

Planning Commission MINUTES March 12th, 2020

PRESENT: Gerry Feld, Warren Peschl, Art Buhs, Dan Gottwalt, Mary Jo Holewa

Staff: Roxanne Achman, Michelle Meyer, Karen Loehrer

1. Gerry called the meeting to order followed by the Pledge of Allegiance.
2. Art moved to approve the agenda. Dan seconded and the motion carried.
3. Warren moved to approve the minutes from the February 13th, 2020 meeting. Mary Jo seconded and the motion carried.
4. Aaron Novak requesting approval of a one lot minor preliminary plat entitled "Novak Meadow 2nd Addition" in the Agricultural District. Pursuant to Section 10.7. The affected property is described as follows: Lot 1, Block 1, Novak Meadow, Section 20, Gilmanton Township.

Roxanne showed an aerial photo of the proposed lot. She stated that this was previously platted as a 4 acre parcel. There is a home on the lot. The request is to replat this lot to create a 10 acre lot. No new lot is being created.

Barry Dorniden, Bogart, Pederson & Associates, 13076 1st St, Becker, stated that the landowner was approached by the buyer to increase the lot size. The request is replat this lot to create a 10 acre lot.

No one spoke in favor, opposition or with general comments. Art moved to close the public hearing. Warren seconded and the motion carried.

Warren moved to approve this preliminary plat. Dan seconded and the motion carried.

5. Public hearing to consider the following amendments to the Benton County Development Code. Pursuant to Section 11.8. Modify Section 3

Definitions related to Ice Ridge, Rip-Rap, Shore Impact Zones; Section 6.2.1 to increase size of structures needing a land use permit from 120sf to 200sf; Sections 7.1, 7.2, 7.2A, 7.3, 7.4, 7.5 to modify the access by easement language; Section 7S5.3 Shoreland Alterations to further define requirements; Section 7.13 Planning Unit Development to change the PUD process from rezoning to a conditional use permit; Section 8.5 to add reference to Solid Waste Ordinance 471; Section 10 Subdivision Regulations to modify administrative subdivisions, add a simple plat process and clarify portions of the full platting process; and Section 11.8(3) to clarify the required timeline for rezoning.

Subdivision Ordinance. Roxanne stated that prior to 2018 anything under 20 acres required a plat. In July 2018 in an effort to create a simpler, cheaper process there was a change to allow the subdivision of 5 to 19.9 acres as an Administrative Subdivision instead of a plat. As a result of this there was discovery of a lot of errors, titles issues and significant increase in staff time. The proposal is to create a Simple Plat process, to protect the public interest, by reviewing subdivisions and doing this in the least amount of time and money. The Simple Plat would be reviewed by the Department of Development Director, County Engineer, County Surveyor and County Attorney. This would not require Planning Commission, County Board or township approval, or public hearings. There would be no park dedication fee with a simple plat. This new process would also allow someone to combine two platted lots. She went over the sections that have been changed since the last meeting. Criteria have been added to allow a title commitment as an alternative to a title opinion and abstract. The right of way widths were changed to be from the centerline because plats are usually on one side of the road. Language was added for street improvements to meet the road authority standards. Roxanne stated that she received comments from two surveyors at Bogart Pederson & Associates. She provided them to the commission with her comments.

Sam DeLeo, KLD, 13 11th Av N, went over his comments and concerns. He felt that a simple plat process is much quicker and easier. He suggested dropping the threshold from 20 acres to 10 acres. He believed that less agricultural land would be taken out of production. Section 10.10.2 #17-He felt that any residual or outlot shouldn't need Wetland Delineation because they wouldn't be buildable. Roxanne stated she would correct that. He stated that Section 10.10.4 #12 Downstream Drainage, could be removed because Federal guidelines for storm water pollution prevention would take care of this. It is also addressed in Sections 10.10.4 #13 and 10.11.7. In Section 10.11.2 (11) under cul-de-sac add that there be a 60ft total radius of the cul-de-sac and remove the reference to commercial. Roxanne stated that she would speak to the County Engineer. There was a discussion on Section 10.13.4 (4B).

Barry Dorniden, BPA, 13076 1st St, Becker, suggested that if the surveyors have questions maybe additional language is needed to clarify. He stated that he likes the alternative of title commitment with the criteria. He is in agreement with

changing the threshold to 10 acres instead of 20 acres. He felt this is more efficient use of the land.

Dan moved to close the public hearing. Mary Jo seconded and the motion carried.

Roxanne stated that there are a few minor changes. Her plan is to adopt the entire ordinance on April 9th and bring it to the County Board for approval on April 21st. She asked if the commission would like this to be brought back with the changes for more review or move forward to adoption. Warren agrees with the 10 acre threshold.

Art moved to move forward with these changes. Dan seconded and the motion carried.

Roxanne went over the remaining amendments.

-Section 6.2.1 Increase the size of structures requiring a land use permit to 200sf from 120sf to be consistent with the building code.

-Access Easement: Roxanne stated that with the subdivision change to 5-19.9 acres access easements were also allowed. It makes sense to require a 33ft access ownership to a public right of way when it's available and allow for an easement when it's not. Add language to encourage ownership access to a public right of way and the use of an access easement as a last resort.

-Planned Unit Development. Roxanne stated that it does make sense for a PUD to remain a rezoning instead of a conditional use permit. As a CUP the underlying zoning still stays and there isn't the flexibility to allow reduced setbacks, different uses. As a rezoning it creates an overlay zoning district and with this new district the county can work with the developer on different standards.

-Section 8.5, Solid Waste. Add language referring to the most recent solid waste ordinance, Ord. #471, and the definition of solid waste.

-Shoreland Alteration. Roxanne stated that she has received comments from the DNR. She stated that additional language was added to the definition of shore impact zone for clarifying purposes. Definitions for Ice Ridge and Rip-Rap were added.

-Zoning Amendments. The changes to Section 11.8 will clarify the public hearing timeline to match State Statute.

Frank Hard, 12350 West Lake Rd, asked about the cleared access width and the width of the path in the shore impact zone. Roxanne stated that both numbers should be the same. He asked if removal of an ice ridge requires a permit. Roxanne stated that a shoreland alteration permit is required. He stated that ice ridges are common on Little Rock Lake and questioned if people were getting permits every year because the DNR doesn't require a permit. Roxanne stated that she would ask Mark McNamara.

Art moved to close the public hearing. Mary Jo seconded and the motion carried.

6. Roxanne brought forward two items for discussion.

Sections 4.2.1, 6.1.2 and 7S5.20. Roxanne stated that these sections say the same thing. The proposal is to add language that any abutting non-conforming lots that come under common ownership shall not be developed or sold separately. No permits shall be issued for any use or structure on any non-conforming lot that was sold separately after coming under common ownership. She stated that her and the county attorney are working on language to record with properties when they come under common ownership that they can't be sold separately.

- Section 9.20. Roxanne stated that this would be a minor revision to language related to the required financial surety.

Roxanne stated that a public hearing is needed for these last two items on April 9th. The plan is to bring the entire Development Code from the consultant and act on the full code on April 9th.

7. Art requested that the dais area be upgraded to allow more room for the members and better view of monitors.
8. Art moved to adjourn at 7:27 p.m. Dan seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary