



Minutes
Planning & Zoning Commission
September 12, 2018

CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 7:01 pm

Members Present: Chairperson M. Willcoxon, Vice Chair P. Carlson, D. Milles, J. Johnson, L. Sinna

Members Absent: D. Carlson

Others Present: Supervisor B. Seekon, Planner E. Maass, K. Bearinger, Clerk K. Wood, 4 members of the public (signed in).

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

None

ADOPT THE AGENDA

M. Willcoxon suggested discussing the New Business before Old Business. D. Milles added c. Enforcement Options to New Business.

E. Maass suggested b. Zuercher – Boat Storage be first because A. Zuercher was in attendance.

D. Milles made a motion to adopt the agenda. J. Johnson seconded. All in favor, motion carried.

APPROVE THE MINUTES OF THE AUGUST 8, 2018 PLANNING COMMISSION MEETING

J. Johnson made a motion to approve the minutes of the August 8, 2018 Planning Commission meeting D. Milles seconded. All in favor, motion carried.



NEW BUSINESS

Zuercher – Boat Storage

E. Maass said A. Zuercher would like to discuss potentially operating a boat storage business on his property. There is no application at this time and the property owner is in attendance to gather information.

A. Zuercher lives on 40 acres at 35517 Forest Blvd. and has been approached by businesses that are either running out of room or shutting down to do boat and RV storage. He would store them for 3 or 4 months until they are sold. He wants to know the rules and regulations if he chooses to move forward. He is unsure if this is something he is going to do. He currently has a Certificate of Land Use Compliance for his well drilling business.

There was discussion regarding screening and setbacks. He said that he would have limited hours and clients would need to call him 24 hours in advance. All chemicals would be captured in a drain, no problems meeting setbacks off of 61 and there would be no stacking of the boats.

E. Maass said that this would most likely require an IUP - it is a sunset permit. He read section 5.08 of the ordinance. Stormwater requires permitting. D. Milles said that we do not have that. Class 5 is considered impervious surface. E. Maass said there are wetlands. A. Zuercher said he used to hay that area. There is a County ditch on the property that runs wherever it can go.

There was discussion pertaining a text amendment regarding home occupations in 2015 and P. Carlson asked E. Maas to look into it.

Proposed Solar Text Amendment (2018-4) Public Hearing

E. Maass explained that the text amendment was reviewed at the August Planning Commission meeting. After discussion with the Planner and Planning Commission some of the proposed changes include:

- Eliminating the solar site permit
- 6' trees at planting
 - There was discussion to clarify where to measure and it was decided "as measured by final grade"
- Sideyard and rearyard setbacks were changed from 10' to 20' (Number 8 Ground Mount Standards)
 - Anyone currently under 20' is grandfathered in



- No less than 15 acres (upped from no less than 5 acres)
 - On one parcel
- Change to an IUP from a CUP
 - Has a sunset date – whatever the Township sets it to
 - If conditions are met it can be continued
- Panel setback requirements solar gardens: no changes – just add ‘feet’
- Setback for accessory component to 50 feet
- The construction hours are 8 am – 5 pm
 - E. Maass proposed adding no work on Federal Holidays

Solar Farms:

- Change CUP to an IUP
- Setback accessory equipment 50’
- Setbacks no change
- Remove ‘feet’ and bring it to the header
- Change the height of installation to 6’
- Update decommissioning
- Include no work on Federal Holidays
- No solar site permits
- Only allowed in the northeast corner
- Only a building permit
 - No solar permit

There was discussion concerning decommissioning that included:

- M. Willcoxon would like an inflation plan
- E. Maass said he did not find any information on an inflation plan
 - He found some that built up to the \$25k
- M. Willcoxon said he does not feel that will be appropriate 25 years from now
- J. Opsahl asked if it could be a percentage of what it costs the company to install them
- E. Maass said if the Township wanted to go with a percentage of the construction
- J. Johnson asked what happens if they give the Township \$25k and then they see it is \$35k and walk away
 - E. Maass said it would be assessed to the property owner
 - J. Johnson confirmed that an agreement with the owner of the property would not be necessary
 - J. Johnson said they need to tell the landowner we are looking out for them
 - P. Carlson said it is so they know what they are getting into



- They need to know the Township is protecting them
- We need to give them a form
- E. Maass said it should be recorded against the property in case they move
- P. Carlson said E. Maass can come up with the form
- E. Maass suggested a \$25k decommissioning with a 4 percent annual increase due to Lent Township
 - J. Johnson said they do not know if they are going to own it for the entire time
 - E. Maass said if the property was sold it would show up on the title
 - M. Willcoxon feels four percent is a decent guess with the \$25k as a base
- E. Maass said \$25k is the largest he has seen at a municipality

J. Johnson said it should be a flat rate of \$25k and 4 percent x the length of permit which is paid up front. The length of the contract determines how much. The money is paid up front.

M. Willcoxon opened the public hearing at 8:18 pm

M. Opsahl said she has found no evidence of 6' being better than the 8' at planting. E. Maass said it is has to do with the survival rate. P. Carlson said it is because it is too expensive and further explained the planting process. She confirmed that the trees by them will be 6' at planting. She said she was told they had to be 8' at planting. E. Maass said they were approved at 6', but with many of them not surviving this would allow them to grow for a while. It was entered at the Staff level and did not go before the Board. The CUP says 8' and the building permit says 6' at planting.

M. Opsahl said she has had enough issues with toilets, dumpsters and now she has to look at the panels. M. Willcoxon said they are trying to eliminate issues like this from happening again.

M. Opsahl said when the final project plan was signed off on, they should make sure every single person knows the plan. M. Willcoxon said they got together to talk about the rules and feels they are making an effort. They have weekly meetings where they are supposed to be talking about issues.

J. Opsahl asked how many things they have to do wrong before their permit is pulled. He commented the site is quiet because of the sand. E. Maass said that the last email from the Construction Manager said they would pull their contract if subcontractors are working outside of the rules. P. Carlson said there should be a monetary fine if they are working outside of the work hours. P. Carlson said the ordinance should be printed out for them so they are aware of it.



B. Seekon said he feels it is too restrictive to not have them work on Federal Holidays and he feels that they should start at 7am. E. Maass said those were the hours proposed by the applicant. J. Johnson said it is nice because it is limited during people's work hours. L. Sinna asked if they could apply for a variance for work hours. E. Maass said yes, they have the right.

L. Sinna said a big concern is the traffic. It was dangerous having the trucks parked on the street.

M. Opsahl asked when the trees are going to be planted. E. Maass is going to get that information for them from P. Schmitt. M. Opsahl asked if they had to plant trees in addition to the nesting platforms. E. Maass said it is up to Fish and Wildlife.

D. Milles made a motion to close the public hearing at 8:50 pm. L. Sinna seconded. All in favor, motion carried.

D. Milles made a motion to accept all previous discussion as testimony and to allow E. Maass to make the changes discussed. P. Carlson seconded. All in favor, motion carried.

M. Willcoxon said they approved the language changes and it will be included in the Board packet which they will review prior to their meeting Tuesday at 7:00 pm.

M. Willcoxon called a recess at 8:55 pm

M. Willcoxon called the meeting back to order at 9:04 pm

E. Maass said that on Friday he, P. Carlson and D. Milles went on a site visit to look at the fence at the Rockpoint site. In order to install the fence, they would need to be on the neighbor's property for approximately 4 or 5 hours. This neighbor will not allow them to go on his property to install the fence. They are asking if they could install the fence on the interior of the posts. E. Maass noted that he showed people on his team and the consensus was that there is no difference in the look besides the posts. The Planning Commission looked at photos of the fence as well. It was determined that one side of the fence is no more aesthetically pleasing than the other.

There was discussion whether or not a variance would be appropriate and E. Maass said that is typically for dimensional standards.

E. Maass said it should be a formal resolution adopted by the Town Board.



D. Milles made a motion to have E. Maass write a resolution for the fence at Rockpoint for the Town Board Meeting. L. Sinna seconded. All in favor, motion carried.

Enforcement Options

D. Milles said that the ordinance allows the Township to administer fines. A citation can be enforced every day, but he is not suggesting they do that at this time. They can ask for a hearing with the Board of Appeals.

D. Milles said there are two properties that are in the Township where this may apply. This could apply to the solar companies as well. M. Willcoxon likes this idea for the Karmel Avenue property, but said they should wait on the Lent Trail property because of the upcoming court date.

D. Milles proposes to do it every month and add the ten percent late fee or it will go on the property taxes.

The fees are:

\$200

\$400

\$500

And a ten percent late fee

OLD BUSINESS

Karmel Ave Update

M. Willcoxon talked to the property owner and not much cleanup has happened since the last time and there needs to be an effort to clean it up.

If they rack up \$20k of fines and then clean it up, the Township has the option to work with the property owner. E. Maass will write a letter of violation to the property owners stating there will be fines after 30 days. E. Maass said P. Teide should look over it. B. Seekon is going to ask R. Keller to be the liaison between the Township consultants. D. Milles said it should be sent registered mail.

D. Milles made a motion to apply the administrative penalty as a civil fine and to consider escalating it as in accordance with the ordinance. L. Sinna seconded. All in favor, motion carried.



COMMISSIONER/TOWN BOARD REPORT

Ivywood Trail has been requiring a lot of extra gravel and will be the next road paved. They put curbing north of 302nd Street and the gravel was washing into the marsh. They put rip rap and a silt fence which seems to be working. Maintenance is picking up the blue address signs tomorrow and they do not know who is going to install them yet.

NEXT REGULAR PLANNING COMMISSION MEETING IS OCTOBER 10, 2018 AT 7:00 PM.

ADJOURN

P. Carlson made a motion to adjourn the meeting at 9:40 pm. L. Sinna seconded. All in favor, motion carried.



Mike Willcoxon, Chairperson



Kelly Wood, Clerk

