

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – February 19, 2019
Minutes

Members Present: Jim Burns, Jim Ische, Scott Smith, Frank Mendez, John P Fahey

Members Late: None

Members Absent: Mark Willems, Gabrielle Theis

Staff Present: Steve Just, Jason Mielke, Jennifer Tichey

Pursuant to due call and published notice thereof, the February 19, 2019, regular meeting of the Carver County Planning Commission was called to order by Steve Just at 7:00 p.m.

The first order of business was the organization of the Planning Commission and the election of the Chairman.

Office of the Chairman

Just called for nominations for the office of Chairman. Ische made a nomination for Jim Burns for Chairman. Mendez seconded the nomination. No other nominations were made. A motion was made by Smith and seconded by Fahey to cease nominations and cast a unanimous ballot for Jim Burns as Chairman. All voted aye. Motion carried.

Office of the Vice-Chairman

Chairman Burns called for nominations for the office of Vice-Chairman. He stated that he recently spoke with Commissioner Williams who would be interested in continuing his appointment as Vice-Chairman of the Planning Commission. A nomination was made by Ische for Mark Willems as Vice-Chairman. Smith seconded the nomination. No other nominations were made. A motion was made by Ische and seconded by Fahey to close nominations and cast a unanimous ballot to elect Mark Willems as Vice-Chairman. All voted aye. Motion carried.

Appointment of the Secretary

Chairman Burns acknowledged that traditionally the Land Management staff has acted as Secretary to the Planning Commission. A motion was made by Fahey and seconded by Mendez to continue with the Land Management staff as the Secretary to the Planning Commission. Burns called for a vote on the appointment of Land Management staff as Secretary to the Planning Commission. All voted aye. Motion carried.

Appoint Representative to the Board of Adjustment

Burns stated Commissioner Willems has been the representative to the Board of Adjustment and stated he would be interested in continuing with that roll. Ische made a motion for Willems to be the representative to the Board of Adjustment. Mendez

seconded the motion. Burns called for a vote on the motion to appoint Mark Willems as the representative to the Board of Adjustment. All voted aye. Motion carried.

Minutes – A motion was made by Fahey and seconded by Smith to approve the minutes from the December 18, 2018 work session. All voted aye. Motion carried.

File #20170032 – Westeros Solar, LLC – Chairman Burns opened the discussion on the conditions for a CUP to be issued to Westeros Solar, LLC at 7:04 p.m. The purpose of the discussion was to consider conditions for CUP allowing USS Westeros Solar, LLC to construct, operate, and maintain up to a 1 MW Community Solar Garden (CSG) pursuant to Chapter 152 of the County Code. The property is located in Section 18 of San Francisco Township.

The following were present: David Watts, Reed Richerson, Richard Olson, Kevin Lundquist, Marlin Melcher, Doug Weber, Dave Woestehoff

Just explained this meeting is related to the State Court of Appeals decision of the Westeros solar site in San Francisco Township. The applicants submitted an application in July 2017, which was heard by the Planning Commission and was recommended for denial in September 2017. An Order was issued by the County Board in January 2018 denying the request. The applicant appealed that decision on January 19, 2018, to the State Court of Appeals. On December 24, 2018, the Mn State Court of Appeals reversed and remanded the Board's decision to deny the request, directing the County to issue the CUP subject to reasonable conditions. The purpose of this meeting is to discuss the conditions of the Westeros solar CUP. The scope of the Planning Commission's review should be primarily limited to the establishment of reasonable conditions and based on items that were previously in the record. US Solar submitted updated site plans and a memo detailing one of the items presented near the end of the presentation in 2017 to meet the current ordinance requirements, moving the fence 50 feet from the property line and the solar garden more than 500 feet from neighboring residences and more than 1 mile from another permitted solar garden. Just noted there are 14 conditions with the proposed Conditional Use Permit, most of which have been similar to previous solar gardens, and including a condition for stray voltage testing for any dairy farm within a one-mile radius of the solar operational area. Just stated that with a recommendation from the Planning Commission, this item would be reviewed by the County Board in March.

Burns reiterated that this item is not a public hearing, but is a meeting for the Planning Commission to discuss and recommend the proposed Conditional Use Permit with reasonable conditions to the County Board. The public hearing portion of this request had been completed in 2017 and 2018. He stated he would open the meeting for public comment, but the statements could not reflect recommendation for approval or denial, since that decision is already determined.

Richerson stated they are in agreement with the proposed conditions, which are similar to other approved solar garden CUP's in the County. The updates to the site plan do not

change the characteristics that were previously discussed in the public hearing. In consideration of the order from the Court, he respectfully requested that the Planning Commission recommend approval with the proposed conditions.

Doug Weber, representing San Francisco Township, explained that Market Av is a dividing road between San Francisco and Hancock Townships, and Hancock Township maintains and is the road authority for the portion of Market Av adjacent to this project. San Francisco Township would request that all traffic would enter from Co Rd 52 and go south on Market Av to help share the burden of the traffic. He asked if an escrow account could be established to ensure there would be funds for road maintenance and repairs after the construction traffic has ceased.

Burns, speaking as a Township supervisor, made the suggestion that a road usage agreement be entered into between the applicants and the Township, which outlines all the issues. This has been done with previous solar garden projects. Burns read the language in Condition #4 addressing this.

Richard Olson, representing Hancock Township, agreed with the requirement that the construction traffic should access the site from the north only. He mentioned the recommended size of the culvert for the driveway access. He noted that Market Av is a 5-ton road and mentioned road restrictions are generally in place between March and May, which may affect construction timelines. He also agreed with the importance of a road agreement between the two Townships and the applicant.

Burns asked the applicant to confirm that they agree with the construction traffic route and entering into a road usage agreement.

Richerson stated they agree with that.

Mendez asked if the current discussion and suggestions are compliant and in agreement with the proposed conditions.

Just replied that is correct. Building permits would not be issued until an access permit is secured, which follows the language and requirements of Condition #4.

A motion was made by Mendez and seconded by Smith to **approve and adopt Resolution #19-01** recommending conditions for the Conditional Use Permit for up to a 1-megawatt (MW) Community Solar Garden (CSG) be approved. All voted aye. Motion carried.

File #20190001 – Tim Geyen – Chairman Burns called the public hearing to order at 7:18 p.m. to consider a request by Tim Geyen. The purpose of the public hearing was to consider a request for a preliminary plat (Tim Geyen Addition) pursuant to Chapters 151 & 152 of the County Code. The property is located in Section 3 of Watertown Township.

The following were present: Tim Geyen, Lois Geyen

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 – Preliminary Plat dated 11/15/17, with latest revision date 10/01/18

Exhibit E – Letter to the Planning Commission and Watertown Township dated February 8, 2019, and attachments

Mielke explained the previously obtained Variance (PZ20170012) and CUP (PZ20170022) on the parcel granting the creation of three (3) High Amenity Lots as a plat. The preliminary plat consists of two (2) residential lots and one (1) agricultural lot. Copies of the preliminary plat have been sent to utility companies servicing the area and other agencies affected by additional density opportunities for comment and review. As of this date, only two entities have responded, and they have no objection or issues related to the proposed request. Mielke explained adequate soil borings for SSTS requirements have been completed on the two vacant lots and a compliance inspection will be conducted on the existing system. If the existing system is compliant, soil borings for an alternate site are approved. If the existing system needs to be replaced, soil borings for an alternate site will need to be submitted on the parcel with the existing house. This approval will be necessary prior to final plat approval by the County Board. The proposed lots as laid out meet the requirements of the County Code. Draft covenants have been submitted and would need to be approved by the County Attorney's Office. A wetland delineation has been submitted and approved, identifying three small wetlands on proposed Lot 3. A combined erosion and sediment control and stormwater permit will be issued by the Planning and Water Management Department at the time of development of the lots (house and driveway construction). Watertown Township met and reviewed the request and recommended approval, along with approval of the proposed driveway access points from the Township Road (Oxford Av). Mielke read the conditions for consideration if the preliminary plat is approved. He also suggested an additional condition, #7, offering language relating to the existing septic system compliance and/or soil borings for an alternate site.

There were no additional comments about this request.

A motion was made by Smith and seconded by Fahey to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:26 p.m.

A motion was made by Ische and seconded by Mendez to **approve and adopt Resolution #19-02** incorporating the findings of fact and staff recommendations, including the proposed language for Condition #7, in recommending the proposed plat be approved. All voted aye. Motion carried.

File #20190004 – Ralph & Sharon Oelfke – Chairman Burns called the public hearing to order at 7:27 p.m. to consider a request by Ralph & Sharon Oelfke. The purpose of the public hearing was to consider a request for an Elderly Parent Mobile Home pursuant to

Chapter 152 of the County Code. The property is located in Section 31 of Young America Township.

The following were present: Ralph Oelfke, Sharon Oelfke, Brian Oelfke, 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 – Site Plan

Exhibit E – Letter from the Applicant

Exhibit F – Letter to the Planning Commission and Young America Township dated February 12, 2019, and attachments

Just explained the applicant's request for an Interim Use Permit to place a temporary mobile home as a second dwelling on their farm. The mobile home would be occupied by the applicants, Ralph & Sharon Oelfke, and the existing farmhouse would be used by their son and his family. The Zoning Code allows for an Interim Use Permit for this situation. The mobile home would be no greater than 20 feet wide, as required by the Zoning Code. The Oelfke's have proposed a 15.8 foot wide x 76 foot mobile home, which would have one bedroom. The sunset date for the IUP would be at such time that Ralph or Sharon Oelfke no longer occupy the temporary mobile home. The existing septic system was installed in 2009. A licensed septic inspector will need to evaluate if the current system is able to support the additional bedroom from the mobile home. Lori Brinkman, the septic inspector from the Environmental Services Department, will need to approve the appropriate septic requirements prior to the mobile home being permitted. Young America Township heard the request and recommended approval. Just read the conditions for consideration if the request is approved.

Mr. Oelfke asked if the Interim Use Permit could be retained after he and Sharon are no longer occupying the mobile home.

Just replied that it would be possible to re-apply for an Interim Use Permit if the Zoning Code provides for it. The situation would need to meet the Zoning Code requirements for an Interim Use Permit.

Mr. Oelfke asked for verification that the septic system situation has not yet been determined if the mobile home can be connected to the existing system.

Just presumed that was correct and was thinking the applicants would have more information about the septic system.

Mielke stated the Environmental Services Department had communication with the company providing the mobile home and they had discussed monitoring water usage to help make a determination about the existing septic system capacity.

Mr. Oelfke stated a meter had been installed to monitor their current water usage, which should help to make a determination.

Virgil Vollbrecht, representing Young America Township, stated the Township heard the request and recommends approval.

A motion was made by Smith and seconded by Mendez to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:34 p.m.

A motion was made by Ische and seconded by Mendez to **approve and adopt Resolution #19-03** incorporating the findings of fact and staff recommendations in recommending the Interim Use Permit for an Elderly Parent Mobile Home be approved. All voted aye. Motion carried.

File #20190003 – Michael Baumann – Chairman Burns called the public hearing to order at 7:35 p.m. to consider a request by Michael Baumann. The purpose of the public hearing was to consider a request for a 3rd Permanent Farm-Related House pursuant to Chapter 152 of the County Code. The property is located in Section 21 of Hollywood Township.

The following were present: Michael Baumann, Ryan Baumann

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 – Site Plan

Exhibit E – Letter from the Applicant dated January 23, 2019

Exhibit F – Letter to the Planning Commission and Hollywood dated February 12, 2019, and attachments

Mielke explained the applicant's request to construct a third permanent farm-related house on their property. He stated that there are three '1 per 40' building eligibilities available on the 120-acre parcel and the property, two of which are used by the existing houses, and the third one could be used for this request. He gave a brief history of the previous activity which allowed the current situation and noted that this third house would also be occupied by the son and daughter-in-law as a part of the farming operation. He explained some scenarios which would allow for subdivision of the houses from the parcel, if the situation would change and one of the houses would no longer be a part of the farming operation. Mielke noted the two septic systems servicing the two existing houses and stated a septic design would be necessary before any building permits would be issued. Hollywood Township heard the request and recommended approval. Mielke read the conditions for consideration if the request is approved.

Burns asked if a certificate of compliance is required on the existing two septic systems.

Mielke replied that determination would be made by the Environmental Services Department. He noted that the property is not in the shoreland overlay district, so that will not be a triggering factor.

Ryan Baumann asked for clarification about the soil borings for the septic system for the third house.

Mielke stated that a new septic system would need to be installed to accommodate the third permanent house and soil borings are necessary to identify the primary and alternate sites.

A motion was made by Smith and seconded by Mendez to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:44 p.m.

A motion was made by Smith and seconded by Mendez to **approve and issue Order PZ20190003** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a Permanent Farm-Related House. All voted aye. Motion carried.

Adjournment

A motion was made by Mendez and seconded by Smith to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:45 p.m.