

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 9, 2011

7:00 PM

1. Call to Order: Chair Charlotte Quiggle called the meeting to order at 7:05 PM.

2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Dan Shay (Vice-Chair); Steve Huff; Larry Smith; Barry Schultz

Staff: Ben Oleson, Zoning Administrator; Mary Barkley Brown, Township Clerk/Treasurer

Others in Attendance: John Dearing; Chuck Carlson; Richard Naaktgeboren; Roger Dykhuizen; Melvin Dykhuizen; William Burke; Delores Burke; Vicki Zieska; Mike Zieska; Margi Kronquist; Harold Hennen; Dan Larkin; Dan Erdmann; Joe Helm; Bill Arendt; Noel Westphal; Tom Nimmo; Marty Dietrich-Blocker; Rick Berg

3. Additions or Deletions to the Agenda: New Business - Meeting regarding high water in township.

A motion was made by Smith, second by Schultz, to accept the amended agenda. Motion carried unanimously.

4. Public Hearings

- a. (Tabled from July 7 meeting) Variance to convert an existing one-story storage shed into a 22' x 26' two-story dwelling (min. 24 ft width/length required) with a Type III sewer system (Type I system required) on an undersized lot. Applicant(s): Mike Zieska. Property Address: 11804 Gulden Ave NW, Annandale. Sec/Twp/Range: 1-121-27. Parcel Number(s): 206000012102

Mike and Vicki Zieska addressed the Planning Commission.

Mike Zieska: Granting of the variance will not be in conflict with the comprehensive plan. There is a lot in the comprehensive plan. The property will not yield a meaningful return if used in compliance with this Ordinance. If we follow the ordinance to a "T". Conditions are unique. There is an existing structure there. It was permitted to have the structure there and Wright County permitted it as well. A Type III system is a proven system that is monitored. The granting of variance will not essentially affect the character of the neighborhood. There is more total square footage in this structure than 12 out of 26 structures in the neighborhood. 4 or 5 have a smaller footprint. Environmental quality of the area. I have very little hard surface that would be added. We could move the garage back 30 feet to remove some of the hard surface, which would be better for the environment. I would be happy to have the condition that there will be no weed removal in the lake. This structure was meant for the purpose we are planning to use it for. We have a letter – regarding a question about the footings. They are oversized. When Ron Mares came out to dig the footings – he had the bigger footing buckets. I said to go ahead with the bigger footings. Regarding the size of the structure being too small, I feel this smaller size is a better size for the cabins along the lake.

Quiggle: Any comments from the audience?

Tom Nimmo: I am a Sunset Point resident. I drive by every day. I do not have a problem. I like that he is keeping the footprint smaller. It is not that big a lot. I don't see why he should have to make the dwelling bigger. I do not think it will degrade our property values.

Dan Erdmann: I share the same views as Tom. I don't see any detriment to granting the variance.

Harold Hennen: I live right next door. I think it would be better if it were built up. It would look better if it were built up.

Rick Riesgraf, David and Elizabeth Williams and Troy Roovers letters were read into the record. All three letters were in support of the variance requests.

Mike Zieska passed out a rendering of what the proposed structure will look like.

Mike Zieska: This fits the property. The property would look finished. This seems like the right way of doing it. Type III systems are being used in the county and the state.

Ben Oleson: Soil - is it adequate to support the proposed structure? We do not have a confirmation other than the Lipinski letter. We got an e-mail from the Building Inspector today. If the soils turn out not to be good enough – it can be addressed, but it will be a greater expense preparing the soil. Mr. Schulz would like a full soils report before he grants a permit. In terms of the soils – he is saying that can be handled later. The expense may determine if project gets done. Soils also impact the sewer system. What kind of precedent would that set for new homes to be put on a Type III system if this is approved? It should be considered. Conditions suggested – if you are going to allow – seasonal use may put boundaries on it. If not seasonal – limiting size to keep it small. We would be deviating from the state law. Why is this unique? Consider if we are opening up all undeveloped lots to have a Type III system.

Quiggle: Does this require two spots for a septic system?

Zieska: It is a halfway developed lot.

Quiggle: But it has not had a prior residence on it.

Zieska: I agree with that.

Oleson: Size of house fitting in with the neighborhood. I don't think it is grossly out of character with the neighborhood. There are other rather small dwellings in the area. When considering both floors, the total floor space is very close to average. If only the first floor, then it is about half of the average.

Smith: Sewer – I think we are getting into an issue granting a full usage for a year round on a Type III system. Dwelling size – if we grant – is this size going to be set? Is this going to be an issue in the future?

Oleson: You could limit size as a condition. You would be limiting the size of the house as a trade off for the sewer.

Schultz: I am following Larry. We have to follow the guidelines. We have to be able to defend our decisions. We are trying to figure out how to follow the guidelines. I have the same concerns as Larry Smith. If the size is going to set another precedent – how do we explain this the next time around?

Huff: Ditto. I am concerned about the next time an individual comes in and does not do the septic right – then we get into trouble. This is hard enough without cutting new ground.

Zieska: Each property is unique. It is in a lake community. If you had a choice of less hard surface or more hard surface – you would prefer to have a smaller hard surface. You are not really setting a precedent. There is an existing structure there. I am using the lot considering the environment and doing the right thing. It is better than building a bigger house.

Huff: We can no longer build anything on a lot unless it is a certain size. This would be in direct conflict with that theory. In today's world they do not want close together houses up and down the lake. The county and state are trying to expand that.

Shay: Size – part of me says I don't have a problem – but the state and county are holding people to that pretty steadfast. The septic – I am not sure I am happy with Type III with the water table and water level. I would lean more to a Type IV – all above ground. Self contained. Nothing will go back in to the lake. You hate to take a chance of contaminating the lake. Type IV would be far safer for the lake. I have questions about the Type III and also smaller structures – it is going to be a hard thing to control.

Quiggle: Did you talk to Bernie Miller about a Type IV?

Zieska: No. Miller said a Type III is adequate.

Quiggle: I don't have a problem with the size of the house. I don't think we will have a rush of people that will want small houses. We usually have the opposite request. However, I have mixed thoughts about the septic. I understand both Type III and IV function well, but this is land that when Sunset Point was originally platted – it was a wetland. In the 60s fill was brought in. That is the reason it is not suitable for a Type I system. It is wetlands with fill on it.

Zieska: 40 to 50 years ago.

Quiggle: Never the less, that is why you can't get a Type I on there. Statutes limit what a buildable lot is based on the soils and ability to get a Type I system on it. Part of me says a Type III will function.

Zieska: And it is monitored.

Quiggle: I was hoping someone here could talk me out of my dilemma.

Huff: I think we are all in the same boat.

Quiggle: I do, however, agree with Mike that just because one decides a certain way on a piece of property – I do not agree that we are setting a precedent for every property. Each property is unique. It is under 20,000 square feet, but it is not as small as many of the lots. A Type III system is a well-functioning system. It seems reasonable to me. Ben – do you have any...?

Oleson: It is one of those areas where you get penned in with the ordinance. There are smaller lots on the lakes. There are holding tanks on the lakes. The intent of the state statute and ordinances is that we have many lots and sewers out there that are less than we want today. Let's not make it worse by making more of them. The state will let you grant variances. My concern is to say – if you are going to grant this – it is wise to think about why you are granting this one – and why you might say no the next person that wants a Type III system for a new house?

Zieska: It is 117 feet away from the lake. Every other system on the point is closer.

Quiggle: Would it be sized for 2 bedrooms?

Zieska: Yes – it can be. I already made it bigger. I am willing to make it whatever size you recommend it to be. By state standards – it meets a two bedroom. I already upgraded it because I wanted to be sure. Someone from Soil and Water said he is not a sewer expert, but they must be OK because they are putting them in all over the state.

Quiggle: When would a Type III system be used if there weren't limitations on the property due to soil constraints? Why do Type III systems even exist, if not for the soil limitations?

Oleson: The soil condition is why they exist. But you are doing this without native soils. The research has been done on native soils. With the Type III – you have fill soil – excavating and bringing in sand. That is why they exist. The soils have not been researched or they have been disturbed, that is why you have monitoring. In all other aspects, they are like a Type I system.

Quiggle: So it is conceivable that there could be a conforming lot that is over 20,000 square feet, that does not have adequate soils, that would require a Type III but that would not require a variance because it is a conforming lot size. Is that correct?

Oleson: I believe so – if I am understanding you correctly.

Quiggle: So if it is greater than 20,000 square feet, the Type I system is not a requirement.

Oleson: The requirements for Type I start with a non- conforming single lot of record in shore land, can be allowed without a variance from the lot size requirements if they can meet their setbacks, get a Type I system and meet the impervious coverage limits. So, if it met the lot size requirements, by state standards it can be built on without that restriction.

Quiggle: So the lot size on this is 17,358 sq. ft. So it is not a postage stamp. It is about 2700 sq. ft. under conforming. I mean, that could be the start of a rationale as to why we would allow this vs. someone with a lot that is 10,000 sq. ft.

Oleson: Then we revert back to the Wright County Ordinance which we have adopted by the reference, where it says that this is a lot smaller than 20,000 sq. ft. and the BOA needs to decide if it can provide adequate sewer for year-round use.

Zieska: It is a smaller structure, which helps.

Quiggle: You are meeting all the setbacks, the impervious, and all of those other requirements – so this is the one requirement that you are not meeting.

Oleson: So in that case, even the Wright County Ordinance would basically say if it is over 20,000 sq. ft., but less than the acre that they want today, you would have to be able to meet your setbacks, you would have to get a sewer system on there. Type III would be an option in that case.

Quiggle: Larry?

Smith: Are we opening more discussion about this?

Quiggle: I mean - your concern was....

Smith: I still have the same concerns.

Huff: She is trying to change your mind.

Quiggle: I'm not necessarily trying to change your mind. I was just trying to explore that.

Smith: Is seasonal use an option for you?

Zieska: Yes – it can be.

Quiggle: Barry – any other thoughts? Steve, Dan?

A motion was made by Huff, seconded by Smith, to deny the variance to install a Type III sewer system to serve a new dwelling on a nonconforming lot of record (Type I is required) and to deny the variance request to convert an existing one-story storage shed into a 22' x 26' two-story dwelling (min. 24' width/length required).

Zieska: Does the seasonal use make a difference?

Oleson: Only if there would be a motion to approve with conditions. At this point, the motion on the floor is to deny.

The motion carried unanimously.

Quiggle: The recommendation will go to the town board. They will make the final decision. They are all here – so they have all heard this discussion. You are very welcome to come and talk to them.

Zieska: I could downsize the structure to 750-800 sq. ft. and treat it like a guest cabin.

Quiggle: It can't have kitchen facilities then, right?

Oleson: Right.

Oleson: To do that would require a variance for lot size and total square footage and is a separate variance request. It would be a separate application.

Zieska: Move garage back and septic system. That would still be 117 feet from the shoreline.

Quiggle: Ben Oleson is saying that it is a different request.

Oleson: It is a new request. It would require a new application. Originally you applied for the house. It is kind of tricky – because you can only jump around so much. If you are going to go down to a guest cabin it is a different set of variances you are asking for. Legally we have to notice it to the neighborhood, so they know what is being applied for.

Zieska: You know this issue is going to come back. The same request is going to come back again – for a Type III. I don't think you are going to find a better case than this for a Type III system. You are tying up quality lots.

Quiggle: I think everyone here is unanimous in understanding this.

Smith: It still does not meet Type I.

Quiggle: Come on Tuesday, as the town board makes the final decision.

Zieska: Thank you.

- b. Rezoning of two parcels from General Agriculture (AG) to Agricultural/Residential (A/R).
Applicant(s): Melvin Dykhuizen et. al. Property Address: County Road 7 NW, Annandale.
Sec/Twp/Range: 1-121-27 and 12-121-27. Parcel Number(s): 206000121101 and
206000014400.

Melvin and Roger Dykhuizen addressed the town board. We, along with Lester Dykhuizen have power of attorney to address this situation.

Melvin Dykhuizen: In 2005, the three brothers discussed how we could split the two parcels into three parcels so each brother could have 1/3 ownership. We had an appraisal service lay it out. From there we took those values and those numbers and this is a little better map. Otto created 3 exhibits in how you could split it. (He showed the exhibits.) In selecting exhibit c, it created this is a pasture, this is a field. It preserved this field and these are fields here. It did split one down the center. The goal was how we keep it in most of it in AG – where we had a rental income. Then we looked at what is the best value for the three owners. Some things we took into consideration - on parcel a we have 1,854 road frontage and 1,754 on Grover Avenue. On County Road 7 there is 1,150 ft. road frontage. We would like to split the two parcels into three parcels. Since 2005 I have followed this a lot. I have been to many zoning meetings. Going back prior to 2005, we were either zoned AR, RR Or AG. We seem to bounce around. In 1998, we were AR. In 2003 we were AR. In 2007 we were nothing. We jumped and had a meeting with the county people and the northwest quadrant there we were RR.

Quiggle: Is that zoning or is that the future land use map?

Melvin Dykhuizen: There is a lot...I am not sure where these maps....

Quiggle: Zoning doesn't generally change.

Melvin Dykhuizen: Somebody created all these maps.

Quiggle: Future land use maps are different from actual zoning maps. Zoning has to be officially changed. It doesn't bounce around.

Melvin Dykhuizen: The last one I have is 2010, back to current zoning. I believe this is a township map.

Quiggle: That is a future land use map.

Melvin Dykhuizen: OK – then we are back to AG again. So do we have anything that we did not have before? Is it AG, is it RR, is it AR? I guess we are not planning on building any houses in the middle of any field out there. With the three parcels that are laid out here, parcel a has a little over ten acres of woods, parcel b has, in front of the tillable area, a holding pond for run-off that we have put in, that could even be part of a future site. But there again, there are restrictions on the 1 per 10, and I don't know how that would fit in either. What were we before and I talked 4 weeks ago with the county and their northwest quadrant, what the property is zoned at, or was, it could be – I don't know. This is why we're here.

Quiggle: Anyone in the audience with a comment? There were none.

Oleson: You all have a letter from Wright County Soil and Water. In terms of zoning and future land use clarification: The future land use map shows how the community thinks it should manage growth over a period of 20 years or more – so it is not how the land is actually regulated, it is how the land is anticipated to be used in the future. Sometimes they match up, sometimes they don't. In your area right here – the Corinna future land use map says it is rural preservation – preserving farmland and keeping housing density low. In terms of the actual zoning map – this is based on the county's zoning map - it is zoned general agriculture, which is the lowest density - one home per 40 designation. That is

why we are talking about rezoning this. They have 80 acres roughly, and want to have three homes in there, that is obviously more than one home per 40 acres. To have that higher density requires that it be rezoned so that it is regulated differently. When you look at rezoning a property, then you look to the future land use map and ask, does this match up with what we wanted for the long term changes in the community? In this case – the rural preservation district that we created in the comprehensive plan, says – theoretically yes – you can have higher density than one per forty, but we are trying to protect farmland, we are trying to keep farm fields together, and minimize the impact on that. It allows for some different styles of development, but basically the overall goal is to say that we want to preserve farmland. The tricky part here is that if we rezone to the next lower category, in terms of housing density, that is the A/R district and that requires a ten acre minimum for lot size, and when we were going through the comprehensive planning process, I know there was some concern expressed about ten acre lots – that they are not large enough to farm effectively, – but they are too large to maintain for the average homeowner. So, if we were to rezone it, theoretically, it allows for the lots to be developed, it requires them to be developed at ten acre minimums, which is what we said we did not want. We are trying to preserve farmland. Comp Plan says – yes, we can allow higher densities, but we want it done in a certain way, but the way we have to rezone it means we are going to ten acre lots, which is really not preserving the farmland in the way that the community expressed or wanted in the comprehensive Plan. I think there are some possible ways around that. I think we suggested we table this to try to figure out some other ideas. Just to rezone it to the ten acre minimum doesn't really fit with our plan. You may disagree, but this is the way I read it.

Melvin Dykhuizen: There were a lot of things hanging until we got Oleson's report.

Oleson: It appears with A/R zoning, they (or future owners) could get 5-6 lots out of it when factoring in min. lot widths and lot size. It would fragment the farmland. Most of the soils are considered prime farmland. They are good soils. That is not what they are proposing. This is a two stage process. One is rezoning – the other is a platting of the property. When they start to plat the property, theoretically you could argue that this allows for 6 homes. If they sold the property – the next owner could demand 10 acre lots. It is not that we can't come up with reasons to do this. We tried to lay out some of the basic concepts.

One option might be to rezone to A/R or less than that – R-2a, R-2 for instance. Keep the houses into corners to minimize the loss of farmland. Look at rezoning to categories that would allow for that just where the houses are and leave the rest zoned AG. Wright County's Comprehensive Plan does not suggest that lots should be less than ten acres. Segment homes down into the corner – you would probably want to rezone it into 2.5 acre lots or one acre lots – but the county's plan would not go along with this. the county has to approve the rezoning. We have to think of what they might do.

Another option is to rezone to A/R, which would be consistent the Wright County's plan. But then also have a Rural planned unit development overlay district over that – that would allow you to say that we want to homes to be clustered, we want the farm land to be preserved – and there are some things in that that seem like they might work for us. But the problem with that PUD overlay district is that now you are talking about the potential for twelve homes. If someone were to come in and say – now you have rezoned it to this – you may get ten or twelve homes in there. Again – You would have to find reasons for why we didn't want that. It may not be likely that this will be the case if the Dykhuizens do not sell, but theoretically it opens the door for this. Also – the county might not go for that PUD overlay district either. Tom Salkowski was not too open to PUDs. I am saying – we have to see what everyone is comfortable with, what Dykhuizens are comfortable with and then talk to the county.

Huff: What is your goal here?

Melvin: To split the farm so the three boys have an equal share. There is no market. We are not going to split anything. We are not going to plot it out. I guess I will lay it on the table – I would expect and want to have two building entitlements for each one of the parcels. There is one per ten if it is A/R. 80 acres is 8 entitlements. Now I am back to this one again. If you have ten acres, even if you had two building entitlements on parcel a...

Huff: The three of you own this and you actually want to split it out so each has a third?

Melvin: Right.

Huff: That's your goal. It is not to build houses?

Melvin: We are getting older and before we start fighting and before too many grandchildren.

Huff: I just want to know what direction you are headed here.

Quiggle: Ben – when something is rezoned to AR, so it is no longer AG, are you still discussing building entitlements or would one of these twenty odd acre parcels then have to be further subdivided into a ten or a twelve or something so that you have separate parcels, you don't have two building entitlements on a 23 acre parcel?

Oleson: The phrase, "building entitlement" only refers to this general AG district. So – you are right – what you are saying is that you would want to keep your options open to have those subdivided down again – so that there could be two homes on each twenty plus acre parcel. But yes – you are right Charlotte – that it would actually have to be subdivided and meet minimum size requirements and all that. The minimum width of a lot in the AR district is 300 feet.

Quiggle: So we would be backing into that ten acre thing that we have been trying to avoid.

Oleson: You are trying to decide, in some ways we have already decided during the comp plan process, that we don't want this area fragmented so that farming is non-existent or can't be done. You can't force people to farm land, but you are basically trying to keep the options open. That is the dilemma here. Our comp plan says we want to preserve these farms and not have them fragmented in the future. Ten acre lots make that difficult. 20 or 30 acre lots you could probably still farm, but theoretically they could be further subdivided down.

Melvin: I was told we start out here. We have one more entitlement.

Oleson: One remaining entitlement.

Melvin: We could put a house right in the middle of this cornfield if we wanted. You would ask for two more, so you have three. Then you could ask for a split – once that is approved.....

Oleson: You only have one more entitlement unless you got it rezoned. One has been used up already.

Melvin: But you don't need an entitlement to split it into say parcels if it would work out. To create the three.

Oleson: To create three parcels you need to rezone.

Melvin: But you don't need entitlements to rezone it?

Oleson: If you rezone it – then entitlements are not relevant. The phrase "entitlements" becomes non-existent then. Entitlements only apply to the general agriculture district.

Shay: I think this is one of these where we need to take another look at it. I would like to see... I have no problem splitting it into three – we don't want to get it split to where there are 8 or 12 homes. We are trying to preserve ag. The PUD is a good idea to a point – but in theory – there could be ten or

twelve houses with a PUD. Are there other options? Splitting into three makes a lot of sense – but we have to know about further splitting.

Roger: If you allowed one for 10 for the parcels – and ten years down the road the economy changes – people from the twin cities are looking for a piece of the rock at that time you could maybe re-do it at that time – to one to 5. because there is some property to the west that has been developed that way. That is my only question.

Huff: You are asking us to take a step over one line – and were are not following that.

Quiggle: The goal of the PUD would not be to maximize the number of houses, although under the rules, more houses would be allowable under the rules, but rather to maximize the good AG land and keep it in AG land. You would be putting off the quality soils – and saying this will remain AG. In doing that you may have more possible building sites. We are not looking to have more building sites – but that is the by product of protecting that excellent soil.

Oleson: The overriding goal of the comprehensive plan is trying to preserve contiguous land that can be farmed. Once you divide into 10 acre parcels – it is less likely to be farmed.

Melvin: In a AR – it still can be classified as AG per you tax statement.

Oleson: Taxes are different than zoning.

Huff: Do you want to build on this due to sentimental reasons?

Melvin: Heck no. Who is going to buy it?

Huff: You could probably sell that for pretty good money for AG. I don't see any way the county will let us split this up and put entitlements on it. I think we need to table this to get clarification from the county on what kind of issues they will raise on this – to be fair to these guys and tell them what the rules are.

Oleson: That first option I laid out – the concept was to try to leave as much zoned AG and take little pieces out – 2.5 or 5 acre lots to maximize AG land. Is it spot zoning? Yes – potentially, but not necessarily if we have valid reasons.

Oleson: Are we in agreement with the goals? We could meet with Sean Riley

Motion was made by Schultz, seconded by Smith, to table the issue until next meeting.

Motion was carried unanimously.

Quiggle: You will all meet with Sean Riley to come up with a plan.

- c. Variance for a lot line adjustment between two undersized lots to increase one lot from 65 to 78 feet of shoreline and decrease the other lot from about 85 feet to about 72 feet of shoreline. The side lot line setback of an existing house would increase from 1.4 ft to 8.5 ft (15 ft required). The side lot line setback of three detached structures would change from 1-6 ft over the property line to 0-3.7 ft from the property line. Applicant(s): Philip Trout (Sue Burke Trust) and William and Delores Burke. Property Address: 7364 and 7384 Isaak Ave NW, Annandale. Sec/Twp/Range: 27-121-27. Parcel Number(s): 206068000030 and 206068000020.
- d. Variance to construct a 24 ft x 38 ft dwelling/garage addition to the existing house approximately 70 feet from Cedar Lake (75 feet required). Replace roof over entire home

(closets point about 40 feet from Cedar Lake) and increase pitch from 5/12 to 8/12. Applicant(s): Philip Trout (Sue Burke Trust). Property Address: 7384 Isaak Ave NW, Annandale. Sec/Twp/Range: 27-121-27. Parcel Number(s): 206068000020.

Quiggle: Next are two requests by same property owners.

William and Delores Trout and Joe Helm addressed the Planning Commission.

Joe Helm: I am Joe Helm, I represent Bruce Prevost.

Oleson showed the lot lines. Trout's house would come closer to meeting the setback. Not quite 15', but it gets closer to meeting it. Takes three shed that are there now and actually are over the property line, and puts them onto the Trout property entirely, but does not completely meet setbacks. Neither lot meets the lot width requirement on the lake. Neither meets the requirements anyways. After the lot line adjustment, one lot meets building coverage and impervious would be fine – the other would be over – that is why there are removing three sheds. The new garage would be part garage and part dwelling addition. They are also taking about taking roof off and putting a new one on with a different pitch, going from 6/12 to 8/12. The new addition would meet the side yard setbacks, but would be 70 feet from the water. But it is behind the house and the rest of the house is closer anyway. They would be making the driveway narrower – to help meet the impervious coverage. Total impervious coverage would be 24.4%. Building coverage would be 9.5%. Total coverage would be OK.

Huff: Tear down those old buildings. I don't see a problem with this.

Schultz: In agreement.

Smith: In agreement.

Shay: I think we are gaining with this.

Quiggle: I agree.

Helm: If Trout's sewer was getting too close...

Oleson: Bernie Miller thinks it will be OK. If it is closer than 10 feet, it would require another variance. This is recommended as a condition.

Quiggle: I noticed – I don't think it is on a lot being built on. Some of the back lots are soggy right now.

Huff: No – they are under water.

A motion was made by Shay, seconded by Huff, to accept the variance for a lot line adjustment between two undersized lots to increase one lot from 65 to 78 feet of shoreline and decrease the other lot from about 85 feet to about 72 feet of shoreline. The side lot line setback of an existing house would increase from 1.4 ft to 8.5 ft (15 ft required). The side lot line setback of three detached structures would change from 1-6 ft over the property line to 0-3.7 ft from the property line. The findings of fact and the following condition are part of the motion:

The applicant must demonstrate that the sewer system on the Burke property will continue to meet the minimum required side yard setback of 10 feet. If it is found to not be meeting that setback, the lot line adjustment shall be adjusted accordingly and impervious surface coverage shall be recalculated to ensure that the 25% maximum coverage allowed is not exceeded.

The motion carried unanimously.

A motion was made by Shay, seconded by Schultz to approve the variance to construct a 24 ft x 38 ft dwelling/garage addition to the existing house approximately 70 feet from Cedar Lake (75 feet

required). Replace roof over entire home (closets point about 40 feet from Cedar Lake) and increase pitch from 5/12 to 8/12. The findings of fact and the following conditions are part of the motion:

1. That the applicant removes/reconfigures the driveway as shown in the submitted site plan (dated 8/2/2011), removes the existing garage and concrete apron, removes the two existing sheds and otherwise ensures that the property will not exceed 25% coverage in impervious surfaces.
2. The applicant should submit a permanent storm water management plan designed to minimize the potential for ongoing erosion or sedimentation. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed.
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.

The motion carried unanimously.

Quiggle: Now this goes before the town board for final approval.

e. Land Alteration permit for the movement of approximately 200 cubic yards of earth, rock, sand and materials to replace existing retaining walls near home, install a new retaining wall near lakeshore, install a sand beach and replace existing above-ground wood stairway to lake with in-ground landscaping block stairway. Applicant(s): Marty Dietrich-Blocker. Property Address: 9895 Jeske Ave NW, Annandale. Sec/Twp/Range: 16-121-27. Parcel Number(s): 206031000100.

Marty Dietrich-Blocker addressed the Planning Commission. We have a deteriorating hill. In the 4 years we have lived there – we have lost about a foot off the top. We want to preserve what we have. We do not want the trees to fall. We want to restore the rip rap. I know from the staff comments that you don't want 80 feet of sand beach. We can go down to 40 feet. These are not your average retaining walls. Each retaining wall block weighs 2,800 pounds. This is a permanent fix to restore that hill. There is a definite slope. We are not going to determine the staircase until an arborist comes out and tells us the best way to preserve the trees. We do not want to lose the trees.

Quiggle: Who are you working with on this?

Dietrich-Blocker: I am doing it myself.

Quiggle: So not a landscape...

Dietrich-Blocker: Oh no – I am not going to get anybody involved until we have the authority to do it. I don't want to waste anybody's time. I am in business. This is not rocket science. Up to 55 yards you do not need a permit. From 55 to 500 yards you need a permit. We are asking for that. We are fine with 200 yards.

Oleson: We deferred a lot to Soil and Water on this. Concerns: Is it going to stay there in place over time? The high water makes us think of that. My first issue was the width of beach – the DNR does not allow that wide a beach or allow that much of your property to be beach. The DNR said as long as it is

well above the high-water mark - it is up to you. Will the sand wash out during years like this? We are talking about narrowing that down. Is putting a wall in there going to help stabilize the area? Will it get damaged and create a bigger problem? That is where I deferred to Soil and Water. I did not have Soil and Water's letter until after I wrote the staff report. Soil and Water said this is not a bluff. There is a steep slope to be considered. The Soil and Water comments speak for themselves. They had a concern about the amount of beach. They talked about getting engineered plans, and making sure there was a good plan for native planting and that kind of thing.

Dietrich-Blocker: My wife has a Horticulture degree and is very into the natural life of the lake.

Smith: Is there any drainage that you are putting in behind the walls to help with water pressure? Where would you run that out?

Dietrich-Blocker: The one up top should not need it. It is only eighteen inches high. The lower wall will have drainage behind it. That will drain into the roughly twelve feet between the lake and that wall. I am assuming they will put at least 4 outlets in there - 4 inch drain tiles.

Smith: I am concerned with sand beach all the way across.

Dietrich-Blocker: Let's compromise to 40 feet. Stairs are precast concrete. Nothing permanent.

Schultz: How do you transition from what you want to put in to the lakeshore property on each side?

Dietrich-Blocker: On one side - it is similar with granite wall. On the other side - there is poured concrete that is probably 80 years old. If they use that property on that undersized lot more than twice a year I would be shocked. It is going to dive straight into it. It is a very, very easy transition.

Huff: Looks like the stuff that is there now is ready to crash. If he doesn't do anything - it will become unusable. The slope - how are you going to hold that? The middle area?

Dietrich-Blocker: All planted with natural plants. We will put fabric over the top until it grows. We will not really disturb what is there now. We are not going to disturb that is there.

Huff: Not changing the angle or anything?

Dietrich-Blocker: No.

Shay: The present retaining wall is in tough shape. That side of the lake takes a pounding. These big blocks would save the shoreline. I agree - shorten the sand beach from 80 to 40 feet.

Quiggle: Your end result will be an improvement. Soil and Water strongly suggest there be an engineered plan.

Dietrich-Blocker: The guy that makes these blocks lives about 20 houses away. He engineers them and builds them. So it is a pre-engineered wall up to 20 feet high. The engineering aspect is just getting the paperwork. It is pre-engineered. I guarantee you that this is the highest water they have seen since 1983.

Quiggle: I am not talking about the lake level. I am talking about the ground water level.

Dietrich-Blocker: The ground water level would be the lake level at that point.

Smith: That second wall system - you will be surprised at how much water pressure you will have on that wall. You are trapping the water from naturally draining down. That is what the county is talking about. You will lose that wall if you don't have drainage.

Dietrich-Blocker: There are two 4 inch drains.

Smith: You are going to create a lot of water hold-back. That is what the county is addressing.

Dietrich-Blocker: This wall system is made for this.

Oleson: A condition can be that Soil and Water need to approve the pre engineered drawings.

Quiggle: Are you willing to cut the sand in half? What would you do with the other half?

Dietrich-Blocker: Sure. Where the shed is could be a rock basin - more filtration. On the other side we may put in a river birch or a nice maple.

A motion was made by Huff, seconded by Smith, to approve the Land Alteration permit for the movement of approximately 200 cubic yards of earth, rock, sand and materials to replace existing retaining walls near home, install a new retaining wall near lakeshore, install a 40 ft. wide sand beach and replace existing above-ground wood stairway to lake with in-ground landscaping block stairway.

The findings of fact and the following conditions are part of the motion:

1. The applicant shall provide sufficient evidence that the retaining wall nearest the lake will be outside of the required flood elevation.
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 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.
3. The applicant shall submit engineered plans for the retaining wall, with drainage provided behind the wall. The plans shall be reviewed by the Wright Co. SWCD and found to be adequate.
4. The sand beach shall be narrowed so that it is only across 40 ft of the shoreline, rather than across the entire shoreline as proposed.

Quiggle: After the native vegetation is taken out, while trying to establish new plants, use a MN DOT category 4 erosion blankets. Since native plants take 2 years to grow, use a cover crop to make sure root systems are in there. But you do need all of that open ground covered and stabilized. This goes to the town board on Tuesday.

The motion carried unanimously.

5. Approve Previous Meeting Minutes
 - a. July 7, 2011

A motion was made by Schultz, seconded by Smith to approve the July 7, 2011 Meeting Minutes. Motion carried unanimously.

6. Zoning Administrator's Report
 - b. Permits – no report.
 - c. Correspondence – no report.
 - d. Enforcement Actions

Quiggle: I was kind of confused about some of these. The one in the middle.

Oleson: House built last summer on west side of Sugar Lake. Wright County issued a land use permit. We issued a building permit. I checked with Wright County – did you have specific conditions about drainage? They said no. I went out there and looked. It looked like – yes – some of the water drains

that way. That house is larger. It looked to me like it was kind of a bowl – but this year it collected water.

7. New Business

a. Meeting regarding high water in township

There will be a meeting with myself, Dennis Loewen, and Brian Sanoki with Wright County Soil and Water. We are going to get lots of requests to restore shoreline. Potentially, they will get damaged again. I don't know what is going to come out of the meeting. High-water mark is our line. DNR is below the high water mark.

8. Old Business

a. Discuss maximum number of applications per scheduled public hearings

Oleson: Confirm it is the way it is now? We did not come to a conclusion last time.

Quiggle: We are OK with Ben being the judge of that.

b. Discuss interpretation of "expansion" when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)

Oleson: I provided the statute. The Lease application came up last month. The county had a discussion about this last month. I thought it would be useful for us to consider what we consider expansion. With Lease – I think I could come back next month with more detailed concepts or options. Or we may do it case by case. Should we spend more time on this? The problem with case by case – then I would have to be more strict and say that any expansion would have to come before the Planning Commission.

9. Adjournment

A motion was made by Schultz, seconded by Huff, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:17 p.m.

Minutes respectfully submitted by Mary Barkley Brown