

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 15, 2021

MINUTES – (Informational)

The Wright County Planning Commission met April 15, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 1:00 p.m. with the following Board members present: Mike Kaczmarek, Jan Thompson, Ken Felger, Dan Bravinder and Pat Mahlberg on WebEx. Absent was Corey Tanner. Sean Riley, Planning & Zoning Administrator, represented the Staff. Greg Kryzer, Assistant County Attorney, was legal counsel present.

KAMI HOLDINGS, LLC – represented by Paul Tucci – Cont. from 3/18/21

LOCATION: corner of 80th St. & Pilger Avenue NW – NE ¼ of NE ¼, Section 28, Township 121, Range 28, Wright County, Minnesota, except tract desc. in Book, 281 of Deeds, page 659 & except tract described in Doc # 1300464. (W. Lake Sylvia - Southside Twp.) Tax # 217-000-281101 Property owner: Hennepin Ave. United Methodist Church

Petitions to rezone 29.5 acres from AG General Agriculture & S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2. Rezoning would allow one residential building site 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: Paul Tucci & Paul Otto, Otto Associates

- A. Riley stated the Commission continued the hearing for a site inspection. The map showing the large ag parcel lying west of the road was displayed. Also the next agenda item is a proposal by the applicant to rezone to R-2a, followed by a Planned Unit Development and plat. Both properties are designated AG in the Land Use Plan. The decision for the parcel before them is whether the riparian feature meets the criteria of "shoreland especially suited to residential". If those criteria are met, the rezoning to A/R Agricultural would allow one residential building site. Soil borings submitted show there is an acceptable site on the property to build.
- B. Otto indicated he did not make the site inspection and not sure what the Commission viewed. He has been to the property and felt there is a good home site on the knob north of Pilger Avenue west of the curve in the road. This is in line with an existing house to the south. Another option is on the northeast side. Felger asked for a look at the Land Use Plan map. Noted this is not in the Land Use Plan. He questioned if the parcel if rezoned to A/R would meet the lake and road frontage requirement? Riley stated it does, but not enough for a two-lot subdivision.
- C. Thompson questioned the portion of the property they looked at and has the location of the entitlement changed? Otto using the map pointed out the area. Mol – added, this is the 29 acres. A potential building location could be anywhere on that acreage. Otto pointed to the location that in his opinion is the most likely spot. Tucci stated he is representing the buyer who has a purchase agreement on that property and working toward closing.
- D. Mol opened the hearing for public comment.
- E. Grant Merritt – stated he is a retired attorney and a volunteer on Environmental issues. He was asked last night to resign as Trustee for the Church (owner of subject property) because of his position opposing the sale of the property. Had first heard in 2019 the plans to sell the property when he thought of the MN Environmental Rights Act which he was responsible for as the head of the MN Pollution Control Agency. Speaking for the owners around the lake, they would like to see as much of Camp Konia preserved as possible. There has been a second purchase offer by Forsman which he thought was feasible and prudent. Under the MN Environmental Rights Act, he felt there is a potential for a lawsuit under this law that protects the destruction of the natural resources, in this case it would be the shoreland and "Big Woods". The setback is only 75' and they are allowed large homes that could add to the degeneration of the lake. There are few remnants in the State of "The Big Woods" and there have been successful appeals to prevent the cutting of the woods in other areas of the State. The environmental issues are the lake and "The Big Woods" and increase of density from "1 per 40". Also requires removal of existing buildings. If this goes forward, has deep concern would be destruction and impacts to the environment. Questioned the County allowing

rezoning prior to the applicant owning the property. He would recommend postponing until they own the property and after the pandemic. Summarized his credentials in law and environmental law and has done a conservation easement and knows a lot about real estate law.

- F. Tom Gump registered real estate broker representing the Church and property – respect Mr. Merritt and his experience. They do not expect lawsuits to be filed. The Church has a purchase agreement and even if this sale does not go through they plan to sell the property. Don't expect the woods to be significantly impacted and plans can be viewed. Don't think the second purchase offer is valid.
- G. Kaczmarek – referred to one of the written responses that recommend preserving ag land. He asked if there is any tillable? Mol – explained as discussed on the Commission often is that agricultural land is not just tillable, but includes woods, etc. Kaczmarek – another letter the Board of Trustees did not receive a unanimous vote as Merritt mentioned. A reference to docks was noted and he asked do they get into enforcing that. Turtle Bay was also mentioned and management of the access and shoreland.
- H. Riley stated things like the bluff, trees and an access have more to do with the Conditional Use Permit. The DNR regulates docks. They can address access by other means.
- I. Mol the discussion is whether this land is especially suited to residential. This is riparian and the Commission have had a number of these requests. The subdivision would address lake access. He noted the Land Use Plan is planned for Agricultural. The Board must decide if the lake frontage is enough to justify rezoning. Riley the point is whether it is “especially suited”, a criteria of the Plan. Kaczmarek stated he raises the comments, so the public knows it is part of the consideration. Mol – this lake is large and already heavily developed and decision is whether it is suited.
- J. Mahlberg asked Otto to address the criteria of why this site is especially suited to residential development. Otto every case is different as Felger alluded to and need to consider what makes sense later. Question is how large of a parcel and what can the land support without damaging the lake. This is a 29-acre parcel touching the lake with only an acre for the building site out of a large parcel. The remainder will stay the way it is. He feels it is suited for one lot, but not for two or more lots. Mahlberg in looking at the air photo this is not lake frontage with a beach, but a bog. More like what they see on Natural Environment lakes. How does that fit into “especially suited”? Otto – agrees this is not like the sandy beach around most of the lake. But the amount of frontage and an area on the west side may be suited for access or a dock over the bog. There is room for one dock similar to what is to the south in the bay. Mahlberg – unlike most requests that are on Natural Environmental lakes in more rural areas of the County, this is a General Development lake and is that a positive for rezoning? Otto – agreed some rezoning have occurred on Natural Environment lakes where they have allowed 5-10 acre lots, a few were smaller lots. The DNR classifies the lakes by the shoreland and partially how it has developed. L. Sylvia was developed in 1950's because it is a great lake. This parcel would have one home unless the County changes the rules. This property would have 500' of lakeshore and in comparison, old lots with 50' wide on the lake.
- K. Felger asked the real estate broker, Tom Gump, if the Church would proceed with sale even if the proposal should fail. Gump – that is the understanding. The Church wants to use funds to help people in their general areas. Plan to go forward regardless of outcome. Felger much reference to “The Big Woods” and questioned, where are they located.
- L. Riley – does not know of a definition or standard for them; but the age and species of trees and there are remnants of them in the State. Felger –these are often referenced, but what is it and does it exist on this property? Riley – he is not aware that has been inventoried. Thompson – believe they are valued and protected by most residents of Wright County. She believes they should protect them because they are part of our heritage. Felt they should know where they are and how it is defined. She understood they were identified by the Department of Agriculture. She was not prepared to address these; but felt caution should be taken before proceeding. Kaczmarek –also has heard reference and it may be something Staff could research for the future. Understands that it is untouched woods and may be a pattern that cuts through the County. He is not aware they cannot do anything with them. Thompson described the area which had been a large part of the State before farming. She is in Southside Township and owns a part of them.
- M. Bravinder – he first looks at the Town Board response and noted they have looked at this for many years. They are comfortable it will not destroy the woods and voted unanimously to approve. One

building site on 29 acres. From where they walked could see the low ground and most of the topography would not be touched. He is comfortable voting to approve rezoning.

- N. In response to Felger, Riley explained where they viewed the two properties. Land to the west is zoned R-2a. Mol – asked how that property was designated in the Plan? Riley – AG. Riley also explained the A/R zone would not have the lake frontage or meet dimensional standards for more than one lot. Although someone could come back to try for a backlot, the riparian policy in the Plan would not support another division (backlot). Felger asked if a request for R-2a fits the standards? Riley no, but there is also an R-1 and R-2. However, that would have road frontage challenges. Building a road is unlikely for another lot and overcoming the wetland issues.
- O. Otto – anything beyond what is proposed would be back before this Board. The Commission should consider what makes sense and does not think further development would. Otto – stated to his knowledge Wright County does not have an Ordinance on the Big Woods. Riley – there are tree removal standards. The Commission can put conditions on wooded areas, regardless.
- P. Felger moved to recommend approval of the rezoning to the County Board of Commissioners from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 because the Board feels it meets the criteria laid out in the Land Use Plan. No tree removal beyond normal development for the building site and associated. No clear cutting allowed. Bravinder seconded the motion.

DISCUSSION: Mol should be careful and not be debating whether these trees are classified "The Big Woods" and is it appropriate for the Commission to classify the type of woods. The decision is if the rezoning request meets the criteria for rezoning. He feels it meets the criteria and the land adjacent was rezoned for lots.

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