

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**

4
5 **August 1, 2023**

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7 **1. CALL TO ORDER**

8 The meeting was called to order by Commissioner Johnson at 6:00 pm.
9 Pledge of allegiance was recited.

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11 **ROLL CALL**

12 PRESENT: Dave Johnson (Chairperson), Bill Spiess, Lynn Bartel, Denise Vukelich, Patrick
13 Rheaume and Faye Hughes.

14 Council: Greg Koch (Liaison), Gary Hanson

15 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &
16 Zoning Clerk

17 Public: Steve Beneke, Denise Gorsuch, Dave Moe, JoAnne Moe, Mick Davis, Jane Davis,
18 Jennifer Erickson, and Dave Larsen

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20 **2. ADDITIONS OR DELETIONS TO AGENDA**

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22 Addition to New Business 8-d. Charles Winkler permit#20-86 status/discussion.

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24 **MOTION BY COMMISSIONER SPIESS TO ACCEPT MODIFIED AGENDA, SECONDED BY**
25 **COMMISSIONER RHEAUME. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.**

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27 **3. OPEN FORUM**

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29 None

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31 **4. PUBLIC HEARINGS**

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33 a. Conditional Use Permit Application 23-40 to allow for the construction and operation of
34 4 commercial storage unit buildings within the Commercial Transition/Light Industrial
35 zoning district. Owner/Applicant: Emily Ace Storage, LLC.

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37 Cotner provided a brief background:

38 The applicant is proposing to construct and operate 4 commercial storage unit buildings
39 on the property located at 40109 Sawmill Rd (PID 21270736). The subject property is
40 1.67-acres and is located in the "Commercial Transition/ Light Industrial" zoning
41 district. The subject property does not have any existing structures. The 4 storage unit
42 structures are all that are being proposed. No driving surface will be placed due to
43 maximum impervious coverage levels being met by the structures.

48 **Finding of Facts:**

- 49 1) The subject property is located at 40109 Sawmill Rd (PIN 21270736).
- 50 2) The conditional use permit request is to construct and operate a mini storage
51 unit facility.
- 52 3) The proposed use, with conditions, conforms to the comprehensive plan. The
53 intended use of the property is for commercial purposes within the
54 Commercial Transition/Light Industrial zoning district.
- 55 4) The proposed use, with conditions, is compatible with the existing
56 neighborhood of commercial growth.
- 57 5) The subject property is located off of Sawmill Rd where commercial growth
58 has existed and is expected to continue.
- 59 6) The proposed use will not be injurious to the public health, safety, welfare,
60 decency, order, comfort convenience, appearance, or prosperity of the city.
- 61 7) The proposed use will not impede the orderly development and improvement
62 of surrounding property for uses predominant in the area (commercial).

63 Commissioner Spiess asked if there was a drainage plan submitted and if not, he suggested
64 there be a plan for a rain garden. Cotner stated there was a drainage plan for a 10 foot swale.

65 Jennifer Erickson, applicant/owner, stated the drainage plan will go three quarters around the
66 property with a 10 foot grade, 2 foot depth sloping towards the ditch. Erickson stated it would be
67 possible to put an additional drainage pond in the NW corner of the property if needed.

68 Commissioner Rheume asked how the size of a drainage pond would be estimated.
69 Commissioner Spiess stated 10’x10’x 3’ size drainage pond should be adequate since most of the
70 property is sand. Commissioner Hughes asked if the drainage pond would be in addition to
71 the trench. Commissioner Spiess stated the trenching would slope into the drainage pond. Cotner
72 asked the Planning Commission if they wanted the additional drainage pond to be an engineered
73 plan since she is unfamiliar with water management codes. Commissioner Vukelich stated she felt
74 the applicant’s submitted drainage plan was adequate and there was no need for an additional
75 drainage pond or engineered design. Commissioner Rheume agreed the submitted plan was
76 adequate. Commissioner Bartel asked for clarification regarding lighting, since there would
77 not be sewer, electricity or water on the property. Erickson stated lighting would be solar
78 powered, motion sensors therefore no need for electricity. Signage would be on the building with
79 no lighting and the driving surface would not be asphalt or gravel. They intend to leave the
80 driving surface as it currently is. Commissioner Johnson asked if the storage units will be
81 10’ x 20’ and what material they intend to use. Erickson stated they are still in the planning stage
82 of size, and the units will be steel construction.

83 **MOTION BY COMMISSIONER SPIESS TO GRANT THE CONDITIONAL USE**
84 **PERMIT WITH THE 7 FINDING OF FACTS AND 4 ADDITIONAL CONDITIONS-**
85 **1.IMPERVIOUS COVERAGE; 2. LIGHTING & SIGNAGE; 3. NO HABITABLE**
86 **STRUCTURES; 4. 10’x10’ 3 FOOT DEEP DRAINAGE POND FOR SWALE TO FLOW**
87 **INTO. SECONDED BY COMMISSIONER BARTEL.**

88 The Planning Commission discussed condition #4 regarding the drainage pond and whether they
89 should keep or delete that condition.

90 **PLANNING COMMISSION VOTED TO KEEP THE MOTION AS PRESENTED.**
91 **COMMISSIONER SPIESS AND COMMISSIONER BARTEL VOTED IN FAVOR OF**
92 **KEEPING THE MOTION AS PRESENTED. COMMISSIONER RHEAUME AND**
93 **COMMISSIONER VUKELICH VOTED IN FAVOR OF AMENDING THE MOTION TO**
94 **DELETE CONDITION #4. COMMISSIONER JOHNSON CASTED THE TIE VOTE IN**
95 **FAVOR OF KEEPING THE MOTION AS PRESENTED. 3-2 MOTION CARRIED.**

96 b. Modification to an existing Conditional Use Permit to construct and operate a commercial
97 storage unit. Original approval was July, 2021. The requested modification is to deviate
98 from the previously approved landscaping plans of 114 trees (6'-8' planted height) to 86
99 trees (4'-5' planted height) and timeline conditioned on initial CUP.

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101 Cotner provided a brief background:
102 The applicant is proposing to modify their previously approved Conditional Use Permit
103 from 2021 to construct and operate a commercial storage unit building on the property
104 located at 43823 State Highway 6 (PID 21090613). The subject property is just over 10-
105 acres and is located in the "Highway Mixed Use" zoning district. The subject property does
106 not have any existing structures; however, the building pad has been poured.

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108 **Findings of Fact:**

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- 110 1) The subject property is located at 43823 State Highway 6. PIN 21090613.
- 111 2) The conditional use permit request is to construct and operate a 32 unit
- 112 commercial storage facility which is an allowed use (Mini Storage Facility,
- 113 Self-Serve) with a conditional use permit in the Highway Mixed Use Zone. The
- 114 proposed commercial storage building is 40' x 150' (6,000 sf).
- 115 3) The proposed use, with conditions, conforms to the comprehensive plan. The
- 116 intended use of the property is for commercial purposes.
- 117 4) The proposed use, with conditions, is compatible with the existing neighborhood.
- 118 The subject property is located adjacent to State Highway 6 and is in the vicinity of
- 119 other commercial businesses.
- 120 5) The proposed use with not be injurious to the public health, safety, welfare,
- 121 decency, order, comfort, convenience, appearance, or prosperity of the city.
- 122 6) The proposed use will not impede the orderly development and improvement of
- 123 surrounding vacant property for uses predominant in the area (residential and
- 124 commercial).
- 125 7) The conditional use, with conditions, will prevent pollution of ground and surface
- 126 waters including sedimentation and control of nutrients.
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128 Commissioner Johnson opened public discussion:
129 Jane Davis-neighbor stated she is not in favor of any changes to the original plan.
130 JoAnn Moe-neighbor stated she is not in support of shorter trees or any changes to the
131 original plan. She stated smaller trees will not provide enough screening from the
132 building, and she lives directly across the road from the site.

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Steve Beneke- Owner/applicant explained the reason for the landscape modification is due to the original landscape design company no longer in business and they are unable to purchase 6ft-8ft trees from their new landscape company. Mr. Beneke stated the original design was not conducive for proper tree growth and would result in more trees dying. Their new landscape company is unable to get taller trees due to the draught the past few years and suggested smaller trees. Taller trees would be delivered ball and burlap and their growth would be halted for 2 years. Smaller trees would be delivered in buckets and typically grow faster in the first few years than the ball burlap trees. The new spacing of the trees would be 18 foot on center between the two rows. Trees will be Black Hills Spruce and the smaller trees will grow approximately 6-12 inches per year.

Jane Davis stated the site is currently flat with HWY 6. There used to be a natural buffer/ridge area between Highway 6 and the property site, but that has been removed. She asked if the buffer/ridge area could be replaced to allow for the trees to be higher.

Council Member Koch stated he was on the Planning Commission at the time the original Conditional Use Permit was granted. He is not in favor of the Planning Commission allowing changes to an already approved plan.

Commissioner Rheaume asked if the color of the building would influence the property owner's thoughts in any way. The building color will be gray and rustic/maroon red. The neighbors' stated it would not change their opinion of the building.

Commissioner Spiess stated there should be a berm added to the property to bring up the height of the trees. Mr. Beneke said a berm would take water away from the trees and cause more water to run off instead of actually getting into the tree roots.

The planning Commission asked why this project has taken so long to complete. Mr. Beneke stated the reason was because of supply issues, labor, and material costs were extremely high. The lot was mowed and maintained while he waited for prices to come down. Mr. Beneke stated he does have a tentative build start date of August 21, 2023. Concrete has been poured and they are waiting for the material to be delivered. Commissioner Johnson stated the planting of the trees should not be on a specific timeline, but rather a timeline that is more conducive to a successful tree planting/growing season. Commission Johnson stated he is not in favor of the smaller trees because that is not what was agreed upon. Mr. Beneke stated he could build a 2 foot berm with a gully in between the 2 rows and add mulch material that would have better water retention.

MOTION BY COMMISSIONER RHEAUME TO GRANT THE LANDSCAPE MODIFICATION OF THE ORIGINAL CONDITIONAL USE PERMIT WITH THE 7 FINDINGS OF FACTS; AN ADDITION OF TWO-2 FOOT BERMS WITH A GULLY/TRENCH BETWEEN THE 2 ROWS OF 4 TO 5 FOOT STAGGERED TREES. PLANTING WILL BE FALL OF 2023. THE REPLACEMENT OF ANY DEAD TREES WILL TAKE PLACE DURING THE FALL. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

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5. APPROVAL OF MINUTES

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- a. July 5, 2023, regular meeting.

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MOTION BY COMMISSIONER SPIESS TO APPROVE JULY 5, 2023 MINUTES AS PRESENTED. SECONDED BY COMMISSIONER VUKELICH. MOTION CARRIED 4-0. COMMISSIONER RHEAUME OBSTAINED FROM VOTING SINCE HE WAS ABSENT FROM THE JULY MEETING.

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6. NEW BUSINESS

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- a. Larsen Variance Discussion

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Mr. Larsen would like to add a 30'x 20' addition to the south side of his existing cabin. The addition would encroach into the wetland by 1 foot and fill approximately 825 SqFt of wetland to create a slope. TEP board findings were presented to the Planning Commission. The Planning Commission stated Mr. Larsen can apply for a variance, however the likelihood of the variance being granted would be slim due to the fact the structure would be in the wetland, not the setback. The Planning Commission recommended Mr. Larsen have a wetland delineation prior to pursuing a variance application.

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- b. Septic Fee Increase

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Cotner stated the septic permit fee increase from \$250.00 to \$260.00 is requested due to the septic inspector's fee increase of \$10.00. Cotner is recommending the Planning Commission make a recommendation to the City Council to increase the septic permit fee by \$10.00.

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MOTION BY COMMISSIONER SPIESS TO RECOMMEND THE CITY COUNCIL INCREASE THE SEPTIC PERMIT APPLICATION FEE FROM \$250.00 TO \$260.00. THIS COVERES THE INCREASED INSPECTION FEE OF \$10.00 CHARGED BY THE INSPECTOR. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

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- c. Boundary Line Adjustment Fee Discussion

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Cotner stated a request for a boundary line adjustment was submitted to Planning and Zoning, however there was not a boundary line adjustment fee listed on the fee schedule. Cotner recommended the Planning Commission request the City Council approve the addition of a line to the fee schedule for Boundary Line Adjustment with the fee of \$150.00.

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MOTION BY COMMISSIONER SPIESS TO RECOMMEND THE CITY COUNCIL APPROVE FEE SCHEDULE ADDITION OF BOUNDARY LINE ADJUSTMENT FEE OF \$150.00 SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

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- d. Winkler Permit Extension Request

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MINUTES

Emily Planning Commission

August 1, 2023

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Cotner stated Mr. Winkler was granted his last extension on July 31, 2023 by the Planning Commission at the May 2, 2023 Planning Commission meeting. Cotner did a site visit of the property prior to the Planning Commission meeting and stated there is siding and roof work left to complete. At the time of the site visit, there were crews working at the property. She recommended the Planning Commission consider one final and last extension until the end of September or October 2023.

MOTION BY COMMISSIONER SPIESS TO EXTEND PERMIT TO OCTOBER 15, 2023. SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

7. OLD BUSINESS

None

8. SUBCOMMITTEE DISCUSSION UPDATE

Cotner provided an update from the Land Use Ordinance Subcommittee Meeting that was held earlier that afternoon. The committee is continuing to move through Appendix A: Table of Uses specifically for Highway Mixed Use. Commissioner Johnson stated there has been a lot of positive progress made by the subcommittee during their afternoon meetings.

9. P & Z ADMINISTRATOR’S REPORT

Cotner stated the workflow fluctuates depending upon the day. She has seen a slight decrease in applications and questions, however that changes all the time.

10. ADJOURNMENT

MOTION BY COMMISSIONER RHEAUME TO ADJOURN THE MEETING, SECONDED BY COMMISSIONER SPIESS . ALL VOTED IN FAVOR 5-0. MOTION CARRIED

The meeting adjourned at 7:51 pm.

Respectfully submitted,



Sue Fahrendorff,
Zoning Clerk