

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: September 2, 2021
MINUTES – (Informational)

The Wright County Planning Commission met September 2, 2021 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 all Board members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES

On a motion by Felger, seconded by Thompson, minutes for the August 12, 2021 meeting were approved as printed.

Mol announced agenda items #3 & 5 will not be heard but continued to a future meeting.

1. **MAURICE E. CARLIN** – Cont. from 8/12/21

LOCATION: xxxx Duffield Ave. NW & 110th St. NW – Approx. 3 acres described as part of SW ¼ of SW ¼ Section 4, Township 121, Range 26, Wright County, MN. (Little Mary-Silver Creek Twp.) Tax#216-000-043300/216-000-043203 Property owners: Carlin & Prevost

Petitions to rezone approximately 3 acres from A/R Agriculture-Residential & S-2 Residential-Recreational Shorelands to AG General Agriculture and S-2 and combine it into the parcel lying to the north owned by Prevost as regulated in Section 155.028, 155.048 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Maurice Carlin & Bruce Prevost

- A. Riley displayed the maps to show property owned by Carlin that is zoned A/R and the Land Use Plan was viewed. The air photo and site plan show how the Carlin property is split by the lake and the entitlement is the existing home. The Prevost property adjoins to the northwest and the proposal is to break the non-contiguous property divided off by the lake and attach to the Prevost property. Rezoning this portion back to AG will match the Prevost parcel and allow it to be combined. The remainder parcel meets the performance standards for the A/R zone.
- B. Mol asked if the two parcels can be combined for tax purposes? Riley assumes the Recorder can do that. There is a combine form for the landowner to sign to get only one tax number.
- C. Prevost stated the land adjoins his property and Carlin has no use for it.
- D. Mol opened the hearing for public comment.
- E. Chris Klein – Town Board Supervisor – informed the Commission the Town Board had no concern with the request as it makes sense. Mahlberg noted on the response form it noted one Town Board member voted against this and questioned the reason. Klein – stated that member did not state the reason.
- F. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners from A/R Agricultural-Residential/S-2 Residential-Recreational Shoreland to AG General Agriculture/S-2 Residential-Recreational Shorelands because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approved contingent on a survey being submitted to the Planning & Zoning office and a combine real estate parcel form is completed. Mahlberg seconded the motion.

G.

VOTE: CARRIED UNANIMOUSLY

2. **BART A. ANDERSON** – Cont. from 8/12/21

LOCATION: 371 90TH St NE – Part of E ½ of NW ¼, Section 19, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-192100

Petitions to rezone approximately 40 acres from AG General Agriculture to A/R Agricultural-Residential and also a Conditional Use Permit for a three-lot unplatted subdivision (lots proposed are approx. 19 acres with the existing dwelling & two lots, minimum 10 acres each) as regulated in Section 155.028, 155.029 & 155.050 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Chapter 154, Subdivision Regulations.

Present: Bart Anderson

- A. Riley summarized the previous hearing and recommendation to the County Board. Action by the County Board was to accept the positive recommendation to rezone to A/R. The Commission is now looking at the second phase of the request which is the subdivision. The Commission has made a site inspection and discussed the driveway location. Information was provided that access to both roads has been approved by the Township.
- B. Mol opened the hearing to the public, no one came forward to comment.
- C. Mahlberg moved approve a conditional use permit for a three lot un-platted subdivision, one lot to include existing home, in accord with the survey completed by Meyer-Rohlin, dated 8/30/2021; File No. 21387, with the following conditions: 1) Access permits will need to be obtained through the Township as specified in their comments before construction on the new lot; and 2) Per Feedlot regulations the new A/R parcel will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units and any building that houses animals will need to be 100 feet from property lines. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **DENNIS G. HAVEL** – Cont. from 8/12/21

LOCATION: xxxx Davern Avenue NE – NW ¼ of NE ¼, & part of Gov't Lot 1, Section 3, Township 120, Range 25, Wright County, Minnesota. (Gilchrist Lake - Buffalo Twp.)
Tax #202-000-031200

Petitions to rezone approximately 85 acres from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and a Conditional Use Permit for an unplatted eight-lot subdivision as regulated 155.028, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Thompson moved to continue the hearing on the subdivision request to September 30, 2021. Kaczmarek seconded the motion.

DISCUSSION: Mahlberg pointed out that SWCD have indicated it is unlikely the wetland delineation would be complete and asked for more time. Riley informed the Commission the applicant has asked the Conditional Use Permit is continued to September 30. Kryzer questioned the 15.99 timeframe for a decision. Riley indicated they have until November. Kryzer stated a waiver will be needed to extend out further.

VOTE: CARRIED UNANIMOUSLY

4. **CURT WEIERS** – Cont. from 8/12/21

LOCATION: 3353 Baker Avenue NW – NE ¼ of the SE ¼ of Section 14, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax 210-000-144100
Property owner: Bjorklund

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential and for a Conditional Use Permit for a three-lot unplatted residential subdivision (one lot to include existing dwelling) as regulated in 155.028, 155.029, 155.048, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Curt Weiers

- A. Riley reviewed the property location. The continuation was for a site inspection to consider the request to rezone. A soils map was provided to address the question on type of farm soils found here.
- B. Weiers – stated the soil borings completed show the property has good sites for sewers. This information was included with the survey.
- C. Riley – explained at this time the soil information discussed had to do with the decision on the request to rezone not about buildability or septic systems. The Commission wants to know about the viability of the farmland.
- D. Mol opened the hearing to the public, hearing no comments returned to the Commission.
- E. Felger asked if the applicant is aware of any field tile on the property? Weiers – stated he has been told there are none.
- F. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners from AG General Agriculture to A/R Agricultural-Residential because the Board feels it meets the criteria laid out in the Land Use Plan and the Township approved. Kaczmarek seconded the motion.

DISCUSSION: Mahlberg referred to the standards and guidance found in the Land Use Plan policies. Requests are looked at on a "case by case" basis, need for residential, effect on agricultural areas, etc. The soils map shows these are prime farm soils. The Commission has not heard the applicant address a need for it; have heard from an adjacent ag operator who was not in favor of the rezoning. To him they are looking at what is hop-sotch zoning out. There is some existing development but quite a bit of area between that might take years to get out there. This is good prime farmland they would be taking out of production. The applicant has not provided much other than point to the Land Use. The Plans shows what might be, but it is not enough to rubber stamp it just because he asked. Felger asked about the City annexation, kiddy-corner. Riley using the zoning map pointed out the City lots south of this property and then displayed the Township Land Use Plan. Felger asked about the potential for City annexation? Weiers – has not approached the City, agreed it is not the next piece to be annexed. Felt this will continue to be agriculture, likely hobby farms. Buyers will understand they are buying on the edge of City and that things don't stay the same. This is not high-density, assumes people will want horses. Mol -looking for the uniqueness of this and in general he follows the Land Use Plan. The property is designated Transition but is a wide-open field, no trees and there are a lot of potential uses. As the parcel exists it would be ideal for someone who wants a large riding arena. Once they chop it up in ten acres, that limits what can be done. He questions if ten acre lots next to the City is the best thing. He has gone along with A/R in other areas, this location is more challenging. Bravinder –felt next to the State Highway is a good fit. Properties developed in his area next to city limits worked out well. Residents like living in close proximity to the City. He is a proponent of individual property rights and feels this is well within their right to ask for. Finding lots to build on are difficult to come by in the current real estate market. Thompson feels the land lends itself to 10 acre lots.

VOTE: CARRIED IN FAVOR: Thompson, Felger, Bravinder & Kaczmarek NAY: Mahlberg and Mol

- G. Thompson moved to continue the subdivision portion of the request until September 30, 2021 for the County Board to act on rezoning. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **MBE, INC.** – Cont. from 8/12/21

LOCATION: xxxx State Hwy. 25 N & 50th Street NE– Part of SW ¼ of SW ¼, Section 4, Township 120, Range 25, Wright County, MN. (Buffalo Twp.) Tax #202-000-043206 Owner: Ventures West LLC

Petitions for a Conditional Use Permit to mine sand and gravel from approximately 32 acres to include screening, washing, crushing of materials and include stockpile and processing of recycled materials as regulated in Section 155.029, 155.048(D) & 155.100, Chapter 155, of Title XV Land Use of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Riley informed the Commission the applicant asked for a continuation and has signed the 15.99 waiver. Staff tried to reach out to everyone that had responded to the hearing by email and the Town Board and also put notice on the County website that the matter was going to be continued.
- B. Felger moved to continue the hearing to October 28, 2021 as requested by the applicant. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **MN CSG 10, LLC** – Cont. from 8/12/21

LOCATION: XXX 85th St NE – Part of E ½ of SE ¼ & W ½ of W ½ of SW ¼, in Section 21, Township 121, Range 25, AND Part of W ½ of W ½ of SW ¼ in Section 22, Township 121, Range 25, AND N ½ of NW ¼ in Section 27, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #'s 213-100-214100 & 213-100-223200 & 213-100-272201 Property owner's: Sustainable Holdings LLC and Holthaus Properties.

Petitions for a Conditional Use Permit for a 1 MW Solar Farm on approximately 9.8 acres in the southeast corner of the property as regulated in Section 155.048 & 155.108, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Lauren Walburg

- A. Riley stated the matter has been continued a few times and the Commission has been out to the site for a gravel pit and the solar farm. The property location was displayed along with the zoning and Land Use Plan, both show this area is AG. The proposed 1 MW solar farm is proposed in the southeast corner using a haul road for access. The applicant is in the process of getting a formal recommendation from the Town Board. Walburg wanted to update the Commission on the project.
- B. Walburg – stated they hope the formal recommendation is obtained by the next meeting. She explained all aspects of the project are the same since last winter, just a change in ownership. Joe Holthaus has purchased the property back from Sustainable Holdings. She offered to answer any questions. Have discussed the changes to the Ordinance and asked if there is anything the Board would like to see before they come back.
- C. Bravinder asked if the panels would sit off the ground 10'? Walburg – they are 6-10' and tilt. Bravinder asked if there is grading to accommodate these panels. Looking at the property, there does not seem to be any steep slopes. He is looking for assurance they are not destroying the land so it can go back to farming in the future. Walburg indicated grading would be at a minimum and that would be handled with the building permit. Bravinder – stated there was an assumption of that for a previous solar farm in Cokato Township and it did not happen that way. The Commission wants assurance that when the CUP ends the land is restored to ag land and building berms around it would not be. Walburg – noted in this area the soils are sand/gravel and more likely to be mined. Bravinder noted the condition is to put the land back to the original use. Walburg does not think there will be much change to the land contours. Thompson agrees with Bravinder that the language states the land be restored back. His question on the grading was to get the best sun exposure. Walburg agreed this property is fairly flat and won't need to do much. Thompson agreed they need more than just the statement and their memory. Walburg agreed to show a grading plan and accept conditions for the permit.
- D. Riley explained the Commission has had these discussions in the past and different circumstances. He suggests if there is going to be grading, more detail is provided on a plan.
- E. Mahlberg asked if the access is an easement to the east to State Highway 25? Was there an objection from the fee owner and was that resolved? Riley – he would have to look back at the full record, but they did get that owner to sign off. Bravinder – has talked with Holthaus and he had given the easement back there for the gravel. Riley the easement also describes for solar. Mahlberg – sometimes the easement does not solve the practical problems. Riley – they tried to cover the County by getting the owner's signature. They cannot solve private disagreements. The Company will not get another access approval on the county road, nor would it make sense to build a road that far up. Bravinder – there was some resistance from

the Gun Club and that is when the easement was provided. The Commission had looked at that and felt it addressed the use.

- F. Riley questioned the Town Board meeting date. Walburg stated the meeting is prior to the next Planning Commission. Bravinder noted the Township asked for another inspection. Felger asked for clarification. Riley stated he had reminded the Town Board that they had been out with the Commission and it was unlikely there would be another site visit. Walburg – felt the Township was reluctant to make a final recommendation and wanted to stay in lockstep with the moratorium.
- G. Felger – moved to continue the hearing to September 30, 2021 for further Town Board review. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **CORNELIUS L. PAULSON** – New Item

LOCATON: XXX Acacia Avenue – Part of E ½ of NW ¼ and that part of Gov't Lot 8, lying east of road, Section 19, Township 121, Range 25, Wright County, Minnesota (Monticello Twp.) Tax #213-100-192401 & -192400 Property Owners: Applicant & Maple Cerro LP

Petitions to amend the Conditional Use Permit granted February 4, 2021 and allow the relocation for a shared driveway in the subdivision approved as regulated in Section 155.029 & 155.047 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Keith Paulson & Jim Preusse

- A. Riley reviewed the previous hearing and action to approve the subdivision included driveway access locations. The landowners have asked to change the combined access and because it was condition of approval, that takes a formal process. The applicant went back to the Town Board to discuss the location change of the shared approach. Riley displayed the subdivision map to show the approved and proposed locations.
- B. Paulson stated the concern he has is the location on the downside of the hill and felt it is dangerous for his kids to get on the school bus.
- C. Mol opened the hearing for public comment, hearing no response returned to the Commission.
- D. Felger moved to amend the existing conditional use permit granted on February 4, 2021 to allow the relocation for a shared driveway from between Lots B and C to Lots A and B as shown on the revised survey completed by Meyer-Rohlin Land Services dated 8/26/2021. Lot C will now have its own driveway access. They will need to obtain access permits from the Township prior to any construction and the new easements will need to be recorded prior to any permits being issued. Also note the applicant will need to record a corrective deed with the revised language. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **ALAN J. HUDEK** – New Item

LOCATON: 1685 - 60TH St.. NW – Part of E ½ of SW ¼ Section 35, Township 121, Range 26; also part of NW ¼ of Section 2, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-100-353102; 210-000-022200 Property owner: Wurm

Petitions for a Conditional Use Permit to transfer a “1 per 40” building entitlement that will result in a “cluster” from property in Section 35 to land in Section 2 that is approx. 15.26 acres and is currently restricted land regulated in Section 155.029, 155.048(G)(5) & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Al Hudek

- A. Riley reviewed the location of the farm parcels zoned AG General Agriculture. The Land Use Plan map shows the area is designated to remain AG. The properties are now in contiguous ownership and has given them another opportunity to transfer an entitlement to the north side of the road. This results in a “cluster” of three or more and requires a Conditional Use Permit to move it to one end of the farm.
- B. Felger asked where the entitlement is moving from. Riley using the air photo pointed out the large farm parcel to the south.
- C. Thompson asked if there is a house on that property? Hudek indicated there is (small division). There is more than one entitlement on the large ag parcel. Riley noted there is the house and two more entitlements. Hudek stated the entitlements on the north side have already been sold off. Thompson questioned the size of the parcel they were moving the entitlement to. Hudek estimates 15.6 acres. He explained the parcel south of the road was 160 acres and they had moved entitlements to land to the north that is marginal farmland.
- D. Mahlberg asked why this cannot be done administratively? Riley – explained it is the density of a cluster they are reviewing. The Commission had originally approved the previous cluster, but it is not a one-time decision. Thompson questioned when was this first considered? Hudek – 2013. Thompson questioned if a site inspection is warranted. Mahlberg felt because they are not creating another entitlement, he would not be in favor of a site inspection. Thompson felt it looks as if they are putting a large density on the north side. Mahlberg - The hearing is to hear from the surrounding neighbors and there have been no objections. The Town Board agree and it is on their road.
- E. Bravinder moved to approve a Conditional Use Permit to transfer a “1 per 40” building entitlement that will result in a “cluster” from property in Section 35 to land in Section 2 that is approx. 15.26 acres, both owned by Wurm, with the condition a deed restriction be filed with the office. Kaczmarek seconded the motion.

DISCUSSION: Thompson asked if the size lot the entitlement is moved to is permitted by Ordinance? Riley – explained it is because it is a remainder parcel.

VOTE: CARRIED UNANIMOUSLY

9. **THOMAS M. McDERMOTT** – New Item

LOCATON: 11765 Ireland Ave. NW – Part of N ½ of NE ¼ and ½ of W ¼ of NE ¼, all in Section 3, Township 121, Range 27, Wright County, Minnesota. (Long Lake - Corinna Twp.)
Tax #206-000-031100; -031200; -031301

Petitions to rezone from AG General Agriculture and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and part S-2 as regulated in Section 155.028, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Tom & Cynthia McDermott

- A. Riley displayed the location map to show approximately 78 acres located in Corinna Township. The existing zoning is AG General AG and Land Use Plan that has this included for "Rural-Residential". The rezoning request is before the Commission and the subdivision would be handled by the Township. A letter from the Wright County Soil & Water Conservation District was received and included in the Board's packet. They have some initial concerns with the location of wetlands in relation to access to building sites. That will be part of the subdivision review. Written approval from the Town Board was received for the rezoning.
- B. T. McDermott reviewed the location and the access locations. He noted one lot would use a field road to get back and they would not be impacting any wetlands.
- C. Mol opened hearing for public comment. No one came forward.
- D. Felger moved to recommend to the County Board of Commissioners rezoning the property from AG General Agriculture and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and part S-2 because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Bravinder seconded the motion.

DISCUSSION: Mol asked Riley to display the Land Use Plan map. He pointed out this would fill in the last area to be rezoned near that side of Sugar Lake. This area is heavily developed. The parcel (white) is the parcel that was not rezoned. The wildlife area acts as a buffer. This is designated in the Plan for this. Riley noted the previous requested rezoning was an area was not included in the Plan. He pointed out the more heavily developed area. Mol – concurred the State land to the north and west would not see more homes in that direction. McDermott explained they want to maintain their privacy by keeping 45 acres with their home. This would allow them to develop two more lots. Bravinder – noted they cannot say it will never happen. Referring to the land to the north and west of the State land. The last rezoning request nearby, he had brought up the State land offers a buffer. Mahlberg asked the applicant if "C" on the site plan is where the house is located? McDermott confirmed that. The soils are sandy out here. Mahlberg indicated he could support rezoning in this location because of the area it is in, no development and is not prime farm soils. Thompson without having a visual of the site, indicated she would be abstaining from the vote. Mol could confirm these are sand and gravel soils and not good farmland.

VOTE: CARRIED, Thompson abstained

10. **GREAT RIVER ENERGY** – New Item

LOCATON: 2750, 2754 & 2689 Deadrick Avenue SE – Part of SE $\frac{1}{4}$ of Section 15; and part of W $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 14, all in Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-154201; -154202; -154401; - 154400; -143301; - 143300

Petitions for a Conditional Use Permit for a 20-acre subdivision of the property owned by Great River Energy zoned I-1 General Industry as regulated in Section 155.029 & 155.055 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Dan Leshar, manager of Great River Energy; Stacy Tschider, President of Nexus

- A. Riley displayed the location maps to show the property consisting of several tax parcels in Rockford Township. Several of the Commission members visited the site when the solar farm was before them. The property includes a main substation and grid. The zoning of the property is I-1 which requires a Conditional Use Permit to make a subdivision. The purpose of the subdivision is another entity wants to buy a portion of the property and Great River will retain the property around it.
- B. Leshar – Great River has owned 157 acres for a long time and houses an important high-voltage HVDC line and important components that go along with it. The part outlined in red is 22.3 acres is defined by the presence of the high-voltage line. Great River has been negotiating certain assets and the HVDC line is one component they are selling to Nexus and the area in red is what they will obtain. Nexus is not looking for any different use on the property, it will continue to look the same. The other component of the sale is a 10-year operation agreement and Great River will continue to operate and maintain the system going forward.
- C. Mol asked what will happen to the remainder of the land? Leshar – they will continue to own it, the land to the east and inside the substation there are other components related to their AC system and will continue to operate that. This co-existence is common now in the business.
- D. Felger the proposed subdivision would be separate fee ownership and different access to get to their respective property? Leshar – the portion in red extends to Deadrick and an existing access that comes out of the substation that will have access to Deadrick and then there is a second access. There will be overlapping easements within the substation to allow access for maintenance between the two ownership facilities.
- E. Mol opened the hearing for public comment, hearing no response returned to the Commission.
- F. Thompson – questioned who will own the area outlined in blue? Leshar – area in blue is Great River. Thompson questioned the zoning of the adjacent parcels. Riley – there are several different owners. He noted the businesses the Commission have reviewed. Residential is across the State highway. Riley reviewed the parcels owned by the applicant and confirmed the division of Industrial land is allowed by the Land Use Plan. The proposal is not to change use just new property lines.
- G. Kryzer asked the applicants what they are keeping. Leshar – explained what makes the site unique from other substations is they are running on an AC system on the east side and is what they are keeping. The poles and wires would be servicing AC transmission. What they are selling Nexus in DC and is unique in its form. They have two unique substations operating

on different systems with one. The asset is related HVDC and needed for the line to operate. This transmits to North Dakota.

- H. Leshner – asked about the tax parcels? Riley – they have suggested a condition to have everything in one section combined into one tax parcel. Leshner – agreed they want to clean that up.
- I. Bravinder moved to approve a Conditional Use Permit for a 20-acre subdivision of the property in accord with the survey completed by Westwood dated 8/9/2021 with a condition that a combine form for the multiple PID's be completed and recorded as part of the sale. Felger seconded the motion.

VOTE: CARRIED, Mahlberg abstained

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
Twp. Clerks
Applicant/owners