

**WRIGHT COUNTY PLANNING COMMISSION**

**Meeting of: September 30, 2021**

**MINUTES – (Informational)**

The Wright County Planning Commission met September 30, 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.

**MINUTES**

On a motion by Thompson, seconded by Kaczmarek, all voted to approve the minutes for the September 2, 2021, meeting as printed.

1. **CURT WEIERS** – Cont. from 9/2/21

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 – displayed maps to show the property location, Land Use Plan and reported the property was rezoned by the County Board to A/R Agricultural-Residential. The hearing was continued for the professional information. A survey and the soils borings show the proposed lots meet all performance standards. The survey showing the three lots was viewed.
- B. Weiers stated he had no further information, provided the information requested.
- C. Mol opened the hearing for public comment. No one came forward and he returned to the Commission for questions or action on the petition.
- D. Bravinder moved to 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 O'Malley and Kron Land Surveyors, Inc., dated 6/21/2021; Job No. 2021-331, with the following conditions: 1) Access permits will need to be obtained through the Township before construction on the new lots; and 2) Per Feedlot regulations, the new A/R parcels will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **DENNIS G. HAVEL** – Cont. from 9/2/21

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. Riley stated Staff attempted several times to contact the applicant to find out if the information requested was completed. When the continuation was set they had assumed the applicant would need more time. The Commission has the option of dismissing to give them more time or continue to a future date.
- B. Mol – opened the hearing for public comment.
- C. Kaczmarek moved to dismiss without prejudice. Thompson seconded the motion.

*DISCUSSION: Bravinder referred to the map and information provided by Andrew with Wright County Soil & Water Conservation District. Questioned Riley on the difference between the red and blue boundary lines. Riley indicated the blue line represents an approximate wetland and appears the other is the topography contours. Much work on the wetland delineation is needed in this case. Felger questioned notification to the applicant of this meeting. Riley – explained the normal continuation notice is mailed and several attempts this week were made to contact the applicant. Felger noted there could have been a health or personal issue and suggests giving another 30 days. Kaczmarek noted everyone has done the work required, Commission made a site inspection, but the applicant has not followed thorough on his part. Mahlberg asked where they were on the 60-day rule? Riley stated they have the 120-day period. He noted at the last meeting the Commission had talked about extending out to the October meeting, however, the applicant requested September 30, just in case the information could be completed. Thompson questioned if dismissal causes a problem for Staff? Riley no it is a procedural issue, applicant would have to start the process and would require renotification.*

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

- D. Mahlberg moved to continue the hearing on the Conditional Use Permit to the October 28, 2021, meeting for the wetland delineation or applicant to communicate with Staff on progress. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MN CSG 10, LLC** – Cont. from 9/2/21

LOCATION: XXX 85<sup>th</sup> 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 explained the hearing had been continued. The applicant has responded with a narrative, see copy provided and referred to the Staff Report where Staff are looking for direction.
- B. Mol asked if the applicant met again with the Town Board? Walburg stated they have and although the Town Board did not make a formal recommendation, she noted they have provided additional conditions as a suggestion. She explained the reason they did not provide full grading plans is as they move forward their solar client is not comfortable providing these before they know the project will go forward. Would be happy to accept the condition regarding grading plans and any other zoning conditions. Understand the Commission wants assurance the property will be restored to ag use in the end. She indicated a willingness to work through that with a condition or development agreement.
- C. Mol opened the hearing for public comment. No one came forward. Announced public comments are limited on all items on the agenda to three minutes.
- D. Bravinder read from the memo received from the applicant, read the paragraph in the original document relating to restoring the property close to the original contours. How did they come to that conclusion? Walburg this was a general statement and reviewed the deep root species of grasses would improve the soils from what is there now. Bravinder understood the deep-rooted species that control water better but is there any science behind the watershed off the panels. A solar farm in Cokato Township was a project sold to another company and they moved thousands of yards of dirt. Asked Riley how much they can move? Riley – the Commission has authority over land alterations, and they can set any limit on the request. They can set specifics. But if the Commission does not have any specific plans, then what is the limit? If they wait until the building permit process, he must interpret what the intent of what the Commission allowed and does it match the final engineering for the permit. This parcel is different it is smaller, has soils that drain well and is not near a lake. Bravinder stated he is not as concerned about this field, the site in Cokato there was no need for an alteration, but they put a berm around the entire solar farm to create a drainage ditch. Riley – this was going to be in the amended Ordinance to address minimal land alterations, storing black dirt on site for restoration to its land use. If plans that come in do not reflect what the applicant provided or described, it will have to come back to the Planning Commission. He felt on this parcel there will not be a lot of change; or if there is, it will have to come back.
- E. Kaczmarek – sat in in on many of the meetings on the Ordinance and this kept coming up. This was brought up at the last meeting and they asked for this. He agrees with leaving the topsoil on the property and the Administrator review the plans after this stage. The Town Board asked we consider seven additional conditions. Some have not been included in the process in the past such as keeping the names current because solar farms change hands. Review over the first five years is another suggestion.

- F. Mahlberg reading the supplement we are not talking about minimal amount of grading, but asked if what the applicant is saying is they will not be doing any grading except for access roads and not where the panels are going. Walburg stated that is correct and affirmed Bravinder's question that the staging and parking area would be restored back. Riley – suggested that all the conditions except for hours of operation can be included in the motion or discussed now. Mahlberg would be in support of the seven conditions. He would like the hours during construction to be established and something different on the start and end time on the weekends. He is not sure the benefit of having hours for all seven days. Walburg – the solar farm would take about a month to build. She is not certain if the contractor would work weekends. Riley is not sure if the Town Board was anticipating they would work on weekends. He pointed out the nearby solar farm that was directly across from a residential neighborhood may have caused a disturbance, where this site is more isolated. He would agree setting a time frame to avoid problems. Kaczmarek suggests setting hours like the gravel pits? Riley added which are 7 - 7 and Commission usually addresses weekend hours. Mahlberg would agree 7-7 and shorter days on weekends. Mol, Kaczmarek and Thompson would suggest no work on weekends, especially Sundays to give residents a break. Mahlberg – he would point out that the advantage is they get in and out faster, but would not push for work on Sundays.
- G. Felger moved to continue the matter until October 28, 2021, for Staff to prepare a formal motion, to include tonight's discussion between the Board, Staff and Township's recommendations. Bravinder seconded the motion.

*DISCUSSION on what should be included in the final motion. Thompson felt an annual review rather than five years may be more appropriate. Riley – this is a Town Board review for the first five years of the project and Township could determine whether it needs to be more. Mahlberg – asked if Thompson is saying the Town Board must review every year. Thompson felt whether it is Staff review or the Town Board it should happen. She noted Board members change and no one remembers what happened and is concerned about that. Mahlberg is concerned about Planning & Zoning and non-staffed Townships having to become compliance officers, rather than responding to complaints and following through with the enforcement procedures. Feels this could put a burden on them. Thompson – as a former enforcement officer for a city she sees the importance of making sure conditions and Ordinances are complied with. Is concerned people are not listening and always following through.*

VOTE: CARRIED UNANIMOUSLY

4. **STEVEN Z. HAJAS & CAROL L. KRAJEWSKI** – New Item

LOCATION: xxxx CR 17 SE – Part of the W ½ of the NE ¼, Section 36, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax #208-200-361200

Petitions for a Conditional Use Permit for an unplatted two-lot residential subdivision as regulated in Section 155.029 & 155.04, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Carol Krajewski

- A. Riley displayed location, zoning, and land use maps to show the property is zoned A/R Agricultural-Residential and the surround land use. The proposal is a 10-acre subdivision with the balance of the acreage as a remainder lot. Soil borings were provided for both parcels and the applicant has worked with the County Highway Department on the access to each lot.
- B. Krajewski – stated they did not realize with the zoning that they needed this process and have a purchase agreement on the proposed 10-acre lot. She understands they meet all the requirements.
- C. Mol opened the hearing for public comment. No one came forward and returned to the Commission.
- D. Mahlberg moved to approve a conditional use permit for a two lot un-platted subdivision in accord with the survey completed by Schoborg Land Services Inc., dated 8/6/2021; Job No. 8747, with the following conditions: 1) An access permit will need to be obtained from the County Highway Dept before construction on the new lots. Placement, culvert size, etc. will be addressed once the permit is received.; and 2) Per Feedlot regulations, the new A/R parcels will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units. Kaczmarek seconded the motion.

*DISCUSSION: Krajewski pointed out a portion of the ten acres is divided by the road and wanted to be sure that is included when calculating animal units.*

VOTE: CARRIED UNANIMOUSLY

5. **ROBERT A. ENGLUND** – New Item

LOCATION: 6859 3<sup>rd</sup> St. SE – Part of Gov't Lot 5, Section 6, Township 119, Range 24, Wright County, MN. (Lake Charlotte - Rockford Twp.) Tax #215-000-061402  
Petitions for a Conditional Use Permit to allow a platted two-lot residential subdivision (one lot to include existing house) of property zoned R-1 Urban-Rural Transitional and S-2 Residential-Recreational Shorelands as regulated in Section 155.029, 155.049 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Robert Englund

- A. Riley reviewed the location of the property on the west side of Lake Charlotte (non-riparian). The Commission visited the area when a nearby subdivision of three lots were platted on the lake. The property is zoned R-1 and is adjacent to other one-acre lots. The proposed division with the existing house was reviewed on the survey submitted along with the setbacks. The information provided shows the new lot meets the standards for a new building site. The sewer will be connected to the city sewer that serves the Charlotte & Lake Martha area. Town Board has approved the access.
- B. Englund – stated he has been working with Planner, Marquardt, the past six months on the proposed subdivision.
- C. Mol is concerned about the split and the setbacks from the corner of the house. The concrete driveway encroachment shown is what distance from the line? Englund stated he is going to provide an easement over that portion of the driveway. Riley – using the survey shows the house is meeting the 15' setback. The driveway won't be shared. Although this concrete won't be on the lot, proposing an easement for it. Structures will have to meet the setbacks. Mol asked if the property will be sold to a family member? Englund stated he is selling and downsizing. Mol asked how they would access this garage and get cars in? Felt this plan squeezes a lot into an area. Englund stated this area is asphalt and reason they put an easement there. Riley felt if the Commission is not comfortable with the encroachment there could be an adjustment. This is area that is the back end of a drive and looks more like storage area. Kaczmarek asked what the scale and footage is. Riley used the survey to show this area. Kaczmarek estimates a standard pickup is 21' and should be able to make the turn. He would defer to Riley and Mol. Felger asked if the property line could be jogged around this? Riley stated yes, but the lot needs to be a minimum of one acre. If this were done the pavement would be under the same ownership and not an easement. Felger felt an easement works, but ownership is preferred. Riley noted this area could be removed or require the appropriate easement be recorded. Mol indicated they could make a site inspection. Bravinder indicated he is not concerned if it is recorded properly.
- D. Thompson moved to continue the hearing for a site inspection.  
MOTION DIES FOR LACK OF A SECOND
- E. Bravinder moved to approve a Conditional Use Permit for a two lot platted subdivision in accord with the record of these hearings and the preliminary plat of Englund Shores completed by Gronberg & Associates, Inc. dated 8-4-2021; Job No. 20-161 with the following conditions: 1) Prior to the filing of the final plat: a) the park dedication shall be paid in cash along with the other fees as noted on the plat check list; and b) a title opinion is submitted and accepted by the County Attorney; 2) The Commission notes that the Lake is classified as General Development Lake, the properties are subject to State and County regulations governing shoreland areas and shore impact zones, which regulates shoreland, vegetation, bluff and steep slopes on all lots. Clear cutting is prohibited in the shore and bluff impact zones; 3) Pedestrian access to the lake must meet the requirements for stairway, lifts, and

landings as described in 155.057(E)(3)(a); 4) No construction may commence until the County Board has approved the final plat; 5) Permit and approval from the Charlotte/Martha Joint Powers Board for hooking into city sewer will need to be completed prior to the issuance of any building permits; 6) Access permit will need to be obtained from Township prior to the issuance of a building permit for the new lot; and 7) Livestock will not be allowed on any lot. Felger seconded the motion.

VOTE: CARRIED, Mol opposed

6. **DANIEL R. JARVIS** – New Item

LOCATION: 6858 Ames Avenue NW – NW ¼ of NE¼ & Gov't Lot 1, Section 36, Township 121, Range 26, Wright County, MN. (Black Lake - Maple Lake Twp.) Tax #210-100-361200 OWNER: Jarvis Living Trust

Petitions for a Conditional Use Permit an unplatted four-lot residential subdivision (one lot to include existing house) as regulated in Section 155.029, 155.047 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Dan Jarvis

- A. Riley reviewed the property on Black Lake that is zoned A/R. The zoning map and Land Use Plan maps were displayed. The survey was submitted to show the four-lot subdivision, one lot includes the existing house. Soil borings completed show there are adequate septic sites for each of the lots and the lots meet performance standards.
- B. Mol opened the hearing for public comment.
- Following was a dialogue with Town Board Chair, Tom Neumann, regarding the road and access to lots. Neumann explained Ames Avenue is very steep and the sight of vision and distance is very poor. Had looked at this again tonight and the applicant has indicated he could cut the hill back 5' to improve this. He would like it in writing that the buyer of the lot must do this to get their approach approved by the Township. The approach must be level with the town road, and this would require quite a bit of earth movement. Using the map, he pointed out the first two lots at the north end and that the sight line is very dangerous. Also, on the third lot there is a large wetland. He is not opposed to selling lots, but it is the safety issue that is the concern.
  - Jarvis indicated he walked off this area and had his wife stand and at 300' back he could see her at waist level.
  - Mahlberg asked Neumann if there is a Township standard they can tie the condition to. Neumann indicated they do have a policy, the road must be flat for a specific number of feet, but he is still concerned about the sight visibility. A couple of the neighbors have also expressed concern about the safety.
  - Bravinder reviewed the requirements they have in Cokato Township. The owner must make an application and meet their specific standards.
  - Kaczmarek asked if the speed limit is 55 m.p.h.? Neumann answered yes. Kaczmarek questioned the standard for sight distance on County roads. Bravinder stated 300'. Mahlberg is familiar with the road and property and indicated the elevation is like a cliff.
  - Mol noted the Town Board must approve the access to their road. Buyers will have to work with them. Neumann stated he is satisfied with that.
  - Gerard Muhonen – stated their land borders this. He has no objection to what Jarvis is proposing. They like to see parcels kept as large as possible. Asked if it could be a single drive off Ames?
- C. Felger asked if the Commission is interested in a site inspection. Mahlberg has been by this property often and would not need to see it. He asked if it is relevant since the property is already rezoned.

- D. Mahlberg moved to grant a conditional use permit for a four lot un-platted subdivision in accord with the survey completed by Webb Surveying LLC., dated 8/13/2021; Project No. 20097, with the following conditions: 1) An access permit will need to be obtained from the Township before construction, noting that Lot C and D will have a shared driveway. Access easements (legal descriptions) will need to be recorded for the shared driveway at the time of sale or prior to sale; 2) Wright County Soil & Water District will need to review any permits for construction to ensure the wetlands are avoided. A wetland delineation may be required at **that time**; 3) **Per Feedlot regulations, the new A/R parcels will be allowed ½ animal unit per acre** and will not be allowed to reach 10 animal units; and 4) Driveway permits need to be approved by the Town Board. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **GERALD STOCKHAM** – New Item

LOCATION: 12081 Duffield Avenue NW – SW ¼ of SW ¼, Section 33, Township 122, Range 26, Wright County, MN. (Silver Creek Twp.) Tax #216-100-333300

Petitions to rezone from AG General Agriculture to A/R Agricultural-Residential and for a Conditional Use Permit for an unplatted four-lot residential subdivision (one lot to include existing house) as regulated in Section 155.028, 155.029 & 155.047 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Gerald Stockham

- A. Riley reviewed the request for rezoning to A/R. The map showing the property location, current zoning along with the Land Use Plan were viewed. The property does not have another building eligibility with an existing house. A survey and soil borings were provided.
- B. Stockham stated his daughter wants to buy his house and he will be building a new home. They have two other children that the other two lots are being developed for.
- C. Alan Brevick – noted his father has adjoining land to the south. They had previously asked to rezone and split into two lots. He asked by approving this application does it make it easier for them to do the same in the future. At one time the applicant liked the open space and the wildlife and opposed what they wanted to do.
- D. Ken Brevick - is Alan's brother and farms his dad's land. Where do they stop splitting up farmland? The Township a few years ago decided they wanted to stop the breakup of farmland. The applicant opposed this when they wanted to subdivide. They have land across CR 8, would that be allowed to be further subdivided. Where does splitting up land stop?
- E. Mol questioned what the Commission wanted to do.
- F. Stockham stated he understood Staff were going to get the Town Board response. Mol – the Township did email that they did not take final action and will be meeting on October 5. Riley confirmed the Town Board has not made a recommendation on the rezoning.
- G. Chris Klein – at the time the applicant came before the Town Board he was looking for direction. There were different ideas floating around and he will be back to the Town Board for action.
- H. Thompson moved to continue the hearing to October 28, 2021, for the applicant to go back to the Town Board and Staff to set up a site inspection. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

## **DISCUSSION**

Riley referred to the previous discussion on an earlier start time for winter meetings. A 6:30 p.m. start time was suggested for the months of November – April. Mol and Bravinder would prefer 7 p.m. A motion would be in order to change this.

On a motion by Kaczmarek, seconded by Thompson, all voted to change the meeting start time for 6:30 p.m. for the months of November through April.

## **SITE INSPECTION**

Monday, October 11, 2021, was set for a site inspection. Commission members to meet at 9 a.m. at the Government Center.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

cc: Planning Commission  
Twp. Clerks  
Applicants/Property owners