



Minutes
Planning & Zoning Commission
Location: Town Hall 33155 Hemingway Ave., Stacy, MN 55079
July 10, 2019

CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 7:01 pm

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

Members Absent: S. Brooks

Other Present: Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, 7 members of public (signed in).

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

B. Seekon noted the Planning Commission was doing a great job.

ADOPT THE AGENDA

D. Milles made a motion to adopt the agenda. Second by J. Johnson. M. Wilcoxon changed Foxhill to A and Lindgren under F – Old Business. P. Carlson added Country View Marine under New Business. **All in favor, motion carried.**

APPROVE THE MINUTES OF THE JUNE 12, 2019 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the minutes of the June 12, 2019 Planning Commission meeting. P. Carlson seconds. All in favor, motion carried.

OLD BUSINESS

31658 Foxhill Complaint

M. Willcoxon read the letter received by the property owner at 31658 Foxhill Ave. All vehicles are licensed except for the plow truck, but it does not leave the yard and they do not have a camper. P. Carlson said he had a conversation with her. They move the vehicles when they mow. She said they got rid of some of the pickup trucks and one is going to leave soon, along with some cars. The other truck is one they drive daily. M. Willcoxon noted that they could screen some of the items. P. Carlson said they would like to go out there when she is home.



D. Milles made a motion to table this topic until a site visit is done. P. Carlson seconds. All in favor, motion carried. M. Willcoxon said thank you for replying and coming in. They will call to set a site visit.

32050 Elk Lane Complaint

E. Maass said a 5th notice was sent and he is looking for someone on the Planning Commission to take photos and send them to K. Wood. E. Maass said he will check on the expiration date of this complaint. P. Carlson said they went to the property yesterday and it looks worse. They will send pictures to K. Wood. D. Milles asked at what point they seek criminal charges. M. Willcoxon said after the third fine. E. Maass said we can send it to the Board to see if they want to go criminal or civil. P. Carlson said let's keep fining them. B. Seekon said the problem with going criminal is that the County really does not want to do anything. He said let's just keep fining them.

P. Carlson made a motion to fine 32050 Elk Lane again. J. Johnson seconds. All in favor, motion carried.

6260 337th Complaint

M. Willcoxon said he and P. Carlson went by there and there was not much improvement. E. Maass said they were working with the Township and they were given an extension. This will be discussed next meeting.

J. Johnson made a motion they talk about the 337th Complaint at the next meeting and follow the current extension. P. Carlson seconds. All in favor, motion carried.

Karmel Fines

E. Maass said a letter went out. P. Carlson said the weeds are high but it looks better.

35902 Grand Ave Complaint

The Planning Commission discussed what they should do for this property.

D. Milles made a motion for the Town Board to request J. Kramer to look at it to see if it is fit for habitation. The Sheriff may need to be there as well. P. Carlson seconds. All in favor, motion carried.

Lindgren Property

E. Maass said a letter was sent with a timeline along with a citation. M. Willcoxon and P. Carlson went out there and M. Lindgren said all of the boats were his. The property owner said he is going to get all of registrations to M. Willcoxon. M. Willcoxon said he would like to continue fining him. M. Willcoxon said if the fines go against his taxes, we are doing what can be done. D. Milles said if we keep this up, he is going to get off the Planning Commission. M. Willcoxon said the last time we applied for the search warrant, the judge sent the property owner a letter that we applied and he denied it.



P. Carlson said he agrees to fine him the \$500 fine. D. Milles said we will need a letter from P. Tiede. B. Seekon said we are spending money every time we do this. P. Carlson said we will eventually get the money from the fines. M. Willcoxon said he told the property owner that there are a number of people who want to take this to the judge and there are some of us who are trying to help him. Everyone wants the house gone. M. Willcoxon said there is no downside to doing it this way.

P. Carlson reiterated that he should be given the \$500 fine. M. Willcoxon said he has to get ahold of him and tell him he needs to make progress or there is going to be legal action. M. Willcoxon said he has to get rid of the garbage and prove that the 5 boats are his within a couple days.

J. Johnson made a motion to continue with the fines and include a cease operation of the boats. He cannot get a building permit until the home is removed. J. Johnson said if there is a business, there needs to be a home. He cannot have anything out of compliance. J. Johnson said to continue escalation of fines until he is compliant with the Township ordinance. P. Carlson seconds. E. Maass is going to wait 48 hours for the property owner to show that the 5 boats are his. The outdoor storage is still a problem. Items must be screened. If he does not prove he is not running a business it is going to go criminal. E. Maass said he is going to check to see what the previous letters have said. P. Carlson said the letter should state; upon inspection we see an outdoor storage issue. M. Willcoxon said the judge will see that he is taking steps in the right direction. We don't want to overwhelm him because it won't accomplish anything.

J. Johnson rescinded his motion. P. Carlson rescinds.

J. Johnson made a motion to send a letter with \$500 fine for the home occupation and outdoor storage violation. P. Carlson seconds. Motion carried 4 to 1. D. Milles nay.

J. Johnson made a motion to send a letter with the codes in regards to the trash and mess on the property before he is offered a building permit. J. Johnson Rescinded his motion.

M. Willcoxon said we have a demo permit and M. Lindgren called J. Kramer on this. J. Kramer was asking if we were willing to rescind the fee. D. Milles said no.

J. Johnson made a motion to address each aspect on the property on an individual basis. P. Carlson seconds. Motion carried 4 to 1. D. Milles nay.

32301 Elk Lane Complaint

E. Maass said a letter was sent. An inspection needs to be done after July 18th. No change to the property has been made and it was noted that they went by there last night.



NEW BUSINESS

Solar Garden Concept Plan – Cooperative Energy Futures

E. Maass read the Staff memo to the Planning Commission and explained the potential applicant is proposing a 1-megawatt solar garden that will run partially through Township jurisdiction. The Township requires a roadway setback of 660 feet. If they moved forward with the project, they would need a variance. They would require an IUP from Lent along with the required process of the other community. The back third of the project would be in Lent.

D. Milles said because this is a split jurisdiction, he does not want to do anything until we hear from the County. M. Willcoxon said we have our jurisdiction and they have theirs. Right now, they want to know our thoughts, this is not an agreement. B. Konewko said the County has 125' setbacks from the road. They have to do some further investigation, but would like to know if it is even viable to move forward. P. Carlson said he doesn't know if there is a hardship there. They need to be close to the transmission line. E. Maass said it would still require the full process and require screening, evergreens, public hearings, etc. It would be good to coordinate with the other Township. D. Milles said he does not think they should split this up and feels they should consider hosting a joint Planning Commission meeting. M. Willcoxon agreed and said he understands they are just looking for input at this meeting. D. Milles said he does not feel comfortable saying anything until we receive a plan.

E. Maass said they are looking to see if it is worth their time to apply. D. Milles said he feels it is too premature to answer that. M. Willcoxon said we do not have to agree 100 percent right now. D. Milles said we have authority for our portion, but they have to apply and we have standards. He told the potential applicant that they can propose it, but they have to get both sides together on this.

B. Konewko said they would like to know about the variance. M. Willcoxon said they are willing to work with them, but not commit. J. Johnson confirmed with them that they are familiar with the Township code. J. Johnson said he has not seen anything be denied if it is in compliance with code. He stated that the residents want us to protect the community. If your project complies with what our goals are, then it should be okay. D. Milles asked if they applied with the County. They need an IUP but not a variance from the County. B. Schule confirmed that they are *just feeling us out*. Yes, they stated that they wanted to start the conversation early. B. Konewko said they are looking for feedback. M. Willcoxon told them to talk to the County to schedule the joint meeting.

D. Milles said the landowner is going to have to apply, bring in the plans and that they're probably going to have to have a couple meetings.

M. Stupnik said they would be close to meeting the setback. E. Maass added that Lent Township is more restrictive than the County. The potential applicants and the Planning Commission discussed the map and roads. Just a small portion is going to be in Lent.



E. Maass said it might be a good idea to email P. Tiede about the setback and ask if it applies. J. Johnson said Lent residents are going to appreciate screening being done to follow code even though it's going to be located on County land. D. Milles said let's ask Peter about the 660' setback applying to the road. F. Dusenka, the property owner said they have solar on both sides of their property now. E. Maass said he will reach out to P. Tiede to see if a variance will be needed.

Cornillie 2 Solar IUP and Variance

Public Hearing

E. Maass said this project is proposed near the Cornillie and Nillie Corn solar project. The land was subdivided. It will be a 1 mw solar garden for a 35-year term and the decommissioning escrow is set up as such. The transformer pad has a required setback of 50' and they have requested a variance. Staff feels that it is a reasonable request. There are two separate lots here. When solar is added to the last lot, it would be reviewed as a solar farm.

E. Maass said there needs to be 20 acres for a solar garden. He said there is a property line running through the middle of this property. This project is a solar garden and the one coming in the next couple months is going to have to be a farm. E. Maass explained the difference between a solar farm and solar garden. J. Johnson does not want the next applicant coming to the Planning Commission for a variance. He wants to make sure that gates and fences are not obstacles for the future. E. Maass said how it meets the land use for the solar garden. Currently the applicant did not propose any screening.

US Solar owns the south 20-acre portion and the Cornillie's own the north 20.

D. Milles explained how situations were handled at his previous job position. E. Maass said the Township currently has an application for the other portion of land.

B. Seekon questioned why the solar farm would be allowed. E. Maass said it is allowed as a solar farm because it is in section one. E. Maass said there could be a condition to the resolution to make this one a solar farm if the other application comes in.

M. Willcoxon opened the public hearing at 8:04 pm

**D. Milles made a motion to include the bulk of the discussion and have it used as testimony.
P. Carlson seconded. All in favor, motion carried.**

D. Milles said he does not see a problem with the application or variance due to the hardship. If this parcel is going to be developed in two stages, we should attach a condition. He said the entire parcel should be a solar farm.

The North Star project was discussed.



E. Maass said the IUP could have a condition that it will be viewed as a solar farm if it is above a 1 mw. J. Johnson said the power company has guidelines and they cannot be considered a farm. D. Milles said we cannot approve a future permit without seeing it. E. Maass said the permits will not be tied together. D. Milles said we are going to issue this IUP for 35 years, we should issue an amendment for the second phase. M. Willcoxon said if it goes over 1 mw it is a farm. E. Maass said his concern with amending it is it is two separate operators/leasers. The property owners do not own the arrays. D. Milles said the IUP goes with the owner. E. Maass said the landowner must sign on the IUP.

M. Willcoxon adjourned the meeting at 8:23 pm

M. Willcoxon opened the meeting at 8:26 pm

E. Maass asked E. Hanson when he is going to construct. E. Hanson said this year. E. Maass said the Planning Commission could table it and run the applications together. It would cause a delay. He said it should be solar garden per the ordinance.

B. Seekon said the property has already been split. We just care about the 20 acres. He said the same setbacks should apply. E. Maass explained what is allowed in section 1. E. Maass explained where solar gardens are allowed. B. Seekon said US Solar may want the screening done. E. Maass said the screening is required from public ROW and residential property. They are still required to meet all of the requirements.

E. Maass said the permit is issued to IPS solar and it is recorded against the property. D. Milles said he does not agree with this. E. Maass will check with the Township Lawyer on this. J. Johnson said what they are proposing fits with the ordinance and expectation. D. Milles said he has no problem with this project.

M. Willcoxon closed the public hearing at 8:37 pm

D. Milles made a motion to recommend the Town Board issue the IUP and variance for the Cornillie 2 solar site. B. Schule seconded. All in favor, motion carried.

Subdivision Ordinance Amendment

Public Hearing

E. Maass said the Planning Commission reviewed this at the last meeting. The County has adopted this and Staff recommends an identical ordinance.

M. Willcoxon opened the public hearing at 9:30 pm

No public comments

M. Willcoxon closed the public hearing at 9:31 pm



D. Milles made a motion to recommend approval to the Town Board. P. Carlson seconded. All in favor, motion carried.

Country View Marine:

M. Willcoxon said they did not file the CUP with the County. The minutes show the rules they are to abide by. There was an application and it was approved. P. Carlson said they are not compliant with the outdoor storage. J. Johnson said if they were given a CUP they still have to comply. E. Maass said the purpose of recording with the County is this situation. We can lean on the minutes to get this property in compliance. D. Milles said we should draft a permit and have it recorded. E. Maass said we can use the minutes to outline the CUP with conditions. He is going to check with P. Tiede on this.

COMMISSIONER/TOWN BOARD REPORT

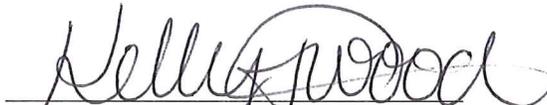
B. Seekon said that all of the roads are hard surfaced that were on this year's schedule. He is going to try to make the Board meeting despite his employer wanting him to work out of town. E. Maass said he is willing to attend the Board meeting. B. Seekon said they are talking about buying a shouldering machine.

NEXT REGULAR PLANNING COMMISSION MEETING IS AUGUST 14, 2019 AT 7:00 PM.

ADJOURN

P. Carlson made a motion to adjourn the meeting at 9:50 pm. D. Milles seconded. All in favor, motion carried.


Mike Willcoxon, Chair


Kelly Wood, Clerk

