

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
February 11, 2013
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on February 11, 2014.

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Barry Schultz; Larry Smith; Larry Thompson; Lee Parks; Trish Taylor; Ben Oleson (Zoning Administrator).

Absent: None.

Others in Attendance: Larry Purcell; Anna Purcell; Dennis Klug; Jack Christian; Julie Christian; Cathy Quady.

Additions or Deletions to the Agenda: Trish Taylor made a motion to approve the agenda as presented. Larry Smith seconded the motion. Motion carried unanimously.

Public Hearings:

- a. Conditional use permit for the use of property as a contractors office, shop and storage.
 - i. Applicant: Little Fork Properties
 - ii. Property address: Lot E, 67th Street NE, Annandale
 - iii. Sec/Twp/Range: 33-121-27
 - iv. Parcel number(s): 206000332400

Dennis Klug addressed the Planning Commission.

Klug: My business is road milling. I am a highway contractor. We grind up roads and load the material in trucks. We are a small company with 4 machines. The storage would be cold storage for additional trucks. I do not foresee expansion. There are two people that work in the office. We have 12 employees in the field. During the summer there is no one there except the bookkeeper and myself. In winter, we go 4 or 5 weeks in the shop doing winter maintenance. Then we are laid off again until spring-summer.

Oleson: This property, along with other properties on either side are zoned industrial. To the north is some residential. The ordinance is that you need a conditional use in the industrial zoning district for any kind of use. Things to look at: traffic impact, noise impact, large wetland on the south end and the steep slope that leads to it. The rest of the property is pretty flat. Wright County Soil and Water recommends some erosion control. Dennis and I talked about the MPCA - regarding disturbance of one acre. Dennis does not think he will get to that one acre. We have to keep tabs on it - if he reaches that one acre he needs a MPCA permit. He would need an extra conditional use permit if he moves around over 500 yard of material to prepare the site - for another public hearing. We have recommended a number of conditions: final sewer design completed, erosion control from Wright Soil and Water, meet MNDOT

requirements as it meets Highway 55, also any requirements of the MN PCA – storm water, federal EPA rules– in terms of waste handling.

Quiggle asked audience if they had comments or questions.

Smith: The main flow of your traffic – which direction?

Klug: East toward County Road 6 – easier access to the north or south.

Smith: What about during road restrictions?

Klug: We can physically move our machines 1,000 feet – so we can walk the machines down to County Road 6 and load them.

Thompson: It looks to me like it is a good fit for that piece of property based on what is surrounding.

Parks: I don't have problems with it.

Taylor: Are you buying property from Purcells? Have you signed a purchase agreement?

Klug: Yes.

Schultz: Future expansion plans?

Klug: There is room to double the business. Maybe that could happen within 10 years.

Schultz: The slope runs to 67th? I was wondering about anything going into the swamp.

Oleson: I think Wright Soil and Water would want run-off to be filtered and treated. MN DOT does not want any water in their ditch or Right-of-Way.

Quiggle: I agree with Wright Soil and Water – erosion and sedimentation controls and permanent water plan – due to toxic stuff that could get washed off. Nice to have it filtered before it goes anywhere else. Screening? Trees for screening?

Klug: Which direction? I can understand the north side.

Oleson: The Township has expressed some concern about visibility of outdoor storage on nearby properties in this area from Highway 55. The County previously required screening to the north for the adjacent property to the west, as is required by the ordinance when industrial-zoned land abuts residential-zoned land.

Quiggle: Screening from Highway 55? That is why industrial is placed on Highway 55. How close would he be to the house to the east?

Oleson: 250 – 350 feet, in that range.

Klug: The property owner to the east has trees already.

Quiggle: Then you should only have to screen with trees to the north.

A motion was made by Thompson to approve the conditional use permit request, including the staff recommendations and to require 4 foot high trees on the north side of the property, one row, spaced at no more than 20 feet apart. Seconded by Smith. Motion carried unanimously.

Approve Previous Meeting Minutes:

Smith made a motion to approve the January 14, 2014 meeting minutes. Parks seconded the motion. Motion carried unanimously.

Zoning Administrator's Report:

Permits:

Oleson: Camp Courage is putting up horse barn.

Oleson: Fred Jude still has to make formal application to the county. He has not done that yet. My understanding is that Jude is looking to move forward.

Correspondence: No report.

Enforcement Actions: No report.

Findings of Fact – Previous PC/BOA Decisions:

Oleson: If everyone is OK with previous Kolles Findings of Fact –I will record the Kolles document.

The consensus of the Planning Commission was that the findings of fact were accurate.

Ordinance Interpretation:

Oleson: A permit application came in. Someone has a house that is too close to the road. It is in the road set-back. It is a legal non-conforming structure. They want to add on in a direction that does not meet the road setback, either, but it will meet every other setback. The ordinance strict interpretation says you need a variance because it is too close to the road. Practically speaking, the whole house is already within the setback – so it is not really making things worse, either.

Jack Christian: Can we join the discussion?

Quiggle: Yes – but this discussion is about generalities. It is not for your specific situation.

Jack Christian, regarding 8482 County Road 6, wished to clarify the background of his mother Julie Christian's request.

Jack Christian: My mother has been in the house for 16 years – since 1998. The building permit request is to expand the main bedroom and bathroom to make it accessible. I have maps.

Quiggle: We can't discuss your specific case as it is not on the agenda for a public hearing. We can discuss the idea of something that is a legal, non-conforming structure, which does not meet a setback, but is looking to expand.

Oleson: I talked to Wright County about this – Sean Riley did not have a firm answer about how they have handled this. His main concern was if we allow additions like this without a variance – is there a limit to how many additions they can add? What are the limits on this, if any? I got the impression Sean Riley was fine with whatever decision we made on the Christian's application.

Smith: I know it is extra money – but I believe they should go through the variance process makes it legal, binding, we oversee it.

Quiggle: My initial reaction was – if you are meeting all the setbacks and you are not making the non-conforming setback any worse – on thinking about it – flip side – and we've had this at the county – where a structure did not meet the bluff setback – and wanted to expand, go back, but in taking a very small house on the bluff and turning it into a big structure. If it burns down, it can be replaced right there on the bluff. We have turned those down at the county. We have said that if you want to expand, you have to move back. So when I rethought it through, I got pulled into Larry Smith's thinking.

Smith: I think they have to do the variance process. It is cleaner.

Quiggle: There will be those occasions like I just mentioned – the exception that proves the rule.

Oleson: The ordinance says that if you do not meet the setback you need a variance. There is one exception regarding normal maintenance. There are some ordinances that allow a limited addition to a non-conforming structure, the idea in those cases – if it going to be an obvious approval – then we do it administratively. In our ordinance, the “normal maintenance” section is the only one that even comes close to allowing this addition without a variance.

Quiggle: The normal maintenance section says it has to be nonstructural repair. In my mind, making an expansion is a structural change.

Oleson: Nonstructural repair or incidental alterations are allowed. The Christian proposal is a 17 foot x 24 foot addition.

Quiggle: That is really not incidental.

Oleson: It is not just Christian’s situation, of course, that we are considering here. The most common situation would probably be where a lakeshore cabin/home is within the lake setback and they want to add on to the road side of the home. The addition might be within the lake setback, but the entire existing house would be even closer.

Quiggle: Yes, we have to be uniform and treat everyone the same.

Oleson: Do you think this is something we should formalize in our expansion policy? I am hearing, “Require the variance?” The PC/BOA agreed.

Oleson directed the Christians to start the variance application process if they wished to go forward.

Other Business:

Solar Energy Ordinance – Board Decision:

Oleson: I have heard nothing new about the proposed solar farm by Geronimo Energy. Previously, a judge recommended that he thought solar was a good idea. Star Tribune reported that there was push back from other companies proposing to provide this energy. So there is a debate and the PUC will be deciding that. Last month was had talked about doing an ordinance for solar farms. We recommend that we should. The Corinna Town Board and Sean Riley said we should wait. If Geronimo energy needs approval, they should instigate the change.

Quiggle: That is the tail wagging the dog. I think we should be proactive. This is the time we have to get ready.

Oleson: What if we are talking about a small project – Sean has never heard of anyone talking about that. Oleson got the sense that the county and planning commission would not want to spend the time.

Quiggle: Would amending our own ordinance to regulate solar farms make us less restrictive [than Wright County]?

Oleson: Yes. They don’t allow them at all.

Oleson: The town board did not want to push this, but asked me to keep researching it and be ready to go should it be necessary.

Schultz: How close can it be to the gas line?

Oleson: There is a 30 foot easement on either side of the pipe. It is a 60 foot easement. The pipe looks pretty close to where they want to put the solar farm. The gas companies allows utilities to go over them. I think a road would probably be

fine to go over it. Their main concern is that there would be no one digging around there and breaking the line.

Comprehensive Plan Update – Board Decision and Next Steps:

Oleson: You had recommended that we move forward on that. The Corinna Town Board thinks that we should look at the future land use map and discuss whether it should more closely match the county's map. The town board wants to discuss it. Maybe clarifying things better, they seem to think we should be at least discussing it. The question now is when do we move forward? Start next month?

Quiggle: Take it by sections, start with something easy, move toward more meaty stuff if we even go in that direction.

Oleson: It should just be tweaking things. Not a major overall.

Oleson: I will bring one or two sections next time.

Oleson: Steve Bruggeman's garage - he is planning to apply. He is looking to get as large a garage as he can reasonably get. His lake lot is zoned R1. That would limit his garage to 800 square feet for the size of the lot he has. The land across the road is not zoned R1 - it is zoned Ag. It has a 1,000 square foot limit. When the county creates a lot on the back side - the county specifies if it will be treated R1 or separate Ag zone lot that allows for more building. We did not do that at the time. Do you see that - technically it is an Ag zoned lot? You can also make the argument that the sewer lot across the road be tied to the lake lot administratively - so it is essentially an R1 lot? In this case - he is coming through for a variance anyway. It will not increase his fee to apply. Should we treat it as variance to go above 800 square feet? Thompson: He already has a garage attached to his house?

Oleson: Yes. If it is detached, it would count toward 800 sq. feet. My sense is to say - let's talk about this. The original condition said no buildings at this time. We have a second chance to consider what he can do.

Quiggle: We said no buildings - so just the fact of getting this garage would be a variance.

Oleson: This would be good to have a uniform way we do this.

Schultz: To me - putting the sewer lot there - it tied the lots together forever. If all he was doing was the garage and no sewer - to me - that would be a separate entity.

Oleson: The larger the garage gets - the more likely he will need a setback variance from the property line, possibly from the sewer. These are all reasons to justify limiting the garage size to "X". Miller and Bruggeman each got a little piece of land.

Thompson: We are only talking about the Bruggeman portion?

Oleson: Yes.

Thompson: Was there something about an easement?

Oleson: There was an easement requirement to allow for a community sewer pipe to go back to the farm field.

Oleson: There is a situation where a person had one parcel number - but it includes 4 lots - a subdivision on the lake - 4 lots they own - but they are all on the same parcel number. They want to split off one or two to sell - not to an adjacent land

owner. Do we treat as a subdivision – or do we treat it as there are 4 lots there already – they are just selling one or two of them?

Oleson: You can go to auditor and request 4 lots be put into one parcel number. I had run across this before in another community and talked to an attorney – this refers back to a statute of when you can sell a lot of record – even if it does not meet size requirements – if it was a lot of record, approved as part of a plat - and it meets the size requirement – it can be statutorily sold separately. If you can get septic and meet set-back and impervious coverage – in these situations you can sell those lots separately – even if they are non-conforming. 66 percent of the width and lot size – they certainly meet that. This lot would meet the DNR requirements for new lots on a general development lake.

Quiggle: Then why are we concerned with this?

Oleson: Based on my conversation with Sean Riley and the attorney in the other township - we all agreed that it meets the statutes. I am bringing this up to let you know what is going on. If you have concerns about it let me know.

Quiggle: If they meet the rules...

Oleson: We are looking into whether they can meet a Type 1 sewer that the statute requires. As long as they can meet those I am planning to go through as a non-subdivision.

Quiggle: Because it has already been subdivided.

Oleson: This is on Bass Lake. The survey may not match the original plat. More of an FYI.

At 7:50 p.m. Barry Schultz left the meeting.

Training Session: Balancing Property Rights with Land Use Regulations. Oleson led a training session.

Oleson announced that the meeting next month has been changed to Thursday, March 13, 2014 at 7 p.m., due to the Township Annual Meeting on March 11, 2014.

Adjournment:

Smith made a motion to adjourn. Taylor seconded the motion. Motion carried unanimously at 8:32 p.m.

Minutes prepared by Mary Barkley Brown