

## Planning Commission Meeting Minutes

July 6<sup>th</sup>, 2023

Completed by: Sue Bertrand, P&Z Staff

Site visit for Kandota Landing conducted by Adam Ossefoort and Jim Pratt on April 24<sup>th</sup>, 2023

Site visit for DeSmith conducted by Adam Ossefoort and Lloyd Graves on May 25<sup>th</sup>, 2023

Site visits for Kroll, Hershberger and Tschida conducted by Adam Ossefoort and Arnie Boie on June 29<sup>th</sup>, 2023.

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves and, Roger Hendrickson.

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 June 1st, 2023 meeting minutes approved, Roger seconded the motion, voice vote, no dissent heard. Motion carried.

Roger made a motion to approve the amended agenda and was seconded by Lloyd, voice vote no dissent heard, motion carried.

### **AGENDA ITEM 1: Kandota, Inc., Chuck Anderson: – PID 17-0039701 – Little Sauk Township**

1. Request for Conditional Use Permit for Planned Unit Development for up to six (6) non-transient RV hookup sites in Recreational Development Shoreland Zoning.

Chuck was not present as the applicant.

Adam suggested we move on and address this Item later in the meeting, if he should show up.

Jim agreed.

### **AGENDA ITEM 2: DeSmith Addition Preliminary Plat: – PID 03-0093900 – Birchdale Township**

1. Request to plat one (1), 2.35-acre, non-riparian lot in Recreational Development Shoreland Zoning.

Shawn was present as the applicant on the zoom call.

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. No conditions

Correspondence received: None.

Public comment: None.

Lloyd went over his site visit notes. These may be viewed in full at the Planning and Zoning Office upon request. He also stated he found nothing wrong with this request.

Board discussion:

Ken motioned to approve, Lloyd seconded as presented.

Conditions:

1. No conditions

Roll call vote commenced as follows:

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

Motion carried. Jim and Adam noted the application will be presented to the County Board of Commissioners on July 18<sup>th</sup>, 2023.

**AGENDA ITEM 3: Kroll's First Addition Preliminary Plat: – PID 06-0004510 – Burnhamville Township**

Request to plat 15.60 acres into two non-riparian lots in RD – Shoreland Zoning.

Vernon was present as the applicant. Vernon stated he wanted to separate this and make two lots out of it to build a house.

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. None

Correspondence received: None.

Public comment: None.

Board discussion:

Ken asked Adam if he had any conditions and Adam confirmed nothing was suggested. He also asked Adam if Arnie was at this site visit, to which Adam confirmed. He added there is an existing access to this home on lot one and there might be a new access off of the township road for the East lot, however, he was not sure if there is an existing one or not.

Roger asked if these lots could be split again to which Adam explained it certainly could, as long as you are meeting all of the same requirements as we are looking at tonight, and it would have to be platted.

Roger motioned to approve, Ken seconded with the no conditions as presented.

Conditions:

1. No conditions.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on July 18<sup>th</sup>, 2023.

**AGENDA ITEM 4: Ammon C. Hershberger: – PID 20-0021400 -Reynolds Township**

Request for a Conditional Use Permit for the production and sales of deer stands in AF-1 Zoning.

Ammon was present as the applicant. Ammon stated he will be selling them on site and also sending elsewhere.

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. There shall be no loading/unloading of materials within the public roadway.
2. Off-street parking shall be provided for all business traffic.
3. Storage of supplies and finished products shall be stored meeting all setback requirements.
4. Land use permits shall be required for all future construction.
5. Applicant must abide by all other applicable federal, state, and local standards.

Ammon confirmed the staff report was accurate.

Correspondence received: None.

Public comment: None.

Board discussion:

Roger stated he has no problem with it with the added conditions.

Ken asked about the site visit by Arnie and that report is on file at the Planning and Zoning office. Being Arnie was not present tonight, Adam offered to answer any questions, as he was out there as well.

Jim stated he has plenty of room for parking.

Lloyd made the motion to approve Ken seconded with the five conditions as presented.

Conditions:

1. There shall be no loading/unloading of materials within the public roadway.
2. Off-street parking shall be provided for all business traffic.
3. Storage of supplies and finished products shall be stored meeting all setback requirements.
4. Land use permits shall be required for all future construction.
5. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on July 18<sup>th</sup>, 2023.

**AGENDA ITEM 5: Tschida Estates Preliminary Plat: – PID 14-0014901 -Kandota Township**

Request to plat 3.79 acres into two non-riparian lots in RD Shoreland Zoning.

Kenny was present as the applicant.

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 new accesses must be approved by the road authority.
2. Accesses shall only be connected to Akela Drive. No access shall be allowed via US Highway 71.

Correspondence received: Yes, from Tom Cruikshank, that Adam read, in full, during his staff report. This is available for review upon request in the Planning and Zoning Office.

Public comment:

Coleen Dirks asked if there were problems with the wetland in the corner, because it has had them for years. There have been culverts changed and drainage problems where the one shed is across the road.

Adam said he is unaware of any past issues and was not sure what shed she was referring to.

Coleen stated the shed across the road, where the stream kind of ran down past... not sure of the name on the property.

Ashley Solmonson added it is Joyce Huntsinger's property and Ashley stated it is between her property and Huntsinger's property where all of the water makes a river into a river.

Roger asked if has always drained in that direction, and assumed it had.

Ashley stated she has only been there for four years, and it does create a lot of problems.

Jason George asked if we could explain what the two buildings were on page 37, lot number two, to which Adam stated the two rectangles are just designated sewer sites. For each new lot being developed, they are required to identify two available sewer sites per lot, so they can build a sewer, with an opportunity for a secondary one in the future, should one fail. We require this as part of the plat application and that is just an identification of where those two sites are.

Jason also asked if that is where the runoff is, that goes from the wetland.

Adam pointed on the overhead where the contours are, and explained the run off area is further to the north of the proposed lot. He pointed to the photos showing the stake on the proposed sewer site and where the lower area was to the north of the stake.

Wayne Yokiell asked if this has been set up for residential and nothing else.

Kenny stated right now, his plan is to build on lot two and possibly down the road, in a few years, have storage units on lot 1.

Wayne asked if it is for people to store things, to which Kenny stated yes.

Roger said storage units are popular.

Jason asked if those storage units would have access from Hwy 71 or from Akela Drive.

Jim stated there will be no access allowed from Hwy 71.

The public confirmed more traffic on Akela Drive.

Wayne asked how that would affect them as far as the township road goes like maintenance, dust, etc.

Jim stated that this application is not for the storage units, that would be another application, we're dealing with the Plat right now.

Wayne stated he was asking for the future so they don't get stuck.

With Jim's approval, Adam addressed Wayne's concerns, and clarified that storage units or mini storage being proposed here, is allowed by Conditional Use Permit in shoreland zoning. So, if that were to ever happen, it

comes back to this board, a public hearing and you would have the opportunity to provide public input at that time on a separate topic. You would get a notice at that time, stating it is a very similar process.

Bob Dirks asked if building a house on lot two was fine for recreational.

Adam clarified what the recreational development shoreland zoning meant. "Recreational" is a County designation zoning district for Sauk Lake, as there are three classifications of Lakes: General Development, Recreational Development and Natural Environment Lakes. This isn't something someone has applied for to change. That's the zoning designation that has been established by the County and the DNR.

The public continued if you build something other than a house, they'd have to come back.

Adam explained it depends completely on what the use is. There are uses that are allowed with a permit and uses that are allowed with a conditional use. It depends on what the proposal is. As an example: mini-storage, that's a Conditional use in shoreland zoning, whereas residential, you just have to get a land use permit, you provide a septic system and plans. There are uses other than residential that are allowed in residential areas. All those are identified in the County's Ordinance, and if they are not, we can look at the County's Comprehensive Plan or other things out there that we use for guiding mechanisms.

Roger and Adam explained the thousand-foot distance from lakes as a recreational shoreland zoning district and the 300' zoning district surrounding rivers and streams designated by the DNR.

Board discussion:

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

Conditions:

1. All new accesses must be approved by the road authority.
2. Accesses shall only be connected to Akela Drive. No access shall be allowed via US Highway 71.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
Jim Pratt	Yes

Motion carried. Jim and Adam noted the application will be presented to the County Board of Commissioners on July 18<sup>th</sup>, 2023.

Ken made a motion to table Item #1 Kandota until the August 3, 2023 second by Lloyd, voice vote, no dissent heard, motion carried.

Jim announced a 3-minute recess to clear the room.

## **AGENDA ITEM 6: Proposed Ordinance Amendment Section 9.20 Solar Energy Systems**

Adam updated the board on where they are at, at this time. He stated we may not be so far as to make any recommendations for adopting it tonight, but discuss possible additional changes, listen to public comment, do some additional internal review and then come back.

Jim addressed the public and said we can get back to them later, after they had the chance to read it over.

Ken stated this is an excellent start for discussion. He stated his concerns were with the solar farms:

1. Some sort of screening
2. After the lifespan, he does support the bond requirement although he doesn't have a dollar amount.

Adam stated some counties require the County to hold the bond vs a third-party bonding company.

Ken stated he liked the third-party bonding company idea as it is less cost to the owner. And in 25 years, everything will have gone up, to which Adam agreed, and that is why he proposed the maximum amount available now of \$125,000 bond knowing everything will go up by then. Ken also stated the property line setback for the panels should allow for screening.

Roger stated planting trees would be nice, but when the trees grow up, they will cast a shadow.

Jim stated some of them already do.

Roger pointed out the two on the end of the County are not screened.

Lloyd mentioned how visible they are down by Freeport.

Adam stated some of these larger solar "farms" are regulated and permitted by State Rules and out of the County's jurisdiction, out of the County's hands.

Ken stated a lot like the feedlots.

Adam wanted to make sure our legal team has their eyes on this too.

Ken noticed from the minutes, a concern from the Commissioners was related to prime farm land.

Adam recited from the handout, the part that refers to solar production and prime farm land:

Page 2.

(iv) Only related to the large Solar Farms:

Part 2) Solar farms are not allowed within agricultural land identified as prime farmland as defined by the US Dept. of Ag.

Adam added it is a pretty general statement, looking at the soils map, it is a large majority of the County that is considered prime farmland and stated that's one of those areas he wanted to make sure it is not just a statement that can't be used. Before we approve anything, some of the other areas are limiting in shoreland and other residential zones and not in wetlands, identified by MN Wetland Conservation Act.

Roger said the last application was considered farmland.

There was some discussion on what prime farmland means.

Ken asked Kandota township's input on using prime farmland.

Dan Marthaler stated he was against the solar panels in prime farmland, and anything that pulls away from the Ag community, it's a personal thing, he has a personal interest, he would oppose it, or need the key to better knowledge. He asked if there are Federal standards that allow us to put in these restrictions? Because some of this stuff might not be allowed, what we want to put in here.

Adam stated that's where he wants to get Jason, our Attorney's input, before we fully adopt it. He stated, back to the soils map, this is on our GIS, it says "Important: All areas are prime farmland" vs that platted area is just identified as "farmland of state-wide importance", then there is "marginal land" and there may be other classifications.

Public said they liked the decommission plan.

Adam agreed it was about the biggest concern.

Ken asked for clarification for the last item of consideration pertaining to setbacks, from the Commissioner's list.

Adam explained if you have a solar farm in one spot, that we wouldn't allow another one within a mile, or from one to the next, so they wouldn't be piled on top of each other or something.

Jim stated it could be looked at two ways. If there were two next to each other, and none someplace else, it might be better than a mile apart.

Adam added that was one of their concerns that we did not include, at any point, in the Ordinance yet.

Roger wondered if we even have the infrastructure, if too many are built down the line.

Jim stated we would have to involve the power company on that.

Dan said they could always build a new sub-station.

Jim agreed they would not build panels, if the power company could not handle the power.

Ken asked what the next step is.

Adam stated we have your notes throughout the night and are open to anything else that anyone wants to share. If you have thoughts throughout the week certainly reach out. We'll draft these updates, get it to Jason and make sure, legally we are in a good place with it, and if there's any other changes we'll have this on the agenda for office. Really, then you guys can decide if we need more time to review because there are too many changes or whatever, and we can go to September, or maybe in August we will be ready to adopt something.

Ken asked if this could be done before next season or even before the first of the year.

Adam stated his experiences with the solar farms is they reach out to him or the permitting authority very early in the process. Nothing large so far, project wise, implying we have the time to do everything right, to be ready for next season.

Roger asked if the townships that handle their own planning and zoning have to make their own regulations regarding this, to which Adam stated these townships have adopted our County Ordinance, so yes, we will all be under the same regulations, once adopted.



Roger asked how many townships in Todd County handle their own regulating to which Adam stated three, Bruce, Stowe Prairie and Bertha.

Page two, number five Dan stated you may want to word it as "State of MN Building Code" to parallel Page 3, number four.

Adam stated he will highlight and make sure those jive.

Dan confirmed if this is a commercial site it has to be on Ag and can't be on residential area and if it is a Residential system it cannot put out more than 120% of what the property uses.

Adam agreed, adding that's why we are trying to limit that property so they are not generating power under a different set of standards than what is really intended.

Ken asked if we do that with size limitations.

Adam interpreted, the intentions of some of those individual residential units could generate 200% of what you need and sell the rest or whatever, and you are ending up with more than what's necessary. When the intention of that is to provide power to you, your property alone and any excess, then sell the rest. He stated he found that 120% is the standard he found in other areas so that allows for additions, garage whatever.

Ken Hovet asked if it is 120% of the last two-year average usage.

Adam stated the average annual consumption or we could define what that is a little bit more; is that the last twelve months or whatever, but it would be the average monthly consumption.

Ken Valenta, from the public, stated his mother looked into it a year ago, they used the last 12 months.

Ken Hovet stated to include heating and air-conditioning, because you do not want to restrict them so small to where they cannot make enough for themselves.

Adam stated there is a tax rebate involved from the government, so you pay for it up front and get money back.

Jim asked if we have setbacks listed in the new adoption.

Adam stated it just references the setbacks of structures for the different zoning districts.

Jim asked if that will be sufficient.

Adam also questioned what is the appropriate setback distance, 2X or 3X. Generally, in Ag it is 30' for a side yard and for the road frontage, in Ag district, it is 35' from the edge of the road right of way.

Jim if you were to plant trees for screening, you'd barely have room for the trees.

Does that provide, naturally, enough room for screening like a row of trees, because you cannot plant trees in the right of way, plus you have to put your solar panels even further back to work, so the designer of the system would have to make that work.

Jim said they could build a fence for screening.

Public asked if we were creating a hardship.

Ken Valenta said the Commissioners cannot create the hardship for the people with the ordinance change.

Adam explained, whenever there is an ordinance change, we create non-conformities and under no penalty of law.

Ken Hovet again stated he liked the idea of screening and a fence wouldn't take away from the setback. If we require trees, or two rows, to create proper screening, that is adding an additional 60 feet easy. He suggested giving a choice between fence or trees. He definitely wants to see some screening.

Roger agreed.

Discussion on wind turbines.

Ken made a motion to table until August 3rd, Lloyd seconded, voice vote, no dissent heard, motion carried.

Roger motioned to adjourn and Ken seconded. Voice vote, no dissent heard, motion carried and the July Planning Commission Meeting adjourned at 7:09 PM.