

**Scambler Planning and Zoning Public Hearing Meeting**  
**7:00 pm Tuesday, December 9, 2008**

Attending: Mike Ostbye, Stuart Restad, Dave Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

Public hearing is for the public to make comments on the proposed changes to the Residential District 2040.000 zoning ordinance. No public in attendance at this meeting. No public comments.

Stuart Restad made a **motion** to adopt the agenda. 2<sup>nd</sup> by Dave Kerr. Motion carried.

Review the changes to the zoning ordinance:

2040.030 #1 Site locations shall be limited to parcels or lots which are wooded with healthy and mature trees and not currently used for agricultural purposes.

.2040.040 #6 There shall be a maximum of 4 plotted lots in the residentially zoned (R1) districts in any given section in Scambler Township

2040.040 #7 Delete

Stuart Restad made a **motion** that the Planning and Zoning Committee recommend to the Scambler Township Board thru a resolution to adopt these changes to the zoning ordinance as posted and reviewed at the public hearing. 2<sup>nd</sup> by Gary Hart.

Discussion: None. All in favor. Opposed – none. Motion Approved.

Prepared Resolution 2008 – 09 to take to the Scambler Township Board meeting December 11, 2008.

Meeting Ajourned

Aldie Kelsven, Clerk, Scambler Township Board

**Scambler Planning and Zoning Board Minutes**

**7:00 pm Tuesday, September 23<sup>rd</sup>, 2008**

Attending: Mike Ostbye, Stuart Restad, Dave Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

Call to order by Michael Ostbye and the pledge of allegiance.

Minutes of the June 19<sup>th</sup> P & Z meeting were read the one change: Ref: Jerry Kabrinski information.

Remove ‘we believe that’ to read ‘ Then decide if he should go forward with the building’.

Stuart Restad made a **motion** to accept the minutes as adjusted. 2<sup>nd</sup> by Gary Hart. Minutes approved.

Jerry Kabrinski is not ready to go forward with a building at this time.

Stuart Restad has two building permits pending.

David Haugrud approach is going in by Grove Lake on 155<sup>th</sup>. The property is plotted to build on the lots.

North Sand Lake/Robert Thibedeau road access needs to be taken out and the ditch restored. Stuart will send a letter.

Stuart will also send a letter to Oberg stating that they need to quit driving on the road approach by their property.

Wane Engkjer has an approach on the backside of this property that is not permitted. He has now put in a culvert, but the slope and coverage needs to be finished. Stuart will send a letter with after the fact permit billing.

Zoning Ordinance Code #2040.030 #. Dave Kerr made a **motion** to strike ‘, or are unsuitable for economical agricultural uses’. 2<sup>nd</sup> by Gary Hart. Unanimous approval. Motion carried.

#2040.030 #1 to read: Site locations shall be limited to parcels or lots which are wooded with healthy and mature trees and not currently used for agricultural purposes because of poor soils, rough topography or other natural features.

Zoning Ordinance Code #2040.040 #7. Dave Kerr made a **motion** to strike #7 from the ordinance in its entirety. 2<sup>nd</sup> by Stuart Restad. Discussion: all agree that #7 needs to be cleaned up. Unanimous approval. Motion carried.

Zoning Ordinance Code #2040.040 #6. Gary Hart made a **motion** that #6 should be changed to ‘a maximum of 4 plotted lots’. 2<sup>nd</sup> by Chris Selvig. Unanimous approval. Motion carried.

#2040.040 #6 to read: There shall be a maximum of 4 plotted lots in the residentially zoned (R1) districts in any given section in Scambler Township.

By Laws Article #10 - Review the Scambler Township Ordinance

The two years review should be done May 1, 2010.

Publish a notice of public hearing to notify public of proposed changes to Scambler Township Planning and Zoning ordinance. Possibly post prior to the December meeting.

In the notice print the entire ordinance number and the proposed changes.

Dave Kerr made a **motion** to keep the Scambler Planning and Zoning board members as is. 2<sup>nd</sup> by Stuart Restad. Motion Carried.

Meeting Adjourned. Aldie Kelsven, Clerk, Scambler Township Board

**Tuesday, May 6<sup>th</sup>, 2008 @ 7:00pm , Planning & Zoning Board Unapproved Minutes**

Attending: Michael Ostbye, David Kerr, Gary Hart, Stuart Restad,

Also: Aldie Kelsven, Wayne Johnson

Absent: Chris Selvig

Call to order by Michael Ostbye and the pledge.

Comments from the public concerning the agenda. None

David Kerr made a **motion**: to adopt the agenda, 2<sup>nd</sup> by Gary Hart. Motion approved  
Agenda accepted.

Gary Hart made a **motion**: to accept the minutes of the March 12<sup>th</sup> Aggregate Meeting. 2<sup>nd</sup> by Stuart Restad. Motion approved. Minutes accepted.

No tour of the Aggregate Industries site has been set yet. Maybe in June.

The water sampling was missed this spring and will be done now.

The water tests should be done May 1 and will be late at 30 days. Aldie will contact them about this water test report. To be sent to Clerk and copies available to the board.

Does the planning and zoning board have an 'active permit' file.

That would be the Conditional Use Permits.

Only Pelican View Estates has an active conditional use permit at this time.

Their only entrance for the property is okay for now, during the construction period.

But further along there will need to be changes to the entrance.

Dave Kerr had handouts regarding countywide zoning and shoreland ordinance changes. Stuart will contact Everett Peterson: "we want township zoning, not the County control.

Dave Kerr made a **motion**: that we do not want the County to come in to our township to enforce their County ordinances upon Scambler Township. 2<sup>nd</sup> by Gary Hart. Discussion: Scambler has had 16 years of ordinances that work well for Scambler Township.

Call for the question: All in favor. Motion carried.

Concerned from the November 7, 2007 Bio Sludge meeting from Pelican Rapids Meeting.

Code #3090.000

#3090.010 Requirements

#6 One Million dollar bond Discussion: No change in the bond necessary.

Stuart Restad made a **motion**: that after reviewing 3090.000 and 3090.010 that no action is taken at this time. 2<sup>nd</sup> by David Kerr. Discussion: none. All in favor. Motion carried.

Stuart Restad for discussion: When someone purchases a parcel with good existing buildings on the property and moves in then wants to put up other buildings for personal use. This is not currently allowable. Or they want larger buildings in place of the existing buildings. A good exception to this condition would be to earn \$1,000 a year normally as a farmer and then the new or larger buildings would be permissible by ordinance.

David Kerr for discussion: Wind towers in the area perhaps on the Aggregate Industries property. Is the height limit ok? Or is a conditional use permit needed? Commercial height limits are 75' and that is adjustable with a conditional use permit.

Dave Kerr also discussed: #2040.040 #7 maximum of four lots per plat. Each plat shall have a 300 foot buffer strip around the plat, except for the Public Road Right of Way.

This line item will be open for review again with further study.

The next Planning and Zoning Board meeting items:

1. Nuisance Ordinances
2. Ordinance #2040.040 line item #7

The board meeting will follow the tour of Aggregate Industries

Mike Ostbye adjourned the meeting

Unapproved Minutes

By Aldie Kelsven, Clerk  
Scambler Township

**February 12, 2008** Scambler Planning and Zoning Minutes for Aggregate Conditional Use Permit Review

Attendance: Mike Ostbye, Stuart Restad, Chris Selvig and Vicky Arntson, absent was Dave Kerr and Gary Hart.

Stuart Restad moved to amend the minute's final paragraph to be 2010 instead of 2011 with a second by Chris Selvig and all approved. Chris Selvig moved to accept the minutes as amended with a second by Stuart Restad and all approved.

The board used the old conditions as a template for review.

Conditions set for Aggregates Conditional Use Permit

**Aggregate Conditional Use Conditions**

1. The final elevation of 165<sup>th</sup> avenue in the mining area will be determined by the town board.
2. The hours of mining operations will be allowed to be extended beyond the limits of the Scambler Ordinance contingent on the approval of nearby residents and or the Scambler Town Board.
3. Residential and sample wells shall be tested semi-annually May 1 and October 1 with the results sent to the residents and the town board within 30 days. If not complied with a fine of 100 dollars a day up to 50 days will be assessed and after that the conditional use permit will be revoked.
4. No slope shall exceed 4:1 after reclamation.
5. Aggregate Industries shall establish and escrow account as per section 3200.160 in the amount of \$5000.00 to cover incidental administrative expenses.
6. Proof of the performance bond renewal shall be provided to Scambler Township on or before April 1 of each year.
7. All products leaving the Scambler pit either by conveyor or truck shall be scaled with a daily tally sheet. Scambler Township requires a daily tally sheet available upon request but must provide a monthly total by the 10<sup>th</sup> of the following month.

8. A mine plan shall be provided to Scambler Township no later than April 1.
9. Conditional Use Permit shall be valid for no more than two years with a minimum semi-annual compliance review of the conditions of this permit be conducted by the Scambler Town Board.
10. Restoration shall be completed in such a manor so that no more than 25% of the land area of any pit {pit numbers 126, 44, 43} may be open at any one time; a reasonable conveyer corridor is allowable over and above the 25%.
11. Vegetative cover for restoration to be determined by the Scambler Town Board and may include trees, shrubs, and native grasses and flowers.
12. All land owners and residents within one mile be notified by May 10, 2008 of who they can contact with problems.

Meeting will reconvene on February 19, 2008 at 7:00 p.m.

The meeting was called back to order on February 19, 2008 at 7:00 p.m. with the attendance being Stuart Restad, Dave Kerr, Gary Hart, Chris Selvig and Vicky Arntson with Mike Ostbye absent.

Aggregate Industries spoke of adding another pit which is attached to the property it is another 30 acres which belongs to the Berg family. They also explained their mining plan to the board. The town board will look into the 165<sup>th</sup> road by pit 52 for who owns the mineral rights.

Stuart Restad moved that we accept the condition use permit request from Aggregate Industries along with the attached conditions and along with the mining plan for 2008 with a second by Dave Kerr and all approved.

Set the public hearing for March 12, 2008 at 7:00 p.m. for Aggregate Industries Conditional Use Permit request. We will present the resolution to the town board on the 20<sup>th</sup> of February.

Chris Selvig moved to accept the changes as written to the Scambler Planning Agency By-Laws with a second by Stuart Restad and all approved.

Stuart Restad moved that we present the revised By-Laws to the town board by resolution #2008-01 with a second by Dave Kerr and all approved.

Meeting adjourned

Unapproved Minutes

Vicky Arntson clerk