

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
July 9, 2019  
7:00 PM

Guck called meeting to order at 7:00pm on July 9, 2019

Board of Adjustment/Planning Commission Members Present: Al Guck, Larry Smith, Steve Niklaus, Dick Naaktgeboren, Bill Arendt, Ben Oleson (Zoning Administrator)

Absent: Barry Schultz

Others in Attendance: Anna & Larry Purcell, Charlie & Linda Onsrud, Lou & Suzanne Phillips, Andy Stahlman, Bill & Paula Dupay, Tonya Klug, Dennis Klug, Hazel Schueler, Cory Schueler, Diane Wiltermuth, Pete Edmonson, Paul & Lisa Steffens, Paul Gustafson, Bill Westhoff, Scott Brooks, Chuck Carlson

Additions or Deletions to the Agenda; Smith made a motion to approve the agenda as presented. Naaktgeboren seconded the motion. Motion approved unanimously.

Public Hearings

Requests related to the construction of solar panels on an existing dwelling/garage rooftop. Approvals required include an interim use permit to construct a solar energy system greater than 10kw in an R-2 zoning district.

Applicant: Louis Philips  
Property address: 7123 Iten Ave NW, Annandale  
Sec/Twp/Range: 27-121-27  
Parcel number(s): 206134002040

**Present:** Louis Phillips

**Phillips:** Would like to install solar panels on the southern facing roof for the amount of energy the home uses for a year. Based on calculation putting 15 kw of solar power will just about do the job. There are a lot of variables with tree's and shade, but hopefully it works out well.

**Oleson:** This is an interim use in our ordinance right now. It is just a personal installation, will you be connecting back to the grid at all?

**Phillips:** Yes it will. In the summer it will produce more than it needs, and we will take energy from the grid in the winter.

**Oleson:** Pulled up the lot for board to few. It is an interim use, that is how it was set up in the County and we adopted their wording. We will be talking about some of the issues that come up with that a little later in the meeting. There is a suggestion that we change it from a conditional use but for now we just need approval from the board since it is more than 10kw. We have not received any comments on this one.

**Audience:** none

**Niklaus:** Everyone has been notified?

**Oleson:** Yes

**Niklaus:** I done have any problems with it.

**Naaktgeboren:** Is there a concern with the financial security?

**Oleson:** Less concern with kind since the whole property would have to be abandoned. Right now there is language that indicates that these do not expire when they are on a house, however, we do have our own interim rules and due to that he would have to come back after 5 year or if it was sold he would have to come back

**Naaktgeboren:** As far as the trees will that be a problem in the winter.

**Phillips:** It should not, when the leaves fall it should have plenty of light.

**Smith:** Question to Ben, when Rachel put up a solar array for himself, we had talked about bonding for tear down and how did that go?

**Oleson:** Not sure off the top of head, I am thinking it was before we had an ordinance. To the purpose of the bond is to clean it up if they walk away when it's on their home it is different.

**Smith:** How is it with Wright Hennepin is it a friendly thing?

**Phillips:** Yes they have a schedule of up to 20kw in one step and then up to 40kw is a next level & 40+ where they have additional criteria. It is pretty simple. Pay back is somewhere around 4-6 years.

**Niklaus:** You will own the panels?

**Phillips:** Yes I will own them and I will install them myself.

**Arendt:** I share the concerns with the trees, you addressed that, I am fine with it.

**Guck:** I think that is where they should be is on homes; I do not have an issues with it.

**Phillips:** I would not be investing 25,000 if I thought it was not worth it.

Niklaus made a motion to approve the interim use permit to construct a solar energy system greater than 10kw (up to 20kw) in an R-2 zoning district.

Arendt seconded. Motion approve unanimously.

Requests related to the construction of a new foyer and attached garage with second level living space. Approvals required include a variance to construct an addition to an existing dwelling that is approximately 60 feet from Cedar Lake (min. 75 ft required).

Applicant: William Dupay

Property address: 7302 Isaak Ave NW, Annandale

Sec/Twp/Range: 27-121-27

Parcel number(s): 206068000070

**Present:** William Dupay & Paula Dupay

**Dupay:** We are proposing to add to our lake home. An entry way and double garage with second story.

**Oleson:** Variance due to it is being added to a home that does not meet the setback, however, the addition does meet setbacks, Impervious etc. They did get a variance for the house in 2010. All the drainage is away from the lake.

**Audience:** None

**Naaktgeboren:** I see the run off is to the back, you mentioned possibly putting in steps going up to the house. Just want to make sure you are staying under 25%. And are you keeping the garage?

**Dupay:** On the plan it has the garage coming out, but do we have numbers if it stays?

**Oleson:** My recommended condition indicates that we need to make sure you can stay under 25% if you wish to keep the garage.

**Naaktgeboren:** So if you can stay under 25% you would keep the garage.

**Dupay:** Yes

**Smith:** My concern is that you stay under 25% is there a survey that shows you are under? I'm fine as long as you stay under the 25%.

**Dupay:** There was a survey done in 2010.

**Oleson:** There is a site plan from 2010 with a detached garage. It would have to be updated to make sure we are under the 25%.

**Arendt:** The bedroom on the new garage that will be your third bedroom?

**Dupay:** It will be a 4<sup>th</sup> bedroom and septic was designed for 4+.

**Arendt:** I'm fine with it.

**Niklaus:** What is the rule with a second story on the garage?

**Oleson:** That rule is only for detached.

**Niklaus:** I'm good with it.

**Guck:** My concern was the septic so if the septic is ok I'm ok with it.

Naaktgeboren made a motion to approve Variance to construct an addition to an existing dwelling that is approximately 60 feet from Cedar Lake (min. 75 feet required) with the following conditions:

1. That the applicant provides a detailed site plan at the time of construction that provides sufficient evidence that impervious coverage limits will be met.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Smith seconded the motion. Motion approved unanimously.

Approvals related to allow for a new self-storage facility with 7 buildings. Approvals required include a conditional use permit to allow for storage or warehousing in the General Industry District.

Applicant: Little Fork Properties LLC

Property address: None (67<sup>th</sup> Street NW), Annandale

Sec/Twp/Range: 33-121-27

Parcel number(s): 206000331301

**Present:** Dennis Klug

**Klug:** I am looking at up to 7 storage buildings, concentrating on large bay storage. Smallest will be 12 high 10 wide with biggest at 14 high x 12 wide. First 5 buildings will be 60 ft deep they will be divided inside.

**Smith:** Metal frame?

**Klug:** Wood frame.

**Oleson:** This is a property in the industrial district and everything requires a CUP. There is not specific requirements. There is a storm water plan which is required by the state. They have

highway 55 to the south and residential to the north. There has been some discussion regarding screening when next to residential and there is wetland which they are far enough away from.

**Audience:** Question Larry Purcell: Can you point out where it is at.

**Oleson:** pulled up the map, it is to the east of Rainville Carlson.

**Smith:** You said up to 7 buildings what is your plan?

**Klug:** Our plan is start with 2 and hopefully add 1 in the spring. Ideally within a year and a half we will have them in. All of the grading will be done right away.

**Smith:** I think it is a good plan.

**Arendt:** There is a houses to the east & north will you be putting up some type of screening?

**Klug:** Yes we are planning on doing a double row of trees right off the right of way.

**Arendt:** I'm good with the screening.

**Niklaus:** What is the property to the east?

**Oleson:** Residential

**Nicklaus:** They have been notified and no one opposed?

**Oleson:** We received no comments.

**Niklaus:** I just want to make sure there was some screening for them.

**Naaktgeboren:** Are going to fence it all the way around

**Klug:** Yes

**Naaktgeboren:** Is this road going to get tarred?

**Smith:** It has been talked about.

**Naaktgeboren:** Will there be outside storage.

**Klug:** Possible for the first year until we get the builds done.

**Niklaus:** I think screening is even more important if you have outside storage.

**Smith:** You are planning on just one entrance?

**Klug:** Yes and gated.

**Smith:** I am on board with the screening.

**Guck:** With the amount of impervious will they meet standards?

**Oleson:** They are meeting impervious on an industrial property.

Niklaus made a motion to approve Conditional use permit to allow for storage or warehousing in the General Industry District with the following conditions:

1. That the applicant must screen the view of the facility from the residential properties to the north and east with two rows of shrubs or trees. The type and number/spacing of these trees to be approved by the Zoning Administrator after consultation with Wright County SWCD and the applicant.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
3. That the stormwater plan as submitted, or as otherwise approved after consultation with the Wright County SWCD and/or MPCA, be implemented and maintained indefinitely.

Arendt seconded the motion. Motion approved unanimously.

Requests related to the construction of a 20' x 28' garage addition, a 10' x 11.5' screen porch and expand an existing open deck. Approvals required include a variance to construct an accessory building addition approximately 5.6 feet from a side lot line (min. 10 ft required) and a screen porch addition and open deck approximately 63.5 feet from Sugar lake (min. 75 ft required) on a parcel with approximately 26-27% impervious coverage (max. 25% allowed). Applicant intends to reduce impervious coverage to meet 25% limit.

Applicant: Paul and Lisa Steffens  
Property address: 11300 Hoyer Ave NW, Annandale  
Sec/Twp/Range: 2-121-27  
Parcel number(s): 206091000070

**Present:** Paul & Lisa Steffens

**Steffens:** Looking to add porch to the front of house, as well as an addition to the garage. Variance is for the setback to the lake for the porch and the side yard setback for the garage addition. The addition will meet the setback. We threw them both together for one meeting, but if we need to deal with them separately that is fine too.

**Oleson:** The variances are for the side yard for the garage and lake for the porch. It would go 3ft past the deck and the deck would go from there. On the garage side of things it would be a single storage that would come out about 4 ft. It is still a single story. The main thing is the impervious which over the 25% limit. They provided a detailed plan to get under the 25%. Landscaping area and driveway area would be removed. This would take down below the 15% building and just under the 25% impervious. The other main thing is adding to garage with adding rather than move the garage to meet the setback, there were some concerns with losing tree's if the garage is moved. I did not receive any comments.

**Audience:** Paul Gustafson: I live 2 houses to the north the request to building a garage is minor compared to the Steven addition that is 10ft of the property line. We would be in approval of this request.

**Arendt:** In the report the lot size is 20001, but in another area it indicates you are in the process to purchasing more 160 sq ft from the Grants. We got approval for that and are in the process of finishing that up. It would just over the conforming lot size then. You are so close to 15 & 25% if you're off inches you will be over.

**Steffens:** The previous owners were up to 32% and we are doing our best to get it under the 25% so yes it will be right there.

**Arendt:** That is my concern being that close.

**Steffens:** I am fine with getting an as built survey if needed.

**Niklaus:** The driveway is gravel?

**Steffens:** It is right now, we would like to do pavers but we will have to see.

**Niklaus:** How do pavers work for impervious?

**Oleson:** If it is patio or walkways we can give 50% credit but on driveways there is no credit.

**Naaktgeboren:** I have no issues with the screen porch. I would like to see you get 10ft from the lot line for the garage.

**Steffens:** Our house is a little different where our lot is narrower than others.

**Smith:** I'm along the same line with the addition. You have a garage you're getting more garage, I feel we need to stick with the 10ft side yard for the garage.

**Guck:** The porch is 50ft from the lake for the deck, new construction would be 75ft. It is further back than it was, I do not like to see things closer to the water. You had a chance to do it right why not it right.

**Smith** I would like to handle in two separate variances.

Naaktgeboren made a motion to approve a 10' x 11.5' screen porch and expand an existing open deck approximately 63.5 feet from Sugar lake (min. 75 ft required) on a parcel with approximately 26-27% impervious coverage (max. 25% allowed). With the following conditions:

1. That the applicant must implement a plan to reduce total impervious coverage to 25% or less.
2. That the applicant must provide an as-built survey, after implementation of the impervious reduction plan, to show that impervious coverage is 25% or less.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
4. 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 the flowing in to the lake. These may include directing rain gutters to appropriate areas, rain barrels, establishing or maintaining a buffer of native vegetation along the shoreline, 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.

Smith seconded the motion. Motion approved unanimously.

Niklaus made a motion to table the variance relating the 20'x28' garage addition.

Arendt seconded the motion. Motion approved unanimously.

Requests related to construction of a 14' x 28' basement and main level dwelling addition and a 10' wraparound open deck lakeside of the proposed addition. Approvals required include variances for the construction of an open deck and dwelling addition approximately 6 feet from a side lot line (min. 15 ft required).

Applicant: Charles and Linda Onsrud  
Property address: 8338 Irvine Ave NW, Annandale  
Sec/Twp/Range: 22-121-27  
Parcel number(s): 206000223201

**Present:** Charlie & Linda Onsrud

**Onsrud:** What we propose to do is add a 14x 28 addition and rebuild the deck. We had some issues with ice dams and had a pipe burst, with these changes it would eliminate those issues. We will also be putting a new roof on. We did have a survey done and we are within the guideline of the impervious. Also, we are restoring part of our Garage. We have mitigated

water in the past, with French drains on the south side and we have been landscaping to insure none of the water from the back side gets to the lake

**Oleson:** The variance is the side yard on the south, their addition is going to bump in a couple of feet from where it is now. The impervious is under this is going to add a little bit, majority is already impervious, however, it does come out a little so just to make we stay under. They had a variance for the garage and the tracks were part of that to stay under the impervious.

**Audience:** None

**Niklaus:** The 25% is an open question?

**Oleson:** Somewhat, we do have the survey which does not include the deck, so just knowing how far out they are going to go with the deck. It could be a situation that as long as I can confirm there is no net gain we may not need another survey.

**Niklaus:** The other is erosion control towards the lake and set back to the side; and that currently is 6ft?

**Oleson:** It is 2.9 ft in one spot and moves further back.

**Onsrud:** According to the scale on the survey it would be 8ft and 10ft at the end of the deck.

**Naaktgeboren:** The addition bump is to the North West will be about 8ft at the start and end at 10ft.

**Naaktgeboren:** Personally I wish you could bump it out more.

**Onsrud:** With the roof line the way it is, it would be very awkward.

**Naaktgeboren:** My main concern is making sure you are under the 25% impervious.

**Niklaus:** I am inclined to support this.

**Smith:** I'm ok with it, I wish you could move it but I understand why not. We are dealing with existing. I'm ok with it.

**Arendt:** My issue is making sure they stay at or under the 25% impervious.

**Guck:** My biggest concern is the 25%.

Arendt made a motion to approve Variances for the construction of an open deck and dwelling addition approximately 6 feet from a side lot line (min. 15 feet required) with the following conditions:

1. That the applicant provides an as-built survey indicating that the 25% limit on impervious coverage has been met.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Niklaus seconded the motion. Motion approved unanimously.

Amendments to the Corinna Township Land Use Ordinance as follows: Section 609 (General Business District B-2) to reduce the required road centerline setback on federal, state and county roads and highways from 160 feet to 130 feet; Various parts of Section 6 (Zoning Districts and District Provisions) to make Solar Energy Systems under 100kw a conditional use rather than an interim use in certain zoning districts;

Section 507.4 (Termination of an Interim Use Permit) to allow for solar energy farms to be exempt from expiration in certain circumstances; Section 7 to add new language exempting certain projects from zoning requirements when necessary to meet the requirements of the Americans with Disabilities Act.

Applicant: Corinna Township

**Oleson:** These are a number of ordinance amendments to clean up things that are not looking right. You may want to take these one at a time starting with the solar energy. Since we have some people here for that one. There are two changes for solar, one is the solar farms that we passed this last month. There is a section in the interim that talks about when they expire. Last month the ordinance amendment in front of us was to ban them, the recommendation was to not ban solar farms and we should allow for the two that were approved to stay there without expiring. Since that was not noticed we are doing that now as a discussion item. The basic idea is that the section that states that they expire or terminate 5 years after they start, or if they terminate or if there's a change in ownership or within 24 months of not allowing them, we would exempt solar farms and systems from that termination piece. Town board did discuss they were not in favor of changing. It does ultimately have to be approved by them. You can discuss and make your own recommendations. The other would be to the roof top type or free standing in yard and only for one site and selling extra back to grid, those are listed as interim uses and the proposal is to change to a conditional use so they do not have an expiration.

**Audience: William Dudley:** I own land north of there; I strongly oppose having a solar farm next to me. I would like to hear what they do to the tax base. I think it should stay agriculture. I do not approve of solar, they are ugly and putting trees around them, what if the trees die.

**Andy Stahlman w/ IPS Solar:** To this point we have followed every direction you have asked and recommended of us. It means a lot to us. We did get the change that we had hoped but we hope we still have your support.

**Cory Schueler/Land owner:** I have talked with the owners of Gardendale which is our neighbor are they and are in full support is what we are doing. I have asked them extensively about it and they are 100% in favor. Other than that and the neighbor to the east who we have talked to personally and their concerns have been met with the screening. Which was the only negative to it. I own to the west I would not have a problem with it and it will be fully screened.

**Carlson:** I have really tossed this around, I can see some need for this I am just not sure it belongs in the township. We have done a lot of work to determine what our plan was and we have done everything we could to keep farm land.

**Schueler:** Am I correct that the land use plan or future land use plan there is a recommendation for it to be commercial along Highway 24.

Carlson: I believe that it put there due to the Gardendale being there and the other stores.

**Stahlman:** I would just like to say that at this point it still has to go to the board. If there was a case that a solar farm was permitted. This ordinance change would make this at least possible.

**Niklaus:** I thought good points were made that there are water or air pollution. The tipping point for me is your farming solar energy, people can put in 500 feed lots without permitting and that affects neighbors more. I stand in support to allow the two that were approved by this board to continue to be built.

Naaktgeboren: With the amendment of 507.4 how does that change the conditions?



**Oleson:** If you approve this it does not change the conditions that you put on the approval. What it would change is that it would be allowed for up to 30 years and then they would have to be applied for. This would get rid of the conflict in the ordinance where in one spot it allows them and in the other there are certain things that can trigger for them to be removed.

**Naaktgeboren:** I agree with Steve we should allow the two approved to continue.

**Smith:** I stand where I always have been on solar and am opposed. I do not feel there is a huge benefit and were chasing a tax credit. We are a real populated township and did not get a lot in favor of solar farms.

**Arendt:** It is a tough issue that we need to look at going forward. However, I think that the two that we have approved should be allowed to go for 30 years.

**Guck:** I am not in favor of any new ones. But the ones that are approved are approved. The screening has been hashed out and the neighbors seem to be satisfied. I too in favor to allow the two that have been approved but no more.

**Oleson:** So 4 of you in favor of making this change that would mean that any that are approved would be exempt from the triggers to expire it. You could follow it up later to exempt any future solar farms. There is a moratorium so right now there will not be any new applications.

Arendt made a recommendation to add "except those relating to approved solar energy farms or solar energy systems" to section 507.4 of the Corinna Ordinance.

Niklaus seconded the motion. Motion approved 4-1 with Smith opposed.

**Oleson:** The other part with the solar energy systems. Right now the systems that are 10kw up to 100kw are an Interim Use looking at changing them to a Conditional Use.

Smith made a motion to recommendation to change the 10kw - 100kw systems to a Conditional Use permit. Naaktgeboren seconded the motion. Motion approved unanimously.

**Oleson:** The next one has to do with Road setbacks in a B-2 district, there was basically a copy and paste error. We mistakingly increased the setbacks, this would bring it back to what the County has.

Naaktgeboren made a motion to recommend approval to change the road setback for the B-2 district to 130ft for Federal/State & County roads & 65ft for local roads. Smith seconded the motion. Motion carried unanimously.

**Oleson:** The last one is regarding ADA which has to do with requests for reasonable accommodations under the Fair Housing Act. This is federal law that we federally have to allow. However, they do not say how we are supposed to do this. I talked to township attorney and he indicated we should have something that spells out the process. I found a model ordinance for us to review. Basically if someone wants a reasonable request to make a modification I could approve based on how permanent the request is.

Smith made a motion to table for further review. Niklaus seconded the motion. Motion approved unanimously.

Niklaus made a motion to approve the June 11, 2019 meeting minutes. Arendt seconded the motion. Motion carried unanimously.

## Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

**Oleson:** We had the application last month for the rezoning, Edmonson/Goff property. We recommended approval of the rezoning, however, the County is indicating they will not even consider it because it is not a lakeshore lot and it would be considered a back lot. I have had more discussion with the County and the provisions in the subdivision ordinance which to me see like they would allow what they originally proposed. The issue being that it is only 198ft not 200ft that is allowed. I could read that the 200 ft can be met back further when there is a curve in the road. They do not read it that way. So my question is should we be making our own interpretation of the rule, however, the county could step in and not sign the final plat. The final plat has to be signed by the County board. It would be easier if you could purchase a small part of the neighbor's lot, however, if the person does not want to sell. Oleson will talk with the Township attorney to see if the interpretation is worth arguing with the County.

## Other Business

Smith made a motion to adjourn. Guck seconded the motion. Motion approved unanimously at 9:15 pm

Prepared by Jean Just