MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday February 28, 2019

The Board of Adjustment convened in regular session on Thursday, February 28, 2019 the Pope County Courthouse, Community Room.

Members Present: Dave Henke, Ronald Feigum, Ivie Cooley, John Messenger, and Brian Jergenson

Other Officials Present: David Green (Land & Resource Management Director), Shelley Cameron (Sr. Administrative Associate), and Larry Lindor (County Commissioner)

The meeting was called to order by Vice Chairman Messenger at precisely 6:00 p.m. Chairman Fiegum arrived at meeting at 6:07 p.m. Chairman Feigum yielded the remainder of the meeting to Vice Chairman Messenger.

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of January 24, 2019

The minutes of the Board of Adjustment meeting that was held on January 24, 2019 were submitted for approval. Motion to accept the minutes as written was made by Henke. Seconded by Messenger. Motion carried.

Variance-Ronald & Audrey Wensmann

Vice Chairman Messenger introduces the item. Applicants Ronald & Audrey Wensmann are present. Director Green presents staff report indicating that the applicants are proposing to construct an addition to the existing structure. This new structure is located approximately 27 feet from the R.O.W. where 40 feet is the minimum setback in a Shoreland Recreational Development District. The township has reviewed this proposal and responded that they will go with what the Board of Adjustment decides. Director Green states that "there were no comments received that would cause any concerns" and that, "staff does not have any objections to the Variance." Vice Chairman Messenger opens to the public asking if there is anyone speaking in support of this Variance. None noted. Vice Chairman Messenger asks if there is anyone speaking against this Variance. None noted. Vice Chairman Messenger closes the public hearing. Vice Chairman Messenger asks for comments from the site team. Jergenson states, "it looks like it isn't going to cause any problems". Vice Chairman Messenger states, "it looks like it fits the site well". Vice Chairman Messenger seeks a motion. Jergenson makes a motion to approve with conditions. Feigum seconded. Motion carried with no dissenting votes noted.

Variance-Marita Hickman

Vice Chairman Messenger introduces the item. Applicant Marita Hickman and Rita Pederson are present. Director Green presents staff report indicating the applicant is requesting consideration to expand a non-conforming structure that is less than 50 feet from the R.O.W. in a Shoreland Recreational Development. "We sent out routing sheets and received no comments back." Director Green talks about the loss of some trees in any other area on the lot and feels this is the best location to expand and be no harm to adjacent property owners. Director Green states that, "staff does not

object to this Variance." Vice Chairman Messenger asks for comments from the site team. Jergenson states, "it looks like a good fit." Feigum states, "I think it will fit in there just fine and I like to leave the mature trees". Vice Chairman Messenger opens to the public asking if there is anyone speaking in support of this Variance. None noted. Vice Chairman Messenger asks if there is anyone speaking against this Variance. None noted. Vice Chairman Messenger closes the public hearing. Vice Chairman Messenger seeks a motion. Feigum makes a motion to approve with conditions. Cooley seconded. Motion carried with no dissenting votes noted.

Variance-Nokomis Energy LLC (Strandness Garden LLC)

Vice Chairman Messenger introduces the item. Applicants Nate Bell and Dan Rogers are present. Director Green asks the Board to address whether Feigum should be recused due to involvement in the project. Feigum is recused. Director Green presents staff report indicating that the Planning Advisory Commission recommended approval of the Conditional Use Permit previously so that this land can be used as a solar garden. Now a second issue arises where the applicants are proposing to locate a solar garden at 50 feet from the OHWL in a Shoreland Rivers & Streams district where 150 feet is the minimum setback. Director Green points out the comments that were provided by the DNR on the Routing sheets which recommends additional conditions to mitigate impacts to the public water such as increased stormwater management criteria. Additional comments were made from the SWCD expecting a wetland delineation to be submitted. Director Green states that the "staff recommendation after reviewing and considering all comments received, is that we do not have enough information to provide a recommendation. Specifically, without a detailed hydrological/stormwater study it is difficult to ascertain the effect of the solar array structures on surface water quality." Commissioner Larry Lindor asks, "the distance (setback from) is the fence and not the panel's right?" Director Green responds "yes." Applicant Dan Rogers indicates there will be a basin on the eastern side of the site required by the MPCA to collect additional water runoff. Henke asks "what is the impervious?" Director Green responds that "on the Conditional Use Permit we discussed that this is one of the reasons we want the hydrological/stormwater study and the condition was that in this zone it is a 20% maximum coverage instead of 25%. So we wanted a stormwater study that would show that because of the amount of impervious surface here the study would have to show that there is no more runoff than if it had been 25% coverage. There is debate about this because if you measured the grass, more than 25% of the ground is grass." Cooley asks "why this needs to be the location when there is more land to the south?" Applicant Dan Rogers indicates that there is septic drainage on the south. Vice Chairman Messenger opens to the public asking if there is anyone speaking in support of this Variance. None noted. Vice Chairman Messenger asks if there is anyone speaking against this Variance. Jeffrey Kuhn comments "I didn't receive notice on the initial Conditional Use Permit on this parcel and I feel I should have received notice. My concern is that this very same issue is going to come up in the Conditional Use Permit that is going to be talked about as your first item (Star Solar Garden) on the agenda for the PAC meeting. There will be a Variance request there as well and it seems to me that you need to know more before you decide. I have looked at the Pope County ordinance and it seems to be severely lacking when it comes to performance standards for solar gardens. When I compare to Stearns County the performance standards is nothing like it at all. Stearns

County requires a study on the stormwater management and erosion control. This same issue is going to come up when Nokomis has permit application for the solar garden that will be right next to my house. It will be in my front yard. Nokomis will need a Variance for that from the OHWL if the Conditional Use gets allowed. It seems to me you should not grant this Variance at least until you have that study done and consider erosion control as well." Applicant Dan Rogers states "every project we do, does get a stormwater prevention plan as required by the MPCA and I do believe this is listed as a condition prior to permitting which shows that we have this and it includes erosion control as well as best management practices around the construction." Henke asks if a stormwater management plan is already in the works. Applicant Dan Rogers comments that "they do have a preliminary study in place." Cooley makes a motion to table until the applicants are able to provide a detailed stormwater study. Jergenson seconded. Director Green asks if the applicants agree to the 60 day waiver rule. Applicant Dan Rogers responded "yes we would agree to that". Motion tabled with no dissenting votes noted.

Tabled/Old Business

Vice Chairman Messenger asks for nominations for the site team for the BOA. Jergenson makes a motion that the same site team is to be used for the PAC and the BOA. Messenger seconded. Motion carried with no dissenting votes noted

Adjournment 6:44 p.m. Vice Chairman Messenger adjourned the Board of Adjustment meeting.

Respectfully submitted,

Shelley Cameron

Shelley Cameron

Sr. Administrative Associate