

Planning Commission Meeting Minutes

September 7th, 2023

Completed by: Sue Bertrand, P&Z Staff

Site Visits conducted by Adam Ossefoort and Ken Hovet on August 29th, 2023.

Meeting attended by board members: Vice Chair, Ken Hovet, Lloyd Graves, Arnie Boie and George Sutton, alternate.

Staff members: Adam Ossefoort and Sue Bertrand

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

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

Introduction of the meeting process and etiquette.

George motioned to approve the agenda for this evening and Arnie seconded, voice vote, no dissent heard, motion carried.

George motioned to have the August 3rd, 2023 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: David Bontrager – PID 26-0017100 & 26-0016900 – Ward Township

Request for Conditional Use Permit for the production and retail sales of fencing and building materials in AF-1 Zoning.

David was present as the applicant. David stated he is looking to have retail sales of fencing and building materials, and stated that is about it.

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.

David confirmed the staff report was accurate.

Ken went over his site report. This report may be viewed in full, upon request, in the Planning and Zoning Office.

Correspondence received: None

Public comment: None

Board discussion:

Arnie asked what type of fencing he will be producing.

David stated mostly for field fencing.

Lloyd asked if it will be from steel or wood.

David stated mostly steel, some fiberglass.

George motioned to approve as proposed, Arnie 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:

Board member	Vote (yes or no)
George Sutton	Yes
Arnie Boie	Yes
Lloyd Graves	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on September 19th, 2023.

Introduction of the staff and board members by Ken.

AGENDA ITEM 2: Tammy Jo Brusewitz – PID 22-0012700 & 22-0012900 – Staples Township

Request for Conditional Use Permit for a feedlot of up to 50 Animal Units in Commercial Zoning.

Tammy Jo was present as the applicant. Tammy Jo stated they are looking for a CUP for a feedlot up to 50 animal units.

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. Establishment of vegetative screening on the south and west sides of the proposed feedlot. Screening shall be maintained to provide screening from all public roads.

2. The facility owners must maintain registration every four years and remain compliant with the Todd County ordinance and MN 7020 rules.
3. Any future livestock lot or barn construction will be required to be reviewed for compliance by the Feedlot Program prior to construction or install.
4. The conditions of the CUP must be disclosed to any future landowners or real estate transaction.
5. All land application setbacks and MN 7020 rules pertaining to the storage and handling of manure must be followed.
6. Applicant must abide by all other applicable federal, state, and local standards.

Tammy Jo confirmed the staff report was accurate.

Correspondence received: One, that was read aloud and this letter may be viewed in full, upon request at the Planning and Zoning Office.

Ken went through his site visit report and this report may be viewed in full, upon request, at the Planning and Zoning Office.

Public comment: Tim Haegele, 48413 275th Ave., Staples, stated the two complaints he had were: flies and the smell. Fifty cows are going to stink. He stated he didn't think it was right every time he comes out of his driveway up to Hwy. 7, he has to smell the feedlot. He brought up the Zoning Ordinance and restated the setbacks in reference to the Church, or half mile from the City limits and it is near a drainage ditch.

Ken and Adam confirmed this feedlot meets all of the setbacks set forth in the Ordinance.

Ken added they will be building a berm.

Adam stated that it comes down to MN-7020 Rules and they use MinnFARM as a compliance indicator and stockpiling manure needs to be setback 50' of horizontal distance and 300' of flow distance.

Tim stated his biggest concern is the flies and the smell and he is dead set against a feedlot.

Board discussion:

Ken asked Tammy Jo if there were any measures taken to reduce the smell.

Tammy Jo stated she has been working with her farm management lady to see what is available to help with the odor and has an upcoming meeting, but has not figured anything out yet.

George asked if he heard right that she was going to live in the house adjacent to the site.

Tammy Jo confirmed and stated they are doing some remodeling first, and plan on moving in by fall.

George asked how close is the closest other neighbor to the proposed feedlot. Adam showed on the overhead, and stated 350 feet, and there was no comment submitted from the other neighbors.

Ken asked Tim where he lived, approximately, from the site, to which Adam measured over a quarter mile.

George motioned to approve, Lloyd seconded with the five conditions as presented.

Lloyd asked if they were proposing a barn, to which Tammy said their future plans were to build a shed with a windbreak area.

Adam explained they would need a land use permit only, to build, and they would not have to come back to the board, if they meet all the setbacks.

Tammy added they lease property to pasture cows.

George stated there is no justification to not approve this, meeting all setbacks.

Conditions:

1. Establishment of vegetative screening on the south and west sides of the proposed feedlot. Screening shall be maintained to provide screening from all public roads.
2. The facility owners must maintain registration every four years and remain compliant with the Todd County ordinance and MN 7020 rules.
3. Any future livestock lot or barn construction will be required to be reviewed for compliance by the Feedlot Program prior to construction or install.
4. The conditions of the CUP must be disclosed to any future landowners or real estate transaction.
5. All land application setbacks and MN 7020 rules pertaining to the storage and handling of manure must be followed.
6. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
George Sutton	Yes
Arnie Boie	Yes
Lloyd Graves	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on September 19th, 2023.

AGENDA ITEM 3: T Rose Inc. – PID 10-0014900 – Gordon Township

Request for Conditional Use Permit for the conversion of 9 cabins to a Residential Planned Unit Development in General Development Shoreland Zoning.

Mark Jahner was present and stated he was representing T Rose and the Linwood Resort, and the owner who would like to separate the cabins from the existing cabins from the overall resort.

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. Creation of a property owners association agreement including mandatory membership of all property owners with inclusion of Todd County as a participating member.
2. Creation of deed restrictions, covenants, or other instruments in accordance with Section 7.16C (iii) of the Planning and Zoning Ordinance with inclusion of Todd County as a participating member.
3. No additional impervious surface shall be allowed within the shore or bluff impact zones.
4. No outward expansion shall be allowed to existing structures. Lot 6 shall be allowed to construct one lake side deck not to exceed 150 square feet.
5. Boat mooring sites shall not exceed 9 slips.
6. No construction or placement of accessory structures will be allowed within the common space.
7. Applicant must obtain additional permits and authorizations as required by other agencies including but not limited to the Sauk River Watershed District.

Mark confirmed the staff report was accurate and his clients were in support of the staff recommendations.

Lloyd asked if the cabins are all for sale.

Mark stated they will all be separate lots, with their own separate parcel #s, with the intention to sell.

Lloyd stated you are not building anything new.

Mark confirmed, no.

George asked for clarification on the boat mooring sites and stated it needs to read one site with no more than 9 slips, to which Adam made the correction.

Ken redirected stating we were getting ahead of ourselves.

Correspondence received: None.

Ken reviewed his onsite visit report. This report is available to review in full, upon request, at the Planning and Zoning Office.

Public comment:

Charles Rand, stated he lives about a quarter mile south. Stated over the years, they have done a great job as a resort, sided everything and built real nice decks. He wanted say he is in favor of them doing this, and it is a good thing for them and for their future.

Board discussion:

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

Conditions:

1. Creation of a property owners association agreement including mandatory membership of all property owners with inclusion of Todd County as a participating member.

2. Creation of deed restrictions, covenants, or other instruments in accordance with Section 7.16C (iii) of the Planning and Zoning Ordinance with inclusion of Todd County as a participating member.
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5. Boat mooring site shall not exceed 9 slips.
6. No construction or placement of accessory structures will be allowed within the common space.
7. Applicant must obtain additional permits and authorizations as required by other agencies including but not limited to the Sauk River Watershed District.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
George Sutton	Yes
Arnie Boie	Yes
Lloyd Graves	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on September 19th, 2023.

AGENDA ITEM 4: Proposed Ordinance Amendment Section 9.20 Solar Energy Systems

During the May 2nd, 2023 the Board of Commissioner’s gave direction to review the existing solar energy ordinance.

Areas for consideration:

- Setback standards/ setbacks in residential areas
- Decommissioning
- Identified allowed uses in each zoning district
- Size limitations
- Connections to the Comprehensive Plan
- Consideration of prime farm lands vs marginal lands
- Property line screening
- Applying other governmental standards
- Potential setbacks from solar field to solar field.

Board discussion:

Adam pulled information up on the overhead and showed the board the Prime farm land map, and explained the red is prime farm land, green and yellow are the areas where the solar panels may be placed. The yellow is prime farmland “if drained”.

Arnie clarified the prime farmland is not where we want the Solar panels.

Adam brought up the question of the definition of community solar systems and explained they have the capacity of no more than one megawatt. Each subscription shall be sized to represent at least 200 Watts. The community solar energy generated capacity which would supply distribution generation resources, serving

premises, no more than 120% of the average annual consumption of electricity for each subscriber, so it's like a subscription based solar system.

George clarified, so if there is a piece of property you could have a number of owners that are subscribing to the use from that facility, whether they are the owners of that property or not. Just organize it so, in order for a system to stay out of the "Farm", it could not generate more than 120% of the aggregate need of all of the subscribing users.

Adam confirmed correct, and added, it would have to be more than a megawatt, in total.

Adam stated that brings us to the questions; Is there a need to put a cap, similar to our residential type system with a cap of 120% annual production? The Statute referenced in the Ordinance already places a cap on it.

Adam stated in reference to the bonding: The County doesn't hold the bonds, but may have access to them.

George clarified this is only for "Farms" and asked if a community system was exempt from putting up a bond.

Adam stated the County only had decommissioning required bonds for the solar Farms.

The only other updating had to do with vegetative screening language. Adam added, the definition of "screening" from the public is required for all Solar Farms. Screening shall consist of coniferous trees or shrubs that provide dense continuous screening. Screening must be established as part of the construction of solar arrays and must be "maintained" for the life of the solar farm, to help address a situation in the event of deer destruction, etc.

Adam stated he did reach out to a couple of State agencies that are involved in Solar. The main one he wanted to hear from was the Public Utilities Commission, but has not gotten a response back yet. Adam stated his main concern was creating ordinances, only to have it over-ruled anyway. He also stated if we think we have enough information, we won't keep kicking the can down the road.

Ken agreed he would like to hear back from them, as well, and suggested give it another couple of months.

Adam said the goal will be, to keep it as we see it tonight, and wait to hear from the State Agencies, and see if there is any dramatic aspect that needs changing, or to confirm we are on the right track, then come October we would be ready to pass this along to the Commissioners.

Ken asked where we were sitting with the Bond.

Adam stated still at \$125,000 per megawatt.

Ken stated a mega watt of solar panels is a lot of solar panels.

George added it is like 40-acres or more of panels, and by the time you are getting into a "Farm" they are just capitalizing that into it. This doesn't impair initiatives by individual owners, or groups of individual owners.

Ken stated it is less expensive to put up bond money than coming up with the cash for the decommissioning of a 40-acre parcel of solar farm panels.

George stated this is not a deterrent for a "Farm" as you are talking a couple of million-dollar investment anyway, and we are talking less than 5% of the cost.

George added he thought it wise, as the reality is, once the infrastructure for this stuff is up, this is not going to be abandoned. It is just getting more and more efficient. He stated, they will keep being upgraded. This is a big change.

Ken added, the panels they put out now are good for 30-35 years, and if they could upgrade at that point, it is a long-term investment.

George said this is happening in other parts of the country at a much faster pace.

Ken added he attended a district township meeting some days ago, there were Legislators there and informed him of a bill that was passed that had no public comment whatsoever, which stipulates MN be 100% green by 2040.

George stated the utilities themselves and the electric co-op parties are the ones to oppose.

Ken said, the interesting thing, Midcontinent Independent System Operators (MISO) (there is an app for your phone) they are the ones who run the electric grid, no matter who owns what electric company or that power line, MISO operates the whole thing and turns the switches to make sure there is power where there needs to be power, and makes sure everything works as it should.

Ken and George were reading the MISO app figures as they were changing, and stated, we are using 42% Coal, 40% natural gas, 12% nuclear 2.25% wind, and solar and misc. is a fraction. This is real time, and it is everchanging numbers, reflecting the usage. Ken stated the point he was trying to make is 75 – 80 percent of the power is coming from coal and natural gas and nuclear. If we have to come up with that much green power by 2040 (the change is coming) that is a ton of solar to help make up the difference and abide by this law. The more we can do to get ready for this, the better.

Ken motioned to table till next month, George seconded, voice vote, no dissent heard, motion carried.

Lloyd motioned to adjourn and Arnie seconded. Voice vote to adjourn the September Planning Commission Meeting, no dissent heard. Motion carried and meeting adjourned 6:59 PM.