

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton and Jody Ackerman and Official Mandi Anderson were all present. Alan Schaefer was absent but excused.

AGENDA/ADDITIONS:

Revised to remove the CU permit and add executive session for legal, 1-25-2(3).

Motion by Aaron Johnson to approve the revised agenda. Second by Jody Ackerman. M/C All were ayes.

REORGANIZATION:

Official Mandi Anderson asked for nominations for Chairman.

Roger Albertson nominated Aaron Johnson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Roger Albertson, second by Dan Hansen, for nominations to cease and a unanimous ballot be cast for Aaron Johnson as 2023 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Mandi Anderson turned the meeting over to Chairman.

Chair Aaron Johnson asked for nominations for Vice Chairman.

Jody Ackerman nominated herself. Motion by Jody Ackerman, second by Dan Hansen for nominations to cease and a unanimous ballot be cast for Jody Ackerman as 2023 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2023 Meeting dates and times set for the second Wednesday of each month at 8am unless the lack of agenda items. The 2023 Planning Meeting Calendar was provided.

Roger Albertson and Jody Ackerman were reappointed planning commission members serving as alternates (1st & 2nd Alternate) on the BOA.

At the January 3rd Lake County Commissioner's meeting Adam Leighton was appointed to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

County Commissioners appointed Aaron Johnson to fill Don Bickett's term.

There is still currently one vacancy for the Planning Commission.

Subcommittee Members: Jody Ackerman & Adam Leighton, First District member, Shelli Gust & Mandi Anderson. Also possibly Aaron Johnson if allowed to have three members present.

MINUTES:

Motion by Roger Albertson to approve December 14th minutes sent to them by mail. Second by Dan Hansen. M/C All were ayes.

PUBLIC COMMENT:

Landowner Carol Klein, read by Planning Commissioner Aaron Johnson, via text message. Against the Summit pipeline project and any equipment related to the pipeline on the Ethanol site.

Landowner Betty Strom urges the commissioners to look at placing a moratorium on pipeline use and to take the time to create setbacks and separation distances from homes, schools, community and water ways.

Landowner Charlie Johnson states it is the responsibility of the boards to review the comprehensive plan for the safety purposes of lake county community.

Landowner Linda Rippentrop has CO2 concerns and recommends the board members to do their own pipeline research. Concerns about the path of the pipeline and also through the lakes community.

Chair, Commissioner Aaron Johnson responded to the public comments in agreeance to the safety concerns and requested a moratorium be created and added to the February Planning Agenda. Adam Leighton recuses himself from any and all discussion regarding the pipeline. Jody at this time cannot agree with a moratorium in place until she gathers more information. No motions and/or actions can be made to a public comment, Aaron's recommendation fails.

EXECUTIVE SESSION: Legal 1-25-2(3). (board functions and legal advice for board actions)

8:30am – Motion by Adam Leighton, Second by Jody Ackerman to enter into executive session. M/C All were ayes.

8:45am – Dan Hansen excused himself for the remainder of the meeting due to a fire department call.

9:18am – Motion by Adam Leighton, Second by Jody Ackerman to come out of executive session. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE #23-01

Owner/Applicant: Jamie & Rita Feldhaus

Property Description: North 1130' East 927' of the NE ¼ of Section 25-108-54, Wayne Township

Parcel Number: 16000-10854-25115

Zoning Designation: "A" Agricultural District

Request: The applicant is requesting a Variance from the minimum required accessory front yard setback.

History/Issue(s):

1. The applicant is requesting to rebuild a personal storage shed on his existing farmstead to replace the 48'x 64' shed that was destroyed in the May 2022 storm. He is requesting to replace it with a much larger shed, a 50'x 150'.
 - a. The old 48'x64' shed met the required setbacks of the district. All structures located on this property meet the required setbacks of the district.
2. The depth of the front yard shall not be less than 75' from the road right-of-way and in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
3. Applicant is requesting a 30-35' setback from the township road right-of-way. Requesting a 40-45' variance. The old shed sat approximately 130' from the edge of the road right-of-way.
 - a. Structure would meet all other required (sides, rear, height) setbacks.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained in approval as well as a phone call from one neighbor.
5. Wayne Township was notified and signed off in approval.
6. Motion by Adam Leighton to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. All were ayes.

The planning commission recommends the following preliminary findings:

- The proposed application is the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. Low traffic density AG gravel township road, location of existing feedlots and wetlands, allow adequate access to the structural entrance on the south side.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the "A" District.
- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- That the non-conforming USE of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

No proponents or opponents present.

Motion by Adam Leighton to adjure the Planning Commission Meeting. Second by Jody Ackerman. Chair Aaron Johnosn adjourned the Planning Commission meeting at the hour of 9:56 AM.