

Planning Commission Meeting Minutes
February 3, 2022
Completed by: Jamie Christenson, P&Z Staff

Site visit conducted by Adam Ossefoort and Llyod Graves on 8/25/2021 on agenda item 1. Site visit conducted by Adam Ossefoort and Ken Hovet on 11/23/2021 on agenda items 2 and 3. Site visit conducted by Jacob Nosbush and Llyod Graves on 1/27/2022 on agenda item 4.

Meeting attended by board members: Chair Mike Wiener, Vice Chair Jim Pratt, Lloyd Graves, Arnie Boie, Ken Hovet, and Commissioner's Liaison Rod Erickson.

Staff members: Adam Ossefoort and Jamie Christenson

Other members of the public: Sign-in Sheet is available for viewing upon request.

Mike called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited as a collective group.

Introduction of the staff and board members by Mike.

Arnie motioned to have the January 6, 2022 meeting minutes approved. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

Discussion to amend the agenda. Motion to approve the amended February 3rd Planning Commission agenda made by Ken, second by Jim. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Reorganization of the Board and Review of Business Rules

Adam discussed the need to adopt the Business Rules for the year 2022. Adam noted there are no changes to the Business Rules. Adam also mentioned the need to assign a Chair and Vice Chair for the year 2022.

Motion to approve the Business Rules by Lloyd. Seconded by Ken. Voice vote, no dissent heard. Motion carried.

Discussion of any volunteers for Chair. Lloyd motioned to keep Mike as Chair. Seconded by Arnie. Voice vote commenced. Motion carried with a four to one vote.

Discussion with Jim regarding his willingness to be Vice Chair. Ken motioned to appoint Jim as Vice Chair, second by Mike. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 2: Moses D. Borntreger – PID 20-0001700 – Reynolds Township

Request for Conditional Use Permit for temporary family housing in AF-1 Zoning.

The applicant was not present. Adam recommended to the Board to table the application to provide time to consult with Jason Kuboushek, County Attorney, on how to proceed.

Discussion on previous no-show applicants and how to go about making a decision.

Motion by Ken, second by Jim to table the application.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Arnie Boie	Yes
Lloyd Graves	Yes
Jim Pratt	Yes
Mike Wiener	Yes

Motion carried. Application will be tabled until March 3rd, 2022 Planning Commission meeting.

AGENDA ITEM 3: Lakeside Acres First Addition (Doug Lien) – PID 15-0041700 – Leslie Township

Request to plat 24.85 acres into seven (7) non-riparian lots in Shoreland-GD and AF-1 Zoning (Lake Osakis).

Mark Jahner was present as the representative for the applicant.

Staff Findings: Adam provided a recap of the application and stated there was no changes to the application or staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Stabilization of gully area between lots 2 and 3 prior to final platting. Stabilization plan, storm water management plan and construction must be approved by Todd Soil and Water Conservation District.
2. Placement of a permanently protected drainage easement around the gully area between lots 2 and 3.
3. Developer and future property owners must obtain appropriate permitting when necessary from other governmental agencies including but not limited to the Minnesota Pollution Control Agency and Sauk River Watershed District.

Written Correspondence: None

Public Comment:

Doug Kaiser, Leslie Township Board, stated the township preferred to see a 140' radius cul-de-sac at the end of Feather Drive and concern with runoff sediment that fills the ditch every year. Doug also expressed concern with the gully suggesting there needs to be an erosion control or storm water plan.

Board comments:

Ken asked when the ditches are full and if it only occurs during the spring. Doug stated it occurs in the spring, summer, and during heavy rain. Doug suggested a storm water plan would address if the current culvert under Feather Drive needs to be improved. Discussion on previously submitted application and road alterations. Doug expressed concern with traffic flow on Feather Drive with larger vehicles for building.

Discussion of the public road right of way for Feather Drive ensued. The original Michael's Beach plat identified public road right of way.

Doug stated the need for a clear understanding of where the right of way is in the plat. Mark Jahner stated the client owns the displayed road right of way and will be dedicating the 66" portion of land for the public road right of way.

Doug asked where a turnaround would be. Mark stated they are not currently proposing a turn around. Doug expressed concern about continuing to turn around road maintenance vehicles onto a land owner's access in the future.

Ken asked how wide the feather drive currently is. Doug confirmed it's a 4 rod road.

Doug stated concern the need for a cul-de-sac is needed to get the road up to standard. Doug stated this is the best time to bring it up to standard. Doug stated the Township turns around in the existing field and the new owner may not allow it to continue. Discussion where the end of Feather Drive is that vehicles are turning around is Lot 1.

Discussion on similar roads in the area that are not up to standards. Discussion on previous plats that have been present in this area.

Rod asked Doug how long the township has been maintaining Feather Drive. Doug stated since he has been on the board in 1998 it has been Township maintained. Rod asked if the township has ever been interested in a cul-de-sac for 23 years. Doug stated there has not been because Feather Drive was widened to 66 feet and the plow backs into either driveway or field access.

Mark requested an aerial imagery be brought up. Discussion on how land owners in the area access their parcels.

Discussion of sediment washing into the south ditch of Feather Drive.

Mark requested to review the Ferret Drive and Ferret Trail. Mark compared the size of the cul-de-sacs to what is being present in the application. Mark stated the turnaround space at the end of Ferret Drive is similar and larger than Ferret Trail. Mark offered to dedicate additional footage for a cul-de-sac.

Mike asked to clarify that the cul-de-sac is not dedicated on the drawing. Mark confirmed it is not but the client is willing to dedicate more.

Adam stated the Ordinance requires 120' of road surface and 140' of dedicated right of way. Adam measured the size of the cul-de-sac presently at the end of Ferret Drive to be approximately 81'. Doug stated the township is having issues with the cul-de-sac at the end of Ferret Drive.

Mark requested to review and measure the cul-de-sac at the end of Ferret Trail. Doug stated Ferret Trail is not maintained by the Township. The turnaround road surface presently is 38' and the right of way measures approximately 119'.

Mike requested to see where the large culvert is located under Feather Drive. Rod asked to confirm that SWCD has looked at the area. Adam stated the previous dirt team review was completed in October of 2021. Adam indicated the proposed conditions were discussed at the December Planning Commission meeting to address the gully be stabilized between Lots 2 & 3 with the plan and construction of stabilization be approved by the Soil and Water Conservation District. Adam stated Mark offered the protection of a drainage easement for the area to protect the gully from being built in.

Adam stated the culvert further down Feather Drive is off site and cannot be addressed as it is not part of this plat.

Adam reviewed the Jason Kuboushak's previous correspondence from the December meeting regarding the road and cul-de-sac.

Mike asked if a stormwater management plan is required. Adam stated a stormwater management plan is not automatically required. Adam stated the Subdivision Ordinance references a need for a stormwater management plan when there is NPDES permitting required. Adam stated the smallest lot in the present plat is 1.5 times greater the standard and others up to 4 or 5 times standard. The conditions placed need to be proportionately related.

Mike asked if it was a recommendation from SWCD previously for the plat. Dirt Team meeting notes were reviewed visually.

Jim stated with the lots this large when they are turned into lawns the runoff will take care of the erosion. Adam stated SWCD will work with the applicant to come up with a plan to address the area. Adam stated he felt that additional stormwater concerns would not be reasonably related due to the lot size presented and comparison to the Ordinance.

Rod asked if the township was notified about the dirt team meetings. Doug and Adam discussed the timing and communication of the meeting invites.

Doug discussed confusion with multiple plats and previous changes to applications and express request for a cul-de-sac be built and dedicated land at the end of Feather Drive.

Doug stated concern that dirt flowed into Lake Osakis through current culvert under Feather Drive.

Mike asked to clarify what a stormwater plan entails. Adam stated SWCD would level the gully, seed it, stabilize it, grow into grass to protect it, and then be further protected with a drainage easement. Mike inquired if the stormwater management plan would include the ditches and runoff along the road. Adam clarified it would only include the gully area would be addressed.

Doug asked for clarification of what the drainage easement entails. Adam stated it would be outside the road right of way and not be public and owned by the landowners.

Mike stated concerns adding impervious surface in the shoreland area.

Mark shared concerns of the applicant regarding the needing and upgrading of the cul-de-sac. Feather Drive currently consists of 13 parcels (not including the parcels for the resorts). The client questioned how the upgrading of a cul-de-sac be the responsibility of one parcel. The client questioned if adding 3 or 4 parcels trigger a capacity or traffic limit for the area and increase traffic in cul-de-sac. The client inquired if there is a problem with the current cul-de-sac, does the responsibility fall to the original developer and other 13 parcels. The client asked if a parcel is split and sold if it would also trigger the upgrade of a renewed cul-de-sac. The client asked if traffic studies or ordinances could be referred to require this to be part of this plat that is adjacent to the cul-de-sac. Mark stated multiple lots are in the process of being purchased by landowners across the road which would not increase traffic on Feather Drive. Mark stated the client is willing to dedicate any additional land or do a cost share with the Township or any other property owners if the facts can support a need for the upgrade.

Mike confirmed the Township is recommending a cul-de-sac and that Jason is stating that legally if the Township requests that it can be an option. Adam reviewed Jason's statement that if the facts can support the condition to add a cul-de-sac.

Mike confirmed with Jim that the size of cul-de-sacs are increasing in size due to the size of emergency vehicles.

Adam stated he pulled information from the Sherriff's Office for the statistics of emergency calls for the last 10 years. Adam stated they reported no emergency calls in the last 10 years.

Ken stated he sees a need for a cul-de-sac to turnaround large emergency vehicles. Rod stated there is a need for the cul-de-sac, but the need has been there for 30 years and that is the discrepancy.

Mike stated when there is new developments that roads need to be reviewed and brought up to specifications.

Doug stated the Township doesn't control the zoning and only maintains road and does not build them up.

Mark stated he and his client are interested in hearing what the Township's plan is if the application and development were to be withdrawn. Doug stated the Township needs the land. Mark replied that the offer is available to dedicate more land.

Discussion ensued with cost share options.

Jim clarified the existing cul-de-sac is public road at this time. Adam confirmed it is. Mark clarified the cul-de-sac portion of Feather Drive is not included in this plat application. Mark stated the client is willing to dedicate any land needed for a cul-de-sac.

Mike stated that from what has been discussed, the cul-de-sac isn't the issue. Mark stated building a cul-de-sac is a substantial cost. Ken asked Doug if the township could build a cul-de-sac if they had the land. Doug said he

assumed they could. Adam stated they could add a condition dedicating 140' cul-de-sac in alignment with the Ordinance requirements. Ken stated he understood Doug could not make the decision by himself.

Mark stated they were willing to dedicate additional land for a drainage easement along Feather Drive. Doug stated there will be a need for drainage easements between Lots 2 & 3 already and there should be a larger buffer area to slow runoff down.

Discussion ensued of stormwater management plan.

Mark stated in the area of Lot 1 they will dedicate all land needed to build a cul-de-sac. Mark stated they would dedicate 20 feet expansion of drainage easement along Lots 1-4. Mark stated in the area of Lot 4 30x30 or 30x50 for a storm water pond.

Mike suggested a stormwater management plan would address where easements would need to be to be most effective. Mark asked if staff is available to develop a stormwater management plan. Adam stated there is staff available within the County to develop erosion control measures, design practices, and JA to sign off on them. Adam stated there are also utilize engineers with TSA. Adam stated it would be more of a general water management plan to control runoff.

Doug asked about cost and Mike stated it would need to be worked out with the developer. Ken asked if any discussion has taken place with the current lakeside property owners along Feather Drive.

Doug stated the Township doesn't have the resources necessary to construct a cul-de-sac.

Mike stated the lots are large and asked if they could be split. Adam stated they could be split in the future. Discussion of adding a condition to restrict further splitting. Adam discussed it is not a good practice to create a condition that restricts future landowners that are allowed by Ordinance. Rod clarified that any future splitting would have to come before the board as they would be platted.

Ken stated he understands the Township's point of view as being a township supervisor currently. Ken stated with the erosion and water quality issue to contact other entities for cost share opportunities.

Jim motioned to recommend approval with the five conditions. Ken seconded. Mark suggested an edit to the condition #4 and the edit was made to indicate a drainage easement. Board members confirmed the changes satisfy their motion to approve.

Conditions:

1. Stabilization of gully area between lots 2 and 3 prior to final platting. Stabilization plan, storm water management plan and construction must be approved by Todd Soil and Water Conservation District.
2. Placement of a permanently protected drainage easement around the gully area between lots 2 and 3.
3. Dedication of a 140' cul-de-sac as public road right of way.
4. Dedication of a 20' of public drainage easement along the southern boundary of Feather Drive.
5. Developer and future property owners must obtain appropriate permitting when necessary from

other governmental agencies including but not limited to the Minnesota Pollution Control Agency and Sauk River Watershed District.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Arnie Boie	Yes
Jim Pratt	Yes
Lloyd Graves	Yes
Ken Hovet	Yes
Mike Wiener	Yes

Motion carried. The recommendation to approve the application will go before the Todd County Board of Commissioners on February 15th, 2022.

Agenda Item 4: Lakeside Acres Second Addition (Doug Lien) – PID 15-0040001 – Leslie Township

Request to plat 2 acres into 3 non-riparian lots in Shoreland-GD (Lake Osakis).

Mark Jahner was present as the representative for the applicant.

Staff Findings: Adam provided a recap that the application was originally address at the December 2nd meeting and went to the Commissioners on the 21st and was remanded back to allow the Township additional time to allow input. Adam stated there is no new information or correspondences for this application.

The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. All accesses must be approved by the Township and shall only be connected to Fern Drive.
2. Developer and future property owners must obtain appropriate permitting when necessary from other governmental agencies including but not limited to the Minnesota Pollution Control Agency and Sauk River Watershed District.

Mike confirmed the lots will all access the parcels from Fern Drive (gravel road).

Doug stated the township has no concerns with these lots. Doug stated the future land owners need to get approval from the Township for the size of the driveway culver.

Mike inquired about the existing easement. Mark stated the dedicated easement is to protect the wetland. Doug stated there is a culvert that goes through there and Mark confirmed.

Public questions or comments:

Ken motioned to approve. Jim Second.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
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Lloyd Graves	Yes
Ken Hovet	Yes
Jim Pratt	Yes
Arnie Boie	Yes
Mike Wiener	Yes

Motion carried. Mike stated the application goes before the Board of Commissioners on February 15th, 2022.

Agenda Item 5: All Energy Solar, Inc. (Tyler Carlson) – 14-0008100 – Kandota Township

Request for Conditional Use Permit to build a ground mounted community solar energy system in AF-1 zoning.

Tyler and authorized agent Danielle were present as the applicants via zoom.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant must obtain permitting and /or licensing from additional governmental agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provided prior to issuance of a land use permit.

Public Comments: None

Mike asked for confirmation on the location of the solar array. Discussion of the location of the main road, Balsam Drive and the array will be located south of the applicant’s driveway. Mike confirmed there is wetlands in the area. Adam confirmed the placement will have to be outside of the wetland.

Ken stated there won’t be much visual disturbance from the public road.

Applicant Comments:

Danielle stated the distance from the road 645’ with a lot of natural vegetation on the parcel.

Ken asked for the footprint of the array. Danielle stated it is 44 solar panels and planned to be 76’ and 10’ wide with angled panels.

Lloyd motion to approve with the two conditions as present. Second by Jim.

Conditions:

1. Applicant must obtain permitting and /or licensing from additional governmental agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provided prior to issuance of a land use permit.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Jim Pratt	Yes
Lloyd Graves	Yes
Arnie Boie	Yes
Ken Hovet	Yes
Mike Wiener	Yes

Motion carried. Mike noted the application will be presented to the Board of Commissioners on February 15th, 2022.

Agenda Item 6: Proposed Create of Planning and Zoning Ordinance Section 9.23 Vacation Rental and Related Definitions & Use Table Entries

Adam stated they did review the presented documents and Katherine had one edit for the rule 4625.2355 referenced under to allow for a variance.

Mike asked to clarify what it was meant by “allow to make variances”. Katherine stated the change from 4625.2300 to 4625.2355 allows the department to create a variance with an establishment that had an issue if they think it is necessary, similar to zoning variances.

Public Comments: None

Board discussion:

Discussion on how this business is evolving.

Adam stated the intention of the Board of Commissioners was to limit infringing on property rights but meeting the goals of all the involved departments. Adam stated the main concern is the impact on neighboring properties. Adam stated there are only a few currently operating that would trigger a CUP and those will be allowed to continue to exist.

Ken asked if there have been a lot of issues. Adam stated there hasn’t been a lot, but there have been some calls with complaints. Adam stated there are calls received inquiring if there is an established ordinance and complaints from neighbors.

Ken asked if it seems the business is growing around the County. Adam stated it is growing everywhere.

Ken motioned to approve. Arnie seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Arnie Boie	Yes
Lloyd Graves	Yes
Ken Hovet	Yes
Jim Pratt	Yes

Mike Wiener	Yes
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Lloyd motioned to adjourn and Ken seconded. Voice vote to adjourn the February 3rd, 2022 Planning Commission Meeting, no dissent heard. Motion carried and meeting adjourn 7:24 PM.