

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
May 3, 2021 5:30 PM

This was an in-person meeting.

The monthly Oronoco Town Board meeting was called to order on May 3, 2021 by Chair Charlie Lacy. Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **agenda** was changed to add Sergeant Chambers as the first agenda item.

Agenda Topics

Sergeant Chambers of the Olmsted County Sheriff's Department is the contact person for Oronoco Township. Catalytic converter thefts continue. Sergeant Chambers will check-in on as many township meetings as he can.

OR2021-001ZC - Oronoco Township

This is a continued action from the April 2021 meeting.

Information for these minutes is from the packet and verbal information presented by Olmsted County planning staff.

Charlie Lacy explained how the public hearing process would proceed.

Kristi Gross, Olmsted County Senior Planner presented the Planning Department's staff report.

Request: The zone change was initiated by the Town Board on February 1, 2021 to rezone the properties currently zoned ARC-Agricultural Residential Cluster area to RA-Rural Residential, R-1 Low Density Residential or A-3 Agricultural District.

Location: The properties are located in the East 1/2 of Section 22, The West 1/2 of Section 23 the NE Quarter of Section 27 and the NW Quarter of Section 26 all in T108M, R14W, Oronoco Township.

Background: The ARC-Agricultural Residential Cluster areas were approved prior to March 17, 1987. Currently Oronoco Township has one area of approximately 513 acres that is currently zoned ARC. The underlying land use designation of this area is Suburban Development and Resource Protection-Potential Suburban Development. Of the 513 acres about 99 acres are in the Resource Protection-Potential Suburban Development designation.

The subdivisions located within the ARC are Windemere, Windemere II, White Birch Hills 1st Subdivision and White Birch Hills 2nd Subdivision.

The purpose of the ARC district, according to the July 30, 1984 zoning ordinance, was to allow single family dwellings to be clustered together in woodland areas or on non-prime agricultural farmland or unfeasible farmland in a manner that prime agricultural farmland and unique natural amenities would be preserved. This district is limited to the areas that are currently zoned "A-3 Agricultural" and is intended to provide a designated agricultural or open space area.

OR2021-001ZC - Oronoco Township, continued

The boundaries of the two designated areas (residential and agricultural or open space) shall be permanent unless all the land included in the ARC is rezoned to a different zoning district.

Permitted uses within the various zoning district options are:

- The R-1 Zoning district would allow for more dwellings within the area. The minimum lot size in the R-1 district is 2 acres. This zoning district is appropriate in the land use designation of Suburban Development but would allow for the existing parcels to be split multiple times which could change the rural characteristic of the existing platted area.
- The R-A Zoning district allows for larger lot sizes and rural land uses such as horses. The minimum lot size in the R-A district is 5 acres. The existing large lot sizes would support the RA zoning district and would not result in a dramatic change in the character of the area.
- The unplatted land is located within the Resource Protection-Potential Suburban district. The A-3 Zoning District is an appropriate zoning district for this underlying land use and consistent with the surrounding A-3 property.

Options are:

1. Initiate a zoning district amendment for the existing subdivisions to R-1 and/or R-A.
2. Initiate a zoning district amendment for the non-platted area as A-3.
3. Do nothing.

Analysis and Findings:

The criteria to amend a zoning district are located in Section 4.00 Section H in the Oronoco Township Zoning Ordinance as follows:

1. The proposed zoning district is consistent with the Oronoco and Olmsted County General Land Use Plan. The RA zoning district will allow for large rural lots which are consistent with the original ARC zoning district. The A-3 zoning district is what the property was originally zoned and also consistent with the agricultural areas of the ARC district.
2. The amendment is in the public interest. It will allow landowners more flexibility with their land use choices while keeping the character of the area intact.
3. The proposal is timely. The ARC zoning district was eliminated by the county in 1987. The town board officials at that time indicated they would be changing the zoning district of the existing ARC zone, which to date has not occurred.
4. The proposal permits land uses that are consistent with the existing zoning district and similarly sized properties in the proposed zoning districts.
5. The proposal is not spot zoning, the proposed zoning districts are consistent with the underlying land use designations of Suburban Development and Resource Protection-Potential Suburban.
6. A General Development Plan does not exist for the property but the proposal is consistent with the original ARC zoning district requirements.

OR2021-001ZC - Oronoco Township, continued

Staff Recommendation:

Based on the above findings, planning staff recommend the following actions:

1. Amend the zoning district for the existing platted areas of Windermere, Windermere II, White Birch Hills 1st Subdivision and White Birch Hills 2nd Subdivision to RA-Rural Residential Zoning District.
2. Amend the zoning district for the unplatted land currently zoned ARC to A-3 Agricultural District.

OTPAC voted unanimously in favor of zone changes as recommended by county planning staff.

Tammy Matzke asked Planner Gross if there was a timetable to have all ARC zones eliminated. Planner Gross said no. Is it true there are eight properties affected by this, properties that could be split if the board approves this action? Planner Gross said yes. Many properties cannot be split because of other factors such as shoreline and bluff regulations.

Charlie Lacy noted that the township does not enforce homeowner covenants. Those are between the developer and property owners.

Charlie Lacy opened the public hearing continued from the April meeting, asking those present to speak for or against OR2021-001ZC.

Fifteen persons spoke against the board approving OR2021-001ZC. No one spoke in favor of it at this meeting. [One person spoke in favor of it at the April public hearing]. An additional 14 persons sent emails to the planning dept all expressing opposition to OR2021-001ZC. [The names of persons who spoke or sent emails are available from the clerk.]

These are comments made and questions asked. Many expressed the same views.

- What is the reason for the change? Planner Gross: Per records from that time, townships sited road pressures and negative impacts to agricultural uses.
- Negative road impact does not make sense as more houses means greater road impact. Planner Gross: info is taken from records of meetings held about this many years ago.
- Charlie Lacy stated that this action does not automatically add more homes or authorize a subdivision. Currently some property owners at a disadvantage. Property owners in an ARC zone cannot apply to divide their property as other property owners can.
- When we bought our property we understood it was in an ARC zone and couldn't be further divided.
- Not fair. One person who wants to split property is affecting many owners who want it to remain the same.
- ARC designation adds value to our property. It protects the character and environments of our neighborhoods.
- Ten acres to five acres will double the density.
- Approval of this is not in my interests.
- Change of this ARC designation is a foot in the door for a developer.

OR2021-001ZC, Public Hearing, continued

- Township wants this as more houses means more tax revenue.
- We are protected by our homeowner covenant specifying property cannot be split. Charlie Lacy: covenants are between property owners and the developer. The township has nothing to do with it.
- How many more people need to oppose for the board to reject this action?
- This is a rare thing. Seller makes profit and moves on leaving neighborhood changed.
- Father did not get notice. Planner Gross: notice went to PO box not physical address. Addresses are obtained from Property Records Dept.
- Sattre Road is the only way out. More homes will create more traffic.
- Charlie Lacy: No one will have less than or more than they currently have. It will create an equal playing field.
- Charlie Lacy asked how many present knew the property they were buying was in an ARC and couldn't be split? Overwhelming response was yes.
- We can afford to live here. Those who can't afford it should buy somewhere else.
- Map provided doesn't show all ARC land. More could happen. Planner Gross: the map does not show all Oronoco Township ARC properties.
- This would affect Zumbro River watershed.
- Need green space.
- Would new owner on a split lot have to provide their own well and septic system?
- This action would decrease my rights. Fairness reason doesn't make sense. This is unfair.

Charlie Lacy asked 3 times for additional comments for or against this action. Hearing none, the public hearing was closed at 6:40.

Ken Mergen asked if a public hearing would be required if this action was adopted and a homeowner wanted to split his property. Planner Gross said no, public hearings and notifications are not required for metes and bounds (property splits).

Tammy Matzke noted owners bought the property because it couldn't be split, that people are emotionally attached to their neighborhoods and traffic is already bad.

Charlie Lacy was in initial agreement to change ARC zoning. That a public hearing is not be required for a future split is concerning. Owners apparently bought the property because lots could not be split. He agreed to let it stand.

Ken Mergen made a motion to withdrawn OR2021-001ZC, applicant Oronoco Township. Tammy Matzke second, motion carried 3-0.

The board took a five minute recess.

OR2021-001VAR, applicant Kostel

Information for these minutes is from the packet and verbal information presented by Olmsted County planning staff. Elliot Mohler was present to present to the town board.

The request is for a proposed addition to the existing dwelling to encroach the 30 ft front yard setback. The property is located in the northwest ¼ of the northwest ¼ of Section 2 in Oronoco Township.

The property is zoned R-1 Low Density Residential.

Planner Mohler noted a correction to the planning staff report. The request would encroach .7' on the northwest side and 1.2' on the northeast side.

The Olmsted County staff report initially recommended denial.

Charlie Lacy opened the public hearing. The applicant was not present. Del Mergen spoke in favor of granting the variance. Scott Schumacher, Oronoco township's road maintenance provider, said granting the variance would not affect road maintenance. Charlie Lacy asked three times for comments for or against the action. No one wished to speak. The public hearing was closed.

The board asked how they could make this possible for the applicant given the only slight encroachment.

Planner Mohler indicated he would amend the findings to coincide with the board's desire to grant this variance. **The resolution approved contained these findings by county planning staff:**

- 1. The existing house was built prior to the shoreland regulations. The lot was determined to be irregularly narrow and shallow.**
- 2. The extraordinary conditions or circumstance are not created by the landowner. The dwelling was built prior to the shoreland regulations were enacted.**
- 3. The addition to the existing dwelling (covered porch) will improve and positively augment the overall character and charm of the surrounding properties. Without the variance, a haphazard version of the addition would be constructed in the proposed version's place. In addition, it was found that the allowance of a 2.5 foot encroachment would not negatively impact street maintenance.**
- 4. The granting of this variance request would not be of substantial detriment to adjacent properties and does not appear to be detrimental to the public welfare. Rather, this request would serve to benefit the surrounding area's character and charm.**
- 5. The request is in harmony with the general intent of the R-1 Low Density Residential District. The addition would serve to positively augment the surrounding area while maintaining the residential look and feel of the area.**
- 6. The request is consistent with the goals and policies of the Oronoco Township Land Use Plan because the shoreland requirements are being met and the request would have no negative impacts on the maintenance of the township road.**

Ken Mergen moved to approve OR2021-001VAR based on the findings of fact stated above.

Tammy Matzke second, motion carried 3-0.

OR2021-001MB, applicant Rucker

Information for these minutes is from the packet and verbal information presented by Olmsted County planning staff.

The request is for a metes and bounds subdivision to create a 5 acre farmstead parcel and adjust the lot line of the adjacent non-farm parcel in Section 9 T108 R 14W.

The property is located in the SE ¼ of the NW ¼ of Section 9, T108N R14W. The property lies north of White Bridge Rd NW.

The property is zoned A-2 Agricultural Protection District.

The farmstead property is located in Section 9 of Oronoco Township. The parcel is currently 77 acres. The farmstead has two non-farm parcels currently on either side of the dwelling. The proposal is to combine the accessory buildings located on the non-farm parcel to the west of the farmstead parcel and create a 5 acre farmstead parcel. The lot line of the non-farm parcel to the east will be shifted so that the property line will coincide with the existing tree line. The non-farm parcel will increase in size but remain less than 2 acres. The farmstead and the non-farm parcel share the septic system. There is an easement that covers the existing septic system.

County planning staff recommends approval.

Tammy Matzke moved to approve OR2021-001MB based on county planning staff recommendation. Ken Mergen second, motion carried 3-0.

OR2021-002MB, applicant Mathy Construction Company

Information for these minutes is from the packet and verbal information presented by Olmsted County planning staff.

The request is for a metes and bounds subdivision to create a 10 acre non-farm parcel to be annexed into the City of Oronoco for a Regional Wastewater Treatment Facility in Section 28 T108 R 14W.

The property is located in the NW ¼ of the SW ¼ of Section 28, T108N R14W. South of Minnesota Ave S and east of Highway 52 NW.

The property is zoned A-2 Agricultural Protection District.

The parcel in question is at the end of Minnesota Ave S. It is currently owned by Mathy Construction. The City of Oronoco is acquiring the property with the intention to annex it into the city for the future Regional Wastewater Treatment Facility. The parcel meets all requirements for a non-farm parcel, but once it is annexed into the City of Oronoco those standards will not apply.

The proposed metes and bounds is in compliance with the requirements of the Olmsted County and Oronoco Township zoning ordinance requirements. Planning staff recommend the approval of the creation of the 10 acre non-farm parcel according to the survey included in the staff report.

Planner Gross indicated the road is not part of this action and the Orderly Annexation Agreement between the City of Oronoco and Oronoco Township is also a separate matter.

Ken Mergen moved to approve OR2021-002MB based on county planning staff recommendation. Tammy Matzke second, motion carried 3-0.

Road Report – Ken Mergen

Cul-de-sacs were swept. Gravel roads were rocked. April: 85th St, 60th Av, 115th St, 14th Av, 130th St, 41st Av; May: 14th Av, 125th St, Sunset Bay Rd, Ryan’s Bay Rd. Roads are rocked at 3-5 year intervals depending on traffic. Chloride will be applied late May with grading completed before chloride application.

Mike Zillgitt recommends action beyond seal coating or patch repair for Kapler Ln, locations on Frederichs Dr and 18th Av. Supervisor Mergen will contact contractors.

Placing a speed screen on Frederichs Dr was discussed. It was asked if these devices collect and store data.

Placing a traffic counter on 11th Av NW was discussed.

Road spreadsheet – Kim Stanton showed the board his first version of the road spreadsheet.

Spring Cleanup – Tammy Matzke recommends the township table this for now. There may be yet unknown funding available from the American Rescue Plan Act.

MPCA - Oronoco Auto Parts – Tammy Matzke reports there is no new information regarding MPCA’s action against Oronoco Auto Parts.

Administrative Business

Minutes Approval – Ken Mergen moved to approve the April 5 Oronoco Town Board minutes.

Charlie Lacy second, motion carried 3-0.

Ken Mergen moved to approve the April 5 Reorganization meeting minutes. Tammy Matzke second, motion carried 3-0.

Ken Mergen moved to approve the April 19 special meeting minutes. Tammy Matzke second, motion carried 3-0.

Tammy Matzke moved to approve the April 19 Local Board of Appeal and Equalization minutes.

Charlie Lacy second, motion carried 3-0.

Treasurer’s Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of May 1, 2021 shows: receipts \$88,782.91, disbursements \$270,245.45 with an ending balance of \$631,504.40. April net payroll (paid in May) totaled \$2,196.34. Claims totaled \$47,892.71.

Our bank balance is off .01 due to an error made by Think Bank. Check 7298 for \$480.01 was cashed for \$480.00. Treasurer Stanton contacted Think. They will correct the error with Pine Island Bank.

A check from the IRS for \$35.15 was received as a refund of excess withholding.

Ken Mergen moved to approve the treasurer’s report. Tammy Matzke second, motion carried 3-0.

Approval to Pay Bills –

Claims and payroll as expressed in the treasurer’s report were presented for approval. **Ken Mergen moved to approve payment of claims and payroll. Tammy Matzke second, motion carried 3-0.**

OTPAC Report – Supervisor Lacy noted that the use of an unpermitted driveway by Mark Kuehn’s business (the former equestrian center) on 100th St. may change in the future.

Topics from the annual meeting: a dog park, brush dump and solar farm will be taken up at a future meeting.

June meeting format – The June 7 Oronoco Town Board meeting will be an in-person only meeting held at Oronoco City Hall, 5:30pm.

Other Topics, Notifications

- a. Household hazardous waste pickup scheduled for May 25 has been cancelled
- b. July meeting will be on Tuesday, July 6, 5:30pm, Oronoco City Hall, due to the July 4 holiday

Tammy Matzke moved to adjourn at 8:25pm. Ken Mergen second, motion carried 3-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair