

ATHENS TOWNSHIP  
PLANNING COMMISSION MEETING  
7:00 pm Athens Township Government Center  
Minutes of Thursday, March 15, 2018

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 pm by acting Chairman John Bartz. Members present were Dan Woodfill, Marlys Balfany, Dave Henderson, Cindy Anderson. Also present was Zoning Administrator, Ryan Grittman, Board member Lyle Reynolds, and applicant Anne Kraft with Connexus Energy.

Members not present were Dave Beckstrom, and Jake Carpenter

3. *Minutes of Special Planning Commission Meeting on February 28, 2018:* A motion to approve the minutes was made by Commissioner Henderson, motion seconded. Motion carried unanimously on a vote of 4-0.
4. *Open Forum:* Bartz opened the public forum. Seeing no residents present for the open forum, Bartz closed the public forum.
5. *Public Hearings:*
  - a. **Preliminary Plat Proposal – Estate of Maxine Warring.**

Don Hansen stated that this is a two-lot plat. The largest parcel will be 28.48 acres. The other lot is 2.9 acres with an existing home.

Mr. Hansen stated that the small parcel owned by Mike Warring will have a lot line adjustment which will bring the lot line up to Mathew Morton's property.

Planner Grittman stated that the Code calls this process a parcel enlargement and can be done administratively.

Commissioner Henderson asked how many homes exist right now in the 40 acres. Mr. Hansen said there's three right now.

Chair Bartz asked if there were any other questions from the Commission for Mr. Hansen. Seeing none, Chair Bartz asked if there were any questions from the public.

Matthew Morton, 25793 Xeon Street NW. Mr. Morton said the project affects him on three sides of this property. He stated that he thought splitting 40 acres is not allowed, which was the selling point for when he bought the property. He said he's concerned that there will be a house in his backyard. He said that he thought you're supposed to have 150 feet of space for a driveway access. Mr. Morton asked if this is a special request.

Chair Bartz said that it's not a special request.

Commissioner Henderson said that the code allows four homes per 40 acres, and this project matches up with the code.

Board member Reynolds said that the property does have over 150 feet of road frontage on the north part of the lot.

Mr. Morton asked if moving the lot line is allowed.

Chair Bartz said it is.

Commissioner Henderson asked how many acres the project is.

Mr. Hansen said 130 acres.

Commissioner Henderson said that it's possible to transfer some of the building rights off of the large parcel.

Board member Reynolds asked what the road frontage is on the north parcel.

Mr. Hansen said it's over 200 feet.

Chair Bartz asked for any other questions from the public. Hearing none, Bartz asked for comments from the board.

Commissioner Henderson asked about flood plain.

Mr. Hansen said he doesn't believe it's in the flood plain.

Commissioner Henderson asked about drainage issues.

Mr. Hansen said he's not aware of any since it's farm land right now.

Commissioner Henderson asked what the motion should be.

Planner Gritman stated that we're looking for one motion to approve the preliminary plat with the two conditions outlined in the Planner's Report dated March 8, 2018 which are:

1. The Town shall collect a park dedication fee of \$300 for each new lot at the time of the building permit application.
2. The Town Engineer review the site drainage plan.

And a third condition added from the discussion:

3. The large parcel have soil borings done at the time of the building permit application.

Commissioner Henderson asked what findings we have for approval.

Planner Grittmann stated that the findings are that the plat meets the requirements of the Subdivision Ordinance.

*Commissioner Henderson made a motion to approve the preliminary plat titled Estate of Maxine Warring. Seconded. No further discussion. Motion passes unanimously on a vote of 4-0.*

**b. SoCore Energy – Zoning ordinance text amendment to allowed solar energy farms by conditional use permit.**

Chair Bartz said that this came to the Board at the last meeting and the Board tabled the action back to the Planning Commission to review the setbacks and look at the other nearby communities and their setbacks.

Planner Grittmann stated that a table was provided by the applicant of other Cities and Counties that show their setbacks. Planner Grittmann stated that Staff is recommending a setback of 50 feet from all property lines.

Planner Grittmann stated that the Board has asked the Planning Commission to discuss setbacks; however, since the Board meeting, there's been some other concerns about the ordinance that the Planning Commission should discuss tonight as well.

*After review of the setbacks from other jurisdictions, Commissioner Henderson made a motion to change the proposed setback to 75 feet from the property line, or right-of-way line. Motion seconded. Commissioners Henderson, Balfany, and Anderson voting in favor; Commissioner Woodfill votes no. Motion carries on a vote of 3-1.*

*Commissioner Henderson made a motion to strike the sentence of requirement 10.b. which reads "The Planning Commission may consider a reduced screening height if the application can demonstrate that a reduced screening height will screen from public rights-of-way and adjacent properties"; and leave the last sentence which reads "The Planning Commission may consider the substitution of other screening plans". Motion seconded, motion carries on a vote of 4-0.*

*Commissioner Woodfill made a motion to add the language "shade tolerant" to requirement 10.b. Motion seconded, motion carries on a vote of 4-0.*

The following changes were proposed:

- Split requirement 11.e into two separate requirements
- Add screening plan as item p.
- Requirement 7 language changed to "immediately adjacent properties".
- Requirement 7, add warranty of screening for duration of solar farm.
- Requirement 15 add "and Minnesota Wetland Conservation Act" and "or FEMA"
- Requirement 16, change "may" to "shall"

- Add requirement 20 that requires the project to be reviewed by the Fire Department.
- Add requirement 21 “installation of a solar system shall not constitute a right to sunlight from any adjoining property, nor does the Township assure access to sunlight.”

*Commissioner Balfany made a motion to approve the changes. Motion seconded. All members voting in favor, motion passes on a vote of 4-0.*

**Meeting left open to resume on April 2<sup>nd</sup> at 6:30pm at the Athens Township Hall.**

On April 2<sup>nd</sup>, 2018 at 6:30pm, the meeting resumed with the Pledge of Allegiance.

Members present were Dave Beckstrom, Dan Woodfill, Marlys Balfany, Dave Henderson, Cindy Anderson. Also present was Zoning Administrator, Ryan Grittman, applicant Andrew Dahlen with SoCore Energy, applicant Anne Kraft with Connexus Energy, and applicant Mike Bash with Connexus Energy.

Members not present were Jake Carpenter

Discussion on the Ordinance update begun.

Chair Beckstrom said that the setback has been updated to 75 feet.

Commissioner Henderson asked about easements.

Chair Beckstrom said that the right-of-way is taking in the easement.

Commissioner Woodfill asked about the measurement being from minimum tilt and if the ordinance should say “mounted and at minimum tilt”.

Planner Grittman explained that when the solar panel is as flat as it will go, that’s where the setback measurement will come from.

Chair Beckstrom said that he likes the wording to include the word “and”.

Board Member Reynolds commented that the wording that’s proposed is what we discussed.

Chair Beckstrom said that maybe we should use the word “positioned”.

Chair Beckstrom said that the intent is clear and asked for other opinions of the Commissioners.

Commissioner Woodfill said that it won’t make a difference to change it. Other Commissioners agreed to leave the proposed language.

Chair Beckstrom moved to the next section related to screening.

Andrew Dahlen of SoCore Energy said that using the word “maintained” would be better than “warranty” since “warranty” can have financial implications.

Commissioner Henderson said that it should say that the screening should be maintained per the approved screening plan for the life of the solar farm.

Andrew Dahlen noted that item 7 and item 10 are in conflict, and that the language struck in item 10 should be put back in.

Commissioner Balfany agreed and said that the language to be struck was the sentence that stated "the planning commissioner may consider a reduced screening height if the applicant can demonstrate that a reduced screening height will screen from public rights-of-way and adjacent properties.

Chair Beckstrom said that part e. on the next page was struck.

Commissioner Balfany said that it was moved to a separate item.

Commissioner Balfany said that item p. should be "screening plan".

Chair Beckstrom went over items 14 and 15, there were no changes.

Commissioner Balfany noted that item 16 changed "may" to "shall"

Chair Beckstrom went over items 20 and 21. No changes as proposed.

Commissioner Balfany asked about a developer's agreement or if we'll use CUP conditions.

Commissioner Henderson made a motion to table the ordinance to the April 19, 2018 Planning Commission meeting. Motion seconded. All members voting in favor.

Commissioner Henderson made a motion to adjourn the meeting. Motion seconded. All members voting in favor.

Minutes approved on this 19<sup>th</sup> day of April, 2018.



Ryan Grittman, Zoning Administrator



Dave Beckstrom, Planning Chair