The Wright County Planning Commission met on July 9, 2015 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 the following Board members present: Mol, Charlie Borrell, Ken Felger, David Thompson and Dan Bravinder. Absent were: David Pederson and Jan Thompson. Sean Riley, Zoning Administrator, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES

On a motion by Bravinder, seconded by D. Thompson, all voted to approve the minutes for the June 11, 2015 meeting as printed.

1. **ADAM C. SYLVESTER** – Cont. from 6/11/15

Location: Part of N ½ of SE ¼, Section 9, Township 119, Range 24, Wright County, MN. (Silver Creek Twp.) Tax #215-000-094102 Property Owner: Park Midway Bank

Petitions to rezone property currently zoned AG General Agriculture as follows: 1.7 acres to an R-1 Urban-Rural Transitional zone and the balance of parcel, 46.26 acres to A/R Agricultural-Residential zone. Also requests a Conditional Use Permit for a two-lot residential subdivision (one dwelling on each parcel rezoned) with waiver of platting requirements as regulated in Section 505, & 603 & 604 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Adam Sylvester

A. Riley informed the Commission the County Board accepted the recommendation to rezone the property to A/R and R-1 and the subdivision is what is before them tonight. The survey and soil borings were completed for the two lots proposed. This information shows there are two suitable sites on each lot for septic systems. He noted borings were done on the south end of the property and if the construction is on the back of the large parcel, they will have to provide further test borings. An air photo was displayed to show the property.

B. Sylvester indicated he has no further information. Klatt is farming the tillable land and they may not build on the large parcel for 5-10 years with plans to build in the woods.

C. Felger noted this proposal fits in well with the “Transition Area”. He noted when this was first discussed during the Land Use Plan, people were concerned they would be held “hostage” until properties were annexed into the City. Here they see that is not the case.

D. Bravinder moved to approve a Conditional Use Permit for a two-lot un-platted residential subdivision with a waiver of platting requirements, in accord with the survey completed by Otto Associates, dated July 9, 2015, Project No. 15-0216 & 15-0216A because it is consistent with the Land Use Plan and the Township and City approve, with the following conditions: 1) When a house is built on the R-1 lot the ghost lot plan shall be considered to best preserve the area to be developed if annexed into the City; 2) All accesses must come off of 17th Street SE, no access is allowed off the County Highway; and 3) Any future development would require platting. Felger seconded the motion.
VOTE: CARRIED UNANIMOUSLY
2. **STEVE CHENEY** – Cont. from 6/11/15

LOCATION: 4802 128TH Street NW – Part of Gov’t Lot 3 and Part of Gov’t Lot 4, Section 32, Township 122, Range 26, Wright County, Minnesota. (Ember Lake – Silver Creek Twp.) Tax #216-100-322100 & 216-100-322316

Petitions to rezone approximately 22 acres (riparian portion) of existing 46.16 acre parcel from AG General Agriculture and S-2 Residential-Recreational Shorelands and a Conditional Use Permit for a platted residential subdivision to allow six lots along the lake as regulated in Section 504, 605 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations. The remainder of the property to remain zoned AG.

Present: Applicant not present

A. Riley informed the Commission the applicant wants more time to work with the Township. A continuation to August is suggested.

B. D. Thompson moved to continue the hearing until August 20, 2015 per the applicant’s request. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY
3. **JADE J. ZACHMAN** – Cont. from 6/11/15

LOCATION: 15030 – County Road 75 NW – 11.73 acres of discontinued Burlington Northern Railway. A portion of line that falls within Section 16 & 21, Township 122, Range 26, see survey provided for complete legal description. (Silver Creek Twp.) Tax #216-100-161000 & 216-100-212205 Owner: Summit Stone Interiors, Inc.

Petitions to rezone from AG General Agriculture to B-2 General Business as regulated in Section 504 & 609 of the Wright County Zoning Ordinance.

Present: Applicant not present

A. Borrell moved to continue the hearing until August 20, 2015 per the applicant’s request to allow more time to work with the Town Board. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY
4. **BRADLEY PAUMEN** – Cont. from 6/11/15

LOCATION: 7496 Pilger Avenue NW – Parts of Lot 1,2,3 and 4, Block 2, Bisanideewin Shores, Section 28, Township 121, Range 28, Wright County, Minnesota. (W. Sylvia – Southside Twp.) Tax #217-018-002030

Petitions for a Conditional Use Permit as regulated in Section 505, 612 & 728 of the Wright County Zoning Ordinance for a land alteration in excess of 50 cu. yds. to cut in and construct a new driveway to serve existing house.

Present: Applicant not present

A. Borrell moved to continue the hearing until August 20, 2015 per the applicant’s request and to allow the applicant to meet with the Town Board. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY
5. **DIANE & RICHARD STIRLING** – Cont. from 6/11/15 – Public Hearing Closed

LOCATION: 15525 Grover Avenue NW – Part of Gov’t Lot 3, Section 13, Township 122, Range 27, Wright County, Minnesota. (Fish Lake/Clearwater Twp.) Tax #204-100-131403

Petitions to amend a Conditional Use Permit issued June 27, 2002 to allow expansion of the kennel facilities to increase the total number of dogs from 10 to 30, some of which will be “rescue” dogs as regulated in Section 604.4 of the Wright County Zoning Ordinance.

Present: Mr. & Mrs. Stirling

A. Riley referred the Commission to the Findings prepared at the request of the Commission. These take into account the applicant’s plan for the kennels and based on the discussion. He e-mailed the Findings this afternoon to the applicant for their review. Discussion of this and whether there should be any modifications to the Findings is limited to the Commission at this time.

B. Bravinder questioned Condition 3, and how they control barking. He asked if there should be something in the conditions about debarking not being the preferred method. Riley noted one Commissioner who is absent does not feel debarking is the preferred method. He explained the animal organizations are the experts Staff rely on as they are not trained in that area. Adding that language would be up to the Commission. Borrell indicated they could add that it is not the preferred method of handling barking issues. Mol – referred to the sentence and noted the wording does not say the County is requiring it, but that it is not the “preferred” method of controlling noise. Bravinder agreed as long as it is not a condition. Kryzer confirmed that the County is not saying that they should debark and the County’s position is that they try other methods of controlling noise. This is left up to the property owner.

C. Borrell moved to approve a Conditional Use Permit for a maximum of 30 adult dogs on site at any given time (this includes any adult dog on the property) in accord with the description provided by the applicant on file and in the record of these hearings, this approval also includes the future expansion of the house for kennels to replace two of the detached kennels, with the conditions as follows: 1) The operation be reviewed by the Town Board in one year to determine if the applicant is still in compliance; 2) The dogs must be kept inside at night; 3) The dogs must have access to supervised outdoor play areas and cannot be left unattended to control noise. Significant effort must be made to control barking as to not disturb the neighbors (also noting that debarking is not the preferred method of controlling noise but rather supervision of the dogs while outside); 4) The building constructed and approved for the kennels must be properly ventilated, insulated to control noise, and cleaned/sanitized on a regular basis as described by applicant on record; 5) The waste disposal process is completed routinely using the doggie waste terminator systems as described by the applicant; 6) Since the applicant falls within the guidelines of the new breeder law they will be required to obtain the proper licensing from the State; and 7) When and if the applicant decides to build the addition onto the house for the kennels (which will replace two of the buildings approved for kennels at this time),
proper permits will need to be obtained and waste disposal methods will need to be reviewed again at that time to ensure compliance. D. Thompson seconded the motion.

DISCUSSION: Thompson asked Stirling if they understand everything in the motion and Stirlings nodded, yes.

VOTE: CARRIED UNANIMOUSLY
6. **SHANNON NOLAN** – Cont. from 6/11/15

LOCATION: 6614 County Road 3 NW – Part of W 545 feet of S ½ of NW ¼, Section 35, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-352303

Petitions to rezone from AG General Agriculture to R-2a Suburban Residential and a Conditional Use Permit for an unplatted two-lot residential subdivision (2- five-acre lots - one new building site) as regulated in Section 504, 505 & 606.a of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Shannon Nolan

A. Riley noted the Commission set a site inspection which was held. The proposal is to rezone property that is currently zoned AG and in the Land Use Plan as AG. A site plan was displayed to show what a subdivision might look like if rezoning is approved. The Pictometery map was used to show what the property looks like. Most of the property is wooded, surrounded by residential and gravel pits. The issue is whether this property should be rezoned when it is not in the Land Use Plan and the debate is on when this can be done. An example is the lakeshore provision and/or other unusual situations where rezoning may be allowed. For this consideration, Riley read the policy from the Land Use Plan. The Commission should discuss for the record the dynamic of this not being in the Plan, whether they feel there is justification to meet the goals of the policy plan. Is there something unique?

B. Borrell noted the Town Board must have felt it fits as they approved the request.

C. Felger stated three Board members were present at the site inspection and walked the property. Since the inspection he considered land like this and came to the conclusion that the AG designation in this case and in other parts of the County is a misnomer. Going back to the description of AG zoning, which he read a portion. Designates those areas to remain in Ag use, this land has never been in Ag use, other than possibly a pasture, should remain in long term Ag. This provision provides for protection for Ag use, serves the important purpose of preserving productive farmland, or other agricultural uses. It is his opinion, this designation restricts the land from further development. This property is perfectly suited for a residential division, the surrounding area is residential, gravel pit behind and there is much traffic on the roads. He did not see anything in the immediate area that would encroach on Ag land. Borrell felt putting a pasture out here might create more objection. Felger – in the big picture they need to look at that designation or treat them uniformly.

D. Nolan stated this parcel was part of a 119 acres years ago and was not in agricultural use. Felger – did not think this instance is rare in the County. Mol – felt this is rare because of the existing development on Lake Sylvia and a development to the north. They could see other proposals come in that would have farmland around it. Felger felt the request has everything going for approval. No agricultural activity in the immediate vicinity.

E. Mol called for public comment, hearing none, the matter returned to the Commission.
F. Kryzer noted the farmland to the south of a building site would not continue through unless the homestead were removed.

G. Felger moved to continue the hearing to July 30, 2015 for Staff to develop a motion for approval of the rezoning to be acted on at the next meeting. Town Board approves of the rezoning. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY
7. **TRACEY J. VAN LITH** - New Item

LOCATION: 6984 Cameron Avenue NE – That part of Lot C of N 1/2 of NW ¼, … Section 33, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-332202

Petitions for a Conditional Use Permit for a personal dog kennel for the applicant’s 6 adult dogs as regulated in Section 302.2 (72), 604.4 of the Wright County Zoning Ordinance. (Temporary Permit expired.)

Present: Tracey VanLith

A. Riley stated the temporary conditional use permit was granted, a couple of site visits have been made and there have been substantial changes and improvements completed. The applicant requests a permanent Conditional Use Permit for a kennel at this time. He provided these conditions to the applicant.

B. VanLith asked what she has to do for the one-year review. Riley explained it is generally a discussion at the Town Board level, if there is a problem they would contact the applicant and County.

C. Borrell moved to approve a Conditional Use Permit for 6 adult dogs with the following conditions: 1) The applicant shall continue to maintain the requirements set forth on the attached action plan; 2) The dogs shall be provided clean water at all times including but not limited to the time they are outside in the kennels or runs, 3) All food bowls and kennel areas must be cleaned regularly, 4) the applicant shall provide the dogs with sufficient shade when they outside in their kennels or runs and proper ventilation when inside; 5) The dogs must be housed inside at night and supervised when outside during the day to control noise; 6) The animal waste is properly disposed of as laid out in the action plan; 7) The property is limited to two animal units on site at any given time in accord with the Wright County Feedlot Ordinance (note this does not apply to domesticated animals); and 8) the Township will review the permit in one year to ensure compliance.

Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY
8. **RYAN T. ZYLSTRA** - New Item

LOCATION: 9571 Endicott Avenue NW – Part of Gov’t Lot 2, Section 17, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-000-171201 expanded to 1.89 acres

Petitions for a Conditional Use Permit for a Home Extended Business as regulated in Section 604.4 & 741 of the Wright County Zoning Ordinance to operate an insurance sales office out of a structure previously used as a dwelling (Currently being converted to office space.)

Present: Ryan Zylstra

A. Riley reviewed the location of the property zoned AG/S-2, east side of Millstone Lake. He relayed the adjustment of the property and what has led up to the request.

B. Zylstra explained his father passed away recently and the old farmstead and his parent’s home were noted. The old farmstead was broken off on 9.6 acres with the building site, and they are converting the old farmhouse into their insurance business office. He has been working with the County on this conversion and it was recommended increasing the acre lot his mother owns, to include all the farm buildings and small garage and is incorporated into the 1.89 acre parcel. The primary house where his mother lives was noted and is where they currently run the insurance business together. The additional land includes the old house they are converting for the home extended business.

C. Riley – summarized the adjustment to make this parcel one large parcel. A new mound is being installed and they are considering how to make the old system conforming for the business that will have limited water use.

D. Mol – asked about the access. Zylstra stated the one acre is what his parents had bought off the farm originally and they used the existing access drive. The access strip is available if a separate driveway is ever needed in the future. Riley explained the division of the one-acre lot goes back many years and was not an administrative procedure. The owned property is there if they ever needed a separate driveway. D. Thompson – stated in Otsego they do not allow “flag” lots and asked if they own both parcels. Zylstra – noted this division goes back to the 1970’s and his mother has that. Felger asked if the three parcels are under common ownership. Zylstra replied that it is. Riley noted there is some unique history with the division and the Ag buildings. There are only two that have to remain together. The parcel being added with the structure for the home extended business has to be owned with the house. D. Thompson asked about whether the parcel outlined in green could be separate in the future. Riley indicated they would have the Auditor combine the parcels, it could not be separated as a home extended business has to stay with the house, unless an entitlement is moved here and separate hearing is held in the future.

E. Bravinder - the requirements for a Home Extended Business will have to be met and this will get one tax parcel number. He explained he has a similar situation for his home business.
F. Felger asked about the sewer situation. Zylstra – explained for the purchase of the 9.6 acres the old sewer had to be abandoned and a new one installed. Riley stated the new compliant system will take care of both issues. D. Thompson asked if the business is in her home now. Darlene Zylstra – in the audience stated that is correct. Currently, they operate out of her basement.

G. Borrell moved to approve a Conditional Use Permit for a Home Extended Business to operate an insurance sales office out of a structure previously used as a dwelling (which is currently being converted to office space) in accord with the record on file with the following conditions: 1) Proper permits are obtained for the conversion of old home to non-dwelling structure; 2) The on-site septic for the residence is addressed prior to operation of the business or issuance of any other permits; and 3) All signage conform to the Wright County Sign Ordinance. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY
9. **MARYANN A. PETERSON** - New Item

LOCATION: Part of the S ½ of the SE ¼, Section 17, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-174400

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential and a Rural Planned Unit Development District and also a Conditional Use Permit for a platted residential subdivision (four new residential building lots proposed) as regulated in Sections 504, 505, 603 & 614 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Applicant not present

A. Riley stated the applicant needs additional time to meet with the Town Board.

B. Felger moved to continue the hearing to July 30, 2015 at the applicant’s request.
   D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Kryzer informed the Commission that he was able to inform the neighbors leaving the meeting that the continuation was for July 30 and those who could not make it would submit their written response which would be read at that meeting.
10. **DAROLD B. SANDERSON** – New Item

LOCATION: 2177 155TH St. NW – NE ¼ of SE ¼, Section 15, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-154100

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential along with a Conditional Use Permit for a two-lot unplatted residential subdivision (20 acre parcels proposed) as regulated in Section 504, 505 & 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Applicant not present

A. D. Thompson moved to continue the hearing until August 20, 2015 per the applicant’s request to meet with the Township again. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY
11. DISCUSSION

A. Dahlberg Kennel – Clearwater Twp.

Riley summarized the response from the Town Board and neighbors are reporting that the kennel is not running within the conditions set. There is not a procedure for formal review for a new hearing, other than for a hearing to revoke the permit. Review has been handled by the Township. The public hearing could be held where the applicant and neighbors have an opportunity to speak to develop a record.

Mol – Township Supervisor – reported a number of neighbors present at their meeting report there are a number of instances when dogs were lose and barking a nuisance. There was some discrepancy. Many neighbors reported much barking during the evenings. The morning of the Town meeting the owner reported dogs were debarked and there would be no more noise problems. The State had reported that they had sold dogs with mites in the ears and with coxie and Dahlberg stated both are not uncommon. Mol – did not know how this should proceed, there are new State guidelines for selling dogs. Riley stated the new guidelines include a certain number, so many breeding dogs and cycles to require a State permit. The December 13, 2012 Conditional Use Permit motion made was noted, he referred to condition #8. The purpose of the hearing would be to address that. Borrell questioned if more time is needed for the Township to work on this. The facts seem to be in dispute. Mol – did not know that additional time would be helpful; there are signs up on her property, no one can go on the property to inspect. Riley stated the County has gone out there a couple times, but the owner knows they are coming and Staff cannot be out there during the evenings/weekends. Mol – many neighbors were at the meeting and they all say the same thing. Riley agreed – the number of complaints is not typical.

Kryzer – the Commission can notice this and have the owner come back in. Or, do a site inspection to find out what is going on and proceed from there. The other option would be start the revocation hearing. The Commission would become the judge and jury after hearing testimony. Borrell stated he was not ready to do that. Would there have to be a ticket issued. Kryzer – stated that was where the Town Board came in. D. Thompson – asked if the Sheriff was notified. Riley was not aware that the Sheriff’s Department has been out. Also, there were concerns at the first year review.

Bravinder – noted a situation in Cokato Township where there were a number of complaints. The owner did not have a kennel permit and she wanted to keep the dogs and she applied. The conditions were established, have been complied with and everyone is satisfied. If they cannot resolve this, then they have to revoke it. Kryzer – they could classify this a review/revocation hearing. Borrell if there are a number of complaints about the barking they should address it. Mol – did not feel these neighbors were out to be vindictive and were all respectful at the Town Board meeting. The Township had given the owner some time to address the concerns before they held a meeting on this. He estimated there are a minimum of 6-7 neighbors around the kennel saying the same thing. Kryzer recommended sending notice to neighbors and hold the discussion on whether a revocation is necessary.

Commission concurred to hold a review hearing on July 30 to consider whether the next step to hold a revocation hearing is necessary.
B. **Sign Ordinance**

Kryzer reported a decision by the US Supreme Court, *Reed vs. Town of Gilmer, AZ* determining 99% of the sign ordinances in the US are not constitutional. Riley explained they cannot regulate content. The ruling may make things more restrictive and the County does not want to make it more restrictive, but need to address the wording. Kryzer gave an example of a political sign. Borrell stated he does not hear complaints about signs. Riley stated what the County usually sees are identification signs. The Ordinance has to be framed in a way that does not regulate what they say on the sign. Kryzer – used another example is a real estate sign.

The Commission to further discuss potential language to address the ruling at the July 30, 2015 meeting. A public hearing to be scheduled at a later date for any amendment.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
   Twp. Clerks
   County Board of Commissioners
   Kryzer
   County Departments
   SWCD