

The Hampton Township Board  
Special Meeting Minutes  
July 16, 2015 7:00 P.M.

ATTENDANCE

TOWNSHIP ATTORNEY	TROY GILCHRIST
Chair	Jim Sipe
Supervisor	Doug Wille
Supervisor	Bernie Pistner
Treasurer	Leo Nicolai
Clerk	Jeanne Werner
Deputy Clerk	Molly Weber

PLANNING COMMISSION

Dave Peine  
Mike Tix  
Jeremy Irrthum  
Larry Runyan  
Casondra Schaffer

This meeting was called to order by Jim Sipe, Chair at 7:00 P.M. with the Pledge of Allegiance to the flag. We called the special meeting to discuss changes to the zoning ordinance, feedlots and right-of-way ordinance. Jim introduced all the board members and members that were present.

Our Township attorney Troy Gilchrist was present. He had a rough draft of ordinance changes that the board had asked him to review as an outline for the meeting. He explained the process of adopting an ordinance and to make sure that the procedure is completed correctly.

Non-conforming lot and the description of this term were discussed. Lot of Record was prior to 1982. The term "hardship" is no longer used a change to "practical difficulties" now. They also went through the definitions in Section 102. Troy was going to reword the sub-section lot descriptions so it is not difficult to jump around from ordinance to ordinance. Jeremy wanted to see the language on the sub-standard lot changed to make it more understandable. Jim was questioning the wording "length of water frontage". Troy will review that wording on that. Jeremy was fine with the substandard lot description if we could get rid of "water frontage" wording. He stated that the substandard lot provision should maybe be located as 402a or 402b. He also stated that they were jumping around the ordinance book to figure out if it was a substandard lot and they discuss 509 almost every meeting. Jim stated that he would like to see this changed to 403.

Troy read the ordinance regarding granting an additional building site if the original farm site was built before 1982 on a quarter- quarter section. Doug stated that he is not in favor of this and would like to clarify this ordinance and to ask if the land owner needs to still own the house in order to get an additional building site. Troy stated that the intent was Ma & Pa wanted the kid to stay on the farm but it does interfere with the density regulation. Jeremy and Doug would like that ordinance be deleted and preserve the farm land. They also stated that you can cluster if you own enough additional land if needed. Doug stated the ordinance was

adopted around 2000 and Jeremy stated that the ordinance has been out lived for its purpose. Doug stated that we will have to have a public hearing anyway to adopt these changes so we discuss then. Jim also mentioned that we need to strike "approximate 40 acres" and just say a full quarter-quarter section. Jeremy stated that we can strike it out and see what input we will have at the public hearing on keeping it. Jeremy stated that we could add the definition of a quarter-quarter section.

Clustering was discussed. Jim stated that we need to clean up the clustering language. He would like Troy to explain the variance language. Troy stated that if you issue a variance, it was intended to make an exception if something is not allowed. If you start issuing variance to add additional homes, you could add some additional issues. Bernie stated that he was told that we do not issue variances in this Township. He wanted to know how it works when you deny a variance and how it works in the courts. Troy stated it is harder to approve a variance than deny a variance. He gave examples of a good reason to issue a variance versus not issuing one. Don't issue a variance off a need. Jeremy explained the reasoning for clustering. Jim stated that the reason is to put the houses together and to preserve the farm land. Jim asked Troy if there is another way of clustering. Jim asked how to keep track of the clustering and to see how to continue to cluster if a landowner sells one buildable and then it would not be allowed to cluster after that if there is not a total of 80 acres at that time. Troy stated that you need to come to the Township and have a plan and then break it up then not to sell one lot and then come in and ask for clustering and then you have a development agreement. Jim asked Troy to come up with something for the township.

The driveway access and the driveway itself were discussed. Troy has discussed a permit for driveways which could be issued at the same time as the building permit. Jeremy asked if it also includes a field road and residential driveway. It would be an access of a public right-of-way. The residents would have to apply for the right-of-way permit. Troy stated if you are altering a driveway, the township is concerned about the placement of the driveway and the ditch reference with it. They wanted to make sure that a culvert is also placed where needed. Mike asked about the purchasing of a culvert. It was discussed that the culvert was to be provided by the landowner. Troy also asked if the township would like the resident to stake the area of the driveway and to illustrate where it will be located. They wanted to include driveway access, culvert and maintenance of it. We will make it clear that the landowner will be the one that will be responsible to fix it.

The liquid bulk storage ordinance is to be reviewed. It states in the ordinance over 5000 gallons storage. It was not clear if that was per bulk storage or total capacity.

The feedlot was discussed. Jim stated that he talked to the county regarding the permit. He wanted to also review the amount of animal head plus the setback to the neighbors. He had reviewed the neighboring ordinances regarding the feedlot. Troy also stated that you want to make sure you don't allow a new construction also by an existing feedlot. Doug also wanted to verify the setbacks, if it was from the house or the property line. Jim stated that it was a separation between residents. They reviewed Rivanna Township ordinance and discussed some changes. It was also discussed if you have a lot less than 10 acres which is not agricultural, to put a limit on the number of animals. Jim stated to keep in mind that a pasture is not a feedlot.

Jim was asking about land distributing activity and what is reasonable. Jim also saw in our ordinance about cutting trees. He was asking if we should enforce some of the ordinances that are in place or delete some of them that are not being followed. It states in the ordinance if you move more than 50 cubic yards, you need to get a permit. And Doug also stated that this permit will address the damage to our township roads and the miss use of the land. Leo mentioned that Dakota County Soil & Water also regulates some of these things. The Township also has requested Escrow accounts for companies that do a lot of hauling on our roads. Jim is worried about the issues of the roads & noise control for the neighbors.

Jim was asking about the ROW ordinances for large utility and to see if we should put some of the requirements outside of the ordinance. Troy stated that we can type in the ordinance to tie in the "standards" of the permit. That way we could craft some rules that we can attach to the permit. Jim asked to have Troy to review the ordinance and revised as needed.

Jim had asked who should decide if a building is agricultural permit or not. Is it the building inspector or the Township board to decide if it is agricultural or not. Troy stated that agricultural permits are exempt from the code. Jim was concerned about the decision making. Troy stated that the Board of Supervisors should make the decision. Jim stated that he found an agricultural application to fill out and that would help us to make the decision.

Jim mentioned the issue of solar farms and solar systems on the roof. Troy stated that the residential solar systems should be turned over to the building inspector to address it. Jim stated that we do not currently have anything regarding solar farms so we should add that into our ordinance. Jim wanted it to be added that we would require a conditional use permit.

Bernie Pistner made a motion, seconded by Doug Wille to adjourn the meeting. It unanimously passed. Meeting was adjourned at 9:40 pm.

Date Signed: ~~8~~ August 25 2015

Supervisor: 

Clerk: 