

CORINNA TOWNSHIP
MINUTES

BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
January 14, 2014

7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on January 14, 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)

Other in Attendance: John Dearing, Fred Jude, Dick Naakgeboren, Jason Kolles, Gloria Thurier

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

Public Hearings

- Renewal of Interim Use permit for the operation of a mining pit involving mining, crushing and screening of sand, gravel and rock.
 - i. Applicant(s): Jason and Geri Ann Kolles
 - ii. Property Address: 10171 Ireland Ave NW
 - iii. Sec/Twp/Range: 10-121027
 - iv. Parcel number(s): 206000103400

Jason Kolles: Everything is going fine we currently have enough gravel set aside that I do not think we will have to open up another section of land at this time.

Oleson: Have not heard any complaints and checked that the bond continuation certificate will be issued. The application was last approved in January 2013 to continue operating a gravel pit through December 2013. The pit was originally opened in 2009. The applicant is seeking to keep their pit open on an ongoing basis via annual renewal of their interim use mining permit.

Taylor: How many acres are you mining? I saw 16 acres and something that said 65 acres, I was just checking on staff comment #2.

Kolles: We have been working in 5 acre increments and when we open more we reclaim what was previously opened. Our plan would be to keep coming south on the property, maybe another 50ft or so and it depends on what we use. We have plenty of class 5 & sand right now.

Oleson: In previous years you mentioned going in 5 acre increments.

Kolles: Maybe 5 acres open at a time sometimes it is less.

Schultz: Any complaints?

Naakgeboren: No

Smith: It looks like they do a nice job and it is very clean
No other comments from the board

Oleson: Same conditions in the past and confirmed that they will be extending the bond another 35 months which is required.

Parks made a motion to approve the Interim Use Permit with the following conditions:

- The applicant shall maintain their NPDES permit with the MPCA
- Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
- The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
- Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm
- The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more (in this case, the bond must be at least \$7,500 (\$1,500x5 acres).

Taylor seconded the motion. Motion passed unanimously.

- Rezone approximately 38 acres from General Agriculture (AG) to Suburban Residential (a) (R2a) or other residential zoning district.
 - i. Applicant: Frederick Jude
 - ii. Property address: 8120 113th Street NW
 - iii. Sec/Twp/Range: 3-121-27
 - iv. Parcel number: 206000034100

Fred Jude: The way it is right now it does not have a building entitlement in order to get a building entitlement it has to be rezoned so that is why I am here. How we do it that is for you to decide. There are some wetlands on the property so a few of the lots would have to be pretty good sized lots and the other couple lots would be nice buildable lots.

Quiggle: The primary factor is that you want to build a family home on the property and it has to be rezoned in order to do that.

Jude: Yes

Oleson: It is zoned AG right now with no building entitlement. It is an approximately 38 acre parcel of land which currently contains two large storage buildings, several large and small wetland areas, and open fields with scattered wooded areas. The proposal to rezone the property would be for the purpose of allowing for land to be developed residentially. The application has formally requested rezoning to a Suburban Residential (a) – R-2(a) – which requires a minimum lot size of five acres. However, they are open to other possibilities – such as Agricultural Residential (A/R) or Suburban Residential (R-2) which have a minimum lot size of 10 and 2.5 acres, respectively. What he has drawn out is two 5 acre lots and two 10 acre lots which consistent with rezoning to R-2(a) minimum of 5 acre lots. The other option is (A/R) which is 10 acre minimum or you could go down to R-2 which is 2.5 acre minimum. I think the issue that I want to highlight is that in developing the Township’s Comprehensive Plan there were conversations about the desire to minimize the creation of lots that were “too big to maintain and too small to farm”. As a general rule, it was expressed by residents and Township officials during that process, that 1-2.5 acre lots were generally preferable to the 5 – 10 acre lots which can be hard to maintain. How do we find the balance within reason and still allow for

smaller lots? Some of the options are you could stay AG the way it is and deny the rezoning or you could go to any one of the other options. You do not necessarily need to rezone the entire property; you could choose to rezone a portion property. Finally there are two existing storage buildings which would be limited to residential or agricultural storage only. If any business were to be proposed to be operated out of the buildings, there would either be a requirement for a conditional/interim use permit or they would not be allowed at all (depending on the type of business). For instance, a non-commercial contractor's yard is allowed under the current AG zoning, but would be prohibited under any other residential zoning district, including A/R. Also, if they are rezoned to R2(a) they would be too large to be on one lot together. It could be rezoned R2(a) as long as that lot is over 10 acres in size. What these buildings can be used for could be an issue depending on what they would like to be used for and the zoning district it is in.

Jude: The buildings are used as hobby shop right now and I do park some of by trucks there.

Oleson: If zoned AG you can have a contractors yard if we rezone to anything else they cannot use as a contractors yard to store contractors equipment.

Thompson: Whatever we do we are only making a recommendation to Wright County. Wright County will make the final decision, correct?

Oleson: You make a recommendation to the Town Board, then the Town Board will make the recommendation to Wright County. Wright County's comprehensive plan shows that they can be rezoned to AG residential & possibly R2(a). It would inconsistent with their plan to rezone to R2. The goal is preserve farm land at the county level.

Jude: I have tried to farm and but nothing grows.

Oleson: If you wanted to try to rezone part of it R2 and it is consistent with the township goal you can make the recommendation and reason for wanting to go that way. It may be a longer shot but if you feel comfortable with that we can make the recommendation.

Jude: How did the two one acre lots across the road happen?

Dearing: They were split off a long time ago.

Thompson: When did you buy the property and what was your intent for the use at the time you bought it?

Jude: I bought it around 1998 and at the time I really did not know what my intent was. It was a good deal.

Audience: No comments

Quiggle: Have you ever thought about getting the gravel scrapped off and reclaimed it?

Jude: It is not good gravel either - more like sugar sand.

Thompson: I'm wondering when a building entitlement is used up, it's used up and I'm torn on giving it back once they already give up the entitlement. I do understand that the land is not great for farm land so I am torn.

Parks: If we were going to come up with some kind of a plan to zone it into 2 different pieces, could we do the small lots along the road?

Jude: Went over plan that was shown to the board showing a few 10 acres lots, 5 acre lot and 2.5 acre lots.

Oleson: Zoning would be R2 @ 2.5 acres, R2(a) @ 5 acres. We are not looking at a subdivision right now we are only looking at the rezoning. This is just an idea of the plan, once rezoned the owner could do nothing or when they do split it up he would have to come back to for the subdivision.

Schultz: How does this compare to Dykhuizen that we did previously.

Oleson: They were looking at a PUD and that is a possibility but it is not what it is being asked for right now.

Schultz: In a sense, we did this same thing with Dykhuizen - allowed him to have a PUD.

Oleson: Dykhuizen had two entitlements in his case, but yes, they are both seeking the ability to have more homes.

Smith: I am more in favor of the A/R. I know it goes against what the township wants, however, it keeps the buildings on the property and know there are options once it is rezoned.

Taylor: I am leaning more in favor of the A/R also.

Quiggle: For me I would like to solve the immediate problem and only rezone the 5 acres that he wants to build on.

Jude: 5 acres would be fine, however, I am just trying to set this up for the future. I do plan on keeping the buildings.

Quiggle: I would like to keep most of it AG and only rezone the area that he wants to build on if the intention is not to sell.

Oleson: If you are trying to preserve as much AG and rezone just a corner of it, it is a little more complicated since the buildings are right in the middle of it.

Jude: In the future yes I may want to sell. Short term no, but as I get older 5 or 10 acres gets harder to take care of. If I do keep the 30 acres AG nothing is being done with it. The long term would be to sell some of the lots. The County does have it set up for future development.

Schultz: I would rather see the 10 acre lots.

Oleson pulled up the county rezoning map showing the County's future plan

Thompson: It is not useable as agricultural land, so I do not see any reason to keep it AG.

Quiggle: I was looking at keeping it AG due to the buildings.

Oleson: The only thing you are losing is the contractor's storage by keeping it AG

Quiggle: I would rather go with A/R and that makes it 3 lots.

Smith: I know that it makes it a lot to maintain, however, I do see quite a bit of swamp area.

Dearing: I don't think that we want 10 acre lots in the Township, I do not want any additional sheds going up and you have 1.5 acre lots across the road. It is too much to maintain and they do not even keep the 5 acres lots maintained.

Quiggle: That is why I was going with R2(a) for part of the property and maintaining the rest AG.

Oleson: If you wanted to rezone by the shed you could do that by the shed you but would have to have 10 acres. 5 - 9.99 acres together you can have 4000sf, the two building are over 4,000sf now.

Quiggle: We are hearing from the township they want smaller parcels.

Naakgeboren: We would like more small lots and one or two 10 acre lots not all of it being 10 acre lots.

Quiggle: Hard for us to go smaller than the R2(a) when the county is against it.

Ben: You would have to make your case to the county as to why you are requesting a portion to be a R2.

Quiggle: Then you are looking at a cluster

Taylor: Are you looking to build off 113th & Ireland?

Jude: Yes

Ben: If you were to a cluster look you could do a R2(a) with a PUD overlay. You can have smaller lots, on 38 acres you would get 5 lots. That is one way to go, if you go to R2 you could limit to less than the entire property. If you are trying to keep the density lower or the same.

Quiggle - R2 would be 2.5 acre lots along the road and the rest would be AG.

Ben: Three parcels is the max on an A/R, five parcels is the max for R2(a) per Wright County.

Quiggle: I feel more comfortable with a PUD so the open space is more restrictive.

Oleson: They can always ask for rezoning again down the road

Dearing: Go with a PUD with 5 lots and if someone wants the sheds they can buy additional land.

Oleson: Rural PUD you can sell/buy the open space. If it is zoned Agricultural Residential you can do a Rural PUD.

Smith: That makes the most sense to me.

Oleson: You are talking 5 lots in there somehow?

Smith: Yes if we can get them in there along the road frontage.

Quiggle: Are we looking at A/R with a PUD overlay?

Oleson: That would give the most flexibility and give up to 5 homes. You could go down to smaller lots if necessary. A/R for the whole thing with a PUD overlay.

A motion was made by Taylor to recommend the rezoning of the property to A/R with a PUD overlay with a maximum of 5 lots. Smith seconded the motion. Motion carried unanimously.

This recommendation goes to the town board, which will make a recommendation to the county planning commission, who will make a recommendation to the county board.

Approve Previous Meeting Minutes

Smith made a motion to approve the December 10, 2013 meeting minutes. Lee seconded the motion. Motion carried unanimously.

Smith made a motion to approve the December 17, 2013 meeting minutes. Taylor seconded the motion. Motion carried unanimously.

Election of Officers

Smith made a motion to elect Charlotte Quiggle as Chairperson of the Planning Commission/Board of Adjustment. Taylor seconded the motion. Motion carried unanimously

Taylor made a motion to elect Larry Smith as Vice Chair. Quiggle seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

- Permits: No discussion
- Correspondence: Update on the Geronimo Energy solar farm proposal - they have crossed one hurdle at the state level. It was recommended for selection by one law judge and it will go before the Public Utilities Commission and they will make final decision. I talked to a few people at the state level to see if it was going to be approved at the state level or local level and received mixed responses. One person thought it should go to local permit and not state officials, another thought it would be handled at the state level for permitting. Regardless of what happens if someone comes in for the same type of project at a smaller level it would not be at the state level for permitting. Right now Wright County does not allow for it. Is it something that we want to allow for? Do we want to start working on an ordinance to

approach Wright County with? If Wright County doesn't make the change we cannot make the change to allow it. However, I think that Sean felt they are open to looking at it. The consensus of the Planning Commission was to be proactive and get started on it. Oleson was directed to discuss with the Town Board and Wright County.

- Enforcement Actions: No discussion
- Findings of Fact – Previous PC/BOA Decisions: None

Other Business

- Discuss possible update to 2007 Comprehensive Plan – Oleson noted that this discussion has been on hold for quite awhile now due to busy agendas in the past months. Previously, we have talked about updating census data and looking at the future land use for the township. Do you want to update the plan and if so what would you like to update? Ultimately we would need town board approval to make any changes. Quiggle indicated that she did not find much discrepancy between Wright County and the Township on the future land use map in terms of how the outcomes they both seek. I think updating the census data and strategies that were in the comp plan that we have already done should be updated. Strategy 2 & 3 are done and should be removed. Basically updating that data and cleaning things up.
- Wright County discussion – definition of “Bluff” - Tabled
- Training Session – Balancing Property Rights and Land Use Regulations - Tabled

Adjournment:

Smith made a motion to adjourn. Lee seconded the motion. Motion carried unanimously at 8:23pm.

Minutes prepared by Jean Just