
CORINNA TOWNSHIP

PLANNING & ZONING COMMISSION

MEETING PACKET FOR THE
February 14, 2012
REGULARLY SCHEDULED MEETING



Our promise to you is that we will:

1. Without prejudice, reflect the vision of the community as represented in the community's planning documents.
2. Respect the will of the community as enacted in land use policies and regulations.
3. Serve the elected and appointed officials of the community, understanding they are the decision-makers elected by the people they represent.
4. Always seek the truth through an exchange of ideas that is open, honest and without bias.
5. Continually improve community access to planning information and processes.
6. Provide service that is friendly, responsive and professional.



CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
February 14, 2012

7:00 PM

1. Call to Order
2. Roll Call
3. Election of Officers – 2012
4. Additions or Deletions to the Agenda
5. Public Hearings
 - a. Variance for a lot line adjustment between two undersized lots to increase one lot from 65 to 75.5 feet of shoreline and decrease the other lot from about 85 feet to about 74.5 feet of shoreline. Lot width at the road would increase from 80 feet to 90.26 feet for one lot and decrease from 80.3 feet to about 70 feet for the other. The lot line adjustment would decrease the setback for the existing septic system on one lot from about 12 feet to about 2 feet.
 - i. Applicant(s): Philip Trout (Sue Burke Trust) and William and Delores Burke.
 - ii. Property Address: 7364 and 7384 Isaak Ave NW, Annandale.
 - iii. Sec/Twp/Range: 27-121-27.
 - iv. Parcel Number(s): 206068000030 and 206068000020.
 - b. Construct new 36 ft grain bin approximately 114 ft from the centerline of a county road (min. 130 ft required).
 - i. Applicant(s): Doug and Michelle Smith
 - ii. Property Address: 7051 102nd St NW, Maple Lake
 - iii. Sec/Twp/Range: 12-121-27
 - iv. Parcel Number(s): 206000123300
6. Approve Previous Meeting Minutes
 - a. January 10, 2012
7. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
8. Old Business
 - a. Discuss interpretation of "expansion" when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)
 - b. Discuss end-of-year ordinance updates/clarifications.

- c. Update on status of Corinna Township request for recognition as shoreland and floodplain zoning authority.

9. New Business

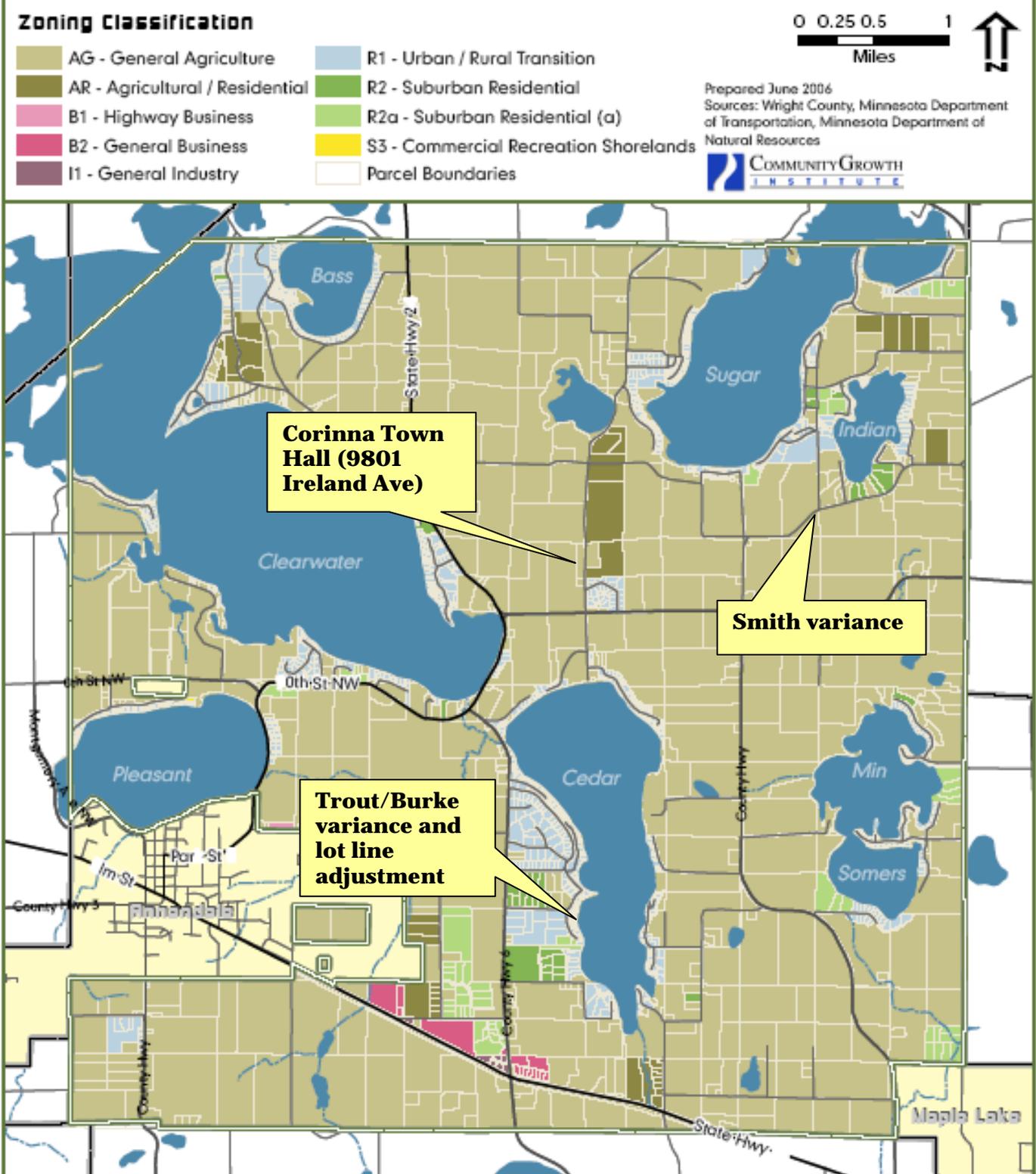
- a. Discussion – Potential update of 2007 Comprehensive Plan
- b. Training – “Developing Effective Motions and Findings of Fact”

10. Adjournment

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

Corinna Township

Location Map for February 14, 2012 Public Hearings



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



STAFF REPORT

Application: Variance for a lot line adjustment between two undersized lots to increase one lot from 65 to 75.5 ft of shoreline and decrease the other lot from 85 to 74.5 ft of shoreline. Lot width at the road would increase from 80 ft to 90.26 ft for one lot and decrease from 80.3 ft to 70 ft for the other (min. 150 ft width required for new lots). The lot line adjustment would decrease the setback for the existing septic system on one lot from about 12 ft to about 2 ft (min. 10 ft required).

Applicant: Philip Trout (Sue Burke Trust) and William and Delores Burke

Agenda Item: 5(a)

Background Information:

Location:

Property Address: 7364 and 7384 Isaak Ave NW, Annandale

Sec/Twp/Range: 27-121-27

Parcel Number: 206068000030 and 206068000020

Zoning: Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake).

Lot size: If the lot line adjustment is granted as proposed, the Trout property would be enlarged from 22,416 sq ft to 25,641 sq ft and the Burke property would be reduced in size from about 25,648 sq ft to about 22,423 sq ft.

The width of the Trout property along the lake would increase from 65 ft to 78 ft. The width of the Burke property would decrease from approximately 85 feet to about 72 feet.

The width of the Trout property along the road would increase from 80 ft to 90.26 feet. The width of the Burke property along the road would decrease from approximately 80.3 feet to 70 feet.

Existing Impervious Coverage:

- Trout Property: Buildings: 16.3%, Total 29.2% (**Before** removal of small sheds)
- Burke Property: Buildings: 8.6%, Total: 14.8%

Proposed Impervious Coverage:

- Trout Property: Buildings: 9.6%, Total 20.9% (**After** removal of small sheds)
- Burke Property: Buildings: 9.8%, Total 16.9%

Septic System Status: The existing sewer systems on the Trout property was inspected and found compliant in May 2011. The existing system on the Burke property was installed in 1986 and has not been inspected since that time. Records are unclear as to where the edge of the drainfield is – the 2 ft measurement from the proposed new lot line and the septic system is measured to the bottom of the slope of the mound drainfield (the actual “absorption area” to which the setback is measured is likely at least 3-5 feet in from the bottom of the slope)

□ **Natural Features:**

Floodplain: The properties are not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain a bluff. They do have steep slopes between the homes and the lake.

Wetlands: There do not appear to be any wetlands on the property. The Burke property does have a low area to the road side of the lot that has been collecting water given the heavy and sustained rain experienced this year.

- **Proposal:** The proposal is to adjust the lot lines between these two lots – neither of which meets today’s minimum required lot size of one acre (the lots were platted in 1954). The proposed lot line adjustment would make the Burke lot smaller, but it would still meet the minimum DNR-required lot size of 20,000 square feet (20,000 sq ft is also the minimum lot size for a lot of record to be considered buildable).

If the lot line adjustment is granted as proposed, the Trout property would increase in size from 22,416 sq ft to 25,641 sq ft and the Burke property would be reduced in size from about 25,648 sq ft to about 22,423 sq ft.

The width of the Trout property along the lake would increase from 65 ft to 75.5ft. The width of the Burke property would decrease from approximately 85 feet to about 74.5 feet.

The width of the Trout property along the road would increase from 80 ft to 90.26 feet. The width of the Burke property along the road would decrease from approximately 80.3 feet to 70 feet.

□ **Requested Variances:**

- Lot line adjustment involving substandard-sized lots (lot line adjustments are to be reviewed by the Board of Adjustment when such lots are used as building sites).
- Septic system setback (side yard): The proposal would reduce the side yard setback of the drainfield on the Burke property from about 12 ft to about 2 ft (min. 10 ft required).

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6.Appeals and adjustments.

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

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

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

MN Rules 6120.3900, Subp 3 (Variances)

Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

Corinna Township/Wright County Regulations

404 LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (1) They have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway existing prior to January 1, 1977.

(2) They have at least 20,000 square feet of area. Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
 - (a) The granting of the variance will be in harmony with the County Land Use Plan.
 - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
 - (d) The proposal does not alter the essential character of the locality.
 - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
 - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.3 Site Evaluation and Design Requirements

Table 3
Minimum Setback Distances (Feet)

	Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.

** The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.

*** For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.

**** The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

Staff Findings: The following findings of fact are presented by Staff for consideration by the Board of Adjustment in relation to the proposed lot line adjustment:

1. Both lots involved in the lot line adjustment do not meet the minimum required lot size of today's ordinance (1 acre, 150 feet in width)
2. Both lots, after the proposed adjustment, would continue to meet the minimum required lot size required in DNR regulations (at least 20,000 sq ft). The Trout lot would be 25,641 sq ft and the Burke lot would be 22,423 sq ft.
3. The width of the Trout property along the lake would increase from 65 ft to 75.5ft and from 80 feet to 90.26 feet along the road. This would bring it closer to conformance with the requirement of 150 feet in today's ordinance and 100 feet for DNR-required minimums.
4. The width of the Burke property along the lake would decrease from approximately 85 feet to about 74.5 feet and from 80.3 feet to 70 feet along the

road. In either case, it does not meet the minimum required lot width of 150 feet in today's ordinance and 100 feet for DNR-required minimums.

5. The lot line adjustment would increase the side yard setback of the dwelling on the Trout lot from 1.4 feet over the property line to 8.5 feet from the property line. This would more closely conform to the required 15 ft setback in today's ordinance.
6. The dwelling on the Burke lot would continue to meet the required 15 ft side yard setback, with a setback of 18.2 feet after the proposed lot line adjustment.
7. The two existing sheds and one existing garage on the Trout property would be removed from the site – eliminating the existing nonconformities relating to impervious surface coverage and side yard setbacks.

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

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

- a) The spirit and intent of the ordinance (side yard setback) for septic systems, according to the Statement of Need and Reasonableness prepared for the 1996 Rule Changes, states as follows:

“The property line setback is placed in the rule to highlight to landowners that they must consider their neighbors during placement of their ISTS. It is reasonable to require documentation for property line setbacks at the state level to assure that affected parties are privy to the information and accept the infringement to their property.”

The landowner impacted by the side yard setback is one of the applicants and presumably has no objection to the location of the Burke septic drainfield in relation to the proposed lot line. There appears to be adequate space for pump trucks to access the tanks just as there has been in the past, as the lot line adjustment will not change the pump route and there remains adequate space west and south of the existing drainfield to allow for maintenance without being on the neighboring property.

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

- a) **Yes.** The Corinna Township Comprehensive Plan does not directly address lot line adjustment or side yard setbacks for septic systems except to make statements about protecting lake quality as land is developed. The Wright County Comprehensive Plan states “Development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface.”

3) Is the proposed use of the property reasonable?

Yes. The use of the property will not change as a result of the proposed lot line adjustment. The property will continue to be used for residential purposes.

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

Yes. The need for the variance is created primarily by the adjusting of the lot lines as has been proposed. The previously approved (August 2010) lot line adjustment would not have required a variance for the septic system side yard setback and the applicant could still act on that approval. However, the revised plan will avoid more complicated procedures required by the fact that the two properties involved are Torrens properties – another fact that was out of the control of the landowner. Further, the lots were platted in the 1950s – before zoning regulations and minimum lot sizes were in place.

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

No. The location of an existing sewer drainfield closer to a lot line will not change the character of the neighborhood at all as it will not result in a change to any buildings or the visual appearance of the lot.

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

No. There are other considerations than simply economic. These include the desire to make lot lines follow the existing use of the property and the fact that the proposed lot line adjustment will improve impervious coverage on a lot that now exceeds the limit.

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

No. To avoid the need for the requested side yard setback, the lot lines would need to be adjusted in a different way, or the septic drainfield would need to be moved. Each of these would involve substantially more cost to the landowner(s) involved without any significant benefit to the landowner or the public achieved. At the time the drainfield on the Burke property is eventually replaced, the need for the variance will be eliminated.

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

No. Nothing that affects the environment would be changed by this application. The existing sewer drainfield would remain as it is. Impervious surface coverage on the Trout lot will actually be improved.

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

Staff Recommendation: Based on the findings of fact and discussion listed above, Staff recommends that the lot line adjustment and septic system setback (side yard) be approved as presented.

NOTE: This is the first meeting since the Corinna Township Land Use Ordinance has been changed regarding the process for reviewing and acting on variances. The Board of Adjustment now is responsible for making the final Township decision on variance requests. It is no longer a recommendation that goes to the Town Board.

Application # _____	Date Application Rec'd ___/___/___	Fee Collected \$ _____
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(for office use only)

**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Elizabeth A. Trout Phone 507-271-2967
 Property Address (E911#) 7384 Isaak Ave. N.W. Annandale, MN 55302
 Mailing Address 1000 Shumway Ave. Local Phone _____
(if different than above) *(if different than above)*
 City, State, Zip FARIBAULT, MN 55021

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

Legal Owner _____
 Contract Buyer _____ (Name)
 Option Holder _____
 Agent _____ (Address)
 Other Personal Key to _____
Estate of J. Sue Burke _____ (City, State, Zip)

Signature of Legal Owner(s), authorizing application *(required)* Elizabeth A. Trout
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-068-000020
206-068-000030

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

Zoning District R-1/S-2, Lake Name (if applicable) Cedar

What type of variance are you requesting (check as many as apply)?

- | | | |
|---|---|---|
| <input type="checkbox"/> 1 per 40 Division | <input type="checkbox"/> Road Setback | <input type="checkbox"/> Building/Impervious Coverage |
| <input checked="" type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Lake or River Setback | <input type="checkbox"/> Height of Structure |
| <input type="checkbox"/> Undersized Lot | <input checked="" type="checkbox"/> Side or Rear Line Setback | <input checked="" type="checkbox"/> Septic System Setback |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback | <input type="checkbox"/> Other _____ |

What are you proposing for the property? State nature of request in detail: We would like a lot line adjustment of the SE corner to move south 10.5' and the SW corner to move 10.26' south. The lot line adjustment will result in the existing sewer drainfield being closer than 10 ft from the new lot line.

Application # _____	Date Application Rec'd ____/____/____ (for office use only)	Fee Collected \$ _____
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**CORINNA TOWNSHIP
APPLICATION FOR
ADMINISTRATIVE SUBDIVISION**

Name of Property Owner #1 J. Sue Burke - Elizabeth A Trout - ^{pers.} Rep to
7384 Isaac Ave. N.W. Annandale, MD ^{estate}

Parcel # (12 digit # on tax statement): 206- 068-000020 Phone 507-271-2967

Mailing Address 1000 Shumway Ave.

City, State, Zip Fairbault, MN 55021

Property Owner #1 is:	Title Holder of Property #1 (if other than applicant)
Legal Owner <input type="checkbox"/>	_____
Contract Buyer <input type="checkbox"/>	(Name)
Option Holder <input type="checkbox"/>	_____
Agent <input type="checkbox"/>	(Address)
Other <u>Court approved</u>	_____
<u>rep. to estate</u>	(City, State, Zip)

Name of Property Owner #2 William & Delores Burke

Parcel # (12 digit # on tax statement) 206- 068-000030 Phone 320-274-5617

Mailing Address 7364 Isaac Ave. N.W.

City, State, Zip Annandale, MN 55021

Property Owner #2 is:	Title Holder of Property (if other than applicant)
Legal Owner <input checked="" type="checkbox"/>	_____
Contract Buyer <input type="checkbox"/>	(Name)
Option Holder <input type="checkbox"/>	_____
Agent <input type="checkbox"/>	(Address)
Other _____	_____
	(City, State, Zip)

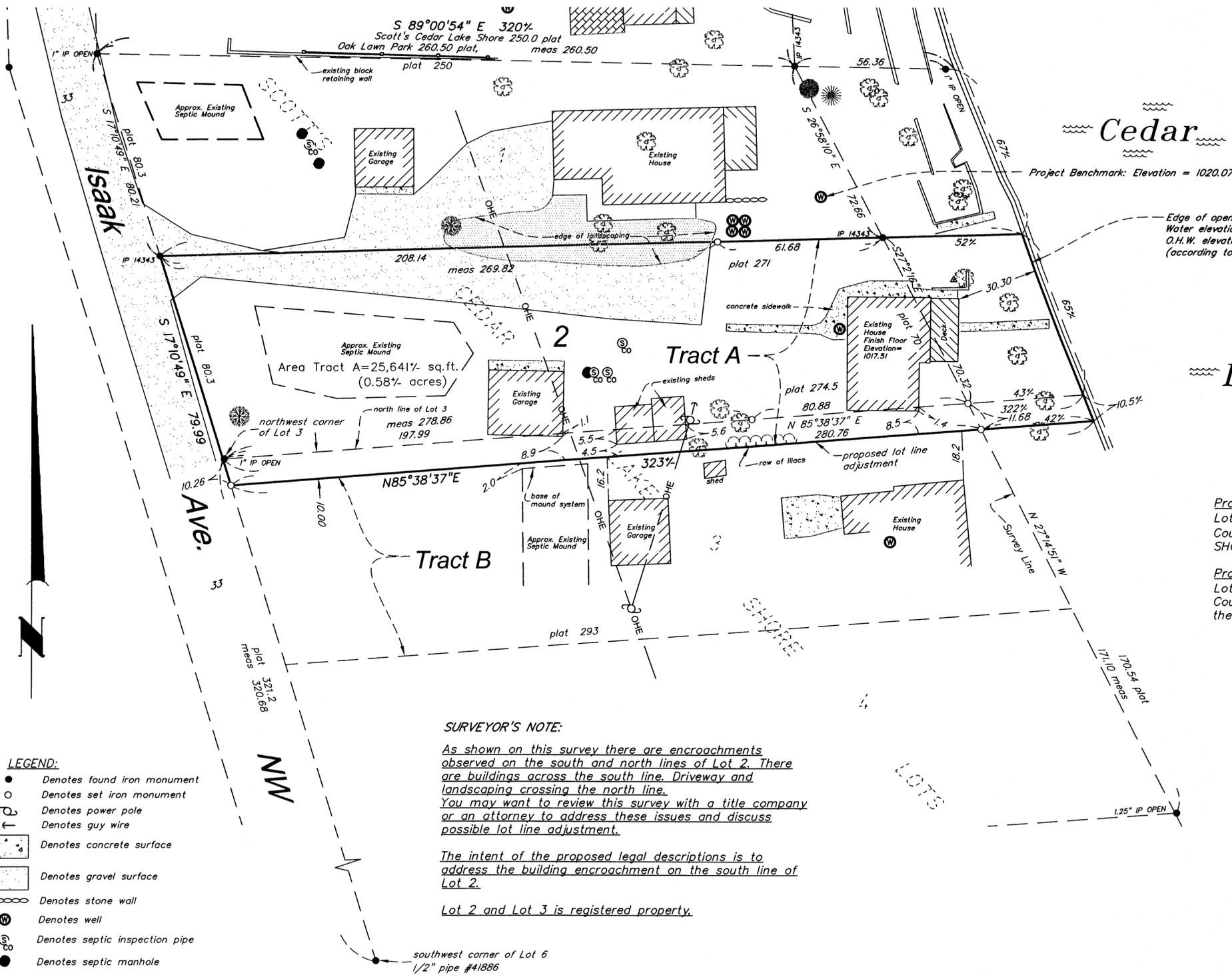
Signature of Property Owner #1 (Title Holder): Elizabeth A Trout - Pers. Rep
 By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Property Owner #2 (Title Holder): William & Delores Burke
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

CERTIFICATE OF SURVEY

REFERENCE BENCHMARK: Chiseled square located about 6 feet south of the north end of the upstream abutment of the outlet dam (C.R. # 6 bridge. Elevation = 1002.13 (N.G.V.D. 29).

PROJECT BENCHMARK: Top of well head, located 60 feet easterly of lake shore on Lot 1, SCOTT'S CEDAR LAKE SHORE LOTS. Elevation = 1020.07 (N.G.V.D. 29).



Edge of open water
Water elevation on 4-27-11 = 999.05 (NGVD 29)
O.H.W. elevation = 998.70 (NGVD 29)
(according to the MN DNR)

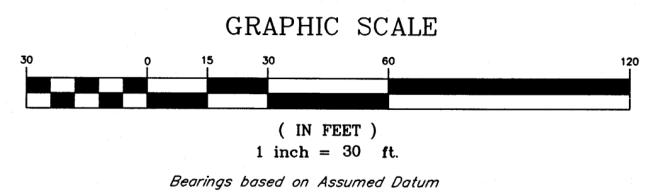
Proposed Tract A for lot line adjustment of Registered Property
Lot 2, SCOTT'S CEDAR LAKE SHORE LOTS, according to the recorded plat, Wright County, Minnesota and the North 10.00 feet of Lot 3, said SCOTT'S CEDAR LAKE SHORE LOTS, as measured at right angles to the north line thereof.

Proposed Tract B for lot line adjustment of Registered Property
Lot 3, SCOTT'S CEDAR LAKE SHORE LOTS, according to the recorded plat, Wright County, Minnesota, EXCEPT the North 10.00 feet, as measured right angles to the north line thereof.

SURVEYOR'S NOTE:
As shown on this survey there are encroachments observed on the south and north lines of Lot 2. There are buildings across the south line. Driveway and landscaping crossing the north line. You may want to review this survey with a title company or an attorney to address these issues and discuss possible lot line adjustment.

The intent of the proposed legal descriptions is to address the building encroachment on the south line of Lot 2.
Lot 2 and Lot 3 is registered property.

- LEGEND:**
- Denotes found iron monument
 - Denotes set iron monument
 - ⌋ Denotes power pole
 - Denotes guy wire
 - ▨ Denotes concrete surface
 - ▩ Denotes gravel surface
 - Denotes stone wall
 - ⊙ Denotes well
 - ⊕ Denotes septic inspection pipe
 - Denotes septic manhole
 - OHE Denotes overhead electric
 - 🌳 Denotes Tree, Deciduous



Requested by:
Beth Trout

BOGART, PEDERSON & ASSOCIATES, INC.

LAND SURVEYING
CIVIL ENGINEERING
MAPPING

311 Division Street, Maple Lake, MN 55358
TEL: 320-963-6900 FAX: 320-963-6060

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

Signed: *Lee A. Brown*
Lee A. Brown
Date: 1-17-12 Lic. No. 41886

SURVEY DATE: 4/27/11
FB/PG: 86.08/31
DRAWN BY: LB
CHECKED BY: CW
DWG FILE: 11-0046.01rev1.dwg
FILE NO.: 11-0046.01 Beth Trout

REV NO.	DATE	DESCRIPTION
1	1-12-12	Adjust lot line



STAFF REPORT

Application: Variance to construct new 36 ft grain bin approximately 114 ft from the centerline of a county road (min. 130 ft required).

Applicant: Doug and Michelle Smith

Agenda Item: 5(b)

Background Information:

Location:

- Property Address: 7051 – 102nd Street NW, Maple Lake
- Sec/Twp/Range: 11 and 12-121-27
- Parcel Number(s): 206000114100 and 206000123300

Zoning: General Agricultural (AG)

Lot size: Approximately 111 acres total (34 acres and 77 acres).

Septic System Status: The existing sewer system was permitted in 1980. The ordinance does not require an inspection of this system.

Natural Features:

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any steep slopes or bluffs in the area of the proposed grain bin.

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

Proposal: The applicant is proposing to construct a new 36 ft grain bin near a cluster of other agricultural buildings and grain bins. Many of these buildings are partially or completely within the required road centerline setback. The applicant is seeking to improve the efficiency of their farming operation.

Requested Variance(s):

- Road centerline setback: New 36 ft grain bin approximately 114 ft from the centerline of a county road (min. 130 ft required).

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

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Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

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 - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
 - (d) The proposal does not alter the essential character of the locality.
 - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
 - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

604. GENERAL AGRICULTURE AG

604.5 Performance Standards

(2) Front Yard Regulations:

(a) Required Setback Distance

<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
130	State Highway
130	County Road State Aid
65	Local Street (Twp. Rd.)
25	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

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

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

a) **Yes.** The spirit and intent of the ordinance (road setback) for buildings is to help ensure adequate space for road maintenance activities (i.e. snowplowing, road grading, ditch spraying, etc...), to prevent damage to property and promote public safety should a vehicle drive off the road and to allow adequate space for parking of vehicles on driveways without endangering public safety. The proposed building will be no closer to the road than other structures already on the property and as such will not significantly worsen the existing situation. The Commission may wish to discuss with the applicant whether there will be any change in traffic patterns (i.e. will there be more truck traffic to and from the site as a result of the additional grain bin and how will parking/loading areas and driveway accesses be used).

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

Yes. The Comprehensive Plan does not directly address issues related to road setbacks. However, it does outline the following goals, which are relevant to this application:

- Ensure that any land use regulations adopted by Corinna Township meet the goals of the Comprehensive Plan and are understandable, fairly applied, and implemented in a clear, consistent manner.
 - Staff Comment: As with all variance requests, the Township needs to find that the request meets the criteria required for approving a variance.
- Encourage preservation of productive farm operations.
 - Staff Comment: While there are other locations on this property where a grain bin could be located without needing a variance, the proposed site is that which likely makes the most sense given the relationship it has to the other, existing, buildings on the property.

3) Is the proposed use of the property reasonable?

Yes. The addition of another grain bin on the property is a reasonable request given the active farming taking place and the desire to make farming operations more efficient.

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

Yes. The need for the variance is created primarily by the location of the existing farm buildings on the property and the desire to locate the new building so as to make the farming operation more efficient. The existing farm buildings have been in the same location for at least 20 years and likely much longer.

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

No. The site is already used for farming operations and has two other grain bins, along with other farm buildings. The character of the area will remain agricultural.

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

No. There are other considerations than simply economic – most notably the location of the existing buildings, which make location to an area of the property that would meet the required setback impractical.

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

No. The only way for the applicant to alleviate the requested variance would be to locate the new grain bin further back in the property or to not build the grain bin at all. Locating the bin further back is made impractical because of the need to locate the bin in an area that coordinates well with the existing barn and other grain bins.

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

No. The construction of a new grain bin would be unlikely to create any significant environmental effect, as the area is already used and developed for farm buildings and the related operations. The new grain bin will not change the use or related operations from what already exists.

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

Staff Recommendation: Based on the findings of fact and discussion listed above, Staff would recommend approval of the requested road centerline variance as presented.

Application # _____	Date Application Rec'd ____/____/____ (for office use only)	Fee Collected \$ _____
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**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Douglas Smith Phone 320-963-5791

Property Address (E911#) 7051 102nd ST NW

Mailing Address Maple Lake MN Local Phone _____
(if different than above) (if different than above)

City, State, Zip Maple Lake MN 55358

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

Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other	_____	_____
		(City, State, Zip)

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

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-000-123300

Full legal description of property involved in this request, including total acreage or square footage (required - attach separate sheet if necessary):
Sect -12 Twp -121 Range -027
34 AC

Zoning District AG, Lake Name (if applicable) _____

- What type of variance are you requesting (check as many as apply)?
- | | | |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division | <input checked="" type="checkbox"/> Road Setback | <input type="checkbox"/> Building/Impervious Coverage |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Lake or River Setback | <input type="checkbox"/> Height of Structure |
| <input type="checkbox"/> Undersized Lot | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback | <input type="checkbox"/> Other _____ |

What are you proposing for the property? State nature of request in detail: _____
To build a 36' grain bin

See attached for all Questions.

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.corinnaplanning.info.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions (if you are outside a shoreland zone, do not complete these questions. Instead complete the next set of questions below):

1. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.corinnaplanning.info).

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.corinnaplanning.info).

3. Describe why you feel that your proposal is a reasonable use of the property.

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

- 6. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

- 7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

- 8. Please include any other comments pertinent to this request.

1. I believe the granting of this variance is in harmony with Corinna Township's purpose and intent for agricultural zoned property.
2. I believe the granting of this variance will have minimal impact on the footage needed from the road right away to meet the required setbacks.
3. The property is a working productive farm that is zoned for agriculture.
4. There is a pole barn, manure pit, and two silos that hinder the required setback required for a county road. The grain bin will be used in conjunction with the silos and needs to be built near them. The smaller Harvestore will be used as a wet holding bin and the larger one as storage. In addition, I want to keep the bin close to both silos as to minimize the amount of moving and hauling that would be needed if the bin were in another area.
5. The character of the area would not be changed by the project as it will be built on a farm that has farm buildings and farmland surrounding it. The grain bin should not be a detriment to nearby properties as it will look natural on the proposed setting.
6. It is not feasible for the project to meet the minimum requirements as it cannot be moved back any further because of already existing structures. I did not consider other options because I want to use the already existing grain storage in conjunction with the grain bin to minimize any extra moving of the grain. This will save time and energy.
7. There will not be any impact to the area other than the already stated fact that extra moving of grain will be minimized. This minimization will reduce energy used and extra noise from additional hauling, which will be better for the environment.
8. N/A

Michele Smit 1-25-12

CORINNA TOWNSHIP, MN
Land Use/Building Permit Application

Site Address (E-911#):	E911 Address Needed?	Parcel Number (12 digits):
7051 102nd ST NW, Mpl Lk	Yes <input type="checkbox"/> No <input type="checkbox"/>	206 - 000 123 - 300

Legal Description (Lot, Block & Subdivision Name or attach full legal description):

Sect - 12 Twp - 121 Range - 027

Property Owner Info:

Name: Douglas Smith		
Mailing Address: 7051 102nd ST NW		
City: Maple Lake	State: MN	Zip Code: 55358
Home Phone: 320-963-5791	Cell Phone:	Fax Number:

Applicant Info:

Name: Douglas Smith		
Mailing Address: 7051 102nd ST NW		
City: Maple Lake	State: MN	Zip Code: 55358
Home Phone: 320-963-5791	Cell Phone:	Fax Number:
Applicant Is: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Licensed Contractor <input type="checkbox"/> Design Prof. <input type="checkbox"/> Contract Buyer <input type="checkbox"/> Other:		

General Contractor:

Mailing Address: 60240 US Hwy 12		MN Lic. #:	Lead Abate. Lic. #:
City: Litchfield	State: MN	Zip Code: 55355	Fax Number:
Business Phone: 320-693-7277	Cell Phone:		

Design Professional/Architect:

Mailing Address:		
City:	State:	Zip Code:
Business Phone:	Cell Phone:	Fax Number:

Lot Information:

Lot Size (sq ft or acres): 36 acres	Within 1000 ft of lake? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Lake Name:	Width at lake/rear:	Width at road:
Road frontage is: <input type="checkbox"/> State Hwy <input checked="" type="checkbox"/> County Rd <input type="checkbox"/> Town Rd <input type="checkbox"/> Private Rd	Zoning District: <input checked="" type="checkbox"/> AG <input type="checkbox"/> A/R <input type="checkbox"/> R-2a <input type="checkbox"/> R-2 <input type="checkbox"/> R-1 <input type="checkbox"/> S-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> I-1			

Structure Setback Information (feet):

Setback from lake (ord. high water mark) is: _____ ft	Setback from bluff (if present) is: _____ ft
Elevation of lowest floor above (if applicable): Highest Known Water Level: _____ ft ; 100-year Flood Elevation : _____ ft	
Setback from road(s) (centerline) are: 114 ft and _____ ft	Setbacks from Side Yard are: _____ ft and _____ ft

Type of Improvement(s) - check all that apply:

<input type="checkbox"/> Addition	<input type="checkbox"/> Build New	<input type="checkbox"/> Demolish	<input type="checkbox"/> Move	<input type="checkbox"/> Mechanical Only	<input type="checkbox"/> Plumbing Only
<input type="checkbox"/> Fireplace	<input type="checkbox"/> Re-side	<input type="checkbox"/> Re-roof (no structural change)	<input type="checkbox"/> Re-roof (structural/pitch change)	<input type="checkbox"/> Chimney	
<input type="checkbox"/> Interior Alteration/Repair (interior remodel, finish basement, etc...)	<input type="checkbox"/> Replace Windows/Doors	<input type="checkbox"/> Pre-1978 Construction (note lead abatement lic # above)	<input checked="" type="checkbox"/> Other (specify): Corinna Bin		

Variance/Conditional/Interim Use Permit (if applicable - attach documentation):

Variance granted on (date):	Conditional/Interim use permit granted on (date):
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Structure Information:

<u>Structure #1</u>			<u>Structure #2</u>			<u>Structure #3</u>		
Type of Structure:		Use:	Type of Structure:		Use:	Type of Structure:		Use:
<input type="checkbox"/> Dwelling	<input type="checkbox"/> Residential		<input type="checkbox"/> Dwelling	<input type="checkbox"/> Residential		<input type="checkbox"/> Dwelling	<input type="checkbox"/> Residential	
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Comm./Indus		<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Comm./Indus		<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Comm./Indus	
<input type="checkbox"/> Storage Building	<input type="checkbox"/> Home Business		<input type="checkbox"/> Storage Building	<input type="checkbox"/> Home Business		<input type="checkbox"/> Storage Building	<input type="checkbox"/> Home Business	
<input type="checkbox"/> Detach. Garage	<input type="checkbox"/> Other		<input type="checkbox"/> Detach. Garage	<input type="checkbox"/> Other		<input type="checkbox"/> Detach. Garage	<input type="checkbox"/> Other	
<input type="checkbox"/> Attached Garage	Foundation:		<input type="checkbox"/> Attached Garage	Foundation:		<input type="checkbox"/> Attached Garage	Foundation:	
<input type="checkbox"/> Open Deck	<input type="checkbox"/> Basement		<input type="checkbox"/> Open Deck	<input type="checkbox"/> Basement		<input type="checkbox"/> Open Deck	<input type="checkbox"/> Basement	
<input type="checkbox"/> Roofed Deck	<input type="checkbox"/> Walkout?		<input type="checkbox"/> Roofed Deck	<input type="checkbox"/> Walkout?		<input type="checkbox"/> Roofed Deck	<input type="checkbox"/> Walkout?	
<input type="checkbox"/> Enclosed Porch	<input checked="" type="checkbox"/> Slab-on-Grade		<input type="checkbox"/> Enclosed Porch	<input type="checkbox"/> Slab-on-Grade		<input type="checkbox"/> Enclosed Porch	<input type="checkbox"/> Slab-on-Grade	
<input type="checkbox"/> Patio	<input type="checkbox"/> Piers		<input type="checkbox"/> Patio	<input type="checkbox"/> Piers		<input type="checkbox"/> Patio	<input type="checkbox"/> Piers	
<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Other		<input type="checkbox"/> Other	<input type="checkbox"/> Other		<input type="checkbox"/> Other	<input type="checkbox"/> Other	
# of Stories above bsmnt	Footprint	Roof Pitch	# of Stories above bsmnt	Footprint	Roof Pitch	# of Stories above bsmnt	Footprint	Roof Pitch
_____	_____	_____	_____	_____	_____	_____	_____	_____
# Bedrooms	# Baths	Eave Width	# Bedrooms	# Baths	Eave Width	# Bedrooms	# Baths	Eave Width
_____	_____	_____	_____	_____	_____	_____	_____	_____
Estimated Cost:	Plumbing in Structure?		Estimated Cost:	Plumbing in Structure?		Estimated Cost:	Plumbing in Structure?	
\$ <u>4,000</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Grading/Lot Preparation

Project will involve grading/reshaping: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Amount of material to be moved (cubic yards): <input type="checkbox"/> 0-10 cu yds <input checked="" type="checkbox"/> 10-49 cu yds <input type="checkbox"/> 50-500 cu yds <input type="checkbox"/> Over 500 cu yds
Describe Temporary Erosion Control Measures to be implemented (check all that apply): <input type="checkbox"/> Silt fence <input type="checkbox"/> Straw/Other Mulch <input type="checkbox"/> Erosion Blanket <input type="checkbox"/> Biorolls <input type="checkbox"/> Berm <input type="checkbox"/> Temporary Sediment Basin <input type="checkbox"/> Other _____	Describe how vegetation will be re-established (check all that apply): <input type="checkbox"/> Sod <input type="checkbox"/> Hydroseed <input type="checkbox"/> Hand seed <input type="checkbox"/> Other _____

Describe the Proposed Improvement/Project (any other relevant information not already mentioned):

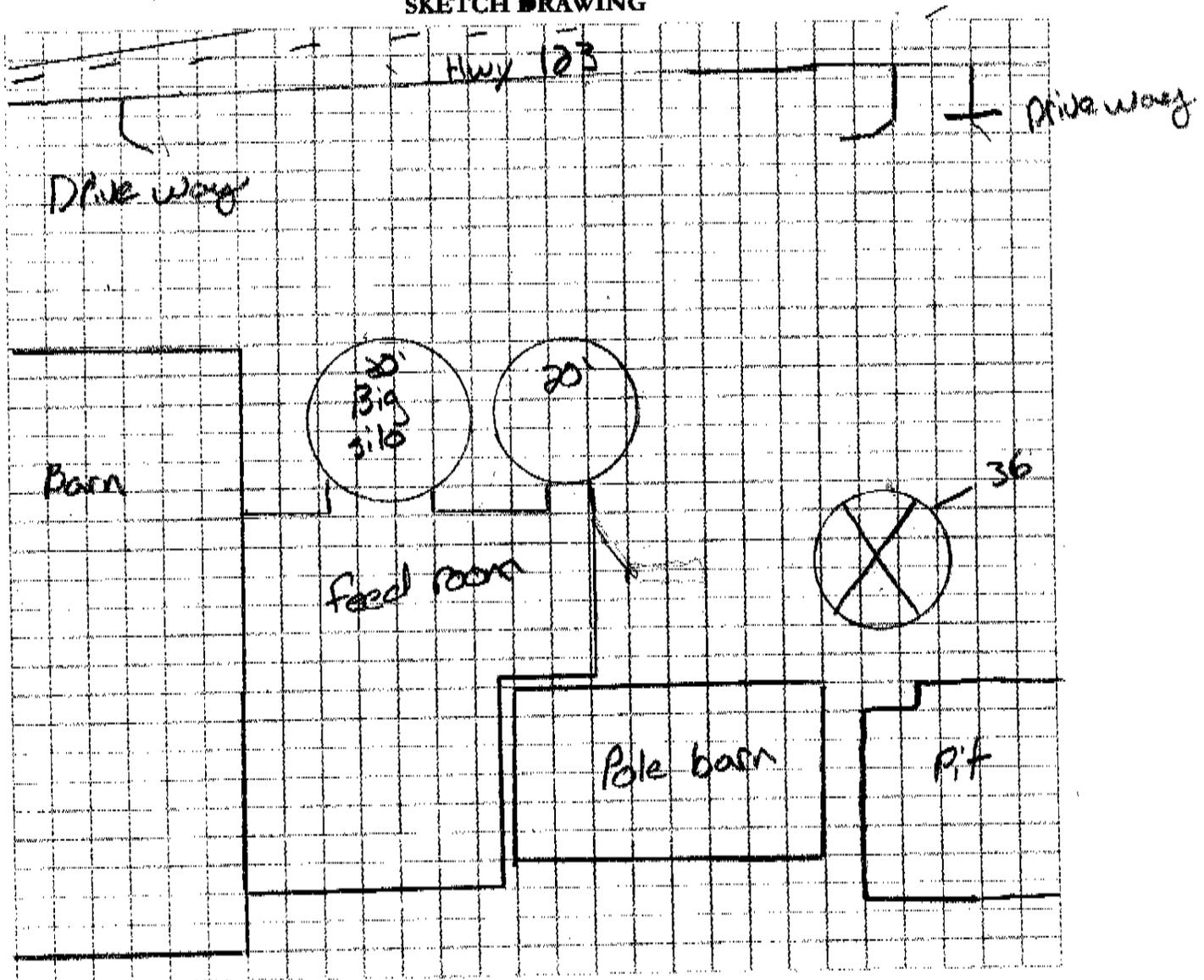
36' Grain Bin

Signature of Applicant*: <u>Michelle Smith</u>	Date: <u>1-25-12</u>
Signature of Title Holder*: _____	Date: _____

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all Corinna Township and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Corinna Township Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to Corinna Township's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable township, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

N

SKETCH DRAWING



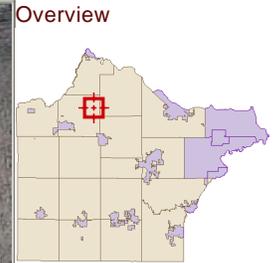
Impervious Surface Calculation

List all existing structures* or other improvements on the property and their outside dimensions		List all proposed structures* or other improvements on the property and their outside dimensions:	
Type of Structure or Improvement	Footprint - incl. eaves (sq ft)	Type of Structure or Improvement	Footprint - incl. eaves (sq ft)
1. Grain Bin	36'	New	
2.			
3.			
4.			
5.			
Total		Total	

*Note: Include all roofed structures (including eaves), patios, decks, driveways, parking areas, retaining walls, stairways, sidewalks, propane tanks, landscaping underlain with fabric/plastic, etc...

Total Lot Size = 36 Ac sq ft or acres

Total Impervious Coverage (Total Impervious / Total Lot Size) * 100 = _____ %



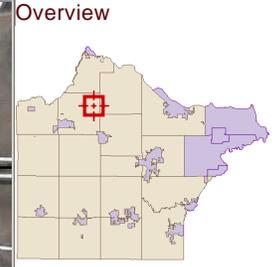
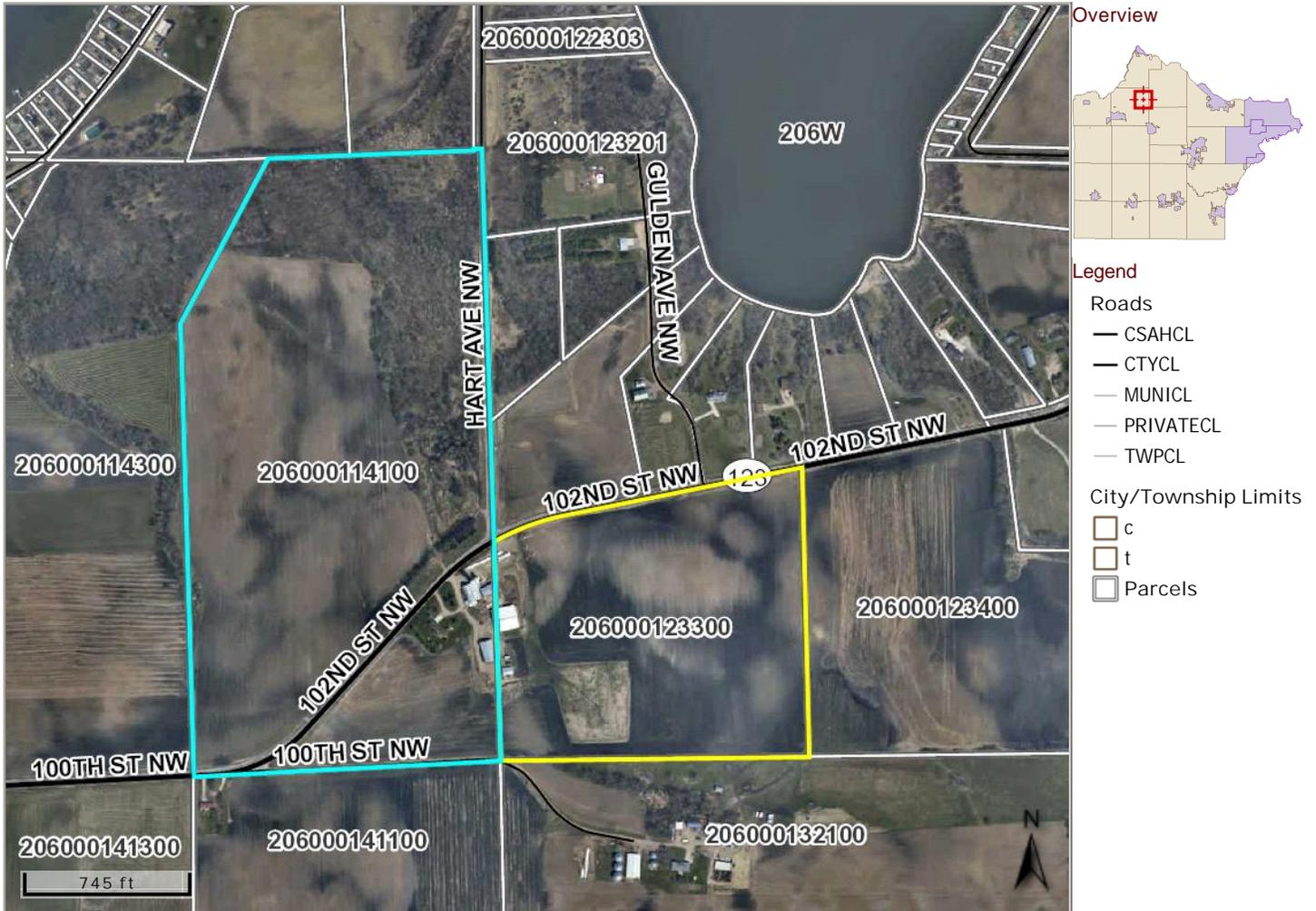
- Legend**
- Roads**
- CSAHCL
 - CTYCL
 - MUNICL
 - PRIVATECL
 - TWPCL
- City/Township Limits**
- c
 - t
 - Parcels

Parcel ID	206000114100	Alternate ID	n/a	Owner Address	DOUGLAS L & MICHELLE M SMITH
Sec/Twp/Rng	11-121-27	Class	101 - AGRICULTURAL		7051 102ND ST NW
Property Address	7051 102ND ST NW	Acreage	77.44		MAPLE LAKE, MN 55358
	MAPLE LAKE				

District n/a

Brief Tax Description Sect-11 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 77.44 AC SE SE & LOT 3 E OF RD
 (Note: Not to be used on legal documents)

Last Data Upload: 2/2/2012 8:50:03 AM



- Legend**
- Roads**
- CSAHCL
 - CTYCL
 - MUNICL
 - PRIVATECL
 - TWPCL
- City/Township Limits**
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 - t
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	MAPLE LAKE				

District n/a

Brief Tax Description Sect-11 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 77.44 AC SE SE & LOT 3 E OF RD

(Note: Not to be used on legal documents)

Last Data Upload: 2/2/2012 8:50:03 AM

Received
1-31-12

To: Corinna Township Planning Commission

From: Ric and Diane Fournier

Subject: Doug and Michelle Smith Variance Request

We moved here as neighbors to Doug and Michelle over 20 years ago. Ever since then, we have known Doug and Michelle to run a successful family farm business. In the economy today it is not an easy task to be a successful farmer. If this variance in any way helps continue Doug and Michelle's success we support it. It appears to us this grain bin construction would be no closer to the road than existing buildings, thus a logical construction area. We do not want to hinder the success of a family farm operation.

Ric and Diane Fournier

Ric Fournier
Diane Fournier

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

January 10, 2012

7:00 PM

1. Call to Order: Chair 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); Lee Parks; Larry Smith; Steve Huff; Barry Schultz

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

Others in Attendance: John Dearing; Richard Naaktgeboren; John Bishop; Paul Otto of Otto Associates; Carter Diers; Orville Jonsrud; Bill Arendt; Leslie Kruetter; Kathy Jonsrud; Lisa Ramme Latterell; Peter Ramme

3. Additions or Deletions to the Agenda:

A motion was made by Shay, seconded by Smith, to accept the agenda. Motion carried unanimously.

4. Public Hearings

- a. (Tabled from October 11, 2011 meeting) Request to amend Comprehensive Plan Future Land Use Map designation from Rural Preservation to Shoreline Residential and to rezone lakeshore portion of property from AG to R-1.
 - 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

Paul Otto, of Otto Associates, and John Bishop addressed the Planning Commission.

Ben Oleson showed a preliminary drawing from October. The Planning Commission had asked for more detailed information showing wetland delineation, etc. They have changed the widths of the lots. One house is set further back. Septic systems are in back.

Oleson: We are here to talk about rezoning. What is the concept for how it could be developed if the rezoning were approved? This is a request to amend the Comprehensive Plan Future Land Use Map designation from Rural Preservation to Shoreline Residential and to rezone the lakeshore portion of property from AG to R-1. 150 foot minimum lot width - they are about twice the minimum size for acreage required. We had asked for wetlands information. I think the big question is still the drainage, how does it go through there, how will it be held back? This may require more detailed information. We still do not have soil borings for the septic. I think you planned to do that later in the spring. There are steep hills, and a bluff on one side. Our main comment is that the drainage issue should be explored more. A rezoning is usually looked at independently from any particular development plan, but in this case, given the unique environmental and topographic features of the property, it makes

more sense to look at both the rezoning and the subdivision concept together. This might help avoid rezoning a piece of land that later turns out to be unworkable for a development consistent with that zoning district.

Otto: Staff did a very nice job on the report. We are at the rezoning step. The steps are to come to the township to get a recommendation to bring to the county, and then go to county to get the rezoning done. Everything highlighted in the staff report will have to be done in the preliminary plat. But we need to move through the county process first. There may be issues that we are not seeing. With that, there is additional information, calculations, and design that need to be done on this. Do 150 foot lots seem to work? This second plan provides quite a bit more detail that we usually see in a rezoning application. I ask that we can move this along so that we can bring it to the county. As far as the point of the plan - there is a bluff and a 30 foot setback from the bluff. That is why this house got moved further back. It would be on top of the hill. It is not as close to the lake as you would want – but will be great. As far as the swale running through there – we expect that we would be putting an easement on there so that that drainage is maintained. Construction will have to be outside of that easement. I don't see that as an issue. The house is at least 20 feet off the center of that drainage way. I would expect that these would be custom designed homes. As far as the driveway – we showed that it would stay out of the drainage way and out of the septic systems. I don't anticipate that the driveways will be a problem. Storm water ponding would be according to MPCA rules. Raising the elevation of a wetland – this wetland is a grassy area – it would be easy to raise that level - so that there is more water in that wetland - providing more water storage. John has said he would look at that if it is simple enough to do. We would have to get a permit. It would have to comply with wetland rules. This was discussed at last meeting. We would build a township specification road to where we would connect to the township cul-de-sac on the end. We would not improve Hart Ave. John would provide an easement, in case it would need to be improved in the future.

Quiggle: Are there any public comments?

Peter Ramme: I own property adjacent to this. I have a question about the road. The character of the neighborhood – 33 foot road going into property – is it necessary to build this up to a 66 foot wide road?

Bishop: I have no problem with whatever the township is willing to accept.

Ramme: There is a wetland down there. A smaller road would be better for the character of the neighborhood. I don't know what the county requirements are.

Otto: They would defer to the township in regard to the road.

Bishop: The County said that they are willing to accept what the township is willing to accept.

Bishop: I would rather have more property than less.

Ramme: Other questions – this drainage into Sugar Lake is really bad now. It is a major issue. It is almost like raw manure going into the lake. Can we get a holding pond there to stop the pollution into the lake? It goes through lot number 1, I think. In spring we get the big rains and it all goes down into that area. I don't know if there are state funds available to help with that. It would be important to the owners of the lot as well as the quality of the lake.

Otto: The water that intersects and hits our road or ditch – that will all get diverted into a storm water pond. We would have the storm water pond – depends on final design. A pretty good portion of this would be pushed into the storm water pond. If we could back up this wetland – if we could raise the elevation of the wetland - if we put a culvert in that is higher than the wetland – say one foot for example – raising elevation of the water up a foot. The water that stands there acts as a sediment trap – so that wetland area can hold more water in a storm than it can hold right now. In this case it is more what is limited by the wetland authority. If we raise it up we get sediment control and more water storage in a storm. We have to treat the water that is coming off the road – we have to match or lessen the outflow to the public water. Our runoff rates would not be any higher. But technically – we would not need to treat any of the runoff from the farm area. John has been in the area. He is willing to

entertain that. It would provide more filtration. It does help lot number 1 – if we can store more water back there – the lot will be drier. When you get steep slopes and there is farming – it can erode pretty fast.

Ramme: What would the timing be to put in the road?

Otto: Typically the process that we are in is that we would rezone, and then come back with full plan, details, septic, ponding, house elevations, etc. That would come to the township for approval – another public hearing – before we could build. The best case scenario would be 4-5 months away.

Bishop: I won't be back to deal with the county until April.

Otto: They would require a road to be built before filing the plat. It could be later this summer. My suggestion would be to do it this fall when it is drier.

Ramme: The road would have to get done within 12 months of the rezoning approval?

Otto: The road has to be built for the township to accept the plat.

Oleson: There is a provision for putting up a bond if the road is not completed by the time final plat approval is requested.

Bishop: I would be willing to put up a bond. I am not in any hurry to build a road.

Ramme: I am not in a hurry about the road – just to address the water runoff.

Bishop: I am not going to consider this if I don't get zoning approval.

Ramme: In terms of the plat approval time, all of the driveways are located – in terms of tree preservation?

Otto: The road construction would happen. Whatever was approved on the plans would be installed. Each owner would have to get approval for their plans on each lot.

Ramme: Final question – how much detail are they going to require?

Otto: To get the rezoning – this is more detail than we would typically put on our plans for rezoning. You could come in for rezoning without a plan.

Ramme: You have done a lot of work. You have come a long way since October.

Otto: Everybody's input was time well spent.

Ramme: One other question – what happens to the back 60 acres?

Bishop: I have no plans. I will either rent it or put it in CRP. As far as development is concerned – I have nothing – it is of no value to me – just whatever income I can get from it.

Quiggle: It would remain zoned AG. They are only asking to rezone the front.

Oleson: There could be one home on the back 59 acres.

Ramme: I commend you for all the hard work.

Bishop: The less I have to do – the better I will like it. I am not in a hurry to do anything.

Ramme: Looking forward to having you as neighbors.

No other public comments.

Smith: The easement you are talking about on lot number 1 – for drainage – what width are you thinking?

Otto: I would think between 10 and 20 feet – may need to be a bit wider. We would probably get more detail and survey that area to know where that water is going to go. Then we would know how much water is going through. In the large storm – we don't want things eroding. 10 to 20 feet – mostly more on the order of 20 feet wide.

Smith: To move the road – what material will need to be moved?

Otto: We don't want to import any material. We may need to lower the road in the higher parts to fill in the lower parts. The only improvement we would bring in would be gravel. We want to balance the site.

Bishop: Again – bonding for the road and not building would be good for me.

Schultz: I am fine with what has been shown.

Huff: We don't actually know if the lots are buildable. Have you done any square footage – is there enough room?

Otto: Septic 50 x 100 – good for standard 4 bedroom. 2.5 acres – I don't see a problem. Maple trees are growing – they do not usually grow in wet soil. I don't expect any problems with that. If the lot does not work – then it does not work. Where we are at is – does this make sense - does it look like it is going to work? I don't see issues at this time. I would not bring this to the township if I could see major problems. In a perfect world – it would be great to put this together in one step.

Bishop: I don't want to go through the expense if we cannot get rezoned. All criteria will be met once the rezoning is approved.

Otto: From the township standpoint – the next step gives you all those details – like if a septic did not work – then there would need to be a change to the plan – or maybe one lot won't work. If it turns out that one of these won't work – there is still that risk.

Huff: As a board we get into trouble if the third step goes wrong – after we have approved the first two steps – we will get yelled at.

Quiggle: Question for Ben - If something like that happened - say we recommend R1 – three lots – but then something does not work – can it be backed up and still look at getting three homes in a PUD type situation?

Oleson: Rezone first – then go on to subdivision. If three lots can't fit in – there is nothing that says you have to approve three lots. If the Township approves the rezoning, it would be saying they are generally alright with the concept of three lots along the lake. If you wanted to be more cautious, you could table the rezoning request and Mr. Bishop could start the subdivision process – then both could be approved at once if all ok – subject to final rezoning approval by the County.

Bishop: Prefer to proceed the way we are. I understand that you can't approve something that really does not work. I am willing to take that risk.

Oleson: You are looking for our recommendation to the county board – so that you can get their approval.

Quiggle: Could they, in R1, look at a PUD situation? The R1 does not limit them?

Oleson: If three lots would not work like this – they would almost have to shift to a PUD style development. Or else only create two lots.

Otto: If one does not work – I don't think this is a scenario where a PUD will be in order. I think one house in each area is better.

Huff: We have on record that Wright County did not like this in 2005 and 2006? Has something changed?

Oleson: The County never formally denied the application as I understand it. There was concern about if R1 was going to work. They did not come back. There was no formal action taken.

Quiggle: They had done a site visit and went through the ten acres by the lake. Their leaning was to a maximum of two lots. That might have been due to what the property owners at the time were proposing, which was many more lots on the back.

Bishop: We sat down with county staff and they did not seem to have a problem with this.

Huff: They are going to be non-committal.

Shay: Several of my questions were just answered. Also – if they find out that they can't do three lots – then they can do two. It fits in with what is going on there.

Parks: That is mostly my take, too.

Quiggle: The Email from the DNR regarding the bulrush stand in the water – have you thought about positioning of docks to minimize any impact on that?

Otto: The report was the first I have heard of this.

Quiggle: They are in front of lot number three and sliding into lot number two.

Oleson: The way I am reading it is that they are saying – over here there is a good stand of bulrushes. When people put in boats and docks – the bulrushes often disappear. I think he means to not put a house on lot three – but to leave it as an out lot. I have seen ways to preserve the bulrushes. I don't know if the DNR is going to go to an extreme about this.

Quiggle: Three homes with docks – the docking should be positioned to do no harm to bulrushes.

Bishop: When we come back with the survey – then we can see where the bulrushes are. Is that my responsibility or the person that builds there?

Oleson: It can be a condition of approval. The shoreline that is left around the state – tends to be the stuff that still has the bulrushes. I do not know how strict the DNR will be about this.

Quiggle: Although I don't think it is up to us – I would be all in favor of a much narrower road going to that area. It is a dead end. There is no need. My road is 33 feet and they plow it just fine.

On the drainage – having been on the site visit – I think I am safe in saying that soil and water seemed amenable in working with you. The lake association would also probably like to be involved in an endeavor to protect the lake.

Bishop: I have indicated in the past my willingness to do that.

Oleson: Recommendation – we had talked about getting more detail about drainage – do you want that before you recommend for rezoning?

Quiggle: My personal feeling is that even if we recommend it get rezoned to R1 – and lot number one doesn't work – I think those issues can be addressed at the subdivision stage – so that we still retain some flexibility.

Parks: I agree.

Oleson: it might be beneficial to somehow communicate to the County what the Township will be expecting for more information later in the process – just so that they know – maybe somehow in the motion.

Otto: My biggest concerns - if it went through the county process before – is to see what those issues were – get it real and in writing. My concern in putting too much into your wording is that the county may read into what they think the township meant.

Oleson: R1 is three lots at the most. R2 is two lots at the most. As long as everything works out – then you can go with three lots.

Huff: How do you say that we would approve an R1 without saying that?

Oleson: I can do it informally – here is the recommendation and this was the discussion...

Otto: The rezoning does not guarantee lot placement, lots, or house placement. What I can tell you is that last year the county sent a rezoning request back to the township because they were not sure what the township wanted. My concern is that you be as clear as possible when telling the county. Telling the number of lots, etc. now just throws confusion into this process.

Bishop: I don't know how it works when you go to the county to get rezoned – do I need to know how wide the road is going to be? If I wanted to bond – can it come later, too?

Oleson: It can come later.

Otto: Typically – how it works on the county level – we do a plat – we do the whole property and the road, or write a surveyor's description – and file that.

A motion was made by Huff to approve the rezoning of lots 1-3 in the proposed concept plan to R1, and seconded by Smith. The motion carried unanimously.

This recommendation goes to the town board, which will make a recommendation to the county planning commission, who will make a recommendation to the county board.

Bishop: I am leaving on Jan. 24. This is not imminent.

Oleson: They may allow for a spokesperson on your behalf.

Bishop: I would just as soon be present.

Quiggle called for a couple minute break at 8:06 PM. Quiggle called meeting back to order at 8:08 PM.

- b. Zoning Ordinance amendment to Section VII (Board of Adjustment) of the Corinna Township Land Use Ordinance (Ordinance 2010-03). Applicant: Corinna Township. Purpose:
To determine whether the Town Board or the Township Board of Adjustment makes final decisions on variance and certain other decisions. Other changes regarding the operation of the Board of Adjustment may also be discussed.

Quiggle: The purpose of this hearing is to determine whether the Town Board or the Township Board of Adjustment should make final decisions on variance and certain other decisions.

Oleson: State law says we have to be as restrictive as the county. As we were discussing with the county about obtaining shore land zoning control this past December – one of the issues that came up is that they want our process to match with their process, so that the Township Board of Adjustment is the final authority on variances and certain other decisions. The proposed ordinance change is to revert back to the county's process. There would be no appeal to the town board. If someone did not like your decision, they would have right to appeal to a court – rather than to the town board. There are philosophical differences. Are you OK with changing this so that you are the authority on variances?

Quiggle: Any public comments? There were none.

Smith: I am not sure that we want to be responsible for the final decisions.

Quiggle: Why would it be any different from the county, where the Board of Adjustment makes the final decisions?

Schultz: I am OK with changing this as long as the supervisors are OK with changing this. They are like a safety net. They deal with the township people continually. We are on as as-needed basis. We don't have the same historical background.

Quiggle: We only deal with application and decision at a time. We don't always need history.

Huff: I want to know the difference regarding liability and the legal standpoint for me personally?

Oleson: I am not an attorney. That is a fairly common question. In my experience dealing with this question with attorneys, they say that you are making decisions as a township. As long as you are not doing something illegal when making a decision – then you cannot be held personally responsible. If you had open meeting violations – you could be held personally responsible for that, as I understand it. If you make a decision, go through the findings of fact legally – you are just acting on behalf of the township and cannot be sued personally for a decision. The township would be sued.

Huff: Right now we are appointed. Will it stay that way- as opposed to being elected?

Oleson: No – you do not have to be elected when you are making final decisions like this.

Shay: I guess I don't have a problem with the buck stopping here – as long as the township board is OK with this. There are times we use them as a safety net. That is probably not the correct answer. Board of adjustment are just appointed individuals – we are now BOA/Planning Board – the county is coming back with the suggestion that we need to be like them – the buck stops with us. The county planning commission has one member of the county board on the planning commission board.

Oleson: You are not required to have that by state law. I don't know if I have ever seen this written out – but a liaison is usually on the planning commission to report back to the town board. In our case – the town board members often come to the planning commission meeting. It is basically up to the township to figure out if they want to do that. If the county requires something like that prior to turning over

shore land – then we'd have to consider it. There are a number of things they could pick out I suppose. The issue of who makes the final decision seemed to be the primary issue.

Parks: If we make the final decision – it does not go to the town board?

Oleson: Right.

Schultz: When we started this process to do planning and zoning – our goal was to simplify the process for property owners. That is why I am OK with this. It would be simpler for property owners.

Oleson: Practical changes - before you were able to say, "We don't have all the information – but as long as the town board gets the extra information - we are OK with it." Now – we have to have all information in order to make the final decision. That might actually lengthen the process. But that is why we try to be clear with people up front about having all the information in during the first hearing – rather than having to table and ask for it.

Schultz: I am more comfortable with it now.

Oleson 4b-2 page – that would be what changes.

Quiggle: At this point that would be consistent with some of the provisions of the planning commission.

A motion was made by Shay, to amend the Zoning Ordinance in Section VII (Board of Adjustment) of the Corinna Township Land Use Ordinance (Ordinance 2010-03), as noted in the staff report. Seconded by Parks. Motion carried unanimously.

5. Approve Previous Meeting Minutes

- c. December 13, 2011

A motion was made by Shay, seconded by Huff, to approve the December 13, 2001 Meeting Minutes. Motion carried unanimously.

6. Zoning Administrator's Report

- d. Permits
- e. Correspondence
- f. Enforcement Actions

Oleson: Report listed permits that have been issued recently. One issue – we dealt with a while back – Phillip and Beth Trout and Burkes were going to adjust a lot line on the west side of Cedar Lake. That got approved. We were working to record it. The Recorder rejected it, saying it needed a registered land survey that works for Torrens property. Abstract is how property is typically described. Torrens property requires a RLS. MacDonald said that if they just go 10 feet from the existing line, then they can do it without going through RLS. The township attorney says it should come back as a separate e variance hearing. Or they can get a RLS. It may be coming back to us – it depends what path the landowners want to take.

Quiggle: Could this have been caught before?

Oleson: Possibly – either by the surveyor or possibly us. We are becoming aware how much Torrens property there is in the Township and will know to look for it more now.

Quiggle: Should it be a check mark on the application?

Oleson: You would usually rely on the surveyor to figure out it was Torrens. This is more about how it gets recorded. In the interest in helping people solve problems – yes – we would like to have caught this earlier.

7. New Business - None

8. Old Business

- g. Discuss interpretation of “expansion” when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)

Oleson: Discussion started early on with the county – how do they interpret expansion? They did not define expansion. The county does not have a formal definition or policy on it. My feeling is that it is better to try to define this. It behooves us to try to put this in writing. Second page of our staff report – shows common situations where this comes up, such as roof pitch, crawl space, etc. It is a starting point for discussion.

Roof pitch – if not adding floor space – we are saying that steeper than 4/12 that did not exist before or if it adds a bedroom – that is an expansion. Not an expansion – any increase up to a 4/12 pitch and does not add any floor space.

Huff: I struggle with the 50% of the value thing. But that is in the county ordinance. How do we address?

Oleson: I agree that this is tough. It is a moving target.

Quiggle: Is that a county thing or a state statute?

Oleson: County. I like setting more boundaries that are based on the physical structure – rather than a value issue. If you go from – replace your entire roof – and that is more than 50% of the value – we would be more. The county tells me that they take the roof pitch on a case by case basis – based on the neighborhood.

Schultz: How do you know if you are being more restrictive – it they take it on a case by case basis?

Oleson: This may spur movement on this issue. We are going to have to get input from the county on all this. Is that 4/12 as the cut off logical?

Smith: With 6/12 you are still not getting any more space.

Oleson: 4/12 is the minimum you need to shed water and snow. Maybe you are right with 6/12.

Shay: It think the key is not expanding living space. The key is limiting the expansion of living space.

Quiggle: County seems to go with 6/12 pitch but no direct access to the space above. Set up in such as way that it is definitely not living space – nor will it ever be.

Parks: Even if it is 50 foot wide – we have to look at 6/12 to see that it does not allow extra living space.

Quiggle: 4/12 will never give anyone any living space.

Huff: Are these the rules the county has in place?

Oleson: The County does not have written rules. They take it on a case by case. One month you tell someone they can have a 6/12 pitch, the next person you say only 4/12 pitch.

Huff: You have listed 3 examples – are there 6 or 8 more things?

Oleson: I picked the three categories that came up the most.

Huff: What about porch tuning into year-around?

Oleson: That would be another good category to add here.

Shay: The County has ruled that way – had to tear it off – then let them build a 2 story house instead.

Schultz: It would be interesting to see if Yager thinks it will increase your living space.

Oleson: Is this list of three enough? I think we have the sense that there is another one to add. Do you want to make a written policy change or an ordinance change? A written policy change is easier. Does not take as much time.

Huff: Does the written policy have anything to do with more or less than Wright County?

Oleson: If they come along with a written policy – then we have to follow them. They basically go on a case by case basis now.

Oleson: Wright County can react in a couple different ways: They could say that this is not the way we had interpreted in the past. They could say they don't like the idea of setting up policies at all – you are being less restrictive. We are looking for some direction from them.

Huff: Add front porch thing to this list. Porch or three season to year round – is it an expansion? As soon as you put windows in you pretty much have to. What do you mean by reconfiguring on existing?

Oleson: For instance – if you had a square house – with a jog in the corner – which had a water heater. They wanted to enclose the water heater so that it could be inside. It is a minor expansion. Or 2 jogs – and want to square them up. Is that an expansion? Say your house is in the lake setback – you want to square it off – you are going to compensate by taking another part off – but you are closer to the lake now.

Quiggle: You have increased the nonconformity.

Oleson: Some would say that if you did not go further than the closest previous point...

Huff: So you are trying to help people before they have to apply for a variance?

Oleson: If we can help people not go through the time and expense of a variance hearing - if they will not get one or do not need one.

Quiggle: The cube volume does not change – except up to a 4/12 or a crawl space – we would not consider it an expansion?

Oleson: I will revise this and come back to you.

Quiggle: Then we will run it by the county so that our administration is at least as restrictive as the county's administration.

Oleson will come back next month for continuing discussion.

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

Oleson: If you have not already looked at this – I have put in quoted comments from Barry or Sean as to how they have commented on that. The idea would be is there a way to formalize this to make it clearer – again we will have to run it by the county. We want it more clear for residents, land owners and yourselves. Highlight anything you want to talk about and we will do it next time. Where I put in red working – it was what they were trying to get to at the time.

i. Update on status of Corinna Township request for recognition as shore land and floodplain zoning authority.

The county board tabled it. We do not have a timetable to go back to them. We have considered their request. Maybe will pass it next week. As of right now – we have signed building and sewer inspectors for three years. The rest of the agreement was extended until May, 2012, to see if they will turn over shore land control completely. If they won't then we come back and figure out what that means.

9. Adjournment

A motion was made by Huff, seconded by Smith, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:57 p.m.

Minutes respectfully submitted by Mary Barkley Brown

DRAFT

Zoning Administrator's Report

Corinna Township

Application Status Report - Finalized

December 1, 2011 - February 6, 2012

Parcel ID	Applicant	Nature of Request	Date of Final Action	Zoning District
Type of Application: Land Use (1 record)				
Application Status: Approved (1 record)				
206000043400	Jo Carpenter	Construct 24' x 28' addition to existing horse barn for two new stalls and a tack room. Roof pitch 4/12.	12/20/2011	AG
Type of Application: Subdivision - Sketch Plan (2 records)				
Application Status: Approved (2 records)				
206000324200	John Waldrop	Split parcel and re-assign 3 remaining building	1/25/2012	AG
206000322200	Jerry Rudolph	Request for entitlement split of this parcel from	1/10/2012	AG
Grand Totals (3 records)				

Application Status Report - Pending

As of February 6, 2012

Parcel ID	Applicant	Nature of Request	Date of Final Action	Zoning District
Type of Application: Land Use (1 record)				
Application Status: Under Review (1 record)				
206047001030	Jerome Macmillan	Construct 10' x 16' storage shed approximately 4 feet from a side lot line, 55 feet from the centerline of a township road and 0 feet from a septic drainfield as per variance granted November 2011.		- R1S
Type of Application: Variance (2 records)				
Application Status: Initial Processing (1 record)				
206000123300	Doug and Michelle Smith	Variance to construct new 36 ft grain bin		- AG
Application Status: Under Review (1 record)				
206068000030	Phillip Trout	Variance for a lot line adjustment between two		- R1S
Grand Totals (3 records)				



STAFF REPORT

Old Business: Discuss interpretation of “expansion” when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)

Agenda Item: 8(a)

Staff Comments: Over the past several months, the Planning Commission has begun discussing how/whether it should try and clarify how it interprets “expansion” in the following state statute:

394.36 NONCONFORMITIES.

Subd. 4. Nonconformities; certain classes of property.

This subdivision applies to homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, **but not including expansion**. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

At the January 2012 meeting, the Commission directed Staff to come back with a draft policy for interpreting “expansion.” The intent is that after a final review by the Commission, it would be decided whether this should be formalized as a policy or via an actual ordinance amendment.

If a policy, then it should be reviewed by the Town Board and Wright County staff (who would be asked to confirm that they do not see it as a “less restrictive” policy/ordinance than what they have).

If an ordinance amendment, Staff would still recommend review by the County to ensure they do not feel it is less restrictive. Ultimately, an ordinance amendment would require a public hearing before it could be adopted.

The attached represents a draft policy/ordinance for when Corinna Township would consider a particular project to be an expansion or not.

Roof pitch expansion =

1. Any change that creates additional living space (or potential living space) beyond what existed previously (“living space” = a space with a ceiling height of greater than 6 feet that is at least 6 feet in width and has a total square footage of at least 120 sq ft - e.g. 10’ x 12’).
2. Any change that creates a roof pitch of greater than 6/12 (unless an existing steeper pitch is being replaced with the same or the peak)
3. Any change where a previously existing peak is increased in height by more than 3 feet. If a single-peak roof is replaced with a multi-peak roof, no peak shall be more than 3 feet higher than the roof height that previously existed in that same location).

Basement/Storm Shelter/“Safe Room” additions =

1. Any change that creates additional living space (or potential living space) beyond what existed previously (“living space” = a space with a ceiling height of greater than 6 feet that is at least 6 feet in width and has a total square footage of at least 120 sq ft - e.g. 10’ x 12’).
2. The addition of a below-ground storm shelter or “safe-room” (see FEMA publication 320 for examples) where one did not exist previously shall not be considered an expansion provided it is no larger than 120 sq ft and does not have a ceiling height greater than eight (8) feet. This shall be in addition to any non-living space addition allowed in #1 above.

Porch/Deck conversions =

1. Any change that increases the footprint of a pre-existing porch or deck. Porches and decks may be reconfigured, while maintaining the same size footprint as previously existed, provided that no more than 10% of the footprint or 36 sq ft (whichever is smaller) goes further into the required setback than existed before.
2. Screening in an existing open-sided porch or other open-sided roofed area shall not be considered an expansion. If the addition is such that windows can, or are required to, be installed, it is considered an expansion.
3. The addition of a stairway no more than 4 ft in width to an existing deck or porch shall not be considered an expansion.
4. The addition of stairway landings no more than 32 sq ft in size to an existing deck or porch shall not be considered an expansion. No portion of a stairway shall be considered a landing unless it is at least four (4) inches lower than the lowest portion of a deck or porch.

Footprint changes:

1. Re-configuration of an existing footprint so that it covers the same amount of ground, but in a slightly different shape is not considered an expansion, provided that the percentage of the structure that lies within the required setback is not increased and further provided that no portion of the reconfigured structure lies closer to the required setback than the closest portion of the previous structure.
2. Stairways, decks and porches shall be considered separate structures from a dwelling when applying this policy.



STAFF REPORT

Old Business: Discuss end-of-year ordinance updates/clarifications.

Agenda Item: 8(b)

Staff Comments: Over the last few years, Staff has occasionally asked Wright County staff for their interpretations of certain “gray” areas within the ordinance. In the attached sections of the ordinance, we have noted the interpretations we have received from County staff (in the right sidebar of the page). In the text of the ordinance, we have sometimes noted where the language could be amended to clarify that interpretation so that there is less confusion in the future as to how it is to be interpreted. In some cases, we have just noted the County’s interpretation, but not made any language changes.

Staff is intending that this be a first opportunity for the Planning Commission to see some of the County’s interpretations and start discussing which it would like to formalize in the text of the ordinance, which it would like to establish as policy in some less official way, and where it may like to have a different interpretation.

Any changes to the text of the ordinance related to these interpretations would need to be presented at a public hearing and Wright County’s comments would be solicited. The Township, of course, is required by state statute to be at least as restrictive as Wright County.

This item was continued from the January 10, 2012 meeting for further chance to review and comment.

SECTION 3. RULES AND DEFINITIONS

301. Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and the plural the singular.
- (2) The present tense includes the past and future tenses, and the future the present.
- (3) The word "shall" is mandatory, and the word "may" is permissive.
- (4) The masculine gender includes the feminine and neuter genders.
- (5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- (6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (7) In the event of conflicting provisions within this ordinance, the more restrictive provision shall apply.

302. DEFINITIONS

The following words, and terms, whenever they occur in this Ordinance, are defined as follows:

- (1) Accessory Use or Structure - A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto. Detached accessory structures and garages on lots less than one acre shall not have a second story, must have no more than six (6) feet of headroom in a rafter storage area, and have a maximum 6/12 roof pitch. Accessory buildings and structures, individually and combined (not to include attached garages nor decks), on **isolated** residential parcels smaller than 10 acres in size shall not exceed the following maximum size limits:

<u>Parcel size</u>	<u>Max. Building area</u>	<u>Max. Sidewall</u>
Less than 20,000 sq. ft.	1000 square feet	14 feet
20,000 sq. ft.-.99 acres	1600 square feet	14 feet
1-2.49 acres	2400 square feet	14 feet
2.5-4.99 acres	3200 square feet	14 feet
5-9.99 acres	4000 square feet	16 feet

- (2) Access Drive (driveway) - An improved area of any lot or parcel which is used for vehicular access or parking. ~~Drives improved solely with gravel or rock materials will not be used to calculate lot coverage areas; any paved (bituminous, concrete, etc.) area shall be counted as impervious surfaces.~~
- (3) Addition, Building - Any construction that expands the footprint, livable space, or volume of a building, such as a porch, basement, an additional level or floor, attached garage, carport, new room, or roof pitch or wall height change.

Comment [BO1]: See 10/6/11 e-mail from B. Rhineberger: "Attached is our AG handout. Please note the accessory structure area near the bottom. If the parcel is isolated, they would be allowed 1,000 sq. ft. with 14 ft. sidewalls. If it adjoins other residential parcels/lots, the R-1 standards would apply (800 sq. ft. with 12 ft. sidewalls). The setback standards would be R-1 regardless of proximity.

>>> "Ben Oleson"
 <oleson@communitygrowth.net> 10/6/2011 2:43 PM >>>
 Am I right that if a residential property is zoned AG, but is less than 20,000 sq ft in size, a structure would be required to meet the R-1 setback standards, but not the R-1 restrictions on max building area for a detached accessory structure (i.e. it would be allowed up to a 1,000 sq ft building with 14 ft sidewalls instead of a 800 sq ft/12 ft sidewall restriction? The same would apply to the other accessory building size categories (20,000 to 0.99 acres, etc...)"

- (4) Administrator - The duly appointed person charged with enforcement of this Ordinance.
- (5) Agricultural Use - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:
 - (a) field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
 - (b) livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits and mink.
 - (c) livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
- (6) Airport or Heliport - Any land or structure which is used or intended for use for the landing and take-off of aircraft, and for appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way.
- (7) Animal Unit - A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the definition and units of measure contained in Minnesota Rules Part 7020.0300, Subpart 5 shall apply.
- (8) Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or group of individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
- (9) Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard).
- (10) Basement - A portion of a building located partly underground but having half or more of its total floor-to-ceiling height below the average grade of the adjoining ground. For flood plain regulatory purposes, basement shall include any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- (11) Bed and Breakfast - A single-family dwelling with furnished bedrooms provided to guests, at which meals may be served to guests by the permanent residents, which is kept, used or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to guests for transient occupancy as defined in Minn. Stat. 327.70, Subd. 5, but in no case shall continuous occupancy exceed 30 days. There shall be offered for guests no more than four bedroom units per single family dwelling, accommodating not more than two adult persons per unit. One (1) guesthouse, as defined in Section 712, located on the same property, may be used as one of the permitted four (4) units for an approved Bed and Breakfast provided that the residence on the property does include at least one unit.

Comment [BO2]: See 5/10/2011 e-mail from B. Rhineberger to B. Oleson:
 For the basement, I view it as a percentage of the total wall area from floor to ceiling. As long as 50% of the total wall area is underground, it would be a basement (each wall would not have to be 50%, but rather the average would).

- (60) Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
- (61) Governing Body - Wright County Board
- (62) Hardship - "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 394 (for counties).
- (63) Height of Building – The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of any roof.
- (64) Highway - Any public thoroughfare or vehicular right-of-way with a Federal or State Numerical route designation; any public thoroughfare or vehicular right-of-way with a Wright County numerical route designation.
- (65) Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the person residing on the premises.
- (66) Horticulture - Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
- (67) Hotel - A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation, lodged with or without meals.
- (68) **Impervious Surface** - Any surface that is incapable of being penetrated by water and thereby restricts percolation of water into the ground or does not maintain a vegetative cover. Impervious surfaces include but are not limited to the footprint of all structures or buildings, decks, stairways, lifts and landings, patios, sidewalks, plastic landscaping material, and all driving and parking areas. Any overhangs or cantilevers that extend more than 24 inches from the foundation shall be included in this calculation. Patios, walkways and other such areas professionally designed/engineered to allow infiltration of water may be credited as up to fifty (50) percent pervious upon review and approval by the Zoning Administrator.
- (69) Irrigation System - Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
- (70) Junk Yard - An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
- (71) Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for pets, sale, breeding, profit, etc.

Comment [B03]: See 4/12/11 e-mail from B. Rhineberger (in relation to landscape fabric being impervious or not): "Fabric is fine, plastic is not."

See 9/1/11 e-mail from S. Riley: "If the project is designed/engineered showing the stratification and that it is truly impermeable we allow half credit for anything that is not driven over."

>>> "Ben Oleson"
<oleson@communitygrowth.net> 8/31/2011 2:00 PM >>>

Sean-
Related to our discussion below re: Onsrud permit...
Does your office give any credit for pervious pavers – i.e. do you not count some or all of land covered with pervious pavers against impervious surface limits? Or does it all count as impervious?"

Variations shall normally be limited to height, bulk, density, and yard requirements.

- (171) Water-Oriented Accessory Structure or Facility - "Water-oriented accessory structure or facility" means a small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached ground level platforms or landings.
- (172) Wetland - "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition)
- (173) Wind Energy Conversion System (WECS) – An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- (174) Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky.
- (175) Yard, Front - The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building, except on riparian lots the front yard will be taken to be that part of the lot that faces the water.
- (176) Yard, Rear - An open unoccupied space except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
- (177) Yard, Side - An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front of the lot to the rear of the lot.

Comment [B04]: As per building code, retaining walls OVER 4 ft in height require a building permit. Retaining walls 4 ft or under do not require a permit at all.

SECTION 4. GENERAL PROVISIONS

401. APPLICATION OF THIS ORDINANCE

- (1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

402. SEPARABILITY

It is hereby declared to be the intention that several provisions of this Ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property building, or structure, such judgment shall not affect other property, buildings or structures.

403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches) and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

Comment [B05]: See 5/19/2011 e-mail from B. Rhineberger to B. Oleson: Covered porches count as "buildings" in this calculation.

404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (1) They have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway existing prior to January 1, 1977.
- (2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation

shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of substandard residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. The Board of Adjustment may note in its review that a substandard residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use. In no case shall the expansion of a substandard residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

- (3) In a group of two or more contiguous lots under the same ownership, if an individual lot has less than 20,000 square feet of area, no lot nor lots may be considered as a separate parcel of land for the purposes of sale or development unless each separated parcel and the remainder contains at least 20,000 square feet of lot area.
- (4) All other requirements of this ordinance are met, including, but not limited to, setback standards and sewage treatment standards.

Comment [B06]: See 1/28/11 email from B. Rhineberger: "What constitutes contiguous lots is a determination you will have to make. Since statute does not define "contiguous", the common meaning is what needs to be used. Regardless of what the County does or doesn't do, in the end it is your and the Town Board's interpretation to make. In general, the County has considered lots with platted roads in between to be non-contiguous. However, there are other factors that may come into play for each situation."

405. NON-CONFORMING USES

405.1 Non-conforming Building and Uses

- (1) A non-conforming use existing at the time of adoption of this Ordinance may be continued except as provided herein.
- (2) A non-conforming building or land existing at the effective date of this ordinance shall be discontinued within a reasonable period of amortization of a building; uses of buildings and land which becomes non-conforming by reason of a change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this Ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction; fifty (50) years for buildings of wood and masonry construction; sixty (60) years for buildings of fireproof construction; and twenty (20) years for mobile homes.

- (3) The Board of Adjustment shall hold a public hearing on the proposal. The petitioner or his representative shall appear before the Board in order to answer questions concerning the proposal.
- (4) The Board of Adjustment may approve, approve with modifications or conditions, or deny an application based on the information available and findings of the Board. All decisions by the Board of Adjustment shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.
- (5) A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a Variance, shall be filed with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section.
- (6) Any violation of a condition or ruling made by the Board of Adjustment shall be a violation of this ordinance. Failure to comply with any ruling of the board of adjustment shall void any variance or special permit granted by the Board of Adjustment.
- (7) A variance granted on or after September 12, 1995 shall be valid for a period of three years, and if not acted upon by the applicant or his assigns within that time, the variance shall be void. This restriction shall not apply to variances granted prior to September 12, 1995.

Comment [B07]: See 12/21/2011 e-mail from B. Rhineberger. He states that this 3 year restriction became effective 9-12-1995. Variances granted before then they haven't held to the 3 year time frame.

- (6) No application for a Conditional Use Permit shall be resubmitted for a period of six months from the date of said order of denial. Conditional Use Permits shall be valid for six (6) months unless otherwise specified. All conditions in a Conditional Use Permit shall be commenced within six (6) months and shall be complied with within one (1) year unless otherwise specified.
- (7) If a time limit or periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review.
- (8) In the event that the applicant violates any of the conditions set forth in this permit, the County Planning Commission shall have the authority to revoke the Conditional Use Permit.
- (9) A certified copy of any Conditional Use Permit shall be filed with the County Recorder. The Conditional Use Permit shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section.

506. PERMITS AND FEES

506.1 Building Permits

For the purpose of enforcing this Ordinance, a land use and building permit shall be required of all persons intending to erect, alter, wreck or move any building or structure. Buildings less than 120 square feet in total ground coverage shall not require a permit, however, they shall meet all required setback distances. All additions to residences shall require a permit. Buildings and permits shall conform with all applicable codes and ordinances adopted by Wright County. Permits shall not be required for the location of mobile homes or manufactured homes in mobile home parks which the County recognizes as legally established mobile home parks.

- (1) Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.
- (2) Completed building permit forms and a fee as may be established by resolution of County Board of Commissioners shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance a building permit shall be issued by the Zoning Administrator within a period of 75 days.
- (3) If the proposed development involves a zoning amendment, variance, or conditional use permit the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Adjustment or Appeals for review and appropriate action according to the procedures set forth in Sections 502, 503 and 504.
- (4) For all lots of ten (10) acres or less in size, a Certificate of Survey shall accompany each residential building permit application involving a new dwelling along with evidence that corner irons are established and visible. The certificate of survey shall include the location and size of the proposed residence sewer system, well, existing buildings and significant environmental features.

Comment [B08]: See 5/4/11 e-mail from B. Rhineberger: "Regardless of size, anything connected to the dwelling and/or more than 30 inches above grade abutting the dwelling requires a permit. Structures less than 30 inches above grade do not require a permit (considered a patio), provided they are not attached to the house."

See 5/16/11 e-mail from B. Rhineberger: "We do require permits for all guesthouses. Any thing that is for human habitation/occupancy requires a building permit. The code specifically mentions and exempts "tool and storage shed, playhouse, and similar uses"."

Comment [B09]: See 6/2/2010 e-mail from B. Rhineberger: "We require surveys for all new dwelling construction on lots 10 acres or less in size. We also require surveys for any variance request on a lots less than 20,000 square feet and most variances involving side and lake setbacks. We may also require a survey in instances where we cannot determine the exact location of a property line and it is critical to the issuance of any permit... in any instance where a survey is required, it must be prepared and submitted by a licensed surveyor. While accurate sewer designs are wonderful to receive, a licensed sewer designer is not a surveyor. If the septic designer is getting information directly from the surveyor, a paper copy of the certified survey might as well be submitted."

506.2 Signs and Billboard Permits

A permit shall be required in all cases where a sign or billboard is erected, altered, or relocated within the area of jurisdiction of this Ordinance. Specific requirements, exceptions and application procedures are set forth in 724.

506.3 Sewage and Water Systems: Licenses and Permits

- (1) A license shall be required of any person, firm or corporation engaging in the business of installing and constructing sewage disposal systems. Specific requirements and application procedures are set forth in Section 7.
- (2) A permit shall be required to install, alter, repair, or extend any individual sewage disposal system. Specific requirements, exceptions and application procedures are set forth in Section 7.
- (3) A license shall be required of any person, firm or corporation engaging in the business of servicing and cleaning septic tanks. Specific requirements and application procedures are set forth in Section 7.

506.4 Land Alteration Permits

In all cases where grading and/or filling of any land within the County would result in substantial alteration of existing ground contour, a permit shall be required. Specific requirements, exceptions and application procedures are set forth in Section 7.

Substantial alteration shall be defined as movement of earth or materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other Districts. Materials excavated for the purpose of constructing a basement shall be exempt from this calculation (but not materials outside of the footprint of the basement).

Comment [BO10]: See 9/19/11 e-mail from S. Riley: "We do not have an additional permit and fee after a CUP for a land alteration."

Comment [BO11]: See 5/12/11 e-mail from B. Rhineberger: "As for land alterations, it is a bit of a judgement call. Excavation for the basement only, has been exempt, but fill to raise a building pad has not (although we generally give some leeway). Driveways and fill for accessory structure have counted. We have a recent example on Lake Sylvania where the total alteration of a site to build a new home was over 700 yards, with nearly all of it being for driveway, parking areas, and creating a building pad. There was some for landscaping around the site, but that was minimal. They went through a CUP. In general, fill is seldom exempt."

506.5 Excavation Permits

The use of land for the removal of topsoil, sand or gravel, or any other material is permitted only by the issuance of an excavation permit. Specific requirements, exceptions and application procedures are set forth in Section 7.

506.6 Mobile Home Park Permits

Before any mobile home park or travel trailer park shall be constructed, altered, or extended in any manner, a permit shall be required. Specific requirements and application procedures are set forth in Section 7.

506.7 Essential Service Utility Permits

Essential services as treated herein shall refer to trunk transmission, sewer and water system, collection or distribution lines, except electrical distribution lines, and excepting lateral or house lines. Specific requirements and procedures are set forth in Section 725.

Medical and Dental clinics.
 Other Essential Services -water supply buildings, reservoirs, wells, regional pipelines.
 Golf courses.
 Churches.
 Residential Subdivisions.
 Schools within one-half mile of incorporated cities.
 Commercial Day Care Center

605.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

605.5 Performance Standards

(Parcels in the R-1 District shall be limited to 1/2 animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from the right-of-way line.

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

Comment [BO12]: See 5/19/11 e-mail from B. Rhineberger: "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)."
 That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

Comment [BO13]: See 9/15/11 e-mail from B. Rhineberger: "the setback for an attached garage has always been 15 feet."

606.5 Performance Standards

(Parcels in the R-2 District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to wind chargers which are at least fifty (50) feet from any property line.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

Comment [B014]: See 5/19/11 e-mail from B. Rhineberger: "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)." That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

(3) Side Yard Regulations:

There shall be a minimum side yard of thirty (30) feet for principal uses (including attached garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

(4) Rear Yard Regulations:

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings..

(5) Lot Area Regulations:

The minimum lot size shall be two and one-half (2 1/2) acres.

606.a5 Performance Standards

(Parcels in the R-2(a) District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No buildings hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to windchargers which are at least fifty (50) feet from any property line.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

Comment [B015]: See 5/19/11 e-mail from B. Rhineberger: "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)."
That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

(3) Side Yard Regulations

There shall be a minimum side yard of thirty (30) feet for principal uses (including attached garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet.

(4) Rear Yard Regulations

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings.

(5) Lot Area Regulations:

The minimum lot size shall be five (5) acres.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be three hundred (300) feet and the minimum lot depth shall

612.5 Shoreland Performance Standards

612.5 (1) General Performance Standard for Lakes

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

The minimum lot size of the underlying zoning district applies only where soil percolation tests indicate the lot is sufficiently large to provide for the drainfield and septic tank setbacks required by this Ordinance.

(a) General Development Minimum Standards:

Structure setback from NOHW	75 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	4 ft.
Water Oriented Accessory Structure setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

Comment [BO16]: See 11/3/11 e-mail from B. Rhineberger: "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

(b) Recreational Development Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	4 ft.
Water Oriented Accessory Structure Setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

Comment [BO17]: See 11/3/11 e-mail from B. Rhineberger: "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

(c) Natural Environment Standards:

Structure setback from NOHW	200 ft.
Structure setback from Bluff	30 ft.
Lot Size	2 acres
Lot Width	200 ft.
Lot Depth	200 ft.
Side Yard Setback	20 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.

****Water Oriented Accessory Structures are not permitted on Natural Environment Lakes.**
612.5 (2) General Performance Standards for Rivers

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

(a) Transition Standards:

Structure setback from NOHW	200 ft.
Structure setback from Bluff	30 ft.
Lot Size	2 acres
Lot Width	250 ft.
Lot Depth	200 ft.
Side Yard Setback	20 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	<u>4 ft.</u>

** Water Oriented Accessory Structures are not permitted on Transition Rivers.

(b) Agriculture and Tributary Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
Lot Width	150 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	<u>4 ft.</u>
Water Oriented Accessory Structures setback from NOHW	10 ft.

Comment [B018]: See 11/3/11 e-mail from B. Rhineberger: "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

- (b) Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- (c) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
- (d) Prior to the approval of any plat for development, the developer shall make provision for continued maintenance on the erosion and sediment control system.

711. EXPLOSIVES

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as are specifically licensed by the County Board.

712. GUEST HOUSES

Guest houses, for purpose of this Ordinance, shall be an accessory building detached from the principal building where accommodations for sleeping are provided but no kitchen facility provision is made. The use is for persons visiting the occupants of this principal building. Guest houses shall be permitted in all Residential Districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirement for the principal building. Guest houses shall be located on lots at least 20,000 square feet in area, and no guest house shall be used as rental property.

Only one guest house shall be permitted per parcel of land, providing that adequate sanitary facilities can be provided and that no guest house shall exceed 750 square feet in total floor area. The Board of Adjustment shall review requests for guest houses on lots with no principal dwelling.

Comment [BO19]: See 8/25/11 e-mail from S. Riley: "We added the no second story to accessory buildings a while back and the guest house section is the same as it has been for years. But either way no matter the use or classification of an accessory building it can't exceed the second story definition on lots under one acre. The only way to have a guest house above a building is to have a lot that is an acre or more. The lots between 20,000 and one acre need it on the first level. We need to clean that up on our next ordinance revision and perhaps limit guest houses to one acre."

Comment [BO20]: See 6/2/11 e-mail from B. Rhineberger: "Generally, all space within the confines of the habitable space are considered part of the floor area (within the exterior walls or outside limits of the guesthouse area). If they want to use that space inefficiently, that is up to them. Storage/attic space on another level/floor are generally not considered as part of the square footage. However, if there is a stairway access, we generally require the headroom be no more than 6'6" (I would actually prefer 6', but that is not my call)."

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.1 Purpose and Intent

The purpose of the Sewage and Wastewater Treatment and Disposal Standards shall be to provide minimum standards for, and regulation of, subsurface sewage treatment systems (SSTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 through 7083 as amended that may pertain to sewage and wastewater treatment.

716.2 General Provisions

- (1) Standards adopted by reference. The County hereby adopts, by this reference, Minnesota Rules Chapter 7080 and 7081 and Minnesota Statutes Section 115.55, along with any future amendments.
- (2) License requirements. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site subsurface sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7083.0700. Only gravity fed Type I systems can be installed by homeowners.
- (3) Permits. No person shall install, alter, repair or extend any SSTS in Wright County without first applying for and obtaining a permit from the Environmental Health Office (EHO) and at the same time paying a fee as listed in the fee schedule determined by the County Board of Commissioners. Maintaining the system as originally designed and installed is excluded from the previous requirements. A permit is required for the conversion of a septic tank to a holding tank. As needed, operating permits and any associated fees will be required by EHO staff when necessary for proper system operation. Staff will notify the permittee of an incomplete application, when the requirements are met a permit will be issued. Such permit shall be valid for a period of eighteen (18) months from the date of issuance. A full design must be submitted before a permit for a new or replacement system is approved. When weather does not allow a full site evaluation to be completed, a design of the worst case scenario shall be submitted. Verification is required when weather permits.
- (4) **Construction Inspections.** The permittee shall notify the EHO prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. Inspections will be made at least once during the construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.
 - (a) No part of the system shall be covered until it has been inspected and accepted by the Inspector unless prior arrangements have been made.
 - (b) Proposals to alter the permitted construction shall be reviewed and the proposed change accepted in writing by both the designer and the EHO.

Comment [BO21]: See 2/24/11 e-mail from S. Riley: "We require certifications be done before issuing permits when a cert. is needed. Fortunately this winter with all the snow cover and lack of frost most of the certifications have been able to be completed. If conditions really make it not possible to do a cert. we look at the details of the permit request and the sewer info. If it is likely the system will pass we would make a condition of the permit the certification needs to be completed in the spring. If things don't look good we want the owner to understand a new septic might be needed to get approval/permit. At that point we usually require that a preliminary design be done and have them apply for a new septic system. If the compliance is bad they finish the design and have a septic permit in hand. If it ends up good we refund their fee."

- (9) With septic tank pumping, the maintenance hole(s) shall be brought to within one foot of finished grade and properly secured as needed. With the pumping, maintaining or certification of a lift tank, the pump riser must be brought to grade.
- (10) SSTS must be properly abandoned according to part 7080.2500.
 - (a) If the individual abandoning a SSTS is not a licensed SSTS professional, the abandonment must be inspected by a licensed SSTS inspector.
 - (b) A state abandonment document must be submitted to the local unit of government within 90 days of abandonment.
- (11) Failing SSTS must be resolved on the following schedule:
 - (a) A failing SSTS as described in 7080.1500 subp. 4b, shall be upgraded, replaced or its use discontinued within one (1) year of notice. The Environmental Health Office will give consideration to weather conditions as it establishes compliance dates.
 - (b) An SSTS posing an imminent threat to public health or safety as described in 7080.1500 subp. 4a, shall be abated within ten (10) days of notice. The system shall be upgraded, replaced, or repaired or its use discontinued, within 6 months of notice.
- (12) Holding Tanks
 - (a) Holding tanks shall not be used as a sanitary system for a new residential dwelling. For conforming lots and structures, a holding tank may be used for expansions, alterations, additions, and improvements to existing dwellings so long as it does not exceed fifty (50) percent of the value of the existing structure as indicated in the records of the County Assessor, or fifty (50) percent of the footprint, whichever is more restrictive. Holding tanks may also be used for the exact replacement of an existing dwelling.
 - (b) Holding tanks shall only be used as a corrective action for sewage disposal for pre-existing uses where a full treatment system cannot be installed.
 - (c) Undeveloped lots of record on which a holding tank is the only practical means of sewage disposal are unsuitable for residential use.
 - (d) Holding tanks shall not be installed on undeveloped lots of record for recreational uses unless the lot has been found to be suitable for a dwelling and can support a full septic system.
 - (e) Holding tanks must have an alarm device for the prevention of overflow.
 - (f) An owner must have a current pumping contract signed by the owner and a licensed maintenance business. Records shall be kept to validate required pumping.
 - (g) A septic tank that is converted to a holding tank must be pumped and certified.

Comment [BO22]: See 3/1/11 letter from B. Rhineberger re: Lease variance: "3/1/11. In addition, the Wright County Board of Adjustment has consistently ruled that lots serviced by holding tanks be limited to replacement only." (The highlighted language to the left was instituted in April 2010)

**Table 3
Minimum Setback Distances (Feet)**

	Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	150	150	-
General Development Lakes	75	75	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

Comment [BO23]: See 4/28/11 e-mail from S. Riley: "In this case we would agree and say the setback would be from the building line and not the drip line of the lean-to. After that point it is common sense not to have the lean-to and holding tank conflict with landscaping and needing proper maintenance routes and the like. With that, it looks like the setback is so close that it could be improved by reconfiguring the tanks, installing one big tank instead of two, or some other minor modification and avoid the BOA."

* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.

** The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.

*** For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.

**** The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

- (5) Placement of the unit shall comply with all setback requirements for a principal structure.

Comment [BO24]: See 3/3/11 e-mail from B. Rhinberger: "if a travel trailer/RV is used for recreational purposes, County ordinance requires the unit meet principle setback standards as per 717. If being stored, it must comply with 702. Generally, if it comes for a weekend and then leaves, we would never know it was there. If it stays for an extended period, a variance would be needed."

718. RELOCATION OF STRUCTURES

A conditional use permit shall be required for all permanent relocation of residence and for the relocation of any building requiring a permit in residential areas. Relocated sheds, farm buildings, cribs and other farm structures onto farms do not require a conditional use permit.

Relocation of construction sheds to be located on a lot for less than eighteen (18) months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure to be moved and proposed site plan of the lot on which the structure is to be located. The Planning Commission shall also require a map indicating location of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. If the Planning Commission decides that relocation of the structure would depreciate the value of structures or lots surrounding the lot upon which it is to be moved, then the permit shall be denied. The relocation of railroad cars and cabooses onto lots shall be prohibited in all districts.

A conditional use permit shall be required to locate a mobile home on any property for use as a storage shed or other non-residential use.

719. VACATED STREETS

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding. If a street is vacated, within a zoning district, the provision of that district shall apply to the new parcels.

720. PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as herein provided:

- (1) In any yard: Posts, off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, and fences, and all other similar devices incidental and appurtenant to the principal structure except as restricted elsewhere herein.
- (2) In side and rear yards: Bays not to exceed a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Breezeways, detached outdoor picnic shelters, open arbors and trellises may extend to within five (5) feet of a side or rear lot line except that no structure shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but not closer than ten (10) feet from the rear lot line, and must meet shoreland standards.

Comment [BO25]: See 6/2/11 e-mail from B. Rhineberger (in regard to whether driveway pillars require a permit): "Ornamental features and fences are listed as permitted encroachments. Would the pillars be considered an ornamental feature?"
"There are two things to consider: 1: Is the feature a permitted encroachment & 2: Does it require a permit. I am apt to think that they area all permitted encroachments regardless of size, however, I would want to see what is being done before a final determination is made. A permit should be required based on the some size. If it is part of a fence, the fence is a permitted encroachment, but still requires a permit if taller than 6 ft. The same goes for retaining walls over 4 ft. As permitted encroachments, I would still want feedback from any township where the proposed fence is close to the traveled surface (in unplatted metes & bounds areas). The permitted encroachment does not go into platted right-of-ways, so everything must be within the confines of the property lines."

728. LAND ALTERATIONS

728.1 Permit Required

- (1) A Land Alteration Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development, uses and enjoyment of any property in the County.
- (2) Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts and in excess of five hundred (500) cubic yards in all other districts except drain tiles and ditch cleaning in agricultural areas. Such substantial alteration shall require a conditional use permit.

The creation of wildlife ponds, pollution control structures, and erosion control structures shall not require a conditional use permit, provided that said construction is approved by an official of the Soil and Water Conservation District and abides by all other applicable rules, regulations and ordinances.

- (3) The extraction, grading, or filling of land involving the movement of rock, earth and materials (including landscaping blocks, timbers or boulders) in excess of ten (10) cubic yards within shore, bluff impact zones, or steep slopes in shoreland areas shall require an Administrative Permit but not a conditional use permit.
- (4) Public road improvement projects, and grading and excavation directly related to such projects (not to include gravel pits), shall not require a Land Alteration Permit provided the work is directly supervised by the County Engineer or the Governing Body of a local unit of government.
- (5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.
- (6) A Land Alteration Permit shall be valid for a period of six (6) months from the date of issue. A Land Alteration Permit shall be administered in the same manner as a Conditional Use Permit.

Comment [BO26]: See 6/21/11 e-mail from B. Rhineberger: "As for land alteration permits, we require drawing and calculation be submitted by the applicant, just as with other permits. Most drawing must show before/after topo (can be hand drawn), calcs for cut/fill, and most include what type of materials are used (for retaining walls and landscaping)."

Comment [BO27]: See 5/12/2011 e-mail from B. Rhineberger to B. Oleson: "for land alterations, it is a bit of a judgement call. Excavation for the basement only, has been exempt, but fill to raise a building pad has not (although we generally give some leeway). Driveways and fill for accessory structure have counted. We have a recent example on Lake Sylvia where the total alteration of a site to build a new home was over 700 yards, with nearly all of it being for driveway, parking areas, and creating a building pad. There was some for landscaping around the site, but that was minimal. They went through a CUP. In general, fill is seldom exempt."

Comment [BO28]: See 6/23/11 e-mail from B. Rhineberger: "Yes, rip rap projects would require an administrative permit if over 10 cubic yards. My understanding is the DNR standards are a requirement, regardless of amount of material. In that case, any such project would be required to meet DNR standards, but may or may not need a County/Township permit depending on the amount of material being moved."

See 8/8/11 e-mail from S. Riley: "Concerning the rip-rap, in most circumstances if it is installed per the DNR requirements and they don't require a permit, our office usually does not require a separate permit for rip-rap."

See 8/30/11 e-mail from S. Riley: "Whether it is erodible or not we count it in the calculation. I guess I have never heard it broken down that way or thought about it in that manner before? When rip rap is being done and it is truly a rip rap application following DNR standards we usually don't count that. So if it is just rip rap we are usually notified and don't have a permit requirement, similar to the DNR. Barry indicated we have a permit, but he does not deal with too many of the land alterations and we always reserve the right for a permit if it is beyond just rip rap. The DNR allows LUGs to either require a permit or not for rip rap. If rip rap is part of a larger project we have a permit or a hearing and the rip rap is noted, but not counted. Over four feet requires a permit. If it is just for the height we do a building permit, if it is part of a land alteration permit or hearing we include the over 4 foot with that and don't charge an additional permit."

"No, the only time we don't count material is if it is rip rap. If it is blocks, timbers, boulders, that is counted towards the project. So in your example you have a project that in total is 65 cubic yards of additional material to the 25 yards of dirt. Since you are including rip rap and the steps (something that is allowed assuming they do not exceed 4 feet in width) I would subtract those out in an attempt to keep it under 50 cubic yards and require a plan and an administrative permit. If that is pushi... [1]

See 6/23/11 e-mail from B. Rhineberger: "Yes, rip rap projects would require an administrative permit if over 10 cubic yards. My understanding is the DNR standards are a requirement, regardless of amount of material. In that case, any such project would be required to meet DNR standards, but may or may not need a County/Township permit depending on the amount of material being moved."

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"No, the only time we don't count material is if it is rip rap. If it is blocks, timbers, boulders, that is counted towards the project. So in your example you have a project that in total is 65 cubic yards of additional material to the 25 yards of dirt. Since you are including rip rap and the steps (something that is allowed assuming they do not exceed 4 feet in width) I would subtract those out in an attempt to keep it under 50 cubic yards and require a plan and an administrative permit. If that is pushing it too much and it is clearly over 50 yards in total, even with the subtractions, a CUP would be required.

Overall, I would agree that our main concern is the alteration of the existing landscape, but the brought in materials have impacts also, such as on drainage, aesthetics,, and coverage. If someone has existing retaining walls and needs to tear them out and replace as is or similar some wiggle room would be given to that.

Land alteration is not a perfect science, especially without planning methods comparable to surveys, site evaluations, and house plans. Engineering and landscape architects could help to solve those unknowns, but nobody wants to hire these people until they absolutely have to. So we kind of have to go on a site by site basis and a feel for it.

I guess I visit a lot and if it is already altered, vegetation gone, trees removed, and so on I am less concerned that if it is at the bottom of a steep slope that is unaltered, and the shoreline is stabilized by trees and vegetation. The first will result in little additional impact if something is done and probably most people won't notice. The second will stand out like a sore thumb and both the neighbors and lake association will be calling wondering what is going on.

The township can of course require permits for rip rap, or interpret some of those more vague issues as they see fit. As you have a lot of lake shore and active lake associations it seems as if it is pushed towards the playing safe and tighter control end of the spectrum. Perhaps that is good? I can't personally visit the sites you have in Corinna, but I know most of the lakes and with our air photos, topography, and such have good tools to look at. Feel free to send descriptions of land alteration proposals and preliminary sites plans and we can do our best to indicate the direction we would go with it."



NEW BUSINESS

Discussion Topic: Potential update of 2007 Comprehensive Plan

Agenda Item: 9(a)

Staff Comments: A comprehensive plan is a document that is meant to project out many years (usually 10-20) in describing goals and policies. However, most communities find it useful and sometimes necessary to review and amend the document on a more frequent basis. Updates may be simple (e.g. to update demographic data after a new Census or other information becomes available) or they may be more complex (e.g. amending the future land use map or adding significant new sections).

Typically, the Community Growth Institute recommends that a community review its comprehensive plan about every 5 years. Even if the outcome is only small adjustments, we feel it is a good practice to make sure that the document stays relevant. Corinna Township's Comprehensive Plan was adopted by the Town Board in August 2007.

A few factors that could justify a review of the Comprehensive Plan:

- Some data from the 2010 Census is now available. This could be used to update the data in the 2007 Plan.
- Wright County updated its own Comprehensive Plan in 2009. This included an updated "future land use" map for Corinna Township and several other changes. The Township may wish to review these changes and determine if it would like to make its own amendments to more closely align with the County or re-confirm where it would like to remain different.
- There has been significant change in how the Township and County relate to each other since 2007. While some significant elements are still being worked out (i.e. shoreland authority), the changes may mean that the Township wishes to express other goals or update its existing goals.
- There has been discussion over the past several years on several issues that may justify some inclusion and discussion in the Comprehensive Plan. One issue in particular that has come up recently is how the Township addresses the construction of new roads when the new road is connecting to a road that does not meet current Township standards. Some discussion of how the Township wishes to handle variance requests in certain situations may also be helpful.
- Invasive aquatic species have become a more widespread issue across the state since 2007. The Township may wish to address this issue in some manner.
- Other items that may come up during discussion?

Staff would like the Commissions thoughts on these questions:

1. Does the Township see value in reviewing and updating the Comprehensive Plan?
2. What existing sections of the Plan should be reviewed, in particular?
3. What new issues or sections should be added to the Plan?
4. What timeline would the Township like to set, if any, for updating the Comprehensive Plan?