

Royalton Township Working Planning Commission Meeting Minutes  
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11 May 2021  
Approved

6:30 p.m., 11 May 2021, Chair Leslie Orvis convened the Royalton Township working planning commission meeting with members Priscilla Schneider, Gary Valvoda and Duane Swanson present and Jeff Schlaeger absent. Zoning Administrator John Kemen, Supervisor Wayne Olson, Septic Administrator Amy Thompson and members of the public also attended. Social distancing was observed and masks were worn.

Daniel Berkness, representing William Saumer, distributed surveys of proposed lots 1 and 4 and a rough lot sketch of SW 1/4 of the NW 1/4 of section 23, all dated 11 May 2021. The surveys of lots 1 and 4 each showed the locations of two boring sites for potential septic systems. Both lots 1 and 4 have pending sales. Mr. Berkness stressed that he was not asking for approval for lot 2 at this time because there is no potential buyer. Septic Administrator Thompson asked about the location of soil borings on lot 2, because they appear to be on the property line. Surveyor Alan Hancock noted that the scale is so small that the boring site appears closer to the lot line than it really is. Mr. Berkness noted that because the proposed lot 3 does not have the required road frontage or an accessible driveway, it would remain attached to the parent parcel and would not be a salable lot. Previously, the board had been given the results of soil boring tests for these parcels. Those tests remain on file. Administrator Kemen opined that the detailed surveys and rough sketch appeared to meet township specifications for the land split as long as lot 3 remains attached to the parent parcel and is not considered salable. Commission members expressed support for the land split as proposed. Messrs. Berkness and Hancock left the meeting.

Chair Orvis welcomed Dale Heidelberg to provide an update on his request for a conditional use permit to construct a restaurant in the township. He stated that he had been in conversation with the Minnesota Department of Transportation regarding road access and parking lot requirements and that he was waiting for a report detailing requirements and options. Mr. Heidelberg's hope is that access will be permissible immediately across from his current driveway to the north. The access lane may have to be extended, and additional road signage may be needed. Commission members urged Mr. Heidelberg to share reports with the town when he receives them. He then distributed a percolation test data report dated 4 May 2021 showing the results of perc tests on two sites. He noted that these may not be the actual sites of a future septic system. Administrator Thompson expressed reservations about one of the test results; test site #2, with a perc rate of 300 mpi, fails standards, so, currently, only one test site could be approved. She then distributed annotated copies of selected pages from *Minnesota Rules 7080* and *7081* reflecting septic considerations that would likely impact this project. A copy of these pages was provided to Mr. Heidelberg. Administrator Thompson noted that the septic designer will need to supply detailed plans for review as the project proceeds and that the system may require a designer who has special qualifications for larger systems. Commission members and Administrator Kemen requested that Mr. Heidelberg keep the town and Administrator Thompson informed as negotiations progress and that a site plan be prepared as soon as feasible. Chair Orvis noted that clarity on the septic requirements is critical to the approval of the process.

Discussion next centered on structural design for the project. Administrator Kemen noted that all building design issues would have to be approved with township building inspector Marshall Lind and that a structural engineer will be required if Inspector Lind deems it necessary. Chair Orvis asked that Administrator Kemen and Mr. Heidelberg meet with Inspector Lind as soon as possible to determine requirements for the structure, and Mr. Heidelberg agreed this was a necessary process.

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Clerk Swanson distributed pages 30-34 of the town's zoning ordinance regarding the issues that the commission must review in analyzing a conditional use permit application. Chair Orvis read each requirement, and commission members had an opportunity to ask questions and make comments. These issues will become part of the findings of fact that will be drafted for the board. Briefly, commission members appeared to have consensus on the following: That this project fits with the town's comprehensive plan, that it fits into the zoning district as defined in the ordinance, and that it must meet specific standards mandated by state, federal, and local governments. Access issues must be controlled by the state Department of Transportation. Mr. Heidelbergger noted that he does not request access to the commercial building from Apple Road, but only from State Highway 70. A field driveway off Apple would remain as access only to the existing field. Regarding appearance of the structure, Mr. Heidelbergger said that his plans are for a 104' x 40' structure, with a 6' overhang and two building entrances. Administrator Kemen will need to approve the land area and setback requirements. Mr. Heidelbergger said that he intends to bring his existing sign or replace it with a sign up to 10' x 12', lit on both sides. The state recommends class 5 gravel rather than a paved parking lot, details of which will be forthcoming. More detailed lighting plans must be in place. Currently, residences to the east and west are screened by vegetation; residences to the south are distanced but not screened. Specifics on all these points will be covered in the findings of fact.

Regarding additional potential restrictions, discussion centered on having only one access point; unloading of supplies, etc., would be in the rear of the building. Hours of operation would be 6:00 a.m. to 7:00 p.m. On-site parking will be required; a detailed plan with projected spaces for larger vehicles will be needed. Mr. Heidelbergger reported that he would plan to move his existing approximately 12' x 22' storage shed to the property. Discussion and statement of approval for this addition would need to be identified in the findings of fact. Supervisor Olson then reviewed his discussions with Caleb Anderson of the county land office, stating that a storm water pollution plan would need to be addressed and the Minnesota Pollution Control Agency will need to be involved. This issue requires further consideration.

Zoning Administrator Kemen then set a public hearing for 8 June 2021, at 6:30 p.m., in the town hall to receive public input on this conditional use request. A working planning commission meeting will follow to discuss the public hearing. Clerk Swanson indicated that notice of this hearing would have to be published ten days in advance and that notices would have to be mailed to landowners within one mile of the proposed site, also ten days in advance. He indicated this was a workable time frame. Discussion concluded, and Mr. Heidelbergger left the meeting.

Clerk Swanson distributed a draft claims payment policy. Discussion centered on how long before meetings should claims be submitted. Consensus appeared to recommend that claims must be submitted to the office seven calendar days before the next regularly-scheduled meeting. The office will redraft the policy for consideration at the next commission meeting.

Chair Orvis then called for discussion on a proposed ordinance amendment establishing a 66' easement to a dwelling site when road access is not available. The current ordinance requires an easement of 33'. Extended discussion occurred. Member Valvoda expressed his concerns that the larger easement may be a burden to future property holders wishing to access more remote properties. Administrator Kemen reported that problems could exist with a 33' easement because of the size of farm machinery, especially when the easement covers hilly terrain. Allowing for the potential of ditching on either side of the easement, the 33' width may become untenable. Existing easements, being grandfathered, would not be affected by a change in the ordinance. Discussion also revolved around ownership of land under the easement. No consensus was reached regarding this issue.

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Chair Orvis determined that because of the absence of Mark Karpe or any further information provided by him, his request for consideration of an exotic animal farm would be deferred to a future meeting. Similarly, with no additional information from Roger Teich, his potential land split would also be deferred to a future meeting.

At 8:40 p.m., the meeting concluded.

Respectfully submitted,

Duane P. Swanson, Clerk/Member

Leslie Orvis, Chair/Member

Jeff Schlaeger, Member

Priscilla Schneider, Member

Gary Valvoda, Member