



Minutes
Planning & Zoning Commission
August 8, 2018

A. CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 7:04 pm

Members Present: Chairperson M. Willcoxon, Vice Chair P. Carlson, D. Milles, D. Carlson, J. Johnson

Members Absent: L. Sinna

Others Present: Supervisor B. Seekon, Planner E. Maass, K. Bearinger, Clerk K. Wood, 9 members of the public (signed in).

B. PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

John Werner (9015 Lent Trail)

Stated he had comments on; things we learned, things we missed and things we could do better regarding the solar gardens.

The working hours have been a major issue because the laborers do not follow them and the Sheriff is not enforcing them. He did a protest and blocked the road when trucks came outside of the work hours. Wesley Alan the Senior Project Manager came to talk with J. Werner and he put a chain across the driveway which seems to be working. He stated that, "We can do better" because now they are lined up a half hour waiting for the open hours. J. Werner said he feels that they should be able to go in. M. Willcoxon said he would be worried they would come even earlier.

J. Werner said the Good property needs some DOT signs on the approach because it is an S curve and a lot of bad things that have happened there.

Some "things we missed" were a steel gate upon finish. Their gate is way on the inside and he is afraid it will look like a park. He would like a farm gate there. He also wants to know if they can plant extra trees or shrubs by the driveway. J. Werner asked if they can add "no solar array within 4 miles". M. Willcoxon and P. Carlson said no because there is a thing called a PUC. D. Milles said there is a 1000' setback and restricted corridors. It is not on the main roads and it is as restrictive as possible. M. Willcoxon noted that there is room for improvements in the solar ordinance.



D. Carlson said we can always utilize J. Kramer for help on this.

Matt Lindgren (9008 Lent Trail)

He stated they put the fence on the property line causing it to look like Carlos Avery.

They are going to put up a solid fence and he is worried about trees in the future. The electrical people did not survey the property and they are four feet off. E. Maass said Section 4.08 allows for fences to go up to the property line. B. Seekon said he checked into it as well and everything has been done correctly.

E. Maass said the components have to be setback 50 feet, not the screening. Otherwise there would be wasted land.

E. Maass said due to storm water mitigation they had to do some work outside of normal work hours. There is going to be a solar text amendment and a public hearing at the September meeting.

Tony Sanders (9063 347th Street)

P. Schmitt was going to have the landscape person talk to him regarding the tree line and he has not heard from them. M. Willcoxon asked if he signed an agreement with them. Tony Sanders said yes. D. Carlson said they will have to follow the agreement. He called P. Schmitt when they started to put the panels in and he said there was still room. T. Sanders said he had wanted Black Hills Spruce and P. Schmitt said they will be using White Spruce. He does not like the tree line drawing. He stated he is fine with the White Spruce. The water level fluctuates. The arborist was going to meet with T. Sanders. E. Maass is going to get T. Sanders contact information and make sure P. Schmitt follows up with him.

J. Johnson said the CUPs were written to intend to screen the panels, not the fence itself. The fence will be visible, outside of the trees. E. Maass said the Good solar project has the eagle next permit from US Fish and Wildlife that can be sent out.

Mariann Opsahl (8116 Lent Trail)

She expressed concern for the eagle nest and noted how quickly it was removed. M. Willcoxon said it was a 2 year old bird and they followed procedure. It was in accordance with Fish and Wildlife. She asked who determined the removal. E. Maass said it was approved July 15 at the State and Federal level based on the coloring of the eagle. It was not determined by the Township. We have all of the documentation.

M. Lindgren said they are disturbing other wildlife as well.

E. Maass said there is a wetland delineation.



Bill Smeaton – EDF EPC contractor for the owner (US Solar)

They held a meeting in May to go over safety, conditions, restrictions (working hours). 5 main contractors attended and they provided written instructions. They continue to hold weekly meetings. He noted there was storm water damage (subcontractor). They have posted signs, put up wire gates with no trespassing signs, clear sites at 5pm and put management controls. They feel they have done a good job putting management controls and physical controls at the sites.

Carla Buesseler (8957 347th Street)

She said she saw a semi-truck on 18 with a motorcycle coming onward. She felt it was unsafe. There was no one directing traffic, no flags or signs. D. Milles said that is a county issue and she should call the sheriff. She said she will call. She also noted she has seen trucks block the whole lane. J. Werner said he saw a truck without a beacon.

E. Maass asked if the gate could be moved back so there could be some stacking. M. Willcoxon asked B. Smeaton if they could move the gate back 200'. B. Smeaton said there is no reason they would not consider that. He would respond to a written request. B. Smeaton stated that safety is their number one concern. Contractors are supposed to provide safety control as well as their own signage. It is hard for them to know when deliveries come.

Rick Opsahl Jr. (8116 Lent Trail)

Said he works for a company and they request safety measures. He feels that EDF should reach out to the County for safety measures.

M. Lindgren said he would like a bigger landing pad for the equipment.

M. Willcoxon closed the public comments at 7:57 pm

C. ADOPT THE AGENDA

D. Milles made a motion to adopt the agenda. P. Carlson seconded. F. a. Solar Projects – US Solar was stricken from the agenda. All in favor, motion carried.

D. APPROVE THE MINUTES OF THE JULY 11, 2018 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the July 11, 2018 Planning Commission meeting minutes. P. Carlson seconded. All in favor, motion carried.



E. OLD BUSINESS

a. Karmel Ave Update

M. Willcoxon said he talked to the property owner and he will be removing a container before the end of the week as well as an old van. M. Willcoxon considers his progress reasonable. D. Milles said cleanup is progressing. He is attempting to sell a big orange crane. J. Johnson said the Township has an outside storage ordinance. M. Willcoxon said the property owner has indicated progress will be made. D. Carlson confirmed there are open communication lines. This will be followed up on in two weeks.

F. NEW BUSINESS

~~a. Solar Projects—US Solar~~

b. Proposed Solar Text Amendment (2018-4)

E. Maass said there are some proposed changes to Chapter 2, Section 4.18 Solar Energy Systems of the Lent Township Zoning Ordinance. He read through the definitions and noted what the suggested changes were. He said that it is important to bring the Township in line with the County's definitions to eliminate ambiguity.

- Proposed to be added to Accessory Solar Energy Systems: "Systems which are accessory to the principal use on a property and designed to supply energy solely for the principal use"
- Proposed to be added to Commercial Solar Energy Systems/Solar Gardens (CSES): "a capacity of no more than 1 megawatt capacity"
- Proposed to be added to Ground Mounted Panels: "Freestanding solar panels mounted to the ground by use of racking, pilings, piers, stabilizers or similar apparatus"

The word "permitted" would be removed from the chart and be replaced by "accessory use". The word "not allowed" is proposed to be replaced by "prohibited" under Interim Use except for the NRP.

Solar farms currently require a CUP and they are proposed as interim use. E. Maass said it is something for the Board to consider. A CUP and an IUP are both recorded with the property. The interim use has an expiration date and is more restrictive. D. Milles feels it would give us more leverage with cleanup, etc. D. Milles said if anyone in the audience would like to have any comment they are welcome to attend the next meeting where there will be a public hearing.

E. Maass said a solar site permit did not serve any purpose. Accessory ground mount: removing permit. E. Maass said the text amendment proposes the 10'



maximum height on ground mounted systems be changed to 12'. The industry standard is 10' – 15'.

The amount of area a property owner is able to cover is no more than 2 percent of the parcel or 2000 square feet. J. Johnson said ground mount does not replace accessory structures.

B. Seekon stated on 5. No ground-mounted solar energy... is missing the word "not" after shall.

Bush or screening: (fencing can be used) the amendment would to adjust the height from 8' to 6' at installation. This would not change the height at maturity, just at planting. J. Johnson asked if they should put a stipulation on maximum height. E. Maass said these are for the ground mounted solar systems.

The setbacks shall be measured from property line not the ROW.

E. Maass noted the proposed changes to the CSES/Solar gardens and explained that they were important to eliminate confusion. He read the ordinance to the audience in attendance. There are no proposed changes to the setbacks or decommissioning. A \$25k decommissioning escrow was put in place by the Township.

Solar Farms must be located around the Xcel substation. Remove solar site permit. All setbacks remain the same. The screening would change from 8' to 6' at planting and 12' maturity.

11. Solar Site Permit Requirements is proposed to be stricken from the ordinance.

E. Maass then invited the Planning Commission to discuss the proposed changes.

M. Willcoxon said he questions the decommissioning because these will not be worth anything 25 years from now. He would like the \$25k adjusted for inflation so there are adequate monies.

P. Carlson said if they walked away the Township would own the land. J. Johnson said the Township would not own the land. D. Carlson said he does not know if that is a realistic number for decommissioning. E. Maass said he will look into some of the numbers in other ordinances. The County requires \$15k for decommissioning. J. Johnson said he wonders if there should be an escalating program. D. Milles has a hard time envisioning how to collect on that. Every five years they could put a percentage into it. D. Carlson said it is on the developer.



D. Carlson said E. Maass should look into some realistic numbers. B. Seekon asked if there was any reason we could not ask for \$100k. D. Milles said that number might deter them.

M. Willcoxon said signs should be mounted at the entrance of the solar sites as well as a security gate. J. Johnson said it should be a part of the permit. D. Milles said it could be a part of the ordinance and conditions on the permits.

M. Willcoxon suggested a project supervisors meeting with adjacent landowners. He said that sometimes there needs to be more clarity. E. Maass said everyone should be included at the pre-con meeting so the schedule is determined ahead of time. A letter is going to be sent out with the contacts. They are going to try to over-communicate.

P. Carlson said he feels it should be 20 acres so they can have a nice area to have trees to cover them. D. Carlson said if they can meet the setbacks then he does not see why they need to have 20 acres. D. Milles said if they change the minimum acreage then they can change where these can go.

J. Johnson said he does not know if he wants to dictate the spots if there is a less usable spot. P. Carlson said they are using twenty acres now. D. Milles said he does not believe that is the strategy they are trying to achieve. If they did have a challenge in court and someone had a ten acre parcel they may have a problem. If they are getting too fragmented, then they may have a reason. E. Maass said they can obtain a CUP is as long as they can meet a series of conditions. The parcel has to be set up just right to fit on a ten acre. He feels they are well within their jurisdiction to go to 20 acres. D. Carlson said he would not have a problem going with the 20 if they are not going to get in trouble. M. Willcoxon said he would like E. Maass to look into changing the size from 10 to 20 acres.

M. Willcoxon asked about fines and penalties as opposed to pulling a permit. E. Maass said there are administrative fines. A civil fine could go on the property taxes.

M. Willcoxon said they should add no parking signs on the road. E. Maass said that should be discussed at the pre-con meeting.

E. Maass and J. Kramer both sign off on building permits.

J. Johnson said safety should be in the CUP so they can protect the residents. E. Maass said they had to get a driveway permit from the County. There were issues with site distances. It falls on the Zoning Administrator, Building Inspector and Town Board.



A recess was called at 8:56 pm by M. Willcoxen
M. Willcoxen called the meeting back to order 9:01 pm

G. COMMISSIONER/TOWN BOARD REPORT

B. Seekon said roads were the main topic at the last Board meeting. Hemingway Avenue by the Town Hall was just blacktopped. Knife River is in charge of the paving schedule. The roads that were going to be 1.5" have now changed to 2" which has increased the cost. Not every road on phase 1 is going to be blacktopped this year. Some of the widths had to be adjusted. 340th west of the freeway was double chip sealed as a test road.

H. NEXT REGULAR PLANNING COMMISSION MEETING IS SEPTEMBER 12, 2018 AT 7:00 PM.

I. ADJOURN

D. Milles made a motion to adjourn the meeting at 9:05 pm. P. Carlson seconded.
All in favor, motion carried.


Mike Willcoxen, Chairperson


Kelly Wood, Clerk

