

Planning Commission Meeting Minutes

May 4th, 2023

Completed by: Sue Bertrand, P&Z Staff

Site Visits conducted by Adam Ossefoort and Jim Pratt on April 24, 2023.

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves, Roger Hendrickson George Sutton, alternate and Commissioner's Liaison alternate, Tim Denny.

Staff members: Adam Ossefoort and Sue Bertrand

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

Jim 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 Jim.

Ken motioned to have the April 6th, 2023 meeting minutes approved. George seconded the motion. Voice vote, no dissent heard. Motion carried.

Roger motioned to approved the agenda and Ken seconded, voice vote with no dissent heard, motion carried.

AGENDA ITEM 1: All Energy Solar – PID 06-0044601 – Burnhamville Township

Request for Conditional Use Permit for a Community Solar Energy System in AF-1, AF-2 and Natural Environment Shoreland Zoning. (The solar energy system shall be identified as a community solar energy system due to its connection with the electric grid.)

Colin Buechel was present on the zoom call as the applicant. Colin stated they are here for a residential ground mounted solar project in Grey Eagle. The project is comprised of 40 solar panels, each rated at 360 Watts. The system is oriented straight southward facing, for maximum production. It is also estimated to reach about 58% of the current electrical usage at that property. It's on quite a large parcel, close to County 102, quite heavily wooded with low visibility to neighbors.

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 government agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provider prior to issuance of a land use permit.
3. Construction of additional solar arrays shall require the review of the Planning Commission.

Correspondence received: Yes, e-mail from Burnhamville Township may be viewed, in full at the Planning and Zoning office upon request.

Public comment: None.

Board discussion:

Roger addressed the visibility from the road, and Jim stated, per his site visit, it is somewhat visible but you would have to be looking for it to notice it.

Ken asked Colin if 58% is unique and if that is what they are shooting for.

Colin said they aim close to 100%, this is just what the customer preferred. Typically, a ground mount system is a little more expensive system due to you are building a new structure verses attaching to an existing roof top. It depends how much the customer wants to pay for the system.

George said they did their planning well, and it is a good location. They could always come back to the board if they wanted to increase.

Ken motioned to approve, George seconded with the three conditions as presented.

Conditions:

1. Applicant must obtain permitting and or licensing from additional government agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provider prior to issuance of a land use permit.
3. Construction of additional solar arrays shall require the review of the Planning Commission.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 16th, 2023.

AGENDA ITEM 2: Knife River – PID 21-0021000 – Round Prairie Township

Request for a Conditional Use Permit to place a temporary asphalt plant in AF-1 and Commercial Zoning.

Tim Otremba, Project Manager with Knife River was present as the applicant. Tim stated they would like to put up a portable asphalt plant on the Michael Wiener property for the purpose being, Knife River has been awarded all of the Todd County paving projects this year, and this is the best place for the portable asphalt plant. Plus, they already have the crushing permit.

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. Hours of operation shall be limited to ½ hour before sunrise to ½ hour after sunset, Monday through

Saturday.

2. Applicant must maintain dust control procedures within the pit area.
3. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence received: None.

Public comment: David Dreager, from the Little Sauk town board, noticed they will be coming out on the blacktop township road and asked if they will fix the road if it gets all busted up to which Tim said yes. He also asked if the bond was put up for reclamation to which Jim and Adam stated that has already been done, as mentioned in the staff report.

David asked Adam to go back to one of the Staff report images and explained that the township built the approach leaving US 71 with 75' of the township road, through the road right of way, to get to the pit.

Tim clarified that Knife River will be working for Todd County, as that strip of tar is in the road right of way of US 71, and they will repair, if needed. He also added they will put down Calcium chloride so there should be no dust.

Jim suggested adding the maintenance wording to the conditions, so Adam did.

Board discussion:

George asked Tim what "temporary" means in this case, as he did not see a time frame in the conditions.

Tim pointed out, it does state three years, however it is a portable hot-mix plant, so when the project is done, it will be packed up, and leave, which will take approximately three weeks.

Roger inquired at what point in time does it get to be reclaimed, to which Tim explained any-time within three years, however, reminded the board, it is still a gravel pit, even when the hot-mix plant is gone, and it is up to Wieners.

Adam clarified, there are two things; the temporary hot-mix plant, for which we are here for the conditional use, and an ongoing extraction and mining of a gravel pit, that is existing with a bond for reclamation renewed each year.

Tim stated they may pick up more work later in this area in the fall, and set up again, or another year, as this permit is good for three years.

Tim confirmed with Jim that three years is intended for the hot-mix plant. He added they intend to keep using it if they can pick up more projects.

Roger asked if there is a setback from gravel being dug from the neighboring property line.

Tim stated crushing regulation from MSHA is 50 feet, which they abide by.

Roger asked Adam about the compliance inspection to which Adam confirmed, it had been done.

Jim informed Adam to add the condition; to maintain the township road approaching US 71 if need be.

Jim mentioned he made the site visit and noted it is a good spot for a plant.

Roger made a motion to recommend approval with the four conditions, seconded by George.

Conditions:

1. Hours of operation shall be limited to ½ hour before sunrise to ½ hour after sunset, Monday through Saturday.
2. Applicant must maintain dust control procedures within the pit area.
3. Applicant shall be responsible for maintenance of the township road approaching Highway 71.
4. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
George Sutton	Yes
Lloyd Graves	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 16th, 2023.

AGENDA ITEM 3: Barry Thoele – PID 22-0014100 – Staples Township

Request for a Conditional Use Permit for a year-round greenhouse for wholesale and retail in R-2 Zoning.

Barry was present as the applicant. Barry stated his plan was to potentially add a year-round green house and add more green houses. He stated he grows Hydroponic food for local sales. Most goes wholesale with a small amount of retail. All he grows is food. He stated these are not year around green houses, it extends the growing season on both ends, giving him 60 to 90 extra days a year for the growing season. He grows a considerable amount of produce.

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. Permit shall be limited to the three structures identified in the application. Additional greenhouses shall require the review of the Planning Commission.
2. Applicant must obtain land use permits for construction of additional greenhouses.
3. There shall be no parking nor loading/unloading or materials within the road right of way.
4. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence received: None.

Public comment: None.

Board discussion:

Roger inquired if it was one mile of township road to which Adam showed on the map it was North of 210 to County 21 so all tar roads.

George asked how large the green houses were.

Barry stated 20' by 72' not able to handle snow load, not a year-round structure. Quonset style. He stated if he goes year-round with a 35' by 160', coupled with a CHP natural gas, electric generator, it would provide all of his heat & electricity plus around 300,000 watts, per hour, to the grid, powering about a mile square. May be a future plan of his, but he stated he has not nailed that project down yet. It is a future plan, but wanted to include it in the CUP. With this, there will be five structures, 20' x 72' for growing food.

George asked what the ponds were for.

Barry stated since 1987 he has been raising bait fish in man made systems. This is a recommendation put forth by the DNR to the State Legislature back in 2011. There are 13 ponds on the property currently, with three artificial river systems. He stated one of green houses, moved from down below has two tanks in it, and he is currently working with the University of MN on a Golden Shiner Project, in order to help with the shortage of Shiners. The intent would be to raise the Golden Shiners here, instead of importing from other states. He stated he believes Science will be used to help alleviate this shortage in MN, and he has been working on that Science since 1992. He has put an awful lot of research into this facility.

Ken asked about the green houses and if they were going to be hydroponic.

Barry stated the soil on his property is very rocky and needs an incredible amount of amendments to grow anything, and when he dug his first pond, he tried growing next to it. It took three years to mitigate and correct the "split pea soup" direct impact to the ponds, from using organic fertilizers on tomato plants. He added, you could technically call his place an Aquaponics facility, as he uses the fish water from the ponds for his greenhouses but not vice versa. He stated he builds customers every year based on the product itself.

Ken said he loves the hydroponic plan as it gives him great control.

Lloyd asked if the ponds freeze over the winter.

There was more detail, by Barry, on the bait system and ponds, as he specializes on this. He stated these are all fresh water ponds and he runs aerators in them, and does not pump water into them. Had to dig out ponds this year as the water had dropped. His intent is to use the greenhouse season extension technology with the bait ponds and use them together with the greenhouse, as right now he has water tanks under his greenhouses. He stated he will continue working towards a solution to the bait shortage, as the bait industry cannot keep going like it is.

Adam said he amended the request to add the retail along with wholesale of products to the permit request.

Barry confirmed and said they sell wholesale to local grocery stores and retail.

Ken motioned to recommend approval, Lloyd seconded with the four conditions as presented.

Conditions:

1. Permit shall be limited to the three structures identified in the application. Additional greenhouses shall require the review of the Planning Commission.
2. Applicant must obtain land use permits for construction of additional greenhouses.
3. There shall be no parking nor loading/unloading or materials within the road right of way.
4. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Lloyd Graves	Yes
Ken Hovet	Yes
George Sutton	Yes
Roger Hendrickson	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 16th, 2023.

AGENDA ITEM 4: Cody Rossmann – Wolf River Electric: – PID 22-0024500 – Staples Township

Request for a Conditional Use Permit for a Community Solar Energy System in AF-1 Zoning. (The solar energy system shall be identified as a community solar energy system due to its connection with the electric grid.)

Cody was present as the applicant via the zoom call. Cody stated they are looking to install a ground mounted solar system in Todd County.

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 provider prior to issuance of a land use permit.
3. Construction of additional solar arrays shall require the review of the Planning Commission.

Correspondence received: None.

Public comment:

Karen Hudalla asked what this does to the tax base.

Adam stated that was an assessor's question, as our decisions tonight are land use based, what the ordinance requires and the standards set out in it, as it relates to health, safety and welfare of the general public and not tax based. They are unrelated to each other.

Karen asked what happens when the solar panels are no longer desired and how are they removed and how do they impact the environment.

Adam stated it is the responsibility of the land owner to dispose of them properly, and invited Cody to answer.

Cody said the homeowner may reach out to any company, such as Wolf River Electric or All Energy and they will take care of solar panel disposal and bring them to a solar panel disposal facility.

Board discussion:

George asked Cody what the lifespan of the solar panel is to which Cody stated they have a typical lifespan of 25- 30 yrs.

Roger asked how good are these with hail storms and who does the repair work.

Cody answered, as an installer, Wolf River Electric has a 10-year workmanship warranty that would take care of any of the wiring or anything they did, on the electrical side of things. The Manufacturers have the 25-year warranty on the equipment, so if a panel were to break due to any reason, the customer would contact the installer, Knife River, and Knife River will take photos, start and submit the claim to the Manufacturer, obtain a new panel from the Manufacturer and Knife River will install it for the customer.

Ken asked how many panels are involved in this project.

Cody answered 100 panels at 400 watts each.

Ken asked if that is projected to meet all of the customer's electrical needs.

Cody stated they typically design their systems for at least 100% minimum. Ha stated they try to shoot for a 120% offset on every system, through MN net-metering, the home owner is allowed to sell energy back to the utility company and allow them to cut their utility bill out completely and possibly make some money.

Ken asked if there was a battery backup?

Cody did not have that information with him tonight but could provide tomorrow.

Ken asked if it will be a visible system from the road.

Adam explained it will be barely visible at 240 feet away from the road with tree cover.

Jim stated they are out on a gravel road.

Karen asked if several neighbors wanted these systems, would they be able to by-pass the community solar farm.

Adam clarified that “community” is referring to the fact it has interconnection with the grid, so some of the excess energy could be used for off-set purposes. He explained the intention of this system is for (residential) onsite use, with the ability to sell excess off-site. Also, if you are not generating enough power, you would still have interconnection for standard usage. He stated our Ordinance does not address a limit, its more what is the energy system designed to supply energy to. If the primary use of the property is “solar”, then it falls into that next category, of what we would traditionally call a “solar farm”.

Adam added this is not the primary use of the property. The primary use of the property is residential, people live there, the system is an accessory use, designed to supply power to the site of primary use.

George said we are going to see more and more of this, and it is a good thing. He addressed Adam for clarification; at what point does it to transition to the next level?

Adam answered when the “solar array” is the “primary use” of the property.

Ken clarified the word “community” just means they are connected to the power grid.

Karen referred to Solar farms, again, to which Ken assured her, this is absolutely not a solar farm request.

Roger motioned to approve, Ken seconded with the three conditions as presented.

Conditions:

1. Applicant must obtain permitting and/or licensing from additional governmental agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provider prior to issuance of a land use permit.
3. Construction of additional solar arrays shall require the review of the Planning Commission.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Ken Hovet	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 16th, 2023.

Jim asked for a three-minute recess.

AGENDA ITEM 5: Kandota Landing, Inc.: – PID 17-0039701 & 17-0039800 – Little Sauk Township

Request for a Conditional Use Permit for a Planned Unit Development for up to six non-transient RV hookup sites in Recreational Development Shoreland Zoning.

Charles Anderson was present as the applicant. Charles stated he would like to table this until further notice.

Adam gave him an extended time form which Chuck agreed to sign.

Board discussion:

Ken motioned to table, George seconded the motion to table the application.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Ken Hovet	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application has been tabled.

AGENDA ITEM 6: Josh Brichacek: – PID 12-0006903 – Hartford Township

Request for a Conditional Use Permit to expand the existing auto body repair and towing business and to establish a salvage/junk yard in Commercial Zoning.

Josh was present as the applicant. Josh stated he would like to get a building permit for adding on to his shop, a 40' x 80' for more room to work.

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. All existing fencing shall be maintained for screening purposes as long as the proposed use continues to exist.
2. All salvage vehicles must be kept within the fence in area of the property.
3. All waste/automotive fluids must be disposed of in a manner that complies with all applicable federal, state, and local standards.
4. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence received: None.

Public comment:

Karen Hudalla said she had several comments starting with wondering if this site is appropriately located. She stated this junk yard/salvage operation parcel is sitting on the aquifer that supplies the residents of Browerville. If it supplies the water to the city, it is likely the source of water for the eleven private wells in the area. She stated her well is only 67 feet deep. She referred to the Minnesota Department of Health website listing the occupations and industries which generate lead poisoning, which included these types of businesses. She pointed out, this is located right next to Harris creek, and wondered how this salvage yard was

ever allowed to be built near this creek and on this aquifer. She asked if the water has been tested, what does the EPA and the DNR have to say about this, and have any of those questions been asked of those agencies.

Roger asked Josh how long the business has been in there.

Josh stated since 2004.

Karen mentioned, to Josh, the exceeding number of cars and fence that was not put up, from before.

Josh defended, the fence is up.

Jim redirected Karen to addressing the board only, not the applicant.

Karen stated, to the board, there was a history of non-compliance, and that would indicate future performance.

Jim addressed Karen's issues and said, after his site visit, he noticed it was about as neat and clean a place as you will ever find, anywhere.

Adam, addressed Karen and said he appreciates the concern for the water, and that is the intent of the Conditions. It is an allowed use, with the conditions there, such as, making sure all of the motor fluids are drained and handled properly so we don't have those types of potential impairments.

Karen, asked who polices this.

Adam said we would. If we receive a complaint, we would follow up with Josh and verify compliance.

Karen asked if we would test the water before the approval of an expansion.

Adam said this is really unrelated. If there was an impairment, it would be hard to pin point it was coming from this site, to which Karen brought up the list from MN Department of Health.

Jim closed public comment period.

Board discussion:

George asked Josh if he was going into the used parts business to which Josh was just going to make an addition unto the shop.

Adam explained he has always had the salvage yard/junk yard, when at the time, there was mis-communication, by our office, however many years ago, that he did not need the conditional use permit. In any case, or for whatever reason, any expansion would require a conditional use now, and Josh agreed to work with us and wants to get this resolved, so he can operate the same way.

George asked if there were more cars stored on this lot than what is originally allowed.

Adam stated there was, at one time, a limit of twelve cars for the auto body shop, and explained the Salvage/Junk Yard side of things was not addressed at that time, and nothing was set, at no fault of Josh's. It is the "junk yard" that has been the discrepancy, in the past.

George asked if there is something in this that amends or corrects the implication he is not in compliance, and establishes the number of cars that can be stored on the site, to protect the interest of the applicant's business.

Adam said he addressed it in the staff report with the intent of the conditions: the junked cars must be kept in the fenced area.

George said the water issues should be directed to the EPA or proper authorities, as it is not us, in this case.

Ken also added, in reference to the concern from the public, about something leaching into the ground water, that the City of Browerville has the well head protection zone surrounding the wells. He stated they would have been notified of this, along with everyone else, and had the chance to correspond, if there was any concern or issue.

Adam showed the boundary edge from the DWSMA (Drinking Water Supply Management Area) map on the overhead, and pointed out Josh's business is outside the "Well Head Protection Area" by a quarter mile to the North, that showing his parcel is not sitting over the aquifer.

More discussion on the removal of the fluids in the cars that come in, and the lead associated with the Industry.

Jim asked Josh if he was alright with the condition to keep the salvage vehicles within the fence, and Josh stated yes.

Adam stated commercial uses for fences are up to ten feet, as per the Ordinance.

Ken motioned to approve, Lloyd seconded with the four conditions as presented.

Conditions:

1. All existing fencing shall be maintained for screening purposes as long as the proposed use continues to exist.
2. All salvage vehicles must be kept within the fenced in area of the property.
3. All waste/automotive fluids must be disposed of in a manner that complies with all applicable federal, state, and local standards.
4. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Lloyd Graves	Yes
Ken Hovet	Yes

George Sutton	Yes
Roger Hendrickson	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 16th, 2023.

AGENDA ITEM 7: Todd County Septic Ordinance Revisions

Adam suggested to table until after the construction season has started.

Correspondence received: None.

Public comment:

Board discussion:

George asked if we were getting resistance from the installers.

Adam explained, overall, well accepted. More consistency with other Counties. He recommended not adopting any changes in the middle of construction season and to hold off until fall.

Jim asked for a motion to table for a later date.

Ken motioned to table, Roger seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Lloyd Graves	Yes
George Sutton	Yes
Roger Hendrickson	Yes
Jim Pratt	Yes

Motion carried.

Adam made one note there will be an agenda item, next month, to address the Solar Energy section of the Ordinance.

Roger motioned to adjourn the May Planning Commission meeting and Ken seconded. Voice vote, no dissent heard. Motion carried and meeting adjourned at 7:30 PM.