

# **Planning Commission MINUTES January 9<sup>th</sup>, 2020**

PRESENT: Gerry Feld, Art Buhs, Mary Jo Holewa, Scott Johnson, Jerry Lang, Dan Gottwalt, Warren Peschl

Staff: Roxanne Achman, Michelle Meyer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Scott was nominated for 2020 Chair. A motion was made and seconded to approve Scott as the Chair motion carried. Gerry was nominated for Vice-Chair. A motion was made and seconded to approve Gerry as the Vice-Chair motion carried.
3. A motion was made and seconded to appoint Dan to the Board of Adjustment. The motion carried.
4. A motion was made and seconded to approve the agenda. The motion carried.
5. A motion was made and seconded to approve the minutes from the December 12<sup>th</sup>, 2019 meeting. The motion carried.
6. Public hearing to consider amendments to the Benton County Development Code to Modify Section 3 Definitions related to Agricultural Tourism, Commercial Recreation (Indoor), Commercial Recreation (Outdoor), Home Extended Business, Recreational Facility, Rural Event Venues and Shore Impact Zones; Sections 7.1, 7.2, 7.2A, 7.3, 7.4, 7.5, 7.6 and 7.6A to amend uses as permitted, permitted accessory use, conditional use or interim use; Section 7S5.3 Shoreland Alterations to further define requirements; Section 9.6.5 SSTS Practitioner Licensing to add the requirement of the septic designer to be on site during a self-installed SSTS; Section 9.6.7 SSTS Standards to reduce setbacks for septic tanks and drainfields; Section 9 Special Provisions adding performance standards for Agricultural Tourism, Commercial Recreation (Outdoor), and Rural Event Venues;

and Section 9.15 Home Occupations to further clarify the intent and add performance standards.

Roxanne discussed the proposed addition of Agricultural Tourism and Rural Event Venues to the development code along with performance standards for each. Agricultural Tourism would be an accessory use that is permitted with performance standards. Rural Event Venues would be permitted with an interim use permit. Michelle asked if it would be appropriate to require that local law enforcement be notified prior to events related to either of the two uses. There was consensus that notification of local law enforcement should be added as a performance standard to both. There was consensus to recommend approval of Agricultural Tourism and Rural Event Venues with the recommended addition of law enforcement notification to the County Board.

Roxanne briefly explained the separation of Recreational Facilities and Commercial Recreation, along with the separation of outdoor verses indoor commercial recreation. There was a desire by the Planning Commission to add a specific sunset date for Outdoor Commercial Recreation so that the Planning Commission would get an opportunity to review the use at a future date. The consensus was to recommend approval of Recreational Facilities and Uses to the County Board with the addition of adding the following condition to outdoor commercial recreation:

Expiration. Any home occupation permit or home extended business interim use permit will expire upon the occurrence of any of the following events:

1. Re-subdivision of the property.
2. Change in ownership of the property.
3. Rezoning of the property.
4. Changes or amendments to the Development Code that affect the property on which the use exists.

Roxanne informed the Planning Commission that Shoreland Alterations was being pulled from the public hearing. The DNR had requested additional time to review the changes to the shoreland regulations. Michelle had suggested that definitions for rip-rap and ice ridge be added to the definitions section of the development code. The Planning Commission requested the Shoreland Alterations revisions be brought back with any recommend or required changes from the DNR.

Roxanne reviewed the changes to Section 9.6 septic systems. The new provisions will require the licensed design business or certified designer of the SSTS to be present during the compliance inspection of a self-installed SSTS. New setbacks were also added for the distance between accessory structures and the septic tank and drainfield. The consensus was to recommend approval of the changes to Section 9.6 to the County Board as presented.

Roxanne provided an overview of the changes to Home Occupations and Home Extended Businesses. She discussed the requirement of businesses to meet building code. It was requested to change “Comprehensive Plan” to “Development Code” in Section 9.15.5(b)4. The consensus was to recommend approval of the changes to Home Occupations and Home Extended Businesses to the County Board with the requested change to 9.15.5(b)4.

Roxanne stated the Aquaculture qualifying as a Tier I feedlot should be added as a permitted use to Sections 7.1.10 and 7.2.10, and that Aquaculture qualifying as a Tier II feedlot should be added as a conditional use to Sections 7.1.23 and 7.2.23. The consensus was to recommend approval of the changes to the County Board as presented.

7. Roxanne presented on items that were for discussion purposes only.

Roxanne presented changes to the solar regulations based on the previous meetings discussion. A provision was added to address the mitigation of glare. Chuck Popp, Graham Township Supervisor asked if there was anything with the provisions about stray voltage as it is very detrimental to dairy cows. Roxanne stated that there wasn't anything in the current ordinance, further stating that stray voltage was hard to trace back to a specific source. The Planning Commission discussed whether this had been talked about when the ordinance was first drafted in 2016. The Planning Commission directed staff to research whether any other counties have provisions for the mitigation of stray voltage and if there are any court cases against solar developers related to stray voltage. Mary Jo asked if we should be requiring a decommissioning bond from private solar gardens greater than five acres. There was discussion among the Planning Commission to require \$500 per acre for private solar gardens. There was a general consensus that some financial surety would ensure the property owner is held accountable for the decommissioning and disposal of the solar panels, but it's not so much that it makes the project not feasible.

Roxanne reviewed the provisions for contractor shops with and without outside storage. The Planning Commission recommended a distance of 500ft for screening provisions to kick in for contractor shops with outside storage. They also preferred the ordinance to allow for the Planning Commission to require screening rather than requiring a specific screening. After some discussion, the Planning Commission added provision number 9 to contractor shops with outside storage, which would require that any spills be reported per Environment Protection Agency requirements.

There was discussion on the screening standards outline in Section 8.3.1. There was consensus to have Section 8.3.1 mirror the screening requirement under contractor shop with outside storage and then to have the contractor shop with outside storage reference Section 8.3.1 rather than duplicating it.

Roxanne presented the proposed changes to Section 9.1 Signs. Roxanne explained that to be consistent with the law, any reference to the content of a sign must be removed. The proposed provisions add standards for billboards with a digital display. Roxanne explained that the standards were based on several other county and city development code examples and the States requirements due to the majority of zoning districts allowing billboards being located along highway 10 and 23. The consensus was to bring this section forward to a public hearing on February 13, 2020.

Roxanne explained the significant changes to the subdivision ordinance. There is a desire by staff to change Administrative Subdivisions 5-19.9 acres back to a platting process rather than an administrative process. Subdivisions of property 20 acres or greater would remain an administrative process. The process to split a single parcel less than 20 acres would go through a new process called a Simple Plat. The process would require much of the same information as the full platting process but it would not require public hearings, township, Planning Commission or County Board approval. It would be approved by staff, to include the County Engineer, County Surveyor, County Attorney, County Auditor, Recorder and Department of Development Director. The purpose of going back to the platting process is to reduce the issues staff has been seeing regarding incorrect legal descriptions that result in quiet title action, providing a simplified legal description, providing proper research on existing utility easements and ensuring proper review of subdivisions. This process will cost property owners more, but it will result in a much better product immediately and in the future. The Planning Commission expressed concern over the cost and the additional work needed by property owners.

Roxanne discussed the additional subdivision changes to include allowing for outlots, requiring developers to work with township on township roads rather than having the County hold the financial surety for such projects. Language was added to clarify the financial surety requirements and to specify the need for an updated abstract and title opinion.

There was a desire by the Planning Commission to meet for further discussion on several sections of the development code prior to the next regularly scheduled meeting. A workshop was set for 6PM January 23<sup>rd</sup>, 2020 in the County Board Room.

Art asked Roxanne to provide an update on the Boundary Commission plat. She stated that a public hearing was held at Watab Town Hall on December 17, 2019 and that there was a general consensus from most of the property owners regarding their boundary lines. The Boundary Commission recommended approval of the plat. She stated that the County Board will be reviewing the plat at a public hearing on January 21, 2020.

8. A motion was made and seconded to adjourn the meeting at 9:00 p.m. The motion carried.

Respectfully submitted,

Roxanne Achman  
Department of Development Director