

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 14 2013
7:00 PM
Call to Order at 7 PM

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (chair); Trish Taylor; Larry Smith; Lee Parks; Barry Schultz, Larry Thompson

Others in Attendance: John & Diane Ironside, Dick Naaktgeboren

Additions or Deletions to the Agenda: None. A motion by Smith, seconded by Parks, to approved the agenda. Motion carried unanimously.

Public Hearings – None...

John & Diane Ironside:

John Ironside: They are concerned about two properties they own. One is in Corinna Township and one in Clearwater Township. The properties join each other; however, there is a road between them. There is a one with a slough/pond that is designated as a Natural Environment lake on the Clearwater Township side.

Quiggle: Can you clarify which property is on Clearwater and which one is on Corinna.

John: the Clearwater Township side has 71 acres on the North of County Road 128 and has the pond; 22.86 acres is on the Corinna Township side - 13.6 acres is field, 8.4 acres is wooded. We do not plan on building anything at this time, however would like some documentation that when the time comes we can move one of the entitlements from the Clearwater Township side to the Corinna Township side. Chase the assessor for Clearwater Township indicated it is zoned Residential large lot, 5 acre lots.

Quiggle: We have not changed any zoning. Is it in the land use plan?

Oleson: The Land Use Plan Map is what the county is thinking of in the future, indicating Residential Large Lot. The Zoning Map is how the property is regulated now, which indicates the property is zoned AG which is 1 dwelling per 40 acres. Therefore, you have 2 entitlements. What you can do is transfer one of the entitlements. There is a process to do that or you can leave it the way it is. If you want to move one entitlement so that you have one on each property you can work with the County and the Township to make sure it is all documented once you have determined the boundaries of any lots you want to split off. What the Land Use Plan map is showing is what you could possibly do – and ask to have it rezoned consistent with the Residential Large lot designation. There is no guarantee the County will allow you to do that, However, more likely since it is in the future plans. If you are only looking at preserving your two entitlements, it could possibly change, but is probably unlikely.

John: Would we have to do it right now if we're going to do it?

Oleson: The ordinances could always change, so to do it now would be the most certain, but I don't think it is likely the rules would allow you fewer homes than 1 per 40 acres.

Diane: So we would not have to do anything now?

Oleson: Not to preserve what you currently have, which is 2 entitlements.

Schultz: Do you have 2 different tax statements?

John: Yes

Quiggle: Because they have enough acreage for 2 entitlements they can move those from one to the other. You may need to do some paper work to get it taken care of.

Oleson: If you want to make sure that you have one on the Corinna side and one on the Clearwater side I will work with Sean at Wright County to make sure you have 1 entitlement on each side. Schultz: Do you have 1 building on the 22 acres now?

John: No buildings on the Corinna side at this time.

Quiggle: Currently there are 2 entitlements on the Clearwater side and none on the Corinna side correct?

John: Yes

Quiggle: Because they are contiguous they can move one over to the Corinna side.

Oleson: Would not have to go through the Planning Commission to do that. John can work with myself and Wright County staff to get that done.

Approve Previous Meeting Minutes

A motion was made by Taylor, seconded by Smith, to approve the February 12, 2013 meeting minutes. Motion carried unanimously.

Zoning Administrator's Report

Permits

Marty Ferguson question – Hwy 55 & Cty Road 6 property. One of the conditions was to direct the rain water from the roof to the wetlands on the east.

Oleson: Mr. Ferguson's question is this - he would like to run it to the west with the permission of the neighbor or if he has to direct the water as the township stated to the east can he wait until mid July 2013?

Smith: It would be nice to keep it on his own property in case there are issue's with it later.

Schultz: What is the natural run off?

Oleson: The natural run off is to the west.

Quiggle: He is only 2ft from the property line. I am fine with him waiting until July to complete if it is more convenient.

Oleson: He seems to think that the neighbors were ok with him running the water to the west wetland.

Quiggle: I would not want everything running off on to my land, however, if it is not useable land and they have a drainage easement document to run it over the neighbors...

Parks: If going to the east is he going to run the drain spout to a pipe and run it underground.

Oleson: Yes

Taylor: Remind me how far is it from the other wetland to the east.

Oleson: approx 140- 150ft to the far end of the addition.

Quiggle: If he is able to get the easement for maintenance and up keep of the drain I do not see a problem with him running to the west.

Thompson: Is there just one owner on the west wetland area?

Oleson: Yes. If he gets the easement he can go to the west wetland otherwise wait until July.

Quiggle: Is that something you will check on to make sure he has the easement or the work is done by mid July?

Oleson: Yes it will be followed up on.

The consensus of the PC/BOA was to allow for Mr. Ferguson to drain to the west provided he obtained a formal drainage easement from the neighbor and used draitile to outlet the water at the bottom of the hillside. If he cannot obtain this easement and will be draining to the east as originally approved, he can have until mid July 2013 to install the draitile.

Burke/Trout lot line adjustment and variance between her and her father (west side of Cedar Lake house was on the property line – end result is that 10ft was added to her property).

Oleson: Mrs. Trout's question is whether she can keep the old garage if under 25% impervious now that she has more land? I have checked the numbers and right now they would be over 25% if the garage is kept– however, if they remove some other items they could possibly get to the 25%. Have removed boat house and will remove other two sheds. They would probably have to remove some driveway, which I'm not sure is practical.

Quiggle: If they are reducing the driveway can we make sure they are tilling it up because just putting some grass in does not make it any more impervious.

Smith: Who is going to do all the measuring to make sure?

Quiggle: They did take out the shed that was on the line

Oleson: They have removed that one and now that they have more property so if they can meet the 25% are we ok

Quiggle: As long as we can verify that

Dick: As far as cutting back the driveway how do we make sure that they aren't going to put it back later?

Oleson: Same as anyone else we need to follow on – we'd have to monitor it.

Dick: Just so they know we watch.

Quiggle: Again make sure that anything taken out of the driveway is tilled up and made pervious.

The consensus of the Board of Adjustment was to allow for the garage to remain if it could be proven that impervious coverage was below 25% and stayed below 25% - including adequately tilling up any driveway areas that are converted to grassed areas.

Interpretation of Miller/Bruggeman easement requirement – for two specific landowners or for broader public use

Oleson: I reviewed the audio recording and it clearly states that the easement is just for two properties, so I no longer need the Commission to review this one.

Correspondence

Split of Parcel 206000093403 (west of 24 on Clearwater Lake: 7 - 8 acre parcel.

Oleson: It is currently zoned for 2.5 acre lots. Wright County in 1989 approved for it to be split into 2 lots and in 1990 approved the lot line adjustment. After that nothing the landowner never actually split the land. I talked to Sean Riley to see if they would still honor it and he said yes they would as long as it was split in the way that was approved. The question is would Corinna Township honor the split?

Smith: will they meet the 2.5 acre minimum?

Oleson: Yes they will meet the 2.5 acres and both have plenty of road frontage.

Quiggle: One will have lake access one will not.

Oleson: If they come asking for different split then it would be void.

The consensus of the Planning Commission was to honor the 1989 approved split (including the 1990 lot line adjustment) if a landowner wanted to do it in this way. If any changes were proposed, it would need to come through the Planning Commission and public hearing again.

Enforcement Actions

Mol letter from T. Janikula (FYI) – feed lot on south end of Sugar Lake.

Oleson: Tracy at Wright County indicated they have issues regarding too many animals.

Smith: According to the county they go by units which Tim complies with. According to the state they look at it per head. If you go by the county he is fine, however, with the state he is not.

Oleson: It does not change what we approved, I just wanted the PC/BOA to be aware since it was something we had reviewed/approved previously.

Other Business

Training Session –

Planning Commission Orientation: Land use planning is not just zoning – involves both public and private actions – what do we want Corinna to look like in the future. Lots of issues can come into play. Lots of different people involved, different levels of state and federal government – all kinds of consideration. What do they want to do to their property and how it will affect others and legal issues. Conflict happens and how to resolve. How do we do this well? How do we be clear and consistent? Logical decision making use facts not emotion.

Different types of permits and reviews. Zoning Administrator looks at the permits to see if it meets the rules, if it does you have to issue. When it comes to variances you have more decision/discretion. Planning Commission looks at Conditional use permits and Subdivisions/Plat. You have the option to allow and can make conditions to any approval. Zoning/Subdivision ordinances and comprehensive plan – have to follow some state rules but there is a lot of flexibility given to local government as they set these up. Conditional Use permits - no criteria from statute and may add conditions. Interim use permits you can set time limits.

Thompson: Do Conditional Use permit go with the person?

Oleson: The permit goes with the property not the person, however if not using the CUP for one year it can be considered abandoned. Interim Use permits have a time limit and may expire with Ordinance Amendment. Question comes as to why not use Interim Use permits all the time.

Reason not to is if you have someone that is going to make a large investment to the property they are going to want a CUP so that they don't waste that investment. We can take another look at the Interim Use Permits in the Corinna ordinance if that was deemed appropriate.

Preliminary Plat or subdivision – 2 phases 1st is Preliminary and the 2nd is Final Plat approval. The final is more just a sign off (surveyor, county commissioner, etc...). Either they met the conditions or not. Conditional use & plat approval criteria are in our ordinances and if we go through the process of developing findings of facts and if the decision is based on logic there is less likely to be legal issues. A written summary of why was it approved/denied, legal criteria applied to the decision, findings of fact used in making the decision, which facts apply to which criteria should all be part of this. When making approval based on the findings of fact they should be stated. State your reasons even if they seem obvious.

Meeting procedures are up to local preference and are not required by any statutes. You can be formal or informal but it is good to have an established procedure.

Main elements of a meeting. A summary of the application or issue, all have a chance to speak and you can set a time limit on it, one person speaks at a time, only one issue should be discussed

at a time avoid side conversations. All persons and viewpoints should be heard but majority rules.

Making Motions. There are three main type of motions: Basic- I move that we...; Motion to amend – I move that the motion be amended to...; Motion to table – I move that we table this item for the following information. Second needs to be made before discussion and then it can be amended. If you do not get a second the motion dies.

What's the role of a chair – depends on local desire – chair generally has the same rights as the other members to participate in debate and make the motions and keeps the meeting going.

Schultz: Since I am alternate I would only vote if someone is not at the meeting or has a conflict of interest.

Quiggle: If you do recuse yourself is it for the entire discussion or just the vote?

Oleson: Depends on your thoughts or how you feel. Can be just the vote or both.

Open meeting law – when you have a majority of the group together that could make a decision - you should avoid having 3 or more together at one time – even if it just gives the appearance of making decisions out of the public eye

Discussed possible update to 2007 Comprehensive Plan. Oleson noted the previous discussions on this and the joint meeting of the Town Board and Planning Commission in 2012 to discuss. Possible updates included the future land use map to make it more consistent with the County's Land Use Plan map, updating with 2010 Census data, etc...

Discuss end-of-year ordinance updates/clarifications

Oleson: We started to go through these last year and got about 2/3 of the way through and then it got busy at our PC/BOA meetings so it was continuously tabled. Since that time we added some additional proposed amendments so as to ensure that the shoreland ordinances are not in conflict with the DNR requirements. The DNR and County would both have the ability to review the proposed amendments and would be notified.

Shoreland alterations in bluffs

Oleson: Had this come up a few months ago, where a landowner wanted to put stairways and want to make cuts into the bluff. The regulations that we have are a bit vague about what is allowed in bluffs and could be clarified. The DNR required language seems to indicate no alteration to the bluff. Wright County appears to have taken these on a case by case basis – strongly discouraging work in bluffs, but sometimes allowing it. My question is do we want to go with the more restrictive regulations and only allow stairs, or allow work in bluffs only when there are erosion problems or just take everything case by case?

Schultz: If a lot of stairs won't they allow for a landing

Oleson: DNR will allow some landings just not cut into the bluff - 4ft wide stairs and 32ft landings.

Quiggle: They are looking at structures that lay on top of the hill just not into the hill.

Oleson: DNR says you can move up to 10 cu yds, when you get above that 10cu yds it gets more gray. I am just wondering if we want to be somewhat more black or white so that it is clear when people ask me questions about what they are allowed to do in a bluff.

Smith: DNR is more specific

Quiggle: What if it helps an erosion problem by bringing in boulders, etc....?

Oleson: Landscapers will say it depends on the soil, lots of factors that come into play.

Quiggle: Is it part of the current comp plan or Wright County's Comp Plan to leave in its natural state.

Oleson: The way we have been handling it is if it's over 10 cu yds they have to get a variance.

Schultz: How often can you do this 10 cu yds

Oleson: Should be only a onetime thing. You may do 5 yds one time and 5 the next just not over 10 total.

Schultz: I think should follow DNR as close as we can.

Oleson: I could tell people that we generally don't allow more than 10 cubic yards to be moved unless you can show us that you have a really bad erosion problem to justify going over the 10 cu yds.

Schultz: If they are trying to fix it back to the way it was, however, is that the right thing to do?

Quiggle: That is why we want to get an engineered plan to make sure it was done right.

Schultz: We did not know what caused the wash out to begin with.

Oleson: When an applicant comes to me I can either state because of ordinance no they will not allow or yes they will let you do some things but they want to see an engineered plan.

Schultz: An engineered plan will help.

Oleson: We can say that we really don't want to see anything done to the bluff, however, you cannot stop them from applying. We do not have to answer it tonight – it is just something to think about as we go through proposed amendments.

Land alterations based on sq ft rather than cu yds?

Oleson: For shoreline alterations the DNR and Wright County require permits based on the number of cubic yards moved. Do we want to change it to measure in sq ft? If you're scraping the top soil it is easier to measure with sq ft. and arguably is a better measure of what we are concerned about – soil exposed to erosion.

Quiggle: Then you're not addressing the big holes, can you have both?

Oleson: Yes you can do a hybrid, if you think there are certain situations that we should do this.

Thompson: I would like to see the sq ft measurement because it is easier to understand and easier to measure.

Smith: I like the square feet.

Quiggle: Would like to see the hybrid.

Oleson: Yes we can work that in

Oleson: One other thing that has come up recently and wondering if they need permit to demolish a building. Wright County does not require permits for demolishing the building. Some reason that you may want one so the assessor knows. Craig at Wright County indicated that we can more restrictive so if we want him to go out and inspect it he can do that. If you want to require a permit and charge a fee you can do that too.

Quiggle: One reason for us to be notified is so we can make sure the basement is filled in if they are not going to rebuild right away it becomes a safety issue. Usually it is in conjunction with a rebuild correct?

Oleson: Usually. Could do a form to have it completed when they are done with the demo, instead of an inspection requirement.

Schultz: There are properties that are burned by the fire department and the foundations are still there.

Oleson: It does become a safety issue. – I can go through what we did last April and make the changes and you can start looking at the actual changes. Do you have a time line you want to get these done and do you want to do the DNR changes?

Quiggle: Let's check with Dick. What the game plan to go to the County?

Dick – Some board members wants to go earlier rather than later it will be sometime this year.

Quiggle: I say that we need to get going on these changes to make sure they are updated and ready so we are prepared.

Dick: Counties concern is that we will not be as strict as they are and if we get these updated and ready it take that worry out.

Oleson: Do we want prioritize?

Quiggle: Prioritize the Shoreline first and then start going through different sections to mark them off one by one to get them done.

Oleson: Might be slow next month too so that will give us some time to start looking them over. Will focus on the ones that are clarification and bigger ones like the bluff we can hold off on.

Quiggle: Some day would like to take a run on the home business stuff again.

Oleson: Comprehensive plan how big priority is that to the board? Generally recommend that it is reviewed every 5 years. Does the planning commission want to make a recommendation of specific things that we want to say to the town board, but we can put this off if it is not a big priority?

Dick: If things were going like they were in 2006 & 2007 may be a big deal but right now other things are more important.

Quiggle: Did we ever get any data regarding how much the township has changed from seasonal vs non-seasonal?

Oleson: I will check with the Assessor on whether this is easy data to obtain or not and if there would be a large cost to it.

Adjournment

A motion was made by Smith, seconded by Parks, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:15 PM.

Minutes respectfully submitted by Jean Just.