

Planning Commission Meeting Minutes
March 3, 2022
Completed by: Jamie Christenson, P&Z Staff

Site visits conducted by Adam Ossefoort and Lloyd Graves on August 25, 2021 for agenda item 1.

Site Visits conducted by Adam Ossefoort and Jim Pratt on February, 24, 2022 for agenda items 2, 3, and 4.

Meeting attended by board members: Vice Chair Jim Pratt, Arnie Boie, Ken Hovet, and Commissioner's Liaison Rod Erickson.

Staff members: Adam Ossefoort and Jamie Christenson

Other members of the public: Sign-in Sheet is available for viewing upon request.

Jim called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited as a collective group.

Introduction of the staff and board members by Jim.

Ken motioned to have the February 3rd, 2022 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Moses D. Borntreger – PID 20-0001700 – Reynolds Township

Request for Conditional Use Permit for temporary family housing in AF-1 Zoning.

Moses was present as the applicant.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Conditions:

1. Outhouse must be placed over the septic tank within 30 days of the granting of the conditional use permit.
2. Temporary family housing must comply with Section 9.17 of the Todd County Planning and Zoning Ordinance.

If the board wishes to deny the application:

A motion to recommend denial to the County Board of Commissioners based on the following findings of fact:

1. The proposed structure to be used for Temporary Family Housing is an existing structure at the time of application.
2. Section 9.17(A) part ii of the Todd County Planning and Zoning Ordinance states the dwelling size shall not exceed 1,280 square feet, one story, or two bedrooms.
3. The existing structures consists of 1 ½ stories, 1032 square feet, and 4 bedrooms.

Public comment: None.

Board discussion:

Ken inquired on the wording of section 9.17(A) part ii stating the dwelling size shall not exceed 1,280 square feet, one story, or two bedrooms. Ken question if there is a choice on being able to fit the Ordinance. Rod stated he thought it read to not exceed any of those requirements. Adam and Jim stated they agreed with Rod.

Roger stated he thought this would be temporary for an elderly couple and he doesn't see any problem other than the size. Roger stated he felt it would be a waste to remove the home that is there and building another house within the conditions to live in. Jim stated the need to follow the Ordinance.

Rod inquired what the outcome of the meetings were from site visits and staff discussions. Adam stated Moses' main concern was getting a survey. Moses said he discussed with staff the options to rezone, but would need a survey which would restrict locations for building. Moses stated it would still be one owner for both properties and would cost to get a survey. Moses stated didn't understand the gain in doing that. Rod stated the gain would be conforming to the ordinance and keeping the existing home. Adam stated it can be done with the survey to prove where the structure locations are in order to meet the setbacks.

Adam stated Moses had a concern with restrictions on building a future storage building. Adam stated he felt that there will be adequate space to meet the setbacks and achieve Moses' project.

Jim inquired if Moses would be interested in rezoning. Moses stated he supposed he could. Adam clarified it would require a different application and discussed other items that would need to be taken care of.

Rod stated a positive that rezoning would allow the applicant to use the home unrestricted. Adam further clarified it would not limit the use of the home as temporary or limit the house size. Moses says he see the point of rezoning, but is questioning if the home is worth saving for permanent use.

Roger inquired how the language of the permit is written for the new dwelling. Adam stated there was a condition of the permit to remove the old dwelling upon completion. Adam stated the property was purchased by Moses in the middle of construction and used the old house to live in while the new home was being built, but the previous owner didn't. Moses stated when they got there was two septic systems for each home and that the old home was supposed to be crushed and filled in. Moses also stated he thought the old house could stay if the water and septic were removed. Adam confirmed the old house could remain under those conditions to change it into a storage structure.

Jim inquired on the next steps for progressing. Discussion of having to deny this application and have Moses reapply for a rezone.

Arnie asked who would reside in the home. Moses stated it would be his mother-in-law and father-in-law.

Roger stated he doesn't see this application passing the Commissioners.

Jim clarified allowing this to pass would be going against the Ordinance.

Discussion on how proceed with this application, what the applicant would have to do next, and the options available for the applicant.

Rod clarified denying the application doesn't require the Board to choose the option the applicant would apply for next.

Roger motioned to deny, Arnie seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Arnie Boie	Yes
Roger Hendrickson	Yes
Jim Pratt	Yes

Motion carried to deny the request.

AGENDA ITEM 2: Leslie & Kathryn Schrupp – PID 03-0022400 – Birchdale Township

Request to plat .92 acres into 1 lot in Shoreland – RD Zoning.

Leslie and Kathryn were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence: None

Public Comment: None

Board Discussion:

Ken inquired if Amigo Trail is a township road. Adam stated the road is platted public road right of way and privately maintained. Ken inquired if there is a contract for maintaining it. The applicants stated it is maintained by the landowners utilizing the road.

Arnie asked who is responsible for the road. The applicants stated everyone living on it.

Adam stated there are multiple roads similar to this where homeowners get together and take care of the road. Roger confirmed the road is not up to township standards. Adam confirmed and it is only 33 feet. Leslie stated there is around 15 people owning property along the road and it is maintained by themselves.

Ken inquired how many home owners live on the road year round. The applicants stated 2 or 3 owners live there year round. Ken inquire who plows the snow. The applicants stated the owner is contacted and paid on

an individual basis for the service. Ken inquired if they have spoken to their township if they are interested in maintaining it. Ken stated from an emergency services perspective a two rod road isn't much to work with.

Discussion on how the road is a single lane and platted.

Kathryn stated an inability to plat the land 20 years previously.

Leslie stated the location of the structures on the road. Kathryn stated in 1999 the home was purchased and the road is a cart way.

Ken motioned to approve with the one condition. Roger seconded

Condition:

1. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Arnie Boie	Yes
Roger Hendrickson	Yes
Ken Hovet	Yes
Jim Pratt	Yes

Motion approved. Jim noted the application will be presented to the Board of Commissioners on March 15, 2022.

AGENDA ITEM 3: Henry Slabaugh Cemetery – PID 21-0031400 – Round Prairie Township

Request to plat 2 acres into 1 lot for creation of a cemetery.

Henry was present as the applicant.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Conditions:

1. Applicant shall remain compliant with applicable local, state or federal regulations related to operation of the cemetery.
2. Declare a cemetery official and an alternate that will be responsible for following state rules and provide contact information to the County to be recorded with the final plat.
3. Maintain a list of individuals buried and exact location within the cemetery.
4. Cemetery plot must be completely fenced off with boundaries clearly identified. All burial sites must remain inside of the fenced area.

Public Comment:

Jacob Stutzman stated they have a cemetery in the center of their community. Jacob indicated the distance between the boundaries of their community is approximately 16 miles. Jacob stated the funeral procession

potentially has to travel highway 71 and take 45 minutes to 1 hour to get there. He stated there is a need for another cemetery.

Board Discussion:

Ken inquire where the cemetery position is to the woods. Adam clarified on the survey where the south boundary is in relation to the forest edge. It was noted the north boundary does not connect to the road.

Jim commented the location appears to be a good spot for one. Adam noted the soils appeared to be good for this use and had no other concerns.

Roger stated he discussed it with the Round Prairie Township board members and no one had any concerns.

Ken moved to approve with four conditions. Motion seconded by Arnie.

Conditions:

1. Applicant shall remain compliant with applicable local, state or federal regulations related to operation of the cemetery.
2. Declare a cemetery official and an alternate that will be responsible for following state rules and provide contact information to the County to be recorded with the final plat.
3. Maintain a list of individuals buried and exact location within the cemetery.
4. Cemetery plot must be completely fenced off with boundaries clearly identified. All burial sites must remain inside of the fenced area.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Roger Hendrickson	Yes
Ken Hovet	Yes
Arnie Boie	Yes
Jim Pratt	Yes

Motion approved. Jim noted the application will be presented to the Board of Commissioners on March 15, 2022.

AGENDA ITEM 4: Daniel Gingerich – PID 18-0037800 – Long Prairie Township

Request for rezoning of eighty (80) acres in Section 31 from R-10 & Commercial to AF-1 for purposes of establishing more animal units for a farm.

Daniel were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. No Conditions

Correspondence: None.

Public Comment:

Brad Host inquired why it is zoned the way it is now. Adam clarified the comprehensive County wide rezoning process.

Discussion on the different zoning types within the parcel and next to it. Adam confirmed the AF-1 zoning is adjacent to the property to the west and will not create spot zoning.

Rod inquired if there is any issue with the shoreland zoning and the request from the applicant to rezone 80 acres. Adam stated the shoreland designation cannot be rezoned and it will be clarified with the proceedings.

Doug Enloe what are the limitations of AF-1 zoning are as far as animal use and units. Adam clarified the classification is agricultural use and the limit on feedlot size is 500 animal units with a permit and 500 animal units with a conditional use permit. Adam also noted there are separate rules/safety requirements that need to be followed.

Board Discussion:

Jim stated he was on-site visit and doesn't see any reasons do deny the rezone.

Ken inquired if there was any structures presently there. Daniel indicated he moved an ice box on site, otherwise, there are no structures.

Ken motioned to approve with no conditions. Arnie seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Arnie Boie	Yes
Roger Hendrickson	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the Board of Commissioners on March 15, 2022.

Adam stated copies of the updated Ordinance were handed out. Adam noted a copy of the Board of Adjustments site visit checklist were handed out. Copies were requested from the January training meeting to review for creating a Planning Commission version.

Ken motioned to adjourn and Roger seconded. Voice vote to adjourn the March Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourn 6:50 PM.