



Minutes
Planning & Zoning Commission
January 9, 2019

CALL MEETING TO ORDER

P. Carlson called the meeting to order at 7:00 pm

Members Present: Vice Chair P. Carlson, J. Johnson, D. Milles, L. Sinna and Chair M. Willcoxon via Skype

Members Absent: D. Carlson

Others Present: Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, Deputy Clerk B. Schule, 2 members of public signed in.

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

Jim Glockner 347th: He said he had a question regarding the solar farms. He received a draft amendment and a map. He said there are 8 possible sites for solar farms. E. Maass said PZ is trying to get a minimum acreage requirement location. These are the properties that meet the requirements with correct account of land and acres for the setback requirements. E. Maass said there was someone considering a project on Iris Ave. There was a 1000' setback requirement for that property. E. Maass explained that there are different setbacks for different types of roads. J. Glockner asked if there were specific projects that are being requested right now. E. Maass said they are just revising the ordinance right now.

J. Glockner asked when the projects are proposed, is it the property owner who needs to get with them for notification. He asked what the process is for notification. E. Maass said it is the closest ten property owners. A community workshop is going to be discussed this evening. The open house would be held at the Town Hall so they can answer any questions residents might have. J. Glockner asked how big the one that went up by the old farm house was. P. Carlson said it was 1 megawatt. A garden can only be 1 megawatt. E. Maass said anything larger is only allowed in section 1 and it is treated as a farm.

ADOPT THE AGENDA

D. Milles made a motion to adopt the agenda. Seconded by J. Johnson. All in favor, motion carried.



APPROVE THE MINUTES OF THE DECEMBER 12, 2018 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the meeting minutes from December 12, 2019. Second by L. Sinna. All in favor, motion carried.

OLD BUSINESS

Frontier Complaint

P. Carlson asked how we know they did not get rid of one of their dogs. D. Milles said we should invite the person to attend the meeting to answer any questions. P. Carlson said the person with the complaint attended a meeting and stated she has 3 dogs as well. He feels she should receive a letter too. B. Seekon said he thought we only do something if there is a complaint. P. Carlson said it is up to us to do something when they come forward.

D. Milles said the letter should state, “Please come to the next PC meeting and we will answer any questions”. J. Johnson said if someone has 3 dogs, they need a permit. The letter should say we have been notified you do not have a permit on file, please make the necessary steps to request a permit or explain to us that you do not have 3 dogs.

M. Willcoxon said photos were provided of three dogs. J. Johnson is worried about the Township taking functional action based on data provided by someone not from the Township. J. Johnson said you can’t go into their home or property. J. Johnson asked if we have established if they really do have three dogs.

L. Sinna asked if the dogs were vicious, and having just one dog that is vicious is the issue. M. Willcoxon said they established that they each have 3 dogs. We will write another letter asking them to respond. After the third letter they get a fine. This is our process and we need to fine them. M. Willcoxon said if they can show that they got rid of a dog, then they are good. If not, then we need to follow through on the process.

P. Carlson said they were coming in her yard and there is a police report. K. Wood is going to try to get a police report.

D. Milles shared that he got a kennel permit for his dogs, which states how they will be confined. J. Johnson stated the letter will include the fine amount. E. Maass said a future application will be discussed and they will need a fence by x date. J. Johnson said he doesn’t want to create animosity between residents and the Township. They need to come apply for the permit which may have conditions. M. Willcoxon said they have to understand they are not in compliance.



Elmwood Trail Complaint

D. Milles looked at the property Saturday morning and, in his opinion, all the cars have plates. P. Carlson said he looked at it also, and that it looked like it was cleaned up. D. Milles said he has a fence and a dumpster. L. Sinna said the complaint stated he was leaching oils. D. Milles didn't see anything on the ground. P. Carlson said he took action and cleaned up. E. Maass said he walked the property with this guy years ago. He was parking cars along the property line and he put up a fence.

J. Johnson asked if we send a letter to the complaintant stating it has been taken care of. The Planning Commission said no, they do not want to start that precedence. J. Johnson asked that we keep detailed notes on this issue for future purpose.

D. Milles said the fence was taller than him and you cannot see through it.

J. Johnson made a motion to close the complaint. Seconded by D. Milles. All in favor, motion carried. Complaint closed.

Elk Lane Complaint

D. Milles went Friday afternoon and at least 6 guys were out working on cars. He did not get out of the car. He took photos of all the vehicles with hoods up. There were a lot of cars, approximately 20 of them. P. Carlson said he also went and felt there are more cars than when he and M. Willcoxon went out the first time. D. Milles said there is more stuff back towards the woods like a camper and more cars. D. Milles feels it is a home occupation without a permit. E. Maass stated we should send another letter. The inspection took place from the road. E. Maass said they need an IUP for a home business.

L. Sinna asked what we are asking him to do with all of the vehicles. J. Johnson said they have to have current tabs. If they all have license plates then he could have a home operation going on. L. Sinna said we need to be specific of what we are asking for. D. Milles said we need them to clean it up and get an IUP if they have a business. E. Maass said it is easier to enforce direct violations. Gaining compliance is the ultimate goal.

D. Milles said we can say in the letter that it appears you are running a business. P. Carlson stated we need to mention all cars have to have current tabs. L. Sinna stated we should omit the statement we think you have a business. D. Milles said we should say it appears you are running a business. P. Carlson agrees that it looks like a business and if they are, they need an IUP. P. Carlson said cars have to be licensed and insured. D. Milles said take the sections out of the ordinance and put in the letter. J. Johnson said we should state a home occupation requires a permit, state what a home occupation is, and put it in the letter.



Lindgren Property

E. Maass said in the second paragraph, "After Wednesday, February 6th failure to comply will result in administrative action and penalties". E. Maass wants to be as specific as possible. D. Milles said J. Kramer should go with them when they inspect. P. Carlson said there are hazardous material issues with the inside of the house. D. Milles asked if they can condemn the house. E. Maass said it is a lengthy process but the cost can be put on the taxes. E. Maass said if it is a public hazard anyone can do it. D. Milles said he likes the letter E. Maass drafted. E. Maass said the cost to abate is assessed back to the property. P. Carlson asked E. Maass if they should condemn it. E. Maass said he is not suggesting it, he is only saying it can be done and that we have the authority. D. Milles said from what he understands, the property may have other issues. It is the Board's decision to do something about it. M. Willcoxon stated the inspection should include J. Kramer, E. Maass, and a couple Planning Commission members. D. Milles said the letter should be sent. M. Willcoxon has been trying to get ahold of him, but he is not responding. D. Milles said we just need an affidavit of mailing from the Clerk and it is good enough for court if someone refuses certified letter. The letter will be sent certified.

Discussion on Interaction with Adjacent Landowners and Community

M. Willcoxon said they wanted them noticed as the law requires. As far as having direct contact with the contractors to avoid problems. He said to put the burden on the contractor and not the landowner.

D. Milles asked if this is for all the solar farms. D. Milles said the community workshop with the landowner is a good step towards that. D. Milles said items e, f and g were hashed out and discussed at the last meeting.

Discussion on Enforcement

Skipped

Discussion on Setting Additional Limitations

M. Willcoxon said there is a lot of new technology coming out right now and there is energy storage. They are storage containers full of batteries. Xcel charges the batteries. Glide Path is the company that in 2011, put the first one in. They are starting to be pushed in other communities. He doesn't want to get stuck with something like that. He doesn't know what kind of pollution will come from them. He wants language to give them time to study new technology. E. Maass said it would be a new land use. It would dictate what kind of use it is and it would be prohibited until then.



D. Milles said if I want to put batteries on my properties, you can't tell me where to put them. He asked if there a chance that someone would want to put a battery storage on 40 acres. E. Maass said they would need to do a text amendment.

D. Milles asked if we could add an amendment to the ordinance. M. Willcoxon said they could technically put that on the property because we do not say what they can put on their property. P. Carlson said the state doesn't know about this new land use. E. Maass said they would have to amend their site plan and it would be a new land use type of permit. D. Milles asked if someone adds something that was not discussed they have to come in and get an amendment. Because this new technology is not addressed in the ordinance it is not a permitted use.

D. Milles said if we have someone come in to put a solar site on one of the 8 sites and put in a battery storage, we could look at it and add something later. E. Maass said we could add any energy storage to where it says transformers, etc. It would be tied to only solar energy.

D. Milles has a neighbor with a residential solar and Xcel doesn't want to pay him and take the extra energy which they are required to do. P. Carlson said it would only be for commercial. B. Seekon said we do not allow storage containers. D. Milles said E. Maass can add it to the language of the ordinance.

NEW BUSINESS

An ordinance repealing in its entirety Chapter 2, Section 4.18, of the Township ordinance regarding Zoning Solar Energy Systems Public Hearing

D. Milles said E. Maass discussed this in the previous meetings so we should only discuss what is new.

E. Maass stated: A Community workshop is required for any new garden and farm prior to any application being complete. Everyone living 1000' from the proposed site will need to be notified with a map and a date for the workshop no later than 2 weeks in advance of the application. The applicant will need to provide a list of addresses to the office. This allows for open communication lines early on in the process.

J. Johnson said the screening materials could be arranged at this meeting. Much of the application items would then be resolved. E. Maass stated Township Officials should be at the meeting. J. Johnson stated it is to our advantage to draw out all of the possible opponents. D. Milles said this is a clever way to handle this. J. Johnson said this is their opportunity to be heard. P. Carlson said this would put the residents at ease. E. Maass said this would not put any additional cost on the Township. D. Milles said this is a great idea.



Wetlands: D. Milles said you can put a structure in a wetland. There are dozens of wetland species and we should not address wetlands. It doesn't violate WCA. E. Maass said strike the wetlands setback from dimensional standards. The Township doesn't administer WCA.

P. Carlson opened the public hearing 8:26 pm

D. Milles made a motion that the PC adopt as testimony the discussion E. Maass presented in the December meeting on this ordinance and also explanation E. Maass just gave incorporated by reference to the minutes. P. Carlson seconds. All in favor, motion carried.

D. Milles made a motion to close the public hearing at 8:28 pm. P. Carlson seconded the motion. All in favor, motion carried.

J. Johnson asked where it states they need to screen prior to implement. E. Maass stated under section 3 'Rooftop or other Architecturally-Integrated Solar Energy Systems' strike the 25 feet setback to wetland. E. Maass said screening needs to be installed prior to setting the posts. L. Sinna stated if you are going to put this in, she doesn't want to hear any excuses that the contractors can't do this.

J. Johnson said they do not want anything installed prior to screening being done. J. Johnson asked what happens if we have a drought and the screening dies. L. Sinna said people should not have to look at it while they are installing it either. J. Johnson stated it should say the screening shall be installed at the inception of the project.

E. Maass said it is the visual intrusion before they start putting in the transmission and setting the posts, trees should be in before that. He can list all of that.

E. Maass: Suggested screening for solar gardens be completed prior to installation of any posts, grading or any metering equipment, structures, etc. associated to the build.

E. Maass said solar gardens: applicant shall provide no less than two weeks in advance for workshop adding discussion on screening is prior to posts.

E. Maass will strike section G. wetland for solar farms on the ordinance.

E. Maass include energy storage in the ordinance.

L. Sinna asked if the trees die, how long we give them to replace.

E. Maass stated we give them till the next growing season to replace the tree. J. Johnson confirmed that there is no set date. E. Maass stated we are holding their CUP and can force them to stop production if they are not compliant. We have to work with the operator. We have reasonable discretion.



M. Willcoxon said our fining process would kick in if they did not take care of the trees. The fining process is \$250 per day if in violation. M. Willcoxon asked about putting in language for existing properties to limit solar projects to buy adjacent land and put it to the back.

E. Maass said just because it is in yellow it doesn't mean it is viable but the goal is not prohibiting the use but to manage the use. D. Milles stated this is not a zoning map. The language is what defines it. D. Milles said they have addressed the problems and they should go with this.

P. Carlson asked what they should do along the freeway. E. Maass said you don't list a setback by the freeway. They would have to provide screening along there.

J. Johnson made a motion they include the language that E. Maass read and recommend for the screening and recommend approval to the Board to adopt Ordinance 2019-1. D. Milles seconded the motion. All in favor, motion carried.

An ordinance amending Chapter 2 of the Zoning Ordinance Section 3.0 Definitions - Ordinance 2019- Public Hearing

E. Maass said there were no proposed revisions. They were updated to how the County revised them. J. Johnson confirmed we are not adopting the County ordinance.

P. Carlson opened the public hearing 8:50

D. Milles made a motion to adopt the ordinance as presented and recommend to the Board and close the hearing and use it as testimony. L. Sinna seconded the motion. All in favor, motion carried. Public hearing closed 8:51 pm.

Susie Brooks

She will be asked to attend the next meeting.

COMMISSIONER/TOWN BOARD REPORT

B. Seekon said they are trying to get an agreement as to what to pay Knife River. They want us to hold \$45k from the billing. J. Pelawa is going to come up with an agreement for Knife River. There is going to be some work done in the Hall. They had to fix the one ton. P. Carlson asked if they did the work to spec. B. Seekon said mostly. D. Milles said we learned from this. B. Seekon mentioned that L. Sinna was sworn in as a Board member.

NEXT REGULAR PLANNING COMMISSION MEETING IS FEBRUARY 13, 2019 AT 7:00 PM.



ADJOURN

D. Milles made a motion to adjourn the meeting at 9:00 pm. Seconded by P. Carlson. All in favor, motion carried.

Phil Carlson

Phil Carlson, Vice Chair

Kelly Wood

Kelly Wood, Clerk

