

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

7:00 PM

1. Call to Order: Charlotte Quiggle called the meeting to order at 7:00 PM.
2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (chair); Dan Shay (Vice-Chair); Larry Smith; Lee Parks; Barry Schultz

Absent: Steve Huff

Others in Attendance: Cynthia Westhoff; Dale Westhoff; Dale Rasmusson; John Dearing; Dick Naaktgeborn; Lisa Ramme Latterell; Dale Gustafson; Paul Mielke; Jan Dixon; Stan Hillstead; Chad Stenson; John Bishop; Stephen Berg; Paul Otto

3. Additions or Deletions to the Agenda: The public hearing for Gerald and Janet Schaefer has been postponed at the request of the applicant until the October meeting of the Corinna Planning Commission. A motion by Smith, seconded by Schultz, to approved the agenda as amended. Motion carried unanimously.

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

Quiggle read the request.

Mielke: What we did is made an error and used the inside dimensions of garage when I was turning in my dimension which were 19' x 22'. So now after they recalculated them they went to whatever they are now which is 22' x "something" which puts us under the 10 foot on two sides. We are already approved for under 10 foot. We were approved for 4 foot something on the right side, but not 4 foot on the left side. Now it is going to be 4 foot 6 inches on both sides rather than just the one side - which Bernie Miller agreed to. He said that's fine the tanks are new and that's not a problem just the same qualifications to inspect the tanks after you're done to make sure there aren't any problems, if there are we agreed we will replace the tanks. It's basically the same thing it's just under the 10 foot on two sides rather than just one side.

Quiggle: If you had to replace a tank for any reason would you then move them so that they could be further away?

Mielke: You might be able to scoot them in a little closer to the driveway. The driveway is to the left which would be most likely and you probably could because you wouldn't want to move the main tank which has the lift station in it, but the two lower ones close to this addition you could

maybe turn those out. If they were bad and we had to yes we would turn them. We'd turn them straight then farther to the side. It's interesting that they have them aligned like that anyway. Oleson: When they submitted their application to actually build the garage that's when we noticed it. Being that it would move it closer to what you guys had approved last time or in July it wasn't something that I could just approve administratively. What we're doing is amending the previous variance.

Quiggle requested public comment.

Schultz: To me this is a place where you ask for forgiveness. Not much you can do or say about it.

Smith: We're moving a couple feet closer than we already approved so I'm okay with it.

Shay: I'm okay with it as long as we keep with the same conditions. Two foot difference isn't going to make that much difference.

Quiggle: I'm pretty much on the same page. I would ask that another condition be put in that should there be an issue with the tanks after their inspected after everything is done and you have to replace anything that then you look at shifting where you can.

Mielke: I agree and we'd just take that tank and just run it straight to the south which would give us more clearance on both corners.

Quiggle: I think this was a good faith error, a mathematical error.

Shay moved and Smith seconded to approved the requested amendment to the variance originally granted in July 2012 as follows: Construct a dwelling addition that will place it within 4 and 4.8 feet from the existing septic tank (min. 10 feet required) with the previous conditions which are 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 storm-water 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 down-slope 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. Motion carried unanimously.

- 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~~

A motion was made by Smith, seconded by Parks, to table the public hearing for Schafer per the applicant's request until the October 9th, 2012 meeting of the Corinna Planning Commission.

(The applicant signed a waiver of the “60-day rule” to allow enough time for the Township to act on the application.) Motion carried unanimously.

- 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

Quiggle read the two Bishop requests aloud (see discussion with variance request (d)). Motion was made by Shay, seconded by Smith to recommend approval of the proposed plat along with the sixteen findings of fact found within staff report starting on page 4(c)-10 and the following conditions: 1. That the applicant dedicates enough land to create a full 66-foot public road right-of-way from 110th Avenue on the south, following the existing north extension of Hart Avenue, and running adjacent to the proposed lots – ending in a cul-de-sac. The Commission notes that an existing 16.5 ft wide public road right-of-way already exists along the southern portion of this area from the Maple Villa plat. 2. That a public road, built to Township standards, be constructed within the dedicated right-of-way as shown on the preliminary plat and preliminary grading plan dated 8/9/2012. The existing road leading from 110th to this area need not be upgraded to Township standards by the applicant. 3. That the applicant installs the storm-water management practices and facilities as stipulated on the submitted plans, or as may be required by NPDES requirements. The Commission acknowledges that the Township will become responsible for the long-term maintenance of the storm-water facilities. The motion carried unanimously.

- 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

Bishop: Basically, I think everybody is on board with what is going on with this procedure. The only thing difference from last year or last winter when I was here is that based on conversation that we had at that time I did approach the county and they rezone the property to R-1. I don't think the concept has changed. I'm back again to discuss concept and hopefully get something ironed out and approved. I had requested that somebody from the township board be here tonight which I appreciate both your being here so if something comes up I didn't want to be going back and presenting something to the township board that sounded self serving. I'd like to have them hear what the discussion was and with that if you have questions of me I'd be happy to answer them. If you have specific questions regarding the actual engineering of the project Paul is here to answer those questions.

Oleson: This is pretty straight forward in terms of what is already described. There are three lots. This is a concept that was presented last fall/winter as part of a rezoning process. This area has been rezoned on the lake. The rest of the 7 acres is still zoned Ag. There is nothing

being proposed for that farmland. We have the three lots here, the road leading into it and I'm going to pull up the concept plan that was presented last fall because it gives a better picture of the whole area. Basically this is the rest of the acreage down here. (visual reference) Hart Ave. coming up here most of the way and there is 16 ½ feet of dedicated road down on this end. The rest of it is an easement at the current time so that is where the road will be coming from leading and leading into the plat where the three lots will be right here. They are proposing the three lots and the road they are asking for to be matching what leads into it instead of the standard road width and right-of-way that new subdivisions have to have. If you recall from our last discussion rezoning, it is very steep in here and there are some drainage issues and we've done some work to address a lot of those concerns that we had. I can answer questions as we go through, too.

Bishop: Nothing has changed regarding my plans for using the property. To further the conversation, it appears as most of the neighborhood prefers me not build the road in there. I have no problem with any restrictions which are put on any building in there until the road is put in. I'm not going to be developing it in the near future. If there is some method by which I can help the lake and the neighborhood and everybody else by not doing and yet having restrictions that the planning and zoning and the township is comfortable with in the fact that nothing can be done with that property until the road is built to whatever specifications is decided then I'll just leave it at that.

Quiggle inquired of any public questions or comments.

Rasmusson: Is that first lot going to be the 180 foot? And then 150 and 150?

Oleson: 150, 150 and 180 (visual reference)

Rasmusson: What about....doesn't Tom Denny own some footage right at the very end there? (visual reference)

Oleson: I'm not sure of the owner. I can check on the website here. What would be the reason?

Rasmusson: I've got the next lot. I got a thing from the city or the government and it says that Tom Denny owns a strip of land right there. It's not big, but he owns around the back there and then he owns most of that swamp right there.

The map shows that Tom Denny owns the strip of land in question.

Rasmusson: How many feet does he have there?

Dearing: That little triangle was actually saved so they could never go straight through with the road.

Naaktgeboren: See the box behind there, too? Where Gulden ends.

Dearing: Denny never wanted the road to go straight through so he saved that.

Oleson: It's about 20 feet or so.

Naaktgeboren: What about the end of that cul-de-sac, that little square there? Is that his too?

That was done essentially so they could never add a road.

Map shows that Tom Denny owns the land in question.

Gustafson: I'm Dale Gustafson from the Sugar Lake Association. Chair of water quality improvement committee and we've been watching this piece of property for a long time. There has been a lot of discussion about it. We're delighted with what we here from Mr. Bishop about his plans for going forward from the lake's perspective and water quality. We think this is about as good as we could expect in terms of what could be a loud on that piece of property and in the last year or so we've had several meetings and a lot of conversations with Bishop we're excited about his concern for doing it in such a way that he can protect the lake. We're in favor of the division and it makes sense that the road is a little smaller. It will also reduce the amount of hard surface and make it a little easier to handle the runoff from there and we're looking forward to seeing a good improvement to what is already somewhat of a problem there because of the agricultural land. It washes off right down through the swale between the lots 1 & 2 and it comes gushing out into the lake with a lot of silt from that cultivated land. Hopefully we can

remedy that in the future, too. But we're in favor of it. We think it is good use of the land that is there. Of course it would be nice to have wilderness all around it, but that isn't happening.

Ramme Latterell: We are the property owners on the other side of the property. My father and my sister also own property adjacent to that. We wrote a letter to county, prior to this meeting, saying that we do support Mr Bishop and his development. We support the 16 foot gravel road and to his point about delaying development of the road if at all possible until the property is ready to be built upon. For the county not having to maintain the road, but also for us not having people going down past our place.

Oleson brought the letter referenced up on the overhead.

Naaktgeboren: I am representing Corinna Township. I don't have a problem with the plat. The plat sounds really good from day one from Mr. Bishop, about a year ago, but the variance for downsizing the right-of-way and the road top I would deny that. The reason for it is Corinna Township has over sixty miles of road. We have a lot of road that are undersized, just like the one coming in up to the Ramme property right now. We have that because years ago the township took over all roads. A lot of townships don't do that. We take over all roads. We maintain all roads. Seven years of maintenance and it's your road. So it's ours. That's why you have 16 ½ foot road, you have a 20 foot road, and you have all different sized right-of-ways all the way down to 20 foot right-of-ways. The township has a hard time with them. You can't maintain them. You can't meet a car on them. The snowplow drivers in the wintertime fight with those roads. It's not good for us. We can't do ditch work. We can't do what we need to do for a road. So that's why we requested early on that Mr. Bishop we needed a sixty-six foot right-of-way at the start of this property to back there and then on the new portion be exempt of the tar which new roads are supposed to have tar, instead we still had to have a 24 foot top for the simple reason that we're right back to square one if you start making it smaller. We have places right next to this on Hollister in Maple Villa that you can barely get through with our equipment. We still have to service them. We have to do all of the work to them. It's a nightmare. We would ask for the denial of the variance.

Quiggle: Do you know how wide Hollister is there at Maple Villa?

Naaktgeboren: 16 ½ feet. It comes in at 20 feet and goes down to 16 ½ feet.

Paul: I believe the 16 ½ is the right-of-way width. I think the road is actually even narrower than that. I know it's tight in there, but just to clarify. Its 12-14 feet wide in that area. We've done a couple surveys in there.

Naaktgeboren: You can't meet a car in a road like that. In the wintertime when those guys are plowing snow it's a nightmare. You go back to March 8th, we had that really wet heavy snow, they needed the whole road to...if the road turns slightly they had to back-up, turn a little bit, back-up, turn a little bit, and that's how tough it was. On a road like that maintenance-wise it gets tough.

Quiggle: Is that currently plowed?

Naaktgeboren: Yes.

Parks: What's your opinion on the 66 feet? (Question directed at Mr. Bishop)

Bishop: I'm not opposed to it, but I guess maybe an easement rather than a whole...That's a lot of property. I don't see how anybody is ever going to be able to...I want to accommodate the township. I understand their concerns, but I don't know how anybody is every going to build a road 66 feet wide or use a 66 foot right-of-way in that area. You're going to be in the swamp on one side and the hill on one side. An easement, if they wanted it, would give them the ability to do if they wanted to, but hey that's a lot of property.

Otto: The only thing with the dedication is that it would separate the remainder of the property. (visual reference) You can see where Hart Ave. goes out so if you have 66 feet and when you're talking a dedication that's Township property so that isn't still John's property with an easement to use it. The dedication would be the Township gets deed of that property so you'd have a

remnant piece in there. Not that it has a whole lot of value to John, but it would be physically separated by the road.

Quiggle: It is going to be separated no matter what.

Otto: Some assessors say you would have the possibility for that to go tax forfeit. I'm not saying that John would do that, but if he ever sold the property to somebody else they may say...because it would have to be a separate PID because it is not physically attached. It's just something that would have to probably be worked out if that is the way the Township would want to go. It is definitely something to consider because we have seen that in the past.

Parks: What if more was deeded to one side?

Otto: You'd still have the same issue.

Parks: Could it solve your problem with the separation?

Otto: No, because the road actually touches the properties on the north and then when you get further on the south it touches again on the west. You can see that road is just right underneath the property line there so you want your 66 feet right up to that property line and then as you come down Hart and you come to the south it touches again on the west side so you're going to create that remnant even if you offset it somehow. There may be ways the township attorney has around that that, I don't know. I'm not an attorney, but I do deal with properties when they get separated like that. Maybe there is a way around that, but I don't know.

Parks: If the road needs to be upgraded, we pretty much need the footage is the issue.

Otto: The difference is more in the technicals of how you would do it. At dedication the township owns the property so that gets taken off the tax roles as the township's property. If it is an easement John still owns the property, but the township has the right to put a road in, to put utilities in, to do whatever when they're dealing with road purposes and utility purposes. But John still owns the property underneath the road.

Schultz: Why is that a plus for John?

Otto: He has more acreage to sell later. He's not having to give that property away. He could sell it as, he's got seventy acres now, you take that out of there that's probably 1 1/2 to 2 acres of land.

Schultz: If he gives the easement and the township decides to build road I don't understand...

Otto: It doesn't change that aspect. It's just mostly value on paper. It would be similar to taking a forty acres parcel that abuts to township roads that's out based off the section it's not in a plat. That right of way on that township road is not dedicated. The township doesn't own that. The property owner owns to the center of the road. The township has the easement to use the 33 feet and yes the road is where the road is, no different than here, but the farmer still owns up to the section line and out to the center of the road. That's still considered a 40 acre piece. If you took that off, you're going to start to take away acreage. Obviously acreage is value.

Bishop: From a practical standpoint, if the township wants to build a road, that's fine. I think practically and theoretically it's never going to happen because it's going through wetlands. I don't think it's going to happen, but I would like them to have the opportunity to do it if they chose to do it. I would think in an easement would be able to placate both entities. If they want to build the road they can, if it ever gets built then...if they want a 66 foot easement.

Quiggle: gas lines and electrical or phone....

Bishop: Yep, they can do it.

Otto: Those can all go in whether it's easement or dedicated.

Schultz: If you do an easement and you have the natural gas coming in would you take that into consideration that the road could end up being up to 66 feet?

Otto: That would be whatever gets decided here, I guess.

Schultz: If you just give the easement and say I'm Windstream I'm coming in there and I'm going to put my phone cable and you say yep I own that property and you can go right alongside the road. Now the township needs to come in and widen that road for whatever reason.

Otto: I'm not sure how it works in Corinna, but technically the utility companies are supposed to be getting a permit from the township to be in their right of way. Whether it is easement or dedicated. They are supposed to be getting a permit from the township so that the township can review their plans and make sure they are out of their way. John can give them the permission, but that doesn't mean that the township gave them the rights in that easement. That's not different than if John decides to plant a bunch of trees in the right of way and the township says we have to widen the road we're going to cut them down and we don't have to replace them because they are in our easement. It's pretty much the same as that. I don't know if the utilities come to the township or not.

Bishop: Trust me I know the utility companies are responsible for anything they've got in the right of way and have to move it at their own expense. I've done that for way too many years.

Schultz: From my point of view, I was on the fire department for twenty years and we went some of the crappiest roads and have to try to turn around. With that being a cul-de-sac in there, I think it's very important that you have wider road anyway.

Smith: We're building a new road and we've got the opportunity to build it right. I'm looking at it as why not build it wide enough to maintain for the future rather than, I understand we have a smaller road going to it, but let's built that so it can support it and not have this discussion afterwards where now we have an issue because we don't have enough right of way. We don't have enough roads. That's where we stand on that.

Quiggle: You've got three properties that would be using that wider portion of the road. It's never going to go all the way through. You're not going to have a lot of cross traffic. I don't see the need for...

Smith: But you're establishing a new parcel....You're establishing a new...

Quiggle: But they're different kinds of things...I'm more persuaded by the maintenance needs of the township and its equipment and would be curious is there somewhere between 16 & 24 feet that would be sufficient for the plow and all of that to get through.

Quiggle: Would another four feet? Would that make it more pleasant?

Naaktgeboren: That would be a waste of time. Go to 24 feet and be done with it. As far as dedicated or easement...I'm sure Larry loved to pay for the county's road and the farmer, he's paying what you're saying with an easement well that's just great, all the farmers and wherever all the property owners are going to pay for a road now. They've got to pay taxes on what you're calling a road because it's an easement. I think that's kind of silly. Dedicated road of 66 feet and be done with it instead of having the property owners paying for it when it's really not theirs. They're just paying taxes on it.

Shay: I'm of the opinion kind of like Larry where if we're going to put a new road in let's do it correctly to start with where we need the 66 foot right of way. I'm probably the same as what Dick said probably the 24 foot top also. I live on a 16 foot, if that, wide road and it is a pain in the butt in the wintertime. Not for us getting in and out because there is nobody else down there, but it is for those guys on that snow plow. They have to work their butts off sometimes to keep that clean where that extra 6 or 8 feet gives them room to do it properly if you get buried in a big snow storm. They still have enough room to make it happen without tossing out into the middle of nowhere so I'm as far as the road goes I'd say let's do it correctly to start with. I'm afraid if we go to anything but a dedicated road and less than 66 feet; we're going to start setting a precedent for other places around this township. Not necessarily on Sugar Lake, but other places to where if we allow a lesser than what's required now why don't we have to do it down the road? I'm of the opinion it should be a 66 foot dedicated right away and a 24 foot road.

Parks: I'm of the same opinion.

Bishop: I would ask again. Do I have to build it? If I give the township the easement for the road? Do I have to build the road at this point or can I have something structured so it doesn't have to be built until before a building permit is issued. Some method by which, if I never do anything to it, there is no point in putting a road in that had to be maintained by anybody.

Shay: I don't think that'd be a problem.

Quiggle: I have some issues with that. I understand the Ramme's concern and your concern and hearing from Ben the fact that an un-driven on road surface that's built will just gradually go to crap if it's not used. But I know that we have a situation here in Corinna and at the county I just heard a hearing in another subdivision where the sub-divider did not put in the roads. The sub-divider went bankrupt. You now have these people who want to get building permits and there is the whole question of who is going to put in the road. Is it the township? Is the county? Will all of those people be assessed for the cost of that road? I think here in the township everybody is assessed for the cost of the road. Even though when they bought their lots the cost of the road was already rolled into the cost of their lots. I think there is a real problem with not putting in the road or having the money there available for the road and there is in the ordinance a time limit on that. I don't know what the flexibilities on that are.

Oleson: The time limit in the ordinance is if you're not going to build it before you're final is approved then you do a developer's agreement where you put aside money.

Quiggle: Isn't that only good for two years?

Oleson: It is good for two years. You basically could get about three years or so. A year to bring it to final plat and then you'd have two more years.

Quiggle: Three maybe stretch it to four years.

Oleson: I talked to Tim Young, township attorney, about that. His thought was that to go beyond the two year developer's agreement you would need a variance. He would recommend not doing the variance for more than five years.

Bishop: I have an indefinite time period. If the township needs to have something put down to dedicate that the road would be built. I would be willing to do that. What difference would that make if that money were available in seven or eight years instead of three or four years? I really don't want to build a road that's not going to be used and none of the neighbors seem to want it and I understand the township's predicament. There's gotta be some way...

Otto: Some cities will grant a longer preliminary plat approval time to try to stretch these out. So maybe one option may be to grant a two year preliminary plat approval. Then John's got to come back with the final plat. Typically after the final plat is approved there is another year after that that before it has to technically be filed. What actually creates the lots that could actually be sold? If none of this happens all of this goes away. That would get you to three years and maybe the two year developer's agreement would get you to five. Maybe that's getting closer to John's time frame. That's maybe that would be more of a question for the township's attorney but I don't know if there is some flexibility in the ordinance to allow for longer approval period due to the circumstances here. Basically what happens then is typically you would come in and we would get a preliminary plat approval and at one year come back with the final plat. So, if we could extend that to 2 or 3 years. If John doesn't come back in two or three years, he doesn't have any approval. There's no lots here to sell, nothing happens. He would have to come back in with a final plat for approval and once that was approved then he would have a year under current ordinance to file the plat and actually create these lots, build the road, all of that together. Maybe that's an option to help both sides and then it doesn't necessarily mean, it pushes out some timeframe for John as far as putting money up and just have it kind of tied up.

Bishop: I'm willing to do that if need be but to further complicate the problem which is already a complex problem, I've made a commitment to Dale and the Sugar Lake Association that I would look at CRP and some other ideas that he may have. Unless I have some assurance that I have approval of this thing.....I'm not going to lock up that property for 10 years unless I know I have approval of this thing firmly in place, the CRP for instance is a 10 year program and I'm not going to lock-up that property for 10 years unless I know I'm going to have it for ten years. There are a lot of ancillary issues that enter into this thing.

Schultz: To me if you get it platted the way you want it you should have the road.

Bishop: If push comes to shove I'll build the road, but nobody wants the road and nobody is going to use the road. The neighbors are concerned about parties going on down there and kids going down there to park and all of that kind of stuff. I'm pretty much to the point right now that I....

Schultz: You could put up a gate and stop that.

Bishop: I'm not going to put a gate on the township road.

Naaktgeboren: Is there a way to have an escrow of a certain amount whatever it costs to build the road and escrow at least half of that?

Oleson: 125% Yes, that's one of the options. You either escrow it, you bond for it

Bishop: Whatever, I'm willing to escrow whatever, I'm willing to do what....

Oleson: The question is more about how long is that in place?

Bishop: My question is I'm not going to commit to a 10 year program with the county if I'm not going to have it for 10 years so it's a two-edged sword.

Schultz: You're asking us to make a decision without you having a definite plan. It's hard for us to give you a definite answer unless you have a definite plan.

Bishop: I have to wonder if there isn't some way that it could be accommodated for both ends. I am willing to escrow money or give you a "whatever you need" in order to know that you're safe as far as my going bankrupt and leaving you sitting with the road. I'm willing to do that, but I just don't know exactly how to do it. How we can accommodate that?

Quiggle: I think that would probably be more up to the town board and the town attorney to figure out.

Oleson: Yes, the information I've already gotten from the township attorney is if they want to extend it past the two years of the developer's agreement (the developer's agreement is where they would put an escrow or put a bond in place or something for the sake of promising to do this and here's the money to prove it within two years). The attorney's thought was you could do a variance to extend that. He wouldn't recommend extending it more than five years.

Quiggle: The costs could change also.

Oleson: The costs could change; any number of things could change. If you're bonding for it the bonding company may or may not be around. All kinds of things could happen. That was his personal thought is that it shouldn't go beyond five years. Technically the township could grant any time frame they're comfortable with. If we were going to talk about going beyond that number of years, I would think we should talk to the attorney more. Whether that's before you act or before the town board makes the final decision or whatever. I think there is enough questions in here...do you even want to bring it forward now or do you want to wait until know with more certainty what's going to happen. You wanted to move forward with it now, but there are enough questions here that it was hard for me to make a recommendation.

Quiggle: So, the timing in all of this really is your decision John.

Bishop: Like I said, if you want me to build the road I'll build the road, but nobody wants me to build the road.

Quiggle: You have all the work done on the preliminary plat. I believe that everybody has looked at it closely enough and to a large extent thinks that it is a good plan. So you have that understanding, but by bringing the preliminary plat forward now you're putting all of this in motion now whereas you could wait a year or two years to sometime when you think you're actually more likely to start developing it and then...

Bishop: The problem is when I do that it's going to take forever and then I have to come back and I have to do it and I'll have to get everything approved and the I'll have to build the road and...

Otto: The rezoning will not be valid indefinitely. Rezoning is not valid indefinitely. What the county approved for rezoning is it will be rezoned contingent upon preliminary plat approval. So the county wanted to make sure that if there were any problems with this that the rezoning wouldn't just apply and you could put in whatever you want on this. They do this on all of their

plats. Their concern is we make sure that everything works for it and that this rezoning is specific to what we're proposing now. So to say we're going to do something five years from now we'd start over from scratch and John's trying to make sure of what he's got here. You all know his sentiment is family property and he's trying to set that up. From what I'm hearing here I think that the best way to go is probably an extension on the escrow. There is nothing saying that there are time limits on the escrow on when the township can pull that money and build that road. There is nothing saying that John can't come back in four years and say "Hey, I'm not quite ready, I think I'm going to do it next year. Will you grant me a one year extension? And I'll build it next year. If you need to re-evaluate the cost of the road we can do that, but I'm going to build it next year, I'm going to build it in two years or I'm ready to build it now." There's nothing to say he couldn't build it earlier, but if he doesn't come in and talk to the township well then the township can say wait it's four and a half years and we're drawing on the money and we're going to go build a road. I think the protections if there for the township in that respect. It also accomplishes what John wants and the neighbors and it doesn't disturb what is going on out there. And there are still safeguards to protect both sides. That is probably the best scenario in this case in my opinion. It sounds like that is workable on both sides. The township has that backing there to say I haven't heard from him we're going to draw on this and we're going to go build a road. I would like to clarify one thing when we're talking a 24 foot top road, we're talking a 24 foot non-paved road on what we're building, just the new portion? I believe that's what I heard.

Quiggle was in agreement with Otto's understanding.

Otto: I will probably need some direction on the size of the cul-de-sac that we will want in there for sure. We put in a size I think its 42 ½ feet top or 42 foot top....

There was some discussion regarding t-turn a-rounds versus cul-de-sacs had.

Oleson: This is something we had talked about back during the rezoning process. There are some contours lines (visual reference) it's fairly steep in here. There's a bluff over here on lot 3. It's fairly flat at the top of the bluff. We've got a drainage way that comes through here. There was some discussion last fall or winter about how are driveways going to fit in here. Are they going to be reasonable or are they going to require a lot of excavation and reshaping of the land. On lot 2 looks more challenging than the other two lots. We did get a letter from Soil & Water and Brian Sanoski and he would like to see what people actually want to develop on these lots. He would appreciate if we would basically consult with them and get their thoughts on it at that time. So that was the concern with the driveways, do we need to know anything more than we already know from looking at this as far as where the driveways are going to be. If we didn't require anything now and somebody came in later after it was all approved and said okay I want to build my house and driveway and it was more than 50 cubic yards it would need a conditional use permit which more than likely would be over that amount but we some protection there. But the lots would be approved and there would be not flexibility on lot lines. That was the issue with the driveways. The issue with storm-water, I talked to Paul on the phone a little bit. We were talking about if there was going to be any kind of storm water pond or anything to handle storm-water. Paul can explain. They do have some measures in place. Some rock-check dams, I think, both sides of the road.

Paul: The south side.

Oleson: Who maintains those if those are part of the plan for handling water? Then we talked about whether a storm-water pond and those kinds of things as required as part of the federal and state rules. The NPDS storm-water rules basically if you're going to create a new acre of impervious in a project it becomes required. If it is under an acre then you are not. I think both Paul and I calculations based on what they are proposing with the lesser road with means they are going to be under an acre. If they're going to go a full road top then it gets closer to acre. It may not be quite there, but we would need to do some calculations to be sure if it is required or not. You have to make assumptions about what is going to be built out there. Based on the size

of the homes proposed these are large enough to accommodate a house and a garage in this typical size. It would all fit, but it would get close to an acre if we were going to go with the full road top because the road top counts towards the acre of impervious. You have to make assumptions about the driveway. So those were two of the concerns there and the last one was about the sewer locations. There was borings done, but there haven't been any kind of designs as to whether there are going to be mounds or in-grounds.

Paul: They will be mounds. The water table is high enough.

Oleson: Are these pretty exact locations of where they are going to be?

Paul: Yes. Somebody coming in for a building permit could put there septic wherever they want to, but those areas have to be preserved on the lots and if they propose them anywhere else they've got to go through staff review to make sure that they work. Those are sized for a five bedroom home, two sites on each lot. The exact design, no we didn't do it. We generally show that the size area is big enough, our water table is deep enough and it will work in there.

Oleson: So it can work in those locations?

Otto: Yes subject to the final design. They may decide to put them completely somewhere else.

Oleson: That's pretty typical with subdivisions. You're trying to show that there is space somewhere for it. It's maybe a little more complicated here because you've got to work in the driveways and slopes. I'm less concerned about that because it's just something the future land owner is going to have to deal with. It was just something I thought should be brought up. Then, generally, back to this other map. The question is where does the road start being constructed? (visual reference) All of this would be left the way it is with a lesser width, but where is the right of way or the easement going to be? Where does that start? Last fall and winter they were talking about all the way down to 110th on the south end and going all of the way up with a 66 foot right of way. But in your drawing there it shows it only being dedicated back here (visual reference) the township attorney's concern was these are private easements, public easements and it has to be figured out. Do you have connections all of the way through that is clearly public?

Quiggle: I thought that as soon as the township maintained a road for seven years it became township property and from what I understand the township has been maintaining that road that ends at Ramme's so isn't it already township road in that easement?

Naaktgeboren: It's supposed to be.

Paul: It's an interesting law. We did Corinna town road maps years ago. It all started from a court case between a land owner and the township about whose was whose and then basically all of the townships went forward and the technical judgment that the judge came down with was that any part of the road that the township has been maintaining has an easement on it. It isn't township property, but it's an easement. They have the right to do their road and continue maintaining their roadway wherever it is and if it needs expansion it can be done in there. The general idea of that was that typically road fall into a 33 foot width or a 66 foot width. If you look at a Corinna town road map any of the roads that were not a part of a plat which Maple Villa is a plat so that already had a dedicated road, but any of the roads that were not a part of a plat at the time when that was done that were maintained were put into the classification of a 66 foot or 33 foot wide road. That got filed. That created all of the easements on the roads in Corinna Township. Hart Avenue I don't know if the township wasn't maintaining it at that time or not. That is not included on the town road map.

Quiggle: You mean the continuation?

Otto: The continuation, right. That doesn't mean that the township doesn't have rights to maintain it and use it and upgrade the road. That's not what I'm saying at all. They do. It's just that it's a little bit for an attorney there isn't anything or for a surveyor there isn't anything in the courthouse that says it's a township road. And that's where the attorney is having the problem. He wants a clear paper trail that says it's a public road all of the way up to end.

Some discussion was had between Oleson and those present regarding the township road right of ways and easements.

Otto explained the proposal regarding the storm-water plan with check damns, erosion blanket, wetland, swale, drainage easement, pond if needed and culverts as well as the maintenance of them. (visual reference)

A motion was made by Parks, seconded by Shay, to recommend denial of the requested 33 foot right-of-way based on the eight findings of fact found of page 4(d)-3 in the staff report. Motion carried unanimously.

A motion was made by Smith, seconded by Schultz, to recommend denial of the 16 foot top road based on the eight finding of fact found on page 4(d)-3 in the staff report. Motion carried unanimously.

- e. Land Alteration/Conditional use permit for the movement of approximately 5,000 cu yards 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

Quiggle read the request aloud.

Stenson: What this plan is it's simplifying our way of getting handicapped people down to our waterfront area. By doing switch backs and things like that. Currently what we're doing is programming there. We're not changing any of our programming. We're just simplifying it. We're basically easing the use for us. That's pretty much what this whole thing consists of. We are addressing some of the situations of run-off and septic systems along with this plan. It gets into a lot of detail and we'll probably hit some of those separately I'm assuming. That's the gist of it.

Oleson: This requires a CUP because it's over the 50 cu yards. Well over that, about a 5,000 cubic yards. Basically they're just reconfiguring that hillside like Chad had mentioned. Putting in sidewalks and the amphitheatre, patio or landing areas for stopping at or resting at whatever it may be and connecting it all to the beach. We did get a letter today talking about erosion control and storm-water management. The conditional use is because of how much dirt is moving around and obviously concern gets to be how you stop erosion while they're constructing it? How do you make sure it's stable when you're not? There are no bluffs involved. It gets a little bit steeper as you go over here. (visual reference) The area where they are working in is a gentle slope. There is on the property as a whole they're over their impervious limit right now. So we had that conversation and Chad has talked about what they are going to remove of existing impervious to accommodate what they are adding with this. They've done this on other projects where they've added impervious and taken out more than that. What they have given me for calculations they're taking out quite a bit more than what they are adding. They still will be slightly over the 25%. That's been there for many years. (Pictures of road and driveway which was removed displayed)

There was discussion as to which impervious surfaces will be removed such as the road which will be used during construction and be removed after as well as the addition of a turn around. Oleson stated that 10,342 sq ft has been removed and they are looking at adding 8,716 sq ft in its exchange.

Quiggle asked the audience for comments.

Naaktgeboren expressed concern of residents regarding the hours of use and sound.

Stenson: We aren't changing anything as to programming. This whole project is just simplifying the use of that land for us. It's the ease of getting wheelchairs down there, the ease of using that area. There are no plans of developing any more sound or anything like that. Oleson referenced a letter from Stracke which reiterates what Stenson stated that there is not going to be any change from what they're currently doing. It's just going to be reconfigured. The noise present now will remain unchanged.

Quiggle: You're likely to continue to use it for talent shows, camp programs and that kind of thing as opposed to bank concerts.

Stenson: No band concerts.

Shay: Is the amphitheatre going to have sides and a roof?

Hillstead: No. It's just a bowl in there.

Stenson: There are seats. They are a concrete bench type of seat with retaining wall. Basically you're sitting on a retaining wall.

Oleson: The one other issue that we didn't talk about. They've got a drain-field somewhere in here (visual reference) I don't think you even know where it is, right? (Directed at Stenson)

Stenson: No. We don't know where it is at.

Oleson: There are two basement bathrooms that drain into it now. They would be redirected to the other drain-field up on the hill that is being used by the other bathrooms.

Parks inquired as to if there is a side-view drawing of the amphitheater. There was not.

Shay: The impervious coverage is that for the combined two lots or is that for the parcel the amphitheater is going on?

Stenson: That's both parcels on the lake combined.

Shay: Do we have to worry about that at all?

Oleson: We could make an administrative order that says the two lots are always together.

What would happen if they were somehow separated in the future is that they would become non-conforming.

Quiggle: Idea is to never go over the impervious coverage that there was 2 or 3 years ago. They may go under that, but never go above. That's your new baseline.

Oleson: They are at 26.2% now after removing and adding they'd be at about 26%. A slight reduction.

It was noted that the figures are not taking into concern the changes the township is currently completing along 108th Street NW which will decrease their impervious coverage as well – by adding additional land to their property. Some discussion took place regarding location and setbacks of the amphitheater.

A motion was made by Shay, seconded by Smith, to approve the requested conditional use/land alteration permit request with the following conditions: 1. The applicant should submit a permanent storm-water management plan designed to minimize the potential for ongoing erosion and 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 the down-slope 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 drain-field to be removed to another existing drain-field 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 May 31, 2013. Once areas have had the impervious surface removed and grass has been planted, this condition will be considered to have been met. Motion carried unanimously.

5. Approve Previous Meeting Minutes

- a. July 10, 2012
- b. August 15, 2012

A motion was made by Smith, seconded by Schultz, to approve both the July 10, 2012 and August 15, 2012 meeting minutes. Motion carried unanimously.

6. Zoning Administrator's Report

- a. Permits
- b. Correspondence
 - i. Call received re: regulation of hedges

Oleson: I received a call about their neighbor potentially planting things along their driveway. His neighbor was going to plant trees on the neighbor's property but it was going to be close to his driveway. He had concerns about that. I was just bringing that up because it's now two people [with the same type of concern].

- c. Enforcement Actions

7. Other Business

- a. Discuss end-of-year ordinance updates/clarifications.

Oleson: Last meeting we talked the different comments and interpretations that I've gotten from the county staff over the last year or two. You asked me to come back with actual proposed language. I do have that on the handout if you're up for talking about it. We are likely to have a somewhat full agenda again in October. Otherwise, I can hand these out and you can review them.

The planning commission's preference was to have time to review the handout prior to discussion.

It was decided to plan a joint meeting with the town board on September 25th, 2012 at 7PM for discussion regarding potential updates to the Township's Comprehensive Plan.

8. Adjournment

A motion was made by Smith, seconded by Schultz, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:59 PM.

Minutes respectfully submitted by Jennifer Kemp.