The Wright County Board of Adjustment met May 8, 2020 at 8:30 a.m. in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Present were Board members, John Jones, Dan Mol, Paul Aarestad & Dan Vick, Charlotte Quiggle joined the meeting remotely.

Jones called the meeting to order at 8:30 a.m. with Barry Rhineberger, Planner, representing the Planning & Zoning Office and Greg Kryzer, providing legal counsel remotely.

**ACTION ON APRIL 24, 2020 MINUTES**

On a motion by Aarestad, seconded by Mol, all voted to approve the minutes for the April 24, 2020 meeting as printed.

1. **BRAD J. WARD, Trustee for Lois Ward Trust** – Cont. from 4/24/20

   LOCATION: 2375 Endicott Avenue NW – N ½ of SW ¼, Section 20, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax #203-000-203100

   Requests a variance as regulated in Section 155.026 & 155.048(G)(4) of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances for a 15-acre division of existing homesite, that includes approx. 3.75 acres of prime farm soils.

   Present: Brad Ward & Jay Ward, Trustees of the Lois Ward Trust

   A. Rhineberger summarized the continuation from the last meeting. The request was for a 15-acre division with 3.75 acres of prime tillable soils out of 80 acres. The Board had suggested the location of the second “entitlement” be in the corner of the farm, reducing the proposed division to save the large tillable ground. Since the last meeting, two responses were received. Copies from Schmitz the proposed buyer of the 15 acres, and John Holthaus, realtor, were provided the Board. Kryzer questioned if the Board members had an opportunity to read the letters. Board members indicated they have.

   B. B. Ward – stated he took the recommendation under consideration. That would take the “entitlement” off the 65 acres, but the use of the farmland won’t change today. He noted it would remove the 5-7 acres of ag land right away. Vick noted that could be rented out. B. Ward felt if it is sold with the house there would be no change to the land being farmed. His buyer plans to have a small hobby farm and use it. He asked the Board to reconsider the 15 and 65-acre split. Explained the Estate does not want to split the farm up three ways; but, leave as much farmed as possible and create a hobby farm. New buyer of the ag parcel comes from a farming family that have farmed for generations. Because of the Staff time and costs to have Staff research large divisions the last few decades, he did some checking on his own. He came up with 14 small properties within a mile and half of this property. These are less than 40 acres and range from 8-14 acres and larger. He grew up in the area and felt most of these parcels happened in the past 30-40 years. He questioned how is that protecting farmland. He felt small parcels create more revenue for the County and may be the reason. He feels the plan they presented will preserve more farmland and is similar to the surrounding area.

   C. Mol felt the 15-acre split gives that farmland to the buyer and the end result is the remaining is about 55 acres of good tillable and rest in wetland. The entitlement will end up in the middle of a good field. The corner includes small amount of field and the rest is wetland. Putting the second entitlement in the corner would have minimal impact on the farmland. B. Ward indicated that is
only the case if it were to be used. The buyer of the farmland does not intend to build but wants the entitlement in case; or if they had to sell it. He wonders why this is not accepted when this preserves more. When he found other divisions, one that is 20-25 acres, asked if this does not create more taxes? Understands the Board is not supposed to consider the financial aspects.

D. Vick confirmed the taxes have nothing to do with how he reaches a decision. He was looking at future problems when someday they use that entitlement. Feels creating the two parcels in the corner is a good solution and benefits the seller. He noted the person buying the existing buildings has the option of buying the second lot. He has heard from people in the area who have concerns about keeping the area tillable. He has read the letters and taken the applicants point into consideration. He does not think the applicant has made the case for a variance to increase the division allowed by five acres. B. Ward felt the Board’s suggestion reduces the farmland.

E. B. Ward had understood the County gave more flexibility on divisions when it is the original farmstead. However, when he came back in February, he heard a different story and was told ten acres is the maximum. Rhineberger stated he has never heard of that policy and has been with the County 20 years. Consideration is given for farmsteads to go up to ten acres even if it exceeds 2.5 acres tillable and overage of outbuildings is another allowance. Vick feels there is no prejudice.

F. B. Ward when he looked at properties near here there were no 2.5 acre lots and feels like they are being prejudiced against. Rhineberger explained some of the lots Ward referenced were created prior to Ordinance and are considered “lots of record”. Some were recognized but did not have a dwelling in place until later years. They either had a variance or were a result of a rezoning. B. Ward pointed out a 9.36-acre and a 14.82-acre lot and lots along Dempsey Avenue. Rhineberger – reviewed the properties that were rezoned in 2018 or 2019 because they were in the Land Use Plan for “Rural-Residential”. B. Ward asked about tax parcels on the west side, others discussed at the last meeting were on the other side of the road. He asked about two additional nearby parcels on the other side. Rhineberger indicated the two tax IDs must be owned together as one site.

G. Aarestad – did not feel this argument was fair to the Board. They are welcome to bring the request forward, present the data, discuss and the Board looks at the unique characteristics. Each parcel is unique as this one is. B. Ward – did not think those are different in the same area; but agreed each is unique. Aarestad – did not see any new information to change things and feel they need to look at the best way to preserve farmland and his position has not changed

H. Mol understand what the applicant is saying but should consider what is the best for planning and agricultural. He is in the AG industry and hears the complaints on the other side. Once they sell this they lose control. He noted the current farm economy is not good now, the buyers who are farming may have a change in plans. They are looking at what is best for this site there is road frontage, would lose a couple acres in the corner, but preserves 65 acres, keeps two homes in the same vicinity. See the other communities where they are putting all the homes and they get complaints about the density. B. Ward asked how long before this becomes A/R? Aarestad – the NW Quadrant study was completed in 2009 and the County revisits every 15-20 years. An important goal of the Plan is to protect good farmland. He suggested the owners go out and look at the goals in the Land Use Plan.

I. Rhineberger summarized the discussion for Quiggle who was not able to hear all the discussion.
Quiggle asked if the Board’s objection was the same as the last meeting? Rhineberger stated yes. Quiggle – stated she has read the statement from the buyers of the 15 acres who not it is not coming out of the ag land. She does not have an objection because this is to be a “hobby” farm and did not see a conflict with the Land Use Plan.

J. Mol asked Kryzer if the Board were to deny the request would he want the matter continued for Findings? Kryzer affirmed that. Rhineberger – it appears at least three members would not agree to a 15-acre division in this case. He reviewed the options for action. If denied, the Board should continue for Findings or the applicant could request a dismissal. B. Ward – if they make a division up to the 10 acres, there is no variance needed. Rhineberger that would be an Administrative action. He reviewed the tillable and wetlands. The air photo shows the green hatched is the prime tillable soils. Using the map displayed the area he is referring to. B. Ward noted there is area marked as prime that is in the swamp. Rhineberger – there are a number of criteria that is used in the classification. Staff would not include the wetland or trees. Ward – reviewed the two options. J. Ward – they lose more farmland splitting 10/70. Ward prefers dismissal, so they can move forward. J. Ward felt this is unfortunate, the people who are buying the 15 would farm it or rent it to the farmer running the big parcel. Applicants confirmed they would dismiss the request after hearing the options.

K. Mol moved to dismiss the petition at the applicant’s request and require a signature on the form provided. Aarestad seconded the motion.

VOTE: CARRIED, Quiggle nay
2. **AARON T. FOUQUETTE** – New Item

**LOCATION:** xxxx 27TH Street NW – N ½ of the SE ¼ of the NW ¼, & W 200 ft. of N ½ of SW ¼ of the NE ¼, all in Section 23, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax Parcels: 203-000-232401, -232400 & -232100

Property owners: Fouquette, James Munsterteiger & Francis Munsterteiger Estate

Requests variance and reconsideration of Board action dated April 6, 2018 according to Section 155.026, 155.026(E)02, 155.048(G)4(c), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow approximately 10 acres (tax #203-000-232400) that was previously joined with Tax ID #203-000-232100 to be combined with the applicant’s 13.63-acre homesite (tax #203-000-232401) that is directly to the east.

Present: Aaron Fouquette participated remotely

A. Rhineberger – reviewed the maps to show the applicant’s parcel and Munsterteiger farm. In 2018 three acres were added to the east and some more land to the west. The reminder was about 10 acres lying to the west in the corner that was attached to the farm parcel to the north. In 1989 it had originally been a 20-acre parcel with a 1.5-acre division out it and balance had been owned with the property to the east. The owner of the farm has now passed away and transfer upon death deeds have been transferring that left the 10 acres. This action would put the original 20-acre back together with the additional 3 acres to the east that had previously been added. Town Board approval was received.

B. Fouquette felt the explanation was clear. Rhineberger asked if Fouquette could combine this parcel under one tax parcel? Fouquette agreed.

C. Mol – if they can get this back to the original parcel and under one tax ID, he has no concerns. Vick concurred. Aarestad agreed they are getting this back to what it was originally. Quiggle had no problems with the proposal.

D. Aarestad moved to grant a lot line adjustment to add approximately 10-acres (tax #203-000-232400) that was previously joined with Tax ID #203-000-232100 to be combined with the applicant’s 13.63-acre homesite (tax #203-000-232401) that is directly to the east. Condition: Combine parcels under one tax ID record or sign and record an Administrative Order. Vick seconded the motion.

**VOTE:** CARRIED UNANIMOUSLY
3. **FREDERICK V. SCHAEFER** – New Item

LOCATION: xxxx 125TH Street NW – NE ¼ of NE ¼, SE ¼ of NE ¼ & NE ¼ of SE ¼; and SW ¼ of SE ¼ & N 990 ft. of Gov’t Lot 1 lying northwesterly of travelled road; all in Section 35, Township 122, Range 27, Wright County, Minnesota. (Sugar Lake – Clearwater Twp.)

Tax #204-100-351100 & 204-100-354300 Property owners: Schaefer & Frieler

Requests a lot line adjustment according to Section 155.026(E)02 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow approximately 3 acres from the Schaefer property (204-100-351100) to be attached to the Frieler parcel lying to the south (204-100-354300). Also, requests a variance of Section 155.026, & 155.048(G)4(c) to allow a “1 per 40” entitlement division of approximately 15 acres.

Present: Fred Schaefer

A. Rhineberger displayed the maps to show the location of the 138-acre farm that is split by 125th Street. The petition is two-fold and first consideration is to take approximately the southwest 3 acres and attach it to the Frieler property for a buffer; and second is a 15-acre split he would like to sell to his daughter with an entitlement. No response was received from the Town Board.

B. Schaefer stated a supervisor called him because he was concerned the Board of Adjustment would want the Township’s signature. Schaefer did not think it was necessary as this should not affect their road. Explained where his daughter wants to build a house near the ponds.

C. Mol – asked why the neighbor does not buy seven acres and run the division straight, why leave the strip of trees off. Schaefer – his daughter wants that area as a nature area, the neighbor does not want that area. He would not sell it that way. As soon as the woods start the land drops off into the pond. He explained he put much of this area in CRP to reduce erosion and has spent a lot of money working with the Lake Association to protect that effort. Rhineberger – confirmed where the woods start the land drops straight off. Schaefer stated it is hard to prevent erosion here. Mol – he is having a hard time understanding how a 3-acre strip would give much of a buffer to the neighbor. Schaefer - he wants that area for deer hunting and has been using that area anyway. He could put two lakeshore lots in there but prefers to maintain this. Mol – knows the property well and understands the reason why he is asking for this. The steepness of the bank is accurate. Rhineberger – noted that is a 25% slope. Mol – there would only be one building “entitlement” this side of the road. Rhineberger – it is part of the farm, so the owner could use two along here. Mol – how much road frontage on this side? Rhineberger – measured 860’ in width. Mol – there is room for two but could go along with the proposal as no land will be landlocked, splitting off the woods and preserving the area that prevents erosion. This owner has worked with the Lake Association to improve those efforts.

D. Quiggle – she supports the proposal as presented.

E. Vick – clarified they are looking at 18.5 acres and three are going to a neighbor. Rhineberger noted the neighbor’s home is to the south. Vick would prefer to see the division straight across.

F. Aarestad – although he has some reservations, hearing the hard work the applicant and his family
have put into reducing erosion, he felt they are the ones most likely to preserve those efforts. He can go along with this. Schaefer the 400 pine trees he planted in here when his daughter was little.

G. Mol moved to grant a lot line adjustment according to Section 155.026(E)02 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow approximately 3 acres from the Schaefer property (204-100-351100) to be attached to the Frieler parcel lying to the south (204-100-354300). Also granted a “1 per 40” entitlement division of approximately 15 acres. Condition: Subject to soil borings to show there are two sewer sites for the “entitlement” division and a certificate of survey to be submitted to the Planning & Zoning office. A Deed Restriction must be filed by the owner. Also, Frieler must either combine the additional land into one tax parcel or sign an Administrative Order. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:25 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

Cc: Board of Adjustment
    County Board of Commissioners
    Kryzer
    Twp. Clerks