
CORINNA TOWNSHIP

PLANNING & ZONING COMMISSION

MEETING PACKET FOR THE
January 10, 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.



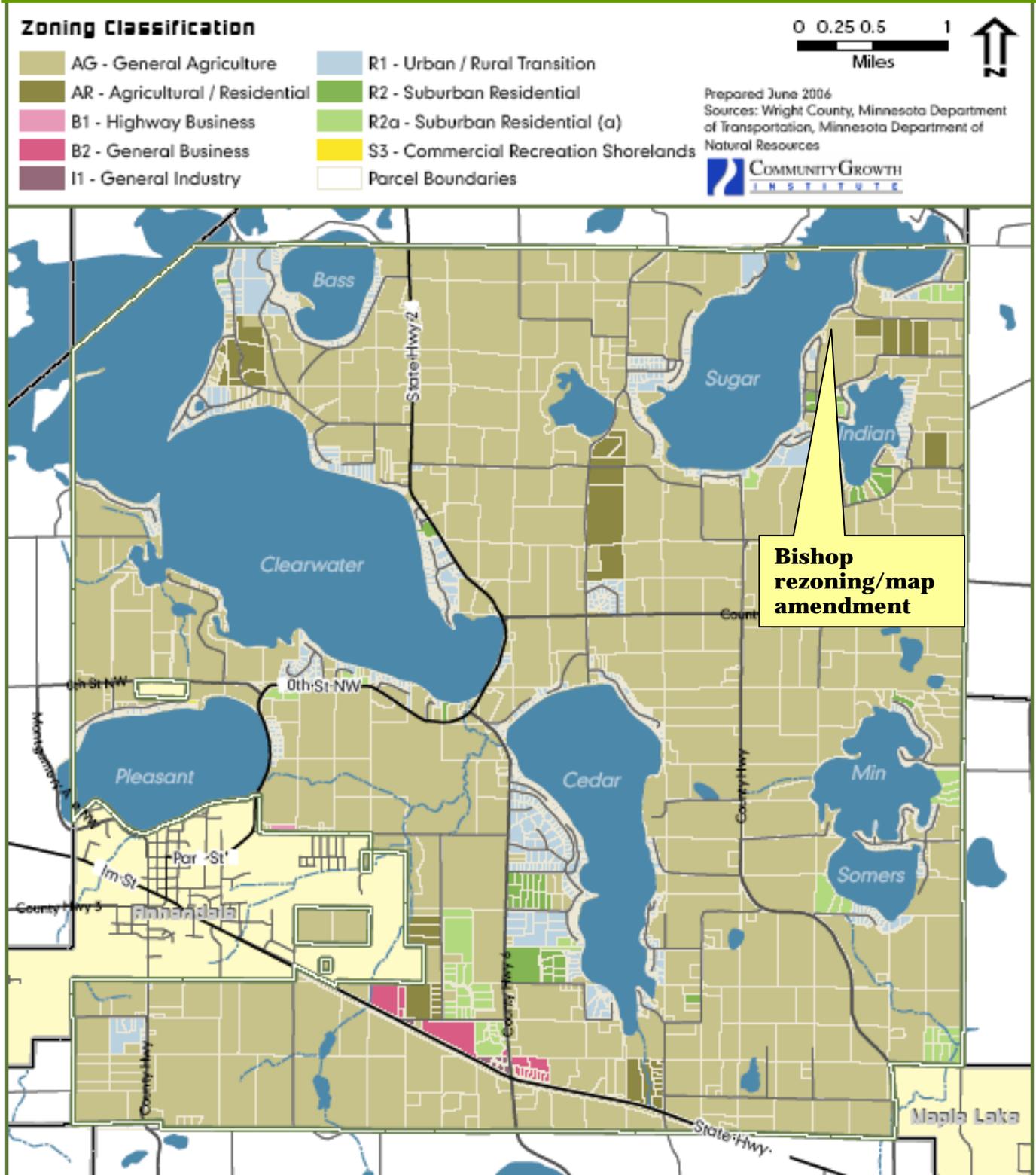
CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
January 10, 2012

7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
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
 - 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.
5. Approve Previous Meeting Minutes
 - a. December 13, 2011
6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
7. New Business
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. Adjournment

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

Corinna Township Location Map for January 10, 2012 Public Hearings



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



STAFF REPORT

Application: Request to amend 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.

Applicant: John Bishop

Agenda Item: 4(a)

Background: The future land use map amendment and rezoning application involves an approximately 70 acre parcel of which about 11 acres would be rezoned and amended on the future land use map.

The property has road frontage on Hart Avenue along the west side and 110th Street NW on the south side. The majority of the 70 acre parcel is currently being farmed.

The applicant has had the property surveyed and an updated wetland delineation completed since the October 2011 meeting when it was tabled for additional information.

The area proposed for rezoning and map amendment is heavily wooded with large, mature trees and has steep slopes throughout. Based on the updated survey information, Lot 3 contains a bluff that drains into a wetland to the north (not directly into the lake). Lots 2 and 3 have about a 52 foot change in elevation from near the proposed road to the lake. Lot 1 has about a 32 foot drop. There appears to be one small wetland on Lot 1 as well as a natural drainage way that has relatively large flat area at the bottom of the slope before it enters the lake. Lot 3 contains part of a large wetland.

The parcels to either side of the area proposed for rezoning are zoned Urban/Rural Transition (R-1) – the same that is proposed for the applicants land. Some land to the NE of the 70 acre parcel is zoned Agricultural/Residential (A/R). All other surrounding properties are zoned General Agriculture (AG).

The property is currently identified as follows:

- Corinna Township/Wright County Zoning Map: General Agriculture (AG)
- Corinna Township Future Land Use Map: Rural Preservation
- Wright County Land Use Map: Residential Large Lot

The requested changes would result in the following:

- Corinna Township/Wright County Zoning Map: Urban/Rural Transition (R-1)
- Corinna Township Future Land Use Map: Shoreline Residential
- Wright County Land Use Map: Residential Large Lot (no change)

If the rezoning is approved, the applicant intends to follow with an application for subdivision of the parcel into three (3) separate parcels sized about 2.5 acres, 2.5 acres and 5.9 acres as shown in the enclosed site plan from Otto Associates dated 11/29/2011. Hart Avenue would need to be extended to serve the three lots that are anticipated for a future subdivision request.

Applicable Statutes/ Ordinances: This application is subject to the following

regulations:

Corinna Township Zoning Ordinance

The subject property is current zoned “General Agriculture” (AG), which is given the following purpose in the Zoning Ordinance:

604. GENERAL AGRICULTURE AG

604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

The requested zoning classification is “Urban/Rural Transition,” whose purpose is described as:

603. AGRICULTURAL/RESIDENTIAL

A/R 603.1 Purpose

This district is created to serve as a buffer between commercial agricultural areas and more intensely developed residential areas, to provide for very low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

Requests for Zoning Amendments, including amendments to the zoning map, are subject to Section IX of the Corinna Township Zoning Ordinance:

SECTION IX – ZONING AMENDMENTS¹

The language in Section 504 is deleted.

9.1. County Control. All requests for rezoning within Corinna Township shall be made to Wright County and follow the procedures adopted by Wright County. The final decision to establish a zoning classification within Corinna Township shall belong to the Wright County Board of Commissioners.

9.2. Township Evaluation. If Wright County requests input from Corinna Township as part of a process to establish or modify zoning classifications within Corinna Township, the Township shall make a recommendation to the County only after consideration of the following criteria:

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Soil types and their engineering capabilities.
- D. Topographic characteristics.
- E. Vegetative cover.

¹ Amended 10/21/08

- F. Quality of the land for agricultural purposes.
- ~~G. In-water physical characteristics.~~
- H. Recreational use of surface water.
- I. Road and service center accessibility.
- J. Socio economic development needs of the public.
- K. Availability of public sewer and water utilities.
- L. The necessity to reserve and restore certain areas having significant historical or ecological value.
- M. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- N. Alternatives available for desired land use.
- O. Prevention of spot zoning.
- P. Conformance to the Corinna Township Comprehensive Plan.
- Q. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

Corinna Township Comprehensive Plan

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

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

The properties adjacent to the subject property are identified for a future land use of “Shoreline Residential”:

Shoreline Residential: A designation for shoreline properties already developed, or to be developed, residentially.

Wright County Comprehensive Plan

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

Residential Large Lot Primarily designates those areas that have already been converted to a rural/suburban, residential environment with lot sizes ranging from two to ten acres due to past decisions. Undeveloped lands that are surrounded or nearly surrounded by such patterns may also be included in this district. Existing land types may include large wooded areas, non-productive farmland near existing developed areas, infill on lands near highly developed lakeshore areas and other areas where large lot development may occur without

posing a threat to the environment, or long term agricultural uses. Appropriate zoning may include Agricultural, Agricultural Residential, R-2(a) and, in special cases, R-2. Rezoning from Agricultural to residential districts will generally be considered appropriate for large lot (R-2a) proposals and for smaller sizes (R-2) in cases where existing development trends or environmental factors are appropriate. Rezoning to R-1 will only be considered for riparian lots on shorelands especially suited to that type of residential development, or for small areas of "infill" which are predominately R-1 already.

Staff Findings: We propose the following findings for consideration by the Planning Commission, based on the criteria for making zoning amendments in Section IX of the Corinna Township Zoning Ordinance:

1. Preservation of natural sensitive areas.

- The subject property does contain heavily wooded land, steep slopes, a natural drainageway (that appears to have a large area that held water at the bottom of the hill during the wet 2011 season), and two wetlands. All of these are considered sensitive features that would require special care during any construction on the lots and on an ongoing basis. If the land is developed as shown in the concept plan, special measures would likely be necessary on Lot 1 in particular, to ensure that the natural drainage that exists now would not be blocked or restricted by the construction of a new home and the development of the lot. Generally, as noted in the 12/15/2011 letter from Wright SWCD, special care will be necessary during the development of all three anticipated lots during construction and alteration of the land.

2. Present ownership and development.

- The property is currently actively farmed, although not in the area which is proposed for rezoning. Adjacent properties are primarily a mix of farmed land and shoreline residential.

3. Soil types and their engineering capabilities.

- The subject property contains several soil types, but the bulk of the area that is requested for rezoning is either 1023D (Lester-Malardi complex, 12 to 18 percent slopes, eroded) or 231C (Lester fine sandy loam, 6 to 12 percent slopes). These soils are listed as either "somewhat limited" (231C) or "very limited" (1023D) for building site development – due primarily to the steep slopes and the potential for shrink-swell action in the soil. There are no soils in the area to be rezoned that are considered "prime farmland."

4. Topographic characteristics.

- The topography of the site is dominated by steep slopes and some bluff. There is a relatively flat area near the lake on Lot 1 that appears to hold water in wet years such as was experienced in 2011.

5. Vegetative cover.

- The site is heavily wooded with large, mature trees.

6. Quality of the land for agricultural purposes.

- The land (where the rezoning and eventual subdivision is proposed) has very limited value for agricultural purposes. The steep slopes and heavily wooded nature make it impractical for row crops.

7. In-water physical characteristics.

- The lake bottom appears to be sandy near the area. An area in front of Lot 3 has a significant stand of bulrushes, which the DNR Area Hydrologist has noted in an e-mail should be protected.

9. Recreational use of surface water.

- The rezoning of this area, and eventual subdivision into residential lots, would likely increase recreational use of the surface water.

10. Road and service center accessibility.

- The property would be served by an extension of Hart Avenue. Hart Avenue, north of 111th Street NW, is a narrow gravel road. The extension of Hart Avenue necessary to serve the anticipated three lots would need to be built to Township standards. The applicant has stated he would dedicate enough land to allow for a 66 foot right-of-way on all of Hart Avenue north of 110th Street NW.

11. Socio economic development needs of the public.

- The area is currently heavily wooded and contributes to wildlife habitat in the area. The requested rezoning would allow for up to three homes on the area to be rezoned. The land proposed for rezoning provides very little value for farming purposes.

12. Availability of public sewer and water utilities.

- The lot would be served by private sewer and water.

13. The necessity to reserve and restore certain areas having significant historical or ecological value.

- The property is heavily wooded with mature trees and may have some biological value. The site has not been identified by the MN County Biological Survey as a site of significance.

14. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.

- The proposed rezoning would create more of a mix between agricultural and residential uses. Staff would not expect significant conflict regarding direct farming activities, but given the large drainageway that leads from the farm field down to the lake, there is some possibility for conflict regarding water draining by a home that might be built in that area.

15. Alternatives available for desired land use.

- The alternative land use for this property is essentially just to remain being used as it currently is – as wooded open space. Alternatively, the land could be used residentially, but at a lesser density than what is sought (i.e. 1-2 homes rather than three).

16. Prevention of spot zoning.

- The request is to rezone the property from AG to R-1.
- Adjacent shoreline properties on either side are currently zoned R-1.
- Staff does not feel that rezoning to R-1, or any other residential category, would be considered spot zoning given that adjacent properties are zoned R-1 and a residential zoning classification is anticipated in the Corinna and Wright County Comprehensive Plans.

16. Conformance to the Corinna Township Comprehensive Plan.

- The Comprehensive Plan of Corinna Township identifies this property as Rural Preservation, which could be consistent with a rezoning to R-1 or another residential category so long as unique and sensitive features (as well as farmland) is protected. The primary goal for development within the Rural Preservation classification is to prevent the loss of agriculturally productive land and rural character. A significant concern desire of the Township was to encourage “cluster” type developments that allowed for housing, but preserved and protected sensitive environmental or agricultural features.

As noted before, there are a number of significant and sensitive environmental features on the land proposed for rezoning that would need to be protected during development in order to conform with the Comprehensive Plan.

17. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

- See answer to #16 above.

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

Staff Comments: Staff’s opinion is that the property has enough sensitive environmental features that the land should be developed in a way that allows for the protection or preservation of as much of these features as possible. It would appear difficult to place a home/garage, driveway and yard on Lot 1 in particular, without significantly affecting the functioning of the natural drainageway. It may be that with culverts and appropriate grading these concerns can be addressed, but it would likely involve significant changes to the natural features as they exist today. Lots 2 and 3 generate fewer concerns for Staff, although the steep slopes and wooded lands should be protected as much as possible to be consistent with the Comprehensive Plan.

The Wright County Land Use Plan notes that a rezoning to R-1 should only be done when the land is “especially suited” to residential development. A rezoning to R-2a (min. 5 acres and 300 ft width) or R-2 (min. 2.5 acres and 200 ft width) may be more appropriate.

Alternatively, a PUD overlay may be appropriate for this property as a way to allow the three homes desired, but ensure that the homes are placed in areas especially suited to them and that will minimize the impact on the drainageway, steep slopes and wooded nature of the property.

Staff sees at least three options for the Planning Commission to consider:

1. Recommend rezoning the property to R-1 as requested. A subsequent subdivision application would be subject to the minimum requirements of that district (i.e. min. 1 acre lots with 150 ft width), but could have stricter requirements imposed in order to help protect the sensitive environmental features. The concept plan already proposes larger than required lots and widths and thus other requirements would need to be made to help protect the steep slopes, the drainageway and the wooded areas. This would likely mean requiring that home avoid certain areas. This option would be a somewhat cumbersome way of directing where homes and other improvements could be built (more so than a PUD).
 - Minutes from a previous subdivision proposal on this property in 2005/2006 (heard by Wright County) suggests that the County was not likely to approve a rezoning of the shoreland area to R-1 or even R-2a. They did seem more open to R-2. The previous application involved “back lots” as well, but the discussion of limiting the shoreland to fewer than three lots was specific to that area.
2. Recommend rezoning to R-2 or R-2a. This would essentially limit the density to either 1 or 2 residential lots due to the increased minimum lot widths (R-2 = 200 ft width = 2 lots possible; R-2a = 300 feet width = 1 lot possible). The property contains about 480 feet of shoreline. A subsequent subdivision request would have to comply with these minimums. This would help to ensure that the drainageway could be preserved in a more natural state and other features (such as the bluff and wetland) could be avoided.
3. Recommend rezoning the property to R-2 with a PUD overlay now. Any subsequent subdivision application would have to be conducted as a PUD. Recommend that a concept of a PUD subdivision be submitted to Wright County at the time they consider the rezoning. This would allow for three (possibly 4) homes, but then require that a portion of the land be considered common open space owned and maintained either by a public agency or a homeowner’s association consistent with the requirements of the ordinance.

Staff Recommendation: Based on the findings of fact presented in this report and the desire of the applicant to take this application in small steps, staff recommends that the Planning Commission table the request so that additional information can be provided. The information provided since the October 2011 meeting indicates that it would be possible to place three homes in this area without impacting wetland and bluffs and meeting all required setbacks. However, it does not provide adequate information to indicate:

- How the drainage currently running through Lot 1 would be preserved or re-directed so as not to create flooding issues
- Confirmation that at least two sites are available on each lot for future septic drainfields (the current indications are only estimates – not based on actual soil borings and perc tests)
- Other information the Commission may wish to see, given the steep slopes, potential for erosion on the site and the other unique environmental features of this property. These might include a desire to see how driveways might be

constructed on each lot as well as potential future accessory structures (the current site plan shows only potential dwelling sites). Alternatively, this information could be requested at the time of an actual subdivision application instead of now when the application is only for rezoning.

- At least preliminary reaction from the applicant regarding the DNRs November 3rd e-mail indicating their desire to see “protections put in the planning process to protect [areas with bulrushes] such as an outlot.” The applicant should indicate how they would intend to protect the bulrushes in front of Lot 3 and possibly part of Lot 2.

Alternatively, if the Commission simply feels that an R-1 zoning classification is unwarranted due to the number of sensitive environmental features, it could deny the request. Specific findings of fact would need to be developed (or referral to Staff’s suggested findings with some rewording to specify the Commission’s exact reasoning).

If the applicant and the Commission are open to an R-2 zoning and/or a PUD overlay, the applicant would have to apply for that classification and a new public notice would need to be sent out; essentially it would be a new application.

In regards to amending the Township’s Future Land Use Map, staff would recommend amending the map only if it determines that some form of shoreline residential development is desired for this area (R- 1, R-2 or R-2a). If not, then the map should not be amended (this would leave open the possibility of developing the property using any remaining entitlements under current AG zoning or under a potential A/R rezoning). Amending of the map would not necessarily mean that the property should be rezoned, but it would signal that rezoning to R-1, R-2 or R-2a would likely be approved.

CORINNA TOWNSHIP
ORDINANCE/ZONING MAP AMENDMENT APPLICATION

Name of Applicant John M. Bishop Phone 320 274 5919

Property Address (E911#) _____

Mailing Address P.O. Box 389 Local Phone _____
(if different than above) *(if different than above)*

City, State, Zip Annandale, MN. 55302

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

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

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

Legal description of property involved in this request, including total acreage:

Property ID # 206-000-013200 Zoning District A
(12 digit # beginning with 206)

Nature of request (select only one):

<input type="checkbox"/> Zoning Ordinance Amendment	List section(s) to be amended: _____
<input type="checkbox"/> Subdivision Ordinance Amendment	_____
<input checked="" type="checkbox"/> Zoning Map Amendment	_____
<input checked="" type="checkbox"/> Comprehensive Plan Amendment	Current Zoning <u>A</u> Proposed Zoning <u>R1</u>

Note: Applications for ordinance/zoning map amendments must be approved by Wright County. For these applications, Corinna Township provides a recommendation to Wright County. Applicants are responsible for contacting Wright County to be placed on their agenda.

Please describe the proposed amendment, stating the exact language change proposed or the current and proposed zoning districts (attach separate page, if needed):

Rezone A to R1 3 lakeshore lots in small subdivision leaving the balance of the property as Agricultural. Also deeding to the township enough property for a 66' road.

Please outline why you consider the proposed amendment to be consistent with the goals and policies of the Corinna Township and Wright County Comprehensive Plans (copies of the Comprehensive Plan are available at the Township Office and at www.corinnaplanning.info).

It will only be removing a small portion of the agricultural land from present zoning and the 3 proposed lots would be consistent with the lakeshore lots on either side and the portion to be rezoned is presently wooded and not suitable for agricultural use.

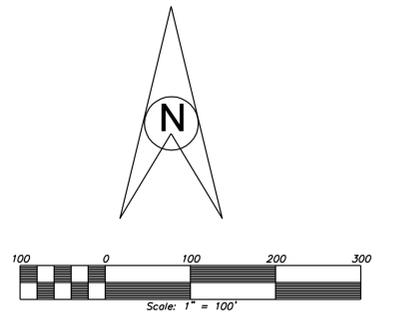
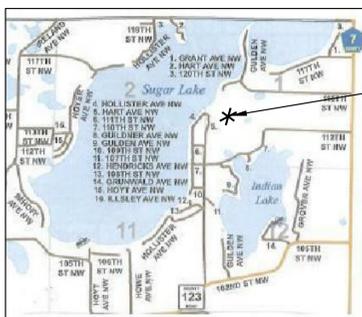
Please state any other relevant information and/or attach any supporting information:

I am willing to deed to the township enough property to allow them a 66' road section should they ever desire to upgrade the present road access to the neighboring area.

Concept Plan



VICINITY MAP



PID NO: 206000013200

Total Property Area - 70.1± Acres

Existing Zoning = AG

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

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

NOTE:

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

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

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

Requested By:

John Bishop

Date: 11/29/11

Drawn By: C.S.O.

Scale: 1"=100'

Checked By: P.E.O.

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

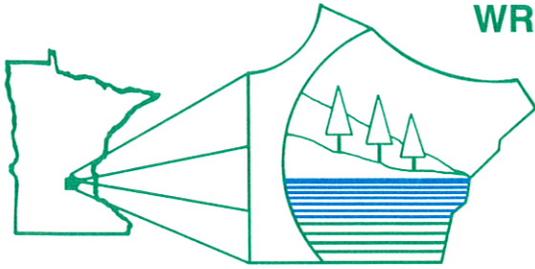
Paul E. Otto
Date: License # 40062



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Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

Revised:

Job No. 1-11-0094



WRIGHT SOIL AND WATER CONSERVATION DISTRICT

311 Brighton Ave. S., Suite C
Buffalo, Minnesota 55313
Telephone (763) 682-1933
(763) 682-1970
Fax (763) 682-0262

December 15, 2011

Corinna Township Zoning Administrator
Ben Oleson
9801 Ireland Avenue NW
Annandale, MN 55302

**RE: NW ¼ of the SW ¼, Section 1, Township 121, Range 27, Wright County, Minnesota,
(Corinna Township). Request to amend Comprehensive Plan Future Land Use Map designation
from Rural Preservation to Shoreline Residential and to rezone lakeshore.**

Dear Mr. Oleson,

The Wright Soil and Water Conservation District (SWCD) have been provided updated concept plans for the proposed land alteration request.

As follow up to our original comments addressed on October 6, 2011 an onsite inspection was conducted with John Bishop (landowner) and representation from Otto Associates, Corinna Township, Sugar Lake Association, SWCD, and interested citizens. This meeting was established to address areas of concern with the original concept plan, ensure water quality of Sugar Lake would not be degraded, identify and avoid wetland impacts, preservation of old growth hardwood forest, and address natural drainage.

An updated concept plan provided defined lot lines to ensure this area is suitable for three (3) additional shoreline lots. The concept plan proves the possible house locations can be built within the proposed lot lines. These possible house locations will avoid all professionally delineated wetlands, bluff setbacks, lake setbacks, side lot setbacks, septic setbacks, and provide two (2) suitable septic locations per lot. The proposed road allowing lot access will avoid major environmental impacts.

These areas contain highly erodible loamy soils and disturbance of the natural conditions should be minimized as much as possible. Rapid stabilization and vegetative cover of any exposed areas will be difficult to accomplish and has potential to degrade the water quality of Sugar Lake from stormwater runoff without the use of erosion and sediment control measures. During construction of the proposed road all wetlands in close proximity to disturbed areas should have silt fence properly installed around them. Once construction has ceased, road embankments require all exposed soils to be seeded and blanketed or disk-anchored and mulched to ensure stabilization of the site. Any silt fence installed should be removed once the vegetation has reached 70% cover over the entire disturbed areas.

Although not required Low Impact Development (LID) of future sites should be considered to preserve the existing conditions of the surrounding area. There are multiple options available to improve wildlife habitat, preserve existing old growth forests and ensure water quality. The SWCD staff encourages and can provide multiple services for work on wetland restorations, wetland buffers and native plantings if desired.

Ben Oleson

From: Stradal, Roger A (DNR) [Roger.Stradal@state.mn.us]
Sent: Thursday, November 03, 2011 10:51 AM
To: oleson@communitygrowth.net
Cc: Riley, Sean; Harper, Liz (DNR)
Subject: John Bishop PID 206000013200 Sugar Lake

Ben;
I understand that the parcel listed above has some valuable natural shoreline with bulrush. If re-zoning and platting goes forward I would want to see some protections put in the planning process to protect these portions such as an outlet. Sugar Lake is a valuable resource and deserves the utmost protection.

Thank you,
Roger Stradal
Area Hydrologist

E-mail: roger.stradal@state.mn.us
Phone: (320) 255-4279 Ext.233
Fax: (320) 255-3999

Ben Oleson

From: Sanoski, Brian - NRCS-CD, Buffalo, MN [brian.sanoski@mn.nacdnet.net]
Sent: Tuesday, October 11, 2011 10:51 AM
To: Ben Oleson
Subject: Bishop proposal

Ben,

John Bishop contacted our office after receiving the letter we submitted to him regarding his property. He's asked the District to work with him on what he needs to do to treat stormwater runoff from the agricultural fields and how to manage the drainage. I anticipate meeting with him on site, addressing our initial concern and additional data required before the proposed development should be approved.

I'm assuming this proposal will be tabled tonight, but wanted to let you know the SWCD will be working with the landowner to try and resolve some issues to determine if the land is suitable for 3 lots.

Brian Sanoski
Urban Conservation Specialist

Wright Soil and Water Conservation District
311 Brighton Avenue South, Suite C
Buffalo, Minnesota 55313
(763) 682-1970
brian.sanoski@mn.nacdnet.net

October 9, 2011

Corrina Township
Board of Adjustment / Planning and Zoning Commission
Attn: Ben Oleson
Corrina Township Zoning Administrator
9801 Ireland Avenue, NW
Annandale, MN 55302

RE: Parcel Number 206000013200 - the 70 acres north of 110th St. NW and east of Hart Avenue, Maple Lake, MN (the “Land” or “Subject Property”). Request to amend the Comprehensive Plan Future Land Use Map designation from Rural Preservation to Shoreline Residential and to rezone lakeshore portion of property from SG to R-1.

Dear Mr. Oleson, the Board of Adjustment and the Planning and Zoning Commission,

We are writing in regard to the above mentioned parcel located on Sugar Lake, which is agenda item (d) for the upcoming Planning Commission meeting that is to be held on Tuesday, October 11, 2011.

We are adjacent land owners of the Subject Property and have been long time residents on Sugar Lake. Additionally, we are active in the Sugar Lake Association. We have followed the development of the Subject Property carefully as we have a vested interest in making sure that the Land, which is the last large tract of undeveloped land on Sugar Lake, be developed in a manner that is best for the future of the Lake, the property owner, and the surrounding environment.

We support future development of the Land and believe that the applicant will be able to submit a revised plan that has three houses on the 70 acre parcel. However, we believe that more time and analysis needs to be completed in order to agree on a plan that will work given the unique qualities of the Land, including but not limited to drainage, wetlands, topography, tree preservation, layout and access.

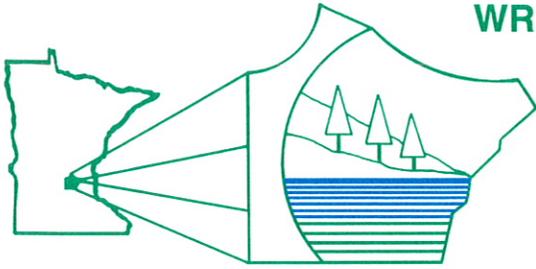
We believe it is best to develop a mutually agreeable plan on a more localized level. We urge the Planning Commission to table this rezoning request until a plan is developed that can be easily and confidently be submitted for approval to the County. We would prefer that the Township and staff work closely with the applicant to overcome some of the site specific issues (drainage, wetlands, topography, tree preservation, layout and access) in order to have the Subject Property developed in a manner that is mutually suitable and agreeable to the land owner, adjacent property owners, the Township, and the Sugar Lake Association.

Sincerely yours,

Peter Ramme Laura Ramme Giertsen Lisa Ramme Latterell

11337 Hart Ave. NW 11360 Hart Ave. NW 11340 Hart Ave. NW

Maple Lake, MN 55358 Maple Lake, MN 55358 Maple Lake, MN 55358



WRIGHT SOIL AND WATER CONSERVATION DISTRICT

311 Brighton Ave. S., Suite C
Buffalo, Minnesota 55313
Telephone (763) 682-1933
(763) 682-1970
Fax (763) 682-0262

October 6, 2011

Corinna Township Zoning Administrator
Ben Oleson
9801 Ireland Avenue NW
Annandale, MN 55302

RE: NW ¼ of the NW ¼, Section 20, Township 120, Range 27, Wright County, Minnesota, (Albion Township). Conditional Use Permit to allow a land alteration in excess of 50 yards in a shoreland district to add fill to a bluff to fix an existing erosion problem and create a 4 foot path down the bluff for easier lake access.

Dear Mr. Oleson,

The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property and considered the proposal for the land alteration request.

The proposed subdivision will have bluffs located on Lot 3 and Lot 2. Impacts to the shoreline in the future will be limited on the bluff and within the bluff impact zone on this stretch of Sugar Lake. The Ordinary High Water (OHW) level of Sugar Lake is 988.1 feet. These areas contain highly erodible loamy soils and disturbance of the natural conditions should be minimized as much as possible.

Opening up the soils on the bluff will increase the danger for erosive activity. Rapid stabilization and vegetative cover of the exposed areas will be difficult to accomplish and has potential to degrade the water quality of Sugar Lake from stormwater runoff.

Generally on sites along bluffs or steep shorelines the preferred method to grant access to the lake would be the installation of a stairway or lift. A constructed path down the bluff on Lot 2 & Lot 3 to the lake will not be allowed in future development.

An onsite inspection of the swale observed from aerial photography showed a natural swale coming through Lot 1. It would not be advisable to place a homestead as proposed on the concept plan in this natural drainage swale. Just over 10 acres of watershed naturally drains into this swale, which is a vast amount of water coming through a channelized location. The amount of material required to fill the void of the existing conditions would be substantial and would not be recommended. Compaction of fill and existing soils should be a concern in the swale and has potential to increase the risk of further degradation to any structures proposed for Lot 1.

The ultimate goal of the Wetland Conservation Act (WCA) is "no net loss" of future wetlands. WCA requires that anyone who proposes to fill, drain or excavate a Minnesota wetland must first try to avoid wetland impacts at all cost. If avoidance is impossible, the second step is to minimize those impacts and finally replacement is required for any unavoidable wetland excavations, fills, or drainage. There are wetlands located in Lot 3 and

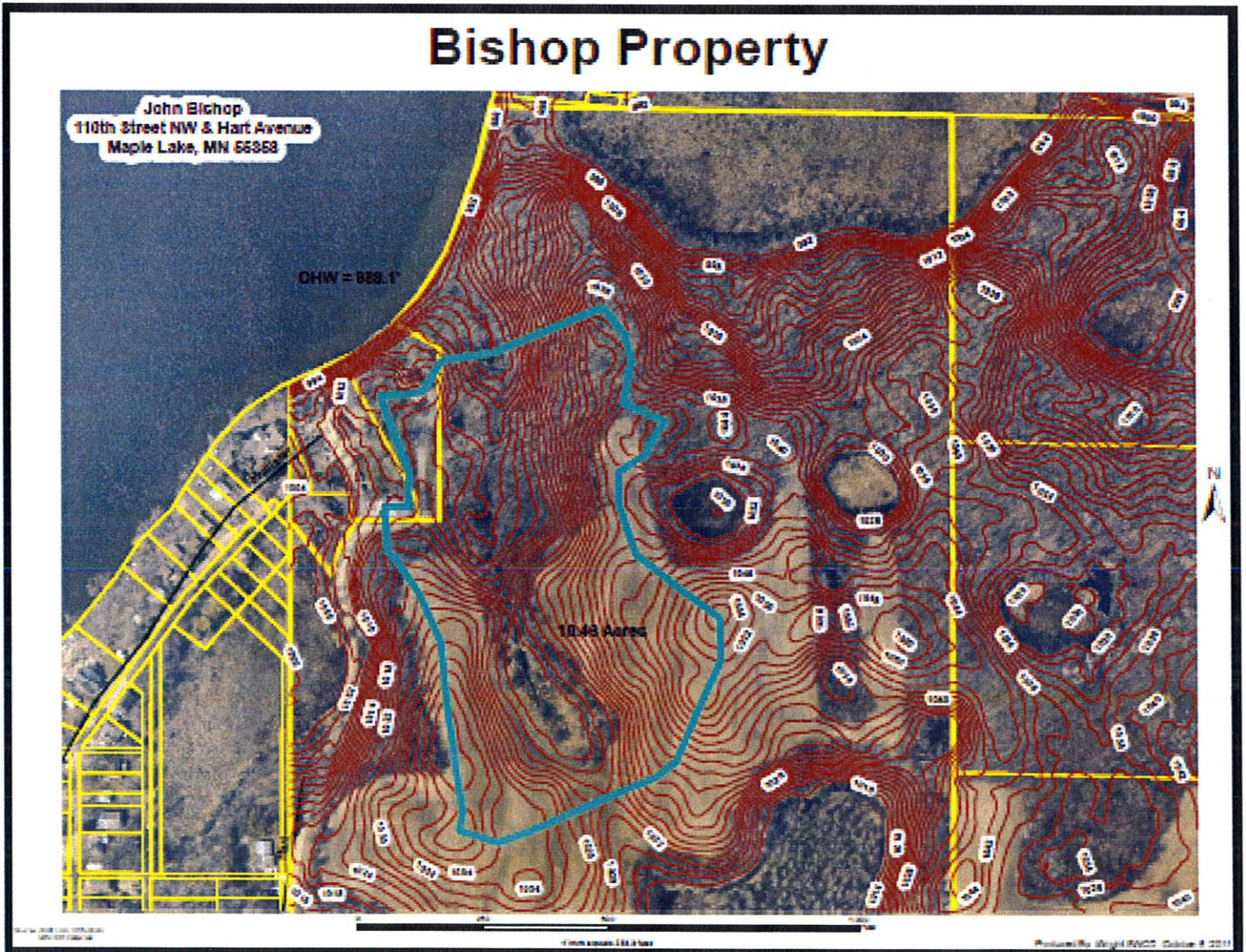
Lot 1, professional wetland delineation should be considered prior to development to officially locate exact boundaries of wetlands. The proposed cul-de-sac is located in close proximity to a wetland and may need to be relocated.

The Wright SWCD appreciates the opportunity to comment on the land alteration request for the proposed project. Consideration should be given to the negative environmental bluff and wetland impacts from future land use and development. Lot 1 appears to be uninhabitable with the existing swale and flashy watershed feeding this area. Thank you for addressing our concerns and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,



Brian Sanoski
Urban Conservation Specialist





STAFF REPORT

Application: Zoning Ordinance amendment to Section VII (Board of Adjustment) of the Corinna Township Land Use Ordinance (Ordinance 2010-03).

Applicant: Corinna Township

Agenda Item: 4(b)

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.

Planning Commission Direction: The Planning Commission can recommend that the Town Board approve the ordinance amendment, deny the amendment, or table the amendment if additional information is needed.

Staff Comments: The discussion of whether to make the Board of Adjustment the final authority for variances comes primarily from a request by the Wright County Board of Commissioners. In relation to the end-of-year request by the Township for Wright County to find that Corinna's shoreland zoning administration meets the requirements of state law, the Wright County Board requested that Corinna consider amending its ordinance so that the Board of Adjustment would be the final authority in deciding variances – instead of only making recommendations to the Town Board. The Board can discuss whether it would like a separate public notice issued specifically noting the intent to discuss this policy. In any case, Staff would appreciate the Planning Commission/Board of Adjustment's input on this question. If the PC/BOA does wish to pass on a recommendation, Staff feels that it could do so given that this section of the ordinance was notices as up for amendment.

On the question of whether to make the BOA the final decision authority for variances, there are basically two arguments. The first is that the BOA should be the final authority so that the appearance of "politics" entering into variance decisions is less likely – in a real or perceived manner. The opposite argument is that elected officials are more accountable for their decisions than non-elected officials and as such, it is preferable that elected officials make the final decisions.

The Wright County Board did not *require* per se that the Township amend its ordinance as a "condition" of the County turning shoreland zoning authority completely over. Nor did they say that amending the ordinance would guarantee that the County would turn over shoreland authority. They only asked the the Township consider making the change so that our procedures are consistent with their procedures (state law *requires* that county BOAs be the final decision-maker for variances).

The language of the existing Township ordinance regarding the operation of the Board of Adjustment is attached, indicating where changes would be required to make the Board of Adjustment the final authority for variance requests. Essentially, the amendment would be to eliminate the section that discusses the Board of Adjustment's authority and replace it with the wording from Wright County Zoning Ordinance Section 502.2 (the text of Wright County Zoning Ordinance, Section 502.2 is also attached).

SECTION VII – BOARD OF ADJUSTMENT

The language from Section 502.1 ~~and 502.2~~ shall be omitted.

~~7.1 AUTHORITY~~

~~The Board of Adjustment shall be granted the following authority under the terms of this ordinance:~~

- ~~A. The Board of Adjustment shall hold hearings on the issuance of variances and make recommendations to the Town Board. Variances to be considered are limited to those relating to the terms of this Ordinance, including restrictions placed on nonconformities.~~
- ~~B. The Board of Adjustment shall have the authority to decide appeals from the review of any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Ordinance.~~
- ~~C. The Town Board shall make the final decision on all recommendations of the Board of Adjustment and shall hear all appeals from decisions where the Board of Adjustment is normally the final authority.~~

7.2 BOARD OF ADJUSTMENT MEMBERSHIP

The Board of Adjustment shall consist of members of the Planning Commission.

7.3 APPOINTMENT/TERMS

Terms shall be concurrent with the terms of Planning Commission members.

7.4 OFFICERS/DUTIES

Same as for the Planning Commission.

7.5 COMPENSATION AND MILEAGE

Same as for the Planning Commission.

7.6 MEETINGS/QUORUMS

Regular meetings will be held concurrent with the Planning Commission.

WRIGHT COUNTY ORDINANCE
(AS AMENDED NOVEMBER 2011)

502.2 General Duties and Responsibilities: Variances and Administrative Appeals

The Board of Adjustment shall act upon all requests for variances and upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county, or state.

Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules of procedure. The Board of Adjustment shall establish criteria necessary in its rules of procedure for filing an application for a Variance or an Appeal. Written notice of hearings held by the Board of Adjustment shall be sent to affected property owners as provided by law. The Board of Adjustment shall make its decision within fifteen (15) days of the hearing, but may continue the hearing to such length of time as it deems necessary to properly consider each case.

The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all powers of the officer to whom the appeal was taken and direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.



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 December 2011 meeting, the Commission directed Staff to come back with a list of the most common situations where a question of interpretation might arise.

The attached list represents those situations and some initial thoughts on what could be considered an expansion and what may not be.

Roof pitch increases (no additional floor space):

- Expansion: Anything that 1) adds a bedroom or 2) results in a roof pitch steeper than 4/12 roof where such a pitch did not exist before.
- Not an expansion: 1) Replacement of the existing roof pitch or 2) any increase up to a 4/12 roof pitch.

Basement/Storm Shelter additions:

- Expansion: Anything that 1) adds a bedroom, 2) is a storm shelter/utility room greater than 225 sq ft in size, or 3) has greater than 6 feet of headroom.
- Not an expansion: Installation of 1) up to a 225 (15' x 15') sq ft storm shelter/utility room where one did not exist before (6 ft headroom limitation does not apply), or 2) a crawl space/basement with no more than 6 feet of headroom.

Footprint changes:

- Expansion: Anything that 1) adds a bedroom or is 2) more than an incidental (100 sq ft or less?) increase for the purpose of increasing the livability of the dwelling (such as adding a bathroom where one didn't exist before or increasing the size of a bedroom, bathroom, kitchen, utility room, etc... so that it is as large as would typically be seen as necessary for modern living).
- Not an expansion: Re-configuration of an existing footprint so that it covers the same amount of ground, but in a slightly different shape. Significant increases in the amount of building within a minimum setback would be considered an expansion.



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.

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 [BO6]: 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)	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	-

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]

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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."

Zoning Administrator's Report

Corinna Township

Application Status Report - Finalized

December 1, 2011 - January 3, 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: Rezoning (1 record)				
Application Status: Withdrawn (1 record)				
206000121101	Melvin Dykhuizen	Rezoning to Planned Unit Development (PUD) overlay district.	12/12/2011	AR
Type of Application: Conditional Use (1 record)				
Application Status: Approved (1 record)				
206000103400	Jason and Geri Ann Kolles	Renewal of Interim Use Permit for the operation of a mining pit involving mining, crushing and screening of sand, gravel and rock.	12/13/2011	AG
Type of Application: Ordinance Amendment (2 records)				
Application Status: Approved (2 records)				
-	Mary Barkley Brown	Ordinance Amendment for New Mn Law regarding Variance Criteria.	12/20/2011	-
-	Mary Barkley Brown	Amend ordinance to reflect changes in Wright County Ordinance Section 604.6 re: entitlements	12/20/2011	-

Application Status Report - Pending

As of January 3, 2011

Parcel ID	Applicant	Nature of Request	Date of Final Action	Zoning District
Type of Application: Rezoning (2 records)				
Application Status: Under Review (2 records)				
206000013200	John Bishop	Request to amend Comprehensive Plan Future Land Use Map designation from Rural Preservation to Shoreline Residential. Request to rezone lakeshore portion of property from AG to R-1		- AG