

## Planning Commission Meeting Minutes

August 3rd, 2023

Completed by: Sue Bertrand, P&Z Staff

Site Visit for Miller conducted by Adam Ossefoort and Jim Pratt on July 26th, 2023.

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

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves, Arnie Boie Roger Hendrickson and Commissioner 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 July 6<sup>th</sup>, 2023 PC meeting minutes approved. Roger seconded the motion. Voice vote, no dissent heard. Motion carried.

Jim confirmed with Adam, there were no changes to the agenda.

Jim stated being the applicants have not arrived, they will start with Item #3.

### **AGENDA ITEM 3: Proposed Amendment to Todd County Planning & Zoning Ordinance:**

1. Section 9.20: Solar Energy Systems

Correspondence received: None

Public comment: None

Board discussion:

Adam stated from the last meeting, nothing has really changed other than we had some comments and we incorporated those. We did send what we had to Jason, our outside land use attorney, and he had a few comments we can share:

Part B, 4): Rooftop solar energy systems shall be designated to apply not more than 120% of the average annual consumption of the primary use, based on the most recent 12 months, at the time of application.

Ken added if you get over the 120%, you can call it a commercial system.

Adam confirmed the idea is, to limit it to produce enough energy for that property.

Jim clarified Jason did not have a problem with it, only wanted a “why” for the limitations.

Part B, ii, 4): Adam stated the next comment was a typo from roof-mount to Ground Mount, to which he corrected. Adam also stated Jason was wondering if there is another way to limit the size other than energy production. There may not be, but what happens when the situation where home energy use changes, such as using very little energy to now having teenagers leaving lights on all of the time. In those circumstances could they seek to increase the size of their system?

Ken stated yes.

Adam agreed to let them have the option to re-apply for more usage.

Jim stated just like anything else that is expanding, they must come back and apply again.

Adam clarified the process.

Solar farms part iv, 1.)

Jason noted, what about making these interim use permits, then you can put these decommissioning conditions as part of the permit (Adam agreed, however, our Ordinance is not set up for interim uses at this point, so we would have to back up, create a definition, create all the standards for interim use permits, then come back for the amendment later, which is something he would like to do. Just like a hot-mix plant and hopefully temporary family housing could be an interim use, as well. As of now, that opportunity doesn't exist in our system.

Discussion on setting interim use timeline, so instead of the CUP running with the land forever, there can be a cut-off time when the use is no longer there, and that is for the de-commissioning plan and where a timeline comes in.

Part 4: Vegetative Screening

Adam stated Jason's next question was do we want to be more specific regarding vegetative screening? He'd seen other solar farms where the screening is either dead or eaten by deer. Adam agreed to be more specific, set standards with maintenance, that if the screening is damaged it must be replaced.

Jason's last comments were on Part C:

Decommissioning plan:

Jason stated he knows this is a hot topic, but is the County prepared to hold onto that money for 25 plus years?

Adam's rendition of this, he stated was, the County would not be the one holding the bond money, it would be some outside third-party bonding company, that can submit annual documents that it still exists, or something like that.

Ken Valenta added some discussion on how bonds work and had mentioned the Amish have to renew their bond every year, for township road restrictions.

Ken Hovet talked to a company that installs solar energy systems, eight panel, 430 watts, 3' wide x 5' tall, so you get into megawatts, you need over 2,300 of those. Is \$125,000 enough to dispose of all of that? It is hard to project that 25 to 30 years from now, and it may not be enough.

Public Ken Valenta: If they are just driven into the ground, the panel is the only part that must be rid of, as concrete and steel posts are no problem.

Ken stated we do not want to hinder them. Ken also asked about Section D, 3: Community Solar system.

Adam clarified an example would be twelve houses and the system serves the community, however, not considered commercial or a solar farm, as they will still be held under the 120% overage limit for usage. Basically, it is residential system, but more than one house.

Jim asked if should be a limit to how many houses.

Ken also stated in regards to a decommissioning plan, in the event they are not in use for 12 consecutive months, however, some may take more than twelve months for completion of the permitting. Or put your house up for sale, and it takes more than 12 months. Just something to think about in those cases.

Jim stated vegetative screening should be clearer.

Adam said we will make that more precise to where we have the ability to enforce better.

Jim asked where the Prime Farm Land is, as he has had people ask about that. He stated you can't build in a wetland and how about the prime farm land?

Part 4, ii. C,:

Adam noted we should be able to pull the soils maps that identify the prime farm land and show \*what percentage is prime vs other categories.

Adam stated there are seven categories he would like to get answers to before September.

Motion to table until September by Roger seconded by Arnie.

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
Arnie Boie	Yes
Jim Pratt	Yes

Motion carried to table for September 7<sup>th</sup> meeting.

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

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 present as the applicant.

Adam stated back in May, this was remanded back to the planning commission by the commissioners, as it was recommended for denial because of public safety issues and concerns around the septic standards.

Chuck stated this is a permitted use with a CUP, and he felt the conditions need to be in his control, and the site has very limited use. Right now, as it sits, he stated he can have two RV's, as there is no dwelling on the site. He stated it is a deal killer if he has to put a septic system in. Stated his proposal is: Before the third one comes in, he would be okay to put the septic system in to serve those units, as it doesn't seem right to have to put it in now. He does not have a waiting list, he may never need it, but because the ordinance requires it, that is why he is here, and has nothing more to say.

Correspondence received:

Public comment:

Board discussion:

Arnie asked what exactly are we supposed to be looking at.

Chuck explained, he asked for the six sites, but only four additional to the two he has now, and before the next one comes in (third unit) he would agree to put in the septic system. Where the RV's are situated, he explained how they sit, and doesn't feel it will be logical. Said there is a ditch and a wetland, plus a steep hill. There is not going to be kids travelling through there.

Roger said there is a road at the end.

Chuck agreed, and there are always people parked down there fishing.

Jim asked for clarification, and Adam explained what the ordinance says in reference to the two units.

Public: Didn't you say he could have up to eleven units?

Adam confirmed he could have ten with the approved CUP for the Planned Unit Development

Marion Moe stated she is against it, the strangers, plus the trash that will be out there, junk, beer and pop cans, she is against it.

Dave Drager, Little Sauk Township, asked who is going to go out there and verify when a system is put in, if it is not required right away? If you are going to apply for this CUP then put a septic system in.

Jim agreed, you are applying for a CUP and we are putting conditions on it, a septic system must be put in. Otherwise, pull your land use permits for the two campers you have out there, and come back when you are ready for the third.

Chuck stated that is why he is here tonight, and why would he come back and pay another \$500.00 for a CUP?

Chuck also stated he has no water connection.

Jim, stated if we recommend this CUP, there must be a septic system to go with it.

More discussion on the placement of the RV's so far, and the layout of the property.

Marion Moe expressed her concerns on how Kandota Landing obtained the extra land from her, and implied, somehow, Planning and Zoning was in on it, long ago.

Jim redirected and stated that is not a part of this application or this board's concern.

Chuck stated all of the land was surveyed by Nyberg surveying before Chuck could purchase it from the railroad.

Marion restated she was against it.

Jim stated the five conditions are what we came up with and stated we should stick with those conditions.

Roger stated he is still concerned with kids crossing the road.

Ken stated his first impression, if I am going to camp that close to the lake, I would want to get to that lake, either to fish or swim or something, and not comfortable granting this.

Lloyd asked Chuck if he can do all the conditions okay.

Chuck said, not for just the two RV's, he stated it does not need a septic system for the two RV's he has, and if he comes back, he would be asking for the same thing.

Roger asked if he put a septic tank in, would he furnish some kind of hose from the campers to the tank or will they have to move the camper to the tank to dump?

Chuck stated they are going to have to take it to a dump station and fill up their water, if there are six of them, it may warrant a system or we can use a water tower.

Roger insisted when Chuck puts in a holding tank, he supply each individual RV site with PVC pipe for connection to the holding tank.

Chuck said that is his intention.

Lloyd asked Chuck if it is all downhill (gravity) to where the septic would be from the sites, to which Chuck confirmed yes, and it is seasonal.

More back and forth discussion on why a septic system now.

Adam clarified if you, as a board recommend approval for this CUP, you have listed the conditions a septic system be put in. Adam stated he hears Chuck asking to put the septic system in when the third unit comes in, whenever that be. Adam stated the only way he could do that is to withdraw his application tonight and come back when he is ready for the third RV and the installation of a septic system.

Jim said we do not want to set a new precedence by granting this and having to monitor when get to this point you start to follow the rules.

Chuck stated it is a reasonable restriction when the third unit comes in.

Adam said there is going to be sewage generated and we have an obligation to protect the health safety and welfare of the people.

Roger said we have seen RV's dump along the road.

Dave Drager reminded all that the CUP goes with the land and there will be six sites after Kandota Landing is gone.

Jim stated the Board does not always follow the Planning and Zoning recommendations, and the Board does think for themselves.

Arnie asked why we don't just allow him to have the six units?

Ken clarified that Chuck did not want to put in the septic system as a condition of the approval, he wanted to wait until the third one comes in.

Lloyd asked what the chances were to having six units.

Chuck stated slim to none.

Roger motioned to approve, with the five conditions as presented and amended, and allowing Chuck to withdraw if he would like. Lloyd seconded with the five conditions as presented and amended.

Conditions:

1. Placement of RVs in each campsite shall respect all property boundary setbacks.
2. Planned Unit Development is capped at 6 campsites as requested in the application. Additional campsites shall require the review of the Planning Commission.
3. Applicant must abide by all other applicable federal, state, and local standards.
4. Protective covenants shall be recorded to the property upon approval of the application.

- Holding tank for sewage treatment shall be installed prior to placement of campers. Hook up sites for each campsite shall be installed at the time of tank installation.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on August 15<sup>th</sup>, 2023.

**AGENDA ITEM 2: Daniel Miller – PID 07-0036400 – Eagle Valley Township**

Request for Conditional Use Permit for the production and sales of furniture (Hickory Bent) and tree stands in AF-1 Zoning.

Daniel was present as the applicant. Daniel stated we are building some tree stands and Bent Hickory furniture.

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

Proposed Condition(s):

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

Correspondence received: None

Public comment: None.

Board discussion: Arnie, said sounds straight forward and simple and would recommend approving it.

Jim said he was on site they have plenty room to turn around in the yard.

Ken asked if we should add proper disposal of waste ink, to which #5 of the conditions should capture that.

Ken motioned to approve, Arnie seconded with the five conditions as presented.

Conditions:

- There shall be no loading/unloading of materials within the public roadway.
- Off-street parking shall be provided for all business traffic.
- Storage of supplies and finished products shall be stored meeting all setback requirements.
- 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
Arnie Boie	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on August 15<sup>th</sup>, 2023.

Ken motioned to adjourn and Roger seconded. Voice vote to adjourn the August Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourned at 7:12 PM.

DRAFT