



Minutes
Planning & Zoning Commission
October 10, 2018

CALL MEETING TO ORDER

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

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

Members Absent: None

Others Present: Planner K. Bearinger, Supervisor B. Seekon, Clerk K. Wood, 10 people (signed in).

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

None

ADOPT THE AGENDA

D. Carlson made a motion to adopt the agenda. D. Milles seconded. All in favor, motion carried.

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

D. Milles made a motion to approve the minutes of the September 12, 2018 Planning Commission meeting. P. Carlson seconded. All in favor, motion carried.

OLD BUSINESS

Karmel Ave Update

M. Willcoxon said a letter was drafted by E. Maass and has been approved by P. Tiede. It has been sent back to E. Maass and will go before the Board. The Planning Commission will receive an emailed copy and then it will be sent to the property and owner.



NEW BUSINESS

Rockpoint Variance Public Hearing

K. Bearinger explained that there is a request for a variance at 9018 Lent Trail for setbacks for a transformer pad. The side yard requires 50' setbacks and the transformer is setback 25.7'. It was in the 100-year floodplain. Staff recommends approval due to meeting the 5 criteria.

K. Bearinger read the Staff report which included the following criteria.

1. Property owner will use the property in a reasonable manner
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner
 - a. The transformer pad was proposed to adhere to the fifty-foot setback
 - b. 100-year flood plain and extensive wetlands are posing the hardship
3. The variance, if granted, will not alter the essential character of the neighborhood
 - a. The transformer is on the southern side and there is no residence there
 - b. The applicant is proposing screening
4. Granting of the variance is in harmony with the general purpose and intent of the ordinance
 - a. The purpose and intent of the solar energy system ordinance is to balance the public health, safety, and welfare of the public
 - b. Protect natural resources
5. Variance is consistent with the comp plan

K. Bearinger said this is a retroactive variance.

M. Willcoxon opened the public hearing at 7:15 pm

Matt Lindgren (9008 Lent Trail): asked why it took so long before E. Maass and J. Kramer went out to look at the site. (1.5 weeks) He has heard that the transformer may be loud and would like it moved. M. Willcoxon said it is too late to move it. P. Schmitt said they need a buffer around the transformer. P. Carlson asked if they could put a basket weave fence around the transformer which may help with the sounds as well.

P. Schmitt said they can install a fence, but they cannot encompass it. P. Schmitt said it will only make noise during the day. They have never had a noise complaint on their properties. P. Schmitt said they did not intend on breaking a rule.

M. Willcoxon said there is a camera mounted on a pole at Rockpoint. L. Sinna asked what it is surveying. P. Schmitt is going to follow up on it.



D. Milles said the 100-year flood plain was unforeseen. P. Schmitt said they had to buy some wetland credits. P. Schmitt said they knew it was wet in areas.

Tony Sanders (9063 347th Street): asked when they are ready to go online. P. Schmitt said it is ready to go on their end. They are working on getting trees planted. T. Sanders said there is no access. T. Sanders confirmed the trees will be planted before they go online. B. Seekon asked if there was a way through T. Sanders' lot to get the trees in. There is not. T. Sanders and P. Schmitt are working on getting the trees in. P. Schmitt said they may have to work something out with T. Sanders' neighbor to the west. D. Milles said he may have to work with the DNR or the wetland coordinator. P. Schmitt said the white spruce trees are on order.

M. Lindgren said if they keep the camera then they should plant trees there. M. Willcoxon told P. Schmitt to address that.

Jim Glockner (9080 347th Street) stated that if the noise was louder than anticipated because of the variance there should be something in place.

Mike Willcoxon closed the public hearing at 7:40 pm

Mike Willcoxon said he would like a decibel rating from the Lindgren property that is proportional to the distance. He suggests 35 decibels at 60 feet. D. Milles said there should be conditions on the variance. P. Schmitt said they will do some testing. B. Seekon said they should get someone out there before it is online to get a baseline during mid-day hours. It should be at 60'. P. Schmidt provided numbers for the Planning Commission.

There was discussion regarding adding conditions to the variance. Issues discussed included the camera, moving the gate, getting an ambient sound reading and planting of trees.

D. Milles made a motion recommending the variance subject to resolving the camera issue, planting trees by John Werner's property on Rockpoint's land (White Spruce), and putting a gate at the end to restrict access to the property. P. Carlson seconded. D. Carlson said this variance has nothing to do with the gate or trees. All in favor, motion carried.

K. Bearinger read a state statute that said a Township may impose a condition directly impacting or relating to the variance.

D. Milles made a motion to rescind the motion. P. Carlson seconded. All in favor, motion carried. Motion rescinded.



J. Johnson said they need to clarify the material of the fence. He said that it should be a neutral color because it is covering silver. He would like it to blend as well as alleviate noise. He feels it should say something like the fence should screen the transformer and blend into the background and is the same height and provides any needed sound mitigation and does not exceed more than 38 decibels. There was discussion regarding which style of fence to use.

M. Willcoxon called a recess at 8:27 pm

M. Willcoxon called the meeting back to order at 8:34 pm

D. Milles made a motion to recommend approval of the Rockpoint variance to the Town Board with the inclusion of the provision of 34 or 35 decibels on the owner's property with a vinyl fence (B & T) to screen the transformer. J. Johnson seconded with an amendment. He added: it should say the transformer does not contribute more than 35 decibels. P. Schmitt asked how long the fence should be. It will be long enough to keep more than 35 decibels reaching M. Lindgren's property and such that M. Lindgren cannot see it from his property. P. Carlson said it should be engineered wood. They will submit a design of the fence and it will be approved or denied by the Town Planner. **J. Johnson added another amendment; it will also state, "The fence will be approved material and construction". All in favor, motion carried.**

Solar Discussion

M. Willcoxon said this has to do with the moratorium on solar. They have had some issues with the solar ordinance in regards to the wording on the overlay district. There is a solar overlay district. The initial wording was, lands adjacent to County roads in the overlay district, setbacks to be 1000' from all roads. He asked the rest of the Planning Commission if they would agree. They were in agreement.

D. Milles asked about a residential roof and ground mounted solar being included in the moratorium. There was someone in attendance with a permit application for residential rooftop solar. J. Johnson read the 9-month moratorium resolution. D. Milles said they need it to not include roof mounted or ground mounted residential. K. Bearinger will make the adjustment for the Town Board.

D. Milles said they had identified corridors. They will work to redefine the district on the map and define the roads. They will be confined to certain areas.

M. Willcoxon said we explicitly wanted solar contained to certain areas. We set up corridors and called it an overlay district.

M. Willcoxon made a motion to redefine the district on the map to whatever criteria they decide. P. Carlson seconds. All in favor, motion carried.



K. Bearinger said the Township has 2 solar sites on Lent Trail with safety concerns and asked if Staff would update 1mw to a minimum of 20 acres.

Cindy Larson O'Neil from ReneSola said she is representing Olen Good on a potential project. She is concerned about the 1000' setback on Iris as it would kill his project. They have been working with E. Maass for over 6 months. It is 1000' from Lent Trail. Her associate said he is worried that the 9-month moratorium would affect solar coming to the Township due to it not being profitable at that time.

M. Willcoxon said at this point they had no intent of a solar project being close to a road. C. Larson O'Neil said it currently states 33 feet from the Township road. D. Carlson said the setbacks are not going to be discussed at this time.

Frontier Complaint

The homeowner has three dogs who will not stay in the property owner's yard. T. Coenen said she filed the complaint on Frontier. She has called the police, been trapped in her car and said that this is a bigger issue than 3 dogs because they are vicious. D. Milles said he has a residential kennel permit and there will never be a leash ordinance in the Township. He said it is the Sheriff's responsibility to deal with this and the Township can require that they have a fence on their permit, it is a State Law. D. Carlson suggested she talk to the Sheriff regarding the matter.

Jill Behnke said she is a 911 dispatcher and she said to call so that they can keep a record.

D. Carlson said that a letter should be sent. WSB will write this letter for the homeowner.

T. Coenen has a fenced in area to contain her dogs and she is prepared to get a residential permit for her three dogs.

J. Johnson asked if the dogs are crossing a public road. Their insurance company will deem them as dangerous dogs. J. Behnke said the officers are required to fill out a file when there is a viscous dog.

COMMISSIONER/TOWN BOARD REPORT

B. Seekon said there have been issues with Knife River that will be addressed. 340th Street has an issue with cracking. J. Johnson asked if the Township can go after the hauler who ruined the road. B. Seekon said this is something that is going to be addressed. M. Willcoxon said it was known how the land is being used. B. Seekon said the Board would like the solar to get straightened out.



NEXT REGULAR PLANNING COMMISSION MEETING IS NOVEMBER 14, 2018 AT 7:00 PM.

ADJOURN

D. Carlson made a motion to adjourn at 9:19 pm. J. Johnson seconded. All in favor, motion carried.

A handwritten signature in cursive that reads "Phil Carlson".

Phil Carlson, Vice Chairperson

A handwritten signature in cursive that reads "Kelly Wood".

Kelly Wood, Clerk

