to sell the lots for residential development, which Dalbec affirmed. He asked if, following rezoning approval, the concept plan would need to return to the Commission. Rhineberger clarified that it would proceed as a preliminary plat. Felger inquired about soil borings, and Rhineberger explained that borings must be submitted before the final plat. Dalbec mentioned she had hoped to request a waiver of the platting requirement. Rhineberger explained that while such a request is allowed, waivers are not typically granted for lots of this size. He emphasized that platting provides better documentation and ensures the road right-of-way is dedicated to the public rather than preserved as an easement. Felger asked what the Township approved, and Rhineberger confirmed that it was the rezoning.
- G. Greninger expressed concern that approving this request could open the door for small lots being added incrementally. While she acknowledged that the road is paved and the land hasn't been farmed in a long time, she worried about the precedent it might set.
- H. Mahlberg noted that this request differs from the 2005 split of a 10-acre lot. At that time, the County Board determined the circumstances were rare and unique. He stated that this isn't a blank canvas, and while valid points had been made, he viewed the request as contributing to sprawl and undermining the boundaries established in the Land Use Plan. He emphasized that using previous rezoning approvals to justify new ones is how sprawl begins. He found it difficult to now claim that the original decision 20 years ago was incorrect.
- I. Smith agreed with Greninger, stating that approving this request would open the door to further similar cases. Since the property is not included in the LUP, it is not currently intended for development.
- J. Mol referenced past minutes from the prior rezoning, where two larger lots were approved. He interpreted that as a transition from larger to smaller lots. Now, however, the request would take an already large lot and divide it further. He expressed concern that approving this could set a precedent allowing surrounding areas to be divided into 2-acre lots simply because they connect to lots approved in the 1970s. While he acknowledged member Bravinder's points, Mol noted that many properties in the county meet similar criteria, raising the risk of future challenges. Though Buffalo Township supports the request, the property is not in their LUP either. To the north lies Resource Land, providing a transition area. Currently zoned for agriculture, the 5-acre lot could support 2.5 animal units. If rezoned, the addition of two new homes would eliminate that potential. Mol stressed that planning requires foresight, and the Commission's role is to evaluate long-term impacts. He emphasized the need to consider whether adding two R-1 homes is the right step. No other small-lot developments have occurred in the area since the 1970s. Dalbec explained that she left a larger area around her existing home to allow for the possibility of keeping 1–2 beef cows in the future. She noted that some neighbors use their large lots for horses or hunting plots and that other entitlement divisions have occurred. She offered to research how many properties are similar to hers. Mol asked the Commission if there were additional questions for the applicant and how they wished to proceed.
- K. Felger stated he was not opposed to the proposal. He felt offering 1–1.5-acre lots could deter people from purchasing and underutilizing larger 5-acre lots. In his view, many 5–10-acre parcels become overgrown and neglected unless they are used for animals or other activities. He supports small cluster developments to protect farmland from being divided into 5–10-acre residential lots. Felger also noted the Township's support and pointed out that the Commission has not always adhered strictly to the LUP in the past. He believes the request fits with existing nearby small-lot developments.

- L. Bravinder noted that in reviewing the 2004 rezoning request, a pivotal point was a member's comment suggesting infill was justified due to the proximity of the southern lots and the city boundary to the east.
- M. Felger moved to recommend approval to the County Board of Commissioners to rezone tax parcels 202-000-134101 from R2a-Suburban Residential to R1-Urban/Rural Transition because we find the property is aligned with the goals and policies of the Northeast Quadrant Land Use Plan. Motion seconded by Bravinder.

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

MOTION FAILED

- N. Mol addressed the applicant regarding the option to withdraw the request or proceed with another vote, which would likely result in a recommendation for denial. It was mentioned that the item could be continued to the July meeting for review by a full Commission, although a quorum or support is not guaranteed. Rhineberger explained that if the Commission votes to deny the request, the County Board will review the item—not as a public hearing—but as the final decision-making body. The County Board may either adopt the Planning Commission's recommendation or ask staff questions before voting. He added that withdrawal can occur any time before the County Board hearing. If denied, a formal record of denial is attached to the property, while a withdrawal leaves no such formal documentation.
- O. Mahlberg advised the applicant not to make a decision immediately and suggested taking time to consider the next steps. Dalbec asked why his position seemed to have changed. Mahlberg explained that his questions are intended to foster discussion, not necessarily to signal support. He maintained that his position had not changed and reiterated that the Commission must uphold the Land Use Plan. He acknowledged the request made sense in practice but was not supported by the current LUP, making it difficult to justify as rare and unique. Dalbec noted that it seemed the first split was considered rare and unique. Mahlberg agreed but pointed out that the previously approved lots were larger than what is now being proposed, so the situations are not equivalent. He concluded that the LUP does not always align with practical reasoning.
- P. Dalbec asked about the next steps. Rhineberger stated that one more step remains with the Planning Commission, which would vote on the drafted findings before forwarding the item to the County Board. He noted the next Planning Commission meeting would be closed to public comment. Dalbec asked if she could request continuance. Rhineberger explained that a denial at the next meeting would cause delays and complicate scheduling. He reminded her that she may withdraw the request at any time before the County Board takes action, which would be in roughly a month and a half. Dalbec said she needed a little time to consider her options.
- Q. Mahlberg 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, and continue the matter to the July 10th, 2025, Planning Commission hearing. The motion was seconded by Greninger.

DISCUSSION: Mahlberg pointed out that if the findings are drafted and presented to the Planning Commission, they will become part of the public record. He suggested that the applicant take the next three

weeks to reflect, be deliberate, and make a thoughtful decision. He noted that if a decision is made prior to the July 10th meeting, it would prevent the findings from being included in the public record.

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

MOTION PASSED

Mol called at 8:40 pm for a 5-minute chairman break.

Carryover from earlier in the agenda.

3. **Maddie Mithun** - Cont. 5/22

LOCATION: 4875 37th Street SE. – Part of SE 1/4 of NE 1/4 and part of the E 1/2 of SE 1/4, Section 23, Township 119, Range 25, Wright County, MN. (N. Crow - Rockford Twp.) Tax #215-100-234100 & 215-100-234400 Property owners: Apple Jack Orchards LLC

Petitions to amend an existing Interim Use Permit to expand a Commercial Agricultural Tourism use to allow outdoor spaces for weddings and events and the construction of two deck structures to shoot apple cannons and paintballs, as regulated in Sections 155.003(25), 155.031, 155.048(D), 155.057 & 155.109, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Maddie Mithun and Mary Mithun

- A. Rhineberger displayed the proposed site plan and reminded the Commission that the item was continued from the prior meeting to allow time for a site inspection, which has now been completed. The applicant has substantially revised their event narrative and provided more clarity regarding the events and what will occur on the property. A neighbor who spoke at the June meeting but could not attend this meeting submitted a response indicating concerns about the revised request.
- B. Maddie Mithun explained that most of the additions to the narrative were a list of proposed conditions. The only item added after the site visit was a provision that, during the day, some of the facility's activities may be used during events. Therefore, they proposed that using these activities should require permission from adjacent neighbors.
- C. Public Comment.
 - Mary Schmitz – Spoke at the previous meeting. She stated she was unaware of what revisions had been made. Rhineberger read the updated conditions from the staff report, which included details such as the number of events, hours, and specific conditions. Schmitz confirmed that there would be 12 weddings and 12 events annually. She voiced concerns about traffic in the evening, particularly regarding guests crossing a busy road, which she felt was dangerous. She asked whether there would be adequate parking spaces and if the property east of the orchard would be used for parking. Rhineberger clarified that the parcel in question is not part of the parking request, and its use for parking would be a violation. Schmitz also expressed concerns about noise. She noted that it was mentioned that the sound would be directed north–south and hoped that would help reduce noise in her direction. She reiterated concerns regarding parking and lighting for safe street crossing.
- D. Mol asked the applicant to address the parking issue. Maddie Mithun explained that the existing parking lot can accommodate up to 3,000 people during a typical seasonal weekend. They have sufficient parking, and their current practice is that when parking runs out, they stop admitting additional guests. Regarding the road crossing, they are aware of the safety concern and have discussed the issue with Planning & Zoning and the Highway Department about adding signage, even during regular seasonal hours. If the parking lot across the street is used, they are open to requiring a sheriff's deputy to help direct traffic and guests. Bravinder estimated that with three parking locations, there is sufficient space for at least 200 cars.
- E. Felger recalled that noise was to be directed north–south. Rhineberger confirmed that the revised plan includes directional noise control for event music. Felger asked how this would be implemented.

Maddie Mithun responded that all amplified audio would be directed either north or south. Felger also mentioned that, during the site visit, paintball and apple cannons were in use and asked whether the event shelter would just be a roof without walls. Maddie Mithun said that was the case, but after the site visit, they decided to include walls with sound-dampening materials.

- F. Mol asked if there were any comments or questions regarding hours of operation. Maddie Mithun stated the proposed hours for events are 10:00 a.m. to 8:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. on Friday and Saturday, with sound turned off at 10:00 p.m. A $\frac{3}{4}$ enclosure around the tent would be required after 8:00 p.m. Felger expressed appreciation for the applicant's efforts to address neighbor concerns. Mahlberg addressed the issue of amplified noise and clarified that the proposed hours align with what has been approved in similar cases. Rhineberger confirmed this.
- G. Bravinder moved to approve the conversion of the existing Conditional Use Permit to an Interim Use Permit for a Commercial Agricultural Tourism use and amend the use to allow outdoor spaces for weddings and events and the construction of two deck structures with walls, to shoot apple cannons and paintballs, based on the narrative, plans, and discussion, with the following conditions: 1) Parking must be in existing, approved parking areas; parking in any other area is prohibited without an amended IUP; 2) Days and hours of operation shall be as per revised submitted plan; 3) Limited live or amplified music is allowed during events only, with all music ending by 10 p.m.; 4) The use of any buildings for events is prohibited unless an amendment to this permit is approved; 5) Building permits for the paintball and apple cannon structures must be applied for, issued, inspected, and approved for occupancy prior to the public entering the structures; 6) All food for events must be catered; 7) For events, portable toilets must be provided according to the letter from the Wright County Environmental Health Officer; 8) All signage must meet the requirements of the Wright County Code of Ordinances; 9) This permit shall immediately and automatically expire upon transfer, termination of any lease agreement, or any change in business operations or ownership. Motion seconded by Greninger.

DISCUSSION: Felger asked whether the motion addressed noise abatement from the apple cannons. Rhineberger confirmed that this was included in the event conditions, which are part of the revised plan. Felger clarified that his concern was not only audio but also cannon and paintball noise. Bravinder noted that the motion includes a requirement for sidewalls on the deck structures.

Mahlberg mentioned that it had been suggested that neighbors could give approval for the off-season use of orchard amenities, such as the apple cannon, during events like graduation parties. He doesn't feel this was specifically addressed in the motion and questioned whether it should be. Rhineberger stated that requiring neighbor approval would be difficult to manage or enforce. Mahlberg asked how many neighbors would be included in this requirement; Maddie Mithun replied that two neighbors had been consulted. Mol and Mahlberg both expressed concerns about enforcement and clarity, especially if neighbors change. Further discussion on how to address the enforcement was continued, with Bravinder proposing an amendment to allow orchard amenities to be used during off-season events but not past 8:00 p.m. It was agreed among the group that would work.

Bravinder moved to amend the motion and include condition 10 to allow orchard amenities to be used during off-season events, but not past 8:00 p.m. Seconded by Greninger.

DISCUSSION: Felger asked for the entire motion to be read, with Rhineberger asking the Commission whether they would be willing to withdraw the current motion to allow for a revised one, which would allow for some discussion item cleanup as well as full start-to-finish reading of the proposed motion.

Bravinder moved to withdraw the original motion, and Greninger seconded the motion.

- H. Bravinder moved to approve the conversion of the existing Conditional Use Permit to an Interim Use Permit for a Commercial Agricultural Tourism use and amend the use to allow outdoor spaces for weddings and events and the construction of two deck structures to shoot apple cannons and paintballs based on the narrative, revised event conditions, plans, and discussion, with the following conditions: 1) Parking must be in existing, approved parking areas; parking in any other area is prohibited without an amended IUP; 2) Days and hours of operation of off-season events shall be Sunday - Thursday 10 am to 8 pm and Friday & Saturday 10 am to 11 pm; 3) Limited live or amplified music is allowed during events only, with all music ending by 8 pm sun-thur and 10 pm Fri & Sat. Amplified audio must point north or south and be in a 3/4 enclosure after 8 pm; 4) The use of any buildings for events is prohibited unless an amendment to this permit is approved; 5) Building permits for the paintball and apple cannon structures must be applied for, issued, inspected, and approved for occupancy prior to the public entering the structures, and must have walls; 6) All food for events must be catered; 7) For events, portable toilets must be provided according to the letter from the Wright County Environmental Health Officer; 8) All signage must meet the requirements of the Wright County Code of Ordinances; 9) This permit shall immediately and automatically expire upon transfer, termination of any lease agreement, or any change in business operations or ownership; 10) Use of orchard amenities may be used during off-season events, but not past 8 pm. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **Skies Limit LLC** – Cont. 5/22

LOCATION: xxxx Baker Ave NW – Gov't Lots 1 & 2, Section 11, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-000-114100. Property Owner: Skies Limit LLC

REVISED

Petitions to rezone Parcel F, as referenced on the survey by Otto Associates Inc., Project No. 24-0166, as follows: the eastern portion from Baker Ave. to the SE corner of the property from General Agriculture (AG)/Residential-Recreational Shorelands (S-2) to Urban/Rural Transition (R1)/Residential-Recreational Shorelands (S-2) and the western portion from General Agriculture (AG)/Residential-Recreational Shorelands (S-2) to Agricultural/Residential (A/R)/Residential-Recreational Shorelands (S-2), as regulated in Sections 155.028, 155.047, 155.048, 155.057 & 155.09, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates and Donavon DesMarais with Skies Limit

- A. Rhineberger displayed the updated plan and reviewed the request details. The item had been continued from the previous meeting to allow for a site inspection and to provide new notification based on the revised request. The Commission reviewed the revised request at the prior meeting, and the site inspection has now been completed. The current request is to rezone the eastern portion to Urban/Rural Transition (R-1)/Residential-Recreational Shorelands (S-2) and the western area to Agricultural/Residential (A/R)/Residential-Recreational Shorelands (S-2). The concept plan was displayed and noted as the next step in the process, contingent upon rezoning approval. It should be noted that the Township reviewed the revised plan; therefore, the applicant was not required to return to the Township for further review.
- B. Otto stated at the site that he believes the Commission could see the vision and that they are trying to be good stewards of the land. As designed, the area should remain rural.
- C. No comments were received from the public.
- D. Mol stated that the Commission had visited the site, the Lake Association agrees, none of the backlots will have lake access, and the plan has been thoroughly worked through.
- E. Felger questioned whether Block 1, Lots 1–4 will be platted or unplatted. Otto confirmed that the lakeshore lots, as well as the road, will be platted and to the west lies an unplatted subdivision.
- F. Bravinder asked for details on where the proposed road would begin. Otto used the site plan to review the location and noted that the road will be located in a currently cleared area, and with the addition of ditches, the area will be further opened up.
- G. Mahlberg moved to recommend approval to the County Board of Commissioners to rezone that portion of tax parcel 216-000-114100 from General Agriculture (AG)/Residential-Recreational Shorelands (S-2) to Urban/Rural Transition (R-1)/Residential-Recreational Shorelands (S-2) and the western portion from General Agriculture (AG)/Residential-Recreational Shorelands (S-2) to Agricultural/Residential (A/R)/Residential-Recreational Shorelands (S-2), as indicated on the Certificate of Description held on file by Otto Associates Inc., Project No. 24-0166, revisions dated 6-4-25, because we find the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan. The motion was seconded by Smith.

VOTE: CARRIED UNANIMOUSLY

6. **Johann Massmann** – New

LOCATION: xxxx County Road 8 NW – PRT OF NW 1/4 OF NW 1/4 & Lot 1 along with REGISTERED LAND SURVEY NO 25 9.94 AC TRACT A in Section 28, Township 122, Range 26, Wright County, Minnesota. (Loche Lake - Silver Creek Twp.) Tax #216-100-282300 & 216-132-000010
Property Owner: JOHANN A MASSMANN

Petitions to rezone the property from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agricultural/Residential (A/R) with a Residential-Recreational Shorelands 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: Johann Massmann and Paul Otto with Otto Associates

- A. Rhineberger displayed property details, including a color-coded map and the proposed concept plan, as he reviewed the request. The request involves two parcels, which are considered a single property for planning purposes, totaling 27.19 acres. In 1993, the subject properties were part of a rezoning proposal that was ultimately denied. In 1994, a previous owner filed a Registered Land Survey (RLS) with the Recorder's Office. At that time, approval from the Planning & Zoning Department was not required to record the RLS. Through interpretations by previous Zoning Administrators, it was determined that certain properties were required to remain under common ownership. Using the color-coded map, Rhineberger reviewed details of entitlements and specific restrictions. One entitlement was designated to PID 216-132-000020 and another to PID 216-132-000030, but the latter had to remain tied to the southern parcel (PID 216-128-000020). As a result, the red parcel (PID 216-100-282300) and the blue parcel (PID 216-132-000010) were restricted from further development. The current request is to rezone these two parcels to Agricultural/Residential (A/R). A two-lot subdivision concept plan was also displayed and would proceed following approval of the rezoning request. It was noted that the properties are currently zoned General Agriculture (AG) and, according to the Northwest Quadrant (NWQ) Land Use Plan, are designated as Agricultural. To the north are properties zoned R-2a (Suburban Residential-a) and R-2 (Suburban Residential), which are listed as R-2 in the Land Use Plan. Silver Creek Township has recommended approval of the rezoning request. No other comments have been received.
- B. Massmann noted that, upon review, the rezoning makes sense and assumed that many are already familiar with the property. After purchasing the property, Massmann spoke with the County Transportation Department, which expressed concern about having two separate access points onto County Road 8. It was noted that the Township has issued a driveway permit for the northern parcel. Additionally, there is a pipeline easement that currently goes through the two properties. In the concept plan, this easement is consolidated onto a single parcel. As the property currently exists, it is not possible to walk from one parcel to the other due to low-lying land, so it already feels like two separate parcels.
- C. Otto realizes that the request falls outside of the Land Use Plan (LUP) but views the surrounding area, specifically the 5-acre lots to the north, as essentially 10-acre parcels that were split, resulting in the current parcel layout. The applicant is trying to take a practical approach by aligning the concept division with a natural area, consolidating the gas line easement onto a single property, and addressing access concerns. He sees this area as a transitional zone between the 5-acre residential lots and

agricultural land. The proposed lots are still 13 to 14 acres in size, which is consistent with Agricultural/Residential (A/R) lot standards.

D. Public Comment

- Chris Klein, a Silver Creek Township Planning Commission and Township Board member, stated that the Board gave the proposal serious consideration. He said the way the concept plan is laid out addresses key issues, it consolidates the pipeline easement onto a single lot, resolves the access concern, and overall fits the character of the area. He noted that there is large-lot development to the north and similarly large parcels to the south, making this proposal consistent with surrounding land use. Although the request is technically outside of the Land Use Plan (LUP), Klein sees it as a strong example of why the LUP may need to be revisited to allow for practical fixes in areas like this across the county. The Township supports the proposal, and as a resident, Klein personally supports it as well, describing it as "good common sense." Mol asked whether, given the location and surrounding development, the rezoning would meet criteria related to the uniqueness of the property, particularly in terms of its proximity to County Road 8 and its place within the area's growth pattern. Klein responded, "Yes, it absolutely does." Mahlberg emphasized the importance of confirming that, at the Township level, the property is considered rare, unique, or especially suited, particularly with the presence of the creek and the potential for riparian lots. He asked whether the Township referenced the ordinance and its specific standards when making their determination. Klein admitted that the ordinance book was not formally consulted but stated that based on the experience and judgment of both the Planning Commission and Township Board, the property was determined to be unique and appropriate for the proposed split and rezoning.
- E. Felger asked whether the lots in question are considered riparian. Rhineberger explained that it is somewhat undetermined due to fluctuating elevations and water levels in the area. It is difficult to definitively determine where the lake begins and ends, but the entire property lies within 1,000 feet of the Ordinary High Water (OHW) level. Otto added that the OHW does touch on what is shown as Parcel A on the concept plan. Still, he is unsure about Parcel B. Felger then asked what, in the applicant's opinion, makes the property unique and suitable for development. Otto responded that there are 5-acre lots to the north with a dead-end street that will not extend across the wetland. The current lot lines do not align with the natural features, particularly the swamp, causing access issues and functionally dividing the land into two distinct parcels. He argued that it makes more sense to split the property along natural boundaries. Felger brought up an earlier request (*Paula Dalbec, Tax #202-000-134101*), which had Township support and was considered unique in terms of zoning but was ultimately denied by the Commission. He questioned whether there were any parallels between that case and the current situation. Otto responded that he did not believe the two were comparable. The Dalbec request involved 1-acre lots, whereas this proposal involves lots over 10 acres. He acknowledged that neither proposal was within the LUP but noted that the Dalbec parcel had no surrounding development and lacked the transitional qualities this one offers. In contrast, this property transitions from existing 5-acre lots to 13–14 acre lots and then into Agricultural land. He emphasized that the smaller lots near the Dalbec property were originally created through agricultural entitlement divisions, not through a request for additional entitlements. Felger then asked what makes this parcel significantly different. Otto explained that while both this and the Dalbec property fall outside the LUP, the key difference lies in the intent and the Dalbec request aimed to match existing small-lot zoning, which he argued was not truly a transition. This request, by contrast, proposes a transition from smaller lots into larger parcels,

effectively bridging zoning from R-2 to Agricultural. At this point, Rhineberger clarified that the so-called "5-acre" lots to the north are actually between 2.5 and 5 acres, zoned R-2. Otto reiterated that the current request moves from those smaller residential lots into larger, 13–14 acre parcels, serving as a transitional zone without significantly altering the character of the area. He acknowledged that the property is outside the LUP but questioned whether all parcels were appropriately classified when the LUP was created. He concluded by noting that it has been 30 years since the last rezoning request on this property. Given current traffic patterns on County Road 8, they feel now is the right time to revisit and reconsider zoning for this property.

- F. Mahlberg noted that the discussion has touched on “rare and unique circumstances” but also referenced the alternative standard regarding *riparian lots on shorelands especially suited for residential development*. He clarified that “riparian” does not apply solely to lakes; it can also refer to streams and rivers. He asked staff to clarify which standard they believe should apply: *rare and unique*, *riparian on shorelands especially suited for development*, or *both*. Rhineberger responded that it’s a bit of both. He explained that according to County Ordinances and State Statutes, there is a list of water bodies regulated under shoreland standards, and this portion of Silver Creek, located south of Locke Lake, is not one of them. Therefore, technically speaking, for what is shown as Parcel B on the concept plan, there would be no shoreland setback requirement if the lot is approved. He noted that, in this case, determination is somewhat discretionary and based on how the Commission members choose to interpret the circumstances. Both standards could be applied individually or together, depending on their perspective. Mahlberg responded by stating that it appears they are dealing with riparian lots in a shoreland context. Rhineberger clarified that the way the parcels were originally created, they are considered one single lot. From a rezoning standpoint, rezoning the property as a single Agricultural/Residential (A/R) lot would allow for one residential home and as a single lot, it touches on a riparian feature. However, when evaluated as two lots, only one would be riparian, meaning the standards could then be looked at as *rare and unique* or *infill* and possibly part of the discussion. Mahlberg then asked the applicant directly whether he would argue that these are *riparian lots on shorelands especially suited for residential development*. Otto responded that one lot might qualify and the other would not. Mahlberg addressed Otto again, confirming that the applicant's position is that Parcel A could be considered riparian and Parcel B is not. Otto confirmed this assessment. He added that this determination is somewhat subjective and that having 800 feet between a potential home site and Silver Creek, which is only marginally navigable, does not necessarily make the property especially suited for lakeshore-style residential development. He described it as a creek with access to riparian rights only across a swamp. He stated he would not be comfortable labeling it as a *riparian lot especially suited for development*. Mahlberg concluded by bringing the focus back to the *rare and unique circumstances* language in the LUP, noting that it allows the Commission to look beyond just the physical characteristics of the property. This gives the Commission discretion to distinguish between different requests, depending on broader context and reasoning.
- G. Mol asked the Commission if they would like to schedule a site visit. While members have been in the area before, they have not specifically viewed this property. He noted that visiting the site may help the Commission better evaluate the proposal in comparison to other requests and more effectively assess the concept of transition, as referenced by the Township, as well as the claimed uniqueness of the property.
- H. Bravinder moved to continue to July 10, 2025, for a site inspection. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

7. **North Fork LLC** – New

LOCATION: xxxx 17th St SW & 13242 25TH ST SW - SE1/4 OF SE1/4 along with THE NE 1/4 NE 1/4; ALSO, GOV'T LOT 4; ALSO, LOT B OF GOV'T LOT 3 in Section 11 & 14 all in Township 119, Range 28, Wright County, Minnesota. (Cokato Lake – Cokato Twp.) Tax #205-000-114400 & 205-000-141301 Property Owner: North Fork LLC and Kyle E & Beth Ashwill

Petitions for an Interim Use Permit for mining and stockpiling of aggregates, along with the stockpiling and crushing of recycled concrete and asphalt, as regulated in Sections 155.031, 155.048(D) & 155.100, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Kyle Ashwill and Tony Aurentz with North Fork LLC

- A. Rhineberger displayed the property map and reviewed the request. In 2023, a mining permit was approved for the site. Since that time, the property has undergone a change in ownership, and with the issuance of an Interim Use Permit (IUP), the previous permit has expired. This request is for a new permit for the same mining pit, following the same plans and operations. The only change is the ownership of the property. The plans presented to the Commission are identical to those previously approved, with the proposed motion reflecting the same conditions, aside from updated deadline dates. The Township has approved the request, and no other responses or complaints have been received since the original approval.
- B. Ashwill confirmed that the only change is the name on the property title.
- C. No public comments.
- D. Felger sought clarification on whether the proposal was for a 10-year permit. Rhineberger confirmed that the ordinance allows for a maximum 10-year permit, which was the term of the original permit and is what has been requested again.
- E. Bravinder noted that Cokato Township considered the request straightforward, with the only significant change being the ownership. The Township agreed with continuing under the previous plans and found no issues, as operations have been running smoothly. He expressed support for the request, contingent on adherence to the original Conditional Use Permit (CUP) terms and the new 10-year timeframe.
- F. Greninger moved to approve an interim use permit for mining, including crushing and the recycling of asphalt and concrete, in accord with the plans presented and description provided by the applicant on the record, including all erosion control and stormwater management details, with the following conditions: 1) Any requirements of Cokato Township for road repair, dust control, and access to township roads must be met; 2) The applicant should make an effort to open as little of the pit as needed and reclaim it as he goes; 3) The Town Board shall review the permit every year for compliance with all regulations and to determine if any new conditions are necessary; 4) Must abide by all state and federal permitting requirements; 5) Haul routes are 25th St. SW to County Road 4 and 17th St. SW to Oliver Ave. SW to 20th St SW to County Road 3; 6) A reclamation bond, cash escrow, or irrevocable letter of credit for \$175,000 shall be provided prior to operations commencing and kept in place until such time as the pit is fully reclaimed; 7) This permit shall immediately and automatically expire on June 12, 2035, or earlier upon transfer, termination of any lease agreement, or change in business operations or ownership. Motion seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

8. **David Radziej** – New

LOCATION: 5191 CHRISTEN AVE NE - NW1/4 OF SE1/4 OF SE1/4 & W1/2 OF NE1/4 OF SE1/4 OF SE1/4 in Section 04, Township 120, Range 25, Wright County, Minnesota. (Gilchrist Lake - Buffalo Twp.) Tax #202-000-044400 Property Owner: JOHN A & JOANN C PRIGGE

Petitions to rezone the property from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Suburban Residential-a (R2-a) with a Residential-Recreational Shorelands 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: David Radziej and Lou Armitage

- A. Rhineberger displayed property maps and the site plan as he reviewed the request. The property is approximately 14.39 acres and is located along Christen Avenue NE in Buffalo Township. The property is currently zoned General Agriculture (AG), with portions falling within 1,000 feet of Gilchrist Lake (a Natural Environment Lake) and, according to the Northwest Quadrant (NWQ) Land Use Plan, designated Rural Residential. There is one residential building entitlement associated with this property. In 1998, the property was requested to be rezoned from General Agriculture (AG) with the S-2 overlay to Suburban Residential (R-2) with the S-2 overlay but was ultimately denied. This request is to rezone the property from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Suburban Residential-a (R2-a) with an S-2 overlay. The R2-a zoning district has a minimum lot size requirement of 5 acres. Additionally, the R2-a zoning district requires a minimum of 300 feet of road frontage (lot width) with 300 feet of depth off the road frontage per lot. A concept plan was displayed with two lots at roughly 7 acres each. Buffalo Township has recommended approval of the rezoning request. The Buffalo Fire Chief submitted a comment stating that, if approved, the road must include an adequate cul-de-sac or turnaround suitable for fire truck access. While this concern pertains more to the future subdivision stage, it was noted that this may require further discussion with the Township to ensure proper accommodation. No other comments were received.
- B. Radziej asked whether the Fire Chief's comment referenced road placement or weight requirements. Rhineberger clarified that the comment specifically referred to the construction of a turnaround without additional specifications regarding design or load capacity. Radziej explained that the goal is to build a home on the east side of the property. However, the east side alone does not meet the 5-acre minimum, which is why they are proposing to adjust property lines so that each new lot meets zoning requirements. Armitage added that septic borings had been completed, and it was determined that a septic system could be installed on either side of the road. The intent is to build a second home and remain close to family. Rhineberger reminded the Commission that for single-lot subdivisions like this, where there is limited flexibility to shift lot lines, septic borings are typically required upfront to ensure the feasibility of future development.
- C. Public Comment.
- Danielle Wolf – Stated that she lives on the property that directly abuts the smaller parcel in question. The area is currently zoned Agricultural Residential, with surrounding properties averaging 10 acres and typically allowing for one residential dwelling. Her property borders what will become part of a piecemealed parcel used to meet 7 acres. She explained that the proposal involves combining properties on opposite sides of the township road to reach the 5-acre minimum required for R-2 zoning. In her view, this approach essentially results in a

- parcel that doesn't align with R-2 zoning standards. There is already a separate house that is accessed via the township road. Wolf expressed concern that approving this request would set a precedent by allowing properties to be piecemealed together simply to meet acreage requirements. She noted that she purchased her home, an old tear-down farmhouse on 10 acres, with intentions to build farther back on the property which is in accordance with the area's character and 10-acre standards. She believes that allowing a zoning change in this case would be an outlier for the neighborhood. The area is suitable for agricultural use, and she sees no valid reason to rezone other than to allow a new residential dwelling. She added that R-2 zoning is intended for low-density development, and placing two homes directly across from each other, especially with the areas existing homes, undermines the purpose of low-density zoning. For these reasons, she is opposed to the rezoning request.
- Tom McMullen – Lives two doors east of the property in question. His home is set further back on the lot, so the proposed new home would effectively be in his backyard. He and his family moved to the area 10 years ago, seeking a quiet farm property with horses and more space between homes. He questioned how access to the property behind the proposed lot, where a home already exists, would be maintained if the road is turned into a cul-de-sac. Mol responded that this is something the Township will have to resolve. A Beacon aerial photo was displayed, and Rhineberger explained that the road currently dead ends at the location in question and that the property involved in the request is already bisected by the road. He noted that the Township's road easement will remain in place. McMullen stated that all nearby properties are 10 acres or more and questioned the justification for reducing the lot sizes to 7 acres for two parcels. He is opposed to the plan and questions why such a change would be justified. While he understands the desire to live near family, he doesn't believe it should influence the Land Use Plans (LUP). McMullen emphasized that the LUP exists for a reason, and if exceptions are made for individual cases, it sets a precedent that could lead to an increase in zoning challenges. He remains firmly opposed, arguing that bending the rules for one request opens the door to similar demands in the future.
 - Joanna Cochran – Lives on the opposite side of the property line. She recalled a past instance in which the current property owners tried to split the land into two parcels to build a second home, but that request was denied because the property had been purchased under existing zoning rules and guidelines. Cochran, who grew up in the area, recalled that the property in question used to experience significant flooding, although that has subsided, possibly due to tile drainage improvements. While the road may seem like a simple dirt county road, she believes that adding another home will only increase congestion and contribute to the loss of the rural character of the area she remembers. She also raised concerns about the need for a turnaround for emergency vehicles like fire trucks, suggesting that the cost of installing such infrastructure should fall on the applicant rather than those already living along the road. Mol noted that the decision would fall to the Township.
- D. Felger questioned whether there is an existing easement to access the home located beyond the subject property. Radziej said he wasn't sure but had spoken with that property owner, who "shrugged his shoulders" and didn't express a clear opinion. Felger went on to ask about a comment regarding the purchase of 2 acres. Radziej explained that they originally believed they owned 5 acres on the east side of the road, which would have made the property eligible for rezoning. However, they are 8 feet short of the required amount. To address this, they proposed acquiring additional acreage from across the

road. Felger then asked if the applicant currently lives on the property. Radziej clarified that they do not, but they have a signed purchase agreement.

- E. Mol clarified that the applicant does not currently reside on the property, but there is an existing purchase agreement. The intent is to rezone and divide the property to create a second parcel, allowing a new home to be built for a family member. He then asked the Commission whether they had any further questions, a motion to make, or whether a site inspection should be scheduled.
- F. Greninger moved to continue the matter to the July 10, 2025, meeting for a site inspection. Motion seconded by Smith.

VOTE: CARRIED UNANIMOUSLY

9. **Michael Klein** – New

LOCATION: 13924 100TH ST NW - PRT OF NW1/4 SWLY OF SPRING BEACH AND SPRING BEACH 1ST LOT-003 BLOCK-002 in Section 14, Township 121, Range 28, Wright County, Minnesota. (Lake Augusta - Southside Twp.) Tax #217-000-142205 & 217-052-002030. Property Owner: MICHAEL J KLEIN

Petitions to rezone from Suburban Residential-a (R2-a) with a Residential-Recreational Shorelands District Overlay (S-2) and PID 217-052-002030 from Urban/Rural Transition (R-2) with a Residential-Recreational Shorelands District Overlay (S-2) to Suburban Residential (R-2) with a Residential-Recreational Shorelands District Overlay (S-2), as regulated in Sections 155.028, 155.049, 155.050, 155.051 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Michael Klein and Bernie Miller with MSTs

- A. Rhineberger displayed maps and the proposed concept plan as he reviewed the request. The property is a 5.96-acre site in Southside Township consisting of two parcels. One parcel is currently zoned Suburban Residential-A (R-2a) and was approved in 2004. The other is a small, non-conforming lakeshore lot that was part of a 1960s subdivision. Due to its size, this smaller parcel must remain in common ownership with the larger R-2a parcel. This request involves rezoning the larger parcel from R-2a to Suburban Residential (R-2) and the smaller parcel from Urban/Rural Transition (R-1) to R-2. The goal is to create one contiguous parcel, allowing for a two-lot subdivision, as shown in the concept plan. Township approval has been received, and no additional comments were submitted. This is the first request he has seen that includes what amounts to a “downzoning” of a property. To accomplish what is proposed, all properties should be zoned the same.
- B. Klein purchased the lakeshore property four years ago, intending to build on what he believed was a buildable lot. However, he later found that it does not qualify. His existing home is livable and would make a good starter home for someone. This request does not take up any agricultural land, and due to the property’s size, he spends too many hours mowing it. He would like to divide the property so that a portion can remain recreational for his family.
- C. Miller stated that they looked at the property last summer as a potential lake lot on which to build a home. They later discovered that the lots must be held in common ownership, so they began exploring ways to make the shore lot conform. As it currently sits, the floodplain extends onto the property. They considered a variety of options, but the presence of the floodplain and bluff area makes development very challenging. Using Beacon aerial imagery to illustrate the topography, Miller explained that the bluff makes it difficult to adjust the lot lines, and it is nearly impossible to make the lake lot suitable for building a home. There are some new houses in the area, including one built with a holding tank. Their goal is to reduce the amount of property that needs to be maintained while still enjoying lakefront living with a new home and eventually selling the existing one. Part of what makes the lot unique is how it wraps around 101st Street, providing an additional access point. There is also an easement on what is shown as Parcel B, which is part of the Clearwater Watershed Project. Within a half-mile radius, there are six other parcels, each around 1.5 acres. The way these parcels are combined makes this situation unique, especially since it involves a riparian lot. None of the land is currently farmed, as it is too small for agricultural use. Miller believes this is an appropriate area for residential development and expects it will be considered in future Land Use Plan reviews as a good location for new homes.
- D. No comments from the public.

- E. Felger questioned the 33-foot strip designated for access. Miller explained that this is how the applicant currently accesses the lake from his home. Klein added that the bluff is less steep in that area, which is why he wants to retain it with the other property. Felger clarified whether the lake is accessed directly through the bluff. Miller responded that it could be, but there is currently no established access at that location.
- F. Mol asked about whether there is access to 100th Street for vehicles and if a home could be built. Klein confirmed that there is. Miller added that both parcels would have plenty of road frontage. Mol asked whether the lakeshore lot is considered unbuildable. Rhineberger explained that, according to state statute, the lot must remain in common ownership with another parcel due to its limited size and width. Using Beacon imagery, he pointed out the toe of the bluff and the flood zone area, explaining that there is no buildable area on the lakeshore lot. Mol stated that he is trying to determine whether there is a practical difficulty and uniqueness with Lot #217-052-002030, requiring it to be owned in common with the larger back lot. He acknowledged the ongoing development in the area but also recognized that the lakeshore lot is not buildable due to the high-water level and bluff. He pointed out that what is being proposed would result in a lot that does not require a variance. Miller added that they conducted soil borings on the property and found a beautiful building site.
- G. Mahlberg asked whether, from a standards perspective, the lakeshore lot is significant in this request or if the Commission should instead view the matter primarily as a lot split. He questioned which standard should be applied, considering the existing mix of residential and rural residential parcels. Specifically, he asked whether the situation is truly rare and unique or simply related to a desire for a smaller lot with continued lakeshore access and the opportunity to build a new home. Rhineberger responded that some parcels exist with non-conforming lakeshore frontage through no fault of their own. Historically, such situations have not been treated as deviations from established standards. In this case, the applicable standard could be either "rare and unique" or based on "shorelands especially suited to residential development," as noted in the staff report. The report states, "*Rezoning to R-2a may be appropriate in unique circumstances such as infill areas that are already developed in a similar manner.*" Rhineberger emphasized that the interpretation of which standard to apply may be subjective and vary from member to member. He also noted that this is the first request he has seen involving a lakeshore property needing to be de-zoned to be incorporated into a proposed development. According to ordinance standards, developments on lots of a certain size are required to be zoned R-1. This language was part of the original ordinance adopted in 1978. However, when the subject lot was created in 1961, the R-1 zoning category did not exist, so it was assigned a label based on later criteria. Rhineberger acknowledged that the Commission could apply either—or even a combination—of the standards, given the unusual configuration of the property and the requirement that certain parcels be held in common ownership under state law. Mahlberg noted that the staff report specifies: "*Rezoning to R-1 or R-2 will only be considered for riparian lots on shorelands especially suited to residential development.*" He pointed out that the report also references rezoning to R-2a but clarified that this request does not involve R-2a. Rhineberger confirmed this and explained that the proposal involves rezoning from R-2a to R-2 and from R-1 to R-2, essentially, a step down in zoning classification. Mahlberg interpreted the applicable standard as relating to "*riparian lots on shorelands especially suited to residential development.*" However, he pointed out that the proposed rezoning would create a lot that is no longer attached to shoreland. He questioned whether, in an area with more flexible zoning, the situation could be viewed differently and asked what standard should be applied when "de-zoning" occurs. Rhineberger stated that the Land Use Plan (LUP) serves as a guiding document and contains relevant language, though it does not carry the full weight of law. Mahlberg acknowledged

that the LUP is helpful for planning by establishing guidelines and expectations. Rhineberger reiterated that it is difficult for staff to dictate which standard the Commission should apply in this case, as the discussion could reasonably support either the "rare and unique" standard or the "shorelands especially suited" standard. Mahlberg then asked where the "rare and unique" factor lies in this particular case. Mol responded that "rare and unique" would be the standard to use if no riparian features were present. Mahlberg agreed, noting that the larger tax parcel, which is the one being split, is designated as Rural Residential and that the shoreland factor applies only to the smaller lot. Rhineberger confirmed that Parcel A pertains to the shoreland element, while the lower parcel is more aligned with the "infill" category rather than "rare and unique." Mahlberg concluded that a site visit is likely necessary and requested that staff provide further guidance at the next meeting regarding the "downzone" aspect of the proposal.

- H. Greninger stated that she shares Mahlberg's thoughts and emphasized that the Commission must be able to justify any decisions it makes.
- I. Felger clarified, talking about "downzoning" and the only piece of land being "downzoned" is the small lakeshore lot. Mahlberg confirmed.
- J. Bravinder moved to continue the matter to the July 10th meeting for a site inspection. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

10. Allen Dubbeldee – New

LOCATION: 11066 PITTMAN AVE NW– PRT OF SE1/4 & GOV LT1 LY S OF LK CAROLIN and PRT OF NW1/4 NE1/4 in Section 04 & 09, all in Township 122, Range 28, Wright County, Minnesota. (Lake Caroline - Southside Twp.) Tax #217-000-044400, 217-000-091202, 217-000-091205 Property Owner: ALLEN & DEBS DUBBELDEE REVTR and ALLEN R DUBBELDEE & DEBS JM DUBBELDEE REVTR

Petitions to rezone that portion of tax parcels 217-000-044400, 217-000-091202, and 217-000-091205, north of County Road 3, as approved by the Board of Adjustment on 1/10/2025, from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agricultural/Residential (A/R) with a Residential-Recreational Shorelands 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: Allen and Debs Dubbledee

- A. Rhineberger displayed the property details and proposed concept plan while reviewing the request. The applicant owns four separate parcels and previously went through the Board of Adjustment (BOA) in early 2025. That approval allowed a lot line adjustment to address the applicant owning property on both sides of the county road. This current request seeks to rezone all land north of County Road 3. The area is currently zoned General Agriculture (AG), with a Residential-Recreational Shorelands District Overlay (S-2) applied to land within 1,000 feet of Lake Caroline. According to the Northwest Quadrant (NWQ) Land Use Plan, the 35 acres are designated as Agricultural. The A/R zoning district and being riparian requires each lot to have a minimum of 300 feet of both road frontage and lakeshore frontage, along with 300 feet of depth from both. A submitted concept plan outlines the potential creation of two separately saleable lots. One of these lots currently has an open building permit for a new home, with the condition that the existing home be converted to a guest house or storage. This rezoning request would allow the existing home to remain as a primary residence. Southside Township has recommended approval. One additional public comment was received, though it related more to the previous BOA request.
- B. A. Dubbledee explained that they received the permit for a new home, as well as approval to convert the existing home into a guest house. However, after starting the process, their children encouraged them to renovate the existing house and make it a full-time home. The existing house is in poor condition and needs significant repairs, including major electrical work. Rhineberger clarified that if the intention were only to use the existing house as a guest house, this rezoning request would not be necessary. The current request is needed to allow both homes to exist as full residences.
- A. No comments from the public.
- B. A. Dubbledee added that the farmland on the property is in such poor condition that the farmer who rents the land has chosen not to farm it this year as it "doesn't grow anything."
- C. Mahlberg asked about the lake classification. Rhineberger responded that Lake Caroline is classified as a Recreational Development (RD) lake. Mahlberg observed that the lake appears fairly developed, especially across the water. D. Dubbledee stated that the lake is private, with no formal public access, though a river runs through it. Felger asked whether a lake that spans two counties must share the

same classification. Rhineberger explained that counties can classify lakes differently and that there are examples of that within the county. Mahlberg inquired whether the property to the northwest of the guest house is developed or vacant. D. Dubbledee confirmed that there is a new home on that lot. Mahlberg noted that the development around the RD-classified lake differs from development proposals near swamps or creeks, suggesting this site is more appropriate for residential use.

- D. Felger moved to continue the matter to the July 10th meeting for a site inspection. Motion seconded by Smith.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

The Commission scheduled a site inspection for Monday July 7th, with the Commission to meet at 8:30 a.m. at the Government Center.

Meeting adjourned at 10:57 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Twp. Clerks