

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
December 11, 2012

7:00 PM

1. Call to Order: Charlotte Quiggle called the meeting to order at 7:00 PM.
2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (chair); Larry Smith; Lee Parks

Absent: Barry Schultz; Steve Huff

Others in attendance: Melvin Dykhuizen; John Dearing; Dick Naaktgeboren; Marion Foss; Roger Foss; Linnea Lindquist; Stephen Berg; Carol Weis, David Nicholson

3. Additions or Deletions to the Agenda: None

A motion was made by Smith, seconded by Parks to approve the agenda. Motion carried unanimously.

4. Public Hearings

- a. Rezoning to allow for a Planned Unit Development (PUD) Overlay District. Existing zoning is Agricultural/Residential (A/R).
 - i. Applicant(s): Melvin and Eleanor Dykhuizen
 - ii. Property Address: None (Grover Avenue, North of 105th Street)
 - iii. Sec/Twp/Range: 1 and 12-121-27
 - iv. Parcel Number(s): 206000121200 and 206000014303

Quiggle read the request aloud.

Dykhuizen: I guess the original (plan) was to...we rezoned from AG to AR so we could split my Dad's farm into three parcels which actually there's five ID numbers because there is a section left that goes east-west to the north part. I guess after getting my AR zoning and getting everything documented and plotted and laid out and recorded, I guess I want to take one step farther secure some building entitlements. After talking to the county and talking to Ben and everything else if you go the one per ten you'd actually have two and then it was brought up about doing a PUD and with a PUD there is an option of actually having four of them. Then, again I was talking about different size of the lots and I think there is kind of a consensus in Corinna, maybe I'm speaking out of turn here, but smaller sized lots seem to be a little bit more advantageous. So this is where on one of those photos there (visual reference) or one of the slides it actually is locating the four entitlements on the south-west corner trying to preserve as much of the property as...There would be two approximately 3.2 acre parcels on the southwest corner and then there would be two 2 acre (parcels) just north of that. Preserving the rest of the property is either under AG tillable there's a half-acre of woods on the north end and then there is a five acre holding pond where the water runoff from farm fields go into that pond. It (then) settles through a series of drain tiles and then exits on the

north side into my brother's farm and then into the bay on the northeast corner of Indian Lake. I think hay is harvested every year so it works out well for all parties.

Oleson: This is all zoned AR right now which would allow them to split it into a minimum ten acre lots but it's just about 27 ½ acres so we'd only be able to get two lots out of that scenario and with the PUD overlay district like he said he gets up to four lots. He's proposing roughly there. We're not approving the actual subdivision of the land right now. We are making a recommendation to the County to rezone this or to add that PUD overlay to it and then it goes to the County and from there they make the final decision on rezoning so if the County ultimately approves the rezoning then he would have to come back separately as a subdivision application to actually make this happen like this (visual reference). That's one of the discussion points in the staff report, the time limit. Mr. Dykhuisen doesn't have a firm timeline for that. He wants to wait for the right time in the market and everything so typically when I talked to Sean Riley at the County he said in the past most people that apply for a PUD follow it up very closely with the actual subdivision application so there is not a timeline issue there. The ordinance does specify some things that if he doesn't bring it back in a certain timeline for an actual subdivision then when he does we would have to re-notice it to the neighbors. Do we leave this open-ended and he has 10-15 years if he wants to bring this back for a PUD and actual subdivision or do we set some kind of timeline where it could theoretically expire. We could pass that on as part of our recommendation. There will be about 19 acres left over after he does the four lots here (visual reference)

Quiggle: And that acreage would be essentially restricted?

Oleson: Yes, there would not be any building allowed on that.

Dykhuisen: That and then also I would say that low spot just to the north of there (visual reference).

Oleson: Do you have an easement? A formal easement?

Dykhuisen: No, what it is is this goes back maybe about 20 years ago. It was always an issue with farm field run-off through pasture and that actually a lot of it ended up in Indian Lake and so there was a joint program with the lake association or the lake owners there and my two brothers and myself and it was with the Soil & Water in Buffalo. There is one or two terraces on the south end of that and the water filters and runs down into the pond. It has to stay there. In the summer sometimes there's two to three feet of water in there and other times you go out there and it's bone dry. It's a good way of filtering out any chemicals or anything. Then, added to that it goes north through another marsh again and then it goes farther north and not on that picture, but then it goes to two non-buildable DNR lots. That's where the water actually enters into Indian Lake. It's a good filtration system. There's a whole bunch of series of ponds and marshes for filtering. There's no culverts needed or driveways where the four lots would be. I don't think there's more of a two-foot ditch in there for the road. There's no issue with road accesses. I guess I would like to go with unspecified period right now. I have children and they're going to get the farm someday and I still would like to buy out my two brothers or my brother and my sister-in-law. I wouldn't mind buying that from them. I'm just trying to wrap up all of the loose ends and where the market is now as far as sellable lots, I don't think there's a huge demand anyplace. I'd like to get it on the books that it's taken care of.

Quiggle asked for questions or public comment.

Berg: I'm Steve Berg and I'm a member of the Indian Lake Improvement District and I still don't think Ben Oleson's question was answered. I understand how the filtration system works, but how secure is it? What's going to prevent you in a few years from trying to divide up that area?

Dykhuisen: Oh, that would never be able to...[interrupts]

Berg: Because I don't think there's a formal easement. The formal easement runs through mine and Roger Foss' property, the one that it was diverted from, the one that you mentioned early on where it would run straight into Indian Lake.

Dykhuisen: Yes, through that ditch.

Berg: Through that ditch.

Dykhuisen: It's still there.

Berg: Yes, the ditch is there. The ditch has been dry for 15 or 20 years, but the easement is still there and probably will be forever. My concern is...is there a formal easement on that drainage area?

Dykhuisen: No.

Berg: Can we get one? Can we assure that that will, because it's been great for the lake.

Oleson: If the PUD were actually applied for to subdivide the land in that way that he showed the 4 lots to the south, then that 5 acres and the rest of that farm field area would become restricted from development. At this point it's just a rezoning so the ordinance requires that he submit this with the initial plan for it, but he could change that plan theoretically when he actually come in to apply. Part of what we're looking at is preserving certain areas that need to be preserved for farming purposes or ecological purposes.

Steve B: It's a dual purpose, like I mentioned to Mr. Dykhuisen. Its farm and use for drainage.

Dykhuisen: Even before that whole system was put in, we planted fields there in summer and sometimes they'd be flooded out. Sometimes they'd make it and sometimes they wouldn't so it's never going to be farmland. You can't farm it anyway because of the drain-tile that's in there.

Berg: You can cut hay off of it when it's dry.

Dykhuisen: Yes. I know the Soil & Water had a ten year agreement and that's all expired, but I have no intention of ever...well, you couldn't build there anyway.

Naaktgeboren: I think there is actually a control on the bottom that you can open.

Berg: Yes, I've seen that. What are the terms of the lease? Is it just renewed annually?

Dykhuisen: Yes, I deal with Kurt Breck.

Berg: That was my only concern.

Dykhuisen: I want to keep it there. I don't want to change it. I'm not going to dynamite out the damn or anything. It has done a good job.

Quiggle: Even say if something were to totally change once a plan is put in, say the plan that's been presented here, that runs with the land so if that land were to be sold that restricted land remains restricted?

Oleson: Yes.

Quiggle: Somebody can't come in and buy and then make it into one acre lots.

Oleson: Right. That's assuming that again there is an application to subdivide.

Oleson: Nothing is forever so say that were approved and there is a couple of things that could allow for theoretically the rest of it to be developed. One would be a rezoning to say an R1 district like what's on the lakeside here (visual reference). That would

allow one acre lots, but that would have to go through a public hearing process with public comment and that kind of thing. Or theoretically somebody could come in and say the PUD was plotted out, Mr. Dykhuisen did it, I bought it from him, it was never developed or nobody built on it and I want to change how things are laid out. They can come in and again it would be a public hearing process. As it stands right now with the AR zoning without any more, they'd have to come in for subdivision approval, but could split it into two basically. One house could go over here (visual reference) and you wouldn't necessarily have much to say about where the house went. Common sense says you don't build it in an area that's going to collect water, but that could happen theoretically the way it's zoned now. So that's part of the benefit of PUD is that it allows for you to customize the lots to the land. It protects certain areas of land from development and it allows it in others. That's the tradeoff with a PUD is that you get potentially more homes, but you more flexibility in requiring certain areas to be protected. My recommendation I made is that I think it makes some sense to allow for a PUD out here. Our main question was do you want to set a timeline. Like it says in the report there the ordinance says that if you wait longer than six months from your preliminary development plot is approved it could be revoked or it could be at least requires a re-noticing to the neighbors.

Quiggle asked for more questions or comments.

Weis: I'm Carol Weis, I live in one of the houses across the street. So your intention for these parcels is to sell each parcel? Is that correct? Build houses on it?

Dykhuisen: I'm asking for the PUD overlay, but I'd like to do and then sit on it because there is not market. I plan on leaving it farm-field.

Quiggle: But Mel, eventually, what's the plan?

Dykhuisen: In the future yes. If the economy picks up and there is a demand for back lots on the lake. There's nice elevation there and there's nice areas to build.

Weis: I'm concerned about the road traffic, the loss of wildlife, there's a lot of wildlife around there, environmental impact to the lake and things like that.

Dykhuisen: It is in a field. Its field land where they're going to be so I mean there's no destruction of any trees or anything that's going to get torn out.

Weis: But there is wildlife. There would be an impact to the lake and there would be an impact on our road traffic in the future and as far as sewage and well water, how would that effect our lake levels?

Dykhuisen: Like you home owners on the lake, you'd have a septic system and your own private well. There's no city sewer or city water that would be available.

Berg: It might be just enough to tip the scale and get natural gas in there.

Nicholson: if it is it's going to cost each home owner up Grover Ave an arm and a leg.

Quiggle asked if anybody else had any questions or comments.

Berg: Well, the last time it was rezoned to AR it was less than a year ago, right?

Quiggle: Yes, about a year ago, give or take.

Dykhuisen: There were three boys and we had the farm. We never had any entitlements that allowed up to split it into 3 parcels so we each owned our share of my Father and Mother's farm so then you have to go from AG to AR and then you're one per ten. That doesn't have enough lot entitlements to go through flip so that's how we ended up going through AG, AR to where it is now today.

Quiggle: But at this point your brothers or your sister-in-law are not looking to rezone theirs?

Dykhuisen: No. She doesn't even know where it is.

Weis: I was also wondering how this would impact our property taxes. I mean as long as there is no building on those parcels everything remains the same.

Quiggle: I can't imagine it would.

Smith: It shouldn't change.

Naaktgeboren: Your lot affects your own lot. This lot isn't going to affect your lot. It affects his land. Once he builds a lot, makes it a lot, then he's going to pay more.

Quiggle: It's going to affect his taxes.

Quiggle asked for other questions or comments. Quiggle closed the public hearing.

Smith: How was the size of the lots set? Is 4 the most he could get or is there more that he could get?

Dykhuisen: With the math formula for the acreage of the two parcels it amounts so that you could have 4.1 lots. The size of the lots were a discussion with the local people here in the township to try to keep them small and keep them...

Smith: what fits best?

Dykhuisen: Right, yes, without getting rid of a lot.

Smith: Don't get me wrong. I don't want more lots. I'm not looking at that. I'm just looking, my concern is, this is my thought, let's say you purchased from your sister-in-law or brother and could he get more lots if he owned more property?

Oleson: If he owned more property (visual reference) in the AR district the type of PUD that is done is a rural planned unit development and that basically you take the acreage and multiply it by 6/40th's (15%) so in this case the 27 acres times 15% is about 4. If he or future owners of adjacent land were to come together and say we want to do this as a combined unit because then we have more land and you get more lots, but you'd also be adding more open space to it also.

Smith: Right, I understand, but I guess my question is if he gets the PUD done now and he doesn't finalize the amount of lots or whatever and he does acquire more land in that timeline would he be looking at smaller lots and more of?

Dykhuisen: I think right now that's not...that's not going to materialize

Smith: I'm not for it. These look good to me. I like these numbers, this size of lots. I think this fits really nice so I guess my concern is do we set a timeline a little more certain just for that reasoning more than leaving it open?

Parks: That is my sentiments, too.

Quiggle: I think that as presented and I know that this isn't final it's just a preliminary what if plan, but it is a good plan as a first go at the process, but I don't want to leave it open ended. I can't really see, at the outside I would say giving it a three year things instead of a six month. That's multiplying the time limit by six and that's the limit that we have variances so it seems to give some leeway for the property owner, but things can change over time and you don't want it open ended so that would be my thinking.

Smith: Pretty rational.

Parks: That's reasonable.

Quiggle: You're always able to divide them within the three years, not sell them. Just because you sell them doesn't mean that you don't have to jump on trying to sell them is the market is still down.

Dykhuisen: It's where the market is now. That's the only thing.

Smith: I hear ya, I hear ya all the way...but...

I'm going through the paperwork trails and all of that stuff and this is where...well, I hope it does turn around some day.

Quiggle: Well, it will.

Dykhuisen: I hope it does turn around.

Smith: And lake property is still the better value of anything as far as holding.

Quiggle: Anybody else have any other thoughts? Basically we'd be making a recommendation to County to approve the PUD overlay on the AR land and recommend an extension of the 6 months to 3 years. Correct?

Oleson: This is the process in the ordinance. (visual reference) You establish the PUD district which would be what Wright County would theoretically do. Once they do that that starts a 90-day clock so basically within 90-days he's supposed to come in and ask for approval of the preliminary development plan for four lots. Then, if he gets that approved...[interrupts]

Dykhuisen: back here?

Oleson: That'd be back here at the township, yes. Whether it's 6 months or 90-days what you're saying is that you would allow for it to have three years?

Quiggle: No more than three years.

Oleson: No more than three years to come back after the rezoning is approved if it is to actually ask for the subdivision to take place.

Quiggle: I threw that out based on variances, but if anybody else has any other thoughts.

Parks: No.

Smith: That's again reasonable.

A motion was made by Quiggle to give a recommendation of approval to the County Planning Commission of the requested rezoning – to add a Planned Unit Development (PUD) overlay district to the existing Agriculture/Residential (A/R) zoning and also recommend a condition be added that the preliminary development plan be submitted for approval within three (3) years based on the following findings of fact:

1. Preservation of natural sensitive areas.
 - The subject property does contain an area in the NW corner that is lower in elevation and acts to hold water after high rainfall events. This area is identified in the preliminary development plan as area that would remain undeveloped. The applicant has also stated that an easement has been placed on this area for the benefit of Indian Lake water quality. As such, the establishment of a PUD district would actually help to preserve this area, as opposed to it being part of a min. 10 acre lot under current A/R zoning.
2. Present ownership and development.
 - The property is currently actively farmed with the exception of the wooded area and low settling area in the NW corner. Adjacent properties are a mix of farmed land, rural residential and shoreline residential.
3. Soil types and their engineering capabilities.
 - The subject property contains several soil types, which are shown and described in the attached map. The majority of the soils are not considered "prime

farmland.” Those soils that are considered prime farmland are grouped in the NW corner where the settling area is located, along the eastern half of the property and in the far southern portion.

4. Topographic characteristics.
 - The topography of the site is gently rolling with a few small areas of steep slopes leading down to Grover Avenue.
5. Vegetative cover.
 - The great majority of the land is currently open farmland. Only the northernmost 80 feet or so of the property is wooded.
6. Quality of the land for agricultural purposes.
 - The land has significant agricultural value in terms of the high quality soils and the long-standing use of the parcel for agriculture. The value is, however, somewhat degraded by the close proximity of shoreline residential properties (potential conflict) and the fragmented nature of surrounding properties (difficulty in assembling parcels for adequately sized farming operations).
7. In-water physical characteristics.
 - Not directly applicable.
8. Recreational use of surface water.
 - Not directly applicable.
9. Road and service center accessibility.
 - The property abuts Grover Avenue, which connects to County Road 123 and then to the east to County Road 7 - which provides convenient access to Annandale, Maple Lake and Clearwater.
10. Socio economic development needs of the public.
 - The area is currently used for agricultural purposes and contributes to food production. The establishment of a PUD overlay district would allow the number of possible homes on the property to increase from two (2) to four (4). No additional need for infrastructure and little additional public services would be anticipated whether the number of homes is two or four. The Township has expressed concern with the functionality of 10 acre lots in the past (too large to mow/maintain, too small to farm) - which is a significant reason why the Township has a different future land classification than does the County. The PUD district would allow for this concern to be addressed more so than the current A/R zoning alone.
11. Availability of public sewer and water utilities.
 - The lot would be served by private sewer and water. Electric, phone and other basic utilities are available.
12. The necessity to preserve and restore certain areas having significant historical or ecological value.

- The property does not have any significant historical or ecological value as far as the Township is aware.

13. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.

- The proposed rezoning would create more of a mix between agricultural and residential uses. Whether conflict increases will largely depend on whether the lots continue to be used agriculturally even as other parts convert to residential use. If the land discontinues its agricultural use, conflict may actually decrease.

14. Alternatives available for desired land use.

- The alternative land use for this property is essentially just to remain being used as it currently is for agricultural purposes or to split the property into two parcels of at least 10 acres each for residential development purposes.

15. Prevention of spot zoning.

- The request is to establish a PUD overlay district in addition to the existing A/R (Agricultural Residential) zoning.
- One adjacent property (to the south) is zoned A/R - as are the properties immediately to the east and north. The properties across Grover Ave. to the west are zoned R-1 (Urban/Rural Transition).
- Staff does not feel that establishment of a PUD overlay district would be considered spot zoning, as the PUD district classification is within the realm of zoning classifications anticipated in the Corinna and Wright County Comprehensive Plans and Zoning Ordinances. The establishment of a PUD overlay district will also help to accomplish the Township's goal of allowing for development while maximizing the preservation of farmland.

16. Conformance to the Corinna Township Comprehensive Plan.

- The Comprehensive Plan of Corinna Township identifies this property as Rural Preservation, which could be consistent with a rezoning to establish a PUD overlay district. The primary goal for development within the Rural Preservation classification is to prevent the loss of agriculturally productive land and rural character. A significant concern that the Township wanted to avoid were 10+ acre lots that were too large to maintain residentially and too small to farm. A PUD district will help to accomplish this goal more effectively than the current A/R zoning by itself.

The proposed placement of the residential lots in the SW corner of the property will help to ensure that the remaining farmland is contiguous with other farmland so that it would provide the greatest opportunity for continued farming (in conjunction, possibly, with adjacent farmland to the east).

17. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

- See answer to #16 above.

18. The planned unit development is consistent with the Comprehensive Plan of the Township.
 - See answer to #16 above. Wright County will review this application for consistency with the County Land Use Plan.
19. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
 - The preliminary development plan identifies that the residential lots that would be platted would be in the far southern portion of this lot, with 17 acres of farmable land and land used as a settling area for area drainage remaining. As such, it preserves the most unique or sensitive areas of the property for non-development purposes and allows for the remaining farm land to continue to be farmed – possibly in tandem with the adjacent farmland on other properties.
20. The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
 - The design as presented in the preliminary development plan allows for the most effective continued use of existing farmland for agricultural purposes and helps to provide a buffer between this farmland and the existing shore-land properties to the west.

The motion was seconded by Smith.

Weis: I would like to say that I object to it and I believe that all of my neighbors do, too. They can speak for themselves.

Quiggle: Well, that was why we had the public hearing and we closed the public hearing.

Oleson: Are you saying to the re-zoning you object?

Quiggle: It's not being subdivided at this point. That will go through another process.

Weis: I just object to any more building across the road from me.

Oleson: Well, the next step beyond this would be this will go to the town board and then town board will make a formal recommendation to the County because all re-zonings have to go through the County. The County will make the final determination. You are welcome certainly to give comment there, too, but like Charlotte (Quiggle) said it's the first step towards developing, but it's not the actual development of the land or splitting it.

Quiggle: Any further discussion here? [silence]

The vote was taken and the motion passed unanimously.

- b. Public hearing to take comment on a possible update to the 2007 Corinna Township Comprehensive Plan. Updates may include, but are not limited to, updating the Future Land Use Map, updating demographic data and developing policies regarding home occupations.**

Quiggle read the public hearing information aloud and asked the audience for any thoughts, additions or changes to the Comp. Plan. [silence] Quiggle noted the

absence of members of the Planning Commission and moved to table the discussion until the next meeting when more members are present, seconded by Smith. Motion passed unanimously.

5. Approve Previous Meeting Minutes
 - a. November 13, 2012

A motion was made by Parks, seconded by Smith to approve the minutes as written. The motion carried unanimously.

6. Zoning Administrator's Report

- a. Permits

We went to the County board two weeks ago asking for shore-land control. They didn't approve that, but what they did is offer an extension of the current agreement for 5 years. The town board discussed that and didn't like the idea of 5 years so we counter-proposed this morning that it be no more than an one year extension and that they change it to a Memorandum of Understanding (MOU) instead of a joint powers agreement and the reason for that is not to change any of the content of the agreement, but because the Association of Townships usually provides insurance to townships in these kind of things cannot insure somebody in a joint powers agreement with a county or a city for that matter. It has to be all townships in a joint powers agreement if they're going to, but they will cover it if it is a MOU. It's a technical thing, but we presented those to suggestions to the County board and they approved it so now we're going to draft up the language and present it to their attorneys to review and hopefully next week on the 18th they will approve that. That would get us to keep on doing what we've been doing for the last two years at least another year and we can work from there.

Quiggle: We're just re-titling it. We're not really going to be changing much of the language.

Oleson: It's just basically so we can get good insurance coverage. Right now we have to get insurance coverage through private party insurers and it's not as good of coverage and its costly and limited. We'll present that next week and see if we get the formal okay from them.

Quiggle then provided an update on the Zahler request which had been heard by the Corinna Planning Commission (PC) in October 2012 at which time the PC decided to not give a recommendation on the matter to the County.

- b. Correspondence
 - c. Enforcement Actions

7. Other Business

- a. Discuss end-of-year ordinance updates/clarifications.

Tabled until more members are present.

8. Adjournment

A motion was made by Smith, seconded by Parks, to adjourn the meeting at 7:50 PM. The motion carried unanimously.

Minutes respectfully submitted by Jennifer Kemp.