

**Summary of the
MEEKER COUNTY PLANNING COMMISSION
April 13, 2021 – MEETING MINUTES**
Audio Available

The Meeker County Planning Commission held a meeting on April 13, 2021 at 5:00pm to consider the following Conditional Use permit applications and other business before the Board. Present was Jans, Euerle, Loff, Hempel, Salzl, Beach and Smith, and Zoning Administrator Schultz.

5:00pm

Jans calls the meeting to order. There is a quorum.

The Board states their names for voice recognition.

Jans asks the Board if they have any corrections or additions to the March 9, 2021 meeting minutes. None are noted.

Hempel makes a motion for approval.

Beach seconds the motion.

Motion carried 7-0.

5:01pm

Jans opens the public hearing: Notice is hereby given per Minnesota Statue 116.07 subd. 7(a) that Schneider Farms, LLC has made application to the Minnesota Pollution Control Agency and Meeker County for a permit to expand the current Class B feedlot with the total capacity permitted of 350 animal units to 651 animal units.

The proposed addition will be located at the existing feedlot site at the South Half (S ½) of the North Half (N ½) of the Northeast Quarter (NE ¼), more fully described in the application. Section Eighteen (18), Township One Hundred Twenty One (121), Range Thirty (30), Forest Prairie Township.

Currently this site consists of the following barns: 32x182, 40x120, 60x192, 54x138, 38x75, (2) 38x75, 48x192 and various other agricultural related structures.

The existing feedlot is a Class B feedlot permitted for 350 AU's. This proposed expansion will increase the number of AU's to 651 (576 mature cows and 75 calves).

This publication shall constitute as notice to each resident and each owner of real property within 5000 feet of the perimeter of the proposed feedlot as required by Minnesota State Law.

Ann Steinhaus, James Schneider and Steve Schmitt are present for this hearing.

Schultz: This feedlot is located on a portion of a 58.51-acre A-1 Agricultural Preservation zoned property in Sec 18, Township 121, Range 30, Forest Prairie Township.

On this property is a Class B 370 AU feedlot located approximately 1600 feet east of CSH 34. There are two owner dwelling sites located within 300 feet of the feedlot buildings. There is a non-owner dwelling (Scott Hesse) located approximately 570 feet from the feedlot. A feedlot waiver from that owner signed February 10, 2021 was received by planning and zoning. On this property there are 7 buildings that are used for cattle. Starting with a 32' x 182' beef-calf building, a 40' x 120' slaughter steer building, a 100' x 192' feeder building, a 54' x 138' calf building, (two) 38' x 75' calf buildings, and a 48' x 192'

feeder/slaughter steer building. Also, for the farming operation on the property there is One concrete silo, 12 grain bins, 1 hog building, 2 hoop sheds, and 5 machine sheds.

The current property owner is proposing to increase the feedlot on the property from a class B 370 animal unit facility permitted August 15, 2006 to a 651-animal unit class B feedlot. This proposed expansion to the operation of the feedlot does not increase the encroachment on the non-owner dwelling and will be located on the existing feedlot site in that part of the NE ¼ of the NE 1/4 and the S ½ of the NE ¼ of Sec 18, Township 121, Range 30, Forest Prairie Township.

Article 22 Sec. 22.10.D.6.b.2 Requires new feedlot permit when any increase beyond the current registered number of animal units occurs.

Article 11 Sec. 11.03.A of the Meeker County Zoning Ordinance requires a conditional use permit for any class B feedlot. Notice is hereby given per Minnesota Statute 116.07 sub-division. 7(a) that Schneider Farms has made application to the Minnesota Pollution Control Agency and Meeker County for a permit to expand a feedlot with a capacity of 651 animal units.

Steinhaus states that this site is big enough for the proposed increase in animal units. There is also enough land to handle the manure distribution of nutrients. Therefore, she sees no issue with the increase.

Jans and Hempel both state that this site is a very clean operation.

Jans says that ultimately it is about the same animal units as they had previously, just moved them to the same location.

Steinhaus states that she spoke with her MPCA regional contact person and was told that they do not need a Construction Short Form.

Schultz reads the proposed conditions:

1. The Meeker County Zoning Administrator, or his/her designee(s) and at least one member of the Planning Commission shall inspect the premise at least once every 3rd year starting in 2024. Thereafter an inspection shall be completed every third (3rd) year. If at any inspection a feedlot violation is noted an inspection shall there forth occur yearly until three (3) consecutive inspections have occurred with no violations. Operator shall pay all costs associated with the inspections in accordance with the fee schedule of the Zoning Administrator or One Hundred Fifty Dollars (\$150.00), whichever is greater.
2. The applicant shall comply with all federal, state and local laws and regulations including permits issued by federal, state and local agencies.
3. The applicant shall file annually with the Zoning Administrator and/or his/her designee all records regarding manure nutrient analysis; soil tests for fields receiving manure, manure transfer, stockpiling sites, application rates, and application sites. M.P.C.A. rules shall be followed for crop nutrient requirements.
4. The applicant, owner, operator or commercial spreader shall spread manure on fields in accordance with the recommended crop nutrient requirements as promulgated or used by the Minnesota Pollution Control Agency (MPCA) for the next crop type to be planted on any field. Applicant shall test both manure and soil to determine the proper rate before spreading the manure.
5. The owner/operator shall immediately clean up any manure spills on public roads or right of ways.

6. Dead animals shall be disposed of according to MPCA and Department of Animal Health rules and regulations. Options including rendering, composting, burial, and other technologies. The Planning Commission along with other regulatory agencies having jurisdiction over such must approve any and all options.
7. The applicant shall be permitted to do dirt work that is required for the expansion.
8. The applicant shall have eighteen (18) months from the date of final approval of this application by the Meeker County Board of Commissioners to expand the Animal Unit capacity of the facility as permitted by this conditional use permit.
9. This Conditional Use Permit and conditions replace and supersede all other previously approved Conditional Use Permits and conditions.

Schneider is in agreement with these conditions.

Hempel makes a motion to close the public hearing.

Loff seconds the motion.

Motion carried 7-0.

Hempel makes a motion to approve with the conditions.

Smith seconds the motion.

Motion carried 7-0.

5:14pm

Jans opens the public hearing for Linda Terry-Tiebel, 4210 N Xenium Lane, Plymouth, MN 55442. Property located at 71641 178th St, Dassel, MN 55325. Lot Nine (9) and the South Half (S ½) of Lot ten (10), more fully described in the application. Eagle Point, Lake Jennie Collinwood Township. An application for a Conditional Use permit to move more than ten (10) cubic yards of material in the Shoreland District and within the Shore Impact Zone in the R-1 Suburban Residential District and within the Shoreland District.

Blaine Josephson and Linda Tiebel are present for this hearing.

Schultz reads site findings: This property is a Lake Jennie riparian R-1 zoned Lot 9 and ½ of lot 10, Block 2 of Eagle Point plat. Property address 71641 178th Street, Dassel MN 55325 located in Collinwood Township. Lake Jennie is considered a Recreational Development Lake. This property is approximately 8,556 square feet. A passing septic compliance was submitted for the property on March 12, 2021. There was a side lot line, and SSTS drain field to dwelling variance approved for the property on December 11, 2007 to construct a detached garage.

The property owners are requesting to replace the existing concrete steps with 4 feet wide granite steps. At the base of the steps they are installing a boulder wall at the bottom of each side of steps approximately 3 feet 11 inches in height and 80 feet in length. On the road side of the property they are installing a boulder wall approximately 3 feet 11 inches in height and 60 feet in length.

Total material proposed to be moved or brought onto the shore impact zone area of the site according to the site map submitted will be approximately 42 cubic yards of rock and soil. Erosion control during construction will be a part of the conditions for this permit. All disturbed areas will be restored with seed and an erosion control blanket.

There has been no comment from Area Hydrologist Ethan Jensen comment at the time of this meeting.

As per [Article 19A.04. C.2.d] Movement of more than 10 cubic yards of material in the shore impact zone and/or 50 cubic yards of material in the Shoreland District requires an approved conditional use permit from the County.

Hempel states that something clearly needs to be done by the lakeshore. The wall by the driveway should be addressed. It needs reinforcement.

Schultz reads the proposed conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 50 cubic yards of material.
2. The project shall be completed as per the plans submitted with this application.
3. All required permits shall be obtained prior to commencing this project if project extends beyond scope submitted.
4. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.
5. The applicant and/or property owner shall notify Meeker County Planning & Zoning within seven days of completion of this project.

Josephson and Tiebel agree with the conditions.

Smith makes a motion to close the public hearing.

Beach seconds the motion.

Motion carried 7-0.

Hempel makes a motion for approval with the conditions.

Euerle seconds the motion.

Motion carried 7-0.

5:23pm

Jans opens the public hearing for Marcella Martin Trust (owner), 910 Cottonwood Ave, Litchfield, MN 55355 and SolarClub 40, LLC (applicant), 315 Manitoba Ave, Suite 200, Wayzata, MN 55391. Property located at 22325 CSAH 4, Dassel, MN 55325. That Part of Lots M and N of Cassel's Subdivision and Lot C of OW Olson's Subdivision, more fully described in the application. Section Thirty Three (33), Township One Hundred Nineteen (119), Range Twenty Nine (29), Dassel Township. An application for a Conditional Use permit to construct a One (1) Megawatt Community Solar Garden consisting of approximately 3350 solar panels and the related solar array equipment and infrastructure in the A-1 Agricultural Preservation District.

Present for this hearing are: Dennis & Adele Mahlstedt, Jill Crowe, Karen & Taylor Schmiesing, Terri Boese, Jim Hallquist, John Dahl, Pete & Cleo Johnson, Jordan Danielson, Curt & Anita Sanborn and Julie Ardoff.

The applicant and homeowner are not present.

Schultz reads the findings:

This property is the thirty-two (32) acre part of Government lot 7 parcel (07-0517000) in the A-1

Agricultural Preservation District. Located in Section 33, Township 119, Range 29 of Dassel Township.

This property is approximately 250 feet east of Minnesota State Highway 15 and is adjacent to the Dassel

City limits to the north and east. This property is listed in chapter six of the 2004 City of Dassel Comprehensive Plan as area 7, which is approximately 300 acres and has been identified for residential use. In Meeker Counties Comprehensive Plan, Revised October 2008, the map located on page 3 of chapter 3 identifies the area of the solar project as an area within the City of Dassel's urban growth boundary.

Currently on this property there are no buildings with approximately 32 tillable acres. This application is for a proposed one (1) megawatt community solar garden project with approximately 3,350 single axis tracker solar panels. The modules will be single axis trackers with a maximum height of 12 feet. The equipment is designed to withstand up to 90 MPH wind and 50 pounds per square foot of snow load. The solar modules will convert sunlight into direct (DC) electricity. The DC power will be collected from each of the rows of solar modules through one or more combiner boxes and conveyed to an inverter. The inverter will convert the DC power to alternating current (AC) power, which will then flow to a medium-voltage transformer that converts the output of the inverter to 480 volts. Medium-voltage transformers will be connected and power will be delivered to the onsite main distribution switchgear from separate circuits. This switchgear acts as the primary interconnection point, after which power is transmitted to the utility-owned grid. The location of the interconnection line is the existing distribution line that runs diagonally northeast to southwest across the property. A signed agreement with the local utility company will be needed with the application for a building permit.

Surface water drainage from the site is not expected to be changed appreciably and is proposed to be controlled through plantings and vegetation. The rate volume and quality of the surface water runoff is expected to be improved from the present values generated by a plowed field of row crops. The applicant will be required to submit the full Storm Water and Erosion and Sediment Control permit to Meeker County Planning and Zoning prior to be issued any building permits for construction of this project. No wetlands were found on site.

Disturbed soils will be returned closely to their original contours. The site will be seeded with fast-growing grasses using native plantings. These grasses and forbs will enhance local biodiversity, consistent with the Pollinator Protection Pledge of the local solar power industry. The groundcover will be kept mowed to a workable height, and noxious weeds will not be allowed to flourish. A 7' foot galvanized chain link fence will be installed for safety and security. A freestanding sign with emergency contacts and procedures will be placed near the entrance to the site. No water and sewer will be necessary on this site. One 320 square foot pad for the electrical inverters may be constructed. No permanent structures are proposed to be built on-site.

Construction is expected to take 4 to 6 months. Monitoring of the facility will be by data acquired by the facility meteorological station, energy meter and SCADA (Supervisory Control and Data Acquisition) system. Equipment inspection will occur at regular intervals to insure safety and reliability. Maintenance schedule will range from weekly to yearly depending on the component. An access located at the southeast corner of the property off of 7th Street South will need to be granted from the city of Dassel.

The applicant has submitted an interconnection application signed October 22, 2020. A Decommissioning Plan has been submitted with this application with an estimate of \$117,608 for the decommissioning of this site without salvage, \$29,504 with salvage. Decommissioning shall include removing the arrays, inverters, transformers and the above ground portions of the electrical collection system, lights and fencing from the project. As per Sec. 22.24.1 a CUP is required for a large solar array.

Jans states that he will allow everyone a chance to speak. He requests that each person state their name and keep comments to less than three minutes.

Jim Hallquist states that he is a council member for the City of Dassel. He says that the City of Dassel has a Comprehensive Plan and that area is identified as a “Growth Area” for future family dwellings. Allowing the solar garden to build in this location would inhibit growth in the City of Dassel. In Meeker County’s Comprehensive Plan of 2008, it is also a growth area. There are other solar gardens within Meeker County and those are in more of a rural area rather than next to an urban site. The city has begun the process of annexing that property.

Terri Boese, City Clerk: The city met with the township last night and they are sending their draft ordinance to their attorney to look into annexing of the property.

Jans understands that that would be an agreement between the city and the township for annexing. Hallquist says yes.

Boese states that they will be having a public hearing of the annexation ordinance on April 19, 2021.

Schultz states that he has received letters from the City of Dassel that he would like to read:

March 25, 2021

Dear Mr. Schultz:

The City of Dassel, along with and based on the recommendation of the Dassel Planning & Zoning Commission, is formally requesting that Meeker County deny the conditional use permit from SolarClub 40, LLC for the proposed solar garden in the southwestern portion of Dassel.

The following are supporting reasons why the City of Dassel does not recommend approval of the SolarClub 40, LLC conditional use permit:

- 1. The City of Dassel’s Comprehensive Plan identifies this area for future single-family dwellings. By allowing a solar garden at this location, you are significantly impacting the City’s ability to grow. We would certainly expect the County to consider the future expansion of a City while making a decision regarding allowing a use that is not compatible with a Comprehensive Plan.*
- 2. The Meeker County Comprehensive Plan, Revised in October 2008, appears consistent with the City of Dassel’s Comprehensive Plan. Page 3 of Chapter Three of the County Plan contains Map 3A: Zoning Map. This map identifies by a red dashed line around the City of Dassel the Urban Growth Boundary. The parcel at issue in this matter falls in part if not totally within that Urban Growth Boundary. The red colors within the boundary indicate an R-1 Suburban Residential District. The R-1 Suburban Residential District is intended “to provide a district with the primary purpose of (1) allowing low density residential development as an orderly expansion of existing urban residential development, ...and (3) provide a district that will allow density residential development and on-lot utilities in natural environment areas and which will retain the environmental quality of the natural area.*
- 3. Other than the parcel of land involved in the current SolarClub 40, LLC matter, there are eight parcels in Meeker County upon which solar farms have either been constructed or for which permits have been issued. Aerial maps indicate that these other parcels are generally located in rural, farming, or industrial areas, away from urban areas and not immediately adjacent to existing residential developments. In contrast, the parcel proposed by SolarClub 40, LLC for construction of a solar farm is directly bordered on three sides with existing and planned residential development.*

Based on the above information, the City of Dassel is requesting that Meeker County deny the conditional use permit for the solar garden. It is our hope that the City and County can work together to identify locations that are more appropriate for these types of development.

Please let us know if you have any questions or would need additional information.

Sincerely,

Ron Hungerford, Mayor.

April 8, 2021

Dear Mr. Schultz:

On March 31, 2021 the Dassel City Council met and approved to proceed with the annexation process of the area directly adjacent to the southwest corner of the current Dassel city boundary. This parcel of land is also the area where SolarClub 40, LLC has proposed to install a solar garden. This annexation would be in accordance with the City's current Comprehensive Plan and implemented to support future residential expansion. A copy of the draft annexation ordinance; which was reviewed and approved by the City's Planning and Zoning Commission on April 6, 2021 and returned to the City Council with additional considerations currently under review; is attached and awaiting final approval by the City council at the regular April 19, 2021 hearing.

Further, the City of Dassel would like to suggest that the Meeker County Planning and Zoning Commission declare a moratorium on solar farm permits until the County has studied any additional impacts of locating solar farms within close proximity to residential areas within its jurisdiction.

Sincerely,

Ron Hungerford, Mayor

Schultz says that Chuck Beisner, the clients representative, was not able to attend this hearing as he is out of state. Schultz emailed him the letters from the City of Dassel, and Beisner stated:

"I appreciate you sending this over. I will need to discuss this with the property owner as I do not believe he was informed of the annexation. At this time, we would ask the item to be tabled and removed from the agenda and placed on the following month".

Jeannie Lund: Lives on Sellards Drive. She would like to see the property annexed into the city and made residential. Would like the moratorium to study these gardens. Is worried about a reduction in home values. Very opposed—it is too close to residential homes.

Julie Ardoff: Agrees that it is too close to a residential area. We'd like to continue to see grown within the city and this is prime real estate area for the growth.

John Dahl: Agrees with the other opinions. He developed the Martin Estates and left two dead streets for future access to that property for further residential building. Everything is ready to go for more housing to expand. Against the solar garden.

Jordan Danielson: Lives on 7th Street South. If this was approved, he'd have solar panels to the east, south and west of his house. Does not want the solar garden installed.

Gail Mahlstedt: Doesn't want the solar panels. Would rather see farmland or houses.

Dennis Mahlstedt: Just moved to the area a year ago. They moved from a farm in Cokato that ended up with 1,650,000 chickens in their backyard. Now, doesn't want a solar garden in his backyard. If it is the same company that owns the solar garden in the southeast corner of Dassel—they do not keep it up. It is not kept clean. Is there a contingency in making this a larger solar garden?

Jans & Schultz say that is unknown.

Taylor Schmiesing: Lives on County Road 4, adjacent to the property, so he would have solar panels in his backyard and across the field. He is concerned about it lowering his property value and the eye sore it will be. He'd prefer to see corn or beans. This is too close to town and houses.

Karen Schmiesing: Lives next door to Martin's. She agrees with everyone else. She does not want to see the solar garden constructed. It would be an eye sore, and there are plenty of other places it could be constructed.

Jill Crowe: Lives on 7th Street South. It would be in her backyard. With the minimum research she did, there would be some earth movement and trees planted to install a screen around it. Even with that—she is totally against this solar garden. If it does get approved, is there any discussion to alleviate the pain of the eye sore, noise pollution and light pollution as well?

Pete Johnson: Is the city in the process of annexing? *Yes*

Terri Boese: The city has to hold a public hearing on the ordinance and that's a 30-day notice. The township has 90 days to respond to the ordinance. It may take up to three months.

Hempel states that if there are issues seen, such as the property being unkempt, one needs to call the zoning office. Generally, each zoning permit has conditions that need to be kept.

Jans states that if something is not right, it needs to be reported. We put conditions on the permits.

Gail Mahlstedt: Drove by that solar garden all year when moving and it looks horrible.

Jans states that the planting the solar gardens do is designed to not be mowed. It is a low grass which should maintain the weeds.

Gail Mahlstedt: That doesn't happen with a lot of them.

Karen Schmiesing: She is concerned that money talks and she wonders if their voices count. Do they have a chance to keep this from happening?

Jans: We've had long discussions. We have to look at the other side—renewable energy, so we don't want to put a stop to it, but we have to plan it right. The person that owns the land has the right to the revenue and gardens do pay a healthy rent. We do have a decommissioning plan in there to make sure it will be removed. Gardens usually have a life expectancy of 20 years.

Karen Schmiesing: Believes this is a big concern and doesn't feel their voices are being heard—it almost sounds like it is already cut and dry.

Hempel states that she didn't hear that. She says that the Board usually likes to speak to the owner and the company that will be putting it in. Neither are here tonight. Usually whenever there is an application that has controversy, we like to ask questions. It would be unfair to rule right now, because we have a lot

of questions and the applicant and owner are not present. We are hearing your voices, and we can't ask the owner to address any of your questions. This solar farm is uniquely different than others due to its proximity. Usually we don't get controversy on these solar gardens because they are out in the middle of farm land.

Jans says the biggest concern we get is the loss of farm land. As a farmer, if I own that piece of property and I could get 5 times as much for rent from a solar garden than farming, I might need to stop and think about it. Usually they are about 8 acres big. When we first started getting solar applications, they were being placed on marginal ground. Now some have been put on productive ground. As a Board we will have to start discussing changes to the ordinances.

Dennis Mahlstedt: Isn't there a lot of discussion right now if enough money is being put into escrow for the decommissioning?

Jans states that we have bumped up that amount. The county won't be getting the land back; it is worth too much money, but it could happen.

Julie Ardoff: Wants to know how many solar gardens the county will allow in.

Jans states that solar gardens have been only coming along fast in the last couple years. As a Board we will need to look into our ordinances. Right now, we do not have a limit. Jans asks the Board what their consensus is since the applicant or owner aren't present.

Hempel makes a motion to continue this public hearing to May 11, 2021.

Smith seconds the motion.

Motion carried 7-0.

6:03pm General Business

Zach and Virgil Anderson show the Board their survey for a proposed one lot plat.

Schultz says that this property will stay A-1. It will be the 80/20 process.

The Board does not have any issue and tells the Anderson's they can move forward.

6:12pm

Board does the Finding of Facts for the Schneider Farms application.

6:16pm

Jans talks with the Board about doing ordinance changes on solar gardens.

6:28pm

Smith makes a motion to close the public hearing.

Euerle seconds the motion.

Motion carried 7-0.