

CORINNA TOWNSHIP
Minutes
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
October 8, 2013

7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on October 8, 2013.

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

Other in Attendance: Chad Stenson, Linda Onsrud, Charlie Onsrud, Kevin Dietrich, Patricia Nesbitt, Robert Nesbitt, Craig Laing, Court Holman

Additions or Deletions to the Agenda: Move Court Holman to end of the public hearings, add to other business: Ben to report on meeting with Wright County on Shoreland Zoning Authority. Taylor made a motion to approve the updated agenda, Smith seconded the motion. Motion carried unanimously.

1. Public Hearings

- a. Conditional use permit to construct a 45' x 76' horse barn and attached 81' x 152' indoor horse arena for year-round therapeutic and educational benefits. A conditional use permit is required for "riding academies".
 - i. Applicant(s): Children's Disability Service Association/Friendship Ventures (Camp Courage)
 - ii. Property Address: 8135 County Road 7 NW
 - iii. Sec/Twp/Range: 23-121-27
 - iv. Parcel Number(s): 206000233300

Present: Chad Stenson & Kevin Dietrich

Stenson: When you come in on 83rd that would be the main entrance coming into the building. We are going to be putting in a small parking lot for about 8-10 vehicles, with the ability to add later if needed. The horse arena will basically be used for therapeutic horseback riding.

Dietrich: Each summer we have hundreds if not thousands of campers come through the camp and one of the things we offer is horseback riding. We have been doing that as outdoor riding and would like to offer it year round for kids and adults with disabilities.

Quiggle: Are there residences in the winter months?

Dietrich: Yes we have winter camps 6-8 weeks in 1hr blocks Monday - Thursday.

Quiggle: You would be pulling residents/campers from where?

Dietrich: Generally within a 30 mile area.

Taylor: When I worked at camp there were areas that our respite campers could not use because it was rented out to the public.

Dietrich: One of the challenges we run into is the activity of camp itself because so many are on scholarships and it does not cover the cost of respite or campers and so we do, when camp is

not running, rent it out to the best of our ability. We do have a 3 year plan and we expect by the fall of next year respite will be using the horse arena.

Taylor: Is respite going to be allowed to use the horse arena on weekends?

Dietrich: Yes this would allow respite to use the horse arena.

Taylor: Campers will have full use of it in the summer and winter on the weekends to put it to full use.

Dietrich: For those that sign up for horseback riding they would have use a minimum of a 12 week period would have morning and afternoon sessions. In the fall we would be offering lessons to those that live nearby possibly two nights a week.

Taylor: There is a high school group that works by Albany or Avon area that comes in to help out?

Dietrich: There are 3 helpers working with each horse, right now we have over 45 people that signed up to be volunteers.

Quiggle: Eight to ten parking spaces are sufficient?

Dietrich: Yes.

Oleson: [Explained where the parking areas are on the map]. There will be bathrooms in the new facility and the septic will be certified. They will either use the current septic or have a new one installed. There is a lot of space for septic should it be necessary. Most of the traffic would come in at the main entrance where the Camp Courage sign is. My recommendation is that the sewer issues be fixed or taken care of. We did get a letter from the feedlot officer saying that she checked it over and it is fine. I recommend a condition that addresses use by other/outside groups as I know there has been discussion of that possibility.

Stenson: We would like that flexibility.

Oleson: One of the main concerns would be parking, and what kinds of use by outside groups? Any number of things can take place in this large of a building. I think we need to be somewhat specific as to what can take place.

Quiggle: Question on Feedlot Officer...has that been discussed?

Stenson: We have had some discussion with her on that and the plan would be to rotate them around more often and managing it differently.

Quiggle: Are there any comments from the public? [No comments]

Smith: My only concern is that if you do open it up to the public in the future what kind of numbers of horses are you going to allow and parking, and what kind of events?

Dietrich: We are looking at a max of 10 riding horses. The general cost of having a horse is high and we do not expect that the facility will pay for itself. As far as rental, we are trying to just get our existing clients, and respite on the weekends. It has not been in the talks to allow others to bring horses or anything like that.

Quiggle: What is in the ordinance for rental or outside use?

Oleson: Those would either be a Conditional Use or not allowed at all, depending on the use.

Thompson: Not knowing what type of outside events scares me a little.

Quiggle: I would like to say that they have to come back here if they are going to use it for other things.

Taylor: The only other thing would be if non-profit groups want to use some of the facilities like they have in the past. I could see that happening and not necessarily would they use the horses but use the arena.

Dietrich: I have not thought of that but you are right I am sure I will be asked.

Smith: I was looking at the amount of horses. Going with the max of 10 and if you need more you come back again.

Taylor: I have one concern with in the future parking; you're taking out lots of trees and making it less secluded. I know that you have cut down some trees already.

Stenson: Our plan is getting a driveway and clearing so you can see the building and have a lawn. We are not taking out the whole woods - it will be on the edge of the woods.

Taylor: Are you going to retain the old barn? Will they still have outdoor riding?

Dietrich: Yes there are not horse stalls for long term holding of horses in the new building plan and we will ride outside if we can. This will just allow us a lot more flexibility.

Schultz: I have nothing more to add.

Parks: I understand the tree removal but I don't see anything to change that.

Thompson: I do not have anything else.

Quiggle: It would be good to get clarification from Tracy as to why they ran this model for runoff. If she is suggesting it I want to make sure we take care of that. Other than that, if there is any expansion besides the therapeutic riding they come back to us for an additional CUP.

Dietrich: The only thing I would like to add is if we can use it for anything with our own campers.

Quiggle: Yes, just expansion beyond your campers would require the new CUP.

Taylor made a motion to approve the Conditional use permit to construct a 45' x 76' horse barn and attached 81' x 152' indoor horse arena for year-round therapeutic and educational benefits with the following conditions:

- 1) That adequate sewage treatment for the proposed bathrooms, subject to review and approval by the Wright County Environmental Health staff, shall be provided prior to completion of the building.
- 2) That the existing sewer system(s) in the same immediate area be inspected for compliance or replaced and combined in with the new system to accommodate all sewage generated in this area of the property.
- 3) That all requirements related to feedlot regulations and manure management be met at all times.
- 4) That any use of the facilities by outside groups shall be limited to such events as may be accommodated by provided parking facilities and are related to therapeutic horse riding events only or campers using for general use.

Thompson seconded the motion. Quiggle: Clarify that the 3rd condition is confirmed with Tracy. Motion carried unanimously.

- b. Variance to expand the existing dwelling to allow for a crawl space/storm shelter approximately 53 feet and an enclosed stairway approximately 56 feet from Bass Lake (min. 75 ft required).
 - i. Applicant(s): Robert and Patricia Nesbitt (Arne Anderson: Builder)
 - ii. Property Address: 11282 Klever Ave NW
 - iii. Sec/Twp/Range: 5-121-27
 - iv. Parcel Number(s): 20601600080

Present: Robert & Patricia Nesbitt

Mr. Nesbitt: What we want to do is jack our cabin up; currently it sits on concrete block not footings. We want to jack our cabin up and put in a crawl space/storm shelter and have access to have stair access that is enclosed. It is preferable to expand on the east side of the cabin 4 ½ ft to put a stairway down to the crawl space. It would involve expanding the roof and putting a door in. We have had this cabin since 2002 and been through a few storms. We have had to make our way to the boat house on occasion during a storm. I think the bone of contention is the setback. I believe the variance is on if we can cover the stairway going into the crawl space, not if we can have the crawl space.

Oleson: Like he said we have had the conversation here as to what constitutes the expansion, to add the crawl space w/ 6ft ceilings is not an expansion to put 120 sq ft crawl space in with a higher ceiling height is not an expansion. When we had the conversation regarding the stairway we said that constitutes a variance as it is enclosed as part of the house. The other issue was there is a requirement that the lowest floor of the house is 4ft above the highest known water level. I called the builder about that and he did not know what the elevations were and he was going to get back to me and I have not heard from him. We need to discuss whether they are raising the current cabin up at all, how deep is the crawl space, and where it is from the highest known water level which is 995.7 from DNR. The ordinary high is very close to that. Looking from the lake it looks like the floor of the house is about 6ft. I did talk to building inspector and it is a grey area as to whether the storm shelter needs to meet that 4ft separation from the highest known water level or not so I think it is up to you as to what you think. You need to discuss lake setback and if we need to have survey of the property to confirm the side yard setback. Currently they are close to the 25% impervious, however, there was talk about removing some of the driveway.

Mrs. Nesbitt: We talked about contacting someone to do the survey if we need too. I did find some paper work from when we did the septic and it indicates it is greater than 6ft below grade.

Mr. Nesbitt: We will be removing the driveways and putting in sod.

Oleson: The way I did the calculations is I assumed that even though they would be parking on grass we would count some of it as impervious. I assumed a 10x30 driveway, 10x15 turn around and with that they are considerably under 25%

Audience: Craig Laing – I am a Neighbor and very much in favor.

Oleson: There was one more comment that I received basically stating they support it and suggest a survey not be required.

Taylor: Are you going to be using it as a storm shelter or a basement

Mr. Nesbitt: Storm shelter and putting furnace and water heater and some storage. Our water pipes are getting old so we would like to have the water pipes in the crawl space.

Taylor: My other thing is the high water table and when I was out there it looked like you are close to your septic. I would like to make sure it does not go any closer.

Mr. Nesbitt: It is not going to be closer; if the water table is where they think it is they would raise the cabin about two feet from where it is now.

Thompson: What would the option be if the water table is higher than they think? Would they have to go higher with the cabin?

Oleson: I think we have to address that. You could do a few things, you could table it or you could put a maximum they can raise the cabin and they would have to change the ceiling height.

Mr. Nesbitt: The eight ft could disappear, that is not a big deal to me. I'm going to have to duck when I'm down there either way with the beams. Our main thing is to have the stairway enclosed.

Thompson: That will give them some leeway.

Schultz: I have nothing to add. To me by looking at the picture the cabin to the right is a little higher and the one to the left is a little lower.

Parks: I'm good.

Thompson: Nothing.

Quiggle: So the lowest floor has to be above the 4 ft highest known water mark right?

Oleson: If you are considering this living space - yes.

Quiggle: So anything that exceeds the crawl space definitions.

Thompson: at 8ft ceiling yes and 6 ft ceiling no

Quiggle: The high water is 995.7?

Oleson: Yes and ordinary high is 995.6

Quiggle: If it is 996 + 4 so you would have to be at 1000 and looking at the topographical map the house is between 1002 and 1004 if you dig down 8ft from that you are not having that separation correct?

Oleson: I am not sure I don't have an elevation of that floor right now.

Mr. Nesbitt: We are about two feet up off the ground on the front side and flush with the ground on the back side.

Quiggle: I would say all the elevations would need to be verified if they don't make it they would have to go with the 6 ft height.

Schultz: Are you saying they can't raise the cabin from the level they have?

Quiggle: We have not determined that.

Oleson: We have not considered it an expansion if it is just a crawl space and less than 120 ft

Schultz: I think a 2 ft increase in height is not out of line.

Quiggle: If you can get the 8 foot with the 2 foot lift that is fine if not they would have to go with 6ft.

Oleson: On issue of expansion they are on a holding tank and typically we have not allowed expansions on buildings with a holding tank. If we are not considering it an expansion since it is just a stairway then we are fine.

Quiggle: I consider it an expansion, but the ordinance says that you cannot expand above 50% of the assessed value and they are not beyond the 50%. So this would not be an issue with the holding tank. Sounds like we are all fine with the expansion, I would like that you send Ben a plan as to what you are taking out and that it is under the 25%.

Thompson made a motion to approve the Variance to expand the existing dwelling to allow for a crawl space/storm shelter approximately 53 feet and enclosed stairway approximately 56 feet from Bass Lake with the following conditions:

1. The applicant must remove a sufficient amount of existing impervious coverage to ensure they are under the 25% limit. The applicant shall notify the Zoning Administrator when this work is done so that it may be verified. If the remaining impervious appears to be within 200 sq ft of the 25% limit, a survey of the entire lot showing the lot size and itemizing all impervious surfaces shall be required to ensure compliance.
2. Erosion and sedimentation control measures must be installed if any soil is exposed during the construction of the stairway/addition, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction

purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

3. The applicant must ensure that the floor of the storm shelter is at least four (4) ft above the highest known water level if the ceiling height is to exceed six (6) feet. Sufficient evidence that this is the case shall be provided prior to the issuance of a building permit. The elevation of the current floor of the home shall not increase by more than two (2) feet as a result of this project.

Smith seconded the motion. Motion carried unanimously.

- c. After-the-fact variance for impervious lot coverage to be approximately 27.1% (maximum allowed is 25%).
 - i. Applicant(s): Court Holman
 - ii. Property Address: 8334 Irvine Ave NW, Annandale
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel Number(s): 206000223200

Present: Court Holman, Linda & Charlie Onsrud

Holman: I have fixed the runoff problem; I did not have any idea I would have to do so much boulder work. I am asking for the variance because I was under prior to adding all the boulder walls. Can I ask a question, isn't the purpose of this impervious coverage to limit the water runoff and allow it to soak in?

Oleson: Yes, I would say the is the primary reason.

Holman: So haven't I accomplished that by doing all of the boulder walls? I feel I have actually done a better job so that water does not run directly to the lake. So I am asking for the variance for a few reasons; my driveway is very steep and it is going to be hard to plow if not a hard surface; two, my parents and in-laws are in their 80's and this is a way to get them down to the lake; and three, is it is the only way of getting down to maintain the front yard. I do not think that grass will stay there. When I bought the place it had a gravel driveway and it washed out several times. So that is the reason why I am asking for it. I think that in the spirit of why we have impervious coverage, I have done that and met the goal to control the water.

Mr. Onsrud: Court has done a great job to make sure that he is not passing on the water problem to either of his neighbors. As far as counting the boulder walls as impervious coverage when what it is doing is forcing the water to go down into the ground. It's doing a good job and it is protecting his mound system. Court found out what happens when you don't do the erosion control.

Mrs. Onsrud: We brought copies of a letter from the MN Pollution Control. He came up with the impervious coverage definition in the 1980s. He stated that he feels that by counting retaining walls as impervious coverage would penalize property owners from preventing erosion and maximizing infiltration.

Mr. Holman: The boulders are big and they are not packed tight, there is fabric behind them and the water is filtering through.

Naaktgeboren: When you're figuring the retaining wall it looks to me that part of the wall is covered with mulch and grass.

Oleson: when I measured the impervious I think I figured two or three feet wide.

Mrs. Onsrud: Why is he being penalized for putting in the retaining wall to retain the soil and the water?

Naaktgeboren: What I'm looking at is if you are figuring 2-3 feet back most of it is covered with grass and mulch within a 1ft. I was just wondering what depth you're figuring.

Taylor: I did go check on the shoreline a few times to make sure that they were keeping up on the shoreline fence.

Oleson: I counted the boulder walls as being 2 ft wide.

Oleson: Bernie Miller did a 2012 site plan when he was building the house and you get to 22% however, he did not count the fire pit or steps going down, I added those in and the boulder retaining wall. I did the two scenarios with boulders and without boulders.

Holman: I think if I start playing with that driveway I am going to end up with a nightmare.

Oleson: [Showed a spreadsheet of the impervious surface calculations].

Quiggle: Dick [Naaktgeboren] - where is the Township at with doing something with the township road?

Naaktgeboren: It is hard to get the road to tip in that direction. We are going to try adding a few loads of fill to see if we can get it to run a little more south.

Holman: Hard to get the road to go that direction. I have tipped my yard some to try and get some of the water diverted.

Naaktgeboren: Most of the water is not going to go on to Holman's property at this time.

Mrs. Onsrud: Would wood count as impervious?

Quiggle: If it does not infiltrate water it counts. Yes.

Oleson: My understanding from discussing impervious surfaces with Wright County is that cement blocks would be 100% impervious and boulders they do not have a firm position. The Township decided we would go with 50% impervious for large boulder walls at the last meeting Mr. Holman was at.

Quiggle: If Wright County is counting a block retaining wall we have to count them and 50% is to your advantage.

Parks: What if we adjust the rock retaining wall to 1ft instead of the 2ft?

Smith: It is what it is and we are giving him 50% so we are down to a foot.

Holman: So it comes down to can you grant me the variance? It is doing what it is supposed to do and it is soaking the water in so that it does not go to the neighbors, my house or the septic system.

Oleson: Existing impervious coverage prior to 2012 house rebuild was 27.7%. Impervious Coverage after 2012 house was rebuilt w/out retaining wall was 24.3%. Actual impervious coverage with boulder walls 27.1%.

Thompson: What is the percentage of the 27.1% is the retaining walls?

Oleson: It's about 10% of the impervious - about 680sq ft of rock.

Thompson: So if we were to use an arbitrary number of 1ft for the rocks it would cut it in half.

Holman: According to the numbers it looks like my coverage has gone down.

Thompson: My whole point was it would get the impervious below the 25%, however, it would not. I have to agree with the homeowner and he has done the right things and I would be in favor of granting the variance. I would not want him to start tearing things out.

Taylor: I have a question, you are a hair over right now would you consider reducing the width of the road down to the lake?

Holman: I am thinking it is tight now at about 9 feet and to cut it down to 8 feet would make it hard for plowing and backing out. Do I get any credit going from a higher coverage to a lower coverage?

Parks: I think he has done well with what he has done.

Holman: I don't think anything will hold on the hill and how do I maintain the grass on that side of the house?

Quiggle: You can put it in native grasses that have very deep roots and not have grass or use a push mower.

Parks: I think that being the impervious is a grey area and that he has a catch basin down to catch the water from going to the lake I am OK with it.

Schultz: He made good on a bad situation. I think that the rocks he put in at the end of his drive are as good it is going to get no matter what he does.

Taylor: I like now what is done and I like what is done at the end of the road. I understand the road down there; my thing is I would like to see it narrowed if you could. You did bring it down some. I would like to see you get down closer to the 25%. My concern was the erosion below and you have taken care of that.

Smith: I think we have to get to the 25% I think we have to stay there.

Holman: Isn't the reason for the erosion control to prevent it from getting to the neighbors by soaking into your own property. I'm thinking we have to look at the whole picture and not just the 25%.

Smith: That is the reason we have these variances, my position is we have to meet the 25%

Quiggle: For me it is...we require a permanent storm water management plan and one of the problems is there was none. The 25% is a rule that the DNR and Wright County is very strong about and so are we. It is not just with erosion it is with the storm water runoff. I would have to go with the 25% or close to it.

Holman: When would you grant a variance? That is why we are here.

Schultz: If it was already that way before - pre-existing.

Quiggle: Pre-existing is an example.

Holman: It was there when I bought it, it washed out twice.

Schultz: What if he shortened it? What if he got rid of his fire pit?

Holman: I could shorten at the top but then I'm driving to get to it.

Quiggle: You could not shorten at the top.

Oleson: Just the fire pit is about 254 sq ft.

Quiggle: That would get him halfway.

Holman: Let me ask you this...have you heard of pervious concrete?

Quiggle: We just went to a workshop on it and it is very expensive and it has to have a whole system put in.

Oleson: The County has given 50% on pervious pavers for the fireplace and steps so you could gain some there, but no credit for driving surfaces.

Thompson: The driveway was there when you brought it, so it meets the pre-existing rules and gives us a reason to grant since we are dealing with what was pre-existing.

Parks: He reduced the impervious coverage from when he started.

Oleson: This is what was granted when he built and the only thing that changed was the boulders. My suggestion would be if you say that he has to reduce coverage that you say by what percent and not what he has to remove. Let him decide what he wants to remove.

Thompson made a motion to grant the after-the-fact variance for impervious lot coverage to be approximately 27.1% based on the fact that end result is doing what it was intended to do by keeping the storm water on his property. With the following conditions:

1. That the impervious coverage on the lot shall not exceed 6,500 sq ft (27.1%). At a minimum, the shed near the road shall be removed from the site within 30 days of the date the variance is approved and the area between the uppermost boulder/rock wall and the Township road shall be restored to grass within 30 days of the date the variance is approved and maintained as such with no parking allowed.
2. That a minimum of 500 sq ft of impervious surfaces on the lot that would otherwise be directed to the drive leading to the lake shall be directed to a rain garden, infiltration trench or other infiltration best management practice (BMP). The design and installation of the BMP shall be completed no later than June 30, 2014 and shall be approved by the Zoning Administrator in coordination with Wright County SWCD staff.

Parks seconded the motion. Motion was approved 3 to 2 with Smith and Quiggle opposed.

2. Approve Previous Meeting Minutes

Smith made a motion to approve the September meeting minutes. Taylor seconded the motion. Motion approved unanimously.

3. Zoning Administrator's Report

a. Permits

b. Correspondence

Oleson updated the board on today's meeting regarding shoreland zoning administration. In advance of formally asking for control, we met with the Wright County Board to see if they had any concerns. They suggested we have an open meeting at the township for the public. We have scheduled a public meeting for November 6th at 7:00pm, Corinna Township hall. It will be basically an informational only meeting with opportunity for public input. Naaktgeboren feels they are more receptive this time around and have not received any complaints. If all goes well on November 6th we will go before them to ask that they find that we have met the criteria of the state law.

Findings of Fact- The idea would be that Ben would bring the findings of fact that have been completed to the board for review and make sure that they are correct.

Board discussed and made comments on ones that need updates. Ben will complete the updates and bring them back for review next month.

c. Enforcement Actions

4. Other Business

a. Ordinance Updates

i. Options/Ideas for erosion control requirements - Tabled.

b. Draft update to Township's "expansion" policy - Tabled.

c. Discuss possible update to 2007 Comprehensive Plan - Tabled.

5. Adjournment

Parks made a motion to Adjourn. Thompson seconded the motion. Motion carried unanimously at 9:42.