

TO: Wright County Northeast Quadrant Task Force

FROM: Scott Deckert

RE: Wright County NEQ Land Use Plan Task Force Meeting #11 Summary

Date of Event: Monday, January 22, 2007, 9:00am – 11:00am

Location: Wright County Government Center

Attendees:

Task Force Members: Mark Weigle, Greg Eckblad, Karen McDougall, Judy Weldele, Steve Gritman, Shannon Bye, Dan Buchholz, Franklin Denn, Dan Licht, Gordon Weber, Jeff O'Neil, Don Schmidt

Staff: Dan Jochum (SEH), Tom Salkowski, Scott Deckert, Barry Rhineberger

The following summarizes the tenth Task Force meeting for the Wright County Northeast Quadrant Land Use Plan; it is not meant to be a complete record of discussions that took place, but rather a summary of the various topics and issues raised and discussed.

Introduction

Salkowski opened the meeting with introductions of the task force members. Jochum summarized the overview of the draft Land Use Plan Document. He asked for any discussion on policy issues, noting that minor typos and grammar will still be checked. The discussion was opened up to the task force.

I. Draft Land Use Plan Review

Weber asked where the 1 per 20 designation was and mentioned that the transition areas need some clarification. Salkowski stated the 1 per 20 part of the plan is not complete, will be included in the implementation section and should be addressed later on today's agenda. .

Eckblad asked if the existing designations from the Land Use Plan will be erased with the new plan. Salkowski clarified that the new LUP would replace everything, and be the first part of a new Plan for the entire County.

Weigle asked what would happen if a development project was proposed before an Orderly Annexation Agreement (OAA). Salkowski was not certain, as that needs to be determined. It is important that OAA agreements get done as soon as possible.

Bye thought the townships need to clean up their own house before coming up with proposals to dictate use county-wide. The county has provided an infrastructure. It's imperative the townships get those OAA agreements done. Otherwise, the transition areas become a no man's land. Without good planning, it's a free-for-all.

Weber wanted more clarification on the OAA and the transition areas. Salkowski said that proposed Monticello, Rockford and Hanover have already accepted the transition area boundaries. What takes place in those areas is subject to an OAA. The county is usually a party to any OAA agreement. The OAA can effectively provide a more detailed Land Use Plan for the specific area. McDougall suggested that the OAA agreements are not bound by township or

county plans; they can be whatever is agreed upon. Weigle said if the township and city cannot agree on the area in question, then the county might want to look at some specific standards in the meantime. Denn stated that the Monticello OAA adopted the county's plan. Licht said that what's missing from the transition areas now is what happens when there's no OAA. Jochum said that the current zoning applies. Gritman wondered what guide you'd follow if an application came in for a subdivision.

Bye wanted clarification on the aggregate section. Some property owners are concerned that when they tested their land it is not worth mining. Jochum said that the map needs to be reviewed one more time to make any changes to this part where necessary, and that the implementation section will call for more detailed studies of this area.

McDougall wondered about lakeshore development in reference to Rockford's 2000 plan. Salkowski said this new plan would preempt any recent updates to any township plans and lakes would again be considered for development based on County and Township policies.

Buchholz asked if there would be an effort to review ordinances and bring them in line with this plan. Salkowski said that the subdivision ordinance is being rewritten and there are several ordinance amendments in the works for this spring. The proposal for "1 per 20" will require ordinance changes as well.

Denn stated that we're supposed to be preserving agricultural land. With this whole process, we seem to be going in reverse. Every other land use designation is getting larger. If we don't preserve the ag land, some other level of government may force us to do it later.

II. Implementation/Follow-up Issues

- Transition areas: Confirm City acceptance of limits to annexation areas

Salkowski said there will be at least one more task force meeting. He wants to make sure the cities and towns represented on the task force are all comfortable with the product before it's presented to the Planning Commission for public hearing. The transition areas are based on what has been accomplished in the OAAs. The basic conflict is that cities don't want any development on their edges and townships don't like to lose land to annexation. We're trying to find a system that works out for both. There needs to be further refinement of the transition area around Buffalo. The county is not going to include everything in Buffalo's current draft plan as transition area, but we have not sat down with Buffalo to define this exactly. We have had proposals from Rockford and Buffalo township on what they're willing to "give up". He also wanted to confirm from Hanover and Rockford that their transition areas are correct. Licht confirmed that the City of Rockford will accept this area, subject to the wording of the transition areas. Rockford City does not want to see the areas just outside the transition developed, as that would defeat the purpose over the long run. Buchholz agreed to the current draft for the City of Hanover.

McDougall said the argument that it's 1 per 40 or nothing doesn't carry a lot of weight. The current land use plan has seen very few developments within the proposed transition area. When you see what's actually happened, it's not really a threat. Licht said the transition area wording is

a good framework for an agreement, but in the meantime, it doesn't say anything. It's not fair to cities or townships the way it's worded now. When OAAs are developed, there will be more certainty. There was some continued discussion on development potential in and around Rockford city. McDougall said it was interesting that townships want to preserve ag for farmland, while the cities want to preserve land to leave it open for development. Jochum said it can better be thought as "open space". Salkowski prefers the word "rural". City/township conflict will always be around the edges. The OAA in Monticello works well. Cities are going to grow and we need to protect that area.

Weigle voiced concern about transition areas before an OAA is signed. He wondered if it would make more sense to have it be an overlay. Salkowski said the county's vision is that nothing is going to happen in the transition areas until an OAA is adopted. We don't want to prejudice either side by approving something in the meantime. Weber thought that prejudiced the township. It freezes the use of the land. Jochum disagreed. Grittmann said sometimes landowners don't get everything they want. Weber suggested if an OAA does not happen, that freezes the land. Bye said then that pressures the boards to get their agreements in place. Buchholz said the state statute directs counties to facilitate agreements between governmental entities. Creating a transition area is one way to do it.

Schmidt thought it all came down to the size of the transition area. If the cities are agreeable to keeping the OAA around the city at a reasonable level, Buffalo township would agree not to allow smaller lots in the surrounding areas. If the city pushes the OAA out, then we can't hold those people hostage for all those years. Weldele agreed.

McDougall wondered if there had been many requests for increased density in the Monticello OAA. Denn said there was only one meeting in 2006. O'Neil said there's not much development pressure in that area. Bye said the area is divided into sectors and they all are reviewed periodically. McDougall thought if the township and the city create an OAA, some development might be possible if it works into city plans.

Weber suggested giving the townships 1 per 5 until an OAA is in place. Weigle thought that sounded counter-productive. If the entities have agreed on a line, this plan is not overstepping its bounds. O'Neil gave some insight into the Monticello experience. Weber agrees that there needs to be orderly growth plans, but the township also needs to have the ability to say they can develop at higher density. Salkowski said making 5-acre lots around cities is bad planning. We can't, as professionals, recommend that either the city does what we want or we surround them with 5-acre lots. We've made a good effort to push back city annexation lines to where they are now on the map and get the parties to the table. An agreement needs to be made.

Denn said the township and the cities are going to establish an OAA. That means they are going to be doing their own land use planning and we have to give them the opportunity to do it. They're not all going to be the same. OAA board members have to make it work. We shouldn't set rules for that area. Let the OAA members make up their own rules.

Grittmann wanted it clear that Buffalo would like to talk about their lines and then comment more about the transition areas.

- “1 per 20”: Need for new plan and zoning districts

Salkowski said if this is done, major ordinance amendments would be needed. Also, does this simply mean 20-acre lots or clusters? It will have to come after this process, but first the Planning Commission and County Board will have to be convinced. The County Board was not thrilled with this idea when it was originally presented and this may not apply county-wide. Should the ag be divided into some 1 per 40 and some 1 per 20, or should everything in this quadrant be 1 per 20. A detailed implementation plan will be needed for this.

Each member was surveyed for their opinion on the 1 per 20 idea.

- Weigle said St. Michael would be concerned because they have 1 per 40 zoning for the west half of their city. For the county to go 1 per 20, it would put pressure on the city council to do the same thing. 1 per 40 has been finally accepted in this area. Keeping it 1 per 40 ensures an easy transition to urban services when they are needed.
- Buchholz said it is not critical to Hanover. If it helps facilitate OAAs by compensating the township, then he can live with that. Weigle had valid points about service concerns.
- Weldele was in favor of 1 per 20 and thought clusters were a good idea. There are only 7 farmers in the township that still use farming as their sole income source. There are some absentee owners that might like additional houses. The general age of farmers is older, too. She supports a sub-district.
- McDougall said that the consensus of their board is that 1 per 20 is something they need. When cities extended their subdivision authority in the township, they requested that 1 per 20 would be the highest density allowed in the township. The impact on schools would be minimal. She also supports a sub-district and agrees it may not be applicable county-wide.
- Eckblad is in favor of allowing the township the ability to get more density to offset future lands lost to city growth.
- Gritman doesn't have a concern with this. 1 per 20 is not competitive to urban growth like 5-acre lots would be.
- Licht echoed Gritman's comments. 1 per 20 is workable for future city growth.
- O'Neil said that within the MOAA, 1 per 20 might not work. Outside of that area, he would defer to the township.
- Bye disagrees with sub-districting. If that is done, then we deny the privilege to some others who want to make a buck. Planning and Zoning should not be based solely on financial considerations and the market. The market plays a role, but it doesn't define the plan. Going 1 per 20 undermines planning. Even in a suburban county, agriculture is still our primary economic engine. A policy that's going to provide the infrastructure for sustainable development comes in 1 per 40 and not 1 per 20. A majority of her constituents are still opposed to increasing development.
- Denn thinks this is the most controversial thing we've got right now. When the 1 per 40 was implemented, he envisioned a house on every 40 and that hasn't happened. Farmers don't want houses on every 40. There are areas where this might work but it shouldn't be very large because it might have a depreciating effect on surrounding properties. We have to be very cautious on how it's implemented
- Weber made some points on fundamental property rights. Planning and zoning is legally restricting property rights for the good of society. Property owners should have greater

flexibility. The township could vote on the area they want for 1 per 20. Each township is different. It helps the township's tax base. If it drops the price of land, so be it.

- Schmidt thinks it could work in Buffalo Township. He hears from people that it's not fair they cannot sell another portion of their property. Not everybody is going to use it. Maybe it will be hard to implement. An option would be to allow landowners to transfer their entitlements to somebody else, maybe from good ag land to poor ag land, for example.

Salkowski noted that the "1 per 20" cannot be incorporated into the plan immediately because it requires a new zoning district. He would like more study on the transfer of development rights. He's not positive it would work well in the NEQ or if it should be examined county-wide. Parts of this county are very different from one another. In general, is a complex TDR program worth pursuing?

Bye thinks we could look at models where it exists. It would be a novel approach. McDougall has spoken to other counties who do this. The way it is set up is crucial. Buchholz is opposed to having someone transfer development rights long distances, like from Cokato to Rockford Township. Salkowski doesn't know exactly how it would work or what the limits would be. He envisions working within the quadrant. Schmidt suggested doing it within a township. Weigle thought the idea was interesting, but there has to be a goal. If the goal is to put some permanent preservation on the transferring lands, and the lands become developed in 30 years, there's no reason to do it. You should look at creating some sort of open space corridor. Jochum did some research and is not even sure if it is legal in Minnesota. The enabling statutes are not set up to do a true TDR program. Gritman thought there was a legal argument that it could be done within the PUD regulations.

Weber thinks it's important to have 1 per 20 in the final draft, but it should be kept simple. Clustering may be easiest to start with. As it starts to develop, then we can look at more complexity. Schmidt said the goal could be to preserve farmland and that could be done with clustering.

- Aggregate Resources District: Post-plan studies and review

Salkowski said there may be some misconceptions about the proposed aggregate resources district. It is not a zoning district and nobody's property is going to be rezoned. We are not implying that you can only mine on the property. We are saying that aggregate resources are known to exist. This is another area that needs further follow-up. We would like to get funding and get a more detailed plan for the area, which might change this plan. It will influence development plans.

Salkowski briefly discussed the new AR lands in Monticello and suggested possibly rolling those back to 1 per 20. Township representatives have voiced a concern that there is too much potential development in the Monticello portion of the Plan.

McDougall wondered why the aggregate resource area didn't include the sand resource in southern Rockford township. Jochum said the first map showed it, but because of all the residential area and type of resource, it was not included.

- Resource Lands: Future park planning and coordination

Salkowski reminded the group there would be hearings on the subdivision regulations. Also, the resource lands were identified for the possibility of purchasing these lands from willing sellers, and the county parks director has shown interest in these lands as possible investments for the county in conjunction with state and federal agencies. The Pelican area has been state and federal so far. We see these as low density, and over time, can be protected for parks or other uses.

- Final edits to Land Use Plan map

Salkowski said there needs to be at least one more meeting with the City of Buffalo. If major changes are made to the transition areas, the other cities might get one more meeting, too. Hopefully, there will be one more meeting of the task force, and then we'll be done.

Meeting adjourned, with staff to notify the task force of the date for the next meeting.