

CITY OF NOWTHEN MEETING MINUTES
PLANNING AND ZONING COMMISSION REGULAR MEETING
OCTOBER 25, 2022

CALL TO ORDER

Chair Ames called the meeting to order at 7:05pm.

Those assembled recited the pledge of allegiance.

Present: Ames, Carlson, Haapala, Jorgensen, Bies,

Absent: Lewis, Pearo

Also Present: Liaison Pilon, Planner Stockman, and City Administrator Lehner

MOTION BY CARLSON, SECOND BY HAAPALA TO APPROVE THE AGENDA FOR TONIGHT'S MEETING. MOTION CARRIED. FIVE (5) AYES.

MOTION BY BIES, SECOND BY AMES TO APPROVE THE MEETING MINUTES OF JULY 26, 2022. MOTION CARRIED. FIVE (5) AYES.

ITEM 1. PUBLIC HEARING: 20885 ENGEN BLVD; CONSIDER A SHORELAND SETBACK VARIANCE TO ALLOW A NEW RESIDENCE 100 FEET FROM THE OHWL OF BEAR LAKE. PIN 17-33-25-42-0003.

Chair Ames asked Planner Stockman to present her report. She noted that the 11-acre parcel is irregular in shape and contains several wetlands. Should the 50-foot Variance be approved by the City Council, the new home would replace the existing home, which is to be torn down. The setback to the existing house is 93 feet to the OHWL and the proposed setback for the new home is 100 feet. The proposal would not interfere with the 75-foot grading impact zone.

Chair Ames asked the applicants if they had any comments. Ben Polgreen stated that he grew up on this property and that his family had lived there for 30+ years; he'd like to continue that.

Commissioner Bies wanted to make sure a condition was included regarding the removal of the old home. Ames questioned the shared driveway situation. Mr. Polgreen stated that his plan was to have a written easement agreement recorded before construction of the house is complete. Planner Stockman suggested that the City Attorney be contacted regarding the authority of the City to require the easement and a shared driveway agreement.

Commissioner Haapala questioned the required setback from the wetland to the north which was shown as 75 feet but is actually only 50 feet from high priority wetlands as required in the City Code. He noted that the house could be moved back further from the OHWL. Discussion ensued about moving the house +/-10 feet to the north and east, but this would push the house off an existing knoll and require added fill.

Commissioner Carlson commented on the steepness of the land surrounding the proposed building pad. Planner Stockman reviewed the Variance review criteria. It was also stated that a 100-foot setback Variance was issued for a property on Bass Lake a few years ago.

Planner Stockman stated that the DNR had not responded to the Variance hearing information and report that was provided in advance of both public hearing dates (the September meeting for which it had been originally noticed was canceled). The applicants were questioned about the buildings being removed. All but one building is to be removed from the property.

Commissioner Jorgensen had a question about the lake drainage which was changed from flowing south to flowing north 15+ years ago. Kreger had issues with the DNR and watershed who wanted to limit the number of additional houses that should be built around the lake. Liaison Pilon stated that the City shouldn't assume that the DNR has no comments because we haven't received anything verbally or in writing; this is disappointing. There have been too many cases where the DNR comes back later and raises issue with shoreland-related projects which can negatively affect property owners.

Liaison Pilon had concerns over the grading moving forward without approval of the Variance by the City Council. It was noted that Shane Nelson had approved the grading plan with a lowest floor elevation three feet above the highest known water level. The public hearing was closed at 7:37 PM.

Carlson recommended that we allow the applicant to use that knoll and leave the requested setback at 100 feet from OHWL. Bies concurred. Jorgensen questioned how many people actually saw the site. Ben Polgreen stated that he is building on the highest buildable part of the lot.

Commissioner Haapala had concerns over meeting the minimum action necessary to eliminate the practical difficulty. Planner Stockman stated that the Commission's job is to determine what's reasonable

BIES MADE A MOTION TO APPROVE A 50-FOOT VARIANCE FOR 20885 ENGEN BLVD. SUBJECT TO THE CONDITIONS AS OUTLINED IN THE PLANNING REPORT and:

- a. Planner Stockman contacts the DNR relative to their acceptance of the proposed Variance request and historic Bear Lake drainage issues/water flow, with response prior to the City Council meeting.***

b. Planner Stockman contacts the City Attorney relative to the shared driveway and whether the City can require a recorded easement and shared easement agreement.

c. A demolition permit is obtained for removal of the old house.

Carlson seconded. All in favor, motion carried. Five ayes.

ITEM 2. PUBLIC HEARING: 5606 VERDE VALLEY RD; CONSIDER APPROVAL OF AN AMENDED CUP FOR THE CELL TOWER SITE FOR WHICH NEW GROUND EQUIPMENT AND UPGRADES ARE BEING PROPOSED AND FOR WHICH SCREENING/FENCING IS REQUIRED. PIN 14-33-25-44-0001.

Planner Stockman presented the TPC Planning Report and recommended that the request be tabled until the November 22, 2022 Planning and Zoning Commission meeting by continuing the public hearing to said meeting date at 7:00PM. She stated that she'd been working with Dish Wireless and GPD Group (planning/engineering for the cell tower) since March of this year and that issues with the requested missing information and a complete application have not been addressed.

The following residents/comments were heard at the public hearing:

Craig Geisler, 5453 Verde Valley Road: Questioned whether there were new antennae going on the tower and whether there were additions such as satellite dishes or other protruding appurtenances. He also questioned whether the tower was higher than 200 feet and requires a light which would be a detriment to the neighborhood/rural area. He was in support of screening.

Ms. Xiong, 5683 Verde Valley Rd: Concerns over machinery used to make upgrades and disruption/blockage of the road and timing of project. Amount of time it will take as any work they do is very loud and travels across the road...constant pounding and any other noises, even talking, can be heard.

Ames made a motion to continue the public hearing to the November 22, 2022. Liaison Pilon interjected prior to a second being voiced so there could be additional discussion. He reiterated some of the issues and noted that the Commission could deny the request. The process would then need to start the process over again.

The public hearing was closed at 8:17PM and CHAIR AMES RESCINDED HIS ORIGINAL MOTION AND MADE A MOTION TO DENY THE REQUESTED AMENDED CUP. SECONDED BY BIES. ALL IN FAVOR, MOTION CARRIED. FIVE AYES.

ITEM 3. DISCUSSION REGARDING POSSIBLE AMENDMENTS TO THE CITY CODE RELATIVE TO FENCING, SCREENING AND LANDSCAPING STANDARDS.

Planner Stockman stated that the fencing, screening and landscaping ordinance as it is currently set up is predominantly geared toward commercial and industrial uses. There are also portions of this section which need clarification. She walked the group item by

item through the proposed changes. It is important to require incorporation of the architectural standards which were just adopted.

Commissioner Bies asked if non-residential uses includes agricultural as it relates to outdoor storage. Planner Stockman stated this is tough in Nowthen since we have a single zoning district allowing agriculture and residential development. The discussion continued about agricultural products, machinery and equipment being exempted from outdoor storage requirements. Agricultural property is defined as 20 acres or greater with the tax classification listed as Agricultural.

Outdoor storage higher than six feet necessitates added provisions for screening. The group felt that screening fences at seven feet is wise, except that it's not a standard material length. The group liked accommodating screening fences using finished metal.

The architectural committee has not been called upon for many years; the group is made up of the City Council and the City Planner. All outdoor storage requires an Interim Use Permit and needs to come before the City Council anyway. It was recommended that chain link is only permitted in the industrial areas and add metal panels (prefinished metal) in both commercial and industrial areas with upgraded posts in commercial areas.

The required bufferyard of 100 feet was questioned as excessive for some areas, especially in the commercial zones where land is valuable. It was suggested that review of the bufferyard may be reduced to 50 feet through submission of a detailed screening and landscaping plan. Bies suggested a percentage of the property size. Encouraged establishment of a linear trail/park as a screen.

Discussion began about turfgrass at a height of eight inches within manicured yard areas (bluegrass, fescue, and standard species). Native wildflowers and grasses shouldn't be within 50 feet of any structure, except cropped areas due to the fire hazard. Ditch mowing doesn't have a regular schedule and it is appreciated when residents assist by mowing ditches to maintain adequate visibility of traffic and pedestrians.

Requiring irrigation in commercial and industrial areas was not recommended.

MOTION BY BIES, SECOND BY CARLSON TO ADJOURN. MOTION CARRIED. FIVE AYES.

The meeting was adjourned at 9:27PM.



Chairman Dale Ames

Attest:



City Administrator Scott Lehner