

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 11, 2012

7:00 PM

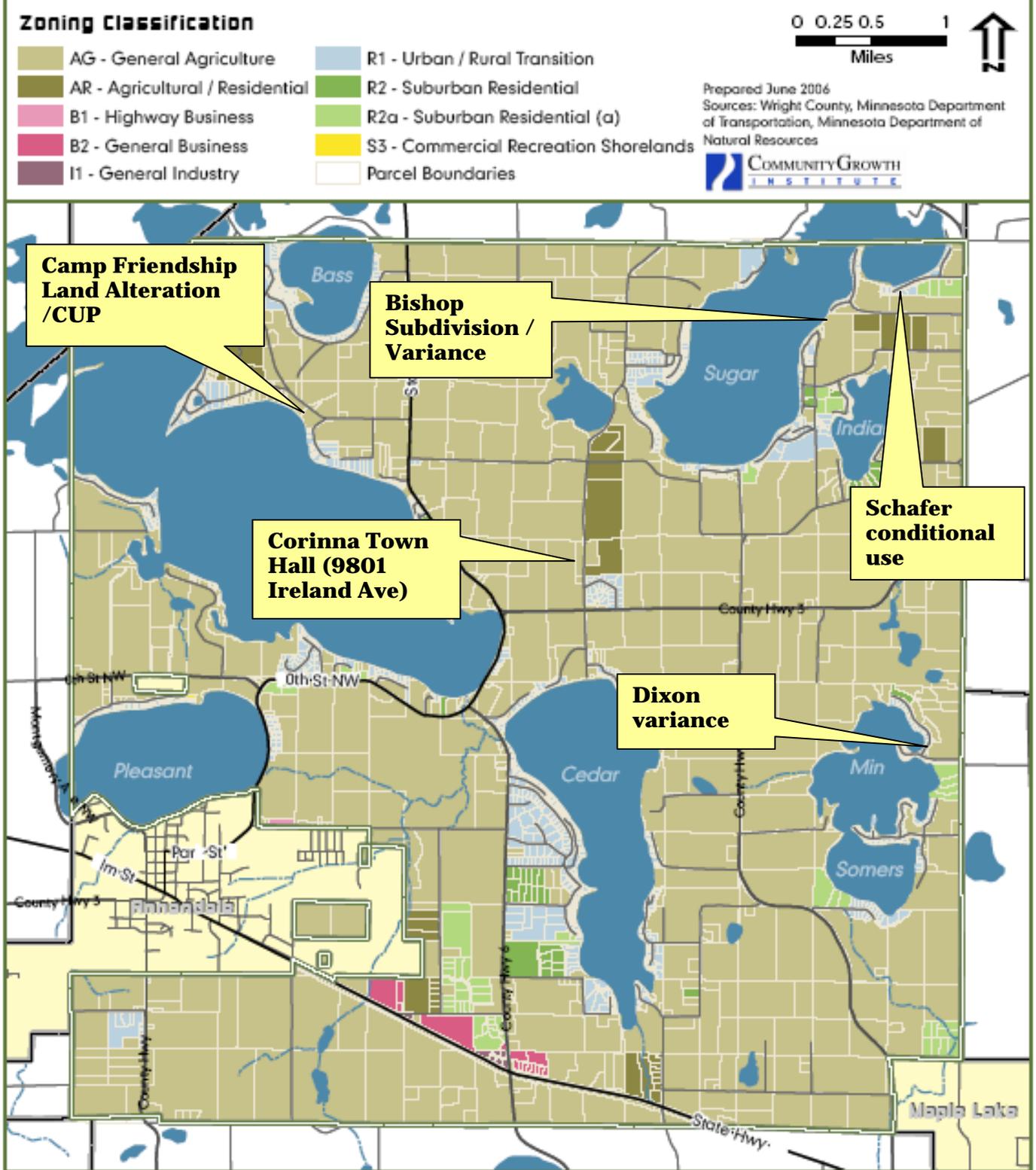
1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Request to amend variance granted in July 2012, which allowed for a proposed garage addition to be 6.8 feet from an existing holding tank (min. 10 feet required). The requested amendment is to allow for a 4.8 foot setback due to an error in the previously submitted garage dimensions. The proposed garage would be 21' x 22.5' instead of the previously submitted 19' x 22' dimensions.
 - i. Applicant(s): Janelle Dixon
 - ii. Property Address: 8067 Griffith Avenue NW, Maple Lake
 - iii. Sec/Twp/Range: 24-121-27
 - iv. Parcel Number(s): 206017001020 and 206017001010
 - b. **NOTE: THIS ITEM HAS BEEN POSTPONED, AT THE REQUEST OF THE APPLICANT, UNTIL THE OCTOBER MEETING OF THE CORINNA PLANNING COMMISSION** (~~Tabled from July 2012 meeting~~) Land Alteration/Conditional use permit for the movement of approximately 250 cubic yards of earth and materials to fill and re-grade an existing slope. The project is for the purpose of re-grading a previously excavated area and creating a driveway to the top of a bluff.
 - ~~i. Applicant(s): Gerald and Janet Schafer~~
 - ~~ii. Property Address: Across from 6455 117th Street NW, Maple Lake~~
 - ~~iii. Sec/Twp/Range: 1-121-27~~
 - ~~iv. Parcel Number(s): 206080002010~~
 - c. Request to subdivide approximately 10.6 acres into three residential lots and a public road ending in a cul-de-sac. Proposed lots to be 2.5, 2.5 and 4.8 acres in size with lake frontages of 150, 150 and 180 feet.
 - i. Applicant(s): John Bishop
 - ii. Property Address: None (70 acres north of 110th St NW and east of Hart Avenue, Maple Lake)
 - iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel Number(s): 206000013200
 - d. Variance to dedicate a public road as part of a subdivision request to serve three lots with a 33 foot right-of-way (min. 66 foot required) and a 16 ft road surface (min. 24 ft required).
 - i. Applicant(s): John Bishop
 - ii. Property Address: None (70 acres north of 110th St NW and east of Hart Avenue, Maple Lake)

- iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel Number(s): 206000013200
 - e. Land Alteration/Conditional use permit for the movement of approximately 5,000 cu yds of earth to create an amphitheater and handicap accessible walkways and paths leading to the lakeshore.
 - i. Applicant(s): Friendship Ventures (Camp Friendship)
 - ii. Property Address: 10509 – 108th Street NW, Annandale
 - iii. Sec/Twp/Range: 8-121-27
 - iv. Parcel Number(s): 206000081302 and 206000081203
- 5. Approve Previous Meeting Minutes
 - a. July 10, 2012
 - b. August 15, 2012
- 6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - i. Call received re: regulation of hedges
 - c. Enforcement Actions
- 7. Other Business
 - a. Discuss end-of-year ordinance updates/clarifications.
- 8. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Corinna Township

Location Map for September 11, 2012 Public Hearings



**The parcels identified on this map are subject to public hearing.
The public hearing will be held at Corinna Town Hall
at 7:00 pm.**

STAFF REPORT

Application: Request to amend July 2012 variance to allow for a dwelling addition (attached garage) to be 4 and ~~6.8~~ 4.8 feet from the existing septic tank (10 feet required).

This application was approved at the July 10, 2012 meeting of the Board of Adjustment with 4 and 6.8 ft setbacks from the existing septic tank to the new dwelling addition. The applicant indicates there was a miscommunication between themselves and their builder and they submitted the inside dimensions of the garage when they requested their variance – not the outside dimensions. The outside dimensions are 2 ft wider and 0.5 ft deeper. The result is that the garage would be 2 ft closer to the septic tank than previously allowed. In order for the applicant to build the attached garage as presented, the variance from July 2012 will need to be amended.

Applicant: Janelle Dixon

Agenda Item: 4(b)

Background Information:

- Location:**
 - Property Address: 8067 Griffith Avenue NW, Maple Lake
 - Sec/Twp/Range: 24-121-27
 - Parcel Number(s): 206017001020 and 206017001010
- Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Mink Lake (Recreational Development lake)
- Lot size:** Approximately 10,427 sq ft (Parcel 2060170010200) and 16,571 sq ft (Parcel 206017001010) – Total 26,998 sq ft (0.62 acres).

Existing Impervious Coverage (NOT BASED ON SURVEY):

- Buildings: Approx. 1,248 sq ft (4.6%)
- Total: Approx. 4,443 sq ft (16.5%)

Proposed Impervious Coverage (NOT BASED ON SURVEY):

- Buildings: Approx. 1,724 sq ft (6.4%)
- Total: Approx. 4,919 sq ft (18.2%)

- Septic System Status:** The existing sewer system failed a compliance inspection this past winter due to the drainfield being too deep in the ground. At the time of property transfer, the system was converted to a holding tank only.

A design has been submitted for the installation of a Type III raised pressured bed to be built over top of the existing drainfield. The drainfield would meet all required setbacks, but the proposed addition would create a nonconforming setback to the existing septic tank.

- Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: There is a steep slope leading down from the road to the lake, although the property flattens nearer the shoreline. The property does not appear to contain any bluff features.

Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

- **Proposal:** The applicant is requesting that their July 2012 variance approval be amended to allow for a 4.8 ft setback between the proposed garage and the existing septic tank, instead of the previously approved 6.8 feet.
- **Requested Variance(s):**
 - Building setback (septic system): Construct a dwelling addition that will place it within 4 and ~~6.8~~ 4.8 feet from an existing septic tank (min. 10 feet required).

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request, or table the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Staff does not see a significant difference in the issues raised by a 4.8 ft setback vs. a 6.8 ft setback. The previously approved findings of fact and conditions of approval should still apply. Based on this, Staff recommends approval of the requested amendment, subject to the same findings of fact and conditions as previously granted.

The conditions approved as part of the July 2012 approval were as follows:

1. The backfill between the tank and foundation shall be carefully compacted and the tank not undermined when excavating the foundation of the dwelling addition. The tank shall be inspected and certified by a licensed septic professional after construction to make sure it was not damaged during construction. If the tank is damaged, the applicant shall install a new tank maximizing the building setback as much as possible. If both the septic tank and lift station are damaged during construction, the replacement tanks shall be relocated to meet the required 10 foot building setback.
2. The applicant shall implement the permanent stormwater management plan as submitted with the application. All necessary construction shall be completed at the time of the construction of the additions.
3. Erosion and sedimentation control measures must be installed 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.

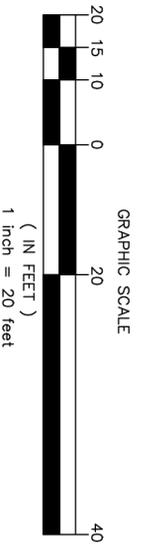
MILLER'S SEWAGE TREATMENT SOLUTIONS
 A Division of WRM Services Inc.
 PO BOX 458 Kimball, MN 55353
 (320) 398-2705 cell (320) 980-1737

PROPERTY LOCATION
 Lots 1 & 2, Borell's 1st Addition,
 Wright County, Minnesota.
 pld#206-017-001020

Septic System Site Plan
 DATE 5/31/12 JOB NO. 2012-138 SCALE 1=20

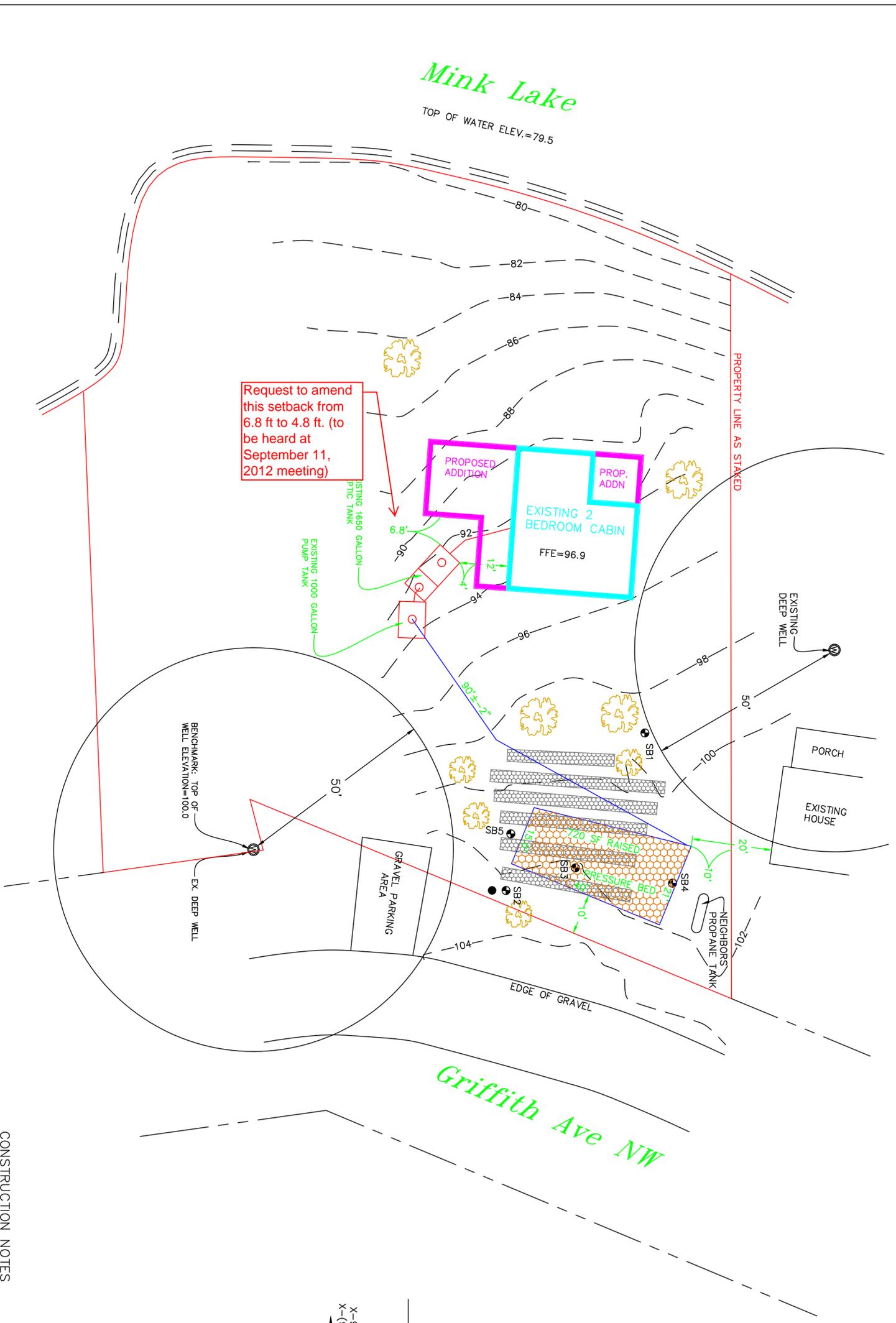
PREPARED FOR:
Paul Mielke

I hereby certify that this site plan was prepared by me or under my direct supervision.
Bernie Miller 5/31/12
 Bernie Miller D.R.P. M. P. C. A. License # 1921



APPROXIMATE BED QUANTITIES
 Rock (rockbed) = 20± yards
 Mound Sand = 112± yds.
 Top Soil (cover) = 40± yds.
 Loamy cap = 12± yds.
 Misc. fill = salvage existing
 *The loamy cap is to be 6" thick and is to be placed above the fabric and below the topsoil
 *Quantities are approximate and may vary depending on the final landscaping

- CONSTRUCTION NOTES
1. THE EXISTING SEPTIC TANK AND LIFT STATION ARE TO BE USED.
 2. THE PRESSURE BED IS TO BE OVER-EXCAVATED TO REMOVE BELOW THE SILTY CLAY LOAM WHICH IS AT AN APPROXIMATE ELEVATION OF 97.8 AND FILLED WITH WASHED SAND TO AND ELEVATION OF 102.0.
 3. INSTALLATION OF THE BED IS ONLY TO BE DONE WHEN THE SOIL IS DRY AND BELOW THE PLASTIC LIMIT FOR THE ENTIRE DEPTH OF THE OVER-EXCAVATION.
 4. THE BOTTOM OF THE OVER-EXCAVATION IS TO BE SCARIFIED.
 5. THE REMAINING PORTIONS OF THE UPPER THREE TRENCHES ARE TO BE REMOVED AND FILLED WITH MISC. FILL.
 6. TIME DOSING WILL BE REQUIRED ON THE PUMP CONTROLS
 7. AN EVENT COUNTER IS RECOMMENDED ON THE BED DOSING CONTROLS
 8. DIVERT SURFACE DRAINAGE AWAY AND AROUND THE PRESSURE BED AND TANKS
 9. ALL MATERIALS USED FOR THE CONSTRUCTION OF THE SYSTEM ARE TO MEET OR EXCEED THE MN RULE CHAPTER 7080.



Request to amend this setback from 6.8 ft to 4.8 ft. (to be heard at September 11, 2012 meeting)

- LEGEND
- ⊙ EXISTING WELL LOCATION
 - ⊕ SOIL BORING
 - ⊖ TEST PIT
 - ⊙ PERC. TEST
 - X-98.2 EXISTING ELEVATION
 - X-(98.2) PROPOSED ELEVATION
 - PROPOSED SURFACE DRAINAGE



STAFF REPORT

Application: Land Alteration/Conditional use permit for the movement of approximately 250 cubic yards of earth and materials to fill and re-grade an existing slope. The project is for the purpose of re-grading a previously excavated area and creating a driveway to the top of a bluff.

This item, at the request of the applicant, has been tabled until the October 9, 2012 meeting. His intention is to apply for the related variance and to have both the CUP and Variance portions addressed at the same meeting. When he requested this change, there was not enough time to add the variance application to the September agenda.

The Planning Commission had previously tabled the CUP application for engineered plans for the driveway. The applicant has submitted those plans and they are enclosed here for your review and information in advance of the October meeting. The applicant has signed a waiver of the 120-day time frame in which the Township is normally required to make a decision.

Applicant: Gerald and Janet Schafer

Agenda Item: 4(c)

Background Information:

- Location:**
 - Property Address: Across from 6455 - 117th Street NW, Maple Lake
 - Sec/Twp/Range: 1-121-27
 - Parcel Number(s): 206080002010
- Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake).
- Lot size:** Approximately 0.74 acres (32, 150 sq ft) according to Wright County GIS estimate.

Existing Impervious Coverage:

- Buildings: None
- Total: None

Proposed Impervious Coverage:

- Buildings: Applicant may build on this property in the future.
- Total: Applicant may build on this property in the future.

- Septic System Status:** None. Applicant may build on this property in the future.

- Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property contains a bluff and steep slopes.

Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

- **Proposal:** The applicant is proposing to move approximately 250 cubic yards of material (using material already on the site; no material is expected to be brought on site) to fill in a previously excavated “hole” on the property and to create a driveway with a more gradual slope to the top of the hill. An initial cut into the hill to create a driveway has already been made (see July 2010 Wright County letter notifying the landowners of the need for a permit).

Although they have not specified a time frame, the applicant has stated a desire to construct a storage shed and/or a dwelling at the top of the hill at some point in the future.

- **Requested Conditional Use:**

- The extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts (about 250 cubic yards is proposed to be moved).

Planning Commission Direction: The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

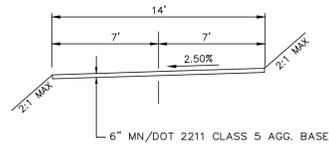
Staff Recommendation: Staff would recommend tabling this item until the October 9, 2012 meeting - as has been requested by the applicant.

LEGAL DESCRIPTION

LOT 1, BLOCK 2, SUGAR LAKE SHORES,
WRIGHT COUNTY, MINNESOTA.

PROJECT LOCATION

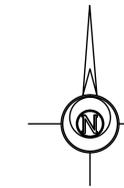
PART OF SECTION 01, TOWNSHIP 121,
RANGE 27, WRIGHT COUNTY, MINNESOTA.



RESIDENTIAL DRIVEWAY
DETAIL

LEGEND

- . - . - Existing Property Line
- Bluff Line / Bluff Setback
- - - - - Setback Line
- - - - - Existing Contour
- ### Existing Bituminous
- Proposed Driveway

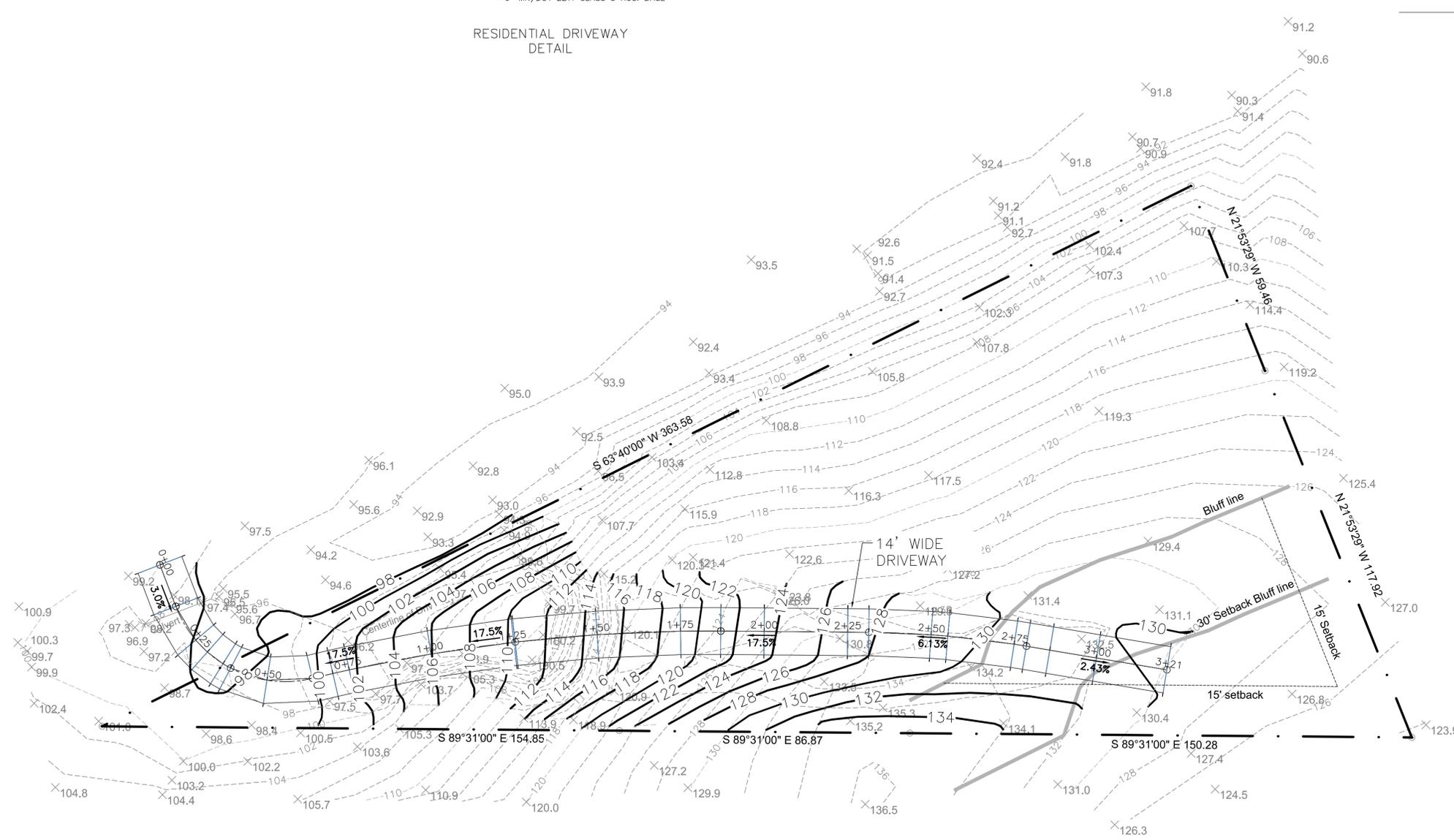


Survey Data By:

Webb Surveying LLC
78 Rose Avenue S.
Maple Lake, MN 55358
763-898-9999

GENERAL NOTES

1. Specifications applicable for this project: Current standard specifications for Corinna Township and Wright County; the latest Minnesota Department of Transportation Specifications for Highway Construction; and all NPDES requirements.
2. OSHA requirements shall be followed for all work on this project.
3. The Contractor shall notify "Gopher State One Call" as required prior to any excavation (1-800-252-1166.)
4. The Grading Contractor shall verify all locations and elevations of underground utilities with utility companies prior to any construction, and immediately notify the Engineer of any conflicts.
5. Final Plat shall govern for easements and lot dimensions.
6. Any erosion control items necessary to protect adjacent properties shall be constructed prior to the start of excavation or grading work.
7. Erosion control maintenance shall be performed by the Contractor, and removed as per the Contract Documents or as directed by the owner, followed by all necessary restoration of disturbed area.
8. The Grading Contractor shall keep public streets and travel ways clear of soil and debris. Sediment tracked onto streets during working hours must be reclaimed via street scraping and sweeping as necessary.
9. Contractor shall properly dispose off-site all trees, stumps and other debris located within construction limits.
10. No construction materials are to be stored on Street right-of-way.
11. Silt fence shall be standard duty, with wood post supports.
12. The contractor may incorporate bio-rolls or coir-rolls if deemed necessary.
13. All disturbed landscape areas are to be sodded and/or stabilized with seed and appropriate erosion control landscape materials.



Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Pro Volume 2012-08-12	1.000	1.200	11811.40 Sq. Ft.	546.30 Cu. Yd.	971.40 Cu. Yd.	425.10 Cu. Yd.<Fill>
Totals			11811.40 Sq. Ft.	546.30 Cu. Yd.	971.40 Cu. Yd.	425.10 Cu. Yd.<Fill>

NOTE: Cut/Fill calculations are mass balance calculation only. Calculations do not account for topsoil depth or driveway surface materials.

INDEX OF DRAWINGS

- C1 GRADING PLAN
- C2 DRIVEWAY PROFILE PLAN
- C3 EROSION CONTROL PLAN

OWNER:

**GERALD
SCHAFFER**

6455 117th Street NW
Maple Lake, MN 55358

**DRIVEWAY CONSTRUCTION
PROJECT**

**Lot 1, Block 2, Sugar Lake Shores
Wright County, MN**

GRADING PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 08/12/12 Reg. No. 24348
PREPARED BY: CIVIL ENGINEERING
SITE DESIGN

116 East Broadway St.
PO Box 566
Monticello, Mn 55362
Phone: 763-314-0929
www.civileng.com

REVISIONS

DATE	DRAWN BY	DESIGNED BY	CHECKED BY
08/12/12	SD	SD	SD

VERTICAL SCALE
1 inch = feet

HORIZONTAL SCALE
1 inch = 20 feet
(FULL SIZE SHEET 22 x 30)

FILE NO. 00418

C1

Grading Plan

STAFF REPORT

Application: Request to subdivide approximately 10.6 acres into three residential lots and a public road ending in a cul-de-sac. Proposed lots to be 2.5, 2.5 and 4.8 acres in size with lake frontages of 150, 150 and 180 feet.

Applicant: John Bishop

Agenda Item: 4(c)

Background Information:

- Location:**
 - Property Address: None (north end of Hart Avenue extending north of 110th St NW)
 - Sec/Twp/Range: 1-121-27
 - Parcel Number(s): 206000013200
 - Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake) for the portion of land to be subdivided. The remainder of the land is zoned General Agriculture (AG).
 - Lot size:** Approximately 10.6 acres to be subdivided into three residential lots and a public road ending in a cul-de-sac. Proposed lots to be 2.5, 2.5 and 4.8 acres in size with lake frontages of 150, 150 and 180 feet.
 - Septic System Status:** Each proposed lot would be required to install a new septic system. The applicant has submitted soil borings and preliminary location information.
 - Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: The great majority of the land to be subdivided (except for the area where the road is to be constructed consists of steep slopes. There is also significant bluff area on Lot 3.
 - Wetlands: There are several wetlands on the property that have been accounted for in the design of the lots and road, although a 66 foot right-of-way and 24-foot road top may impact these wetlands more than what is proposed (see related variance request).
 - Proposal:** The applicant is requesting that their July 2012 variance approval be amended to allow for a 4.8 ft setback between the proposed garage and the existing septic tank, instead of the previously approved 6.8 feet.
 - Request:** Subdivide approximately 10.6 acres into three residential lots and a public road ending in a cul-de-sac. Proposed lots to be 2.5, 2.5 and 4.8 acres in size with lake frontages of 150, 150 and 180 feet.
-

Applicable Statutes/Ordinances:

Corinna Township Subdivision Ordinance

1.2 Purposes. These regulations are adopted for the following purposes:

1. To guide the future growth and development of Corinna Township in recognition of the general policies embodied in the Corinna Township Comprehensive Plan and protect and provide for the public health, safety, and general welfare of the Township.
2. To ensure that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public services and facilities exist with sufficient capacity to serve the proposed subdivision.
3. To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, including the proper location and width of streets and building lines, and to ensure proper legal descriptions and monumenting of subdivided land.
5. To ensure that proper provision has been made for drainage, water, sewage, and public improvements such as parks, recreational facilities, transportation facilities, and improvements. The community will be required to bear no more than its fair share of the cost of providing facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
6. To prevent the pollution of air and water resources including ground water and to encourage the wise use and management of natural resources throughout the Township in order to preserve the integrity, stability, and beauty of the community and the value of the land.
7. To provide for open spaces through the most efficient design and layout of the land.
8. To remedy problems associated with inappropriately subdivided lands.

4.2 Standard Plat

A. Preliminary Plat Approval Process for Plats Consisting of Two or More Lots

- iii. The Platting Committee and Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
 1. The preliminary plat shall conform to all applicable official controls and all state and federal laws.
 2. The preliminary plat shall be consistent with the Corinna Township Comprehensive Plan.
 3. No plat shall be approved which does not conform to any applicable floodplain regulations.

4. No plat shall be approved unless there is provision for two (2) standard on-site sewage treatment systems for each lot, unless served with public sewer or an approved cluster sewer system serving lots within the subdivision.
5. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
6. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without an NPDES Phase II-compliant storm water management plan reviewed and approved by the Township or its designated representative.
7. Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable area of a lot.
8. Each lot shall be of sufficient size and character to meet applicable sewage treatment system standards
9. When deemed appropriate by the Zoning Administrator or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.
10. The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the Township by providing for safe and adequate drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.

5.1 Improvements and Developer's Agreement

1. **Completion of Improvements Prior to Final Plat Approval.** Except as provided in Section 5.1(2), before the final plat is signed by the Township Board Chair, all applicants shall be required to complete at their expense, without reimbursement by the Township or any improvement district, all public improvements as required in these regulations, specified in the final plat and as approved by the Township Board, and to dedicate those public improvements to the Township or other governmental entity, free and clear of all liens, mortgages and encumbrances on the dedicated property and public improvements.

2. **Completion of Improvements After Final Plat Approval.**

- a. Developer's Agreement. The Township Board in its sole discretion may waive the requirement that the applicant complete all public improvements prior to approval of the final plat and, as an alternative, the Township may permit the applicant to enter into a Developer's Agreement by which the subdivider agrees to complete all required public improvements no later than **two (2) years** following the date of approval of the final plat. The Developer's Agreement shall contain the terms and conditions agreed to by the applicant and the Township Board in approving the standard subdivision, including all applicable provisions for maintenance, warranties, construction or placement of structures or other improvements, and other terms and conditions of subdivision approval. The Developer's Agreement shall also include any self-imposed restrictions proposed by the developer, such as the locations of any structures, if agreed to by the Township Board.
- b. Financial Security. Whenever the Township Board permits an applicant to enter into a Developer's Agreement, it shall require the applicant to provide a financial security for the promises contained in the Developer's Agreement. The security shall be in an amount equal to one hundred twenty five percent (125%) of the estimated cost of completion of the required public improvements, including lot improvements. Whenever it is deemed necessary by the Township to defer the construction of any improvement required under these regulations **beyond 2 years**, the subdivider shall either pay its share of the costs of the future improvements to the Township prior to signing of the final subdivision plat by the Chair of the Township Board or the subdivider may guarantee completion of the deferred improvements in the Developer's Agreement upon demand of the Township and secured by financial security. The following methods of financial security may be used:
 - i. Letter of Credit. If the applicant posts a letter of credit as security for its promises contained in the Developer's agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in this Section; and (3) require only that the Township present the issuing bank with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit.
 - ii. Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the Developer's agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the

funds except as provided in this Section; and (2) that the escrow agent shall have a legal duty to deliver the funds to the Township after following the procedure set forth in Section 4.1(2)(c). If and when the Township accepts the offer of dedication for the last completed required public improvement, the Township shall execute a waiver of its right to receive all but twenty-five percent (25%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the Developer's agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.

- iii. **Performance Bond.** A performance bond may be provided as a financial security in a form as approved by the Township.

6.1 General. The following principles, standards and requirements will be applied by the Township in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the Township from requiring stricter standards or requirements when the conditions merit:

1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
2. **Comprehensive plan. Proposed subdivisions shall be designed in recognition of the** general policies included in the Corinna Township Comprehensive Plan.
3. **Land/soil suitability.** Land that the Township finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Township Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
 - a. **Flood Plain Areas.** No land shall be subdivided in designated flood plain areas or areas that may be subject to flooding unless the proposed subdivision complies with the standards of the Federal Emergency Management Agency (FEMA), complies with

- Wright County or State of Minnesota Floodplain regulations and is proposed in combination with buildable areas.
- b. **Wetlands.** Wetlands or wetland buffer areas, as defined and classified under the Wetland Conservation Act of 1991, shall not be included in calculating the square footage of the buildable area on any lot.
4. **Agriculturally Important Lands.**
 - a. The Planning Commission may consider the values of agriculturally important lands when making its recommendation on a plat. The Land Capability Classification System and Crop Equivalency Ratios of the Natural Resources Conservation Service (NRCS) shall be used as guides to determine if agriculturally important lands are within a proposed subdivision.
 - b. In making its recommendation, the Planning Commission may take into consideration, but not be limited to, the following criteria or designated areas:
 - i. **Farmability of Parcel.** The size, shape, slope, soil quality, topographic limits and vegetative cover.
 - ii. **Proximity.** Proximity to an urbanizing area or in proximity to conforming non-agricultural uses.
 - iii. **Compatibility with Surrounding Uses.** Compatibility or separation by distance or screening with surrounding uses.
 - iv. **Distance from Agricultural Operations.** Located near an existing animal or commercial feedlot as defined in Wright County or State of Minnesota regulations.
 - v. **Shoreland Areas.** Sensitive areas such as shorelands, bluffs and wetlands are considered.
 - vi. **Man-Made or Physical Barriers.** Man-made or physical features act as barriers.
 5. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
 - a. Any applicable Township ordinance, engineering standards and all other applicable laws of the Township.
 - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the Township.
 - c. All applicable statutory provisions.
 - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.
 6. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer's Agreement.

7. **Adequate Public Facilities.** No preliminary plat shall be approved unless the Township Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.
8. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the Township. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of the subdivision at the time of expiration of any developer's agreement or dedication of public improvements.

Corinna Township Zoning Ordinance

505. CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,

- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

605. URBAN/RURAL TRANSITIONAL R-1

605.1 Purpose

This District is established in areas within the County for the purpose of allowing limited urban growth. The major purpose of this District is to provide areas

within the county where urban development can take place and where urban services can be readily extended and provided. This District may be allowed adjacent to cities where sanitary sewer and other services are available and for riparian shoreline lots on suitable lakes.

605.4 Conditional Uses

Residential Subdivisions.

Corinna Township Comprehensive Plan

The Corinna Township Comprehensive Plan (adopted in 2007) classifies the property and most of the surrounding properties as appropriate for a future land use of "Rural Preservation", which is described as:

Rural Preservation: A land use designation for properties that are best suited for rural farmsteads and farming. This classification would be most consistent with the Wright County Agricultural zoning classification. The Township believes it prudent to respond to future growth pressure by considering low-density, rural residential development in these areas, utilizing a cluster-style development strategy to maintain the rural character of the community.

Wright County Comprehensive Plan

The Wright County Comprehensive Plan, just adopted in 2009, classifies the property as appropriate for "Residential Large Lot", which is described as:

Residential Large Lot Primarily designates those areas that have already been converted to a rural/suburban, residential environment with lot sizes ranging from two to ten acres due to past decisions. Undeveloped lands that are surrounded or nearly surrounded by such patterns may also be included in this district. Existing land types may include large wooded areas, non-productive farmland near existing developed areas, infill on lands near highly developed lakeshore areas and other areas where large lot development may occur without posing a threat to the environment, or long term agricultural uses. Appropriate zoning may include Agricultural, Agricultural Residential, R-2(a) and, in special cases, R-2. Rezoning from Agricultural to residential districts will generally be considered appropriate for large lot (R-2a) proposals and for smaller sizes (R-2) in cases where existing development trends or environmental factors are appropriate. Rezoning to R-1 will only be considered for riparian lots on shorelands especially suited to that type of residential development, or for small areas of "infill" which are predominately R-1 already.

Staff Findings (Subdivision Criteria): We propose the following findings for consideration by the Planning Commission, based on the criteria for reviewing subdivision applications in the Corinna Township Subdivision Ordinance:

1. The preliminary plat shall conform to all applicable official controls and all state and federal laws.

The proposed lots meet all requirements for size, width and depth in the R-1 zoning district. All lots exceed the minimum width of 150 feet (proposed are 150, 150 and 180 feet), minimum depth of 150 feet (all exceed 500 ft in depth) and the minimum lot size of 1 acre (proposed are 2.5, 2.5 and 4.8 acres).

2. The preliminary plat shall be consistent with the Corinna Township Comprehensive Plan.

The Comprehensive Plan states that these properties are in an area best suited for rural farmsteads and farming. The Plan states that the Township believes it prudent to respond to future growth pressure by considering low-density, rural residential development in these areas, utilizing a cluster-style development strategy to maintain the rural character of the community.

The proposed plat, resulting in 2.5-4.8 acre lots, with the remaining almost 60 acres to remain in farmland, is likely to maintain the rural character of the community. The subdivision, which is in land not likely to be farmed, should not have a significant impact on continued farming in the area.

Several goals within the Comprehensive Plan apply to the proposal. They include:

- Protect, preserve, and enhance lake water quality.
 - Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites to ensure that storm water runoff is properly managed and treated before entering surface waters.
 - Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

Staff Comment: The applicant has submitted plans that implement some storm water management practices. These should be discussed in more detail so that it is clear they will be adequate and that they will be maintained over time. Significant grading and filling will likely be necessary to alter these lots to accommodate driveways and homes and would need to be done with care and proper erosion control practices.

- Protect, preserve, and work to ensure effective management of wetlands, wildlife, and other important natural and environmental features.
 - Prevent the fragmentation of remaining habitat areas and corridors as new roads are built or areas are converted in the development process.
 - Facilitate rural developments that incorporate conservation subdivision practices and which preserve greenbelts, open vistas, unique topographical features, mature tree stands and buffer areas adjacent to environmentally sensitive areas.

Staff Comment: The subdivision will necessarily involve the removal of trees in an area that is currently a fairly large stand of natural woodland. The road itself will not significantly alter the woodland, but the driveways and home construction would. Care should be taken to minimize the loss of habitat.

- Encourage preservation of productive farm operations.
 - Require developments that may occur in or near productive farmland to design subdivisions in a way that preserves the greatest amount of productive farmland for continued agricultural use.

Staff Comment: The subdivision will be adjacent to productive farmland, but only the road will impact land that is feasible for farming. It should not fragment the farmland however, as it will be on the edge of the existing field.

- Ensure that all Township properties are adequately and efficiently treating sewage, both for current residents and expected future population growth.

Staff Comment: The subdivision will be adjacent to productive farmland, but only the road will impact land that is feasible for farming. It should not fragment the farmland however, as it will be on the edge of the existing field.

3. No plat shall be approved which does not conform to any applicable floodplain regulations.

This property is not located in any designated floodplain area.

4. No plat shall be approved unless there is provision for two (2) standard on-site sewage treatment systems for each lot, unless served with public sewer or an approved cluster sewer system serving lots within the subdivision.

The proposed lots would be served with private sewer systems. Preliminary soil borings and locations for two septic systems per site have been identified on the proposed plat.

5. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.

The presence of a bluff on Lot 3, steep slopes on all three lots, and a fairly large drainageway on Lot 1 all present limitations for building on the proposed lots. However, they appear to have been designed in a way that indicates construction of homes and possibly accessory buildings on each lot is possible without variances. The proposed plat identifies possible house/garage locations which meet all applicable setback and other zoning requirements (each identified building area is about 3,100-3,600 sq ft in size).

6. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without an NPDES Phase II-

compliant storm water management plan reviewed and approved by the Township or its designated representative.

The plat, as proposed, does not appear to require a NPDES-Phase II stormwater management plan as it would not create more than one acre of new impervious. However, this is assuming that a full 24- foot road top is not constructed (see related variance request). If a full 24-foot road top is required, it will be very close to the one acre threshold requiring a NPDES plan.

The applicant does include some stormwater management practices in the proposed plat and road design. Several rock check dams are indicated alongside the road ditch and they have indicated some low area where stormwater would be allowed to sit before overtopping into a culvert and established drainageway leading down to Sugar Lake.

Nothing has been submitted as of yet regarding who is responsible for maintenance of the rock check dams or drainage easements.

- 7. Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable area of a lot.**

The proposed plat does identify areas for potential location of homes/garages that meet all applicable setbacks. Two sites per lot for sewer drainfields have also been identified meeting applicable setbacks.

The steep slopes will present some challenges regarding the placement of homes, driveways and sewer systems. A driveway on Lot 2, in particular, would seem difficult to place without significant cuts into a sidehill – which would likely require a conditional use permit at the time of construction.

- 8. Each lot shall be of sufficient size and character to meet applicable sewage treatment system standards.**

See answer for #4 above.

- 9. When deemed appropriate by the Zoning Administrator or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.**

The applicant has not proposed a vegetative buffer adjacent to any existing wetlands. There is a wetland on Lot 1 as well as to the south of the proposed new road. The Zoning Ordinance does not require a setback from buildings to wetlands.

- 10. The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the Township by providing for safe and adequate drinking water supply, adequate sewage**

treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.

Private wells would be expected to provide safe and adequate drinking water supply. There do not appear to be any impediments to designing and installing private sewers meeting state and local requirements, although the steep slopes will have to be taken into consideration during the design phase. A new road would be constructed to serve the three lots, but this road is proposed to be only 16 ft in width (as opposed to normal 24 ft) and it connects to an existing road/easement where the road top is only about 16 feet in width. See related variance application.

Staff Findings (Conditional Use): The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?

No. The proposed lot sizes are 2.5 to 3+ times the minimum required and should not create any problems for the use and enjoyment of neighboring properties. The proposed road would end in a cul-de-sac and is unlikely to every be extended, except possibly to the south through the remainder of the property being subdivided.

2) Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?

No. See comment #1 in the CUP criteria above.

3) Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?

Needs discussion. The lots would be served by an extension to an existing road which has only about a 16 ft roadtop and only 16.5 ft of public right-of-way. There are some 33 ft easements as well, although it is unclear to Staff whether these are public or private easements. Staff feels that, at minimum, a 33 ft public right-of-way needs to be dedicated the entire distance of Hart Ave through the proposed development from 110th (16.5 ft of which already exists on the southern end). This would ensure proper, legal access to the properties. A full 66 ft would ensure adequate space for utilities, road plowing, etc....

4) Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?

Yes. While the steep slopes will somewhat limit off-street parking space, each proposed lot should have enough space for normal residential activities.

5) Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?

See comment #2 in the Subdivision criteria above.

- 6) **Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**

Yes. The proposed project would not be expected to create any long-term or ongoing nuisance such as are listed above.

- 7) **Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**

Yes. Staff feels that the Township should carefully consider a requirement that public right-of-way be dedicated all the way down through the property to 110th Street. This right-of-way should be at least 33 ft in width for the entire length and probably 66 ft (subject to the separate variance discussion).

Staff also feels that the Township should consider requiring more detailed information from the applicant as to how driveways would be constructed on the three lots – particularly Lot #2. If not exact locations, the applicant should at least demonstrate whether driveways are feasible given the steep slopes and other limitations on the lots.

Additional information could also be required from a licensed sewer designer – at least stating the type of drainfield they anticipate being constructed on the lots and that they are feasible in the locations shown on the plat. Staff is unclear whether the proposed locations are based only on soil borings or if preliminary design work has been done indicating that a system could actually be constructed in those locations.

The applicant should provide more detail with their stormwater management plan to indicate exactly what practices will be used, where, and how these facilities will be maintained over time. If a full 24 ft road top is required, they should provide more exact calculations indicating whether an NPDES stormwater management plan is required.

Planning Commission Direction: The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact presented in this report and the number of questions/issues raised, staff is not providing a recommendation pending further discussion between the applicant and the Commission. Generally, the request is consistent with current zoning and it appears that the various concerns can be addressed. However, Staff feels that additional discussion is necessary – as well as further discussion on the requested variances which could affect the design of the subdivision, stormwater management, etc...

Application # <u>P12-001</u>	Date Application Rec'd <u>8/14/12</u>	Fee Collected \$ <u>250.00</u>
------------------------------	---------------------------------------	--------------------------------

(for office use only)

**CORINNA TOWNSHIP
STANDARD SUBDIVISION & PLANNED UNIT DEVELOPMENT
APPLICATION**

Name of Applicant John M. Bishop Phone 320 274 5919

Property Address (E911#) NA

Mailing Address 558 Lakeshore Circle P.O. Box 389 Local Phone 320 274 5919
(if different than above) *(if different than above)*

City, State, Zip Annandale, MN. 55302

Applicant is:	Title Holder of Property <i>(if other than applicant)</i>
Legal Owner <input checked="" type="checkbox"/>	_____
Contract Buyer <input type="checkbox"/>	(Name)
Option Holder <input type="checkbox"/>	_____
Agent <input type="checkbox"/>	(Address)
Other _____	_____
	(City, State, Zip)

Signature of Legal Owner, authorizing application (required): John M. Bishop
 By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):

See attached

Property ID # 206- 000 - 013 200 Zoning District R-1 Shoreland
 (12 digit # on tax statement)

- Nature of request (select all that apply):
- Standard Subdivision – Preliminary Plat
 - Planned Unit Development, including Common Interest Communities (CICs)

Note: Applications for preliminary plat approval, if approved, must be followed by an application for final plat approval incorporating any changes or conditions required by the Corinna Town Board during the approval of the preliminary plat. Applications for final plat approval must be received within 12 months of preliminary plat approval or such approval becomes null and void.



Engineers & Land Surveyors, Inc.

Client: John Bishop
Otto Job No.: 1-11-0094

That part of Government Lot 5 and that part of Government Lot 6 of Section 1, Township 121, Range 27, Wright County, Minnesota, described as follows:

Beginning at the Southwest corner of said Government Lot 6; thence North 00 degrees 20 minutes 11 seconds East, assumed bearing, along the West line of said Government Lots 5 and 6, a distance of 1780.74 feet; thence South 36 degrees 57 minutes 43 seconds East, a distance of 138.48 feet; thence Northerly along a non-tangential curve, concave to the East, having a radius of 129.66 feet and a central angle of 25 degrees 56 minutes 23 seconds, a distance of 58.70 feet; the chord of said curve bears North 18 degrees 12 minutes 16 seconds East, distant 58.20 feet; thence North 31 degrees 10 minutes 27 seconds East, tangent to said curve, a distance of 41.10 feet; thence Northerly along a tangential curve, concave to the West, having a radius of 54.94 feet and a central angle of 21 degrees 44 minutes 27 seconds, a distance of 20.85 feet; thence South 89 degrees 39 minutes 49 seconds East, a distance of 170.09 feet; thence North 00 degrees 20 minutes 11 seconds East, a distance of 344.00 feet; thence North 61 degrees 38 minutes 59 seconds West, a distance of 106 feet, more or less, to the shoreline of Sugar Lake; thence Northeasterly along said shoreline, a distance of 508 feet more or less to the intersection with a line bearing North 88 degrees 33 minutes 01 seconds West (assuming the East line of the Southeast Quarter of said Section 1 bears South 00 degrees 40 minutes 23 seconds West) from the East Quarter corner of said Section 1, said line also being the North line of said Government Lot 5 according to the monumentation of SUNSET POINT, a duly recorded plat on file and of record in the office of the County Recorder, Wright County, Minnesota, thence South 88 degrees 33 minutes 01 seconds East along said North line of Government Lot 5, a distance of 910 feet, more or less, to the Northeast corner of said Government Lot 5, said Northeast corner being 3978.56 feet West of said East Quarter corner as measured along the East-West Quarter line of said Section 1; thence South 00 degrees 26 minutes 43 seconds West along the East line of said Government Lot 5, a distance of 1319.38 feet to the Northeast corner of said Government Lot 6; thence continue South 00 degrees 26 minutes 43 seconds West, along the East line of said Government Lot 6, a distance of 904.57 feet to the Northerly line of the plat of INDIAN POINT as monumented and occupied, according to the plat thereof on file and of record in the office of the County Recorder, Wright County, Minnesota; thence North 88 degrees 25 minutes 16 seconds West along said Northerly line, a distance of 8.68 feet; thence North 43 degrees 40 minutes 28 seconds West, along said Northerly line, a distance of 46.66 feet to the most Northerly corner of said INDIAN POINT; thence South 01 degrees 19 minutes 32 seconds West along the Westerly line of said INDIAN POINT, a distance of 122 feet, more or less, to the shoreline of Indian Lake; thence Westerly and Southerly along said shoreline to the South line of said Government Lot 6; thence Westerly along said South line of Government Lot 6 to the point of beginning. Except therefrom that part platted as SUGAR HIGHLANDS and SUGAR HIGHLANDS 2ND ADDITION, according to the plats thereof on file and of record in the office of the County Recorder, Wright County and except that part of said Government Lot 6 platted as INDIAN LAKE HEIGHTS.

SURVEYOR NOTES:

Only the property depicted on this Preliminary Plat is proposed to be re-zoned. Upon approval of the Preliminary Plat, a legal description for the proposed plat area will be created and recorded.

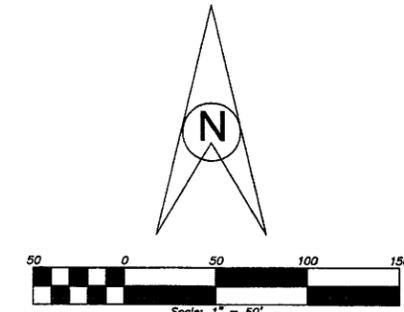
SUGAR LAKE
O.H.W.L. = 988.1 according to the MN DNR
top of water on 7/20/12 = 988.25

OWNER:
JOHN BISHOP
PO BOX 389
ANNANDALE, MN 55302

EXISTING ZONING = AG
PROPOSED ZONING = R-1-SHORELAND

LEGEND

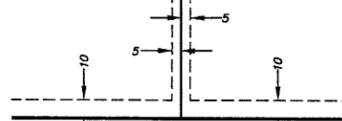
- denotes woods
- denotes existing contour
- x 1021.8 denotes existing spot elevation
- denotes culvert
- denotes building setback line
Front - 65' from centerline
Side - 15'
OHWL - 75'
- denotes proposed primary septic area
- denotes proposed alternate septic area



PLAT AREA TO OHWL = 10.6± ACRES

NOTE: WETLANDS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES COMPANY.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 5 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

That part of Government Lot 5 and that part of Government Lot 6 of Section 1, Township 121, Range 27, Wright County, Minnesota, described as follows:

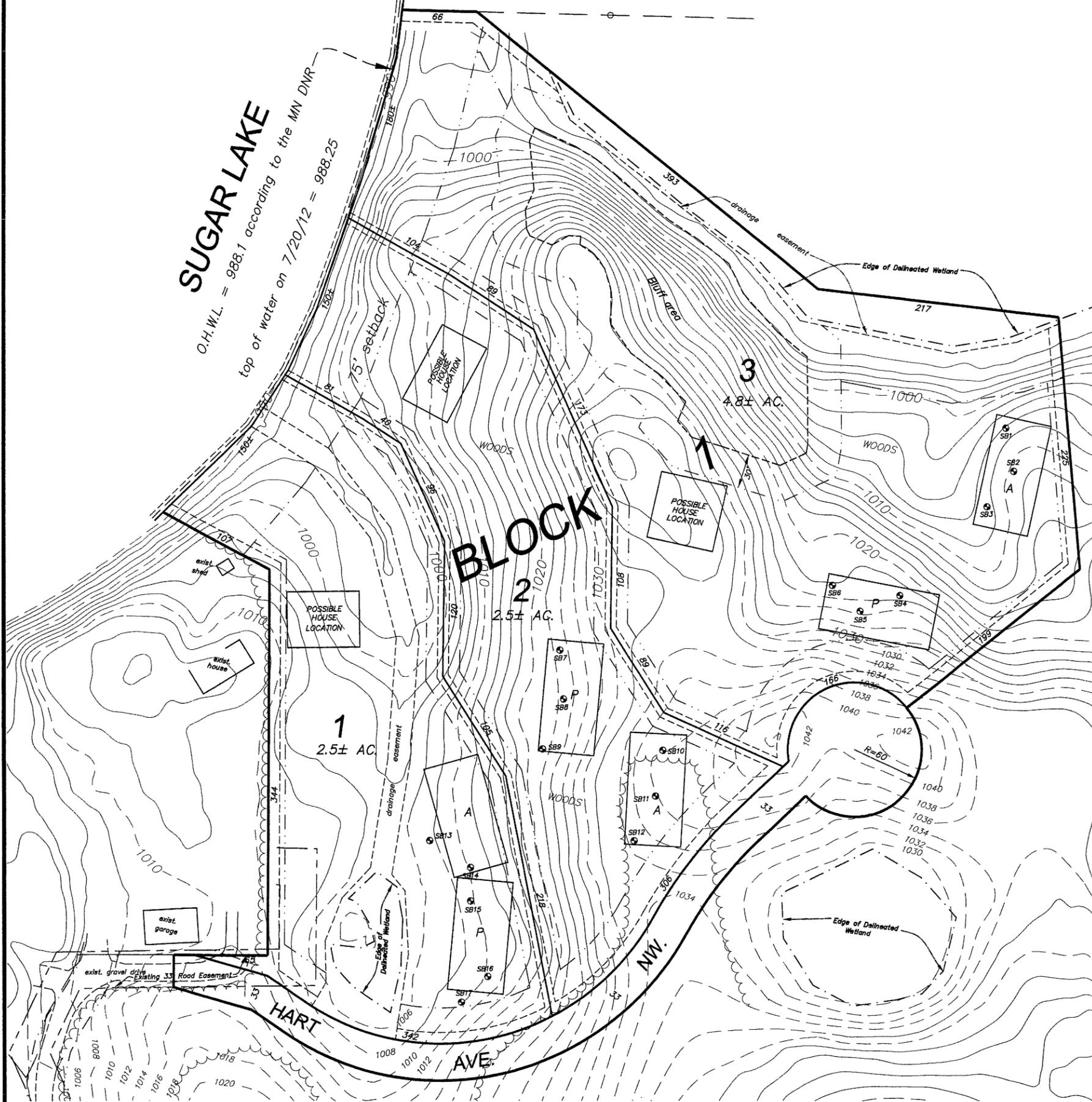
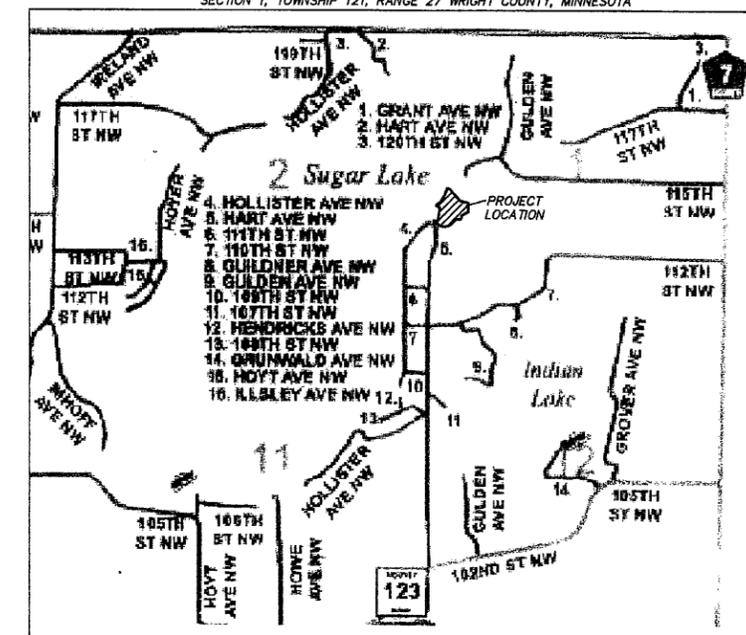
Beginning at the Southwest corner of said Government Lot 6; thence North 00 degrees 20 minutes 11 seconds East, assumed bearing, along the West line of said Government Lots 5 and 6, a distance of 1780.74 feet; thence South 36 degrees 57 minutes 43 seconds East, a distance of 138.48 feet; thence Northerly along a non-tangential curve, concave to the East, having a radius of 129.66 feet and a central angle of 25 degrees 56 minutes 23 seconds, a distance of 58.70 feet; the chord of said curve bears North 18 degrees 12 minutes 16 seconds East, distant 58.20 feet; thence North 31 degrees 10 minutes 27 seconds East, tangent to said curve, a distance of 41.10 feet; thence Northerly along a tangential curve, concave to the West, having a radius of 54.94 feet and a central angle of 21 degrees 44 minutes 27 seconds, a distance of 20.85 feet; thence South 89 degrees 39 minutes 49 seconds East, a distance of 170.09 feet; thence North 00 degrees 20 minutes 11 seconds East, a distance of 344.00 feet; thence North 61 degrees 38 minutes 59 seconds West, a distance of 106 feet, more or less, to the shoreline of Sugar Lake; thence Northeasterly along said shoreline, a distance of 508 feet more or less to the intersection with a line bearing North 88 degrees 33 minutes 01 seconds West (assuming the East line of the Southeast Quarter of said Section 1 bears South 00 degrees 40 minutes 23 seconds West) from the East Quarter corner of said Section 1, said line also being the North line of said Government Lot 5 according to the monumentation of SUNSET POINT, a duly recorded plat on file and of record in the office of the County Recorder, Wright County, Minnesota, thence South 88 degrees 33 minutes 01 seconds East along said North line of Government Lot 5, a distance of 910 feet, more or less, to the Northeast corner of said Government Lot 5, said Northeast corner being 3978.56 feet West of said East Quarter corner as measured along the East-West Quarter line of said Section 1; thence South 00 degrees 26 minutes 43 seconds West along the East line of said Government Lot 5, a distance of 1319.38 feet to the Northeast corner of said Government Lot 6; thence continue South 00 degrees 26 minutes 43 seconds West, along the East line of said Government Lot 6, a distance of 904.57 feet to the Northerly line of the plat of INDIAN POINT as monumented and occupied, according to the plat thereof on file and of record in the office of the County Recorder, Wright County, Minnesota; thence North 88 degrees 25 minutes 16 seconds West along said Northerly line, a distance of 8.68 feet; thence North 43 degrees 40 minutes 28 seconds West, along said Northerly line, a distance of 48.66 feet to the most Northerly corner of said INDIAN POINT; thence South 01 degrees 19 minutes 32 seconds West along the Westerly line of said INDIAN POINT, a distance of 122 feet more or less, to the shoreline of Indian Lake; thence Westerly and Southerly along said shoreline to the South line of said Government Lot 6; thence Westerly along said South line of Government Lot 6 to the point of beginning. Except therefrom that part platted as SUGAR HIGHLANDS and SUGAR HIGHLANDS 2ND ADDITION, according to the plats thereof on file and of record in the office of the County Recorder, Wright County and except that part of said Government Lot 6 platted as INDIAN LAKE HEIGHTS.

SURVEYOR NOTES:

Only the property depicted on this Preliminary Plat is proposed to be re-zoned. Upon approval of the Preliminary Plat, a legal description for the proposed plat area will be created and recorded.

VICINITY MAP

SECTION 1, TOWNSHIP 121, RANGE 27 WRIGHT COUNTY, MINNESOTA



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.
DRAWN M.L.H.
CHECKED P.E.O.
HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Paul E. Otto
DATE: _____
LICENSE NO. 40062

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763) 682-4727
Fax: (763) 682-3522

MAPLE KNOLL AT SUGAR LAKE
John Bishop
WRIGHT COUNTY, MN

PROJECT NO: 1-11-0094
PRELIMINARY PLAT
SHEET NO. 1 OF 2 SHEETS
DATE: 8/9/12



Parcel ID	206000013200	Alternate ID	n/a	Owner	JOHN M BISHOP REVOCABLE TRUST
Sec/Twp/Rng	1-121-27	Class	101 - AGRICULTURAL	Address	JOHN M BISHOP TRUSTEE 558 LAKESHORE CIR PO BOX 389 ANNANDALE, MN 55302
Property Address		Acreage	70.14		

District: n/a

Brief Tax Description: Sect-01 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 70.14 AC GOV LTS5&6EX TR DES BEG AT PT ON S LN OF SD LT6WH SEC LN INT/SEC INDIAN LK TH NLY FOL TH LK253FT TH DUE N TO RD32FT TH SWLY ALG RD540FT TO SEC LN TH E ALG SEC LN424FT TO POB ALSO EX TR BEG COR STAKE OF NE COR OF MAPLE VILLA PLAT TH S193FT TH E90D300FT TH N90D278FT TH NW120D110FT TO MEANDER LN OF SUGAR LK SHR TH ALG SHRLN TO POB ALSO EX TR BEG AT PT209FT S&16FT E OF NE COR OF MAPLE VILLA PLAT TH S50FT AT90D TH E284FT AT90D TH N50FT AT90D TH W284FT TO POB&EX TR DES IN BK221-593EX TR DES ON DOC540862EX TR DES ON DOC540863

(Note: Not to be used on legal documents)

STAFF REPORT

Application: Variance to dedicate a public road as part of a subdivision request to serve three lots with a 33 foot right-of-way (min. 66 foot required) and a 16 ft road surface (min. 24 ft required).

Applicant: John Bishop

Agenda Item: 4(d)

Background Information:

- Location:**
 - Property Address: None (north end of Hart Avenue extending north of 110th St NW)
 - Sec/Twp/Range: 1-121-27
 - Parcel Number(s): 206000013200
 - Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake) for the portion of land to be subdivided. The remainder of the land is zoned General Agriculture (AG).
 - Proposal:** The applicant is requesting that they be allowed to dedicate only enough land to allow for a 33 ft public road easement (66 ft required) and a 16 ft road top (24 ft required). They are requesting this largely due to the fact that the existing road leading into the property is only about 16 feet wide and there is only a 16.5 public road right-of-way along a portion of the length and 33 ft easements for the remainder (until it reaches the proposed lots). The proposed road would end in a cul-de-sac.
 - Requested Variance(s):**
 - Building setback (septic system): Dedicate a public road as part of a subdivision request to serve three lots with a 33 foot right-of-way (min. 66 foot required) and a 16 ft road surface (min. 24 ft required).
-

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6.Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township Subdivision Ordinance

1.10 Variances.

1. **Board of Adjustment and Appeals.** The Corinna Township Board of Adjustment and Appeals shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this ordinance, in cases when there are practical difficulties or particular hardships. With the application for a variance, the applicant has the burden of describing the hardship which exists that justifies the variance. Hardship in the granting means:
 - a. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
 - b. The plight of the landowner is due to circumstances unique to his/her property not created by the landowner.
 - c. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owner or owners in the same area.

- d. The variance, if granted, will not alter the essential character of the locality.
 - e. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.
 - f. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
2. **Conditions.** The Board of Adjustment and Appeals may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.

Staff Findings: The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1) Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?

- a) **Needs discussion.** The spirit and intent of the Subdivision Ordinance's requirement for a 66 ft road right-of-way and a 24 ft road top is to ensure that "public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.

The applicant is requesting the reduced right-of-way and road top so as to match with the existing conditions of the road leading into the property and existing easements. They also feel that the requested widths are adequate to serve the three proposed lots on a dead-end road that is unlikely to be extended in the future. Finally, they note that a wider road top and right-of-way would impact wetlands, slopes and woods unnecessarily.

2) Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

The Comprehensive Plan does not directly address issues related to right-of-way and road widths for new subdivisions. However, several general goals within the Comprehensive Plan apply indirectly to the proposal. They include:

- Ensure that any land use regulations adopted by Corinna Township meet the goals of the Comprehensive Plan and are understandable, fairly applied, and implemented in a clear, consistent manner.

Staff Comment: Allowing the lesser road width and right-of-way would be inconsistent with past practice and arguably not meet the above goal. However, if specific reasons related to the site and area justify a variance, it could be granted in a way that does not set a precedent and that would not necessitate granting similar variances in other locations.

- Protect, preserve, and enhance lake water quality.
 - Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

Staff Comment: The lesser road width and right-of-way would require less grading of the land in a shoreland area and would allow for more land to help infiltrate, filter and treat water before entering Sugar Lake.

- Encourage preservation of productive farm operations.
 - Require developments that may occur in or near productive farmland to design subdivisions in a way that preserves the greatest amount of productive farmland for continued agricultural use.

Staff Comment: The lesser road width and right-of-way would help reduce the amount of land that would be taken out of productive farm use.

3) Is the proposed use of the property reasonable?

Needs discussion. The requested variance would allow for a three-lot subdivision to be served by a 33 ft right-of-way and 16 ft road top. There are many other areas of the township where similar widths are in place and those roads serve many more homes. However, modern subdivision practices seek wider widths so as to prevent problems with accessibility for public facilities and utilities.

4) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Needs discussion. The request for the variance mostly has to do with the existing conditions in the area – where existing roads leading to the property are of similar width than what is being requested. There are also some topographic and wetland limitations that make construction of a full road more costly and would disturb more land.

5) Will the variance, if granted, alter the essential character of the locality?

No. The area is already served by a road and right-of-way that is similar to what is being requested.

6) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

No. The existing conditions in the area and the topography of the land are factors involved in the variance request.

7) **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

Yes. It would seem possible to require a full 66-foot right-of-way while still allowing for a lesser road width to what is actually built. This would allow for potential future expansion of the road, more space for utilities, etc... should they ever become necessary. If they do not become necessary, there is no need to disturb the existing topography or wetlands just because they would be within a public right-of-way.

8) **Will the granting of the variance adversely affect the environmental quality of the area?**

Needs discussion. The lesser road width would likely help maintain environmental quality by avoiding the introduction of more impervious surfaces.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request, or table the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Staff has hesitations with granting the requested variances - especially the variance to the right-of-way width. It is difficult to predict in the future what will be needed within the right-of-way to serve the homes along this road - or some possible extension of the road in the future. As such, it would seem wise to require the full 66-foot right-of-way at this time.

There seems to be more justification for allowing a lesser road top given the conditions of the existing road leading into the proposed subdivision. Since road plows, emergency service vehicles, etc... would already need to navigate the lesser road with leading in, and because the proposed subdivision involves only three additional lots, and because it would be consistent with several Comprehensive Plan goals, it seems defensible to allow for a lesser road width. However, Staff would caution that granting such a variance will likely set a precedence that the Township should carefully consider before granting.

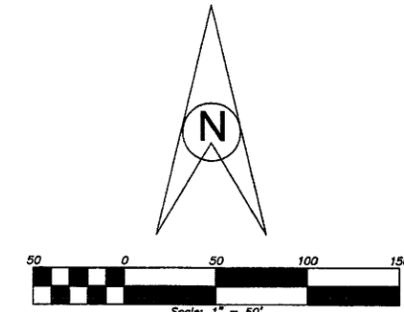
SUGAR LAKE
O.H.W.L. = 988.1 according to the MN DNR
top of water on 7/20/12 = 988.25

OWNER:
JOHN BISHOP
PO BOX 389
ANNANDALE, MN 55302

EXISTING ZONING = AG
PROPOSED ZONING = R-1-SHORELAND

LEGEND

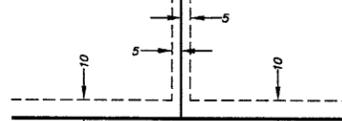
- denotes woods
- denotes existing contour
- x 1021.8 denotes existing spot elevation
- denotes culvert
- denotes building setback line
Front - 65' from centerline
Side - 15'
OHWL - 75'
- denotes proposed primary septic area
- denotes proposed alternate septic area



PLAT AREA TO OHWL = 10.6± ACRES

NOTE: WETLANDS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES COMPANY.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 5 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

That part of Government Lot 5 and that part of Government Lot 6 of Section 1, Township 121, Range 27, Wright County, Minnesota, described as follows:

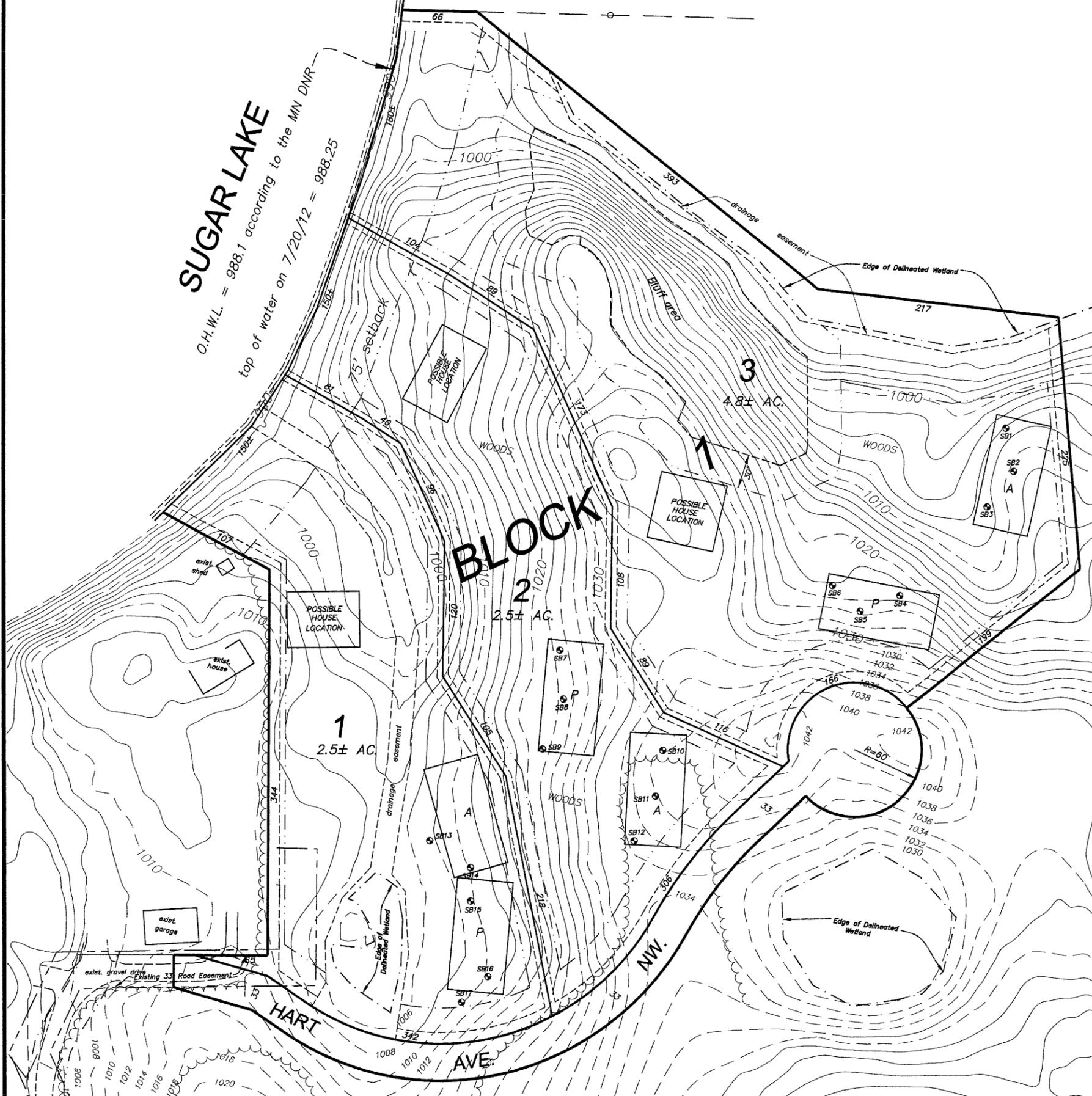
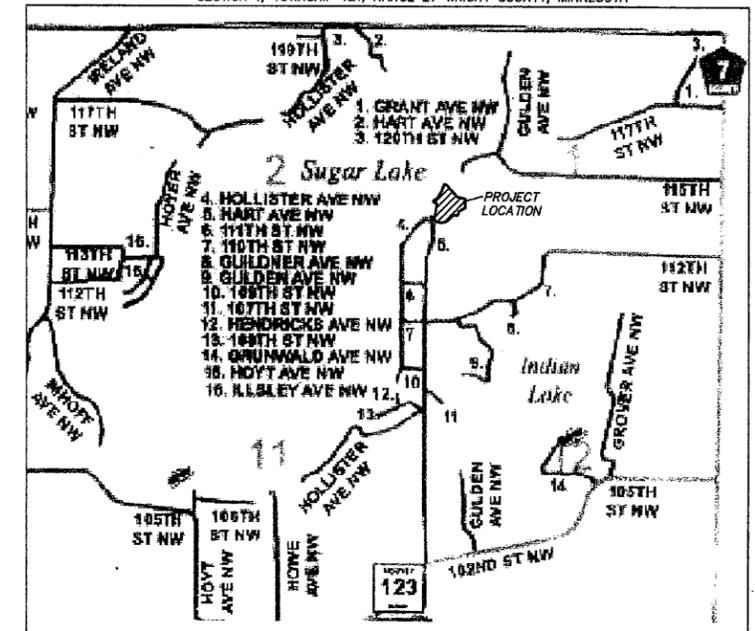
Beginning at the Southwest corner of said Government Lot 6; thence North 00 degrees 20 minutes 11 seconds East, assumed bearing, along the West line of said Government Lots 5 and 6, a distance of 1780.74 feet; thence South 36 degrees 57 minutes 43 seconds East, a distance of 138.48 feet; thence Northerly along a non-tangential curve, concave to the East, having a radius of 129.66 feet and a central angle of 25 degrees 56 minutes 23 seconds, a distance of 58.70 feet; the chord of said curve bears North 18 degrees 12 minutes 16 seconds East, distant 58.20 feet; thence North 31 degrees 10 minutes 27 seconds East, tangent to said curve, a distance of 41.10 feet; thence Northerly along a tangential curve, concave to the West, having a radius of 54.94 feet and a central angle of 21 degrees 44 minutes 27 seconds, a distance of 20.85 feet; thence South 89 degrees 39 minutes 49 seconds East, a distance of 170.09 feet; thence North 00 degrees 20 minutes 11 seconds East, a distance of 344.00 feet; thence North 61 degrees 38 minutes 59 seconds West, a distance of 106 feet, more or less, to the shoreline of Sugar Lake; thence Northeasterly along said shoreline, a distance of 508 feet more or less to the intersection with a line bearing North 88 degrees 33 minutes 01 seconds West (assuming the East line of the Southeast Quarter of said Section 1 bears South 00 degrees 40 minutes 23 seconds West) from the East Quarter corner of said Section 1, said line also being the North line of said Government Lot 5 according to the monumentation of SUNSET POINT, a duly recorded plat on file and of record in the office of the County Recorder, Wright County, Minnesota, thence South 88 degrees 33 minutes 01 seconds East along said North line of Government Lot 5, a distance of 910 feet, more or less, to the Northeast corner of said Government Lot 5, said Northeast corner being 3978.56 feet West of said East Quarter corner as measured along the East-West Quarter line of said Section 1; thence South 00 degrees 26 minutes 43 seconds West along the East line of said Government Lot 5, a distance of 1319.38 feet to the Northeast corner of said Government Lot 6; thence continue South 00 degrees 26 minutes 43 seconds West, along the East line of said Government Lot 6, a distance of 904.57 feet to the Northerly line of the plat of INDIAN POINT as monumented and occupied, according to the plat thereof on file and of record in the office of the County Recorder, Wright County, Minnesota; thence North 88 degrees 25 minutes 16 seconds West along said Northerly line, a distance of 8.68 feet; thence North 43 degrees 40 minutes 28 seconds West, along said Northerly line, a distance of 48.66 feet to the most Northerly corner of said INDIAN POINT; thence South 01 degrees 19 minutes 32 seconds West along the Westerly line of said INDIAN POINT, a distance of 122 feet more or less, to the shoreline of Indian Lake; thence Westerly and Southerly along said shoreline to the South line of said Government Lot 6; thence Westerly along said South line of Government Lot 6 to the point of beginning. Except therefrom that part platted as SUGAR HIGHLANDS and SUGAR HIGHLANDS 2ND ADDITION, according to the plats thereof on file and of record in the office of the County Recorder, Wright County and except that part of said Government Lot 6 platted as INDIAN LAKE HEIGHTS.

SURVEYOR NOTES:

Only the property depicted on this Preliminary Plat is proposed to be re-zoned. Upon approval of the Preliminary Plat, a legal description for the proposed plat area will be created and recorded.

VICINITY MAP

SECTION 1, TOWNSHIP 121, RANGE 27 WRIGHT COUNTY, MINNESOTA



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.
DRAWN M.L.H.
CHECKED P.E.O.
HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Paul E. Otto
DATE: _____
LICENSE NO. 40062

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763) 682-4727
Fax: (763) 682-3522

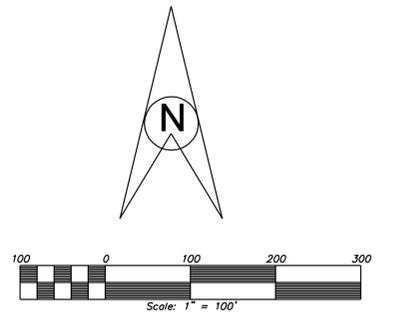
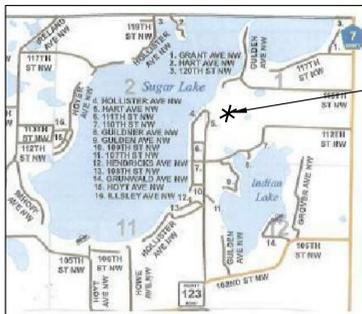
MAPLE KNOLL AT SUGAR LAKE
John Bishop
WRIGHT COUNTY, MN

PROJECT NO: 1-11-0094
PRELIMINARY PLAT
SHEET NO. 1 OF 2 SHEETS
DATE: 8/9/12

Concept Plan



VICINITY MAP



PID NO: 206000013200

Total Property Area - 70.1± Acres

Existing Zoning = AG

Proposed Zoning = Res Large Lot (lakeshore)
AG (remainder)

Wetlands delineated by Kjolhaug Environmental Services Company
Topography from Wright County LIDAR

NOTE:

ROAD EASEMENT TO BE DEDICATED TO CORINNA TOWNSHIP.
HOWEVER, EXISTING ROAD TO REMAIN "AS IS" AND NEW DRIVEWAY
WILL BE CONSTRUCTED TO THE EAST.

- denotes iron monument found
- denotes iron pipe set and marked as shown: OTTO-14343
OTTO-40082
- ⊕ denotes soil boring
- ⊙ denotes percolation test hole

Concept Plan on part of
Gov't Lots 5 & 6 in
Section 1, Township 121,
Range 27, Wright County,
Minnesota.

Requested By:

John Bishop

Date:
11/29/11

Drawn By:
C.S.O.

Scale:
1"=100'

Checked By:
P.E.O.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul E. Otto
Date: _____ License # 40062



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

Revised:

Job No.
1-11-0094

STAFF REPORT

Application: Land Alteration/Conditional use permit for the movement of approximately 5,000 cu yds of earth to create an amphitheater and handicap accessible walkways and paths leading to the lakeshore.

Applicant: Friendship Ventures (Camp Friendship)

Agenda Item: 4(e)

Background Information:

- Location:**
 - **Property Address:** 10509 – 108th Street NW, Annandale
 - **Sec/Twp/Range:** 8-121-27
 - **Parcel Number(s):** 206000081302 and 206000081203
- Zoning:** General Agriculture (AG) / Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake).
- Lot size:** Approximately 17.6 acres total (between two parcels) on the south side of 108th Street NW.

Existing Impervious Coverage:

- Total: About 26.2% according to applicant's calculations

Proposed Impervious Coverage:

- Total: In recent months the applicant has removed several areas of existing impervious surface. Partially, this was to account for the added impervious surfaces related to two structures recently constructed. More impervious was removed than was necessary to account for these new structures however, and the applicant has identified additional areas that they would remove to account for the new impervious added by the proposed amphitheater and walkways. The net result would be a reduction in impervious coverage, but not to a point where it is below the required 25%.
- Septic System Status:** County staff has previously noted that the system on this property is considered compliant. However, the applicant is proposing the removal of an existing drainfield where the amphitheater and walkways would be located. This drainfield is currently serving two bathrooms in the lower level of a building and the applicant intends to redirect this sewage to another existing drainfield that is sized adequately to handle the additional sewage.
- Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: The property contains steep slopes, but does not appear to contain a bluff.

Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

- **Proposal:** The applicant is proposing to move approximately 5,000 cubic yards of material as part of a project to create a series of handicap accessible pathways and sidewalks, patio areas and an amphitheater. The area is being designed so as to better manage stormwater flow and slow it down before entering the lake.
- **Requested Conditional Use:**
 - The extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts (about 5,000 cubic yards is proposed to be moved).

Applicable Statutes/Ordinances/Court Decisions:

505. CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

728. LAND ALTERATIONS

728.1 Permit Required

- (1) A Land Alteration Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and

proposed development, uses and enjoyment of any property in the County.

- (2) Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts and in excess of five hundred (500) cubic yards in all other districts except drain tiles and ditch cleaning in agricultural areas. Such substantial alteration shall require a conditional use permit.
- (5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.
- (6) A Land Alteration Permit shall be valid for a period of six (6) months from the date of issue. A Land Alteration Permit shall be administered in the same manner as a Conditional Use Permit.

728.2 Requirements

Before the issuance of a Land Alteration Permit or an Administrative Land Alteration Permit, it must be established that all of the following conditions are met. These conditions must also be adhered to during the issuance of construction permits, permits, conditional use permits, variances and subdivision approvals:

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;

- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- (8) Fill or excavated material must not be placed in bluff impact zones;
- (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

Staff Findings: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?

Needs discussion. The potential impact of the grading of the hill/bluff on this property on neighboring properties would come primarily from the potential for increased erosion/sedimentation during or after the project. Any negative impacts would be to the lake, not directly to neighboring properties.

The other potential concern would be noise from the activities in the area of the improvement, including the new amphitheater. However, the applicant states that the amphitheater and the rest of the project will not be changing or intensifying how the property is used now – only making it more handicap accessible. They do not expect any increase in noise beyond what already exists.

2) Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?

No. The project will have very little, if any, impact on the ability of nearby properties to develop in an orderly fashion. It will not impact traffic flows nor change how existing properties are laid out.

3) Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?

Yes. The proposed project will have very little impact on existing facilities. The main impact would be on area roadways from trucks hauling in/out material. So long as seasonal road restrictions and weight limits are observed, there should not be any unusual impact.

4) Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?

Yes. The project will not create any additional need for off-street parking, as it is not intensifying the existing use of the property.

5) Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?

Needs discussion. The Corinna Township Comprehensive Plan does address issues related to fill - particularly in shoreland areas. The Wright County Comprehensive Plan states "Development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface."

The Corinna Comprehensive Plan has a map indicating "Erodibility Potential". This property is listed as having a "potentially erodible land." Any land alterations that take place on this lot would have to take this into account and implement proper precautions.

The Corinna Comprehensive Plan also states the following as strategies to "protect, preserve, and enhance lake water quality":

Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.

Staff Comment: The applicant has indicated that they would be installing silt fence and other erosion control practices for temporary erosion control. Permanent erosion control would be achieved by planting grasses and shrubs in the hillside and various other design features being implemented.

Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.

Staff Comment: See comment directly above.

Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.

Staff Comment: See comment above.

Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

Staff Comment: The proposal will involve moving approximately 5,000 cubic yards of soil. Most of this will be taking place in a steep slope draining directly into the lake and proper care will need to be taken to prevent erosion or washouts.

6) Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?

Yes. The proposed project would not be expected to create any long-term or ongoing nuisance such as are listed above.

7) **Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**

Staff's primary concerns with this application are:

1. That proper erosion control measures be taken during and after construction to prevent erosion or sedimentation into the lake.
2. Ensuring that the end result of the project is no net increase in impervious surfaces. The applicant has requested that some of the existing impervious planned to be removed be allowed to remain until after the project is completed (so that they can use the roadways, etc..) and then removed shortly thereafter. Staff is not opposed to this, so long as there is a clear deadline.

Planning Commission Direction: The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: Staff would recommend the Commission consider any comments or suggestions regarding the proposal from the Wright County Soil and Water Conservation District (SWCD). If after considering such comments, the Commission feels that the work can be completed in a manner that meets the conditions required for a conditional use permit, the permit could be granted.

If the application is approved, Staff would recommend the following conditions:

1. The applicant should submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation. Once approved, the plan should be implemented when the grading work is completed.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences and/or erosion "logs" on downslope areas and erosion control blankets on all exposed areas with a slope greater than 12 percent. All forms of erosion and sediment control must be kept in place until vegetation is re-established.
3. The redirection of sewage from the drainfield to be removed to another existing drainfield must be reviewed and approved by the Township/Wright County.
4. The net result of the project must be no net increase in impervious surfaces as compared to what existed prior to the recent gazebo and Thomson Hall projects.

The applicant need not meet this condition until 60 days after the completion of the lakeshore accessibility project authorized by this conditional use permit - or May 31, 2013 - whichever comes first. Once areas have had the impervious surface removed and grass has been planted, this condition will be considered to have been met.

**CORINNA TOWNSHIP
LAND ALTERATION APPLICATION**

Name of Applicant Friendship Ventures Phone 952-852-0101

Property Address (E911#) 10509 108th Street Annandale MN, 55302

Mailing Address _____ Local Phone _____
(if different than above) *(if different than above)*

City, State, Zip Annandale MN 55302

Applicant is: _____ Title Holder of Property *(if other than applicant)*

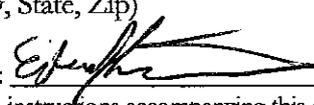
Legal Owner _____
(Name)

Contract Buyer _____
(Address)

Option Holder _____
(City, State, Zip)

Agent _____

Other _____

Signature of Legal Owner, authorizing application (required):  Edward J. Strake
President & CEO
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Legal description of property involved in this request (attach separate sheet, if necessary):

Attached

Property ID # 206000081203 Zoning District AG-S2
(12 digit # beginning with 206)

Land Alteration to Include (check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Re-grading/shaping of existing soil | <input type="checkbox"/> Installation of rip-rap |
| <input checked="" type="checkbox"/> Bringing in new soil or other fill material | <input type="checkbox"/> Installation/Replacement of stairs |
| <input checked="" type="checkbox"/> Removing soil or other material from the site | <input type="checkbox"/> Work in a bluff (30% slope, 25 ft rise) |
| <input checked="" type="checkbox"/> Installation of retaining walls | <input type="checkbox"/> Work in a steep slope (12% slope) |
| <input type="checkbox"/> Other _____ | |

Note: A Land Alteration Permit may also required from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such

alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.

1. What is the purpose of the proposed project?
Storm water detention and pedestrian walkway reconfiguration
(to resolve accessibility issues because there is a federal mandate for us to provide accessible facilities)
2. How many cubic yards of earth and other erodible material will be moved around on the site (do not include rock rip-rap over 6 inches in diameter, retaining wall block/wood, or other construction materials)?
Rough grading anticipated is at least 1,100 cubic yards
Diverse cuts and fills could be up to 5,000 cubic yards
3. How many cubic yards of non-erodible material will be moved on the site (i.e. rip rap), if any?
Zero Intended. Heavy rain events during construction could necessitate the use of up to 20 cubic yards of rip rap to assure water quality.
4. What are the approximate dimensions of the area that will have exposed soil that could erode during a heavy rainstorm?
 - Width: approximately 150 feet
 - Length: Approximately 150 feet
 - Depth: Approximately 150 feet
5. What temporary erosion/sedimentation control practices will you use while the work is being completed (i.e. silt fences, check dams, erosion control blankets, etc...)?

Silt Fence at the downward lower perimeter of the site where water flows. We will use compost logs at the edge of all open excavations. Open excavations and stockpiles will be blanketed or covered with straw each night.

6. How will the disturbed area be re-vegetated or otherwise stabilized so that there is not an erosion potential after the work is completed?

Blue Grass Seed with a cover of Straw , and sod wherever possible.

7. Please state any other relevant information.

We intend to remove the complete extent of a long time septic drain field and make full erosion free restoration of the landform using sod wherever possible. The intended landform is that of an amphitheater with surface water treated on site.

8. Attachments:

- a. A **sketch** indicating the following:
 - i. Location of lake or river
 - ii. Approximate property boundaries
 - iii. Location of existing buildings, stairways, decks, boathouses and other structures on the property
 - iv. Location of proposed land alteration
 - v. Show where erosion control measures will be installed during construction
 - vi. Show any permanent erosion control measures, if applicable (i.e. retaining walls, swales, etc...)
 - vii. Indicate the slope/topography of the site before and after the proposed project. A hand drawn sketch is sufficient for most situations.
 - viii. Indicate location of any other landscaping features that are part of the project (i.e. retaining walls, native planting areas, trees/shrubs, etc...)
- b. **Photos** of the project site, before any work has been completed. Photos may also be e-mailed to clerk@corinnatownship.com.
- c. When determined necessary, **topographic contours** at 2 foot intervals and source of contour interval, unless approved otherwise by the Zoning Administrator. A contour map of the surrounding properties may also be required. 2-foot contour maps can be obtained for a small fee from the Wright County Surveyor's Office (763-682-7690) which may be sufficient for some applications. Detailed topographic surveys may be required by the Zoning Administrator if necessary to determine compliance with bluff setbacks or other relevant requirements of the Zoning Ordinance. You may request that the Surveyor's office e-mail a PDF copy of the contour map (with aerial photo) to clerk@corinnatownship.com.

FRIENDSHIP VENTURES



Where new friends and new experiences enrich lives

September 5, 2012

Corinna Township Officials
Attn: Ben Oleson
9801 Ireland Ave NW
Annandale, MN 55302

This letter is in response to your email received on September 4, 2012, requesting additional information about the proposed use of the outdoor amphitheater that is part of our lakefront accessibility project.

The proposed amphitheater is not designed to increase activity on the lakefront, but simply to enhance the accessibility of the area for our end-of-session programs for campers (typically Friday afternoons during the summer). We currently use this area on nice days for these special programs but the inaccessibility makes it difficult to give everyone easy access to the area. We do not anticipate any increase in noise levels beyond existing programs.

Friendship Ventures, a nonprofit organization has been providing life changing programs for children and adults with disabilities since 1964. The project will enhance our ability to better serve our clients in existing programs and improve erosion control.

We look forward to beginning this project. Please let me know if you have any other questions.

Kindest regards,

Ed Stracke
President & CEO

MAIN OFFICE:

Camp Friendship
10509 108th St. NW
Annandale, MN 55302

TWIN CITIES:

Eden Wood Center
6350 Indian Chief Road
Eden Prairie, MN 55346

NORTHERN MINNESOTA:

Camp New Hope
53035 Lake Avenue
McGregor, MN 55760

952-852-0101 *metro*

800-450-8376 *toll free*

952-852-0123 *fax*

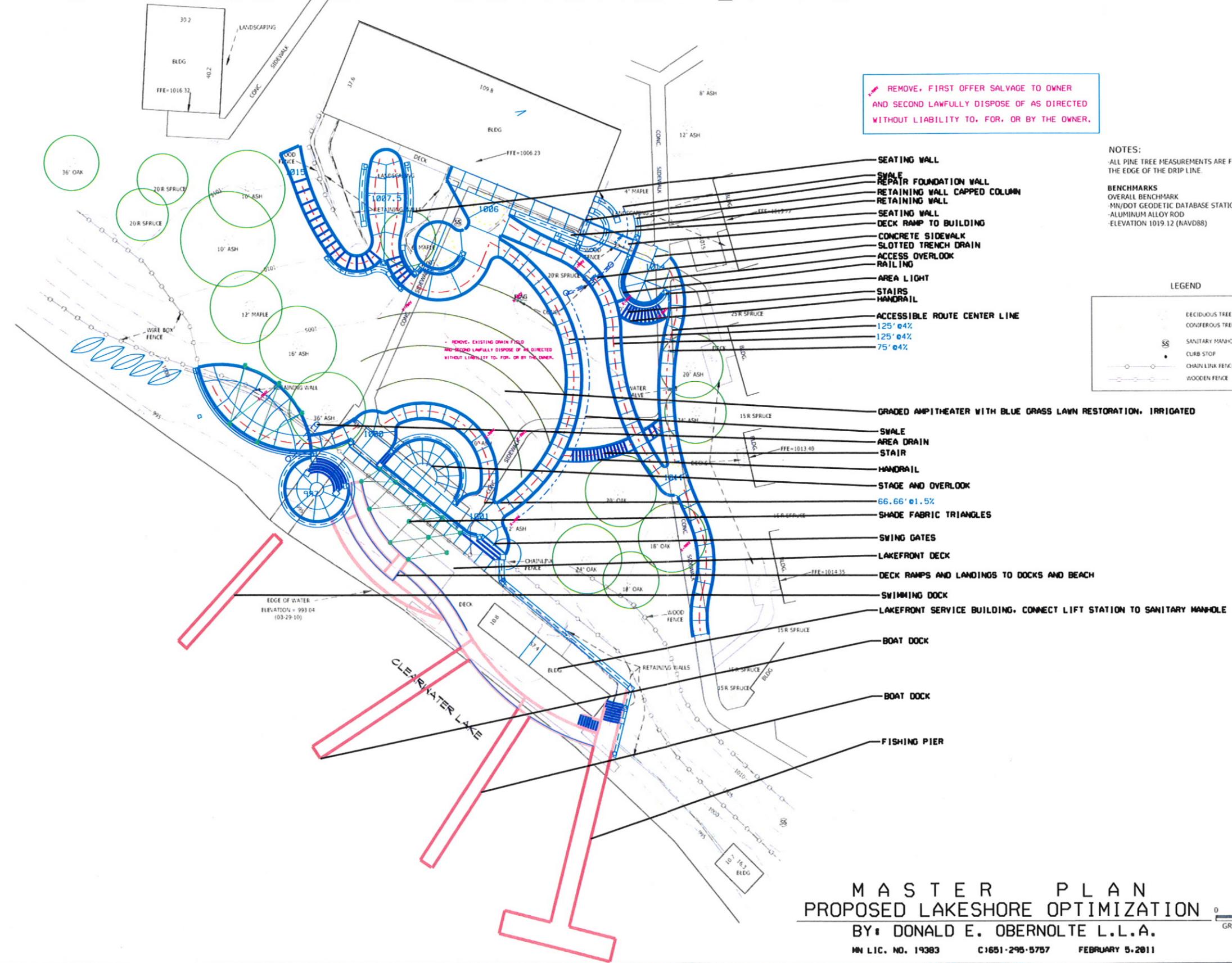
www.friendshipventures.org

DATE	REVISION

DATE: 03-29-10
LIC. NO. 42621
SIGNATURE: DANIEL M. KRON
PRINT NAME: DANIEL M. KRON

TOPOGRAPHIC SURVEY

PROPOSED LAKESHORE OPTIMIZATION



REMOVE, FIRST OFFER SALVAGE TO OWNER
AND SECOND LAWFULLY DISPOSE OF AS DIRECTED
WITHOUT LIABILITY TO, FOR, OR BY THE OWNER.

NOTES:
ALL PINE TREE MEASUREMENTS ARE FROM TRUNK TO THE EDGE OF THE DRIP LINE.

BENCHMARKS
OVERALL BENCHMARK
MN/DOT GEODETIC DATABASE STATION = 36364
-ALUMINUM ALLOY ROD
ELEVATION 1019.12 (NAVD88)

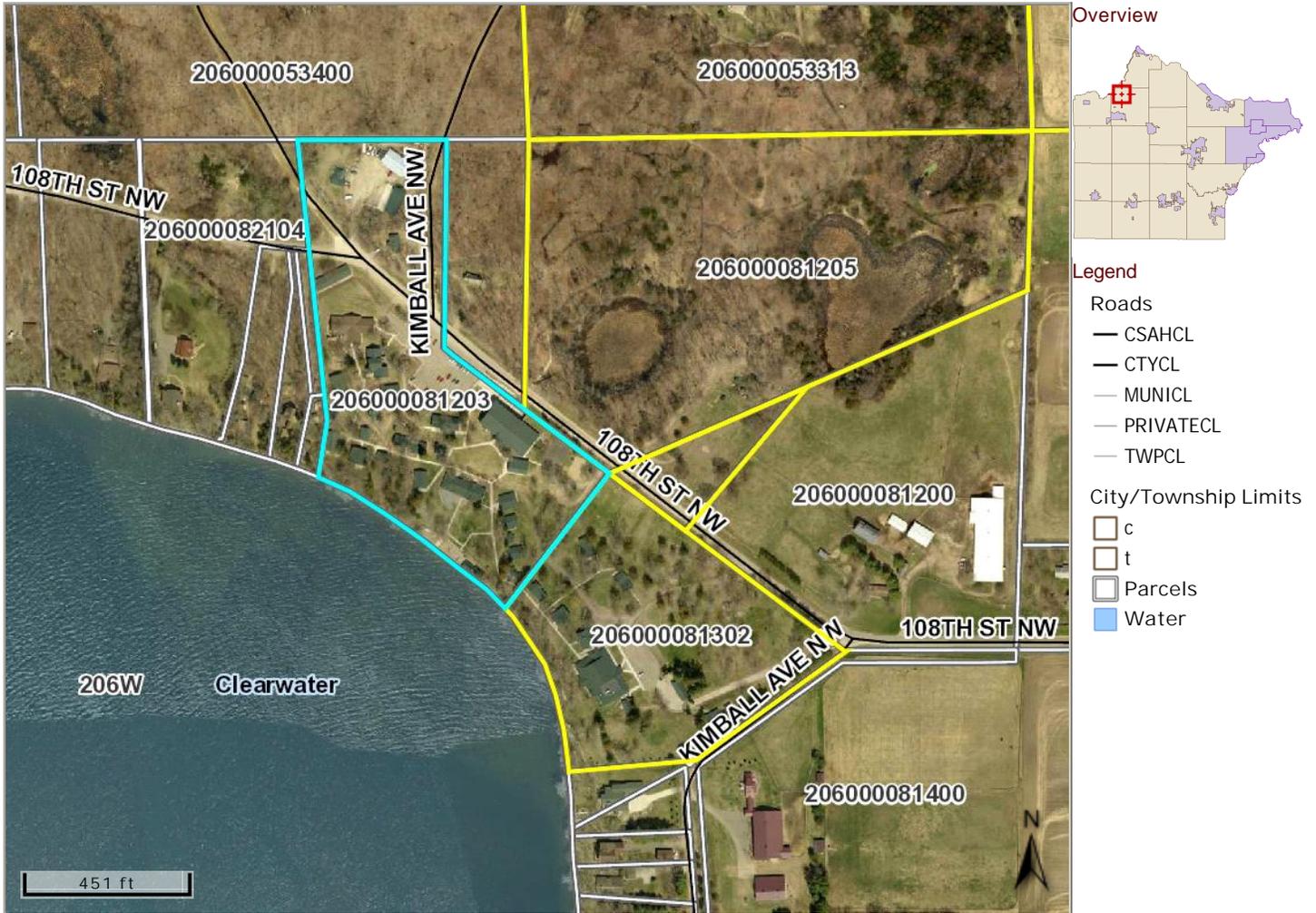
LEGEND

- DECIDUOUS TREE
- CONIFEROUS TREE
- SANITARY MANHOLE
- CURB STOP
- CHAIN LINK FENCE
- WOODEN FENCE

MASTER PLAN
PROPOSED LAKESHORE OPTIMIZATION
BY: DONALD E. OBERNOLTE L.L.A.
MN LIC. NO. 19383 C:651-295-5757 FEBRUARY 5, 2011

GRAPHIC SCALE IN FEET

T:\3410\3410100020\CAD\DWG\341010002XSXT.dwg 3/30/2010 11:42 AM



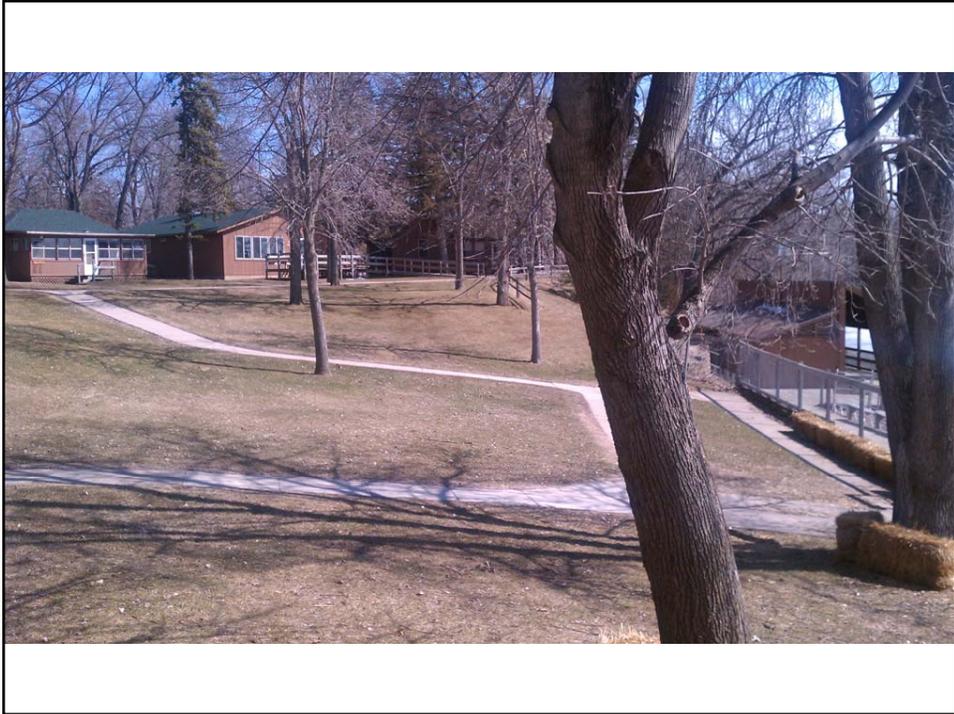
Parcel ID	206000081203	Alternate ID	n/a	Owner Address	CAMP FRIENDSHIP INC
Sec/Twp/Rng	8-121-27	Class	931 - CHARITABLE INSTITUTES		10509 108TH ST NW
Property Address	10509 108TH ST NW	Acreage	12.20		ANNANDALE, MN 55302
	ANNANDALE				

District n/a

Brief Tax Description Sect-08 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 12.20 AC TR B AS DES TH PRT OF GOV LT3<2DES COM AT PT ON N LN OF LT3 214.5FT W OF NE COR TH W ALG N LN396.5FT TH 96D L742.34FT TH 15D08'R155FT M/L TO SHR OF CLEARWATER LK TH SELY ALG SHR LN600FT M/L TO PT85FT W OF SE COR OF LT3TH NELY ALG NWLY LN OF ELC PROP TO CTR LN OF TWN RD TH NELY ALG CTR LN550.14FT TH N524.7FT TO POB

(Note: Not to be used on legal documents)

Last Data Upload: 8/31/2012 1:12:38 PM





Corinna Township
Board of Adjustment/Planning Commission
8-30-2012

Dear Board,

Our lake home is located three lots from Camp Friendship and they have been good neighbors. However, I do have concerns with the proposed amphitheater. How big? For what uses? Bands/concerts? Night events? Noise levels? A small amphitheater for 25 people would be fine. But a large structure that hosts events with music would threaten our quiet neighborhood environment. Please consider these issues at the public hearing.

Sincerely, 

Tim Schneeweis
10639 Kimball Ave. NW
Annandale, MN