
CORINNA TOWNSHIP

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
November 13, 2014



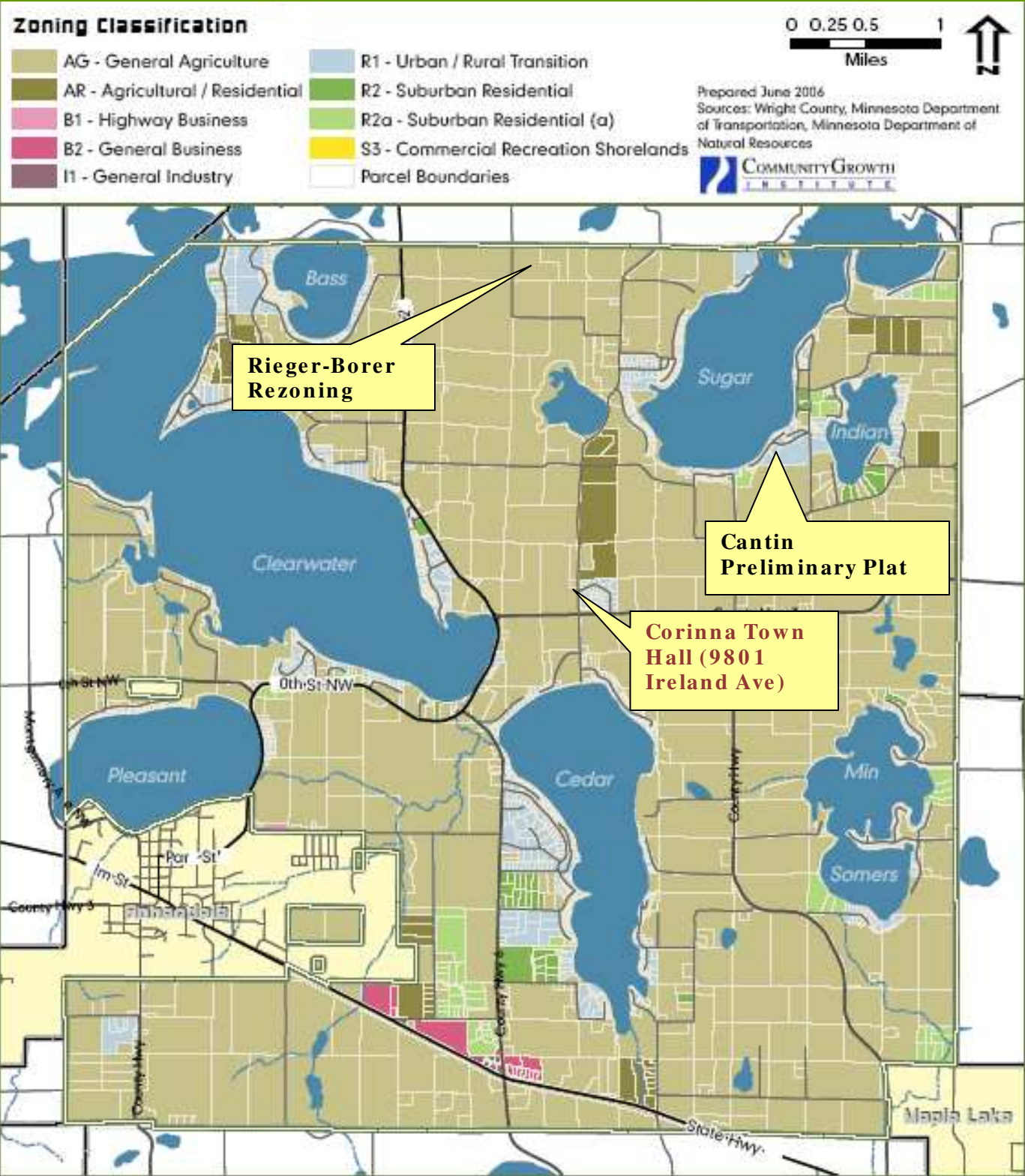
CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
November 13, 2014
7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Preliminary Plat and Conditional Use application for a one lot plat (2.79 acres) to allow for sale separate from an adjacent lakeshore lot.
 - i. Applicant: Lester and Linda Cantin
 - ii. Property address: None. Across from 10611 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 11-121-027
 - iv. Parcel number(s): 206072000250
 - b. Rezoning of a 39.2 acre property from General Agricultural (AG) to Agricultural/Residential (A/R) with a Planned Unit Development (PUD) overlay.
 - i. Applicant: Tony and Jeanette Rieger-Borer
 - ii. Property address: 11754 and 11988 Jarvis Ave NW
 - iii. Sec/Twp/Range: 03-121-027
 - iv. Parcel number(s): 206000032200
5. Approve Previous Meeting Minutes
 - a. October 14, 2014
6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
 - d. Findings of Fact - Previous PC/BOA Decisions
7. Other Business
 - a. Comprehensive Plan Update (if time allows)
8. Adjournment

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

Corinna Township

Location Map for November 13, 2014 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: Preliminary Plat and Conditional Use application for a one lot plat (2.79 acres) to allow for sale separate from an adjacent lakeshore lot.

Applicant: Lester and Linda Cantin/Daniel and Nicole Trebil

Agenda Item: 4(a)

Background Information:

- **Proposal:** The applicants are proposing to plat an existing parcel (206-072-000250), which is currently required to be attached to Lot 9 of Shel mire Beach by a 1999 Wright County Board of Adjustment action, to be platted as its own lot so that it may be sold and developed separately from Lot 9 Shel mire Beach.

In 1999, the applicants (Cantin) owned Outlot E and Lot 9 of Shel mire Beach (originally platted in 1954). After a withdrawn attempt to subdivide Outlot E into 6 residential lots in 1998, the applicants applied to adjust the lot lines so that the west portion of Outlot E would be attached to their lake lot (Lot 9) and that the remainder of Outlot E could be sold separately. This application was approved by Wright County as follows:

“Board allowed a lot line adjustment to add 2.79 acres of Outlot E to Lot 9, Shel mire Beach, to be owned under common ownership. The balance of Outlot E will retain the residential building entitlement. The applicant is directed to meet with the Town Board at their next meeting to receive their approval and work with the Town Board on the additional 33’ road right of way.”

The applicants were recently in the process of selling their portion of Outlot E separately from Lot 9 Shel mire Beach when Staff informed them that the 1999 condition did not allow for that to occur without one of two things occurring:

1. The Outlot was platted – either into one lot or possible two lots into its own residential lot; or
2. The applicants applied to the BOA to have the 1999 condition removed.

The applicants did apply to the Corinna BOA to have the 1999 condition removed. That application was denied at the October 2014 meeting.

Since the October 2014 meeting, the applicant’s have had a sewer designer visit the site and they were able to find that the site can support two Type I sewer drainfields – a requirement for the creation of a new residential lot. As such, they are applying for the plat of this parcel to allow for the building of a dwelling on the property at some point in the future.

- **Location:**
 - Property address: 10611 Hollister Ave NW, Maple Lake (and backlot across)
 - Sec/Twp/Range: 11-121-027
 - Parcel number(s): 206072000250

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

□ **Lot size:** Approx. 2.79 acres

Existing Impervious Coverage:

- Buildings: Approx. 2,160 sq ft (1.7%)
- Total: Approx. 3,384 sq ft (2.8%)

□ **Septic System Status:** The lake property (Lot 9) had a new system in 2013 that was to be placed on Lot 9. The back lot does not have a sewer system as it only contains storage buildings. A sewer designer has conducted soil borings (October 2014) and indicates that the site does have an area that can support two Type I sewer systems.

□ **Natural Features:**

- Floodplain: The property is not within an identified floodplain.
- Bluff/Steep Slopes: The property does not contain any steep slopes or bluff.
- Wetlands: There do not appear to be any wetlands that would impact this proposal, although the area does experience ponding after heavy rain events and in the Spring of most years.

□ **Permit History:**

- Back Lot:
 - 1998 - CUP/Preliminary Plat (withdrawn)
 - 1999 - Lot Line Adjustment
 - 1999 - Septic system certification (as vacant land - no sewer present)
 - 1999 - 30' x 36' detached garage
 - 2005 - Variance for detached garage (road setback)
 - 2005 - 40' x 54' storage building as per variance

Applicable Statutes/Ordinances:

Corinna Township/Wright County Regulations

Subdivision Ordinance

1.2 Purposes. These regulations are adopted for the following purposes:

1. To guide the future growth and development of Corinna Township in recognition of the general policies embodied in the Corinna Township Comprehensive Plan and protect and provide for the public health, safety, and general welfare of the Township.

2. To ensure that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public services and facilities exist with sufficient capacity to serve the proposed subdivision.
3. To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, including the proper location and width of streets and building lines, and to ensure proper legal descriptions and monumenting of subdivided land.
5. To ensure that proper provision has been made for drainage, water, sewage, and public improvements such as parks, recreational facilities, transportation facilities, and improvements. The community will be required to bear no more than its fair share of the cost of providing facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
6. To prevent the pollution of air and water resources including ground water and to encourage the wise use and management of natural resources throughout the Township in order to preserve the integrity, stability, and beauty of the community and the value of the land.
7. To provide for open spaces through the most efficient design and layout of the land.
8. To remedy problems associated with inappropriately subdivided lands.

4.2 Standard Plat

A. Preliminary Plat Approval Process for Plats Consisting of Two or More Lots

- iii. The Platting Committee and Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
 1. The preliminary plat shall conform to all applicable official controls and all state and federal laws.
 2. The preliminary plat shall be consistent with the Corinna Township Comprehensive Plan.
 3. No plat shall be approved which does not conform to any applicable floodplain regulations.
 4. No plat shall be approved unless there is provision for two (2) standard on-site sewage treatment systems for each lot, unless served with public sewer or an approved cluster sewer system serving lots within the subdivision.
 5. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
 6. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without an NPDES Phase II-compliant storm water

management plan reviewed and approved by the Township or its designated representative.

7. Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable area of a lot.
8. Each lot shall be of sufficient size and character to meet applicable sewage treatment system standards
9. When deemed appropriate by the Zoning Administrator or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.

The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the Township by providing for safe and adequate drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.

1.4 Jurisdiction. These regulations apply to all subdivision of land, as defined in Section 2.2 (Definitions), located within Corinna Township as provided by law. The Corinna Township Subdivision Ordinance has been filed with the Wright County Recorder's Office.

1.5 Application.

1. **General.** Any subdivision of land located in Corinna Township that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions in this Ordinance, unless otherwise provided herein.
3. **Transfer or Sale or Land.** No owner or agent of the owner shall transfer or sell any part of a lot or parcel of land under the Township's jurisdiction before a subdivision has been approved by the Township in accordance with the provisions of these regulations, except as provided in Section 1.5.2.
4. **Land Use Permits.** After the effective date of these regulations, no land use permit shall be issued for the erection of or addition to any structure, upon newly subdivided lands unless such lands have been subdivided in conformity with the provisions of these subdivision regulations, except for the construction of one building on a parcel or lot of record as provided in the Zoning Ordinance.

1.10 Variances.

1. **Board of Adjustment and Appeals.** The Corinna Township Board of Adjustment and Appeals shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this ordinance, in cases when there are practical difficulties or particular hardships. With the application for a variance, the applicant has the burden of describing the hardship which exists that justifies the variance. Hardship in the granting means:
 - a. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
 - b. The plight of the landowner is due to circumstances unique to his/her property not created by the landowner.
 - c. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owner or owners in the same area.
 - d. The variance, if granted, will not alter the essential character of the locality.
 - e. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.
 - f. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
2. **Conditions.** The Board of Adjustment and Appeals may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.

2.2 Words and Terms Defined.

Outlot. A lot within a plat that is not otherwise designated by lot and block. Outlots may be intended for further subdivision in the future, for permanent open space, for stormwater management, sewage treatment, water supply or other facilities, or for other purposes approved by the Township during a standard subdivision process.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, or other recorded instrument.

Subdivision includes administrative subdivision, standard subdivision, resubdivision and condominium creation or conversion.

6.1 General. The following principles, standards and requirements will be applied by the Township in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the Township from requiring stricter standards or requirements when the conditions merit:

1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
2. **Comprehensive plan. Proposed subdivisions shall be designed in recognition of the** general policies included in the Corinna Township Comprehensive Plan.
3. **Land/soil suitability.** Land that the Township finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Township Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
 - a. **Flood Plain Areas.** No land shall be subdivided in designated flood plain areas or areas that may be subject to flooding unless the proposed subdivision complies with the standards of the Federal Emergency Management Agency (FEMA), complies with Wright County or State of Minnesota Floodplain regulations and is proposed in combination with buildable areas.
 - b. **Wetlands.** Wetlands or wetland buffer areas, as defined and classified under the Wetland Conservation Act of 1991, shall not be included in calculating the square footage of the buildable area on any lot.
4. **Agriculturally Important Lands.**
 - a. The Planning Commission may consider the values of agriculturally important lands when making its recommendation on a plat. The Land Capability Classification System and Crop Equivalency Ratios of the Natural Resources Conservation Service (NRCS) shall be used as guides to determine if agriculturally important lands are within a proposed subdivision.
 - b. In making its recommendation, the Planning Commission may take into consideration, but not be limited to, the following criteria or designated areas:

- i. **Farmability of Parcel.** The size, shape, slope, soil quality, topographic limits and vegetative cover.
 - ii. **Proximity.** Proximity to an urbanizing area or in proximity to conforming non-agricultural uses.
 - iii. **Compatibility with Surrounding Uses.** Compatibility or separation by distance or screening with surrounding uses.
 - iv. **Distance from Agricultural Operations.** Located near an existing animal or commercial feedlot as defined in Wright County or State of Minnesota regulations.
 - v. **Shoreland Areas.** Sensitive areas such as shorelands, bluffs and wetlands are considered.
 - vi. **Man-Made or Physical Barriers.** Man-made or physical features act as barriers.
5. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
 - a. Any applicable Township ordinance, engineering standards and all other applicable laws of the Township.
 - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the Township.
 - c. All applicable statutory provisions.
 - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.
6. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer's Agreement.
7. **Adequate Public Facilities.** No preliminary plat shall be approved unless the Township Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.
8. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the Township. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of

the subdivision at the time of expiration of any developer's agreement or dedication of public improvements.

6.3 Lots.

1. **Access.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance.

6.5 Sewage Disposal. Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system.

2. **Private on-site systems.** In subdivisions where municipal sewer services are not presently available, the Township may impose such restrictions and requirements as it deems necessary for the protection of the public health, safety and general welfare. All on-site systems must comply with the regulations and standards of the Township, the Minnesota Department of Health, and Minnesota Rule 7080 of the Minnesota Pollution Control Agency. The Township will consider alternative designs for individual sewage treatment systems (ISTS) such as cluster systems. For more information on delineating ISTS, please see Section 6.3 (7)(d).

6.6 Water. Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

6.7 Grading, Drainage and Stormwater Facilities. The Planning Commission shall not recommend approval of any subdivision that does not make adequate provision for storm and flood water runoff channels or basins in accordance with the following:

1. **Technical Reference Documents.** The Township officially designates the "Erosion Control Handbook" prepared by the Minnesota Department of Transportation "Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook" prepared the Minnesota Board of Water and Soil Resources and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency as the technical references for this section. These reference documents will be used to ensure the proper design, construction and maintenance of the stormwater management facilities of a proposed project.
2. **System Design.** The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Township, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.
3. **Drainage Easements.** When a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be

adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements as approved by the Township for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be indicated on the preliminary and final plats.
- b. Drainage easements shall extend to a natural watercourse or to other drainage facilities, if storm flows from a proposed subdivision are increased. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.
- c. Low-lying lands along watercourses subject to flooding or overflowing during stormy periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage easements.

6.8 Highways, Streets, and Alleys. Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

6.11 Utilities. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables should be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or the construction plans as determined by the Township. Underground service connections to the street property line of each platted lot should be installed when approved by the utility.

1. **Easements.** Utility easements at least ten (10) feet wide on each lot (for a total of 20 feet) shall be provided for utilities, where necessary. They shall be provided along rear lot lines (except along shorelines) or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

6.12 Natural, Unique or Sensitive Features. Existing features that would add value to the proposed subdivision, or that are likely to be irreparably damaged or impacted by the proposed development, such as trees, watercourses, beaches, hills and ridges, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic sites, structures and features, and similar irreplaceable assets,

shall be preserved in the design of the subdivision within all zoning districts. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted, except as may be required for preparing documents for the preliminary plat (e.g. soil tests). The preliminary plat shall show the general outline of existing trees . Removal or alteration of trees and other vegetation shall comply with any applicable Corinna Township Ordinances.

Land Use/Zoning Ordinance

505. CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.

- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

605. URBAN/RURAL TRANSITIONAL R-1

605.2 Permitted Uses

Single family detached residences.

605.3 Accessory Uses

Garages and Non-Commercial pole structures subject to the following size restrictions:

- (c) Lot area over 80,000 square feet - maximum 2000 square feet structure with maximum side wall height of 14 feet.

605.4 Conditional Uses

Residential Subdivisions.

605.5 Performance Standards

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	65	100	Local Street(Twp. Rd.)

- (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.

(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.

(4) Rear Yard Regulations:

For all non-livestock buildings there shall be a rear yard having a depth of not less than fifteen (15) feet with the setback at one hundred (100) feet for a livestock building.

(5) Lot Area Regulations:

(a) For dwelling units with private on-site sewage treatment systems water wells - one (1) acre.

(6) Lot Width and Depth Regulations:

(a) For dwelling units with private sewage treatment systems:

Lot Width - 150 feet (200 feet in shoreland classified as Natural Environment).

Lot Depth - 150 feet.

(7) Structures may be so located on each lot such that subdivision is possible when central sewer and water facilities become available.

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 "Neighborhood Residential", which is described as:

Neighborhood Residential: A designation for residential properties already subdivided into lots too small to further subdivide. The properties may or may not have structures on them, but are sized so that additional subdivision would not be feasible.

Wright County Comprehensive Plan

The Wright County Comprehensive Plan, just adopted in 2009, classifies the property as appropriate for "(R1) Residential", which is described as:

Residential Designates existing residential areas that are already characterized by relatively small lots (for unsewered areas) and those limited undeveloped areas deemed appropriate for conversion to similar use. Most areas currently exist as a result of lakeshore development prior to any zoning or environmental regulation, and other isolated areas exist that developed with small lots historically. In general, due to the environmental and health impacts of

developing areas with small lots and on-site sewage treatment, such development will be discouraged. However, in certain limited cases, such as riparian lots on general development and recreation development lakes, or “infill” in areas that are surrounded by similar development, some expansion of residential areas can be allowed. Rezoning from Agricultural to residential districts will generally be considered appropriate in this district, depending on environmental factors. Rezoning to R-1 will only be considered for riparian lakeshore lots, or as "infill" where most surrounding land is already zoned R-1. Multi-family structures are not allowed in areas without municipal sewer and water services.

Staff Findings (Subdivision Criteria): We propose the following findings for consideration by the Planning Commission, based on the criteria for reviewing subdivision applications in the Corinna Township Subdivision Ordinance:

1. The preliminary plat shall conform to all applicable official controls and all state and federal laws.

Yes. The proposed lots meet all requirements for size, width and depth in the R-1 zoning district. All lots exceed the minimum width of 150 feet (the shortest dimension is over 250 feet and the longest dimension is 386 feet), minimum depth of 150 feet (the lot exceeds 267 ft in depth at all points) and the minimum lot size of 1 acre (proposed is 2.78 acres).

2. The preliminary plat shall be consistent with the Corinna Township Comprehensive Plan.

Needs discussion. The Corinna Township Comprehensive Plan identifies this in a category that identifies lots as being already subdivided and not suitable for further subdivision. This lot is not being further subdivided in the sense that it was already a separate parcel and is only being platted based on its existing boundaries. However, in the sense that Wright County required that this parcel be attached to a lakeshore parcel across the road in 1999, it is being “subdivided” from that lot. In Staff’s conversations with County staff, it seems apparent that subdividing the parcel (similar to what is being proposed here) was a viable option back in 1999 – i.e. it wasn’t that the County was saying this parcel could never be platted separately from the lake lot – just that it needed to go through that process.

Several goals within the Comprehensive Plan apply to the proposal. They include:

- 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.

- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

Staff Comment: The applicant has not submitted specific plans to implement storm water management practices. While no grading or land alterations are immediately being proposed, it appears that to build on this lot would require some amount of fill in the proposed building pad area (one end of the lot would need to be raised approximately 2.75 feet). The need for future fill and grading should be discussed in more detail so that it is clear what would be necessary and what impact this might have on drainage and/or water storage. This lot has been subject to standing water after heavy raining events and/or wet seasons and it should be assured that the development of this lot will not create significant drainage or water issues for the area.

- Protect, preserve, and work to ensure effective management of wetlands, wildlife, and other important natural and environmental features.
 - Prevent the fragmentation of remaining habitat areas and corridors as new roads are built or areas are converted in the development process.
 - Facilitate rural developments that incorporate conservation subdivision practices and which preserve greenbelts, open vistas, unique topographical features, mature tree stands and buffer areas adjacent to environmentally sensitive areas.

Staff Comment: Previous delineation of wetlands in this area indicates that there are not wetlands on this parcel, but there is a large wetland on the adjacent parcel to the south. The parcel is not heavily forested.

- Ensure that all Township properties are adequately and efficiently treating sewage, both for current residents and expected future population growth.

Staff Comment: A sewer designer has indicated there is space for two Type I drainfields on this parcel, but that space is limited (the drainfields have been designed to be located in the SE corner of the property while the proposed building pad for a home is on the far western portion of the property).

3. No plat shall be approved which does not conform to any applicable floodplain regulations.

This property is not located in any designated floodplain area, although it has been known to regularly hold water after heavy rains or wet seasons. Any new dwelling structures would need to be constructed at an elevation of at least 4 feet above the highest known water level of Sugar Lake (Highest recorded = 989.74 + 4 ft = 993.74).

- 4. No plat shall be approved unless there is provision for two (2) standard on-site sewage treatment systems for each lot, unless served with public sewer or an approved cluster sewer system serving lots within the subdivision.**

The proposed lot would be served with a private sewer system. Preliminary soil borings and locations for two Type I septic systems have been identified on the proposed plat.

- 5. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.**

It does not appear that a variance would be necessary for further construction of a dwelling on this lot. A proposed building pad is shown that would meet required setbacks as well as two sewer drainfield sites that would meet required setbacks.

- 6. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without an NPDES Phase II-compliant storm water management plan reviewed and approved by the Township or its designated representative.**

Needs discussion. The plat, as proposed, does not appear to require a NPDES-Phase II stormwater management plan as it would not create more than one acre of new impervious or disturb more than one acre of land. However, as noted previously in this report, there is a history of drainage issues in this neighborhood and this parcel has served as a storage area for water during wet times.

- 7. Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable area of a lot.**

Needs discussion. The proposed plat does identify an area for potential location of a homes (the site already has two storage buildings) that meet all applicable setbacks. Two sites per lot for sewer drainfields have also been identified meeting applicable setbacks.

Some filling will be necessary to create a suitable building pad for a home – similar to what was done in the past to create buildable area for the two storage buildings. It appears the land would need to be raised between 1-2.75 feet to allow for the proposed building pad to be developable (in order to meet the requirement for homes to be at least 4 ft above highest known water level)

- 8. Each lot shall be of sufficient size and character to meet applicable sewage treatment system standards.**

Yes. See answer for #4 above.

- 9. When deemed appropriate by the Zoning Administrator or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.**

Needs discussion. The applicant has not proposed a vegetative buffer adjacent to any existing wetlands. There is a wetland on the parcel immediately to the south. The Zoning Ordinance does not require a setback from buildings to wetlands.

- 10. The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the Township by providing for safe and adequate drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.**

Needs discussion. A private well would be expected to provide safe and adequate drinking water supply. Two sites for Type I sewer drainfields have been identified.

Road access to this parcel is from an existing Township road, which has only a 33 ft right-of-way (66 ft would be the minimum width for any new roads constructed). This road is a dead-end gravel road and currently serves about 18-20 homes.

Staff Findings (Conditional Use): The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1. Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**

Needs discussion. The primary concern with this proposal would be its potential impact on drainage in the area. While these concerns could likely be addressed, Staff would recommend that it be discussed.

- 2. Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**

Needs discussion. See comment #1 in the CUP criteria above.

- 3. Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**

Needs discussion. See previous discussion in Findings of Fact regarding drainage and access road adequacy in particular.

- 4. Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**

Yes. The parcel already contains two sheds that allow for off-street parking either in the sheds or just outside of them.

5. Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?

See comment #2 in the Subdivision criteria above.

6. Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?

Yes. The proposed platting and potential future construction of a dwelling would not be expected to create any long-term or ongoing nuisance such as are listed above.

7. Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?

Yes. See previous discussion regarding stormwater management, in particular. Drainage easements could be required so as to ensure that existing drainage flow is not impeded and that existing storage capacity for water on this lot is maintained in a reasonable manner.

The Township may also wish to discuss the adequacy of the existing road and whether additional right-of-way would be warranted or necessary (which depends largely on whether the Township expects to need additional right-of-way given that most of this neighborhood is already developed and being served by a 33 ft road right-of-way). There does appear to be some potential for future development that would be served by this roadway, although the layout of existing property lines would make this difficult to extend the road to the south. The most feasible future development potential would be to the east of this proposed plat – not beyond it. The Town Board has discussed the road a bit (at their November 6 meeting) and generally felt that there was no need for additional right-of-way from this property.

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.

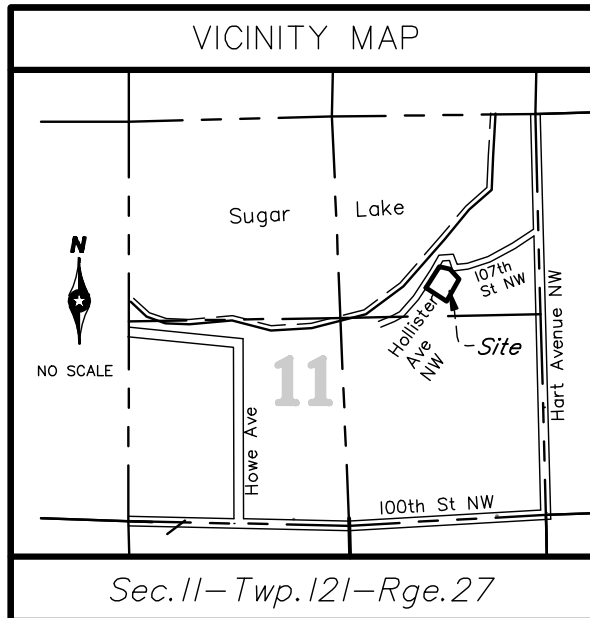
Staff Recommendation: Based on the findings of fact and discussion above, Staff recommends that the Board only approve the request for platting the parcel if it feels that the existing roadway is adequate, if the proposed building site – or some other site – can be identified as having soils suitable for building of a home, and that drainage and stormwater management is properly handled (especially given that it appears 1-2.75 feet of fill will be necessary on a portion of the lot to create a building pad for a home).

If the Preliminary Plat/Conditional Use is approved, Staff recommends consideration of the following conditions of that approval:

1. (For discussion) That the applicant provides a drainage plan for the area showing how water will be directed on the site. This plan shall be reviewed by the Soil and Water Conservation District staff for their comments. Any drainage easements required shall be consistent with this drainage plan.
2. (For discussion) That the applicant provides drainage easements to the public to ensure that no fill or structures are built on the majority of the lot (except for necessary lines to deliver sewage to the proposed drainfields), which currently serves as a storage area for water during wet periods. The drainage easement shall also ensure adequate flow of stormwater as it makes its way to the existing culverts under the road and eventually into Sugar Lake. These drainage easements shall be approved by the Town Board prior to final plat approval and subsequently recorded.
3. (For discussion) That the applicant provides sufficient evidence from a qualified professional that the soils at the proposed building site are suitable for building a home.

CANTIN ADDITION

CORINNA TOWNSHIP
WRIGHT COUNTY, MN

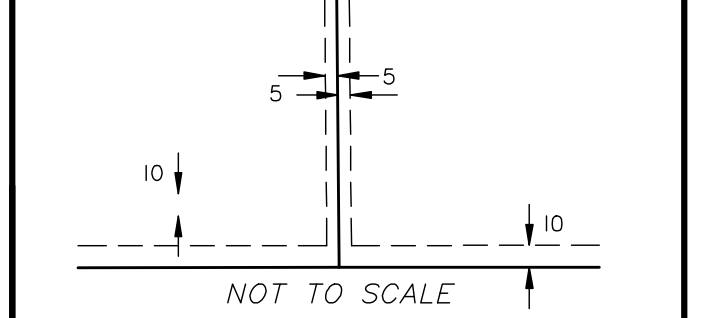


Water Elevation on 10/24/14 = 988.0 feet (NGVD 29)
Ordinary High Water Elevation = 988.1 feet (NGVD 29)
Highest Known Elev. = 989.74 (NGVD 29)
(According to the DNR)

Sugar Lake - General Development Lakes
Building setback - 75' from Ordinary
High Water Level

Bearings are based on an existing deed.
The east line of Outlot E, SHELMIERE
BEACH, according to the recorded plat
thereof, is assumed to bear N18°20'00"E.

Drainage and Utility Easements are shown
thus:



Being 10 feet in width and adjoining right
of way lines, also being 5 feet in width
and adjoining lot lines, unless otherwise
indicated, as shown on the plat.

SURVEY NOTES:

FEMA Zone: Entire plat is Zone X
(unshaded) = Areas determined to be
outside the 500 year floodplain, Ref.
FEMA FIRM Map Number 270534 0009 B
Effective Date: August 4, 1988.

REFERENCE BENCHMARK:

Upstream top (south) end of 36"
round concrete culvert under Co Rd
7 at outlet (north end) Sugar Lake,
near public access parking area.

Elevation = 990.12 feet (NGVD 29)

PROJECT BENCHMARK:

Set Railroad spike, southeast face
of 12" x 5 foot high wood post at
northwest corner of property, Outlot
E, Shelmire Beach, east side of
Hollister Ave.

Elevation = 994.82 feet (NGVD 29)

OWNER & DEVELOPER:

Lester & Linda Cantin
424 Avenida Castilla Unit B
Laguna Woods, CA 92637
C: 612-919-1961

SURVEYORS & ENGINEERS:

Bogart, Pederson & Associates, Inc.
13076 First Street
Becker, MN 55308-9322
763-262-8822

ZONING: Urban/Rural Transitional R-1

PROPOSED LAND USE: Single Family

MINIMUMS: 150 feet width
150 feet depth
1 acre

Denotes Building Setbacks:

Front setback-65' from centerline of Twp Rd
Side Yard-10' accessory uses
Side Yard-15' principal uses
Rear Yard-15'

DATE: 10/29/14

FIELD DATE: 10/24/14

BK/PG: 86.12/21-22

DRAWN BY: LB

CHECKED BY: CAW

DWG FILE: 14-0225pre-plat.dwg

FILE NO: 14-0225.00 Cantin

REVISIONS:

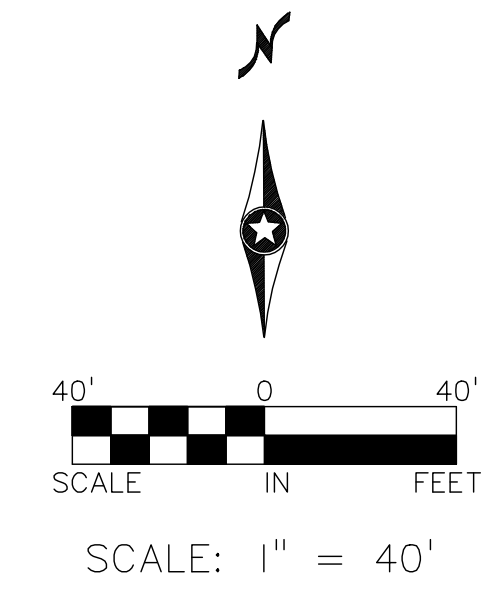
I hereby certify that this survey, plan, or
report was prepared by me or under my
direct supervision and that I am a duly
Licensed Land Surveyor under the laws
of the State of Minnesota.

Signed: *Craig A. Wensmann*

Craig A. Wensmann
Date: _____ Lic. No. 47466



**Preliminary
Plat for
Lester & Linda Cantin
Sec. 11, Twp. 121, Rge. 27
Corinna Township,
Wright County, MN**



Note:

Underground utilities are shown per Gopher State One Call mark-ups
(Ticket No. 14290262), dated 10/24/14). Actual location of utilities will
need to be verified and relocated prior to any excavation.

Property Description per Warranty Deed, Doc. No. A1270971.

OUTLOT E, Shelmire Beach, Wright County, Minnesota

LESS AND EXCEPT

That part of Outlot E, Shelmire Beach, according to the plat on file
and of record in the office of the County Recorder in and for the
County of Wright, State of Minnesota, which lies southwesterly of the
following described line:

Commencing at the southeast corner of said Outlot E; thence on an
assumed bearing of North 18 degrees 20 minutes 00 seconds East, a
distance of 313.89 feet to the actual point of beginning of the line
described; thence North 57 degrees 51 minutes 40 seconds West, a
distance of 360.26 feet to the northwesterly line of said Outlot E and
said line there terminating.

SOILS CHART

Map symbol & soil name	Hydrologic group	Water table depth
1099 Granby loamy fine sand, very wet, 0 to 1%	A/D	>0 in
414 Hamel loam, 1 to 3%	C/D	>6 in
1901B Angus-Le Sueur complex, 1 to 5%	B/D	>43 in

*Data from USDA Web Soil Survey

WETLANDS:

There are no wetlands on the property per Matt Blesi, Wetland Delineator #5092.

LEGEND:

- PK Denotes set nail
- Denotes found iron monument
- Denotes set iron monument
- Denotes found cast iron monument
- Denotes soil boring
- Denotes power pole
- ⊞ Denotes telephone pedestal
- Denotes culvert
- LS 17549 Denotes Tony Ellestad, LS
- [S] Denotes proposed secondary septic site
- [P] Denotes proposed primary septic site
- Plat Denotes plat distances
- Deed Denotes deed distances
- Denotes bituminous surface
- ▨ Denotes concrete surface
- ▩ Denotes gravel surface
- x-x- Denotes barbwire fence
- UE- Denotes overhead electric
- - - Denotes easement
- - - Denotes major contour
- - - Denotes minor contour
- - - Denotes existing adjoiners
- SBL- Denotes building setback line
- - - Denotes soil type boundary
- 894 Denotes soil type text
- Denotes Tree, Deciduous
- UG- Denotes underground gas line

SOIL BORING LOG Matthew T. Blesi, #5092

Soil Boring #	Elevation	Mottling	Elev. of Mottled Soil
Soil Boring 1	991.1	18"	989.6
Soil Boring 2	990.9	6"	990.4
Soil Boring 3	991.1	5"	990.7
Soil Boring 4	995.8	20"	994.1
Soil Boring 5	993.1	14"	991.9
Soil Boring 6	993.4	23"	991.5
Soil Boring 7	994.8	29"	992.4
Soil Boring 8	994.2	30"	991.7
Soil Boring 9	993.3	21"	991.5

Landowner has witnessed a monument next to
fence post adjacent to cedar tree. As the tree
root has grown around the fence post, it is
assumed the monument is inside the root.

East Quarter corner of Section
11, T.121, R.27, Wright County
cast iron monument

Southeast corner of Outlot E, SHELMIERE BEACH

BOGART, PEDERSON, & ASSOCIATES, INC.

STAFF REPORT

Application: Rezoning of a 39.2 acre property from General Agricultural (AG) to Agricultural/Residential (A/R) with a Planned Unit Development (PUD) overlay.

Applicant: Tony and Jeanette Rieger-Borer

Agenda Item: 4(b)

Background: The rezoning application involves an approximately 39 acre parcel of land. The applicant is proposing that it be rezoned to Agricultural/Residential (A/R) with a Planned Unit Development (PUD) overlay that would allow him to eventually plat out up to five lots.

The property currently contains two dwellings at opposite corners with open field, a few scattered trees and a moderately large wetland also on the property. It is surrounded on three sides (north, east, south) by DNR land (Suconnix Wildlife Management Area (WMA)) and has a gravel township road and private land on the west.

The land is currently zoned General Agricultural (AG) and does not have any remaining building entitlements as its one entitlement had been used by the dwelling in the SW corner of the property. In 2007, the landowner applied for and received a conditional use permit to move in a new dwelling (the one currently in the NE corner of the property). A condition of that approval was that the pre-existing dwelling in the SW corner be removed or a Conditional use permit be approved to convert it to a business. That condition has not yet been met and is part of the reason for the current application - which would allow that dwelling to remain (pending a subdivision application that would need to follow if the rezoning is approved).

The applicant has submitted a preliminary concept plan for how the land could be subdivided into a Rural PUD that would allow for up to five dwelling lots and one common lot.

The applicant has stated their primary intent at this time is to have the property rezoned so that the home in the SW corner can remain (which would require the subsequent subdivision application). The remaining land would be for future subdivision/sale when they see fit.

- Location:**
 - Property address: 11754 and 11988 Jarvis Ave NW
 - Sec/Twp/Range: 03-121-027
 - Parcel number(s): 206000032200
- Existing Zoning:** General Agricultural (AG)
- Proposed Zoning:** Agricultural/Residential (A/R) with a Planned Unit Development (PUD) overlay.
- Lot size** (according to Beacon website):
 - Approx. 39.2 acres

□ **Impervious/Building Coverage:**

- **Existing:** Minimal
- **Proposed:** No additional proposed at this time.

□ **Septic System Status:** Each of the homes on the property is served with a sewer system. The system for the home in the NE corner was installed in 2007. It appears the system for the home in the SW corner was installed in 1994. There is no record of compliance inspections on either since those dates.

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: There are no bluffs on the property. The land has rolling slopes throughout.

Wetlands: There is a moderately-sized wetland in the SW quadrant of the property.

□ **Permit History:**

- 1975 - Mobile home
- 1975 - Septic system
- 1989 - Building Addition (breezeway)
- 1994 - Septic system
- 2001 - Detached garage
- 2004 - Building Addition (Voided - never built)
- 2007 - Conditional use permit to move in a used dwelling (approved)
- 2007 - Move in dwelling
- 2007 - Detached garage
- 2007 - Septic System

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 one or more of the following:

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.

614. PLANNED UNIT DEVELOPMENT (PUD)

614.1 Purpose

The purpose of the Planned Unit Development District is to encourage flexibility in the design and development of land in order to promote its appropriate use; to facilitate the adequate and economical provisions of streets and utilities; and to preserve natural and scenic qualities. The PUD district shall be an overlay district, however, it shall apply only to specific projects which have been approved through the procedures outlined herein. If any standards contained with Minnesota Rules, parts 6120.2500 or 6120.3800 are more restrictive than this Ordinance the stricter standards shall apply.

Requests for Zoning Amendments, including amendments to the zoning map, are subject to Section 504 of the Corinna Township Zoning Ordinance:

504. ZONING AMENDMENTS¹

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.

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 the surrounding properties in private ownership 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.

Surrounding lands are identified as “Public” reflecting the Wildlife Management Area, or Rural Preservation.

Wright County Comprehensive Plan

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

Agricultural Designates those areas appropriate to remain in agricultural use over the long term. The purpose is to both preserve productive farmland for the future and to protect agricultural activity from encroachment by other activities. Existing land types may include productive farmland, pasture, farm woodlots, wetlands and other agricultural or open lands. Appropriate zoning will generally include only the Agricultural District. Rezoning to other districts will be considered only in rare and unique circumstances, or for riparian lots on shorelands especially suited to residential development.

Surrounding lands are identified as “Public” reflecting the Wildlife Management Area, or Agricultural.

Staff Findings: We propose the following findings for consideration by the Planning Commission, based on the criteria for making zoning amendments in Section 504 of the Corinna Township Zoning Ordinance:

1. Preservation of natural sensitive areas.

- The subject property does contain a wetland and some rolling hills, but no significant stands of trees. The preliminary concept plan would have four lots encompassing portions of this wetland with buildable areas outside of it. Much of the surrounding land is a mix of wetlands, tree stands and open fields that are a public Wildlife Management Area. The land to the west is an agricultural field.

2. Present ownership and development.

- The property is currently left primarily as open land not actively farmed. There are two dwellings and related accessory buildings on the property. Adjacent properties are a mix of farmed land (west) and public land (north, east and south).

3. Soil types and their engineering capabilities.

- The subject property contains two soil types. The upland soils are entirely Dorset-Two Inlets complex soils with various degrees of slope (1377B, C and D). The remaining soils are wetland-type soils (Seelyeville and Markey soils - 1288).

The 1377 soils are identified in the Soil Survey as either “not limited” or “somewhat limited” for dwellings – with or without basements. They are not listed as prime farmland.

4. Topographic characteristics.

- The topography of the site is rolling with slopes mostly ranging from 2-12 percent and a small area where the slopes are 12-20 percent near the wetland. The low areas are the wetlands or areas near to those wetlands.

5. Vegetative cover.

- The site is mostly open field, with some scattered trees and the one apparent wetland.

6. Quality of the land for agricultural purposes.

- The land (where the rezoning and eventual subdivision is proposed) has limited value for agricultural purposes given the soils, the wetlands and the location of the existing buildings on the property. The soils are not listed as prime farmland.

7. In-water physical characteristics.

- The property is not on any lake.

9. Recreational use of surface water.

- The property is not on any lake.

10. Road and service center accessibility.

- The property is served by Jarvis Avenue NW on the west – a gravel road. The nearest paved road is State Highway 24 (about 0.9 miles to the west) and Ireland Avenue (about 1.2 miles to the east).

11. Socio economic development needs of the public.

- The area is currently not being used for agricultural purposes and is mostly open land with scattered trees and areas of wetland. The rezoning and eventual subdivision of the land would allow for rural residential housing. There is some potential for conflict between hunters using the WMA surrounding this land on three sides, as hunters on public land (except for right-of-ways) are not prohibited from firing guns within 500 feet of a dwelling as they would be if on private land. The concept plan submitted by the applicant does provide some buffer between the WMA boundaries and the proposed residential lots (about 200-250 feet to the nearest residential lot).

12. Availability of public sewer and water utilities.

- The homes 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 may have some biological value given the wetland and open fields. However, the site has not been identified by the MN County Biological Survey as a site of any special significance.

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

- The greatest potential would be for conflict with neighboring agricultural lands to the west or the hunters and other users of the Wildlife Management Area (WMA) on the north, east and south.

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 a large residential lot. The property could be rezoned to A/R without the PUD overlay, which would allow for up to three total homes on the lot.

16. Prevention of spot zoning.

- The request is to rezone the property (or portions of the property) from AG to A/R with a PUD overlay.
- Adjacent properties are zoned AG. The nearest land zoned otherwise is A/R zoned land about 0.5 miles away to the southeast and R-1 zoned land about 0.65 miles away to the southeast. There is also some commercial-zoned land about 0.6 miles to the west.

- The Commission should consider strongly whether they consider this application would result in spot-zoning, as the rezoning is not well supported by either the Township or County land use plans and there is no other land in the immediate area that is zoned other than AG.

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 A/R with a PUD overlay, but would need to be determined suitable and helping to preserve the rural character of the area.

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

- See answers to #15 and 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 Recommendation: It is difficult for Staff to recommend approval of the rezoning given that such a rezoning is not clearly supported by the Township or County Comprehensive Plans. In order to justify the rezoning, Staff would recommend the Township consider whether the proposal is consistent with the following statement of the purpose of the "Rural Preservation" land use category in its Comprehensive Plan:

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.

While the property is not especially suited for farming, it does serve as a rural farmstead. The potential for conflict with the surrounding WMA and farming should also be discussed.

The Commission could also discuss with the applicant whether a rezoning to A/R without a PUD overlay would be appropriate, but this would require minimum 10 acre-sized lots that the Township has expressed concern with being "too small to farm and too big to maintain."

**CORINNA TOWNSHIP
ORDINANCE/ZONING MAP AMENDMENT APPLICATION**

Name of Applicant Tony and Jeannette Rieger-Borer Phone 612-791-9540

Property Address (E911#) 11988 Jarvis Ave NW

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

Annandale MN 55302

City, State, Zip _____

Applicant is:		Title Holder of Property <i>(if other than applicant)</i>
Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name) <u>Tony and Jeannette Rieger-Borer</u>
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address) <u>11988 Jarvis Ave NW</u>
Other _____		(City, State, Zip) <u>Annandale MN 55302</u>

Signature of Legal Owner, authorizing application (required): *Tony Rieger-Borer*
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:
Sect-03 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 39.20 AC PRT OF W1/2 OF NW1/4&W/12 OF NE1/4 OF NW 1/4 DES
BEG NW COR OF SEC3 TH S89D48'E 987.28FT ON N LN OF SEC3 TH S00D53'14"W651.03FT TH S89D51'16"E658.18FT TH
S00D57'56"W 648.09FT TO PT ON N1/16LN TH N89D59'47"W 1403.87FT TH S82D36'31"W 233.07FT TO PT ON W LN TH N00D27'11"E
1334.01FT TO NW COR OF SD SEC& POB

Property ID # 206000032200 Zoning District Agriculture
(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	<u>Section 4</u>
<input checked="" type="checkbox"/> Zoning Map Amendment	_____
<input type="checkbox"/> Comprehensive Plan Amendment	Current Zoning <u>1 per 40</u> Proposed Zoning <u>AR with PUD overlay</u>

Note: Applications for ordinance/zoning map amendments must be approved by Wright County if the zoning would be less restrictive than current zoning (i.e. would allow a higher density of homes or would change from residential to commercial or industrial). For these applications, Corinna Township provides a recommendation to Wright County. Applicants are responsible for contacting Wright County to be placed on their agenda.

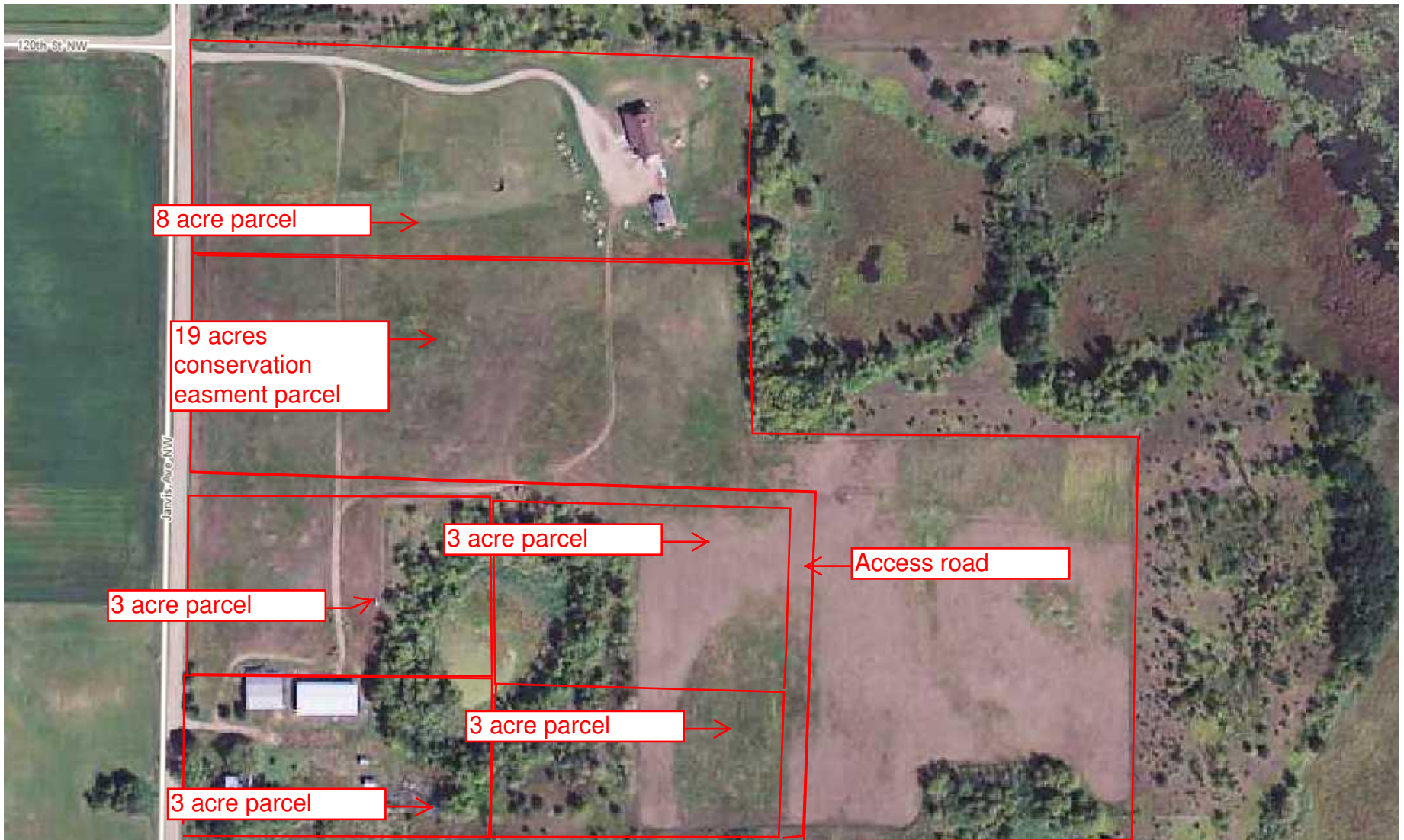
Please describe the proposed amendment, stating the exact language change proposed or the current and proposed zoning districts (attach separate page, if needed):

The proposed amendment is to convert the 39.2 acre property at 11988 Jarvis Ave NW Annandale MN 55302 from a agricultural zoning of one dwelling per forty acres to a designation of AR with a PUD overlay. The amendment will be written to set aside approximately 19 acres of the entire property into a conservation easment held in a land trust for perpetuity. Of the remaning acres, approximately 8 acres will be committed to the primary homestead with the address of 11988 Jarvis Ave NW . The remaning 12 acres will be divided into (4) 3 acre building sites. See attached draft map.

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.hometownplanning.com/corinna-township.html).

The conservation development or PUD that is described within the application is designed to maintain the principles of Corinna Townships open space preservation practices.

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



8 acre parcel

19 acres
conservation
easement parcel

3 acre parcel

3 acre parcel

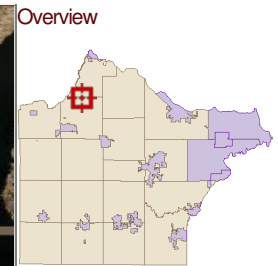
Access road

3 acre parcel

3 acre parcel

120th St, NW

Jarvis Ave, NW



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

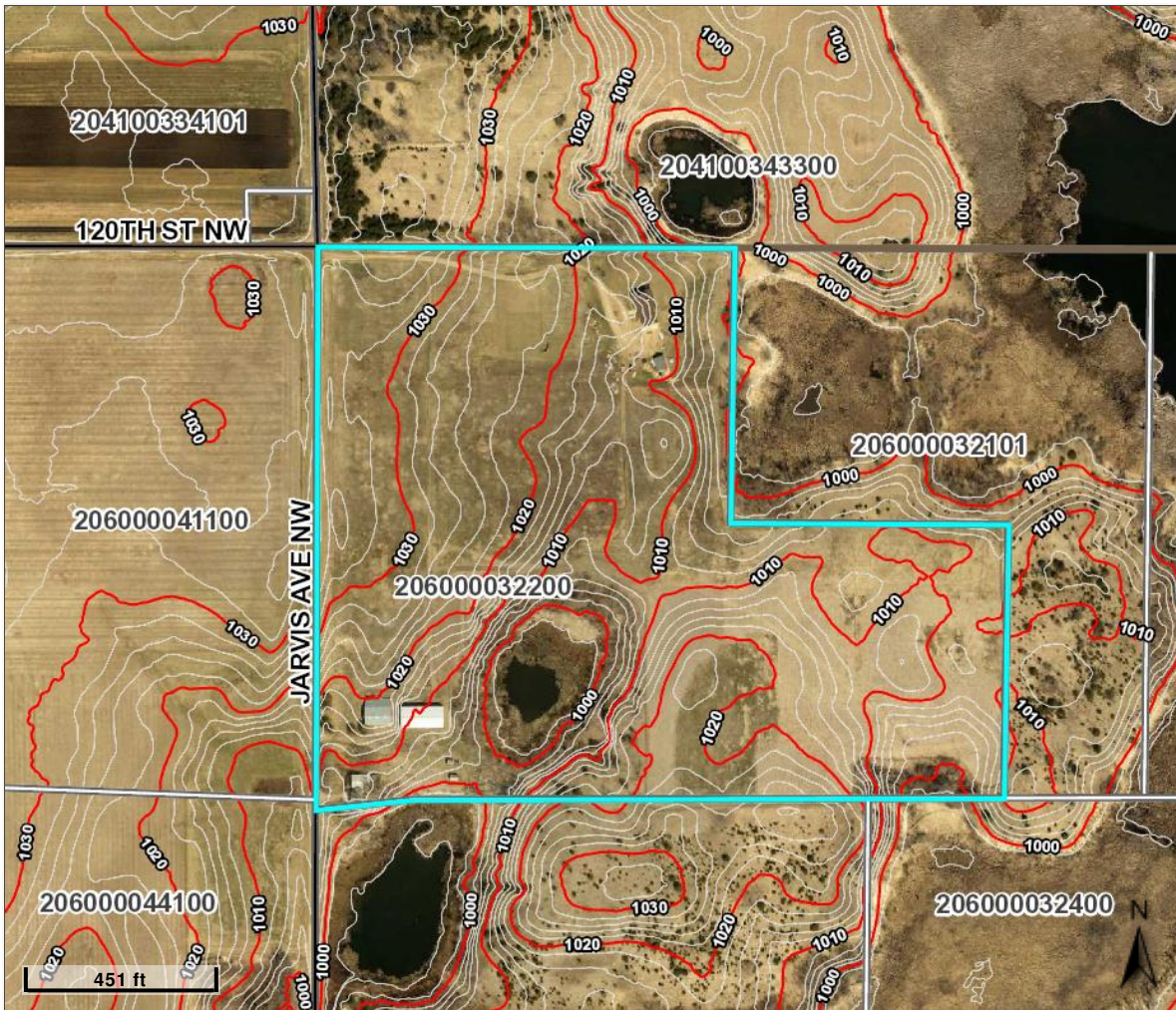
Parcel ID 206000032200	Alternate ID n/a	Owner Address RIEGER-BORER, ANTHONY M & JEANNETTE RIEGER-BORER
Sec/ Twp/ Rng 3-121-27	Class 101 - AGRICULTURAL	11988 JARVIS AVE NW
Property Address 11754 JARVIS AVE NW ANNANDALE	Acreage 39.200	ANNANDALE, MN 55302

District n/a

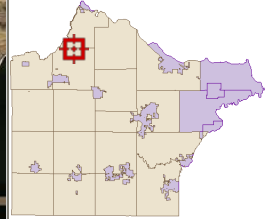
Brief Tax Description Sect-03 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 39.20 AC PRT OF W1/2 OF NW1/4 & W1/2 OF NE1/4 OF NW 1/4 DES BEG NW COR OF SEC3 TH S89D48'E 987.28FT ON N LN OF SEC3 TH S00D53'14"W 651.03FT TH S89D51'16"E 658.18FT TH S00D57'56"W 648.09FT TO PT ON N1/16LN TH N89D59'47"W 1403.87FT TH S82D36'31"W 233.07FT TO PT ON W LN TH N00D27'11"E 1334.01FT TO NW COR OF SD SEC& POB

(Note: Not to be used on legal documents)

Last Data Upload: 10/30/2014 8:45:48 AM



Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

City/ Township Limits

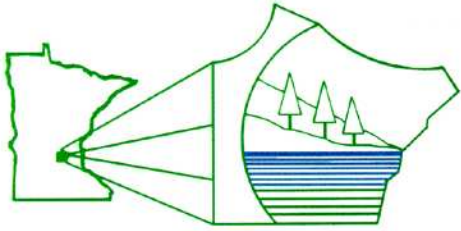
- c
- t

Parcels

2' Contours

- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;
- 1084; 1086; 1088;
- 1092; 1094; 1096;
- 1098; 1102; 1104;
- 1106; 1108; 1112;
- 1114; 1116; 1118;
- 1122; 1124; 1126;
- 1128; 1132; 1134;
- 1136; 1138; 1142;
- 1144; 1146; 1148;

WRIGHT SOIL AND WATER CONSERVATION DISTRICT



311 Brighton Avenue Suite C
Buffalo, MN 55313
Telephone: (763) 682-1933
(763) 682-1970
Fax: (763) 682-0262

October 28, 2014

Mr. & Mrs. Rieger-Borer
11754 Jarvis Ave NW
Annandale, MN 55302

RE: Rezone approximately 39.2 acre property from General Agriculture (AG) to Agricultural/Residential (A/R) with Planned Unit Development (PUD) overlay.

Dear Mr. & Mrs. Rieger-Borer,

The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property for rezoning.

After reviewing the property, wetlands exist on the property to be rezoned. The ultimate goal of the state of Minnesota and 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, fill, or drainage. Wetland delineations should be considered prior to building to officially locate and record exact boundaries of these wetlands. Wetland delineations can be required based on wetlands types, locations, and extent. In addition to wetland characteristics proposed house locations, accessibility, topography, and drainage characteristics are considered when determining which wetlands may require delineations. Proper permits should be received from the Wright Soil and Water Conservation District prior to any wetland disturbance.

The Wright SWCD appreciates the opportunity to comment on the the proposed rezone. The Wright SWCD would like to require review of all the building applications in the future development of this property. At that time more detailed comments on erosion and sediment control measures will be addressed on each individual lot per building request. Thank you for keeping in mind the existing wetlands on the property during future development and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,

Dan Nadeau
Urban Conservation Specialist

Cc: Corinna Township

Rezoning AG to AR - PID # 206000032200

Tony & Jeanette Rieger-Borer
11754 Jarvis Ave NW
Annandale, MN 55302



Source: DNR, Datacell & 2013 Bing Maps
Disclaimer: Data provided may differ from actual survey proof of records

0 150 300 600 Feet
1 inch = 198.23 feet

North Arrow

2' Contour

Parcel Boundary

State Land

Produced By: Wright, SW CD October 28, 2014