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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0458**

Mark Wocken,
Relator,

vs.

Stearns County Board of Commissioners,
Respondent.

**Filed February 9, 2026
Affirmed; motion denied
Ede, Judge**

Stearns County Board of Commissioners

Patrick B. Steinhoff, Thomas F. DeVincke, Malkerson Gunn Martin LLP, Minneapolis,
Minnesota (for relator)

Janelle P. Kendall, Stearns County Attorney, St. Cloud, Minnesota; and

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Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Ede, Judge; and Jesson,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

EDE, Judge

In this certiorari appeal, relator challenges respondent's quasi-judicial decision denying his preliminary plat application to divide a parcel into residential lots. Relator asserts that respondent's decision lacks a rational basis. He also moves to strike certain documents from the administrative record. Because we conclude that respondent's decision to deny relator's preliminary plat application was rational and is supported by the record, we affirm. And because we reach this conclusion without relying on the contested documents, we deny relator's motion to strike as moot.

FACTS

Relator Mark Wocken applied for preliminary plat approval to subdivide a 15.28-acre parcel into eight residential lots. The parcel is located in Stearns County and includes a cemetery that is subject to oversight by the Minnesota Indian Affairs Council (MIAC) under Minnesota Statutes section 307.08 (2024). Pursuant to that statute, any ground disturbance on the parcel must receive prior review and approval by the MIAC and, if approved, such activity is subject to monitoring. *See* Minn. Stat. § 307.08, subds. 3a(g), 7a(2), 10. If human remains or burials are encountered during ground-disturbing activities on the parcel, the development must stop for mitigation unless the MIAC permits it to continue. *See id.*, subds. 2(a)(2), 3a(g), 10. Because of conditions that are specific to the property, the statute prohibits disturbance of any kind on three areas within the parcel. *See id.*, subd. 2(a)(2).

The Stearns County Platting Committee (the committee) met to consider Wocken’s application. A representative from the MIAC attended the meeting and explained the MIAC’s review process and its oversight of ground-disturbing activity. After a discussion, the committee voted 3-2 to recommend that the Stearns County Planning Commission (the commission) deny the application.

The commission held a public hearing on Wocken’s application. After a presentation by county staff and comments by the MIAC, Wocken, and Wocken’s counsel, the commission found that the preliminary plat proposal is inconsistent with the Stearns County, Minnesota, Subdivision Ordinance 230 (2023) (SCSO)—specifically, section 1.4.3 (the land-suitability provision)—and recommended that the board deny Wocken’s application. The land-suitability provision states:

Each lot created through subdivision shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions, important fish and wildlife habitat, native plant communities and rare species, significant historic sites or any other feature of the natural land whereby an impact thereto is likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the county.

SCSO § 1.4.3 (2023).

In its quotation of the land-suitability provision, the commission’s findings of fact italicize the phrase “significant historic sites.” The commission’s findings of fact also state that the preliminary plat conflicts with two “living goals” set forth in the Stearns County

Comprehensive Plan: (1) “The proposal is not consistent with **Living Goal 2**; ‘Manage the impacts of growth and development on the county’s rural character and natural resources.’”; and (2) “The proposal *is and is not consistent with* **Living Goal 5**; ‘Respect and preserve architectural, archaeological, and cultural history, while building on all residents’ cultural assets to strengthen county cohesion.’” (Emphasis added.) At the same time, the commission found that Wocken had “demonstrated that the standards and criteria of the ordinance will be met by meeting the variety of conditions that apply to the plat” and that “[t]he conditions lay out the additional steps needed to ensure the standard[s] and criteria in the ordinances will be met.” But the commission did not describe any conditions that apply to the plat.

The commission provided Wocken with its findings in a letter and notified him that his application would be reviewed by respondent Stearns County Board of Commissioners (the board). The commission asserted in the letter that “[t]he item will be placed on the consent agenda unless the item is pulled by a county board member for further discussion.”

At a subsequent public meeting, the board considered Wocken’s application and denied the preliminary plat via the consent agenda, without additional discussion. The board adopted the commission’s findings of fact and notified Wocken of its decision by letter. In its decision, the board noted that the commission “stated the applicant is trying to do what they can related to the cemetery, but there are concerns about developing the property.”

This certiorari appeal follows.

DECISION

Wocken challenges the board's denial of his application for preliminary plat approval, contending that the board's decision lacks a rational basis because: (A) the board found that he satisfied all of the criteria required by the SCSO; (B) the preliminary plat approval does not involve any land disturbance, such that there is no support in the record for the board's findings about the cemetery on the property that is subject to oversight by the MIAC; and (C) the standards in the SCSO that the board relied on in denying the application are improperly vague and subjective. The board counters that its denial of Wocken's application has a rational basis and is supported by the record. As explained below, we agree with the board.

"The denial or approval of a preliminary or final plat application is a quasi-judicial administrative decision." *Watab Twp. Citizen All. v. Benton Cnty. Bd. of Comm'rs*, 728 N.W.2d 82, 93 (Minn. App. 2007), *rev. denied* (Minn. May 15, 2007). A quasi-judicial decision made by a county board is reviewable by writ of certiorari. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 574 n.5 (Minn. 2000) (stating that zoning decisions by county boards are reviewable by writ of certiorari).

Our certiorari review requires that we consider "whether the board had jurisdiction, whether the proceedings were fair and regular, and whether the board's decision was unreasonable, oppressive, arbitrary, fraudulent, without evidentiary support, or based on an incorrect theory of law." *BECA of Alexandria, L.L.P. v. Cnty. of Douglas ex rel. Bd. of Comm'rs*, 607 N.W.2d 459, 462 (Minn. App. 2000). "[W]e give great deference to [the board's] land-use decision and will reverse only in rare instances where the decision lacks

a rational basis.” *PTL, L.L.C. v. Chisago Cnty. Bd. of Comm’rs*, 656 N.W.2d 567, 571 (Minn. App. 2003). “A decision lacks a rational basis if it is unsupported by substantial evidence in the record, premised on a legally insufficient reason, or based on subjective or unreasonably vague standards.” *Id.*; *see also Watab Twp. Citizen All.*, 728 N.W.2d at 93–95 (applying the substantial-evidence test and concluding that the county’s decisions to approve plat applications with conditions did not involve an error of law and were supported by substantial evidence). A board’s decision to deny a preliminary plat application “must be supported by substantial evidence on the record, which addresses the requirements of the applicable ordinances.” *Watab Twp. Citizen All.*, 728 N.W.2d at 94. And we have held that an administrative land-use decision is based on legally insufficient reasons when it relies “on land use standards that are ‘unreasonably vague’ or ‘unreasonably subjective.’” *Trisko v. City of Waite Park*, 566 N.W.2d 349, 353 (Minn. App. 1997) (quoting *C.R. Invs. Inc. v. Village of Shoreview*, 304 N.W.2d 320, 327–28 (Minn. 1981)), *rev. denied* (Minn. Sept. 25, 1997).

Against this backdrop, we address Wocken’s arguments seriatim.

A. Because the board did not find that Wocken satisfied all the criteria required by the SCSO, its decision is not arbitrary as a matter of law.

Wocken contends that the board’s decision was arbitrary as a matter of law because the board’s findings “*expressly state* that [Wocken] complied with the approval criteria in the [SCSO].”

“When an ordinance specifies minimum standards to which subdivisions must conform, local officials lack discretionary authority to deny approval of a preliminary plat

that meets those standards.” *Watab Twp. Citizen All.*, 728 N.W.2d at 94 (quoting *PTL, L.L.C.*, 656 N.W.2d at 571). In other words, “where a subdivision ordinance specifies standards to which a proposed plat must conform, it is arbitrary as a matter of law to deny approval of a plat which complies in all respects with the subdivision ordinance.” *Nat’l Cap. Corp. v. Vill. of Inver Grove Heights*, 222 N.W.2d 550, 552 (Minn. 1974).

The SCSO outlines the relevant requirements for subdividing property, including criteria that the commission “shall consider, but not be limited to, . . . when considering a preliminary plat.” SCSO § 5.3.7. A preliminary plat must “conform to all applicable official controls and all state and federal laws, and it must “be consistent with the *Stearns County Comprehensive Plan*.” *Id.* Under the SCSO, the commission considers: compliance with the floodplain overlay district; whether the plat has two soil treatment dispersal areas; whether a future variance will be required to use the lots for their intended purpose; whether the plat provides for adequate storm water runoff; whether the plat has sufficient buildable area; whether each lot is sufficient to meet the county sewage treatment system standards; whether a vegetation buffer is required; and whether the proposed plat “adequately protects the health, safety and welfare of the residents of the county by providing for a healthy drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment, and proper setbacks and buffering from conflicting land uses.” *Id.*

Wocken maintains that the board lacked discretion to deny his application because a single finding in the denial letter—finding four—“stated that [his] proposed plat fully conformed to the county’s zoning ordinance.” In finding four, the board determined that Wocken had “demonstrated that the standards and criteria of the ordinance *will be* met

by meeting the variety of conditions that apply to the plat” and that “[t]he conditions lay out the additional steps needed to ensure the standard and criteria in the ordinances *will be* met.” (Emphases added.) But the denial letter included no conditions that apply to the plat. Wocken’s interpretation of this finding as tantamount to a determination that he complied with all requirements of the SCSO is unavailing.

Although the future-tense language of finding four—“will be”—suggests that Wocken might later satisfy the standards outlined in the SCSO, it nonetheless conveys that Wocken had not done so as of the time of the board’s decision. Indeed, Wocken acknowledges this distinction in arguing that

[t]he only way to interpret these findings in a coherent way is to read them as concluding that the proposed plat does not satisfy the county’s policy statements and living goals *now* but that it *will satisfy* all “standards and criteria” in the ordinance . . . “by meeting the variety of conditions that apply to the plat.”

Beyond the fact that the language of finding four undercuts Wocken’s arbitrariness argument, the totality of the board’s findings—including the board’s overall decision to deny Wocken’s preliminary plat—and the record before us further rebuts his claim. More specifically, the record reveals that finding four specifically corresponds to the question, “How has the applicant demonstrated that standards and criteria stated in the ordinance will be satisfied?” And the record shows that, in deliberating about finding four, one commission member commented that “there are a variety of conditions that . . . apply to this, and a lot of additional hoops to cross that would assure that the criteria’s going to be satisfied.” This included conditions related to the wetlands, storm water management, and

the MIAC standards concerning the cemetery. In context, finding four therefore does not support Wocken's claim that he had satisfied all of the approval standards as of the board's decision.

Because we cannot conclude on this record that Wocken's preliminary plat application complied with the SCSO in all respects, he has not shown that the board's decision was arbitrary as a matter of law. *See Nat'l Cap. Corp.*, 222 N.W.2d at 552.

B. The board's findings in denying Wocken's preliminary plat application are supported by the record.

Wocken asserts that there is no record support for the board's findings about the effect of land-disturbing activities on the cemetery within the property that is subject to oversight by the MIAC. He maintains that the board's decision was not based on facts in the record because the board "denied [Wocken's] application due to concerns relating to future applications for land-disturbing activities that did not yet exist; will be subject to the jurisdiction of a different government agency; and will involve nonpublic information to which the . . . board does not have, and will not have, access." Because any land-disturbing activity cannot happen until after the property is subdivided, Wocken argues that it "is therefore premature to conclude that [the] MIAC requirements will preclude development on the property because an application for preliminary plat approval does not propose any activity that [the] MIAC is empowered to prohibit, restrict, or regulate." These arguments do not convince us that reversal is warranted.

The board's findings do not directly mention land-disturbing activities. Rather, the board found that the proposal was inconsistent with the land-suitability provision. In

adopting the commission's findings of fact, the board italicized "significant historic sites," implicitly recognizing and emphasizing the presence of the cemetery on the property. The findings of fact also note the commission's determination that "the applicant is trying to do what they can related to the cemetery, but there are concerns about developing the property." And the findings observe that "an after-the-fact situation could be a criminal offense, not just a civil offense."

These findings are supported by the record, including information the MIAC provided that states:

[D]ividing the property into plats does not involve ground disturbance and thus does not impact the integrity of the cemetery. However, each instance of ground disturbing activity anywhere on the property will require prior review and written approval by [the] MIAC. [The cemetery] contains authenticated burials and no ground disturbance may ever occur within the authenticated boundaries. If approved, ground disturbing activities will, at minimum, require monitoring. If human remains or burials are encountered during ground disturbing activities, development shall stop, and a mitigation shall occur. It is not guaranteed that permission will be granted to continue the project.

The record also reflects concerns relating to the health, safety, or welfare of future residents. The committee meeting minutes state that "failure to obtain permission for ground disturbing activities could result in penalties, subject to all parties being charged by the Stearns County Attorney's office, with charges ranging from a misdemeanor to a felony, and all parties involved could also face civil penalties." One committee member noted that "any ground disturbance is far more serious in this case than it would be in an after-the-fact permit request." The record also shows that there are uncertainties about

whether a septic system could be installed on the property, whether the lots are buildable, and whether any future homeowners could obtain a mortgage or insurance.

In short, despite Wocken's suggestion that the board's decision was based on conjecture, the board addressed the requirements of the applicable ordinances and its concerns are well supported by the record.

C. The board's decision is premised on a legally sufficient reason.

Finally, Wocken asserts that the board based its decision on improperly vague and subjective approval standards—the comprehensive plan and the land-suitability provision—which he claims do not “constitute a rational basis for the . . . board's decision to deny [Wocken's] application.” We conclude that the board's decision is premised on a legally sufficient reason.

Before turning to his specific arguments about the comprehensive plan and the land-suitability provision, we address Wocken's contention that these issues were not discussed by members of the commission or the board at public meetings on his preliminary plat application. Wocken broadly contends that “there is no evidence at all that any of these provisions were considered by the members of the . . . commission when they voted to recommend denial of [his] application.” We reject this contention because it is refuted by the record, which shows that the commission and the board considered information relevant to the comprehensive plan and the land-suitability provision, even if those topics were not directly discussed at each stage. Both the comprehensive plan and the land-suitability provision were outlined in the materials prepared by county staff and were discussed at the committee meeting.

We next analyze Wocken’s remaining arguments about (1) the comprehensive plan and (2) the land-suitability provision.

1. Comprehensive Plan

The SCSO requires the preliminary plat to be “consistent with the *Stearns County Comprehensive Plan*.” SCSO § 5.3.7 (B). Wocken nevertheless maintains that the board’s reliance on the comprehensive plan to deny his application is legally insufficient. He argues that the comprehensive plan does not directly apply to his application because neither of the living goals that the board relied on are objective approval standards that can be applied to an application for preliminary plat approval. And Wocken asserts that, as much as they are intended to be approval standards, “the ‘goals’ are so vague and subjective that they are meaningless.”

Each county board “has the power and authority to prepare and adopt by ordinance, a comprehensive plan.” Minn. Stat. § 394.23 (2024). But the plan must be implemented by “official controls,” including zoning and subdivision ordinances. *See* Minn. Stat. §§ 394.22, subd. 6, .24, subd. 1 (2024). The comprehensive plan is “the guide for future development of the county” and includes “the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities” and recommendations to carry out the plan. Minn. Stat. § 394.22, subd. 9 (2024). On the other hand, official controls, such as zoning and subdivision ordinances, “are the means of translating into ordinances all or any part of the general objectives of the comprehensive plan.” *Id.*, subd. 6; *see Mendota Golf, LLP v. City of Mendota Heights*, 708 N.W.2d 162, 175 (Minn. 2006) (explaining that “[z]oning ordinances are intended to carry out the

policies of a city’s comprehensive plan.”). “[W]hen a city designates a specific use as permissible in a particular zone or district, the city has exercised its discretion and determined that the permitted use is consistent with the public health, safety, and general welfare and consonant with the goals of its comprehensive plan.” *PTL*, 656 N.W.2d at 574 (quotation omitted).

To support his argument, Wocken relies on our opinion in *PTL*, in which we concluded that the county board erred by denying relator’s application for approval of a preliminary plat. *Id.* In reaching that conclusion, we reasoned that “the board of commissioners failed to recognize the uniquely advisory role of the comprehensive guide plan and elevated it to the stature of the zoning and subdivision ordinances, both of which have the force of law.” *Id.* In *PTL*, a provision of the county’s subdivision ordinance required the subdivision of land be “consistent with” the comprehensive guide plan, which included agricultural goals to “protect long term agriculture as a vital element in the County economy, prevent the unnecessary conversion of prime farmland to non-farm uses, and prevent incompatible land uses in the agricultural areas.” *Id.* at 575. Notwithstanding this section of the ordinance, we held that the comprehensive plan was not a legal basis to deny approval of a preliminary plat, noting that the comprehensive plan was a general policy intended to guide the board in setting zoning standards and to be implemented with official controls. *Id.* (stating that “[a] majority of jurisdictions treat comprehensive plans as advisory, notwithstanding ordinance provisions . . . requiring that the subdivision of land be ‘consistent with’ or ‘in accordance with’ a comprehensive plan”).

As in *PTL*, the subdivision ordinance at issue here—the SCSO—requires the preliminary plat to be “consistent with” the comprehensive plan. SCSO § 5.3.7 (B). And the portions of the comprehensive plan in the record before us suggest that the comprehensive plan is intended to be a general policy guide, given the plan’s broad statements and general objectives. For example, a statement preceding the living goals reads:

Stearns County shares a broad set of values about ourselves and the place where we live. We will continue to embrace these diverse values by supporting a full range of housing choices that meets resident[s]’ needs at every stage of their lives and ensur[ing] a healthy balance of housing types that meet[s] the needs of a diverse population with diverse needs.

And Living Goals 2 and 5—with which the board found Wocken’s preliminary plat application to be inconsistent—require “manag[ing] the impacts of growth and development on the county’s rural character and natural resources” and “respect[ing] and preserv[ing] architectural, archaeological, and cultural history, while building on all residents’ cultural assets to strengthen county cohesion.” Because they are general and subjective, these living goals are similar to the “unreasonably vague and subjective” agricultural goals we identified in the comprehensive plan at issue in *PTL*. 656 N.W.2d at 575.

But the board contends, and we agree, that *PTL* is distinguishable because we have since explained that our “holding in *PTL* is limited to instances when a zoning ordinance conflicts with a comprehensive plan.” *Concept Props, LLP v. City of Minnetrista*, 694 N.W.2d 804, 819 (Minn. App. 2005), *rev. denied* (Minn. July 19, 2005). Put differently,

although a comprehensive plan does not establish an independent basis for a board to deny plat approval when the subject application seeks a permitted use that conforms to existing zoning ordinances, a comprehensive plan that does not conflict with a zoning ordinance may support a board's decision to deny an application that does not so conform. *Id.* Consequently, while the board found that Wocken's preliminary plat application conformed to the permitted residential and agricultural uses in the zoning district and complied with the standards in the zoning ordinance, the matter before us is unlike *PTL* because the application was both inconsistent with the comprehensive plan and an aspect of the SCSO—the land-suitability provision. *Cf. PTL*, 656 N.W.2d at 575 (stating that, “because the county’s zoning and subdivision ordinances implement the comprehensive guide plan, a preliminary plat that conforms with the requirements of zoning and subdivision ordinances conforms, by definition, with the comprehensive guide plan”). Accordingly, *PTL* does not control and the board did not err by citing the comprehensive plan as support for its decision to deny Wocken's application.

2. Land-Suitability Provision

Even if the comprehensive plan alone were a legally insufficient reason for the board to deny Wocken's application, the land-suitability provision is a legally sufficient reason. Wocken contends that the land-suitability provision cannot sustain the board's decision because it is a statement of policy and not an approval standard. But he fails to support this argument with any authority, instead merely asserting that the land-suitability provision is not one of the approval criteria listed in section 5.3.7 of the SCSO. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that an

assignment of error based on a “mere assertion” is forfeited unless prejudicial error is obvious). We discern no obvious prejudicial error from the record.

While it is set forth in a different provision than the criteria listed in section 5.3.7, the land-suitability provision is included within the SCSO itself. *See* SCSO § 1.4.3. And although the land-suitability provision falls under a section of the SCSO entitled, “policy,” its plain language establishes that its terms are mandatory. Simply put, the land-suitability provision is not a general statement of purpose, as was the case in *PTL*. It is a specific requirement included in the SCSO. And we recognized in *PTL* that “[i]t is certainly proper for the board of commissioners to consider aesthetics, historical uses of the land, and the public cost of providing services for a given land use” and that those “considerations must be reflected with sufficient specificity in the land-use ordinances.” 656 N.W.2d at 575–76. That is the case with the land-suitability provision here. We therefore conclude that the board’s concerns about the inconsistency of Wocken’s preliminary plat application with the land-suitability provision is a legally sufficient basis for its decision.¹

Affirmed; motion denied.

¹ Because our decision to affirm does not rely on any of the documents challenged in Wocken’s motion to strike, we deny that motion as moot. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying a motion to strike as moot when the reviewing court did not rely on the material).