MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday February 28, 2019

The Planning Advisory Commission convened in regular session on Thursday, February 28, 2019 at the Pope County Courthouse Community Room.

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

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

The meeting was called to order by Chairwoman Ivie Cooley at 6:45 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda
There were no additions or corrections to the agenda.

Review Minutes of January 24, 2019
The minutes of the Planning Advisory Commission meeting held on Thursday January 24, 2019 were submitted for approval. Motion by Henke to accept the minutes as written. Jergenson seconded. Motion carried.

CUP-Nokomis Energy LLC (Star Garden)

Chairwoman Cooley introduces the item. Applicants Nate Bell & Dan Rogers with Nokomis are present. Director Green presents staff report and references a response, provided by the MN D.O.T., to the routing sheets relating to site access. Director Green points out to the Board that this is a Conditional Use hearing. The purpose is to decide if the proposed land use is appropriate for the site selected. It is not necessarily about setbacks or where they want to locate it on the specific parcel. Director Green states that, "Lake Wollan is a Natural Environment Lake and our ordinance identifies that in a Natural Environment Lake you can, by Conditional Use permit, have small scale commercial type of developments which we classify this as. Staff does note that in the preliminary sketch there will be some discussion on setbacks but that will be handled at a different time. The Board is to determine if this use will be permissible or not. All solar gardens are required to have assurance that describes decommissioning of the site and for a detailed stormwater study. Staff recommendation is to approve with conditions and staff has offered findings for consideration." Chairwoman Cooley asks for comments from the site team. Jergenson states, "it's not a huge piece of property and it is next to Jeff's (Kuhn) place. I'm not sure it will be disturbing but there are a lot of them around there." Messenger states, "it is a good location with southern exposure." Feigum states, "I agree, good exposure. You could possibly put something on the east side so it is not so visible." Jergenson adds, "I have had

contact from the public. One of the neighbors was against this because there are quite a bit of these around this area." Commissioner Lindor asks the applicants, "how do they intend to get onto the property?" Applicant Dan Rogers states, "there does appear to be a field access right where we are showing (on their sketch plan) and our intent is to ask the D.O.T. if they would allow this as an access. But this isn't a guarantee. If you were to approve this it would still be on us to get that access from the D.O.T." Commissioner Lindor asks "what is the reason you are building so many out there in that area? Is it because of the (new) transformers?" Applicant Dan Rogers states "yes, we are essentially satisfying the local demand with regard to energy needs. It is building generation access within the footprint of the community. Which essentially means you need to import less electricity from further away power plants." Commissioner Lindor questions, "if there is enough trees or if the applicants would be willing to add trees?" Applicant Dan Rogers states, "we have had discussions with Jeff (Kuhn) and our proposal is to put trees in that 150 foot area on his property and I also want to note that the reason we are so set back is to minimize the impact to Jeff (Kuhn) and his property. So we would absolutely be happy to put trees to the north and if Board sees fit we would be happy to add trees on the east side. I think it is going to be very difficult to see. We have done a couple of renderings to kind of illustrate a rough perception of what you might see. Once they are in place, we are going to put in 3 to 4 foot high trees because you cannot replant mature trees. Once they are grown you wouldn't be able to see much and while the trees are still growing, it is still very far from the road." Chairwoman Cooley opens the discussion to the public asking if there is anyone speaking in favor of the proposal. Greg Swartz comments that, "I am one of the property owners and we sold them a larger tract than necessary so that they have an option of screening on the north and east corner to protect the Kuhn's privacy so I am for it. It is not a perfect world but that is a concession." Chairwoman Cooley asks if there is anyone from public speaking against the proposal. Mary & Jeff Kuhn are not in favor of the proposed land use. Jeff Kuhn comments, "Nate (Bell) was out to our house and we had a good discussion about this. It looks a lot different when you are out there. They placed some stakes for the soil borings and I can visualize and see the stakes fairly well. I am curious how they don't think it will be visible from our property? Our house is at a higher elevation than this solar garden. So when you talk about vegetation with 3 or 4 foot trees, they are going to have to be 30 or 40 feet tall to prevent us from seeing from over the top of them. I disagree with Dave (Green) when he classifies this thing as commercial. I think it is manufacturing and that is not a permitted use. This is making electricity. If this was a natural gas plant and natural gas is a natural resource just like sunlight, would you allow an electric manufacturing plant there? When you compare this to Stearns County, it doesn't just look at screening but about the density of the screening and the size of the screening. I won't be around long enough for 3 or 4 foot tall trees to do anything. If they were to plant 6 or 8 foot trees would be at least better since the solar panels are 9 feet tall. Nate and I talked about moving it further to the west because we have a heavy tree line here. So if we can get it passed this corner it would do a lot to minimize the visual impact to us. In order to move it west and still have a 1-megawatt size, Nate (Bell) told me that would have to get inside of this 150 feet and they will need to get a variance for that. We are very concerned with the visual impact and future property values as well. The density of these solar gardens in our area should be considered. This will be the fifth one within a half mile of our house. This is getting to be like an industrial park out there. I think we need to evaluate if this is a proper piece of ground for a solar garden." Chairwoman Cooley

closes the public hearing. Messenger states "this is strictly my opinion, manufacturing involves some sort of mechanical input to produce a product. This is passive. The only input is the construction and after that it just sits there and makes electricity. A natural gas well would require pumping to pressurize it and send it to the user. I don't think it would be considered manufacturing in my opinion." There is discussion on how close the site is to Jeff Kuhn's property and options on how far it could me moved to the west. Applicant Dan Rogers comments, "that it could be moved accommodating what Jeff Kuhn is proposing but this would be dependent on a variance. We are requesting a variance to get it out of their view as much as possible. We could have had it right in the center but we didn't think that was a neighborly thing to do." There is discussion on potential wetland on the parcel. Chairwoman Cooley expresses concerns about the density within this area and doesn't understand the fundamental need. Applicant Dan Rogers states, "we have looked all around the area and they really can only go in locations where they are useful where you can generate power directly within the area that you are using the power and we look at the Xcel lines that we have to hook up to." Chairwoman Cooley asks, "for the ones that you have received permits for, is Nokomis the actual party that produced them or were they sold off to another company?" Applicant Dan Rogers states, "we always sell of the equity of the assets as part of our financial structure but we are with the project long term. We are with it for the full 25 years. We are also the land owner of this site. Cooley asks, "but generally you build it and pass it over to another company?" Applicant Dan Rogers states "we only turn it over once it is fully constructed and really it is a passive investor that invests equity into the project." Commissioner Lindor asks, "who would be responsible for the decommissioning?" Applicant Dan Rogers states, "we would actually have quotes from our builders and that is the basis that the $25,000 comes from but we are required to post that prior to any construction." Commissioner Lindor comments, "that as far as being a detriment to the lake it would be a lot less hazardous than a septic system or even farm land with the chemicals." Director Green states, "I did receive a comment from a member of the audience as far as screening so if you choose to have screening I think we need to be very specific." Chairwoman Cooley seeks a motion. Feigum makes a motion to approve with conditions and to have screening with trees on the east and north side and also to push the panels to the west as far as we can. Seconded by Commissioner Lindor. Feigum, Cooley, Messenger, and Jergenson vote in favor. Henke opposed. Motion carried.

CUP-Marita Hickman

Chairwoman Cooley introduces item. Applicant Marita Hickman is present. Director Green presents staff report and indicates that the applicant is seeking the right to locate a used residential structure on a lot less than 5 acres in a Shoreland-Recreational Development. Director Green states that, "staff does not object and recommends approval." Chairwoman Cooley asks for comments from the site team. Jergenson states, "it looks like a good project." Chairwoman Cooley asks the applicant for any additional comments. Applicant Marita Hickman states, "it was my uncle's farm and we would like to keep it and add on to the structure that is currently there." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. None noted. Anyone speaking against. None noted. Chairwoman Cooley closes the public hearing. Chairwoman Cooley seeks a motion. Jergenson makes a motion to approve with conditions. Feigum seconded. Motion carried with no dissenting votes noted.

CUP-Scott Johnson

Chairwoman Cooley introduces item. Applicant Scott Johnson is present. Director Green presents staff report noting that the applicant is requesting to construct a field access requiring more than 50 cubic yards of grading and filling in a Shoreland-Natural Environment zoning district. Director Green references comments that came from the DNR that the crossing must be constructed in a way as to provide adequate hydraulic connectivity between the two wetlands. Both the DNR and the SWCD were ok with this project. Director Green states that, "staff recommendation is to approve with a site plan or engineered specification that details hydraulic connectivity will remain in place and that the effect of the crossing will not have an impact on water levels as well as stormwater management plan to keep sediments out of the water." Chairwoman Cooley asks for comments from the site team. Jergenson states "this would help him with farming for sure." Chairwoman Cooley asks for any comments from the applicant. Applicant Scott Johnson states "we were able to go around on the neighbors but this year we got stuck. It is the highest we have seen it. We will put in a culvert or tile." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. None noted. Anyone speaking against this. None noted. Chairwoman Cooley closes the public hearing. Chairwoman Cooley seeks a motion. Jergenson makes a motion to approve with conditions. Henke seconded. Motion carried with no dissenting votes noted.

CUP-Matthew Johnson

Chairwoman Cooley introduces item. Applicant is not present. Director Green presents staff report and notes that the applicant wishes to construct a non-farm residence in a Non-Intensive Agriculture zoning district which the ordinance allows for a maximum of two non-farm residences to be located in any quarter-quarter section. Director Green states that, "staff recommendation is to approve with condition that the Right to Farm disclosure form is signed and returned to our office." Chairwoman Cooley asks for comments from the site team. Messenger states, "it looks like a fine spot for a home." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. Brad Kollman states, "I am the contractor and I am here to answer any questions you may have." Chairwoman Cooley asks if there is anyone speaking against. None noted. Chairwoman Cooley closes the public hearing. Chairwoman Cooley seeks a motion. Feigum makes a motion to approve with conditions stated. Henke seconded. Motion carried with no dissenting votes noted.

CUP-Michael Barrus

Chairwoman Cooley introduces item. Applicant is not present. Director Green presents staff report indicating the applicant is looking to locate a home occupation of a firearms business. Director Green states that, "we received no comments back on our routing sheets. Staff recommendation is to approve with conditions stated in our staff report." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. None noted. Anyone speaking against. Mike McMahon expressed concern about the hours but that he isn't against it. There was general discussion about discharging firearms and if there will be a range onsite. Chairwoman Cooley closes the public hearing. Chairwoman Cooley seeks a motion. Jergenson

makes a motion to approve with conditions listed and shooting discharges only during hours of operation no later than 8:00 p.m. Feigum seconded. Motion carried with no dissenting votes noted.

Preliminary Plat Review-Al's Cove

Chairwoman Cooley introduces item. Applicant Rod Eldevik is present. Director Green presents staff report indicating that it was originally proposed as a 4 lot subdivision. It had been recently amended and is now proposed as a 3 lot subdivision due to issues relating to the dedication of an addition 33' of right of way. Director Green point out that "the text in yellow in the staff report are the changes" and he further states that, "comments from the Township is that they have been involved with the road. The County Engineer comments are stated in the staff report referencing to the road right-of-way should be widened to 66' total width and to provide an adequate turn around or cul-de-sac. Comments have also come in from some neighbors with concerns about the water and that creating a development is going to cause more water to shed on them." Director Green point out that, "with this plat there is not a proposal of development, it is just 3 lots. When we (staff) review it (plat), we look for does it meet the road standards and does it meet the lot width. Staff recommendation is to approve with conditions including acknowledgement of township acceptance of cul-de-sac/turnaround construction responsibility." Chairwoman Cooley asks for comments from the site team. Jergenson states "there is a lot of deadfall. It is kind of a mess I would think it would look better because there are so many down trees and they do need a cul-de-sac." Chairwoman Cooley asks for explanation as to what the soil pit area is. Director Green explains that, "before anyone can build on a lot you have to identify two locations for septic systems. You attempt to try and identify where the lots are and we will have the property owner or developer have a contractor and soil specialist that will pick some random spots that are indicative to what is common (soils) in this area. This will make a general idea where a septic system may be located." Chairwoman Cooley asks for comments from the applicant. Rod Eldevik comments that "he is here on Al Dyrdahl's behalf and wants to explain why it has changed to 3 lots instead of 4. The purpose behind the plat is that Al Dyrdahl would like to buy a tract of land so that he can build a garage for storage. Al Dyrdahl approached George Mach and he was able to purchase 3 ½ acres which is the reason for the 3 lots and the remainder to stay with George Mach. When George Mach found out that we need the additional 33 feet and where the lot line was, this was right where George Mach wanted to build. So Al Dyrdahl and George Mach renegotiated acreage back down to 2 ½ acres is what Al Dyrdahl will have which will be lots 1 and 2. The only thing that Al Dyrdahl is proposing at this time is to build a storage building on lot 2. We met with the township and talked with Kelly Erickson and the township has told us that if Al (Dyrdahl) provides the land to them they will build a turnaround. We will proceed to get some written documentation that states this." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. None noted. Anyone speaking against this. Ron Vadnais comments "I have parcel 07-0382-000 and we have been dealing with George (Mach) for years. Our concern is the potential water runoff and the sewer issue potentially. We have a sandpoint and don't have a deep water well. In a high rain event we experience a fair amount of runoff that comes down through a property and through the west side. Second concern is where the lots are being developed, they wouldn't have any lake access and they may cross over our property to access the lake. Michelle Knutson comments

"we are on parcel 07-0380-000 and directly across from the area George and Carol are potentially keeping and our concern is also with them not having lake access and we are not on our property seven days a week and as property owners we don't know who is on our property or our dock and potentially getting hurt or injured. We also have concerns about the sewer and water as well. We have no problem with a garage being built but do with any residential." Tom Steele comments "my sister and I own the property farther west and we have been on the property since 1961 and we have seen a lot of water flooding over the years and it has gotten worse. Very concerned about any flooding that could come. The property that the Mach's have seems to have a lot of springs and soft land. I don't have a concern over the garage but I do have concerns over residential in that area. There is also a lot of traffic and there are little kids." Chairwoman Cooley closes the public hearing. There is discussion in reference to the cul-de-sac. Chairwoman Cooley seeks a motion. Jergenson makes a motion to approve with conditions listed and with the acknowledgment that the township is responsible for providing the cul-de-sac. Henke seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business
There were no tabled or old business.

Adjournment 8:45 p.m. Motion by Lindor to adjourn the Planning Advisory Commission meeting. Motion seconded by Henke. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron

Shelley Cameron
Sr. Administrative Associate