

ORONOCO TOWN BOARD
Monthly Meeting Minutes
September 12, 2022

The monthly Oronoco Town Board meeting was called to order on September 12, 2022 at 5:30 pm by Chair Ken Mergen. Present: Supervisors Ken Mergen and Tammy Matzke; Clerk Lucy Shonyo and Treasurer Kim Stanton. Supervisor Charlie Lacy was absent.

The **Pledge of Allegiance** was recited.

The **agenda** was accepted as presented.

Agenda Topics

OR2022-002PLAT, Graner, Arthur Mergen, the Freshman Group

Senior Olmsted County Planner Kristi Gross was present to present this action to the board. Planner Gross noted that the planning packet refers to the plat as Sunset Bay Ridge Paradise. The correct name is Sunset Bay Paradise.

[This information is from the Olmsted County Planning Department document but is not the complete document.]

Request

Oronoco Township Final Plat OR2022-002PLAT by Kevin Graner on behalf of Kevin Graner, Arthur Mergen, and the Freshman Group. The request is for a final plat to combine parts of several parcels to create 2 parcels which will not create any new or additional building sites. The name of the plat is Sunset Bay Paradise.

Location

Part of the property to be platted has an address of 13419 Sunset Bay Lane NE and is located in the NE 1/4 of the NE 1/4 of Section 2, T108N R14W. It includes properties at the north end of Sunset Bay Ln NE.

Zoning

R-1 Low Density Residential and A-2 Agricultural Protection

Background

The property in question has multiple owners. A portion of the property is being purchased from Mr. Mergen by Mr. Graner. Mr. Graner currently holds four tax parcels. He would like to build a new dwelling in the future. The replat of the property is the only solution for combining his parcels so that there are no underlying property lines.

The Freshman Group received three variances to build on the parcel to the north of Mr. Graner's property. The Freshman Group is obtaining land for the driveway to access the building site. The property to the North is not within the same plat as the property the driveway would be from. Therefore, re-platting the property allows it to be combined into one tax parcel. No new building sites will be created with the plat. Because the plat is shifting lot lines and not creating any new buildable parcels Planning Staff proposed that the application be heard as a Final Plat without the need for a preliminary plat.

Staff Findings:

1.The final plat will serve as both the preliminary and final plat of Sunset Bay Paradise.

OR2022-002PLAT, Staff Findings continued

2. The final plat lot configuration conforms to the standards of the Oronoco Township Zoning Ordinance and Oronoco Township Subdivision Ordinance.
3. There are no new buildable lots created by the plat. The plat is shifting lot lines and maintaining the same number of buildable parcels prior to re-platting.
4. The remnant parcel (what's remaining of Lot 48 Kurth's Subdivision) will no longer be buildable as a "lot of record." This parcel must conform to the current zoning district requirements at the time of building.

Staff Recommendation

Staff findings support approval of the final plat for #OR2022-002PLAT by Kevin Graner on behalf of Kevin Graner, Arthur Mergen, and the Freshman Group for the creation of Sunset Bay Paradise for 1 block and 2 lots in the NE ¼ of the NE ¼ of Section 2 T108N R14W with one condition:

1. The final plat must include the FEMA Special Flood Hazard Area (SFHA) per Minnesota Rules 6120.5900 Subdivision 2.

Chair Ken Mergen opened the public hearing for OR2022-002PLAT.

Kevin Graner, one of the applicants, noted that this action provides the land he needs for a septic system on his property.

Dan Litzinger expressed his support.

Chair Mergen asked three times for additional comments for or against OR2022-002PLAT. Hearing none, the public hearing was closed.

Supervisor Matzke moved to approve OR2022-002PLAT based on county findings and recommendations, inclusive of the requirement that the plat show the FEMA Special Flood Hazard Area. Chair Mergen second, motion carried 2-0.

OR2022-003VAR, Walker

Senior Olmsted County Planner Kristi Gross was present to present this action to the board. [This information is from the Olmsted County Planning Department document but is not the complete document.]

Request

The request is to allow for a detached accessory structure to be built on the property prior to a dwelling and includes a variance to build a dwelling on the property that does not meet required setbacks.

Location

The property is located in the NW ¼ of the NW ¼ of Section 23 in Oronoco Township. The property is on the east side of Tennis Lane near the dead end.

Zoning

R-1 Low Density Residential Zoning District

OR2022-003VAR, Walker, continued

Action Items

Three variances are requested:

1. Allow a variance to build a detached accessory building prior to a primary structure [variance A]; and
2. Allow a variance to build the primary structure 20 feet in lieu of the required 30 feet from the top of the bluff [variance B]; OR
3. Allow a setback variance from the primary structure of 10 feet in lieu of the 20 feet required from an on-site sewage treatment system (septic system) [variance C].

Planning staff recommends the following:

1. Approve the variance to allow a detached accessory building to be built prior to the primary structure with 1 condition. (variance A)
2. Deny the variance to allow the primary structure 20 feet from the top of bluff instead of the required 30 feet setback (variance of 10 feet). (variance B)
3. Approve the variance to build the primary structure 10 feet from the on- site sewage treatment system instead of the required 20 feet with 5 conditions. (variance C)

Background

The property is located near the dead end of Tennis Lane in Section 23 of Oronoco Township. The property is a lot of record and was buildable as two contiguous parcels. The landowner has combined the parcels into one tax parcel so that he can build on them without the property line in the middle of the lots. The combined parcels lot is approximately 26,000 square feet (1/2 acre).

Mr. Walker is requesting a variance to allow a detached accessory building to be built prior to the dwelling so that he can store equipment used to maintain the property.

According to Mr. Walker's site plan the proposed house would meet setbacks to the septic system but would be 10' closer to the top of the bluff....

Allowing the variance to the septic drainfield would ensure the bluff impact zone maintains its integrity. The purpose of the bluff setbacks is to protect the integrity of the slope and to preserve aesthetic views from the water to land. All building options must be exhausted by the applicant prior to varying shoreland setbacks.

The request is to build the dwelling 20 feet from the bluff impact zone. Allowing the dwelling 20 feet from the top of the ridge would make it at the edge of the bluff impact zone. Any addition such as a deck or patio to the back of the house would then be within the bluff impact zone.

Analysis and Findings

Findings in support of variance A

A. Criteria for Granting a Variance: A variance may be granted only when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Economic considerations do not constitute practical difficulties. The Oronoco Board of Adjustment must find evidence that all of the following facts and conditions exist:

OR2022-003VAR, Findings in Support of variance A, continued

1. There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district;
 - a. There is an old accessory building located on the property that is dilapidated and unusable. The new structure will be used to store equipment to maintain the property until the dwelling is built.
 - b. The property is a legal non-conforming property. There is limited area in which a dwelling may be built. Allowing the dwelling 20 feet from the bluff impact zone ensures the dwelling is not located within the bluff impact zone, will be set further from the bluff than the adjacent property owner to the north; and will ensure sufficient area on the property for the on-site sewage treatment system.
 - c. The property is a legal non-conforming property. There is limited area in which a dwelling may be built. The plans show the attached garage would be 20 feet from the drainfield if the dwelling was sited to meet the bluff impact zone setback. The intent of the setback is to ensure there is no seepage into any livable space, the foundation under the garage would not be affected by the 10 foot setback to the on-site sewage treatment system.
2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;
 - a. The property has been vacant for decades. Allowing the accessory structure will ensure the property is well maintained into the future.
 - b. The placement of the dwelling is created by the landowner. The dwelling could be situated so that the bluff setback is met.
 - c. The on-site sewage treatment system is in the only location that meets all requirements, allowing the variance to the on-site sewage treatment system will ensure that the bluff setback is met. The applicant has proposed two house sizes, either would not impact the setback to the septic system and would have the same depth. The only impact to the septic system is the front-loaded attached garage.
3. The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance;
 - a. There is an accessory building currently located on the property. The request would not add additional storage space to the property but would replace the existing dilapidated building.
 - b. The variance to the bluff impact zone is based on the house design and could be overcome with a different house style or configuration that would not require the garage to stick out in front of the structure.

OR2022-003VAR, Findings in Support of variance A, continued

- c. The variance to the septic system allow the bluff impact zone requirement to be met therefore maintaining the integrity of the slope.
- 4. The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, and will not alter the essential character of the locality;
 - a. The accessory building would allow the property to be maintained regularly and allow the storage of the necessary materials needed for maintaining the property.
 - b. The variance to the bluff impact zone could be materially detrimental to the public welfare if the slope were to erode away and jeopardize the foundation of the dwelling.
 - c. The variance to the septic system would not be materially detrimental to the public welfare or materially injurious to other property. The proposed setback would not harm the integrity of the on-site sewage treatment system nor the foundation of the proposed garage.
- 5. The variance is in harmony with the general purpose and intent of this ordinance; and
 - a. The variance is in harmony with the general purpose and intent of the ordinance, the proposal is to clean up the property and keep it well maintained, it has sat vacant for decades and the keeping maintenance supplies on the property will ensure the property is well maintained.
- 6. The terms of the variance are consistent with the comprehensive plan.
 - a-c. The Oronoco Township General Land Use Plan does not go into specifics that addresses the concerns requested in these variances.

Variance B standards do not apply.

C. When deciding a variance to the Shoreland District or the River Corridor District regulations, the following additional factors shall be considered:

- 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.
- 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.
Standards 1 and 2 are not impacted by the requested variance.

3. No variance in the shoreland district or river corridor district shall permit standards lower than those required by State law.

a-c. The variance to allow a setback to the bluff impact zone would permit standards lower than those required by state law.

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.

OR2022-003VAR, Findings in Support of variance C, continued

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.

6. Where homes incorporate a method of sewage disposal other than soil absorption, water setbacks may be reduced by one-third (1/3).

7. 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.

8. No variance in the shoreland district shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular Standards 4, 5, 6, 7, 8 are not impacted by the variance request.

Staff Recommendations

1. Approve the variance to build a detached accessory building prior to primary structure with the following condition:

a. The structure is to be used for storage for materials and tools related to the maintenance of the property until the primary structure is built, then the storage will be for any personal item associated with the residence.

2. Deny the variance to allow the dwelling to be located 20 feet from the top of the bluff instead of the required 30 foot setback.

3. Approve the variance to allow a structure 10 feet from the on-site sewage treatment system instead of the required 20 foot setback with the following conditions:

a. The portion of the structure closer to the on-site sewage treatment system must not include a basement.

b. The variance is only for the attached garage as shown on the plans.

c. The portion of the structure indicated in this variance must not be converted to habitable space.

d. The applicant must submit a site plan certified by a licensed surveyor or other licensed professional indicating the location of the top of the bluff, the setback to the top of the bluff and the ordinary high-water mark.

e. The applicant must provide total impervious surface with all building permits for the property indicating the existing and proposed impervious surface for the property.

The impervious surface on the property cannot exceed 25% of the lot size.

Chair Mergen opened the public hearing for OR2022-003VAR

Michael Walker, applicant, offered to answer any questions. He noted the shed size is 12' x 20'. There is currently no well on-site.

Chair Mergen asked three times for additional comments for or against OR2022-003VAR. Hearing none, the public hearing was closed.

OR2022-003VAR, continued

Chair Mergen moved to approve Variance 1 allowing a detached structure to be built before the dwelling, based on county staff findings and recommendations, inclusive of conditions. Supervisor Matzke second, motion carried 2-0.

Chair Mergen moved to deny Variance 2 requesting to build closer than the required 30' from the top of a bluff, based on county staff findings and recommendations.

Supervisor Matzke second, motion carried 2-0.

Chair Mergen moved to approve Variance 3 allowing a setback variance from the required 20' to 10' between the primary structure and a septic system, based on county staff findings and recommendations, inclusive of conditions. Supervisor Matzke second, motion carried 2-0.

Road Report

Supervisor Mergen viewed the location of a requested new access drive to a shared well. Verbal permission was given to Craig Olson, 1571 River Hill Ct NW.

Steve Pleschourt, 9324 60th Ave NW, requested another driveway. There is a hill 100' from the proposed driveway site. It was recommended Mr. Pleschourt hire an engineer to access safety factors.

Rochester Sand & Gravel completed work on Frederichs Dr and Shenandoah Lane.

Fahrner Asphalt Sealers has submitted an additional proposal dated Sept 8 for \$2000 to finish the work on 125th St and 18th Ave NW. **Supervisor Mergen moved to allocate an additional \$2000 to Fahrner to finish started work. Supervisor Matzke second, motion carried 2-0.**

Supervisor Matzke worked with Century Link on a project in the ROW on 85th St.

Joyce Atkinson contacted Supervisor Mergen about payment for plowing on Sunset Bay Road, Sunset Bay Lane and Kurth's Court. He was invited to attend the board meeting. Invoices were never received. The township will wait for an invoice from Mr. Atkinson.

Supervisor Mergen moved to adopt Providence Road NW as a township road effective Sept 12, 2022. Supervisor Matzke second, motion carried 2-0. The road has been evaluated by Widseth. Necessary easements were received. Scott Schumacher is aware his crew must now maintain the road.

Scott Schumacher recommended the township keep up with crack- and chip-sealing roads in subdivisions.

Arborists submitted an estimate of \$17,550 for cutting and removing **17 trees from the Cedar Beach Dr roadside**. If they do not remove the brush and wood the cost would be \$12,750. The property is in transition. The township will not act on this now.

Minnesota Ave south of County 112 was discussed. The road surface was used as a staging area for the laying of septic pipes for the City of Oronoco's WWTF. Fitzgerald is repairing the road. Stantec will enforce. The road is now narrower on the east side.

Road Report, continued

The stop sign on the south side of Minnesota Ave is down. Supervisor Matzke will contact the City of Oronoco. [Supervisor Matzke reports that the county has placed a temporary stop sign and a permanent one will be installed soon.]

Administrative Business

Minutes Approval –

Supervisor Matzke moved to approve the August 8, 2022 town board meeting minutes. Supervisor Mergen second, motion carried 2-0.

Treasurer’s Report – Treasurer Stanton

The YTD Statement of Receipts, Disbursements and Balances as of August 31, 2022 shows: receipts \$687,502.24; disbursements \$506,547.28 with an ending balance of \$1,456,285.27. Treasurer Stanton noted that the clerk’s CTAS, the treasurer’s CTAS and the bank balances match.

Pine Island Bank is now Frandsen Bank and Trust. This change will primarily affect Treasurer Kim Stanton. The township can use existing checks drawn on Pine Island Bank for two years. ARPA – The “Designation of Entity Administrator” form was signed and notarized.

Supervisor Mergen moved to approve the treasurer’s report. Supervisor Matzke second, motion carried 2-0.

Approval to Pay Bills

August net payroll (paid in September) was \$7,223.50. \$2,610.65 was board payroll, \$4,612.85 was election judge payroll. 40% of election expenses are reimbursed by the City of Oronoco. Claims totaled \$47,599.92. **Supervisor Matzke moved to approve payment of claims and payroll. Supervisor Mergen second, motion carried 2-0.**

OTPAC Report – There was no OTPAC report.

Clerk Shonyo informed the board of a dog bite report received from Olmsted County Sheriff.

Supervisor Matzke moved to adjourn at 8:05pm. Supervisor Mergen second, motion carried 2-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Ken Mergen, Chair