

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – April 17, 2018
Minutes

Members Present: Jim Burns, Jim Ische, Scott Smith, John P Fahey, Frank Mendez, Gabrielle Theis, Mark Willems

Members Late: None

Members Absent: None

Staff Present: Steve Just, Emily Schmitz, Paul Moline, Brett Angell

Pursuant to due call and published notice thereof, the April 17, 2018, regular meeting of the Carver County Planning Commission was called to order by Chairman Burns at 7:00 p.m.

Minutes – A motion was made by Willems and seconded by Smith to approve the minutes from the March 20, 2018 meeting. All voted aye. Motion carried.

Chairman Burns called for the public hearing on a request for Donavon Selchow. Just acknowledged that the applicant was not yet present. Chairman Burns elected to continue with the discussion of the DRAFT 2040 Comprehensive Plan in expectation of Mr. Selchow's arrival.

Other Business

DRAFT – 2040 Comprehensive Plan –

The following were present: Virgil Vollbrecht, Betty Jopp, Doug Weber, Mike Lynch, Kathie Anderson, Neil Johnson

Brett Angell stated the purpose of the discussion was to introduce and review the draft of the 2040 Comprehensive Plan and pursue a recommendation from the Planning Commission to allow the 6-month review period, which is a mandatory requirement from the Metropolitan Council. He highlighted the schedule of the review process, noting that the County Board will consider this request at their May 1st meeting, which, upon approval, will open the 6-month review process on May 2nd. The review period will include 2 'open house' opportunities, one of which is scheduled on June 27th at the Public Works facility on Hwy 212. It will be set up with information on transportation, land use, and parks, trails and open space. Township officials and the general public will be able to discuss any concerns with staff and other consultants. Changes will be made as necessary, based on the comments received, and the updated draft plan will be presented to the Planning Commission at a public hearing in November 2018. After a recommendation by the Planning Commission, the County Board will hold a public hearing, before going to the Met Council with the final draft by the end of December.

Angell shared information on projected growth within the County and outlined the layout of the draft 2040 Comp Plan, highlighting changes in the areas of Land Use, Transportation, and Parks, Trails and Open Space sections. He noted changes in Transition Areas of the cities and illustrated density changes requested by the Townships in their Policy Chapters. He also noted that Watertown Township requested that shooting/gun range regulations be incorporated into the overall County Plan. Angell highlighted Transportation changes and noted a transit study being conducted by SRF Consulting Group, Southwest Transit, and the County, identifying the current transit routes and potential future alignment opportunities. The Parks, Open Space, and Trails section focused mainly on amenities for existing and planned Regional parks, with an emphasis on updating some of the outdated plans. He showed a trail and trail corridor map, explaining that the locations are not exact, but it is a part of the Met Council system. The Water Resources section is separated into 3 main sections: Wastewater, Surface Water and Water Supply. Angell stated that any maps which were added to this section were done as a Met Council requirement. The Implementation chapter will include the zoning map, the long-term financial plan, the capital improvement plan and transportation/wheelage tax. He concluded his comments re-stating the proposed dates for public open houses and public hearings at the Planning Commission and County Board levels, prior to Met Council approval. The draft plan is also submitted to the cities, townships, and many other organizations for review and comment. In-person and on-line contacts will also be made during the 6-month review period. He also reiterated the pursuit of a recommendation from the Planning Commission to allow the 6-month review period.

Mendez asked if there were any sections of the proposed plan that would receive push-back from the cities or townships, or if the draft was well-aligned with their future plans.

Angell stated he did not anticipate any huge issues with either the cities or townships, with the possible exception of renewable energy or energy production, in light of the recent controversy over solar gardens. The Comp Plan has been designed with flexibility for the Zoning Code to put restrictions in place as required, and still be supported by the Plan.

Mendez asked if the townships were supportive of parks and trails.

Angell replied that additional language was added in some of the Township chapters to ensure that any trail development would follow current County Road right of ways. He stated that the entire draft plan has not been reviewed by the townships, but he did not anticipate any strong resistance. He stated that much of the Parks & Trails plan is the same as what was in the 2030 Comp Plan.

Willems asked in which section the energy production and solar issues would be addressed.

Angell stated that Policy LU-20 addressed the energy production.

Willems asked how the language would be written if this was open-ended and allowed for more energy resources than solar or wind.

Angell replied that would be directed by the development of the definition of 'energy production. He made a note to review or clarify that definition.

Paul Moline, Land and Water Services, added that the intent was not to try and forecast the types of energy production that may be requested, but to have a broad definition in the Comp Plan and have the Zoning Code define that allowance more specifically by type or size or density might be preferable. The way it is currently written would allow any type of energy production.

Willems asked for more information and timeline about the development of the Comp Plan and the Zoning Code.

Moline stated that within 9 months after the County Board has adopted the Comp Plan, the Ordinance will need to be revised to reflect the changes in the Comp Plan. He forecasted that the County Board's adoption of the final Comp Plan would be early 2019, and then the 9-month period for changes to the Ordinance would take place.

Willems stated it might be helpful to have some rules in place prior to adoption of the Comp Plan, so they don't experience the same growing pains as with the solar energy.

Burns asked if it is required to have energy production in the Plan at all.

Angell stated it is not a requirement, and the requirements would be met with the solar resource section by itself.

Willems expressed concern with adopting something that seems to need more language and rules to define the process.

Mendez asked about the timeline and notification plan for the Plan adoption process.

Angell stated that each city and township is contacted during the 6-month review. Notification to the general public about the open house opportunities will be made through social media, on-line techniques, and in-person contacts, and possibly newspaper advertising. If the Planning Commission wanted to schedule a work session, he and Paul Moline would be willing to attend and answer any questions that arise. The public hearing is scheduled for November 2018.

Mendez stated that this is a large volume of information to digest and it might be better understood in small sections.

Angell stated that discussions can be broken down into smaller pieces, if necessary. He stated there is a newly hired transportation planner in the County who would also be able to attend a meeting if there are many questions with the transportation section.

Burns asked specifically about an issue that was discussed at the Hollywood Township meeting concerning 30th Street. He did not see that change in the information presented and asked about the procedure.

Angell stated that can be submitted as a comment during the 6-month review period and it will be addressed.

Fahey directed attention to the transit portion of the document and asked if there is any discussion about light rail transit for Carver County in the Plan.

Angell replied that the focus is pretty much on the Eden Prairie station, which is already planned, and how that will affect busing within the County. There is no plan for expansion of that into the County, but more about how it will affect transportation within the County.

Willems asked about the process of the discussion and proposal concerning gun/shooting ranges.

Angell stated that prior to the County adopting any language concerning gun/shooting ranges, the proposal would be addressed and discussed with all of the Townships. It would be addressed as a separate option, allowed similarly to the current golf course option for each township.

Fahey asked about the multi-modal areas that were recognized in the 2030 Comp Plan and asked if there was any more discussion or development of them.

Angell used an aerial map to illustrate the areas Fahey inquired about and stated they had been removed from this Plan, mainly because they didn't serve a specific purpose for the desired outcome. He stated the areas would not be designated on a map and that Watertown Township requested the language remain in their policy chapter. There is language in the Economic Development section addressing the need for a Comp Plan amendment.

Theis asked if there is a plan to review LU-20 County policy on Essential Services. She stated there has been a lot of discussion about unclear language and definitions within this policy and felt that clarifying terms might be helpful. She specifically pointed out the clause, "if no other alternative exists" needs more explanation.

Angell stated that he will work to clarify the language in this section to make it more specific, during the 6-month review period.

Burns added that including specifics about Townships' authority, especially relating to road use, should be better addressed and clarified within that policy also.

Willems also indicated that the Townships should have more influence or control with proposed uses on township roads.

Angell assured he would take these comments and relate them to the County Board in their workshop.

Mendez commented about bike trails and walking paths and asked if there are designated parking areas to access the trails. He noted that vehicles have been seen just parked alongside a road, which can cause a safety hazard.

Angell stated that similar comments had been received earlier in the summer and have been passed along to the Parks Director for his review and resolution. He offered to mention this concern to the Director again to remind him of the importance.

Fahey cited a few examples of past Conditional Use Permits that presented unique issues with traffic, requirements for turn lanes on the road, and the specific use of a structure. He asked if there could be more clarification in language as well as coordinating the ordinance and the Comp Plan to address them.

Angell and Moline offered to have additional discussions with staff to add language into the Plan and also clarification in the Ordinance so that the two documents coordinate. Or, possible discussion with Lyndon Robjent could establish some standards in the Transportation section.

Fahey asked if proposed route for Hwy 212 was recognized and would be constructed by 2040.

Angell stated that the plan dates are listed but not the direct alignment for the road corridor.

Burns asked for any other comments from the Board, stating this is not a public hearing at this time.

Moline concurred this was not a public hearing, however, they could certainly hear any comments if someone wished to speak. The draft 2040 Comp Plan will be presented to the County Board with as much input, comments, and information as has been received, realizing that most of the comments will be made during the 6-month review period. He stated that all of the comments received during the 6-month period are entered into the record.

Mike Lynch, 2480 Co Rd 33, asked if it would be possible to send a number of copies out to the townships for people to read and review.

Angell stated that townships will be notified by letter of the website link of the draft plan. If hard copies are requested, they will certainly be sent out also. The website link would

be made available on May 2nd, assuming that the County Board approves the 6-month review period at their May 1st meeting.

Kathie Anderson, 14750 50th St, asked about an earlier statement that the Board had reviewed the plan. She asked if it had been read and discussed. She also asked if the power point presentation shown at the meeting tonight was available.

Angell clarified that the Board received the Land Use portion of the draft plan only, to allow staff to go out and discuss it with each township. He offered to make the power point available on the 2040 Comprehensive Plan website.

Ms. Anderson stated a concern that if the Comp Plan is a broad overview and the Ordinance language can be written more specific, in the case of renewable energy, she stated that the arguments for the solar projects have cited the LU-19a and LU-20 Sections in making their case that they meet the Comp Plan requirements. She cautioned that broad language in the Comp Plan will make it less defensible because the language is not specific. She also commented that most people will feel that the solar/renewable energy information does not belong in the Essential Services section because most of the things listed in that section have the authority for eminent domain. She stated that schools and water treatment plants are essential services that need to be in a specific area, however, the solar gardens do not because many of them are not even serving Carver County. She encouraged specific language be written into this section to direct what services are desired in the County and what services are not, and allow for Comp Plan amendments for any other issues that may be necessary. She also commented on the Townships' authority on the road use, citing a conflicting statement during one of the solar garden proposals. She stated a good amount of money has been spent in legal fees over solar and she asked that the Commission and County Board listen to the citizens and seriously consider stricter language in the Comp Plan.

A motion was made by Smith and seconded by Willems to approve the Draft 2040 Comprehensive Plan be recommended for approval to begin the 6-month review process. All voted aye. Motion carried.

File #20180008 – Donavon Selchow – Chairman Burns called the public hearing to order at 8:01 p.m. to consider a request by Donavan Selchow. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 28 of Young America Township.

The following were present: Donavon Selchow, Virgil Vollbrecht

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Letter from the applicant

Exhibit E – Site map

Exhibit F – Letter to the Planning Commission and Laketown Township dated March 13, 2018, and attachments

Schmitz explained the applicant's request to construct an approximate 2,800 square foot accessory structure for personal use on his property. The proposed structure would exceed the maximum personal storage allowed on a property of this size by 744 square feet. The applicant has indicated the need for storage of a current RV and a future larger RV, which would require 16 foot sidewalls. The existing old barn structure would be removed after construction of the new building. The proposed location of the structure meets all of the required setbacks from property lines, well and septic. Young America Township heard and recommended approval of the request. Schmitz read the proposed conditions for consideration if the request is approved.

Virgil Vollbrecht, representing Young America Township, reiterated the Township's recommendation for approval of the request.

Ische asked the applicant if the structure size will be large enough for future use.

Mr. Selchow stated he has planned space for a future woodworking shop and hobby area.

A motion was made by Mendez and seconded by Willems to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 8:05 p.m.

A motion was made by Willems and seconded by Theis to **approve and issue Board Order PZ20180008** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure.

Fahey asked if there was a specific date when the existing barn structure needs to be removed, citing the language in the conditions.

Mr. Selchow stated he intends to have the barn removed by the fall of 2019, stating it will take some time to complete and he may not be able to construct his new building until late summer of this year.

Schmitz stated that removing the existing barn can be noted along with the building permit for his new structure so the activity can be monitored.

Chairman Burns called for a vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Theis and seconded by Willems to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:07 p.m.