

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 11, 2025

Minutes

The Wright County Planning Commission met on Thursday, July 11, 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: Jeanne Holland, Ken Felger, Sandy Greninger (arrived during item #2), Pat Mahlberg and Dan Bravinder. Absent was Larry Smith. Brian Wold, Assistant County Attorney, was the legal counsel present. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office.

ACTION ON JUNE 12, 2025, MINUTES

Bravinder motioned to adopt the minutes for the June 12, 2025, meeting as printed. Seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

1. Paula Dalbec – Cont. 5/22 & 6/12

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.

No representative present.

- A. Rhineberger reminded the Commission that this item was continued from the prior meeting to allow staff time to draft findings consistent with a denial. Those findings were included in the Staff Report.
- B. Mahlberg questioned page 10, line 20 of the draft findings. The second sentence refers to *a significant change in the policies plan has not been made*. He does not want to insert the word "significant"; he would rather remove it so that a new standard of significance is not added. Mol clarified that only the word "significant" should be removed, which Mahlberg confirmed. Rhineberger acknowledged.
- C. Mahlberg motioned to adopt the Findings and Recommendation to the County Board of Commissioners for denial of the request to rezone, as presented, with the discussed amendment. The motion was seconded by Holland.

VOTE: Mol, Mahlberg, Holland

NAY: Bravinder & Felger

MOTION PASSED

*Greninger absent at this point

2. **David Radziej** – Cont. 6/12

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. Radziej explained that Lou Armitage has made an offer, which has been accepted, on the property in question. He, himself, plans to sell his existing home and build a new one on the east side of Christen Avenue. The request is to split the 14-acre property into two 7-acre parcels. This division would help restore the east side of the township road and create a more manageable property while improving its appearance. Buffalo Township has approved the plan to divide the property and has also acknowledged concerns in the area. If the proposal is approved, they would like to quickly address safety issues by creating a turn-around for emergency vehicles at the location. Public safety is a top priority, according to Radziej. He also expressed appreciation to the neighbors who raised concerns about increased traffic, reduced lot sizes (under 10 acres), potential views into neighboring backyards, and flooding issues on the property. Radziej believes that traffic will not increase, as the plan is for them to provide daycare for Armitage's children right across the street. He plans to build his home on the far northeast side of the property and will do his best to preserve space between homes. The concern about flooding was valid; however, the issue has reportedly been resolved due to the installation of drain tile. He plans to work with the DNR to reestablish a duck pond on the property. Armitage distributed a printed version of the Land Use Plan (LUP) map to the members, which Rhineberger then displayed. (Note: Greninger arrived at 7:38 p.m.) Radziej continued by reviewing the LUP, highlighting the city annexation area, but asked the Commission to focus on the northeastern development area and the four lots to the southwest, which were created in the 1980s. Both areas are designated as R-2a. He then read the Land Use Plan's definition of Rural Residential: *"Designates those areas where a combination of agriculture, hobby farms and very large lot residential areas is deemed appropriate. Purpose is to provide a buffer between agricultural and other uses, and also to provide housing opportunities in a rural environment where large lot sizes and the rural atmosphere will be maintained. Existing land types may include large wooded areas, non prime farmland, pasture and other lands in areas not well suited to long term agricultural uses. Appropriate zoning may include Agricultural, Agricultural/Residential, or, in unique circumstances, R-2(a). Rezoning to R-2a may be appropriate in unique circumstances such as: infill for areas which are already developed in a similar manner; adjacent to developed areas with smaller lot sizes to serve as a transition, and; other unique situations which do not establish R-2a as a new zoning district in a previously "undeveloped" area."* Radziej believes their request qualifies as "infill," as the parcel is becoming an island between two R-2a areas. They are requesting that the Commission approve their proposal, which includes: splitting the property, reducing traffic counts, restoring useful land area, enhancing visual appearance, and addressing the community's safety concerns.

B. Rhineberger displayed the concept plan and reminded the Commission that the item had been continued to allow for a site inspection, which has now been completed. No additional information or comments were received since the last meeting.

C. Public Comment.

- Danielle Wolf, who spoke at the prior meeting, stated that while the proposed rezone might be beneficial for the next 20–30 years, particularly for multigenerational family use, she is concerned about its long-term impact if the property is ever resold. Currently, the 10-acre parcel is a beautiful piece of land with the potential for livestock. Once it is subdivided, that opportunity will likely be lost permanently. She urged the board to consider future uses, including livestock, rather than approving a temporary zoning change that may be convenient now but harmful to the area in the long run.
 - Tim Cady stated that he has lived in the area for 52 years and finds the entire request troubling and confusing. He expressed frustration, saying the proposal “reeks” to him. He questioned the purpose and placement of the proposed roundabout, asking where exactly it would be located. He recalled that the entire 40 acres on both sides of Christen Avenue was originally divided into 5-acre parcels, involving multiple property lines. The proposed boundaries, in his view, don’t appear to consider those original divisions, which adds to his confusion.
 - Joanna Christensen, who lives on the bordering property to the proposed split, noted that recent farmland splits in the area have maintained lot sizes of 10 acres or more. She emphasized that the property in question has potential for supporting livestock, pastures, or tree planting. She expressed confusion about the claimed safety concerns and questioned the need for a cul-de-sac. Christensen added that such a feature could impact Mr. Cady’s property as well. She stated that most properties in the area are around 10 acres and that smaller parcels would likely increase traffic. Additionally, she was unsure of the potential impact the pond might have on the property or the area.
 - Loren Lindvall, who lives on the property that would border the backyard of the proposed home, shared that he had spoken with the current landowner. According to him, the area is low and tends to get wet, with water sometimes reaching his property. He believes grading would be necessary to make the land buildable, raising concerns about where the water would be redirected. He also questioned the plan to establish a DNR duck pond and what that would involve. Lindvall stated that many neighbors were present and that none supported the proposal. He had also spoken with several neighbors, some of whom submitted letters or were unable to attend, all of whom shared the same concern that the lot should remain at 10 acres. He noted that this property had been denied rezoning in the past. He emphasized the importance of maintaining the area’s zoning to support livestock and hobby farms. Subdividing the land from 14 acres into two 7-acre parcels would eliminate that potential. Depending on its location, the proposed cul-de-sac could further divide the land, reducing its utility even more.
- D. Radziej stated that the cul-de-sac was requested by the Township, and they plan to accommodate that request. However, Rhineberger clarified that the request actually came from the Fire Chief, who had noted that if additional development were to occur in the area, the road should be

addressed for safety purposes. He explained that decisions regarding future homes and lot development would typically occur during the subdivision stage, not necessarily at this point, though preliminary discussion is appropriate. Radziej emphasized that the property feels like an “island” surrounded by previously approved developments and that the proposal aligns with the character of the surrounding area. He does not believe this sets a new precedent, as R-2a zoning has already been approved to the southwest. He also argued that a 7-acre parcel is a manageable size and noted that the land east of the road has not been used for agriculture for a long time.

- E. Mahlberg inquired about the history of the property immediately to the south, noting that it is slightly under 5 acres. He then asked the applicant to elaborate on their argument regarding the concept of *infill*, referencing the Land Use Plan (LUP), which outlines a list of unique circumstances under which rezoning might be appropriate, *infill* being one of them. Radziej responded that the property in question feels like an island, situated between two areas already zoned R-2a, and due to its proximity to those zones, the rezoning makes sense. Mahlberg acknowledged that reasoning but raised a concern that if the idea of the property being an island is accepted, it could open the door for others to make similar requests. He pointed out that the area includes many lots between 10 and 15 acres and that this property is not truly an island, but rather just one among several dozen in the vicinity. His concern is that approving this would undermine the intent of the current LUP. Radziej countered by emphasizing that most surrounding properties are already developed, with existing homes and established residents. In his view, that makes this parcel more of an undeveloped island and a logical candidate for inclusion in the surrounding R-2a zoning. He does not believe granting the request would set a precedent because development around the parcel has largely already occurred. Mahlberg questioned why others in the area, who also have similar-sized lots, couldn’t come before the Commission asking for divisions and new homes. He emphasized the importance of not prematurely bypassing the current Land Use Plan. While he acknowledged that the LUP could change in the future, it has not yet been done, and his concern lies in creating an exception ahead of policy. Armstrong agreed with Mahlberg’s assessment, stating that many residents in attendance would likely be more comfortable with a 10-acre split from the eastern side of the road. However, he noted, such a division is not currently allowed under zoning regulations. Mahlberg added that while he has no doubt the applicants would be a good fit for the neighborhood, his concerns remain. He reiterated that the subject property lies more than half a mile from one end of the R-2a zoning to the other, with numerous properties in between, so in his opinion, it does not constitute an “island.” Radziej responded by pointing out that the north side of the subject property borders approximately 300 feet of R-2a land. Mahlberg replied that the concept of an island involves consideration of what lies on both sides of the property and not just proximity to one zone. Armitage added that there are some properties in the area that are roughly 3 acres or less, which he assumes were grandfathered in. To him, having parcels smaller than 10 acres does not seem unusual for the area. Rhineberger clarified that those smaller parcels are old lots of record, created before the current ordinance went into effect, or were the result of entitlement divisions. Armitage concluded by saying for them to use the land similarly to how land is already being used in the area does not seem like a major departure. Rhineberger then returned to Mahlberg’s original question about the history of the property to the south, explaining that it was originally created as a 10-acre parcel in 1972. In 1976, a boundary adjustment was made, and 5 acres were transferred, likely to the adjacent eastern property.

- F. Holland asked when the properties on Darrow were developed. Rhineberger responded that the plat dates back to 1976, which was around the same time that the 10-acre adjustment occurred. He noted that it's common to see rural developments like this one that were established in the 1970s.
- G. Greninger asked whether parcel 202-000-41100 is landlocked. Rhineberger clarified that it is not technically landlocked, as the road right-of-way abuts the property.
- H. Armitage addressed concerns raised about wetlands. Using Beacon, he identified the low-lying area and explained that the proposed new home would be built much farther to the northeast, on significantly higher ground. He believes minimal grading would be required and that the risk of flooding would not increase. Radziej added that the idea of restoring a duck pond was simply a response to neighbors' comments; he has not yet contacted the DNR about it.
- I. Mol noted that the area is already developed, a point even acknowledged by the applicant. He sees the proposal as a step toward the next level of development. Specifically, the discussion now involves reducing lot sizes to R-2a standards, which allow for smaller parcels. This raises the question, in his mind, of whether the area is truly ready to transition to smaller 5 or 7-acre lots. While the applicant is requesting to split the property into two 7-acre parcels, Mol questioned whether now is the appropriate time to move in that direction.
- J. Bravinder, reflecting on the earlier parcel that was denied and the current one under consideration, said he now has a clearer understanding of the direction Buffalo Township wants to take regarding lot development. He noted that these parcels are not located in the middle of a 40-acre field but are near long-established developments. From the Township's perspective, there is no clear reason why development shouldn't continue in the area. As a Township Official, he expressed frustration that the Land Use Plan (LUP) cannot easily be changed. He mentioned that townships have been advocating for a review of the LUP and believes other township officials share the same concern. In his view, townships are making an effort to evaluate *infill* areas and those that are near existing development and may be suitable for further subdivision. He emphasized that the request is for R-2a zoning, which allows for larger lots, and he agrees with Buffalo Township's position that the proposed development is a good fit for the area. Bravinder added that the addition of one more home would not significantly impact traffic and acknowledged that the applicant has agreed to meet the Fire Department's request for a turnaround.
- K. Rhineberger displayed the Land Use Plan (LUP) map and explained that the R-2a subdivision to the southeast was part of what is referred to as a "short 40." These lots were created at a time when the ordinance did not include provisions for quarter-quarter sections. Under today's ordinance, there is a provision allowing lots smaller than 10 acres if the parcel constitutes a full quarter-quarter, with boundary lines that are perpendicular to each other. This provision was specifically introduced to accommodate irregularly shaped areas or so-called "short 40s" since not all quarter-quarter sections are a full 40 acres. In 1986, the property owners had to rezone to R-2a because the ordinance did not yet include an exception for these cases. That exception was added around 1995. If the subdivision were proposed under today's ordinance, it would likely be zoned Agricultural/Residential (A/R), with four lots of approximately 9.94 acres each.

- L. Mol questioned member Bravinder's earlier comments, noting that while the Township may want to rezone, there are four immediate neighboring property owners who oppose the rezoning. He expressed concern about the government telling residents what is best. Bravinder clarified that he was referring to the Land Use Plan (LUP), not the rezoning itself. He explained the long-standing history of townships working with the county, emphasizing that rezoning decisions are ultimately made at the county level. Mol acknowledged that Buffalo Township is recommending the rezoning, but he pointed out the opposition from the four neighboring property owners. Mol asked where the Commission could find proper justification to approve such a rezoning when immediate neighbors are opposed. Greninger posed a hypothetical that if one of these four neighbors decided to sell their property and sought rezoning to R-2a, what would it look like then? Mol responded that regardless of the decision made tonight, a precedent would be set. He stressed that the Commission must consider the long-term impacts, including future development, road traffic, and neighborhood density.
- M. Mol concluded that the Commission must adhere to the ordinance and ensure any zoning changes are supported by clear and justifiable reasons.
- N. Holland noted that the property could potentially be subdivided into five homes in the future, and in a few years, a new Commission and revised Land Use Plan (LUP) could change the landscape further. While she understands that rezoning could lead to more houses being built, she does not believe that is the current intent. She also pointed out that Buffalo Township unanimously voted in favor of the change and likely has a better understanding of the area than she does.
- O. Rhineberger addressed the Commission and reminded them that their decision should not be based solely on the intent of the current applicant. Instead, they must consider the guidelines and direction provided by the Land Use Plan (LUP). Approving a request based only on one property owner's intent is not permitted under the LUP. The plan highlights specific criteria to evaluate, such as rare and unique features, shorelines especially suited for residential development or areas are considered as infill. While comments may reference the applicant's intent, the Commission's decision must be grounded in the standards and criteria outlined in the LUP.
- P. Felger stated that he agrees with Commissioner Holland regarding local control. The Township has approved the request, and as neighbors who are closely involved with what is happening locally, their input carries significant weight. He believes this property is especially well suited for the proposed development. Felger noted that many existing 10-acre parcels in the county are overgrown or underutilized. He views this request as a positive improvement that would put the land to good use. In a growing county where agricultural land is increasingly being taken up by solar farms, dividing smaller parcels of unused farmland for development is a better alternative. He also believes that even with 7-acre lots, future owners would still have the opportunity to keep animals. While there is a desire for hobby farms, the Commission often hears complaints related to them. Felger does not think this request would jeopardize the Land Use Plan or the Commission's ability to approve or deny future applications. He feels this request has a degree of uniqueness that warrants approval. Regarding the Fire Department's request for a cul-de-sac, he believes that in a true emergency, fire personnel would park in yards as needed. While he does not see it as a major concern, he appreciates the applicants' willingness to accommodate the Fire Department. Felger concluded that this request should be approved now before the situation becomes more complicated in the future. He expressed his support for the request.

- Q. Mol stated it comes down to what is the appropriate unique circumstances, or as being infill or is this a transition area. Felger feels all those reasons apply.
- R. Armitage noted that one of the concerns is avoiding setting a precedent by allowing R-2a zoning on a lot smaller than 10 acres. He asked whether the four lots to the southwest, which are also under 10 acres, could be considered a precedent already set. Mol replied that those lots were developed under different rules. Rhineberger added that the ordinance language has changed since then. If those lots were proposed today, they would be permitted to be less than 10 acres if they represent a full quarter-quarter section totaling less than 40 acres, and they would be zoned Agricultural/Residential (A/R) rather than R-2a.
- S. Felger moved to recommend approval to the County Board of Commissioners to rezone tax parcel 202-000-044400 from AG-General Agriculture to R2a-Suburban Residential, with S-2 Residential-Recreational Shoreland Overlay District because we find the property is aligned with the goals and policies of the Northeast Quadrant Land Use Plan and the Township approves. Motion seconded by Holland.

VOTE: Holland, Felger, Greninger and Bravinder

NAY: Mol & Mahlberg

MOTION PASSED

3. **Rachael Hartwig** - New

LOCATION: 1257 60th St NE – E1/2 OF NW1/4 EX TR DES IN BK296-811(052101) in Section 05, Township 120, Range 25, Wright County, MN. (Buffalo Twp.) Tax #202-000-052100. Property Owner: PERRY J & STEPHANIE R HARTWIG

Petitions for an Interim Use Permit to operate a home occupation for a massage therapy business from within the existing home, as regulated in Sections 155.003(67), 155.031 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Rachael Hartwig

- A. Hartwig stated she was present regarding the opening of a massage business in her home.
- B. Rhineberger displayed property details and reviewed the request. The property is approximately 75.57 acres located in Buffalo Township. The request is for an Interim Use Permit to operate a home occupation for a massage therapy business within the existing home. The business plan and floor plan were included in the staff report. The business will be located in the basement of the residence, which has its own separate access. The applicant has been working with the Building Official regarding code requirements to meet public use building codes. The Township approved the request, and no other comments were received.
- C. There were no comments from the public or Hartwig.
- D. Mol asked the Commission if there were any questions or concerns, with Holland stating the request is straightforward.
- E. Bravinder moved to approve an Interim Use Permit for therapeutic massage as a home occupation, accordance with the discussion, plans, and description held on file, with the following conditions: 1) The use may only take place in the residence, in areas noted on the plans submitted; 2) Proper building and change of use permits be obtained, inspections passed, and certificate of occupancy issued prior to clients being allowed inside the home; 3) Days and hours of operations are limited to Monday through Friday, 9 am to 4:30 pm; 4) Property owner must maintain majority ownership in the business; 5) Any change in use or expansion requires an amended Interim Use Permit hearing; 6) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **Kraina Land LLC** – Cont. 6/12

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.

No representative present.

- A. Rhineberger noted the item was originally continued for a site inspection and township review. Staff is still waiting for the Township to provide feedback regarding the road and whether or not they will accept maintenance of the road once built to their standards. Since the applicant is continuing to work with Township, they have requested continuation to the July 31, 2025, meeting to complete the Township review process. As such, staff would recommend a motion to continue the request to the July 31, 2025, meeting, at the applicant's request, to allow time for further township review. The applicant has signed the 120-day waiver.
- B. Greninger moved to continue the request to the July 31, 2025, meeting, at the applicant's request, to allow time for further township review. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

5. **Johann Massmann** – Cont. 6/12

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, Paul Otto with Otto Associates

- A. Rhineberger displayed the concept plan and reminded the Commission that the item had been continued to allow for a site inspection, which has now been completed. No additional information has been received from staff, nor have any comments been submitted since the last meeting.
- B. Otto stated that he appears before the Commission frequently to propose developments and that there is increasing pressure to do so. He believes the Commission is receiving significant pressure from residents who want and expect development, which relates to this property. The property is located outside the official Land Use Plan (LUP) but within the infill area. He expressed that revisiting the land use plan could make the Commission's work easier. Rhineberger acknowledged the idea but noted that there was a prolonged period with no growth. Even though the plan is 16 years old, real development didn't begin until about seven years ago. Otto believes the time has come for a discussion about updating the LUP. Holland agreed, mentioning that the cost of doing so is significant, and there is reluctance to raise taxes. Otto emphasized that updating the LUP is a major concern for him. He pointed out that when the current plan was approved, it had just been reviewed, so it was hard to argue against. However, with time passing, there is now room to question it, especially as development pressure has shifted outward from where it was previously concentrated.
- C. Massmann stated that during the site inspection, he provided a few documents to the Commission and asked whether they had been shared with staff, specifically the Examiner of Titles document dated September 15, 2022, along with some maps. Rhineberger confirmed that the Examiner of Titles document was in the. He read the staff report and felt it provided an accurate reflection of the situation. There is some disagreement regarding the complex legal history of the parcels, which is why he is here making the request. He particularly appreciated paragraph E of the staff report, which outlined the zoning districts within a half-mile radius of the subject properties. He believes the Commissioners who visited the site recognized that the lakeside parcel is not prime agricultural land and that his proposed use is appropriate. The lowland of the two parcels along with the clear location of the gas pipeline clearly shows why the Township supports and recommends for approval.

- D. Felger asked if there had been a title issue at some point and why that title opinion document had been shared. Massmann explained that he had purchased the property and conducted due diligence, including obtaining a written opinion from the Title Examiner. His intent was to show the Commission that he wasn't hoping for the best and had taken appropriate legal steps. Felger said he didn't believe there was a title issue. Massmann noted that he had recently received an offer on one of the parcels, but the deal fell through due to a discussion with Planning & Zoning. He is now trying to work through the issues and ultimately create two parcels with marketable title.
- E. Mol asked the members if they had any questions, comments, or concerns.
- F. Bravinder read from the NWQ Land Use Plan under the Agricultural section: *"Designates those areas appropriate to remain in agricultural use over the long term. The purpose is to both preserve productive farmland for the future and to protect agricultural activity from encroachment by other activities."* He noted that nothing appears to be growing on this property and that, as far as he can tell, it has never been actively farmed. Mol responded that he has mentioned this before, asking when agriculture only came to mean row cropping. He noted that any open land is considered agriculture. Rhineberger added that the LUP specifically states that agriculture includes open space, recreational land, natural areas, and anything under active agricultural operation. This language is commonly referenced in rezonings and outlines what designations mean and what zoning could be applicable, with staff only providing some context in reports. Bravinder stated that since the buildable area on the two lots is small, most of the land would remain unchanged. Massmann had acknowledged this as well. Bravinder also understands that Silver Creek Township is feeling pressure to revise the LUP but currently lacks the ability. Rhineberger read from Section 1.2 of the NWQ Land Use Plan, titled "Plan Purpose": *"Because the majority of the unincorporated land area in the NWQ is agricultural and/or open space in nature, a major thrust of this Land Use Plan is toward the protection and preservation of agricultural and open spaces. The intent is not just to protect prime, cultivated land from conversion to other uses. Rather, the intent is to protect areas that are and can remain rural or 'agricultural' or 'open space' in nature. Small woodlots, pasture, wetlands and other rural land types are an integral part of agricultural and rural areas in the Upper Midwest, in addition to cultivated fields"*. He emphasized the importance of the Commission hearing this exact language. Felger stated he agreed with what was read.
- G. Greninger agreed with Bravinder and stated that the rezoning of the two lots would not significantly change anything.
- H. Mol reminded the Commission that it can't simply state that nothing will change; definitions from the ordinance must be followed. Even if a few homes along County Road 8 may not seem significant, there needs to be a clear record explaining why this case is unique and justifies rezoning. Township approval alone is not a valid justification. Otto felt the Commission was approaching a solid rationale. At a previous meeting, it had been discussed that the property might be especially suited for lakeshore development, or that it was rare and unique. He argued the property qualifies as unique for several reasons: it would be zoned S-2 due to its proximity to

a DNR-regulated body of water; it is bisected by a gas pipeline, 90% of properties are unbuildable, there is an existing road to the backside that may have been built to access the property, neighboring properties are zoned both smaller (to the north) and larger (to the south) which makes this a transition property. Additionally, it is located on a County Road. These characteristics make it distinct from other properties in the County and support the claim of being rare and unique. Otto also noted that the property lies at the edge of the LUP and questioned whether the plan has kept up with current demand.

- I. Holland asked when the small lots along Duffield Avenue had been developed. Rhineberger responded that they were approved for platting in 1983.
- J. No public comments.
- K. Bravinder noted that the LUP reflects the area to the north as large-lot zoning, so in his view, rezoning these two lots would not result in "hopscotch zoning."
- L. Felger moved to recommend approval to the County Board of Commissioners to rezone tax parcels 216-100-282300 & 216-132-000010 from AG-General Agriculture to A/R-Agricultural Residential, with S-2 Residential-Recreational Shoreland Overlay District because we find the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan and the Township approves. Motion seconded by Bravinder.

VOTE: Bravinder, Felger, Holland & Greninger

NAY: Mol, Mahlberg

MOTION PASSED

6. **Michael Klein** – Cont. 6/12

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: Bernie Miller with MSTs

- T. Rhineberger displayed the concept plan and reminded the Commission that the item had been continued to allow for a site inspection, which has now been completed. No additional information has been received, nor have any comments been submitted since the last meeting.
- U. Miller stated he has worked in the county for 30 years, primarily focusing on septic designs and site planning for properties. Within the county, he sees increasing pressure and many challenging properties being sold are parcels which are difficult to accommodate both septic and home designs. He noted that many people want to live in Wright County and are trying to move to the country. Miller explained that it's difficult to define a fixed lot size suitable for building. He has seen 10-acre parcels that can't support even a single mound system, and also small 10,000 sq. ft. lake lots that, with a few variances, can support a house and septic system. He cautioned that if 5- or 10-acre minimums become the standard, a lot of good land that is farmland, resource, and open areas will be consumed unnecessarily. After reviewing the neighborhood, he believes this request represents a very good use of the property. Although smaller lots could be created, he isn't sure that's the right direction. The site contains really good soils for a septic system, and with the bluff in mind, deeper lots that are set farther from the lake make sense. The current lot is too large to maintain, and it can support a second home. He sees this as a good use of land that can't be farmed and is surrounded by other homes. Utilities are available, it's directly off the road, and the change will not increase the cost or burden for utility services.
- V. No comments from the public.
- W. Mahlberg stated that, for clarity, the Commission needs to discuss whether the support for this request stems from the rule regarding properties "especially suited for residential development." Rhineberger explained that while there is a reference to riparian lots, the concept can also apply to "infill" in areas that are already similarly developed. In this case, the request is outside the norm. One lot is actually going from R-1 (Urban/Rural Transition) to R-2 (Suburban Residential), which is more restrictive due to statutory requirements. Rhineberger noted that nothing can be done with the rest of the property without considering the undersized, nonconforming lakeshore lot. He confirmed that the Land Use Plan (LUP) specifies that R-1 or R-2 zoning should only be considered for riparian lots on shorelands especially suited to

residential development. Mahlberg confirmed with Rhineberger that the larger main parcel must be considered together with the lakeshore lot, even though they have separate PIDs, because of the nonconforming status of the lakeshore parcel. Rhineberger stated that, in his opinion, the lakeshore lot makes this property unique and that rezoning would be much harder to justify without it. Mahlberg agreed. Mol also agreed that in this situation they are indeed looking at a riparian parcel. He noted one can also look at the term “infill.” Rhineberger added that the main lot was rezoned to R-2a (Suburban Residential-a) in 2004 without lakeshore consideration. In this scenario, the proposal effectively reduces the size of the non-lakeshore lot and increases the size of the nonconforming lakeshore lot. In theory, this could be considered a lot line adjustment, enabling the lakeshore lot to support a home. Mol stated he was assured at the prior meeting by Mr. Miller that the new lot would not require any variances. Miller confirmed and added that it would not be possible to build below the bluff. Mol concluded that the proposal would make the lakeshore lot compliant and allow a home to be built without variances.

- X. Holland noted that the lake was a significant distance from the site and asked how the applicant would access it. Miller explained that the applicant understands he won't have a lake view but still wants to use the lake lot. There is currently a dock at the lake, and he drives his side-by-side to reach it. The plan is to build in the open field, well above the bluff area. Holland asked why the existing house couldn't be removed to build a new home. Mahlberg replied that the applicant would not be able to sell the existing home and downsize a new home for himself. Mol stated that, in his view, this is easier to justify due to the riparian connection. Although the motivation for a second parcel may be similar to a previously reviewed request, the previous lot was not riparian. If a property is not in the LUP but is riparian, the rules apply differently. He recalled a property in Albion Township where he had supported a request outside of the LUP because the property and three lots were on Albion Lake and were considered riparian.
- Y. Bravinder moved to recommend approval to the County Board of Commissioners to rezone tax parcels 217-052-002030 from R1-Urban/Rural Transition & 217-000-142205 from R2a-Surban Residential, to R2-Suburban Residential, with S-2 Residential-Recreational Shoreland Overlay District because we find the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan. Motion seconded by Greninger.

VOTE: Bravinder, Felger, Mol, Holland & Greninger

NAY: Mahlberg

MOTION PASSED

7. **Allen Dubbeldee** – Cont. 6/12

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 Dubbeldee

- A. Rhineberger displayed the proposed site plan and noted that the item had been continued from the prior meeting for a site visit. No further information was submitted.
- B. A. Dubbeldee explained that the original plan was to use the old house as a guest house, with family visiting during the summers. Because it is a guest house, they are not allowed to have a kitchen or bedrooms—essentially, it would be one large room with a bathroom that must meet all building codes. They would like to fix up the house and live in it while building the new home.
- C. No comments from the public.
- D. Greninger stated that during the site visit, she had asked what each building was used for and wanted clarification on the existing house. She noted it appeared very basic and was unsure where they were currently residing. A. Dubbeldee explained they are staying in Rogers with their son.
- E. Bravinder questioned how the proposed 23 acres would be accessed. A. Dubbeldee stated they would use the existing driveway. Bravinder asked how that was possible with two parcels. Rhineberger explained this would be addressed during the subdivision stage. Typically, subdivisions are not approved with shared or easement access. The new home location was approved on the premise that the existing home would be torn down. The Commission could require access via the frontage side. He noted he was not aware of any situation where that was not the case. A. Dubbeldee stated it would be nearly impossible to construct a driveway through the bluff. Rhineberger said, given that, the Commission should consider whether the property can support two lots if driveway access is a concern and cannot be obtained via the property's own frontage. Bravinder referenced a similar issue in Cokato Township, where a public cartway had to be installed. He agreed that a shared driveway is not an option. Rhineberger clarified that shared access has been accepted in some cases, but typically it's located along the common property line and access is only shared for a short distance.

- F. Holland questioned whether the Highway Department would allow access off County Road 3. Mol pointed out that there is already a field road access at the bottom corner of the property off County Road 3. Technically, the proposed site should have access, and if they choose to use the existing access, it is up to them. A. Dubbeldee noted the steep topography in that area. Mol stated that for the rezoning request and its criteria, there is access onto County Road 3. Rhineberger clarified that the property has road frontage and used Beacon to show where the new home is being built. Bravinder reminded the group that this is a rezoning request, but any subdivision would need to address the access challenge. A. Dubbeldee added beyond the bluff there are also several ponds in that area.
- G. Felger asked how the new home would be accessed. A. Dubbeldee replied, via the existing driveway. Felger confirmed the new home would sit on the proposed easterly parcel, which currently has no access off County Road 3. Holland confirmed that construction of the new home had already started. Rhineberger used Beacon to show the new home's location, the proposed division, and the current access. Felger asked what would happen if the westerly lot were sold how would the easterly lot be accessed. A. Dubbeldee said that would not happen in their lifetime; the plan is for their son to eventually own both properties. Rhineberger pointed out the Commission must consider what happens if that doesn't go according to plan. He also clarified that the existing guest house would become a full-time residential structure. Felger asked why the applicant wanted to divide the property. A. Dubbeldee said they wanted a full house, not just a guest house. Rhineberger explained that guest houses can have bathrooms and multiple bedrooms, are limited to 750 sq. ft., and can be designed to meet those needs. The applicant is currently permitted to build a new home and construction has already begun. This request is before the Commission because they want to keep the existing house as a residence, not a guest house, which isn't allowed without subdivision.
- H. Greninger asked what would happen if the request were not approved. Rhineberger clarified that they would be required to convert the existing house to meet guest house requirements, and they already have a permit to do so.
- I. Mol understands the applicants want to rezone the property to create two lots with two homes. He sees the major difficulty being the lack of access to the new home. There is a bluff over 40 feet high in the way. At some point, a separate driveway would need to be constructed through the bluff, given DNR regulations and ordinances that would be a significant challenge. Greninger asked council whether both homes could legally share the same driveway. Holland clarified that the ordinance does not allow it. A. Dubbeldee asked whether a cartway is permitted. Rhineberger stated the ordinance requires driveway access along the frontage of the lot. Wold said he would need to research further and deferred to Rhineberger. Bravinder added that if a cartway were allowed, both parcels would need 300 ft. of frontage. Rhineberger noted that with a cartway the proposed property would only have 66 ft. of frontage.
- J. Mahlberg acknowledged that the ordinance requires access to be located on the lot itself. Greninger expressed concern about how legal access would be provided to the second lot.

Mahlberg questioned whether, during the subdivision process, a condition could be imposed requiring the properties to remain under common ownership until legal physical access is created along the frontage of the second lot. Rhineberger read from the ordinance, stating: *“All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway or an existing private roadway approved by the County Planning Commission, the County Board, or township board.”*

Mahlberg responded that such access does not currently exist and concluded that it would be unlawful to establish a separate lot without legal frontage access. He questioned whether the Commission had any discretion in this matter. He emphasized that this question of legality is the most important consideration and even if the subdivision could theoretically work later, the Commission should not begin the process by acting unlawfully. Rhineberger then read from the subdivision ordinance, which states: *“The Planning Commission may recommend an exception to the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance.”* He acknowledged that this would be a difficult question to resolve, particularly because the first issue to consider is whether the land is *especially suited* for residential development. Mahlberg added that it’s unclear whether approving the rezoning at this stage would itself create an unlawful situation, since there is no physical access for emergency vehicles from the road. Rhineberger clarified that approving the rezoning alone would not create a legal issue, the issue arises at the subdivision stage, where access must be addressed. The property could be rezoned without being subdivided, or it could be subdivided later under a different plan. However, Rhineberger also questioned why the Commission would approve rezoning if they would be unwilling to approve the necessary subdivision afterward. He noted that zoning changes are judicial decisions involving the County Board, and once the rezoning is approved, it is final. If the subdivision were later denied, the new zoning would still apply and might not be appropriate for the property as it exists. Additionally, a rezoning request cannot simply be withdrawn after it has been heard by the County Board. Therefore, while the subdivision is technically a separate step, it cannot be entirely disregarded when considering the rezoning, especially when access and legal compliance are unresolved.

- K. Greninger stated that she would like to continue the matter to allow time for legal counsel to review the situation and provide advice. Her primary concern is the access issue, specifically, what is legally allowed regarding shared or common access. Rhineberger noted that a shared access would require an easement but expressed concern that easements can have limitations over time. If the easement were to lapse or the properties came under separate ownership, legal and logistical problems could arise. Mahlberg clarified that easements themselves do not expire and what Rhineberger might be thinking of is the Marketable Title Act. However, he stated that this is not typically a major concern and was unsure how it would apply in this specific case. Greninger emphasized that she does not want to create an issue that could become a major burden for future property owners.
- L. Felger noted that the Commission is currently at the rezoning stage and heard from Rhineberger that they should not focus too heavily on potential issues that might arise during the subdivision phase. Rhineberger clarified that while the subdivision is not currently being approved and remains only a concept plan, the Commission cannot completely disregard it. Issues such as

access are valid concerns that could impact whether the property is ultimately suitable for division. He added that adjustments to the concept plan could potentially resolve the access problem. Mahlberg acknowledged that access is typically addressed more thoroughly during the subdivision process. However, he emphasized that when determining whether a property is *especially suited for residential development*, a key factor in rezoning, it must be considered whether the property can lawfully be developed for residential use. In this case, that question hinges on access that isn't there. Mol stated that the core issue is the location of the new home. It was started below the bluff, in an area that has no direct access, with the only viable access point being in a far corner. If the applicants had requested rezoning before starting construction, they could have placed the home in a location that met access requirements. The fact that the home has already been started in a difficult location is what makes the decision complicated. Holland asked who had designed the proposed parcel division lines and whether there might be a different way to split the property. Rhineberger responded that, due to the location of the existing structures, alternative configurations are limited or not feasible. Mol reiterated that the main challenge is the premature construction of the second home. He pointed out that there is plenty of room to build in the field within the area proposed for division. As the new home currently sits, however, he cannot see a way with MN DNR regulations and local ordinances that there is a way to build a driveway through the bluff, which remains the central challenge.

- M. Greninger asked how construction of the house began. Mol explained that they were approved to build a new home and convert the old house into a guest house. The applicants changed their minds and now want two full residences. Greninger understands their intent but is concerned about the lack of access.
- N. A. Dubbeldee asked if they could be required to have a sperate driveway, if broken up. Mol responded that it's something that could be discussed but emphasized the significant challenge: any new driveway would have to go through a 40-foot bluff, which presents substantial difficulties. Rhineberger clarified that the subdivision is the legal division of the parcel and must occur before a second home can be retained on the property. Even if the property is rezoned to A/R (Agricultural/Residential), two single-family homes cannot exist on a single parcel. Once the subdivision occurs, the properties must be legally split. He further explained that ownership alone does not determine what is permitted. If the intent is simply to have family stay overnight or for short visits, a guest house is allowed. If the current guest house design is not desirable, there is always the option to design and build a new guest house that meets requirements. Rhineberger mentioned that he had repeatedly heard references to the guest house being just a "single room," so he pulled up a recently approved guest house plan that included two bedrooms, a living area, and a bathroom, demonstrating that guest houses can be reasonably designed to accommodate guests while still complying with the ordinance. He concluded by stating that the core challenge of this request is the fact that the new home has already been started, and its location, below the bluff, with no direct access, is what is complicating the situation.
- O. Greninger asked if the applicant would like time to consider options and have legal counsel advice on access. Mol asked the applicants for their thoughts on guest house options and the

access concerns. He expressed doubts that the rezoning would be approved given the current challenges. He also asked whether the applicants would be willing to continue the item. Rhineberger explained that only one continuation is available unless the applicant signs a 120-day waiver. Greninger emphasized the applicants should understand their options. She questioned whether, if divided into two parcels, legal access from the existing residence to the new home would be allowed. Mol and Bravinder both confirmed it would not. Bravinder noted a cartway would require 300 ft. of frontage for both parcels. Holland agreed that a redesign might be necessary, as a driveway through the bluff isn't feasible.

- P. Mol questioned whether the item should be continued, allowing for further discussion among the members regarding voting options or possible lot reconfiguration. Mahlberg feels that if the applicant can present a concept plan that clearly demonstrates compliance with access requirements, then it is something the Commission could reasonably consider. However, in the absence of such a plan, he believes the Commission is still facing the fundamental question of whether the property is *"especially suited for residential development"*, particularly given that the current residential construction does not have lawful access. Rhineberger used Beacon to display a concept with potential lot lines, showing that subdivision could be possible with the new home kept on the current driveway. However, doing so would require removal or conversion of the existing home and the construction of a new home on the newly created lot. Mahlberg observed that the applicant's intent doesn't appear to be constructing a second new home from scratch in the field but rather to retain both existing structures. He acknowledged that there's a lot for the applicant to consider, and the general consensus among the Commission seemed to be that there is no clear path forward at this time for what is being requested. If the matter is continued, the key question for the next meeting will be whether there is legal access to the proposed parcel. Mol reminded everyone that a decision must be made within 120 days, but if additional time is needed, the applicant has the option to sign a 120-day waiver to extend the review period. A. Dubbeldee confirmed they would be willing to sign the waiver.

- Q. Hollan moved to continue the item to the July 31st meeting. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: Bravinder wants to ensure the applicant understands what is being asked. Both parcels need to be accessed legally. Rhineberger stated that he will set up a time to meet with council to discuss the situation.

8. **Robert Carlson** - New

LOCATION: xxxx Meridian Ave N – SW1/4 OF NW1/4 & NW1/4 OF SW1/4 in Section 07, Township 121, Range 25, Wright County, MN. (Monticello Twp.) Tax #213-100-072300. Property Owner: Robert Carlson, Dale Carlson, Christine Nigro, Shane Conlon, Shelby Conlon (Morgante)

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

Present: Robert Carlson

- A. Rhineberger displayed the proposed site plan and reviewed the request. The property was rezoned in early 2025, with this being a proposed two-lot unplatted subdivision. The property is zoned Agricultural/Residential (A/R), meets the minimum requirements, and has the required septic system. The remaining tract, at the proposed acreage, could be further subdivided. The intention is to divide off one buildable lot, and a buildable site was shown on the 40 acres. The township approved the request and noted that the property had been rezoned for this purpose. No other comments have been received.
- B. No comments from Carlson or the public.
- C. Bravinder indicated that he has no issues with the request.
- D. Mol asked the Commission if there were any additional questions, comments, or concerns, and hearing none, proceeded.
- E. Mahlberg moved to approve a Conditional Use Permit for a two-lot unplatted subdivision, in accord with the survey completed by Schoborg Land Services, Inc., Job Number 9858, dated 5/29/2025; with the following conditions: 1) Access permits, if required, must be approved by Monticello Township prior to any construction activity or earthmoving taking place; 2) All Wright County Feedlot Ordinance requirements and standards must be followed. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:08 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission & Twp. Clerks