

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
May 2, 2022 5:30 PM

The monthly Oronoco Town Board meeting was called to order on May 5, 2022 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 accepted as presented.

Agenda Topics

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

Olmsted County Senior Planner Kristi Gross was present to present county findings.

The request is to vary the front yard setback by 24 feet to allow a detached garage to be six feet from the property and to vary the setback distance from the septic system by 10 feet.

The property is located in the NW 1/4 of the NE 1/4 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.

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 43% impervious surface on the lot instead of the allowed 25% impervious surface (variance of 18%).

Olmsted County Planning recommends denial of all variances based on this analysis and finding:

1. The property is similar in size to other properties in the neighborhood. This neighborhood consists of lots that are small for the R-1 Zoning District. The plat dates back to 1962, which did not have 2 acre minimum lot sizes. Other properties in the neighborhood have an accessory building closer to the road and the dwelling further back on the property to maximize the view to the lake. Variance were granted in the late 70's to allow the homes to be sited without meeting the minimum setback to the ordinary high-water mark. The proposed garage requires four variances to be built because it isn't meeting several standards. The other properties in the neighborhood meet or nearly meet the impervious surface requirement. The property as it is currently developed with the recent additions maximized the impervious surface on the lot to the maximum amount. The garage would put the property at 40% impervious, this is at least 10% more than any other property in the neighborhood.

OR2022-001VAR, Tenner - continued

The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; The applicant is stating that the neighbor has a similar garage. The neighbor also does not have an attached garage. The neighbor's garage is visible in the 1999 Township Aerial Photos, and we are unable to locate a record for when the garage was built (our modern filing system does not go back prior to 1999).

2. The applicant currently has a reasonable use for the property. They recently added onto the dwelling and attached garage. The request would increase the impervious surface.
3. The variance will set a precedence in the neighborhood. The tendency is to replace existing cabins and older dwelling in the shoreland with large homes, it is imperative that the dwellings are permitted within the regulations of the shoreland to ensure the integrity of the shoreland ordinance is met.
4. The variance is in harmony with the general purpose and intent of the ordinance. The intent of the ordinance is to ensure residential areas remain residential in nature and that shoreland areas preserve the natural features of the shoreland area. The garage will not impose any hardships to these characters and is consistent with other properties in the immediate vicinity of the request.
5. The terms of the variance are consistent with the Comprehensive Plan. The comprehensive plan supports development within existing neighborhoods and proposals that are consistent with the character of an area.

Additional factors are considered in a Shoreland District:

1. No variance to the standards of the shoreland district or river corridor district shall have the effect of allowing in any district uses prohibited in that district. The proposed variances do not allow a use prohibited by the district.
2. No variance in the shoreland district shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area. The proposed variances will not lower the flood protection for the property.
3. No variance in the shoreland district shall permit standards lower than those required by State law. The request would be lowering impervious surface standards to those less than required by state statute.
4. In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks. The request would be consistent with the road setback to the neighbor to the west.
5. In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property. The request is not due to a significant elevation difference between the property and the lake. The reason the property is desirable is due to its proximity to the lake.

OR2022-001VAR, Tenner – continued

6. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. The on-site sewage treatment system is compliant according to the inspection division of the Olmsted County Planning Department, a new system was installed in 2020 when the addition was built.

7. Shall incorporate mitigation considerations per Section 9.10 Subdivision D of this Ordinance. The request has not incorporated the mitigation considerations of Section 9.10 Subdivision D of this ordinance.

Based on the negative findings of Subdivision B Subsection 1, 2, and 3 and Subdivision C Subsection 3 and 7; planning staff recommends denial of all four variances.

Chair Mergen opened the public hearing.

Applicant Jeff Tenner questioned the math used to calculate the impervious area. He does not believe the driveway is 109 x 32. Planner Gross said the calculated area was based on the neighbors which is similar. Planner Gross referenced page 3 of the report showing before and calculated after percent of impervious surfaces of all lot surfaces. Existing is 25%, after is 42.6%. Mr. Tenner said turning the garage would work but he went with the neighbor's layout. Per Planner Gross gravel is an impervious surface. Using pervious pavers with a management plan would be a solution. A rain garden is also a good solution for water management and would offset impervious surfaces. Mr. Tenner said the lot is .59 acres, larger than the county indicates. Planner Gross indicated GIS was used to determine lot size. Planner Gross said the Shoreline Standards requirements need to be considered in the approval or denial of the variances.

Chair Mergen asked three times for additional comments for or against OR2022-001VAR. With no one else wishing to speak the public hearing was closed.

Planner Gross and Mr. Tenner agreed to work together on the impervious surface issues.

Supervisor Lacy moved to continue OR2022-001VAR to the June 13, 2022 meeting.

Supervisor Matzke second, motion carried 3-0.

OR2022-001ZC, Demarino [information from Olmsted County Planning Dept]

The request is to rezone the west 6.38 acre portion of the property from A-3 to R-1. The property currently has split zoning with the west half zoned A-3 and the east half zoned R-1.

The property is located in the SW 1/4 of the SW 1/4 of Section 14 in Oronoco Township along Kings Park Rd NW.

The property is zoned A-3, Agricultural District and R-1 Low Density Residential
Olmsted County Senior Planner Kristi Gross was present to present county findings.

Mr. Demarino received a variance to build an accessory building before a residence in 2015 and would like to build a home now along a wooded slope currently zoned A-3, Agricultural District. The underlying land use designation of the property is Suburban Development, intended for R-1 properties.

Planning staff recommends approval of the zoning district amendment from A-3 Agricultural District to R-1 Low-Density Residential based on the findings of fact.

1. The proposal is consistent with the policies of the Oronoco Township General Land Use Plan; The request is consistent with the policies of the Oronoco Township General Land Use Plan. The property is already designated suburban development and the proposed development meets the requirements of that designation.
2. The amendment is in the public interest; The proposed amendment is in the public interest because it is consistent with the surrounding land uses and consistent with the Olmsted County and the Oronoco General Land Use Plans.
3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure; The proposal is timely, it will allow infill development within an existing platted area.
4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood; The proposal is appropriate on the property within the proposed R-1 zoning district. The property is surrounded by existing small lots, even the parcels in the A-3 district are smaller than this property.
5. The proposal does not result in a spot zoning; The property is adjacent to existing R-1 zoning and will not result in spot zoning.
6. The proposal is consistent with a General Development Plan for the area, if one exists. A general development plan is not required.

OTPAAC (Oronoco Township Planning Advisory Commission) recommended approval of this zone change, but expressed concern about the driveway access onto King's Park Road where currently sited. Planner Gross noted that a zone change cannot be conditioned, that the driveway issue would need to be managed separately.

Chair Mergen opened the public hearing.

Applicant Tom Demarino noted he hired a designer for the septic system, well and his home. There is a 108" unobstructed sight line in both directions from his proposed driveway on a 3' rise, better than area driveways.

John Trolander, 10800 Riverbend Ln NW, expressed frustration with trying to register his comment on line. Planner Gross indicated she did not receive his comment and will check into it. Mr. Trolander encouraged third party experts examine the placement of the proposed driveway for safety reasons. Chair Mergen stated that this action was not about Mr. Demarino's driveway but a zone change.

OR2022-001ZC, Demarino, continued

Nolan Waldron, 130 105th St said he walks the road and has no issue with the driveway but understands this is a zone change.

Ryan Booth, 10404 Tennis Ln NW, stated there is no reason not to rezone.

Jerry Dallman, 10840 River Bend, stated the zone change is ok. The driveway is a separate issue.

Chair Mergen asked three times for additional comments for or against OR2022-001ZC. With no one else wishing to speak the public hearing was closed.

Supervisor Lacy indicated no problem with the zone change. The township is currently developing a driveway permitting process with application fees covering the costs of an engineer's review.

Supervisor Lacy moved to approve OR2022-001ZC based on OTPAC's approval and the findings and recommendation for approval of Olmsted County Planning. Supervisor Matzke second, motion carried 3-0.

OR2022-001TA, Compost Ordinance

This text amendment amends Articles 2, 5, 7, 8, and 10 of the Oronoco Township Zoning Ordinance bringing it into conformance with updates to the Olmsted County Zoning and Solid Waste Ordinances and Minnesota Statutes relating to composting and exterior storage of materials.

Chair Mergen opened the public hearing. He asked 3 times for comments for or against OR2022-001TA. With no one wishing to speak the public hearing was closed.

Supervisor Matzke moved to approve OR2022-001TA. Supervisor Lacy second, motion carried 3-0.

Mike Basset Town Board Action to allow filing LUPA and GDP

Senior Planner Kristi Gross and petitioner Basset were present.

Mike Basset is requesting the town board sign a letter of town board action allowing him to apply to Olmsted County for a Land Use Plan Amendment and General Development Plan to allow the property with PIN 842713086736 described as part of the SW ¼ of the NE ¼ of Section 27, on the corner of 90th St NW (CR121) and 18th Ave NW (CR112). The request is to redesignate 33.94 acres from Resource Protection-Potential Suburban to Suburban Development. The General Development Plan is for a future 12 lot single family dwelling subdivision. The GDP will come back to the town board for approval when the applicant applies to the township for the Zoning District Amendment after the LUP is approved.

Mr. Basset noted a spring 2023 timeline. Supervisor Lacy noted that roads must be built to township standards. A Town Board Action form was completed indicating board approval.

Rock Quotes

Four rock quotes were received, all for summer rock only. **Supervisor Lacy moved to accept all rock quotes with Roberson being the primary provider. Supervisor Mergen second, motion carried 3-0.** [Quotes are posted on the township website: oronocotownship-mn.gov]

Road Report

Road maintenance bids received from Schumacher Excavating and S&B Services were rejected by the board at a special meeting April 18, 2022 due to an error in requesting bids instead of quotes. Bidders have the option to submit their former bids unchanged as quotes, to change their former bids and submit as quotes, or to withdraw their former bids.

Scott Schumacher, Schumacher Excavating, gave verbal approval to submit their former bid, as-is, as a quote. Clerk Shonyo will contact S&B Services.

Supervisor Lacy moved to accept Schumacher's verbal quote, and if S&B Services chooses to submit a quote, to accept that also. Schumacher will be the primary all-season road maintenance provider, effective immediately. Supervisor Mergen second, motion carried 3-0.

Scott Schumacher noted sweeping is done and blading is happening. Roberson's will rock soon. Roads to be rocked include the south end of 60th Ave, Minnesota Ave South of 100th St, 11th Ave NW, Evergreen Dr NE, 81st St NE south of 90th St NW. Chloride will be applied mid to end of May.

Mergen driveway – Supervisor Mergen noted that Del Mergen installed a driveway and culvert at the highpoint of his property. The work is complete.

Supervisor Mergen will call **Bargen** for estimates for road repair.

Road tour – these to be added to road tour notes: 125th St, 3 potholes to repair; and 18th Ave NW (the north end), pavement breaking up.

Administrative Business

Minutes Approval –

Supervisor Mergen moved to approve the **April 11th board meeting minutes.** Supervisor Matzke second, motion carried 3-0. Clerk Shonyo will correct a name misspelling.

Supervisor Mergen moved to approve the **April 11th reorg meeting minutes.** Supervisor Matzke second, motion carried 3-0.

Supervisor Mergen moved to approve the **April 11th LBAE meeting minutes.** Supervisor Matzke second, motion carried 3-0.

Supervisor Lacy moved to approve the **April 28th road tour minutes done by Supervisor Matzke.** Supervisor Mergen second, motion carried 3-0.

Treasurer's Report – Treasurer Stanton

The YTD Statement of Receipts, Disbursements and Balances as of April 30, 2022 shows: receipts \$72,063.98; disbursements \$254,561.30 with an ending balance of \$1,092,832.99.

Treasurer's Report – continued

Treasurer Stanton noted that the clerk's CTAS, the treasurer's CTAS and the bank balances match.

Treasurer Stanton submitted the APRA report due April 30th.

There was discussion about ARPA funds and when they need to be used by. [ARPA funds need to be "obligated" by Dec 31, 2024.]

Supervisor Matzke moved to pay road repair and maintenance costs from the ARPA balance in fund 240 until depleted. Supervisor Mergen second, motion carried 3-0.

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

Approval to Pay Bills

Supervisor Lacy noted Providence Road core testing was outsourced by Widseth and billed by the testing firm. While the board was told this would be the case, in the future, these extra costs need to be considered.

April net payroll (paid in May) was \$2,347.15. Claims totaled \$18,924.84

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

OTPAC Report – OTPAC approved the Demarino zone change, OR2022-001ZC.

Supervisor Lacy moved to appoint Lori Berg to a three year term on OTPAC. Supervisor Matzke second, motion carried 3-0. Ms. Berg previously completed the term of another member.

Resolution 2022-03, Orderly Annexation of WWTF site.

Supervisor Mergen moved to adopt Resolution 2022-03, the Annexation of the City of Oronoco's Waste Water Treatment Facility. Supervisor Matzke second, motion carried 3-0.

The board agreed to commence work on 11th Ave, removing brush by All-Craft and trees in the ROW.

Board Member Comments-

Supervisor Mergen noted a sign advertising available lots across from Sandy Point by Derby Builders. The property is zoned agricultural. The county is aware.

There was discussion about a stop sign at the intersection of 18th Ave / 100th St (112).

Supervisor Mergen will call the county.

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Supervisor Mergen moved to adjourn at 8:45pm. Supervisor Matzke second, motion carried 3-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Ken Mergen, Chair