CORINNA TOWNSHIP

BOARD OF ADJUSTMENT / PLANNING COMMISSION

MEETING PACKET FOR
September 13, 2016

Hometown | Planning

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 13, 2016

7:00 PM

1. Call to Order

2. Roll Call

3. Additions or Deletions to the Agenda

4. Public Hearings
    a. Variance to construct a roof over a previously open deck approximately 27 feet from Clearwater Lake (min. 75 ft required) and approximately 8 and 13 feet from both side lot lines (min. 15 feet required).
        i. Applicant: Steven C. and Diane M. Maeyaert
        ii. Property address: 11559 KRAMER AVE NW, Annandale
        iii. Sec/Twp/Range: 5 and 6-121-27
        iv. Parcel number(s): 206000052304 and 206000061404
    b. Variance to construct a 56' x 60' equipment storage building approximately 37 feet from a rear property line (min. 50 feet required). Total square feet of accessory building on property (12,512) to exceed 4,000 square feet.
        i. Applicant: Corinna Township
        ii. Property address: 9801 IRELAND AVE NW, Annandale
        iii. Sec/Twp/Range: 15-121-27
        iv. Parcel number(s): 206000152103

5. Approve Previous Meeting Minutes
    a. August 10, 2016

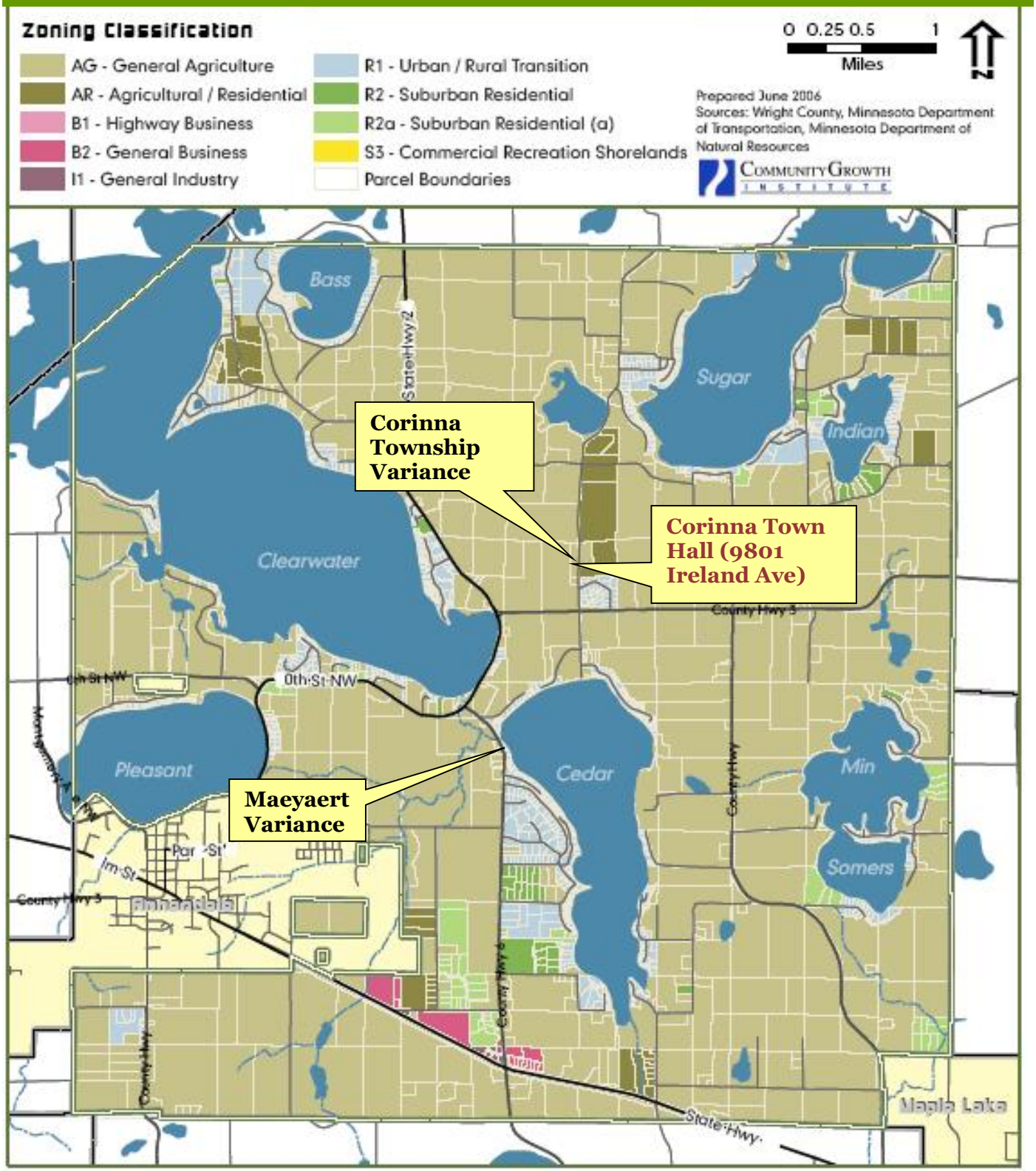
6. Zoning Administrator's Report
    a. Permits
    b. Correspondence
    c. Enforcement Actions
    d. Findings of Fact – Previous PC/BOA Decisions

7. Other Business
    a. Wright County proposed ordinance amendments
    b. Review of previously granted variance requests (if time allows)

8. Adjournment

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

Corinna Township
Location Map for September 13, 2016 Public Hearing(s)



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

STAFF REPORT

Application: Variance to construct a roof over a previously open deck approximately 27 feet from Clearwater Lake (min. 75 ft required) and approximately 8 and 13 feet from both side lot lines (min. 15 feet required).

Applicant: Steven C. and Diane M. Maeyaert

Agenda Item: 4(a)

Background Information:

- **Proposal:** The applicants are proposing to extend the roof of the existing dwelling over top of an existing 11′ x 24′ open lakeside deck so as to create a covered outdoor sitting area. The current open deck sits approximately 27 feet from Clearwater Lake (minimum 75 feet required) and approximately 8 and 13 feet from the side lot lines (minimum 15 feet required).

  While impervious coverage, as defined by ordinance, would not increase as a result of this proposal, the current impervious coverage appears to be very near the 25% limit, if not above. No survey of existing impervious coverage has been submitted or required at this point. Impervious coverages have only been estimated based on aerial photos and GIS estimates of the lot size.

- **Location:**
  - Property address: 11559 KRAMER AVE NW
  - Sec/Twp/Range: 05 and 06-121-27
  - Parcel number(s): 206000052304 and 206000061404

- **Zoning:** R1 - Urban/Rural Transition/S2 - Residential-Recreational Shorelands, Clearwater Lake 86-252 (General Development lake)

- **Lot size:** Approx. 17,700 sq ft (0.41 acres) according to Beacon GIS estimate

  Existing Impervious Coverage:

  - Buildings: About 720 sq ft (4.1%)
  - Total: About 4,462 sq ft (25.2%)

  Proposed Impervious Coverage:

  - Buildings: About 720 sq ft (4.1%)
  - Total: About 4,462 sq ft (25.2%)

- **Septic System Status:** The property is served by an existing septic system (tank and drainfield) that was found noncompliant and repaired in 2013.

- **Natural Features:**
  - Floodplain: The lowest floor (basement) of the existing structure is below the regulatory flood protection elevation (RFPE) of Clearwater Lake (RFPE = 997.7; Lowest floor = 994.4). The highest grade of the ground

adjacent to the home is 997.9. It is unclear whether all of the support posts for the existing open deck (proposed covered deck) is above or below the RFPE, although if it were below it would not take much fill to meet the required elevation (would appear to be about 4-6 inches at most).

- Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes in the area of the proposed construction and is relatively flat. The land does slope steeply for a short distance both at the lakeshore and behind the home.
- Wetlands: There do not appear to be any wetlands that would impact this proposal.

- **Permit History:**
  - 1972 – 24′ x 30′ dwelling
  - 1974 – Septic system
  - 1980 – Septic system
  - 2013 (February) – Septic inspection (non-compliant)
  - 2013 (October) – Septic system repair

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. **Appeals and adjustments.**

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

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

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties

include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

(1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

(a) The granting of the variance will be in harmony with the County Land Use Plan.
(b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
(c) The plight of the owner is due to circumstances unique to the property not created by the owner.
(d) The proposal does not alter the essential character of the locality.
(e) The practical difficulty cannot be alleviated by a method other than a variance; and.
(f) The granting of the variance will not adversely affect the environmental quality of the area.

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

403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) 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.

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:

(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 nonconforming 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 nonconforming 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 nonconforming 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.

605. URBAN/RURAL TRANSITIONAL R-1

605.5 Performance Standards

(3) Side Yard Regulations:

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

612. SHORELAND ZONING REGULATIONS

612.5 Shoreland Performance Standards

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

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

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

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

   Needs discussion (lake setback): The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

   > "In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution."

   The proposed setback for the house would be reasonably consistent with the intent of the ordinance in that it would not be any closer than the existing deck over which the roof would be built. However, the addition of a roof adds more structure within the lake setback (and within the shore impact zone) than existed before. While there are allowances for open decks to be attached to legal nonconforming structures within the lake setback, there are not for covered decks).

   Needs discussion (side yard setback): The spirit and intent of the ordinance (side yard setback) is to require some space between buildings and other

improvements and the adjacent lot and to maintain space between structures. Its' intent is also to maintain consistency from one property to the next in this setback.

The proposed side yard setback would not impinge any further than what is already occurring due to the home and the existing open deck. However, the additional structure may somewhat impact views from the neighboring property to the north, which are also set back from the lake a similar distance.

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

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

   - Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
     - Comment: While the proposed roof would not add any additional impervious coverage beyond what already exists, the existing buildings sit very close to the lake. State law requires that "In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions." A specific stormwater management plan has not been submitted. However, the existing dwelling has gutters which are directed either to the side of the home or to the rear of the home where there should be adequate opportunity for water to infiltrate into the ground before entering the lake.

       The site is already close to, if not over, the 25% impervious coverage limit (would need to be confirmed with a survey or possibly more accurate onsite measurements of the driving/parking area). While from a definition standpoint a roof is no additional impervious coverage beyond the existing open deck, in reality it is likely that the open deck would allow more infiltration of rainwater than the roof unless there is plastic barrier underneath the current deck.
   - Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
     - Comment: The application would not require the removal of any trees.

- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
    - Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
    - Comment: It does not appear that any significant grading will be necessary to construct the proposed covered deck, except that some fill may be necessary (4-6 inches at most, as it appears) under the deck/covered porch to ensure that the deck meets the minimum required elevation for flood protection.

3. Is the proposed use of the property reasonable?

Needs discussion (all requested variances): The desire to have a covered outdoor sitting area is reasonable in that it is not uncommon for lakeshore dwellings to have such areas and some nearby properties appear to have some such area. However, the existing deck and location of the proposed covered porch is very close to the lake and other dwellings in the area do not all have such areas.

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

Yes: The need for the variances is due primarily to the location of the existing house (built in 1972 by a previous owner of the property when County regulations did not appear to require current setbacks).

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

Needs discussion: The addition of a roof over the existing open deck would create a space that not all homes in the area appear to have, although some do appear to have such areas. The residential character of the property however, would remain largely unchanged.

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

No: The need for the variance is due to other factors mentioned in #4 above.

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

Needs discussion: The only other way to create covered outdoor area that would lessen the variance needed would be to create a roofed area over the side deck of the house or to convert part of the existing dwelling to outdoor/semi-outdoor seating area and possibly add on to the home to the side or rear. Both of these options would also require a variance.

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

   Needs discussion: The proposal would place more building coverage in close proximity to the lake. There does appear ample opportunity to direct rainwater away from the lake such that it can infiltrate into the ground before entering the lake, so the environmental impact should be minimal with proper stormwater management practices.

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

Staff Recommendation: Based on the findings of fact noted above, Staff cannot recommend approval of the requested variances as presented. The Township has generally discouraged additions or intensification of existing uses when it is this close to the lake, it is not universal for nearby homes to have covered outdoor seating areas and there appear to be options to create outdoor living space that would not require as much of a variance (adding covered area to the side of the home) – although these would require a separate analysis as they have not actually been proposed and would create other variance issues.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. That impervious coverage be no greater than 25% of the lot. If this cannot be confirmed with hand measurements by the applicant and confirmation by Township staff, a survey shall be required.
2. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely
3. The applicant shall bring in fill, as necessary, to ensure compliance with the minimum elevation requirements of state and local floodplain regulations for the proposed deck/covered porch.

Application # V16-016	Date Application Rec'd 8/22/2016	Fee Collected $ 400.00

(for office use only)

CORINNA TOWNSHIP
VARIANCE APPLICATION

Name of Applicant: Steven C + Diane M Maeyaert

Property Address: 11559 Kramer Ave NW

Mailing Address (if different): 7031 - 20th St. NE

City: Buffalo State: MN Zip: 55313

Phone (home/work): 763-684-4156 Phone (cell/other): 763-350-7459 (Steve)

E-mail (optional): _____

Applicant is:

Legal Owner ☒

Contract Buyer ☐

Option Holder ☐

Agent ☐

Other ☐

Title Holder of Property (*if other than applicant*)

Name: _____

Address: _____

City, State, Zip: _____

Please specify: _____

Property ID #: (12 digit # on tax statement) 206-000-052304 Lake Name (if applicable) Clearwater

Legal Description: (attach if necessary) N 50 FT OF S 150 FT OF W 10 A OF LOT 4 EXC S 208 FT OF W 330 FT

Signature of Legal Owner, authorizing application (required): Diane Maeyaert
(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.)

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

☐ 1 per 40 Division	☐ Road Setback	☐ Building/Impervious Coverage
☐ Lot Line Adjustment	☒ Lake or River Setback	☐ Height of Structure
☐ Undersized Lot	☒ Side or Rear Line Setback	☐ Septic System Setback
☐ Appeal of Staff Interpretation	☐ Bluff Setback	☐ Other _____

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.hometownplanning.com/corinna-township.html.

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

Please complete all of the following questions:

1. What are you proposing for the property? State nature of request in detail:

   Extend roof Line over existing deck.

2. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.hometownplanning.com/corinna-township.html).

   Consistant with surrounding dwellings. Doesn't impede anyones view + roof over existing structure.

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.hometownplanning.com/corinna-township.html).

   We have no way to extend our current Lot size + are extending over hang of roof by appox 10 ft over existing deck.

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

   Roof extensicon over existing permitted deck that was installed by previous owner.

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

50 ft wide lot

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

This dwelling is set back from surrounding neighbors. Will not impede others view.

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

50 ft wide lot ~ side set back will not exceed previously approved structure.

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

None

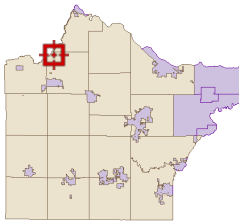
9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as $25 for $100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice: _____

10. Please include any other comments pertinent to this request.

Beacon™ Wright County, MN

Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways
- Interstate
- State Hwy
- US Hwy

City/Township Limits
- c
- t
- **Parcels**

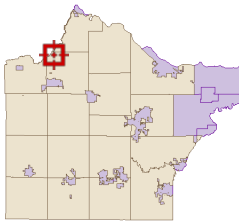
Parcel ID	206000052304	**Alternate ID**	n/a	**Owner Address**	MAEYAERT,STEVEN C & DIANE M
Sec/Twp/Rng	05-121-027	**Class**	151 - SEASONAL RES REC		7031 20TH ST NE
Property Address	11559 KRAMER AVE NW ANNANDALE	**Acreage**	n/a		BUFFALO, MN 55313
District	n/a				
Brief Tax Description	Sect-05 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP N 50 FT OF S 150 FT OF W 10 A OF LOT 4 EXC S 208 FT OF W 330 FT (Note: Not to be used on legal documents)				

Date created: 9/7/2016
Last Data Uploaded: 9/7/2016 2:37:40 AM

Developed by
The Schneider Corporation

Beacon™ Wright County, MN

Overview



Legend

Roads
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City/Township Limits
- c
- t

Parcels

Parcel ID	206000052304	**Alternate ID**	n/a	**Owner Address**	MAEYAERT,STEVEN C & DIANE M
Sec/Twp/Rng	05-121-027	**Class**	151 - SEASONAL RES REC		7031 20TH ST NE
Property Address	11559 KRAMER AVE NW	**Acreage**	n/a		BUFFALO, MN 55313
	ANNANDALE				
District	n/a				

Brief Tax Description Sect-05 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP N 50 FT OF S 150 FT OF W 10 A OF LOT 4 EXC S 208 FT OF W 330 FT

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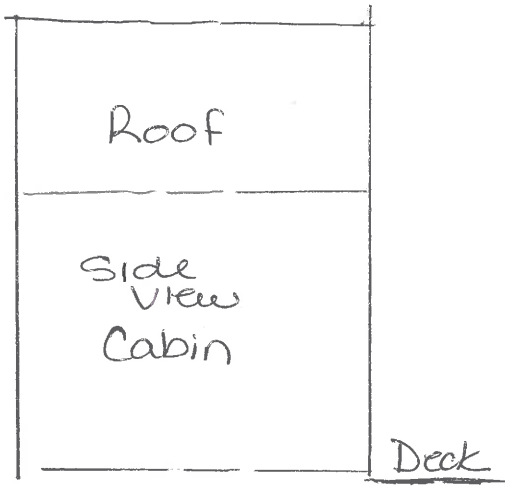
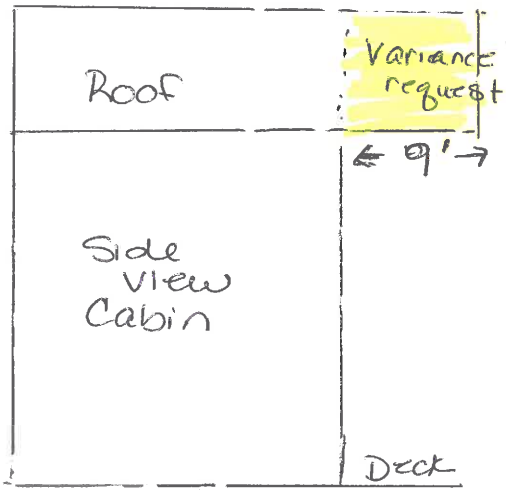
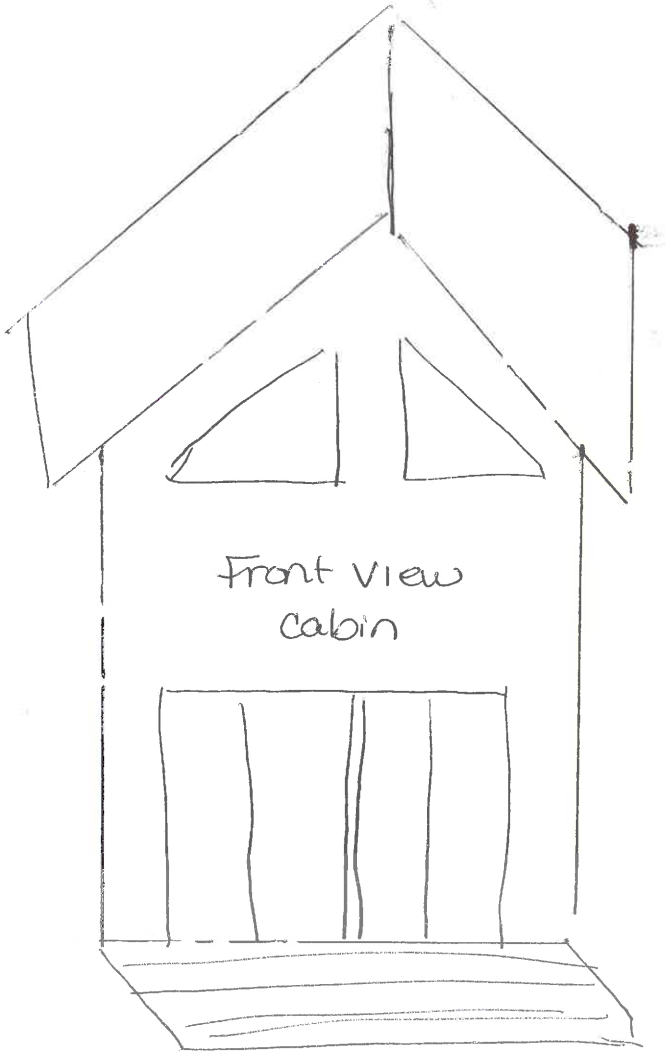
Developed by
The Schneider Corporation

Current



Proposed





U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
National Flood Insurance Program

ELEVATION CERTIFICATE

IMPORTANT: Follow the instructions on pages 1-9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE
Policy Number:
Company NAIC Number:

A1. Building Owner's Name: Steven + Diane Maeyaert

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 11559 Kramer Ave NW
City: Annandale State: MN ZIP Code: 55302

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Parcel ID: 206000052304, Part of Sec. 5, Twp 121, Rng. 27 Wright Co. MN

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential

A5. Latitude/Longitude: Lat. 45°19'10.7" N Long. 94°06'59.9" W Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number: 7

A8. For a building with a crawlspace or enclosure(s):
a) Square footage of crawlspace or enclosure(s): 360 sq ft (Estimate)
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: 0
c) Total net area of flood openings in A8.b: _____ sq in
d) Engineered flood openings? ☐ Yes ☒ No

A9. For a building with an attached garage:
a) Square footage of attached garage: 360 sq ft (Estimate)
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: 0
c) Total net area of flood openings in A9.b: _____ sq in
d) Engineered flood openings? ☐ Yes ☒ No

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number: Wright County Unincorporated 270534
B2. County Name: Wright
B3. State: MN

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
27053400 07	B	~~May 1, 1978~~ ~~Aug. 4, 1988~~	Aug. 4, 1988	AE	996 NGVD'29

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: Converts to: 996.4 NAVD'88
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: ____ / ____ / ____ ☐ CBRS ☐ OPA

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: MNDOT "8611 H" Vertical Datum: NAVD'88 Elev. = 1029.84
Indicate elevation datum used for the elevations in Items a) through h) below. ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____
Datum used for building elevations must be the same as that used for the BFE. NAVD'88 Check the measurement used. NGVD'29

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	994.4	☒ feet	☐ meters	994.0
b) Top of the next higher floor	1002.5	☒ feet	☐ meters	1002.1
c) Bottom of the lowest horizontal structural member (V Zones only)		☐ feet	☐ meters	
d) Attached garage (top of slab)	994.3	☒ feet	☐ meters	993.9
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	994.4	☒ feet	☐ meters	994.0
f) Lowest adjacent (finished) grade next to building (LAG)	994.2	☒ feet	☐ meters	993.8
g) Highest adjacent (finished) grade next to building (HAG)	997.9	☒ feet	☐ meters	997.5
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	994.5	☒ feet	☐ meters	994.1

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

☐ Check here if comments are provided on back of form.
☐ Check here if attachments.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

Certifier's Name: Brian E. Praske		License Number: 44646	
Title: Project Surveyor	Company Name: Bogart, Pederson & Assoc.		
Address: 13076 First St.	City: Becker	State: MN	ZIP Code: 55308
Signature:	Date: 3/19/14	Telephone: (763) 262-8822	

PLACE SEAL HERE

See reverse side for continuation.

ELEVATION CERTIFICATE, page 2

IMPORTANT: In these spaces, copy the corresponding information from Section A.	FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 11559 Kramer Ave. NW	Policy Number:
City Annandale State MN ZIP Code 55302	Company NAIC Number:

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Survey was shot in NAVD'88 datum. Conversion to NGVD'29 is -0.39 or -0.4 (both datums shown). Walkout level has tuck under garage and basement. No access, estimated s.f. for both. Lat/Long from Georeferenced County photos.

Signature [signature] Date 3/19/14

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name Brian E. Prasher

Address 13076 First St. City Becker State MN ZIP Code 55308

Signature [signature] Date 3/19/14 Telephone (763) 262-6822

Comments

☐ Check here if attachments.

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ . _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ . _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ . _____ ☐ feet ☐ meters Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

☐ Check here if attachments.

STAFF REPORT

Application: Variance to construct a 56' x 60' equipment storage building approximately 37 feet from a rear property line (min. 50 feet required). Total square feet of accessory building on property (12,512) to exceed 4,000 square feet.

Applicant: Corinna Township

Agenda Item: 4(b)

Background Information:

- **Proposal:** Corinna Township is proposing to construct a new 56′ x 60′ storage building at the Township Hall property for equipment and other storage. The building would be constructed in line with the other storage buildings already on the property, approximately 37 feet from the rear property line (min. 50 feet is required).

  The building has been permitted for construction based on the submittal of a lot line adjustment with the adjoining property owner. If the variance is granted, the lot line adjustment would be abandoned.

- **Location:**
  - Property address: 9801 IRELAND AVE NW
  - Sec/Twp/Range: 15-121-27
  - Parcel number(s): 206000152103

- **Zoning:** AG - General Agriculture

- **Lot size:** Approx. 9 acres according to Beacon GIS estimate

  Existing Impervious Coverage:

  - Buildings: About 13,424 sq ft (3.4%)
  - Total: About 92,428 sq ft (23.6%)

  Proposed Impervious Coverage:

  - Buildings: About 16,784 sq ft (4.3%)
  - Total: About 95,788 sq ft (24.4%)

- **Septic System Status:** The property is served by an existing septic system. The new storage building would not have any bathrooms or sinks.

- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.

- Wetlands: There do not appear to be any wetlands that would impact this proposal.

- **Permit History:**
  - 1975 – Conditional use permit for town hall/storage building
  - 1975- 44′ x 120′ town hall building (rear yard setback not specified)
  - 1975 – Septic system
  - 1978 – 12′ x 24′ salt shed (rear yard setback listed as 50+ feet)
  - 1994 – Holding tanks (2)
  - 1999 – 56′ x 64′ salt shed (rear yard setback listed as 30 feet)
  - 2005 – 44′ x 100′ Town Hall (rear yard setback clearly more than 50 feet)
  - 2005 – Septic system

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. **Appeals and adjustments.**

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

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

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be,

may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

(1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

(a) The granting of the variance will be in harmony with the County Land Use Plan.
(b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
(c) The plight of the owner is due to circumstances unique to the property not created by the owner.
(d) The proposal does not alter the essential character of the locality.
(e) The practical difficulty cannot be alleviated by a method other than a variance; and.
(f) The granting of the variance will not adversely affect the environmental quality of the area.

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

403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) 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.

604. GENERAL AGRICULTURE AG

604.5 Performance Standards

(Parcels in the Agricultural District which are ten acres or less in size shall be subject to residential standards for animals and setback standards which correspond with the zoning district which is closest in lot size to the parcel. R-1 standards apply for lots 2 acres or less, R-2 for lots 2 to 4 acres and R-2a for lots from 4 to 10 acres.)

(4) Rear Yard Regulations:

The rear yard setback depth shall be fifty (50) feet for all non-livestock buildings and no less than 100 feet for buildings that will house livestock.

606.A SUBURBAN RESIDENTIAL R-2(A)

606.a5 Performance Standards

(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.

743 DETACHED ACCESSORY STRUCTURES

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 (those that are not adjoining other residential parcels/lots) smaller than 10 acres in size shall not exceed the following maximum size limits:

Parcel size	Max. Building area	Max. Sidewall
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

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

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

Needs discussion: The spirit and intent of the ordinance (rear yard setback) is to require some space between buildings and other improvements and the adjacent lot and to maintain space between structures. Its' intent is also to maintain consistency from one property to the next in this setback.

The proposed setback for the storage building would be reasonably consistent with the intent of the ordinance in that it would be consistent with the setback of the existing buildings on the parcel, which were previously permitted to be located approximately 30-50 feet from the rear lot line without the requirement for a variance. Further, the property abuts agriculturally used land and poses no issues with affecting agricultural operations or residential uses.

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

   Needs discussion: The Comprehensive Plan does not directly address issues related to rear yard setbacks. However, it does list the following as a general goal:

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

3. **Is the proposed use of the property reasonable?**

   Yes: The proposed storage building is intended to allow for indoor storage of the Township's road maintenance equipment and other materials.

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

   Yes: The need for the variances is due largely to the layout of the existing buildings and driving/parking/loading/unloading areas on the property and the presence of a depression in the landscape that would require greater amounts of fill and lessened stormwater detention area if it were to be moved to meet the required 50 foot setback.

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

   No: There are already three other buildings located within the 50 ft rear yard setback and the property's use would remain for Township hall and maintenance building purposes.

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

   No: The need for the variance is due to other factors mentioned in #4 above.

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

   Needs discussion: It would be physically possible to meet the required 50 ft rear setback on other areas of the property, although this is made less feasible given either the need for additional amounts of fill in an area that currently serves as a

stormwater detention area and the use of other areas of the property for compost, dirt and other material storage. Further, the proposed location provides for the easiest access to the Township's main maintenance building.

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

   No: The proposed location would actually help minimize the impact on an existing stormwater detention area. The use would not create any significant adverse environmental impacts.

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

Staff Recommendation: Based on the findings of fact noted above, Staff recommends approval of the requested variances as presented.

Application # V16-015	Date Application Rec'd 8/9/16	Fee Collected $ _____

(for office use only)

CORINNA TOWNSHIP
VARIANCE APPLICATION

Name of Applicant Township of Corinna Phone 320-274-8049

Property Address (E911#) 9801 Ireland AV NW

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

City, State, Zip Annandale, MN 55302

Applicant is:

Legal Owner (X)
Contract Buyer ()
Option Holder ()
Agent ()
Other _____

Title Holder of Property (*if other than applicant*)

_____ (Name)

_____ (Address)

_____ (City, State, Zip)

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

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-000-152103

Full legal description of property involved in this request, including total acreage or square footage

Sec/Twp/Rng	15-121-027
Brief Tax Description	Sect-15 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP E 314 FT NE NW (Note: Not to be used on legal documents)
Deeded Acres	0.00
Class	957 - (NON-HSTD) MUNICIPAL LAW ENF,FIRE,ADMIN
Parcel: 206000152103	
Acres: 9.00	

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

- ☐ 1 per 40 Division
- ☐ Lot Line Adjustment
- ☐ Undersized Lot
- ☐ Appeal of Staff Interpretation
- ☐ Road Setback
- ☐ Lake or River Setback
- ☒ Side or Rear Line Setback
- ☐ Bluff Setback
- ☐ Building/Impervious Coverage
- ☐ Height of Structure
- ☐ Septic System Setback
- ☐ Other _____

What are you proposing for the property? State nature of request in detail: Building a new shed - 60'x56'x16'h to store township equipment, 37' from back property line.

REVISED: APRIL 2012

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.hometownplanning.com/corinna-township.html.

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

Please complete all of the following questions:

1. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.hometownplanning.com/corinna-township.html).
   will provide adequate space for neighboring properties and will be in line with existing buildings.

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.hometownplanning.com/corinna-township.html).
   Requested placement of shed will alleviate environmental impact by requiring less fill and not reducing the stormwater storage area. It will help establish an orderly appearance of shed with existing shed placements. Will not change the character of neighborhood.

3. Describe why you feel that your proposal is a reasonable use of the property.
   Proposed shed will hold equipment that is currently stored outside and will look more orderly with proposed additional shed. Township ordinance requires equipment is stored within a building or fully screened. (See 702-exterior storage.)

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.
   We would like to place new shed 37' from property line in order to look unified with existing sheds, which are 35' from property line. To move the building farther away from property line would require more fill and would reduce the stormwater storage area. Because of sewer system in the area - could not move shed over and still keep the pond.

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.
   Township property already has storage buildings. Adding another 0 will not affect view from farm land adjoining. Character of area stays the same.

REVISED: APRIL 2012

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

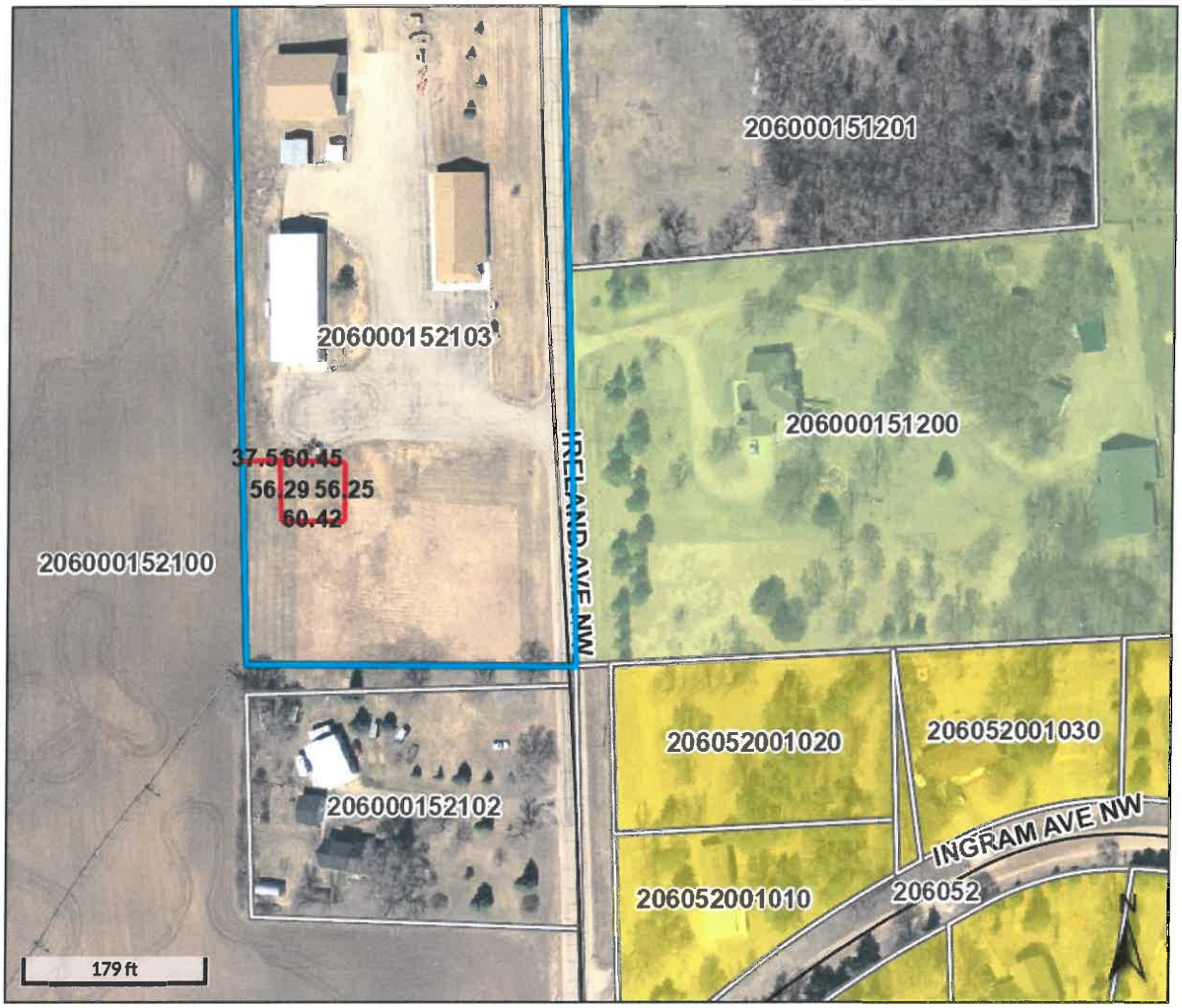
See question #4.

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

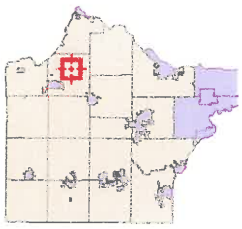
Impact on environmental quality will be improved with requested placement, as stormwater storage area will not need to be reduced in size.

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

Beacon™ Wright County, MN



Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

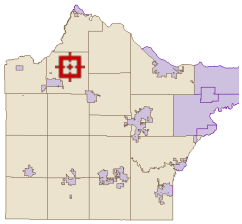
Highways
- Interstate
- State Hwy
- US Hwy

City/Township Limits
- c
- t
- **Parcels**

Zoning
- <all other values>
- (AG) General Agricultural
- (A/R) Agricultural/Reside
- (B-1) Highway Business
- (B-2) General Business
- BAZ
- (I-1) Limited Industrial
- (R-1) Urban/Rural Transition
- (R-2) Suburban Residential (2.5 acres)
- (R-2a) Suburban Residential (a)(5 acres)
- (S-3) Commercial Shoreland
- (W) Wild and Sceni River

Beacon™ Wright County, MN

Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways
- Interstate
- State Hwy
- US Hwy

City/Township Limits
- c
- t
- **Parcels**

Parcel ID	206000152103	**Alternate ID**	n/a	**Owner Address**	TOWNSHIP OF CORINNA %MARY BARKLEY BROWN 9801 IRELAND AVE NW ANNANDALE, MN 55302
Sec/Twp/Rng	15-121-027	**Class**	957 - MUNICIPAL LAW ENF,FIRE,ADMIN		
Property Address	9801 IRELAND AVE NW ANNANDALE	**Acreage**	n/a		
District	n/a				
Brief Tax Description	Sect-15 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP E 314 FT NE NW (Note: Not to be used on legal documents)				

Date created: 9/7/2016
Last Data Uploaded: 9/7/2016 2:37:40 AM

Developed by
The Schneider Corporation

Office of
PLANNING AND ZONING

WRIGHT COUNTY GOVERNMENT CENTER
10 Second Street NW, Rm 140, Buffalo, MN 55313-1185
(763) 682-7338
Fax # (763) 682-7872
www.co.wright.mn.us/department/pandz

August 22, 2016

This memo is in regards to the proposed Wright County Zoning Ordinance amendments attached. Items that are underlined are the proposed changes, language that has strike through is proposed to be eliminated, and the rest is existing language not to change.

The main proposals involve changes to regulations concerning livestock within the shoreland district and chickens on lots less than four acres. The shoreland district is an overlay district that is located within 1000 feet of a lake. Currently no new feedlots are allowed within the shoreland district. The Planning Commission will be considering an amendment that will allow hobby farms, typically composed of horses, within the shoreland district, if the property is at least four acres in size, setbacks can be met, and the number of animal units stays under ten. New feedlots 10 animal units and greater in the shoreland district will still not be allowed based on State regulation.

Currently a minimum of four acres is required to have any livestock, this includes chickens. The Planning Commission will be considering a change that will allow poultry on lots less than four acres, excluding lots that are zoned R-1. R-1 lots are typically one acre and in higher density developments.

The other proposed amendment concerns Home Extended Businesses. The proposed amendment that will be considered by the Planning Commission would allow a provision for outdoor storage to be reviewed during Conditional Use Permits provided it is fenced in. Currently all work related items need to be stored inside an enclosed structure, which is interpreted as being a building.

If you have any questions or comments feel free to indicate as such on the enclosed response form or feel free to call me at 763-682-7330.

Sincerely,

Sean Riley
Planning and Zoning Administrator

Printed on recycled paper.
Equal Opportunity / Affirmative Action Employer

NOTICE OF PUBLIC HEARING

NOTICE OF INTENT TO AMEND

THE WRIGHT COUNTY CODE OF ORDINANCES

NOTICE IS HEREBY GIVEN, that on **Thursday, September 29, 2016** the Wright County Planning Commission will hold a hearing in the County Commissioner's Board Room at the Wright County Government Center, in the City of Buffalo, Minnesota at **7:30 p.m** to consider the following item:

Consider amending Wright County Code of Ordinances Chapter 152. including standards that apply to allowing fowl and chickens in all zoning districts except for parcels less than 2.5 acres in the R-1 zone; and to allow feedlots of less than 10 animal units to be located in the shoreland districts, includes amending Section 155. to conform to changes made in Chapter 152. (strike-out words to be removed, underlined words to be added)

ALSO:
Consider an amendment to the Home Extended Business, Wright County Code of Ordinances Chapter 155.103 to change the following condition (strike-out words to be removed, underlined words to be added):

(C) ~~No outside storage of supplies, equipment or maintenance items;~~ All ~~all~~ work and work related items shall be kept in an enclosed structure. In very limited circumstances, the Planning Commission may allow for the storage of items in a fully enclosed fence. Trees, plants, and bushes do not qualify as fencing but these items may be required as part of an overall landscaping plan.

Such persons that desire to be heard with reference to the proposed application will be heard at this time. If you do not attend the hearing or submit written comment, it will be assumed that you have no objections to the proposal. If there are any questions, please contact the Planning and Zoning Office in Buffalo. Interpreter services for the hearing impaired will be provided on request for public meetings and other county-sponsored classes and events.

WRIGHT COUNTY PLANNING & ZONING OFFICE
WRIGHT COUNTY GOVERNMENT CENTER
102nd STREET NW - RM 140
BUFFALO MINNESOTA 55313-1185
PHONE: (763) 682-7338

NOTICE OF PUBLIC HEARING - WRIGHT COUNTY PLANNING COMMISSION

TOWNSHIP/CITY RESPONSE FORM

TOWNSHIP/CITY: _____ HEARING DATE: Thursday, September 29, 2016 at 7:30 p.m.

Consider amending Wright County Code of Ordinances Chapter 152. including standards that apply to allowing fowl and chickens in all zoning districts except for parcels less than 2.5 acres in the R-1 zone; and to allow feedlots of less than 10 animal units to be located in the shoreland districts, includes amending Section 155. to conform to changes made in Chapter 152. (strike-out words to be removed, underlined words to be added)
ALSO:
Consider an amendment to the Home Extended Business, Wright County Code of Ordinances Chapter 155.103 to change the following condition (strikeout words to be removed, underlined words to be added):

(C) ~~No outside storage of supplies, equipment or maintenance items;~~ All ~~all~~ work and work related items shall be kept in an enclosed structure. In very limited circumstances, the Planning Commission may allow for the storage of items in a fully enclosed fence. Trees, plants, and bushes do not qualify as fencing but these items may be required as part of an overall landscaping plan.

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THE TOWN BOARD OR CITY COUNCIL SHOULD COMPLETE THE FOLLOWING. IF NO WRITTEN RESPONSE IS RECEIVED BEFORE THE HEARING, THE PLANNING COMMISSION WILL ASSUME THAT THE TOWN BOARD OR CITY COUNCIL HAS NO OBJECTION TO THE PROPOSED AMENDMENTS.

___TOWNSHIP/CITY APPROVES OF THE REQUEST BECAUSE: _____

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_____

___TOWNSHIP/CITY DISAPPROVES OF THE REQUEST BECAUSE: _____

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_____

TOWNSHIP/CITY COMMENTS OR PROPOSED CONDITIONS:

_____

_____

SIGNED:_____

ORDINANCE AMENDMENT NUMBER 16-_____

THE COUNTY BOARD OF WRIGHT COUNTY HEREBY ORDAINS:

Art. I – Amendments to Chapter 152 Feedlots

Sec. 1

§ 152.025 MINIMUM AREA AND ANIMAL DENSITY.

(A) *Minimum of Four Acres.* Except as provided in subpart (B) of this section, a minimum area of four acres or such greater area required to meet all setbacks set forth by this chapter and Ch. 155 ~~158~~ of this code of ordinances shall be required for animal feedlot operations. On lots larger than four acres in the A/R, R-1, R-2, R-2a, R-3, S-1, S-2, S-3 and W Zoning Districts, animals shall be allowed at a maximum density of one-half animal unit per acre. In the AG Zoning District, animals shall be allowed at a maximum density of one-half animal unit per acre on parcels of four to ten acres. These restrictions shall not apply to normal farm operations existing prior to the adoption of this chapter or to farms in the AG Zoning District on parcels over ten acres in size. Parcels in the A/R Zoning District are limited to less than ten animal units regardless of parcel size. Parcel size in all districts is determined using all adjoining parcels under common ownership. Livestock shall include those animals listed in § 155.003(B) of this chapter, except for dogs, cats and rabbits as domestic pets.

(B) *Fowl and Chickens.* Every parcel of property, except for parcels in the R-1 zoning district under 2.5 acres, and notwithstanding any provision to the contrary in §§152.027-152.031 and Chapter 155, shall be allowed to have up to 5 domesticated fowl and 30 chickens, except roosters, provided the following setbacks are met:

(1.) Poultry buildings will be setback a minimum of 50 feet from side and rear property lines and 300 feet from the Ordinary High Water Mark of any public body of water.

(2.) Road setbacks are as required under Chapter 155; and

(3.) Poultry on less than four acres must be contained in a fenced enclosure. The fence must be setback at least 15 feet from all side and rear property lines, and must meet all road setback requirements. The fence must be setback at least 50 feet from the Ordinary High Water Level of a public body of water, provided there is a buffer, as defined under Minn. Stat. § 103F.48, between the fence and the public body of water.

(Ord. 06-02, passed 4-4-2006, amended _____)

Sec. 2

§ 152.031 SHORELAND.

(A) New animal feedlots or manure storage areas shall not be located within any area classified as the County Shoreland Zoning District under § 155.057 of this code of ordinances, nor in the bluff impact zones except as allowed in section (C).

(B) Modifications or expansions to animal feedlots that existed as of 10-16-2000, and that are located within any area classified as the County Shoreland District under § 155.057 of this code of ordinances or within a bluff impact zone are allowed, if they do not further encroach into the shoreland setback, do not further encroach on bluff impact zones, if all identified pollution hazards are corrected, and if they obtain a feedlot permit.

(C) For parcels meeting the density requirement of section § 152.025 (A), livestock, except for cattle, poultry, and hogs, shall be allowed at a maximum density of one-half animal unit per acre provided the following setbacks and requirements are met:

(1) All animal structures and feedlots must be 300 feet from the Ordinary High Water Level of all public bodies of water.
(2) Any pasture shall be fenced so as to prevent animals from coming within 50 feet of the Ordinary High Water Level of a public body of water, provided there is a buffer, as defined under Minn. Stat. § 103F.48, between the fence and the public body of water.

(Ord. 06-02, passed 4-4-2006, amended _____)

Art. 2 – Amendments to the Zoning Ordinance Chapter 155

Sec. 1

§ 155.047 AGRICULTURAL/RESIDENTIAL (A/R).

§155.047(F)(2)(a) is amended as follows:

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"

Sec. 2

§ 155.048 GENERAL AGRICULTURE (AG)

§ 155.048(F)(2)(a) is amended as follows:

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"

Sec. 3

§ 155.049 URBAN/RURAL TRANSITIONAL (R-1)

§155.049(F)(2)(a) is amended as follows:

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"

Sec. 4

§ 155.050 SUBURBAN RESIDENTIAL (R-2)

§155.050(F)(2)(a) is amended as follows:

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"

Sec. 5

§ 155.051 SUBURBAN RESIDENTIAL (R-2a)

§155.051(F)(2)(a) is amended as follows:

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"

Sec. 6

§ 155.088 NUISANCES

§155.088(B) is amended as follows:

(B) *Livestock and animals.*

(1) All parcels of property shall comply with the regulations and density requirements for livestock and feedlots as regulated in Chapter 152. ~~In all zoning districts, livestock, poultry and farm animals shall not be allowed on any lots or parcels smaller than four acres. On lots larger than four acres in the A/R, R-1, R-2, R-2(a), R-3, S-1, S-2, S-3 and W Districts, animals shall be allowed at a maximum density of one-half animal unit per acre. Parcels in the A/R District and all Residential Districts are limited to less than ten animal units total regardless of acreage. These restrictions shall not apply to normal farm operations existing prior to the adoption of this chapter or to farms in the AG District on parcels over ten acres in size. Livestock shall include those animals listed in § 155.003(B) of this chapter, except for dogs, cats and rabbits as domestic pets.~~

(2) Any building or open feedlot enclosure, not to include pastures, in which livestock are kept shall be a distance of 100 feet or more from any other parcel. These regulations shall not apply to normal farm operations which existed prior to the adoption of this chapter; provided, no expansion shall take place, except in accord with these regulations.

(3) In all districts, the manure from livestock and domestic pets shall be properly treated and disposed with best management practices, and not allowed to accumulate in any manner which may cause public health problems.

(4) The County Board may order the owner of any animals to apply for a conditional use permit if it is deemed to be in the interest of the public health, safety or welfare.

(5) Keeping four or more dogs on any parcel for any reason shall be deemed a kennel. Kennels are permitted by conditional use in the AG and A/R Districts only.

Sec. 7

§ 155.103 RULES AND DEFINITION OF HOME EXTENDED BUSINESS.

§155.103 shall be amended as follows:

(A) Business must be located on the homestead of the business operator.

(B) No more than one employee in addition to the owner/operator and family members residing at the homestead.

(C) ~~No outside storage of supplies, equipment or maintenance items;~~ All ~~all~~ work and work related items shall be kept in an enclosed structure. In very limited circumstances, the Planning Commission may allow for the storage of items in a fully enclosed fence. Trees, plants, and bushes do not qualify as fencing; but these items may be required as part of an overall landscaping plan.

(D) Shall provide two parking spaces per employee of one space for each 400 square feet of building area, whichever is greater.

(E) Excessive noise levels are prohibited (that which may be considered a nuisance, L10 at 55 dBA decibels as regulated by NPC regulations).

(F) Lot coverage must comply with all zoning standards.

(G) Site must be capable of supporting on-site sanitary facilities, sewer and water.

(H) All effluent consisting of any liquid, gaseous or solid waste substance resulting from any process of manufacturing (i.e., sewage or industrial waste) shall not be discharged into the soil, water or air unless it is at a location determined appropriate by the Planning Commission, Planning Staff and/or Pollution Control Agency.

(I) The operator must properly dispose of all waste including, but not limited to, garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and all other substances.

(J) Working hours shall be set by the County Planning Commission.

(K) A business sign shall be permitted which is no larger than 35 square feet; it may not be illuminated.

(L) If located on a township road and determined necessary by the town board, a letter of agreement containing any dust control measures determined necessary by the township shall be provided prior to issuance of the conditional use permit and renewed annually (January 1 of every year).

(M) All posted road limits shall be obeyed.

(N) Distance from building to next residence shall be at least 500 feet.

(O) Must be outside of platted areas.

(P) Building shall be no larger than 2,000 square feet.

(Q) After four founded nuisance or permit violation complaints have been made and verified with written notice to the holder of the conditional use permit or at any time upon the written request of the town board a hearing shall be called to re-consider the conditional use permit within 60 days.

(R) Building must conform to present buildings and to neighborhood.

Effective Date:

These ordinance amendments shall be immediately effective upon adoption and publication.

_____
Pat Sawatzke
Chair, Wright County Board of Commissioners

ATTEST:

Approved: _____

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Lee Kelly
Wright County Coordinator