

**ORONOCO TOWN BOARD**  
**Monthly Meeting Minutes**  
**June 12, 2023**

**The monthly Oronoco Town Board meeting was called to order on June 12, 2023 at 5:30 pm by Chair Ken Mergen.** Present: Supervisors Ken Mergen, Tammy Matzke and Joel Johanningmeier; Clerk Lucy Shonyo, Treasurer Kim Stanton, and Deputy Clerk Jody Schroeder.

The Pledge of Allegiance was recited.

The **agenda** was accepted as presented.

**OR2023-001VAR, Lund**

This information is from the report compiled by Olmsted County Planning. It is not the complete report.

Senior Planner Allison Bosco was present to present information to the board.

**The request** is to allow for the construction of an oversized accessory structure of approximately 3,200 square feet in the R-1 District exceeding the allowable 1,500 square feet standard by 1,700 square feet. Lot 5, Block 3, River Ridge 1st Subdivision.

**Location** – The property is located in the NW ¼ and a portion NE ¼ of the SW ¼ of Section 26 of Oronoco Township at 8849 NW Fitzpatrick Ln NW. Lot 5, Block 3, River Ridge 1st Subdivision.

**Zoning** – The property is zoned R-1, Low Density Residential.

**Background** - The property currently contains a single family dwelling and two accessory structures approximately 155 sq ft and 350 sq ft for a total of approximately 505 sq ft, both structures appear to be unpermitted. The intent of the R-1 District is to provide a limited amount of low-density residential development in those areas described as "Suburban Subdivision Area" within the Comprehensive Plan. The applicant also owns the adjacent parcel to the west, a vacant 35-acre parcel, zoned A-3.

**Proposed structure** - Per the applicant the proposed accessory structure is needed to store a skid loader and attachments, trailers, Side by side (SXS), tools, and fencing to provide upkeep of the natural prairie land, dense wooded section, dike for erosion control, five (5) acre corn field and the completely fenced-in boundary of the total 42.7 acres.

**County Road 121 Access** - Per GIS maps, it appears an unapproved access location from the back of the property off County Road 121 (90th Street) is being utilized to access the back of the applicant and neighbor's property. Per Olmsted County Public Works, they are aware of this access location and this access is on the list for removal. It is not a permitted access and Public Works would not approve one in that same location.

**Adjacent 35 acre parcel** - Per Mr. Lund's application he is the owner of the 35-acre property adjacent to the subject parcel, features of the parcel include natural prairie land, dense wooded areas and five (5) acre corn field.

**OR2023-001VAR, Lund, continued**

A-3 Zoning District - The 35-acre parcel is zoned A-3 Agriculture District, the purpose of the A-3 District is to maintain and conserve agricultural investments and prime agricultural dwelling unit per 10 acres. This district is intended to be limited to the Comprehensive Plan's "Agricultural Area" and the "Suburban Subdivision Area". The definition of a farm for this district is "a lot used for agricultural or horticultural uses and comprised of at least thirty-five (35) acres" (Section 5.04).

**Accessory Structures for Agricultural Use** - Agriculture buildings are permitted in the A-3 District as long as the use of the building is used as an accessory to a permitted use; agriculture uses are permitted in the A-3 district. Per the general district regulations, the A-3 district does not have a height or size requirement for accessory structures.

**Staff Findings:**

According to Section 4.08 of the Oronoco Zoning Ordinance, the Oronoco Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. The Oronoco Board of Adjustment may not permit as a variance any use that is not permitted for the property in the district where the affected person's land is located. The Oronoco Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

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:

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; **The platted lots within River Ridge subdivision are smaller in size in comparison to Mr. Lund's parcel. The abutting lots are smaller at 2.6 and 4.7 acres. The adjacent unplatted parcel and properties to the north across County Road 121 are larger in size ranging 35- 41 acres. The configuration and size of the subject parcel existed prior to the River Ridge 1st Subdivision Plat. The lot was part of a Meets and Bounds application in 1997 (#01997-054MB). And then included in the River Ridge 1st Subdivision (#OR1998-001PLAT).**

**OR2023-001VAR, Lund, continued**

**One parcel in the immediate vicinity and within River Ridge 1st Subdivision has requested a variance to exceed the allowable cumulative maximum size of a detached accessory structure- 1,500 square feet. Application #OR2012-02VAR was approved for a 2,596 sq ft accessory structure.**

**2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; There are no extraordinary conditions or circumstances on the R-1 (7.7 acres) parcel. Owning a 35 acre parcel adjacent to his 7.7-acre property sets this parcel apart from other residentially owned properties within the subdivision.**

**However, the adjacent 35-acre parcel is zoned A-3, where an accessory structure is permitted per Oronoco Zoning Regulation with no size or height restrictions for accessory structures in this district. The applicant could build this structure on the 35-acre parcel. Furthermore, the applicant has not shown a proposed driveway to the structure on the site plan and based on the aerial photo it appears that they intend to utilize the unpermitted access. Any access to a county road requires an access permit and the County would not permit an access on the parcel in question, however it may be possible to receive an access permit to the 35-acre parcel.**

**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; The properties to the west and north are zoned A-3 and the properties to the east and south are zoned R-1. All property within this R-1 district are bound by the same zoning ordinances and standards for an accessory dwelling.**

**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; The request will not be materially detrimental to the public welfare or materially injurious to other property in the area. The request will not alter the essential character of the area or existing conditions of the property. The proposed location of the accessory structure on the 7.7- acre parcel would be situated between the house and the back portion of the property.**

**5. The variance is in harmony with the general purpose and intent of this ordinance; The variance is not in harmony with the general purpose and intent of the accessory structure ordinance. The variance is a request for the construction of a detached accessory structure that exceeds the allowable 1,500 square feet as set in the Zoning Ordinance for R-1 Zoning District by approximately 147%.**

**6. The terms of the variance are consistent with the comprehensive plan. The comprehensive plan does not speak to accessory structures or building sizes.**

**OR2023-001VAR, Lund, continued**

**Referral Comments**

**Public Works-** Public Works is aware of the access and is on his list for removal. It is not a permitted access; per Public Works they would not approve an access in that same location.

**Environmental Resources/ SWCD-** Site has highly erodible soils adjacent to steep slopes, install and maintain sediment and erosion BMP's during and after construction until vegetation is well established.

**Staff Recommendation**

Based on the findings of fact as stated above, planning staff recommends the Oronoco Township Board of Adjustment deny the variance to allow the applicant to exceed the maximum allowable square footage of detached accessory structure of 1,500 square feet by 2,205 square feet.

**Staff Conditions**

1. If the accessory structure is approved on the 7.7-acre residential parcel (PID# 84.26.31.057835) and the applicant wants to seek an access from County Road, the applicant shall work with Public Works regarding access feasibility to the back parcel.
2. If the accessory structure is denied and the applicant pursues the accessory structure on the 35-acre parcel. Applicant shall work with Public Works regarding access to County Road 121.

**Planner Bosco took questions from the board.**

There is no requirement for a residence to be on an A-3 (agricultural) parcel for a shed to be built.

**Chair Mergen opened the public hearing for OR2023-001VAR.**

Michael Lund, applicant, 8849 Fitzpatrick Ln NW spoke in favor of granting the variance.

Mr. Lund expressed surprise that the driveway [on A-1 parcel] is not ok as it was a field drive for a long time. Mr. Lund didn't own the 35 acre property when the driveway was put in.

If the shed building site was moved to A-3 our neighbors would look down on top of it; it would be easier, but not good for our neighbors.

700 trees were planted in 1999, I would have to clear trees.

I was told driveway [on R-1 parcel] was ok. It is very wide and there is a clear visibility.

**Chair Mergen asked 3 times for additional comments for or against OR2023-001VAR.**

**With no other persons wishing to speak the public hearing was closed.**

Supervisor Matzke indicated the situation was unique and the larger building would not be intrusive. She questioned whether there could be an issue down the road. The biggest issue is the driveway. Mr. Lund was encouraged to meet with Public Works on his property about the driveway situation. Planner Bosco indicated that when considering driveway access, access from the lowest road classification is preferred, ie Fitzpatrick Ln (township road) vs county road 121. Planner Bosco stressed she does not work for public works; they are the deciders.

**OR2023-001VAR, Lund, continued**

The board wanted to “make it work” for Mr. Lund, and asked Planner Bosco if findings and recommendations could be changed to support variance approval.

Planner Bosco will revise findings and recommendations to support approval of the variance.

**Supervisor Mergen moved to continue OR2023-001VAR to the July 10, 2023 meeting. Supervisor Johanningmeier second, motion carried 3-0.**

**T&M Properties of Oronoco Driveway Permit**

Jason Kappers from G-Cubed Engineering was present representing T&M Properties. Mr. Kappers distributed a site plan dated 06/07/2023 to the board.

Per Mr. Kappers T&M Properties are constructing storage buildings including some for rental use. Work was started before permits were granted. Construction was halted. WHKS Engineering was hired to do a new topographical survey. The initial driveway was constructed 60’ off from plan. It will move 60’ to the east. The discussion is about the driveway only.

Per Supervisor Matzke early construction shifted waterways. Mr. Kappers noted ditches will be curved to the culvert.

Per Mr. Kappers, the property is 19.8 acres and will be developed over time with the “same style of uses.”

OTPAC will consider the T&M CUP at their June 26 meeting. Possible conditions, per Supervisor Matzke, are for the field drive to be removed and/or if the CUP is denied the driveway is denied.

**Supervisor Johanningmeier moved to conditionally approve the T&M driveway permit as drafted by G-Cubed conditional on approval of the CUP by OTPAC, and removal of the MNDOT driveway, and removal of the unpermitted driveway. Supervisor Mergen second, motion carried 3-0.**

**Road Report**

Scott Schumacher noted 110<sup>th</sup> St was rocked. Fitzpatrick Lane is a “rough road”.

Supervisor Matzke noted several issues on Cedar Beach Dr: a resident used the ROW as a staging area for landscaping materials. Tom from Schumacher’s fixed. The culvert is ok.

A resident is depositing debris and brush into the ditch / ROW. Clerk Shonyo will write the resident.

A resident is bringing in junk cars. Supervisor Matzke will call Rob Mathias, County Enforcement Officer.

Supervisor Mergen noted communication was received from a resident on 115<sup>th</sup> St. Scott and Tom will look at. Seeding done last fall didn’t take hold, and there are rocks in the ditch.

Supervisor Johanningmeier noted Fitzgerald’s picked up rocks and seeded ditches on Minnesota Ave south of 100<sup>th</sup>. Culverts have not been cleared per Lynn Koenig. Supervisor Johanningmeier will check and get info to Joe Palen.

## **OTPAC**

OTPAC chair Paige Collins told of Goldberg Quarry's temporary expanded operation from June 26 – July 14 to fulfill a backlog for materials. This quarry is an older quarry in the township with different permits. They have self-imposed hours and are good neighbors.

Supervisor Matzke continued the OTPAC report.

T&M Properties CUP will be heard June 26.

Land Use Planning continues.

Aspen Ridge developers may request a special meeting for mylars to be signed.

The Boelter subdivision began before the moratorium on development prior to roundabout completion in the 18<sup>th</sup> Ave / 75<sup>th</sup> St area was enacted. An OTPAC condition was no outlet on 11<sup>th</sup> Ave. The county will deny the project if this condition isn't lifted. This is a work in progress.

A developer was hoping to do a wedding / retreat center in the Sandy Point area on a 19 acre property with 7 acres buildable. The county rejected the project due to erosion, grade, and roads that wouldn't accommodate the traffic.

Saterdahl Bay, developer Derby, was directed to remove the sign on White Bridge Road.

## **Bargen and Fahrner Proposals**

There was discussion about road repair proposals received and which roads should receive what treatment.

**Supervisor Mergen moved to accept the Bargen proposal to cold patch per their proposal dated June 9, 2023, totaling \$13,450.00, and including 18<sup>th</sup> Ave NW. Supervisor Matzke second, motion carried 3-0.**

**Supervisor Mergen moved to accept the Bargen proposal to chip seal only Kings Dr and Highland Ct from their proposal dated June 9, 2023, totaling \$15,800.00. Supervisor Johanningmeier second, motion approved 3-0.**

**Supervisor Mergen moved to accept the Fahrner proposal to crack seal [\$15,755] and GSB-88 [\$18,133] per their proposal dated May 17, 2023, for roads indicated on their maps. Supervisor Johanningmeier second, motion approved 3-0.**

Clerk Shonyo will email signed contracts to Bargen and Fahrner.

Supervisor Mergen will contact Logan Tjossum from Widseth about engineering services, in particular the best treatments for "high maintenance hills".

Supervisor Matzke will attend a meeting relating to an experimental road treatment being used in Winona.

## **Administrative Business**

### **Minutes Approval**

**Supervisor Mergen moved to approve the May 8, 2023 reorganization meeting minutes. Supervisor Matzke second, motion carried 3-0.** The May 8, 2023 monthly meeting minutes and the May 22, 2023 special meeting minutes will be considered July 10.

### **Treasurer's Report – Treasurer Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of May 31, 2023 shows: receipts \$75,348.75; disbursements \$427,999.54 with an ending balance of \$1,288,996.03.

**Supervisor Mergen moved to add 2 - \$100,000 CDs at 5.02% at Frandsen Bank now. Supervisor Matzke second, motion carried 3-0.**

Schedule 1 line items "Shorewood Lane Paving" and "Ryan's Bay Road Construction" were made inactive. Line item "Sunset Bay Septic O&M" shows no activity but once Zumbro Township starts septic construction, Oronoco Township may be eligible for refunds for funds paid when some Oronoco Township properties were part of the project. Treasurer Stanton will check with PFA.

**ARPA** – This process continues. A corrected Entity Administrator letter will be sent.

**Brandi Lind** is interested in replacing Kim Stanton as treasurer. Treasurer Stanton is moving out of the township. Ms. Lind is a Branch Manager at ONB in Rochester. She lives in Oronoco Township, a requirement for a township treasurer. Ms. Lind will take the oath of office at the July 10 meeting. At that time, Ms. Lind will appoint Kim Stanton Deputy Treasurer for training purposes.

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

**Approval to Pay Payroll and Claims including Electronic Transfers** - May net payroll (paid in June) was \$3,613.26. Claims totaled \$101,417.95. Board payment for the special meeting held May 22 was inadvertently not paid. It will be paid in July with the June payroll.

**Supervisor Mergen moved to approve payment of payroll and claims including electronic transfers. Supervisor Matzke second, motion carried 3-0.**

### **Hemann Grover & Co**

**Supervisor Matzke moved to accept the Hemann Grover & Co proposal for tax preparation services for the township. Supervisor Mergen second, motion carried 3-0.**

**Ordinance Review** – Supervisor Johanningmeier learned of this project from Sheriff Torgerson at the OCTOA meeting. Deputies no longer issue paper tickets. All ordinances to be enforced must be in the state's online system. Clerk Shonyo had previously spoken with

**Ordinance Review, continued**

Deputy Ness about the process for ordinance cleanup. Deputy Ness provided a list of ordinances for board review.

**Supervisor Mergen moved: to delete Ordinance 94.109.2, No Wake Due to High Water; Ordinance 92.1, An Ordinance Prohibiting Unnecessary Loud Noises and Providing for the Restraint of Pets Within Residential Districts; and Ordinance 1116A, Oronoco Township Parking Ordinance; and to add 2020-01, Cedar Beach Drive Parking Ordinance. Supervisor Matzke second, motion carried 3-0. [Note: Ordinance 1116A was repealed in Ordinance 2020-01]**

Clerk Shonyo will continue cleanup implementation with Deputy Ness.

**Clerk Notes**

The State Demographer provided an estimated 2020 Oronoco Township population of 2,576; household estimate 931.

**Board Comments**

**For the July agenda:** driveway ordinance and application, mailboxes, Ryan’s Bay Road grading, Shared Road Agreement with Zumbro Township.

**OCTOA Report** - Supervisor Johanningmeier

Township money for roads has decreased from 55 million in 2022 to 32 million in 2023. The Hwy 63 (75<sup>th</sup> St) / 18<sup>th</sup> Av roundabout is a state project scheduled for a 2025 start. There is a new auto part tax that will be dedicated to road and bridge projects. Oronoco and Kalmar Townships are hosting OCTOA in November.

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

Respectfully Submitted,

---

Lucy Shonyo, Clerk

---

Ken Mergen, Chair

---

Tammy Matzke, Supervisor

---

Joel Johanningmeier, Supervisor