

## Planning Commission Meeting Minutes

March 2<sup>nd</sup>, 2023

Completed by: Sue Bertrand, P&Z Staff

Site Visits conducted by Adam Ossefoort and Ken Hovet on February 17<sup>th</sup>, 2023.

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

Staff members: Adam Ossefoort and Sue Bertrand

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 January 5<sup>th</sup>, 2023 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

Jim asked for a motion to accept the agenda correction whereas the second item should be Staples Township instead of Wykeham. Motioned by Arnie, to approve the agenda with the correction, seconded by Ken, voice vote, no dissent heard, motion carried.

### **AGENDA ITEM 1: Eastwood Shores First Addition Preliminary Plat – PID 21-0048400 - Round Prairie Township.**

1. Request to plat 17.91 acres into 5 non-riparian lots in Recreational Development Shoreland Zoning.

Mark Jahner, land surveyor, was present for the applicant, Matt Winters. Mark stated these are back lots on an existing developed shoreline. Five lots, large in size and they were fortunate to get the soil borings done before it got too cold. He is asking for board approval of the five platted lots.

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. Establishment of a drainage easement for protection of the wetland area on lots 1 and 2. Drainage easement shall include the wetland area and a 25' buffer around all sides.
2. All driveway accesses must be approved by the Township.
3. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence received: A letter from a Lake Latimer resident/ Lake Association member, Dean A. Schultes was read and is on file for review at the Planning and Zoning Office, upon request.

Public comment: Dan Payton, land owner to the East of the proposed development, asked to go back on the staff report, and pointed out the East property line is approximately at the triple post.

Ken stated that point is about 100 feet further West than Adam's photo for the property line, to which Dan confirmed.

Dan stated the bore sample stakes are 70 feet over the property line onto his own property on one spot, and another is only 10 feet from his property line. Dan asked the board to review some pictures of the bore sampling designated spots and the board agreed to view Dan's supplied photos. Dan stated there were only two stakes showing the spots and requested that the other bore stakes be placed throughout the proposed plat, so he knows where they are.

There was more discussion as to the soil boring placement of the stakes and how they were not accurate.

Rod asked Dan to point out on the over head what sites he was talking about and Dan pointed them out. Rod confirmed it was the NE side soil borings that were not accurate.

Jim asked to keep Dan's photos for the record, to which Dan agreed.

Mark clarified that the soil borings were dug before the survey stakes were in place and that he had pointed out to the Contractor they were too far East. The Contractor asked Mark to move it further West so it is within the lot, as it is the same elevation and soil type. Mark stated all of the borings were within standards and being the lots are very large, there is plenty of room for additional borings if needed.

Scott Van Norman, resident, asked where the roads are going to be, where are the approaches and the driveways, what is going to affect the wetland, where the buffer is going to be, and who is going to be in charge.

Mark stated no roads are proposed. The wetland is going to be covered with a drainage easement as one of the conditions to be approved, plus they are adding an additional 25-foot setback over and above what the County requirement is, so that will be a no-mow, native area between lots one and two. Condition #2, upon approval was in reference to the approaches, when installed, must be approved by the township.

Ken confirmed the township is the road authority.

Scott asked who was going to be in charge of the planting of the buffers and asked the Board and Adam who was in charge and who was to supervise, as he stated they needed to have something down.

Adam stated we could make that a condition if it needs to be stated. He added in most cases, they are designated no-mow zones that are protected by the Ordinance, just like the wetland is now.

Jim stated there is existing vegetation out there already.

Mark stated 25 feet beyond the designated wetland is the no-mow zone.

Scott inquired as to the plan of "not planting anything", just leave it natural, what is there now, and asked if we could add something for more of a buffer.

Ken stated the board was open to suggestions.

Jim stated a lot of times, if you have something growing in there already, you're better off to leave it alone, than to go in there and disturb it, and they are already going an additional 25-feet more than what's required, as part of the conditions.

Scott asked additional questions of concern: electricity, sewers, approaches, roads, silt fences around the wetland, who's going to make sure all of that is done correctly and supervise.

Jim stated that is why they require designated sewer sites before hand in reference to the septic concern.

Adam addressed Scott and stated the County Ordinance laid out a lot of what his concerns are, already. There is a State Septic Rule that identifies where sewer sites can go, and how they can be built. We require this septic information up front, so we can know when we approve these lots, that there are adequate sites for septic services. Water, electricity and typically, driveway placement is on the person who buys that individual lot and that's why they are required to get approval from the road authority for proper placement: they get the right culvert in place with the right side slopes and the top width, all those things are the conscious responsibility of the road authority. So, when we put a condition stating "you must go to the township" it is to make sure that they are done correctly.

Scott asked about the silt fences during construction and who is in charge.

We have erosion control standards in our Ordinance also. We implement those at the time of a permitting, not during the platting process.

Scott stated they had a lot of concern as they have worked hard on that lake and it's come along way, that there will be a lot to pay for, if it gets messed up.

Heather Holt, landowner right next to the property, inquired as to who has the power to hold this accountable.

Adam informed her there are enforcement mechanisms within the Ordinance and with the County Attorney's office. A "condition" of a preliminary plat like this is enforceable just the same as a rule in the Ordinance. We identify those things, do an investigation, go through the notification process, allow them to make corrective actions and if not, there's further enforcement that happens.

Heather asked if it is left to the public to report violations.

Adam stated that is typically the most efficient way we find out about things.

Scott stated lots one and two should not be on there.

Jeff Langendoerfer stated he owned the lot just North of this property, and does not want this to turn into ice houses, trailers parked there, riding lawnmowers (parked not on a temporary basis). He agrees with others on

lots one and two. They have seasonal Cranes every year and were under the impression, at the auction, this was a non-buildable property. He stated with the waterway, it doesn't show that it drains into the lake, but it does, and they have concerns that the wetland will be sandwiched between those two lots with people living there, additional septic systems in the area, and has concerns.

Dan Payton said this lake has a lot of history of anti-farming, has a "no till" and personally, does not want this development to be built.

Matthew Holt stated he owns the lots to the South, and asked for clarification on soil borings. After Mark explained the similar soil readings throughout the area, on the same elevation, Matthew, insisted on correct and accurate soil borings, and stated he was not in favor of this area being platted, especially lots one and two.

Scott stated it floods in the drainage area, and does not want the extra impact, especially during snow melt and rain.

Darrell Bacon stated the use prior to the proposed development with cows grazing in the same area will not be much different, as far as nutrient pollution.

Mark pointed out item #3 of the conditions will address more concerns when it comes to the time of building. Mark stated the developer is conscious of the impact and purposely made these lots large to lessen the impact.

Board discussion:

Ken stated he did the site visit. Full details can be found on file at the Planning and Zoning Office and may be reviewed upon request. He does not see a problem with this at all. He stated what does not drain into the wetland will drain into the ditch.

Jim stated he does not see the developer as being unreasonable, especially with the extra 25-foot setback to the wetland to help protect it, and the fact they *could* have put a lot more, smaller lots as opposed to what they are proposing.

Ken motioned to approve, Jim seconded with the three conditions as presented.

Conditions:

1. Establishment of a drainage easement for protection of the wetland area on lots 1 and 2. Drainage easement shall include the wetland area and a 25' buffer around all sides.
2. All driveway accesses must be approved by the Township.
3. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Jim Pratt	Yes
Arnie Boie	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on March 21<sup>st</sup>, 2023.

**AGENDA ITEM 2: William Dukowitz – PID 22-0010000 - Staples Township.**

1. Request to rezone parcel from Commercial to R2 Zoning.

William was present as the applicant. William asked that this ten-acre property be rezoned, as he would like to buy five acres from his brother, and build a house to retire.

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 applicable federal, state, and local standards.

Correspondence received: None

Public comment: Reade Hanson, lives North of this property, stated he has two questions: asked for clarification on the proposed zoning request R-2 in regards to apartments being built, to which Adam explained it will be residential with a two-acre minimum lot size. Reade's second question was how it would affect the neighboring properties.

Adam addressed the first part, that apartments are not an optional use in R-2 zoning in the ordinance, and the second, it would literally have no impact on the neighboring properties and their ability to use their land as currently zoned.

Rod asked if sights, sounds and smells for the protection of farming in the area was listed anywhere for the residential lot reference, if it should be rezoned.

Adam added a number two condition to that effect.

Reade asked about the neighboring hotmix plant.

Adam said it has a conditional use permit to operate as a hotmix plant.

Board discussion:

Ken said he was on the site visit for this property and has no concerns whatsoever. The full report may be viewed in the Planning and Zoning office upon request.

Rod wondered if there should be any mention of driveways for the township.

Adam added the third condition to obtain township approval for the driveway.

Jim stated he has no problems with it.

Arnie motioned to approve, Ken seconded with the three conditions as presented.

Conditions:

1. There will be, from time to time, sights, sounds and smells associated with the operation of farming. Land owner shall abide by Section 9.11E of the Todd County Planning and Zoning Ordinance.
2. All driveway locations must be approved by the Township.
3. Applicant must abide by all applicable federal, state, and local standards.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Arnie Boie	Yes
Jim Pratt	Yes
Ken Hovet	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on March 21<sup>st</sup>, 2023.

**AGENDA ITEM 3: Clarissa Amish Cemetery – PID 07-0035000 – Eagle Valley Township.**

1. Request to plat a single 2.10-acre lot for an Amish Cemetery in AF-1 Zoning.

Joseph Bontrager was present as the applicant. Joseph stated we would like to establish a cemetery according to the preliminary plat and stated conditions.

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 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.

Correspondence received: None

Public comment: None

Board discussion:

Rod wondered if this bordered the township road and asked Adam if there should be some sort of access requested.

Adam added an additional condition stating all future driveway accesses must be approved by the Township.

Joseph stated they were at the township meeting to present the preliminary plat and the Township approved, stating the culvert and approach shall be installed properly by the contractor.

Jim stated he has no concerns or issues.

Ken stated the same, as he had done the site visit, which may be viewed in full at the Planning and Zoning office upon request.

Ken motioned to approve, Arnie seconded with the five conditions as presented.

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.
5. All future driveway accesses must be approved by the Township.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Arnie Boie	Yes
Ken Hovet	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on March 21<sup>st</sup>, 2023.

Joseph asked one other question. He mentioned on the North side of the cemetery, there are rocks in a heavy tree line and asked about fence placement along that area.

Jim stated Adam would work with Joe outside the meeting, in the office, as the preliminary has been approved. Adam assured Joe we would find a solution and stated we had no other business to discuss.

Ken motioned to adjourn and Arnie seconded. Voice vote to adjourn the March Planning Commission Meeting, no dissent heard, motion carried and meeting adjourned at 6:56 PM.