

Castle Rock Township **Approved**
Planning Commission Regular Meeting
March 30, 2009 at 7:30 PM

Planning Commission Attendees:

Norbert Kuhn (Ch.) Paul Irrthum (Vc) Sandy Weber (Sec)
Todd Sjostrand Gary Pipho

Other Attendees:

Ron Wasmund, Greg and Helen Cook, Mark Molitor, Eric Ruud, Pete Shaffer,
Mark Wagenknecht, David Sodergren, Mark Henry, Dave Nicolai

Call to Order:

The meeting was called to order at 7:30 PM
The Pledge of Allegiance was recited.

Reorganization:

Nomination was made for Norbert Kuhn as PC Chair. No other nominations were made.
Motion was made to appoint Norbert as PC Chair.
Motion: Todd Second: Paul Motion Carried.

Nomination was made for Sandy Weber as PC Vice-Chair. No other nominations were made.
Motion was made to appoint Sandy as PC Vice Chair.
Motion: Paul Second: Todd Motion Carried.

Nomination was made for Gary Pipho as Secretary. No other nominations were made.
Motion was made to appoint Gary as Secretary.
Motion: Sandy Second: Todd Motion Carried.

Nomination was made for Sandy Weber as Vice-Secretary. No other nominations were made.
Motion was made to appoint Sandy as Alternate Secretary.
Motion: Norbert Second: Paul Motion Carried.

Review and Approve:

The March 5th 2009 regular meeting minutes were reviewed.
Changes or additions: Corrections to spelling of "Kliman" to "Klima" under heading of Third Informational Meeting.
Motion was made to approve the minutes as amended.
Motion: Paul Second: Todd
Motion Carried: (4:0:1) Gary abstained because he was not a member of the PC at the time of the meeting.

The March 19th 2009 Public Hearing minutes were reviewed.
Changes or additions: None.

Motion was made to approve the minutes as written.

Motion: Paul Second: Sandy Motion Carried.

Opening Discussion:

Discussed: Town Boards handling of dismissal of a PC member. Some members felt the dismissal was handled improperly.

A decision was made to have Gary and Sandy draft a recommendation to the BOS outlining a possible uniform process for handling disciplinary actions if they occur in the future. The chair will review the draft before submission to the clerk for the BOS.

Permits:

1.) Ron Wasmund presented a building permit for Niel Peterson and the PC reviewed the documentation.

Motion was made to approve the building permit for Niel Peterson.

Motion: Paul Second: Todd Motion Carried.

2.) A letter was sent to 24900 Akron Ave. in reference to a building permit they have requested. Ron needs the information requested in the letter prior to moving forward.

Discussion: Ron was asked about the complaint process and if Inspectron sends a bill to the property owner the complaint is made against. Ron stated that they do not send a bill whenever they do an inspection as a result of a complaint.

Ron mentioned that the presiding process is for the BOS to first look and see if an obvious infraction has taken place and if so, the twp. sends them a letter telling the owner(s) they need to apply for a permit. If they apply for the permit the fees and billing are handled through the normal process. If a permit is not requested it becomes an enforcement issue for the township – not a simple matter of sending a bill.

If upon a brief “look” no violations have taken place no action is taken and no billing is made.

Discussion: Ron was asked about permit fees for windows. Ron stated that if all windows are for the same size opening or smaller the simple flat fee applies regardless of the cost or quality of the replacement windows. If the window opening is to be larger for one or more of the windows framing inspections are required to ensure proper headers are put in place. However, only the window(s) that are larger than the original windows are subject to the additional pricing – NOT the entire project.

Discussion: Ron again stated that he was willing to provide a free seminar to township representatives. He estimated it would take about an hour with additional time for questions. A recommendation was made to have the meeting prior to a regular meeting to save incurring additional costs to the township – Ron agreed. Ron was asked to provide a brief outline of issues that should be considered in common permitting scenarios.

Potential topics may include: Overview of Building Officials duties and responsibilities, review the general permitting process, types of inspections, Requirements of a Certificate of Occupancy, Building Code requirements, possible ways to streamline the process in Castle Rock. Ron will email the clerk with possible dates but will try for April 27 (at 6:30 pm) to accommodate the regular PC meeting date.

Discussion: Ron was asked how we can improve communications on open permits. Currently the twp receives monthly activity reports. Ron agreed to send the twp clerk emails when new permits arrive in the Inspectron office.

Motion was made to instruct the clerk to post a five day notice and schedule the “Building Permits Work Shop” for 6:30 PM on April 27, 2009 at the town hall.

Motion: Sandy Second: Paul Motion Carried.

New Business:

Discussion: Dave Sodergren reviewed the requests the PC had made previously that Mr. Sodergren hold off on requesting an IUP until this meeting. The PC member agreed and Mr. Sodergren said he would comply and make the IUP application in the near future. The PC instructed him to stop in and see the twp clerk.

Discussion: Eric Rudd had a question concerning how many animal units would be allowed on a 7.8 acre parcel he was thinking of selling. A prospective buyer has ten animal units now and Eric was researching the requirements prior to the sale to make sure both himself and the buyer would be fully informed. Ten 10 or more animal units triggers the feedlot requirements as well. The consensus of the PC was that a variance to allow addition animals was not likely. Eric was thanked for asking the questions in advance rather than waiting until after the sale was complete.

Unfinished Business:

Discussion: Rural Collaborative Watershed Ordinance.

An audience member had spoken out at the March 19th public meeting in favor of keeping control within the twp but after further consideration asked to re-track his statement and that it was now felt control should be given to the county.

Issues and concerns discussed:

- Flexibility in the rules? We can only make stricter.
- The process and required set backs were discussed.
- How would we set fees and escrows?
- At the current time no compensation is given for the buffer areas or for lands effectively made unusable by the new rules.
- Potential for lawsuits against the twp?
- Not all of the new rules are in place or enforced today.
- Misc. Comments:
 - Let the county handle it – reduce the number of places to apply
 - County has all the maps, research, staff etc.

- We do not have funding to administer the new rules nor the staff/capability to meet the required timelines for action.
- Who pays for the costs for wetland delineations etc? County or applicant? (Laura Justens at the county currently coordinates these functions – point of contact for questions?)
- Point made by Brian Watson at the public meeting – Current wetland maps are only 70% accurate at best.
- Concerns about comments from JPO representatives at the public meeting that this was “no big deal” as long as you do not sell or divide your land. Shows a lack of understanding and/or concern for land owners.
- Question that was not fully answered at public meeting – If a small piece of land is divided from a larger piece of land – will the new rules apply to the entirety of both parcels or only the smaller piece if it does not meet the criteria to stay in green acres?

Motion was made to recommend the BOS NOT adopt the Water Resources Management Ordinance.

Motion: Todd Second: Paul Motion Carried: (4,0,1). Gary abstained because he did not feel he had enough information being new to the PC.

Comment: The PC does feel they have enough information and their questions have not yet been addressed by Dean Johnson – unable to make an informed decision concerning the ordinance.

Discussion: Adding Additional Commercial Zones within twp.

Reviewed a few more questionnaires. Learned that if only a portion of a parcel is developed for commercial use - the entire parcel may or may not be taxed as commercial depending what type of crops are planted on the “non-commercial” portion. The land owner would have to accept the risk of changing rules.

Motion was made to recommend the BOS NOT create new commercial areas in the twp.

Motion: Todd Second: Paul Motion Carried: (4,1). Gary felt that since one area’s residents voted greater than 50/50 (Four to one in favor?) the PC should do further investigation.

Discussion: A member in the audience commented that it may be appropriate for the PC to have a paid secretary that does not serve on the commission.

Motion was made to recommend the BOS consider paying a non PC member a flat fee of \$25 per meeting to take the meeting minutes.

Motion: Paul Second: Todd Motion Carried.

Comment: The PC consensus was that the meetings minutes would need to be reviewed by the PC Chair prior to submission to the clerk.

Discussion: (Referring back to the Rural Collaborative Watershed Ordinance voted on earlier . . .) An audience member asked if the PC and BOS have enough information to even state an opinion as for or against the ordinance. A PC member stated that they wanted to be on record as being against it.

Discussion: Concerning a Resolution Regarding the Administration of the Wetland Act of 1991. (Twp ordinance book page 53.)

Motion was made to recommend the BOS adopt the version of the “Resolution Regarding the Administration of the Wetland Act of 1991” that delegates decision and administration authority to Dakota County Soil and Water Conservation District for the purposes as listed in the resolution.

Motion: Norbert Second: Paul Motion Carried.

Discussion: Question was posed as to whether a public meeting to discuss clustering should be held before or after the proposed ordinance rules were written or if a meeting should be held first to see if the public was still interested in clustering - and if so hold a second public meeting to review the proposed ordinance and rules. On several occasions the public was asked their opinion and the PC consensus was that the public has already made it clear they are in favor of clustering and that holding a meeting without a concrete set of rules may not be very informative.

It was agreed that Paul and Gary will write a draft of the clustering ordinance to include the following (not a complete list):

- No grand-fathering of building sites
- No transfers out of a section
- Max four building sites per ¼ ¼
- If the back 10 does not have a buildable lot (ie wetlands etc.) there is are no building rights to move forward.
- Land locked ¼ ¼’s (behind two ¼ ¼’s) remain as is and building rights cannot move forward (would violate bullet number two and potentially number 3)

Discussion: Wording is incorrect in our ordinances concerning driveways (distance of centerline from property line. A special meeting should be held the same night as other ordinance change meetings to address. (Ordinance book p. 23)

Discussion: Public Meeting Dates.

Motion was made to have clerk schedule meeting (preferably April 16th or April 20th) a public meeting to discuss the following:

- The Right of Way Ordinance
- Review of the Comp Plan
 - Clustering
 - Creating additional Rural Residential
- Driveway ordinance changes (Separate Special meeting?)

Motion: Gary Second: Sandy Motion Carried.

Discussion: CapX2020. A meeting will be held on April 14th at the MN State Capital for the certificate of need. The public is welcome.

Discussion: Meeting rules – bring thoughts and suggestions to next meeting.

Discussion: Should the township be telling people what permits they need or tell them to read the ordinance book and figure out what they need to apply for on their own? The concern seems to be that if twp representatives suggest a certain course of action and we are incorrect we may be liable.(?)

Comments:

- The PC is an advisory committee – it is our job to assist residents
- We do not always have enough information up front. In the process recommended additional information may significantly change the situation and negate our original recommendation. This would not constitute a mistake.
- Should we put legal disclaimers on our permits? Opposition to this because it would basically say we don't know what we are doing.
- Should we create written guidelines for IUP's and CUP's (for PC and BOS use? To hand to public to decide for themselves?)
- If a mistake is made the township should take actions to correct them.

No action taken.

Discussion: Determination of PC member. The position has been posted and the interim PC member must also apply. Deadline for written applications is April 15th.

Adjourn:

Motion to adjourn the meeting.

Motion: Paul Second: Sandy Motion carried.

Meeting Adjourned at 9:45 PM.