

ORONOCO TOWN BOARD
Monthly Meeting Minutes
June 13, 2022

The monthly Oronoco Town Board meeting was called to order on June 13, 2022 at 5:30 pm by Chair Ken Mergen. Present: Supervisors Ken Mergen, Charlie Lacy and Tammy Matzke; Clerk Lucy Shonyo and Treasurer Kim Stanton.

The **Pledge of Allegiance** was recited.

The **agenda** was changed to delete item 7, King's Park township owned property.

Agenda Topics

OR2022-001VAR, Tenner [information from Olmsted County Planning Dept]

[The May 2, 2022 minutes detailed the facts and findings prompting the planning department to recommend the town board deny all 4 variance requests. A public hearing was held. The board continued this action until the June 13 meeting based on applicant Tenner's willingness to work out impervious surface requirements with county planning.]

Olmsted County Planner Elliot Mohler was present to update the board on the agreement reached between applicant Tenner and the planning department. Olmsted County Senior Planner Kristi Gross was present via Zoom.

The property is located in the NW ¼ of the NE ¼ of Section 11 in Oronoco Township. The property is located in Blakely's Subdivision south of County Rd 118 (Fisherman's Dr) on Blakely Ct NW. The property is zoned R-1 Low Density Residential.

The lot size was corrected (increased) in the June 13 analysis and findings.

Mr. Tenner has submitted a narrative to address the outstanding concerns relative to Section 9.10 Subdivision D of Oronoco Township Zoning Ordinance. Mr. Tenner prefers option 1 within the narrative which would give him the width where the car entry is located, rather than the depth of the garage overall. His plan shows the rain garden on the property that offsets the impervious surface area on the lot. Mr. Tenner also indicated that the new driveway will be constructed with permeable pavers offset the additional impervious surface area on the lot.

Four variances are required:

1. Variance to allow a detached accessory building 6' from a side yard instead of the required 8' setback (variance for 2').
2. Variance to allow a detached accessory building 10' from the on-site sewage treatment system drain field instead of the required 20' setback.
3. Variance to allow a detached accessory building 6' from the road right of way instead of the required 30' setback (variance of 24').
4. Variance to allow up to 27% impervious surface on the lot instead of the allowed 25% impervious surface (variance of 1.05%).

Based on findings of fact Planning Staff recommends approval of all variances with one condition: "The permeable pavers and rain garden must be maintained according to manufacturers' specifications to ensure they function according to specifications."

OR2022-001VAR, Tenner - continued

Supervisor Lacy moved to approve four variances based on findings of fact and the planning departments recommendation, inclusive of the stipulated condition. Supervisor Matzke second, motion carried 3-0.

OR2022-002VAR, Hodgman on behalf of Rucker [Information from County Planning]

Planner Mohler was present from Olmsted County Planning.

The applicant requests a variance to allow a second non-farm dwelling within the NE ¼ of the NW ¼ Section 32. The address is 4402 85th St. NW.

The NE ¼ of the NW ¼ currently contains a non-farm dwelling. The adjacent property was split in 1987 as a 3-acre non-farm parcel with a 57 acre residual parcel comprising of 2 adjacent tax parcels. Since the dwelling was built after April 16, 1983, it does not qualify to be split on less than 35 acres as a “farmstead dwelling.” The intent of the “farmstead dwelling” provision was to allow dwellings on farm sized parcels to be split after the ordinance changed in 1983.

As the property exists today (71 acres); it could split into 2 farm sized parcels a 35 and 36 acre parcel. Because the applicant would like to preserve the agricultural land together, they would like to split the existing dwelling with the minimum amount necessary.

Staff Findings:

1. The property consists of high quality agricultural land. The location of the existing dwelling is the best location for a dwelling on the 71 acre parcel. Allowing the dwelling to be split onto a smaller area of land would allow the tillable agricultural land to remain intact.
2. The landowner originally built the dwelling where the agricultural land was the least impacted. They were not considering the future split of the property in 1989. They have now aged out of their dwelling and would like to keep the agricultural land intact so that it can continue to be farmed.
3. The request is reasonable because the variance will not lead to an increase in density of the area and the agricultural land will be preserved for continual farming purposes.
4. The variance will not negatively impact surrounding properties nor will it alter the essential character of the property. The purpose of the variance is to preserve the character of the property.
5. The variance is in harmony with the general purpose and intent of the ordinance. No additional non-farm dwellings will be allowed to be split from the property; therefore, the density of the section will not change and the integrity of the agricultural land will be maintained.
6. The request is to preserve the agricultural land. This is consistent with the goals and policies of the Resource Protection Land Use Designation.

OR2022-002VAR, Hodgman on behalf of Rucker - continued

Staff Recommendation:

Based on the above findings of fact Planning staff recommend approval of the variance to allow a second non-farm dwelling to be created in the NE ¼ of the NW ¼ with the following condition:

Condition:

1. No buildable non-farm parcels will be allowed to be created from the residual parcel.

Chair Mergen opened the public hearing.

Beth Hodgman, applicant, 1178 575th St, West Concord said this request was not a second split. Planner Mohler indicated a variance was required because this is the second non-farm parcel in the NE ¼ of the NW ¼.

Chair Mergen asked three times if anyone else would like to speak for or against this action. Hearing none, the public hearing was closed.

Supervisor Matzke moved to approve OR2022-002VAR based on findings of fact and recommendations by planning staff, inclusive of the condition that no buildable non-farm parcels will be allowed to be created from the residual parcel. Supervisor Lacy second, motion carried 3-0.

OR2022-001GDP, E & K Boelter Trust [from Olmsted County Planning Staff document]

Olmsted County Planner Elliot Mohler was present. Olmsted County Senior Planner Kristi Gross was present via Zoom. Bill Tointon, WSB Engineering, and Tom Walker, WSE Massey, were present representing the applicant Boelter Trust.

The applicant is requesting approval of the general development plan for Boelter Heights which consists of 29 single-family residential lots on 79 acres.

Background:

The property is located in Section 34 of Oronoco Township. County Road 112 (also known as 18 Ave NW) is on the west side of the property. The east side of the property is local township road, 11 Ave NW. The property currently has the Olmsted County land use designation of Suburban Development. The Olmsted County Board of Commissioners approved a Land Use Plan Amendment to change the land use designation from Resource Protection-Potential Suburban to Suburban Development in March 2022. The current zoning is A-3. This application is being heard concurrently with a zoning district amendment application #OR2022-002ZC to change the zoning district from A-3, Agricultural to R-1 Low-Density Residential District.

Staff Findings:

1. The request is consistent with the Olmsted County General Land Use Plan. The proposed use is consistent with the proposed R-1 Low Density Residential Development Zoning District.

OR2022-001GDP, E & K Boelter Trust, Staff Findings - continued

2. The proposed street pattern provides access to two public roads. It is appropriate to serve the properties under consideration. The township has raised concerns over the safety of the intersection of County Road (CR) 112 and State Highway (TH) 63 (18th Ave NW and 75th St NW). Attached to this report are comments from the Olmsted County transportation planners. Charlie Reiter states “The analysis, based on 5 years of crash data (2016-2020), looked at the 48 4-legged intersections involving the crossing of regional arterial / collector roads, found the intersection of CR 112/TH 63 to have the 10th highest crash rate, 75% higher than the average crash rate for similar intersections, but more importantly, to have a rate that was identified as exceeding the critical crash rate for the intersection.” MNDOT has procured funding for a roundabout at that intersection and expects construction to begin in 2026. Mr. Reiter’s report states that a phased plan would be appropriate, and that is what the applicant is proposing. MNDOT has not provided any comments regarding the request.
3. Olmsted County Public Works is requiring the applicant to provide 10 feet for additional right-of-way on CR 112. An access permit must be approved by Public Works. Public Works is also requiring a right turn lane and a bypass lane to be constructed on CR 112.
4. The GDP shows areas for stormwater drainage. The applicant has indicated that the properties will share wells and the individual lots will have individual sewage treatment systems. Those locations will be reviewed as part of the preliminary plat application.
5. The proposed lot and block layout is consistent with all of these policies and principles and will be more closely reviewed during the preliminary plat phase.
6. The General Land Use Plan policies state that open space include areas of unique natural resource features and sensitive areas that should be protected. The only sensitive area on this property are the floodplain soils which will require a conditional use permit before placing fill within that soil type. The GDP does not show any open space. The roads will provide walking trail opportunities for the residents to use.
7. The proposal is consistent with the General Land Use Plan and appears to be occurring in an orderly fashion.
8. Provisions are being made to ensure safe access to CR 112 is provided. It is anticipated that the majority of the traffic will access CR 112.
9. There are floodplain soils on the GDP that have not been addressed but must be addressed prior to the preliminary plat.

Staff Recommendations:

Planning staff’s recommended findings support approval of the proposed general development plan for Boelter Heights which includes 29 single-family residential lots on 79 acres with the following conditions:

OR2022-001GDP, E & K Boelter Trust - continued
Staff Recommendations, continued

1. A Conditional Use Permit must be approved by Oronoco Township in conformance with Section 9.08 of the Oronoco Township Zoning Ordinance prior to the preliminary plat for the development within the floodplain soils.
2. Must provide 10 feet of additional ROW in the Preliminary and Final Plat as required by Olmsted County Public works.
3. Must receive an approved access permit from Olmsted County Public Works prior to construction of access road to CR112.
4. CR 112 must be updated as required by Olmsted County Public Works to correct safety deficiencies in accordance with the access permit.
5. Phasing must begin at CR 112 and phase the development east towards 11 Ave NW
6. Erosion Control/Runoff Plan is required for the entire subdivision prior to approval of the final plat.
7. The preliminary plat must show controlled access along 18th Ave (CR 112) except for the access location approved by Olmsted County Public Works Department.

[The public hearing for OR2022-001GDP, Boelter, and OR2022-002ZC, Boelter were held together and are noted after OR2022-002ZC Staff Findings and Recommendations.]

OR2022-002ZC, Boelter Trust [from Olmsted County Planning Staff document]

Olmsted County Planner Elliot Mohler was present. Olmsted County Senior Planner Kristi Gross was present via Zoom. Bill Tointon, WSB Engineering, and Tom Walker, WSE Massey, were present representing the applicant Boelter Trust.

The applicant is requesting approval of the zoning district amendment 79 acres from A-3, Agricultural District, to R-1, Low-Density Residential District. The property is located in the W 1/2 of the NE 1/4, Section 34 of Oronoco Township. The property lies East of 18th Ave (County State Aid Highway 112) and West of 11 Ave NW; it is south of 85th St NW and North of Cedar Ridge Subdivision.

Background:

The property is located in Section 34 of Oronoco Township. County Road 112 (also known as 18 Ave NW) is on the west side of the property and 11 Ave NW is on the east side. The property received a land use plan amendment by Olmsted County on March 15, 2022, from Resource Protection-Potential Suburban to Suburban Development. This application is being reviewed concurrently with OR2022-001GDP for a general development plan for 29 single-family residential lots.

OR2022-002ZC, Boelter Trust - continued

Below are the steps in the development process. The applicant has completed the County Land Use Plan Amendment step and the rest of the approvals, except the final signature on the Final Plat, are all decided by Oronoco Township.

1. Olmsted County for Land Use Plan Amendment-Completed
2. Olmsted County for General Development Plan (Concurrent with #1)-Completed
3. Concurrent Oronoco Township applications for the following:
 - a. Oronoco Township General Development Plan
 - b. Oronoco Township Zoning District Amendment
4. Oronoco Township Preliminary Plat
5. Oronoco Township for Final Plat
6. Mylars of Final Plat to Olmsted County Board for Final Plat approval after all other approvals from Oronoco Township.

Staff Findings and Recommendations:

According to Section 4.00 of the Olmsted County Zoning Ordinance the Planning Advisory Commission and the Board of Commissioners shall make the following findings when reviewing a General Development Plan.

1. The request is consistent with the Oronoco Township General Land Use Plan. The proposed area was identified by Olmsted County for Suburban Development, the properties proximity to major arterial roads and the proximity to other suburban-style development make this an ideal location for suburban-style development.
2. The property is in the public interest because it is being developed in accordance with, and consistent with the character of the area.
3. The development is timely, there are several residential developments within the proximity of the proposed zone change. The County determined the site was consistent with the County Land Use Plan and amended the land use from Potential Suburban to Suburban Development to allow the development to go forward. The development is located and will be accessed from the County Road. The County Public Works Department is requiring turn lanes be added to allow safe access to the development. There is a future round-a-bout planned by MnDot for the intersection of 18th Ave (CR112) and Highway 63. The general development plan shows a phased plan for the development.
4. The general development plan associated with this application shows 29 single-family residential lots developed in a three (3) phase plan. Development will start on the west and move eastwardly. The development is utilizing the existing contours on the site and is similar in size and scope to other developments within the vicinity.
5. The proposal is not spot zoning because it is consistent with the underlying land use designation as well and other uses within the proximity of the development.
6. This request is being reviewed concurrently with a general development plan for the area.

OR2022-002ZC, Boelter Trust - continued

Staff Recommendation

Planning staff's recommended findings support approval of the proposed zoning district amendment for 79 acres in the W ½ of the NE ¼ Section 34 T108N R14W, from A-3, Agricultural District to R-1, Low-Density Residential District.

Chair Mergen opened the public hearing for OR2022-001GDP and OR2022-002ZC.

Bill Tointon, WSB Engineering, and Tom Walker, WSE Massey, were present representing the applicant Boelter Trust.

Mr. Tointon outlined the phased approach to the potential development which will help alleviate the transportation challenges given that a roundabout is planned for the 18th Ave NW and 75th St NW interchange in 2026.

OTPAC approved OR2022-001GDP and OR2022-002ZC, but wanted a wildlife corridor added, which the current plan now includes. It runs east to west along the northern part of the potential development.

The area is developed. This potential development will be less dense than the developments to the north and south with 29 lots planned on 79 acres. The area has a low CER rating making it desirable for development. Olmsted County Land Use Plan has designated this land as Suburban Development. To the west is Rochester Urban Service District.

There was discussion about the access points, with supervisors noting their safety concerns around using 11th Ave NW, a township road. The need for a secondary access was questioned. It was stated that 18th Ave can handle the traffic but 11th Ave NW cannot. Mr. Tointon indicated there was no access to 11th Ave in phase 1 of development, and the final plan, if the current action is approved, could look different than the GDP presented today.

Ben Horgen, 687 Shenandoah Lane NW stated he wanted "community" but not a subdivision, and requested a "less-dense approach", a 10 unit development instead of 29 units. "Once properties are in they are there forever."

Jesse Astorino, 7651 11th Ave NW asked "what will happen on 18th Ave and 11th Ave (where they intersect 75th St NW, Hwy 63), what are plans to address this intersection with the current bus and semi traffic?"

Supervisor Matzke noted this was a shared concern.

Mr. Tointon responded that the planned phased approach allows time for the roundabout to be built and the first phase of construction would not impact this area.

Ron Ward, 8668 Halloran Lane NW noted his "concern was the traffic, best to use 85th St, expedite the roundabout, 11th Ave NW is a blind intersection." He also noted there are walkers on 11th Ave, it would be good to block 11th Ave.

Russ Long, 7805 11th Ave noted the roundabout is a good thing, "adding volume to 11th Ave is the problem, sharp drop-offs on 11th Ave, but supports development".

Menno Wengerd, 7622 11th Ave NW said 11th Ave is a "narrow road", with "heavy equipment and trailer traffic."

OR2022-001GDP and OR2022-002ZC public hearing – continued

Cheryl Boelter, applicant, 29679 Kindred Rd, Chatfield noted “75th St has been a problem for 60 years, not new.”

Mr. Tointon emphasized the GDP was a guide, not final, and it meets Oronoco Township ordinances. Phase 1, if approved, would be 3 – 4 lots a year, with the extra traffic less than a 2% increase. He expects the plat approval process and building the roads to take 14 months. Oronoco Township can set limits on the phases. This will be a slow moving project. 11th Ave could be pulled as an access option by the township.

Ben Horgen reiterated that the project should have lower density, larger lots, “once built they are built”

Supervisor Lacy indicated that conditions cannot be placed on a zone change.

Chair Mergen asked for additional comments.

Tom Boelter, applicant, 29679 Kindred Rd, Chatfield said he grew up on the property, it’s not good agricultural land, they tried to sell it a few years ago. His purpose is “to enhance its value for the rest of the family.”

Chair Mergen asked for three times for additional comments. Hearing none, the public hearing was closed.

Planner Mohler indicated access to 11th Ave NW should not be a reason to deny the GDP. If unhappy with the density the board should deny the zone change. A second access into the development is not required.

Supervisor Lacy noted that the density is consistent with Oronoco Township Ordinance and the development has been approved by Olmsted County and OTPAC. Citizen concerns are understood, but there are significant findings of fact.

Chair Mergen noted the zone change allows the development, and the GDP is a starting point for the project. The township has no control over 18th Ave NW (CR 112) access. An 11th Ave opening is on the plat now, but the final plat may be different. 11th Ave as an access point is not being decided tonight.

Supervisor Mergen moved to approve OR2022-001GDP based on findings of fact and recommendations inclusive of the seven conditions established in the Olmsted County Planning Department document. Supervisor Lacy second, motion carried 3-0.

Supervisor Mergen moved to approve OR2022-002ZC based on findings of fact and recommendations established in the Olmsted County Planning Department document. Supervisor Lacy second, motion carried 3-0.

Planning Staff approval of temporary mineral extraction – Kristi Gross

Olmsted County Planning approved a “temporary sand excavation for the City of Oronoco sewer project. Material excavated will be used for bedding and backfill for utility construction performed by Fitzgerald Excavating. Upon completion of the excavation, the site will be seeded per MnDot specifications”. [this from the application]

Planning Staff approval of temporary mineral extraction - continued

Planner Gross asked for clarification from the town board as to whether a temporary extraction in the River Corridor District is a permitted activity, as prohibited uses are not defined in the township's zoning ordinance.

Supervisor Matzke asked whether the extraction would cause sediment in the river. Planner Gross noted the extraction site was 700' from the river and there would be no blasting so sediment would not be an issue. This is not a commercial enterprise.

Supervisor Lacy moved to allow temporary mineral extraction in the River Corridor District as a permitted activity, not defined as mining. Supervisor Matzke second, motion carried 3-0.

Tree Work Quotes – Astorino Tree Services submitted a quote for township tree work to Supervisor Matzke. Clerk Shonyo will email them with questions about the quote.

Road Report

Demarino driveway – Logan Tjossem, WSB, reported that engineers examined the proposed location and sight lines of the driveway and deemed it safe. Per WSB, the left sight distance is 220 ft. and the right sight distance is 268 ft. WSB does suggest "driveway ahead" signs. Supervisors noted that driveways like this are typical in the township and signs are not needed.

Supervisor Mergen moved to approve driveway access at the location specified for home access only based on WSB approval. Supervisor Lacy second, motion carried 3-0.

Driveway Permit Process – The township is working on a driveway permitting process. The Demarino driveway engineer's fee was \$500. Supervisor Lacy expressed concern about the cost which would be passed on to property owners. He will explore options with Olmsted County Public Works and WSB. The township needs professional advise as to driveway location, sight lines, whether culverts are needed, the size of the culvert, etc.

1st Ave SE was washed out in the recent rain event. Per Scott Schumacher, it has been graded and is passable. More rock and another chloride application are needed. Ditches also need cleaning.

Other township roads affected by heavy rain need attention which will be done this week. It was noted that Cedar Beach Drive looked great after the rain. Drainage issues were fixed last year and are working.

Lorraine Wittlief has asked for **weed spraying**. Spot spraying is expensive and not of lasting effect unless neighboring properties, including private property, are also treated.

Road Projects – Fahrner submitted road repair proposals. Proposals from Bergen and Rochester Sand & Gravel are also expected. Decisions will be made at the July 11 meeting.

Dave Walters, S&B Services will supply and apply a winter mix of salt, sand and rock for gravel roads per his quote. The mixture is provided by DeCook with a supply kept at his location. He could provide 24-hour coverage. He is on board with Zumbro Township for Ryan's Bay Road. Mr. Walters and Supervisor Mergen will schedule a time to review gravel roads S&B will be servicing. Schumacher's will do township blacktop roads.

Scott Schumacher noted that the STOP sign on Shenandoah Lane going west needs replacing.

Administrative Business

Minutes Approval –

Supervisor Mergen moved to approve the April 18th special board meeting minutes. Supervisor Matzke second, motion carried 2-0. [Supervisor Lacy abstained as he did not attend this meeting.]

Supervisor Mergen moved to approve the May 2nd board meeting minutes. Supervisor Lacy second, motion carried 3-0.

Treasurer's Report – Treasurer Stanton

The YTD Statement of Receipts, Disbursements and Balances as of June 1, 2022 shows: receipts \$72,352.07; disbursements \$275,851.29 with an ending balance of \$ 1,071,831.09. Treasurer Stanton noted that the clerk's CTAS, the treasurer's CTAS and the bank balances match.

There was discussion about purchasing another CD. CD rates are .39%, money market .29%.

Supervisor Mergen moved to authorize Treasurer Stanton to purchase a \$100,000 CD for a 12 month term. Supervisor Lacy second, motion carried 3-0.

Supervisor Matzke moved to approve the treasurer's report. Supervisor Mergen second, motion carried 3-0.

Approval to Pay Bills

May net payroll (paid in June) was \$4,305.52. Claims totaled \$105,058.01. Payroll included election judge payroll for the May 24th special primary election. The City of Oronoco will be invoiced for 40% of election expenses per our agreement.

Supervisor Lacy moved to approve payment of claims and payroll. Supervisor Matzke second, motion carried 3-0.

OTPAC Report – Supervisor Matzke attended for Supervisor Lacy. OR2022-001GDP and OR2022-002ZC, applicant Boelter were approved. There will be a discussion about animal units at the next meeting.

Broadband Satellite Offer – Clerk Shonyo will get the document to Supervisor Matzke for revision.

Conflict of Interest – Supervisors performing non-supervisor work

Clerk Shonyo explained there is a potential conflict of interest when a township pays supervisors to perform tasks that are outside of their responsibilities as a supervisor. This is true because supervisors set the rate of pay. This potential conflict is managed by passing resolutions allowing each supervisor to perform a named task and set the compensation at a rate at least as low as could be performed by another person / company. It was expressed the township could save money if supervisors could pick up and dispose of small, non-hazardous items. Whether to participate is each supervisor's decision.

Supervisor Matzke moved to allow Supervisor Mergen to pick up small, non-hazardous items from township ROWs and be paid \$30/hour plus reimbursement of disposal fees. Supervisor Lacy second, motion carried 2-0 with Supervisor Mergen abstaining.

Supervisor Mergen moved to allow Supervisor Lacy to pick up small, non-hazardous items from township ROWs and be paid \$30/hour plus reimbursement of disposal fees. Supervisor Matzke second, motion carried 2-0 with Supervisor Lacy abstaining.

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Supervisor Lacy second, motion carried 2-0 with Supervisor Matzke abstaining.

Clerk Notes – Oronoco Township will co-host OCTOA in July. We are responsible for the food treat after the meeting. Ice cream was suggested. Supervisor Mergen will check into getting it from Kemps. An estimated 60 are needed.

Board Member Comments-

Supervisor Lacy moved to allow Chair Mergen to spend up to \$1,500 for township expenses that come up between meetings. Supervisor Matzke second, motion carried 3-0.

Supervisor Mergen moved to adjourn at 9:45pm. Supervisor Lacy second, motion carried 3-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Ken Mergen, Chair