



Minutes
Planning & Zoning Commission
March 13, 2019

CALL MEETING TO ORDER

P. Carlson called the meeting to order at 7:00 pm

Members Present: J. Johnson, D. Milles, L. Sinna and Chair M. Willcoxen via Skype

Members Absent: Vice Chair P. Carlson, S. Brooks

Others Present: Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, Deputy Clerk B. Schule, 3 members of public signed in.

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

Walter Joos (8605 360th Street) said he would like to split his property and build a pole building style home. He was in attendance to ask the Planning Commission if that would be acceptable. W. Joos explained what the home would look like. D. Milles said it would have to meet the building ordinance. He asked about galvanized steel roofs. He said this style home is structurally sound and economical. E. Maass read 4.07 Building Requirements from the Township ordinance. The resident was looking at two types of steel so they will have to modify the ordinance to reflect how it is being enforced. This can be done by a text amendment.

E. Maass read 1.06 Platting Required from Chapter 3 which states: No conveyance of land shall be permitted by metes and bounds description or by reference to an unapproved registered land survey made after April 21, 1961 or to any unapproved plat, except if the land described:
E. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.

The Township can waive certain requirements. It is a one-time exception. They can cut off 10—12 acres or anything under 20 acres. W. Joos said it is a rectangle lot and they will need to split it. The road frontage is 1,600 feet. W. Joos pointed out where he was on the map and the Planning Commission noted that he is located east of Phil Carlson.

M. Willcoxen told them to submit a plat to the Planning Commission for review. Once reviewed and it meets criteria, E. Maass will go over it with them. M. Willcoxen also told the resident that footings are required.



They will need a surveyor and a public hearing. E. Maass said the biggest piece of this will be the wetland delineation. D. Milles said the County has a person for wetland delineation who looks at the vegetation and water levels.

M. Willcoxon said they must do soil borings for the septic and be 12" over modeled soil. D. Milles said that W. Joos can talk to E. Maass or J. Kramer if he has any questions. E. Maass said the Planning Commission is on board with waiving some of the platting requirements for the single lot subdivision. The primary concerns are:

1. Having a plat that shows the legal description with the additional lot
2. Soil borings showing the one-acre buildable area as required by ordinance

E. Maass also said that perhaps rather than requiring a full wetland delineation, maybe someone could talk to Jeff Fertig to do a desktop review. D. Milles added that they do it based on soil maps. They have that information at the County.

M. Willcoxon said to W. Joos, once you do your soil borings bring in a diagram for the Planning Commission to review.

ADOPT THE AGENDA

M. Willcoxon added: B. New Planning and Zoning Member - Bob Schule. C. Revisit the Comp plan. Both added under New Business.

D. Milles made a motion to adopt the agenda with the additions. Second by J. Johnson. All in favor, motion carried.

APPROVE THE MINUTES OF THE FEBRUARY 13, 2019 PLANNING COMMISSION MEETING

M. Willcoxon noted that he made some changes to the minutes beforehand because it is hard for the Clerk and Deputy Clerk to take the minutes because of all of the side conversations that take place at the meetings.

D. Milles made a motion to approve the February 13, 2019 minutes. Second by J. Johnson. All in favor, motion carried.



OLD BUSINESS

Frontier Complaint

D. Milles said he and C. Cagle did a site visit on February 27th. They visited with the couple and they have two dogs. Nick and Carmen Benick have a German Shepard and a small Boston Terrier. Occasionally, they watch a dog that is not theirs. One time all of the dogs went over to see the neighbor's dogs. L. Sinna said she thought there were several instances regarding the dogs. D. Milles said the dogs were not aggressive. He and C. Cagle played with the dogs. D. Milles said they do not need a residential kennel permit because they only have two dogs. The Township does not require that they have a fence or the dogs on a leash.

M. Willcoxon asked if they mentioned to them that they cannot have a third dog. D. Milles said yes. E. Maass said there is a difference if their family friend is over with their dog for a few hours and if the friend is dropping the dog off for a long period of time. Dropping the dog off is considered boarding. M. Willcoxon said the Township needs to make a conscious effort to address the complaint and make them aware of the rules for liability reasons.

D. Milles said there needs to be a reasonable time limit before it is considered boarding and someone has to get a permit. L. Sinna said this ordinance is to prevent a kennel or animal breeding. She said they need to re-look at the ordinance and possibly revise it.

D. Milles said if it is a behavioral issue, it is a sheriff issue. L. Sinna asked if the Township can have a dangerous dog ordinance. E. Maass said he does not have the qualifications to deal with a dangerous dog ordinance. D. Milles said the Township does not want to get into that. It was decided that this case is closed.

Elk Lane Complaint

E. Maass said a letter inviting them to the meeting was sent. M. Willcoxon said he talked to K. Wood and she has not received any calls from them and they were not in attendance. They have been sent letters. M. Willcoxon said they need to be sent another letter.

D. Milles made a motion to send 32050 Elk Lane another letter stating that they failed to comply with the ordinance and if they do not comply, they will be fined. L. Sinna seconds. All in favor, motion carried.

337th Complaint

E. Maass suggested taking this issue up again at the May meeting because of the snow. M. Willcoxon said P. Carlson talked to them. E. Maass said this property owner called into the office right away after receiving his first letter. M. Willcoxon said they should address it at the next meeting - April.



Lindgren Property

M. Willcoxon said Peter Tiede was going to write a letter to the judge. E. Maass said his letter invited the property owner to this meeting. D. Milles said to put it back on the judge. E. Maass said we can fine him as well. E. Maass is going to check with the Township Lawyer.

Karmel Fines

E. Maass said this issue is going to the Board for the approval of a second fine. D. Milles said it would be nice for the Board to authorize it. Once a procedure is initiated, it will streamline the process. B. Seekon said if they come into compliance, they will have to have to tell the Township to stop fining them.

E. Maass said he recommends the 7th action to be to schedule abatement and have the issue removed. This will go on their taxes. D. Milles asked if we need a judge order to go on the property. E. Maass said no, the property owner will just have to be notified. D. Milles thought they need a court order from his past experience.

The fine can escalate every day. If they do not pay, it will go on their property taxes. D. Milles said E. Maass is going to research it and for now and the Township will continue to fine them. This is fine number 2. It will go to the Board for approval.

M. Willcoxon asked K. Wood if any of the Hawkinson's have tried to contact the Township. The answer was no.

An ordinance repealing in its entirety Chapter 2, Section 4.18, of the Township ordinance regarding Zoning Solar Energy Systems

M. Willcoxon said E. Maass is re-writing the solar ordinance per the discussion from the joint meeting.

E. Maass said section 4.1 A has been updated to reflect the conversation at the joint meeting between members of the Planning Commission and the Town Board.

- #2 was updated: The type of systems that are allowed in what districts
- Adjusted the language for both solar gardens and solar farms
- Solar Gardens: Striking "within an established solar corridor" and replacing it with: Accessory or Principal Use with an IUP
- Solar Farm: Principal Use with an IUP
- Rooftop: The ground equipment associated with rooftop systems is treated as a ground mount system
 - Have the same setback requirements



E. Maass said setbacks were simplified to 660' on the roads for solar gardens and farms regardless of who has jurisdiction over the road, but it was not specified for accessory ground mount panels. It is under item 4d. D. Milles said it should be 100' on all roads, even County roads (for accessory ground mount).

- Under 5 CSES: striking the language that identifies specific corridor
- Where it says: CSES/Solar Gardens shall be located on parcels of land no less than twenty (20) acres in size. Adding: and which are zoned Rural Residential – Agriculture (RR-A)
- Updating numbering (item numbers in ordinance)
- Updating the road to 660'
- Power and Communication Lines:
 - Added to current sentence: “lines installed as a result of the proposed solar garden shall also be buried underground and are”
 - Sentence now reads as follows: All overhead power and communication or transmission lines installed as a result of the proposed solar farm shall also be buried underground and are be subject to the essential services ordinance Chapter 2, Section 4.05
- Solar Farms: mimic the 660' setbacks and bury the line

D. Milles said there was substantial discussion and added that there was the joint meeting with the Board.

D. Milles made a motion to recommend the solar ordinance to the Board for their approval. J. Johnson seconds. M. Willcoxon said he suggests seeing the draft with the changes because he is leery about signing off on it. D. Milles said the format that was emailed out was in a form that could be adopted. E. Maass asked M. Willcoxon what his concern is. M. Willcoxon said he would feel more comfortable taking another look at it again. He added that they have until June before the moratorium has to be lifted.

D. Milles said he feels they have thoroughly gone over it. He said he felt they should present it to the Board. This would not get rid of the moratorium because they need a resolution to do that. J. Johnson said he would like an updated copy and said the Commission will all attend the Town Board meeting. L. Sinna is not opposed to looking at it again, but said she feels they have been really thorough in going through it.

All in favor, motion carried.

An ordinance amending Chapter 2 of the Zoning Ordinance Section 3.0 Definitions - Ordinance 2019-2

E. Maass said they are in line with the County and this has not changed.



Mailbox Post Ordinance

B. Seekon said they would like to come up with something that states if residents do not have the proper post installed, the Township is not going to replace them. People need to move their mailbox post according to USPS standards. There are a lot of people who have newly paved roads and they have not moved their mailbox post yet. D. Milles said he feels all the Township needs to do is to adopt the USPS standards by reference. B. Seekon said they talked about a \$350 fee if residents are not willing to move their own mailbox post.

J. Johnson suggested language stating, if the Township has to replace the post, the charge would be \$350 or they could be referred to a handyman by the office. D. Milles stated there only needs to be a paragraph in the ordinance. M. Willcoxon said B. Randt told them they provide up to \$75 at the City he works for. D. Milles asked if they should bring it up to the Board. B. Seekon said there is no hurry now because the snow should be done for the year. E. Maass added that the Township should not adopt anything that it's not ready to enforce.

D. Milles is going to ask the Board if they want an ordinance or a policy. E. Maass said he recommends a policy. B. Seekon said the Board will adopt the policy. E. Maass will draft a mailbox post policy for the Board to approve. He said it does not have to go through the Planning Commission first.

NEW BUSINESS

Residential District Densities

D. Milles said there is an error in the ordinance. E. Maass stated that he noticed an error.

E. Maass said it states 8 lots per 40 acres for the maximum density in Section 5.10 Dimensional Standards which means the minimum lot area and maximum densities are in conflict. Typically, you see the density in the comp plan. He suggests striking the density language in 5.10 and adding it to the comp plan. He read what it should be.

D. Milles questioned the urban growth district. He said the Township does not have it. E. Maass said the Township has the land use district but the Town never rezoned it. He does not know how appropriate urban growth is in the Township. D. Milles said Anderson's land has gone to the City of Stacy. There are not any areas of land left from the original plan.

The whole top row can be removed from the chart. This will be changed by text amendment.

D. Milles said eliminate the top row of the table because it is set forth in the comp plan. He thought the RR2 was 2.5 acres and not 2 acres.



E. Maass said the top row can remain but the density can be changed to reflect the correct numbers. Urban growth can be removed altogether.

New Planning and Zoning Member - Bob Schule

M. Willcoxon said Bob Schule has a good background in a lot of areas. D. Milles added that he is an outstanding candidate and has known him a long time.

D. Milles made a motion to recommend Bob Schule as a regular member of the Planning Commission to the Town Board. L. Sinna seconds. They went over the count of the Planning Commission members. S. Brooks is the alternate and B. Schule would be the regular member. **All in favor, motion carried.**

Comp plan Review

M. Willcoxon said he would like everyone to be aware of the language in the comp plan. There has been a lot conflict with the solar issue. A lot of the language in the comp plan promotes agriculture. He would like everyone to read through it. D. Milles said he thought there were work sessions the last time they thought about redoing the comp plan. M. Willcoxon said yes, but he feels it might be better for everyone to review it on their own first. D. Milles said they should get the blessing of the Town Board prior to starting this. E. Maass said he can look at the areas that need to be reworked and come up with a rough proposal for the Board.

COMMISSIONER/TOWN BOARD REPORT

B. Seekon said the Annual Meeting went well and the levy was set at \$942k. They are talking about the radios with the County. The CCATO meeting is going to be at the senior center in the big room. The Mayors, Townships, Fire Chiefs and Commissioners will be there. The Town Board is going to attend the County Board meeting. The consensus is that most people would like to see the County pay for the radios. The bid opening was yesterday for the road paving project.

NEXT REGULAR PLANNING COMMISSION MEETING IS APRIL 10, 2019 AT 7:00 PM.

ADJOURN

D. Milles made a motion to adjourn the meeting at 8:42 pm. J. Johnson seconds. All in favor, motion carried.


Mike Willcoxon, Chair


Kelly Wood, Clerk

