

**McLEOD COUNTY PLANNING ADVISORY COMMITTEE**  
Environmental Services Facility, Large Conference Room  
1065 5<sup>th</sup> Avenue SE, Hutchinson, MN 55350  
July 24, 2019 @ 9:30 a.m.

MINUTES

**A. CALL TO ORDER:**

Chairman Larry Phillips called the meeting to order at 9:30 a.m. in the McLeod County Environmental Services Facility, Large Conference Room, located at 1065 5<sup>th</sup> Avenue SE, Hutchinson, Minnesota, following an following a 7:45 a.m. Road Tour.

**Members present:** Larry Phillips, Charles Hausladen, Paul Merkins, Commissioner Rich Pohlmeier and David Hoernemann

**Staff present:** Marc Telecky, Director of Environmental Services, Sarah Young, Assistant Director of Environmental Services, Sandra Posusta, Secretary,

**Others Present:** Joe Neaton, Luke Nelson, ReneSola Power Holdings, Cindy Larson O'Neil, ReneSola Power Holdings, Francis Burch, Bergen Township Board member, Brian Anderson, Winsted Township Board member, Laurie Snegosky, Nathan Schmalz, Winsted Township Board member, Kurt Pevestorf, Matt and Paige Lynch, Tony Hand, Shawn Wacker, Greg Mathews, Joe Herzog, and others.

**B. ACTION ON MINUTES:**

**With no corrections after reviewing the June 26, 2019 minutes, Paul Merkins made a motion to approve with a second motion by Charles Hausladen. Motion carried.**

**C. PUBLIC HEARINGS**

**1. Preliminary Plat 19-02, Kurt and Jill Pevestorf, Bergen Township**

Kurt and Jill Pevestorf request approval of a 1-Lot preliminary plat to create a 1.88 acre lot in the northwest corner of Lynn and Bonnie Mueller's property, Kurt's mother and step father, within a forty (40) acre parcel located in the southwest quarter of the southeast quarter of Section 5 in Bergen. The Board of Bergen Township recommended approval on July 10, 2019. The County Recorder stated the plat looks in order. This quarter quarter section currently has one (1) non-farm dwelling, thus requiring this request. The applicable Zoning Ordinance is McLeod County Zoning Ordinance Section 7, Subdivision6, McLeod County SSTS Ordinance and the McLeod County Subdivision Ordinance.

Mr. Telecky read from the agenda packet, specifically to the aerial view photo that indicates an area in red stating this request is outside the floodplain and is outside of the CRP easement area. The Sketch Plan was reviews and approved May 7, 2019 by the County Board of Commissioners. Soil Borings were submitted by Chip's Septic Systems that indicate a standard septic system can be installed on the proposed lot.

Zoning Staff does not have concerns with this request. Preliminary site review does not show the presence of wetlands or other restricting features. This area meets the criteria of hard to farm due to the wooded area, floodplain, and CRP easement.

**With no public comment David Hoernemann motioned to close the public hearing, seconded by Charles Hausladen. Motion carried unanimously.**

**With no concerns or further dialogue, Commissioner Rich Pohlmeier motioned to recommend approval of the preliminary plat as applied for. This motion was seconded by Paul Merkins. The motion carried.**

*Marc Telecky said this item will be on the August 6, 2019 County Board Consent Agenda.*

**2) Conditional Use Permit 19-13, Matt & Paige Lynch, Winsted Township**

Marc Telecky referred to the Staff Report sharing the request by Mr. & Mrs. Lynch to construct an accessory building to be greater than 2,400 square feet on a platted parcel of property. The accessory structure is proposed to be 50' X 80' X 14'H accessory building on a platted lot for the use of personal cold storage only. This property is 6.82 acres of Lot-002, Block-001 of "MC ADDITION" of Section 25 in Winsted Township.

Matt Lynch updated the Committee indicating the sidewalls will be 16.0 feet in height. Mr. Telecky acknowledged and documented the change.

The Winsted Township Board unanimously recommended approval at their July 11, 2019 regular meeting.

**With no public available for comment Charles Hausladen motioned to close the public hearing, seconded by David Hoernemann which carried unanimously.**

Paul Merkins question if sewer is proposed. Eventually a holding tank is being considered.

Mark Telecky confirmed the applicant would need to apply for a Land Use Permit for a septic system or a holding tank at that time and would be handled at the Land Use level, not as a Conditional Use Permit.

Mr. Telecky asked the Board to consider a condition in granting this request that this accessory structure be used for personal cold storage only.

**David Hoernemann made a motion to recommend approval with the condition that the accessory structure be used for personal use and cold storage only. Paul Merkins seconded this recommended motion. Motion carried unanimously.**

*Marc Telecky said this item will be on the August 6, 2019 County Board Consent Agenda.*

**3) Conditional Use Permit 19-14, Tony Hand, Bergen Township**

Tony Hand is requesting approval of Conditional Use Permit 19-13 to construct an accessory building greater than 2,400 square feet, (40' X 70' X 16'H = 2,800 square feet) on a platted parcel of property. This lot size is 1.58 acres in size and zoned "A" Agriculture. The property is described as HOLASEK-HEIGL Subdivision, Lot-002, Block-001 of Section 1 in Bergen Township.

This request sites the McLeod County Zoning Ordinance Section 7, Subdivision 3, Subpart 25. Transportation comes off of 185<sup>th</sup> Street, (County Road 23.)

Zoning Staff does not have concerns this request. If the Planning Commission recommends approval of this request, Mr. Telecky said the Board may wish to consider a condition that this accessory structure shall be used for personal use only.

The City of Lester Prairie provided comment dated July 10, 2019 stating the Lester Prairie City Council did question whether or not this was for personal or commercial use but understand it is for personal use only and therefore did not voice any objections.

The Bergen Township Board recommended approval at their July 10, 2019 meeting.

Larry Phillips asked if there were any comments or questions from the audience. There were none.

Tony Hand commented that he has a four-wheeler, snowmobile, lawn mower and does some wood working with antiques so it will be a small shop area and cold storage. There will not be running water or a septic system but plans to put a trough in to allow for water run-off.

Marc Telecky said floor drains are allowed for personal use unless it becomes a pollution problem

Tony Hand said they sold their home and purchased this home, the Heigl's home and moved in and it all happened quite fast. There will need to be 3 lines of septic system trenches moved. The soil verifications were done and were fine. All is in compliance.

**Commissioner Rich Pohlmeier motioned to close the public hearing. Charles Hausladen seconded the motion. The motion carried.**

**With no further Board discussion, Commissioner Rich Pohlmeier made a motion to approve Conditional Use Permit 19-14 with the condition that this accessory structure be used for personal use only. Charles Hausladen seconded the motion. The motion carried unanimously.**

*Marc Telecky said this item will be on the August 6, 2019 County Board Consent Agenda.*

#### **4) Conditional Use Permit 19-16, Shawn Wacker, Collins Township**

Shawn Wacker, owner of Style Stable Products has requested approval of a conditional use permit to establish a display lot for used trailer sales as a farm related business. The property is zoned "A" Agriculture and described as Lot-001, Block-001, T & D PROPERTIES, Section 12 of Collins Township. This is a platted commercial lot recorded in 1984, the former Lake Marion Ballroom. The Wacker Family purchased the property and converted it to Style Stable Products retail business.

This request sites the McLeod County Zoning Ordinance Section 7, Subdivision 3, Subpart 9 as well as Section 17, Subdivision 3, Subpart 17.

The Zoning Staff's only concern is the proposed location of the display area. If the Board recommends approval, Staff would like to offer the following conditions for consideration:

- 1) The number of trailers allowed on-site at any period of time shall be five (5).
- 2) The display lot shall be defined on the property with visible markers.
- 3) The display area shall not be located in any public right-of-way.

The Board of Collins Township recommended approval at their July 11, 2019 meeting.

Larry Phillips discussed where the right-of-way ends and the building site.

Commissioner Rich Pohlmeier brought forth a concern regarding the road right-of-way from Highway 15 to the building and wants to ensure the lots are ten feet inside of the right-of-way.

Charles Hausladen asked if the mail box is on the easement line. It is. Therefore, it only provided about three to four feet and the ten feet easement.

Paul Merkins suggested that there is more space to the north but would be harder to get there and could be soft in the winter.

Shawn Wacker asked the Board to keep in mind how many vehicles were parked there when it was the Ballroom. David Hoernemann said the Board feels there just isn't enough room for trailers in the proposed location. Shawn Wacker mentioned the south side which is the east side of the road and the southeast corner.

Marc Telecky said, "If someone were to leave the road, it would be a liability on you, the property owner, being that close."

Larry Phillips said he has no issues if Mr. Wacker were to propose going to the north. It is more acceptable. There have been accidents at that intersection already and they will come after the property owner.

Charles Hausladen feels there needs to be consistency with the ten (10) feet setback.

If located within the road right-of-way, a signature will be needed from MnDot said Mr. Telecky.

Paul Merkins asked if there were any comments or concerns from the public audience. There were none.

David Hoernemann suggested clearing a few trees on the north area and not displaying on the highway on the hallway at all.

A suggestion to table this item for further review of the plan was discussed. Mr. Wacker would rather proceed and not wait another month.

David Hoernemann said he feels comfortable with five (5) spaces with plenty of room at the bottom location and if located there would feel fine with ten (10) spaces. Mr. Wacker agreed that would work for him.

Paul Merkins asked for clarification that this request is for trailers only. Mr. Telecky said it is. Mr. Merkins said he has no problem with ten spaces as long as the display area is marked.

Mr. Telecky agreed and is okay with ten spaces, too.

**With no public comments, Paul Merkins motioned to close the public hearing. Charles Hausladen seconded the motion. Motion carried.**

**Paul Merkins motioned to recommend approval with conditions. David Hoernemann seconded the motion. The motion carried with the following conditions:**

- 1) The number of trailers allowed on-site at any period of time shall be ten (10).**
- 2) The display lot shall be defined on the property with visible markers.**
- 3) The display area shall not be located in any public right-of-way and ten (10) feet from any public right of way.**

*Marc Telecky said this item will be on the July 16, 2019 Regular Agenda.*

## **5) Conditional Use Permit 19-15, ReneSola Power Holdings, LLC, Winsted Township**

Mr. Luke Nelson and Ms. Cindy Larson O'Neil representing ReneSola Power Holdings, LLC, filed a conditional use application for Essential Services of a 1-Megawatt community solar garden array system on property owned by Brenda Torblaa in Section 32 of Winsted Township. The purpose of the essential services is for electrical generation through solar energy. The applicants have secured a facility easement of ten (10) acres from the property owner should the project be approved. This solar garden would be interconnected to an Xcel Energy sub-station near the intersection of State Highway 7 and Babcock Avenue. Xcel Energy has awarded this project to the applicant pending local approval. No wetland impacts are identified per the NWI Inventory map.

Mr. Telecky provided a brief description noting it is considered rolling tillable acreage with soils described as prime farmland, per the McLeod County Soil Survey. The lot size is 8.97 acres easement within a 30 acre parcel and is zoned "A" Agriculture and the land use is tillable acreage. The adjacent land use and zoning is also "A" Agriculture. The easement is twenty (20) years with an option to extend for an additional fifteen (15) years.

A decommissioning and reclamation plan was submitted by ReneSola.

Mr. Telecky noted performance standards per the Zoning Ordinance. Some are regarding noise, vibration, glare and heat, and exterior lighting.

Zoning Staff does have concern with this request. There are two (2) permitted feedlots on the north and south of this proposed solar garden. Stray voltage is a concern relating to projects such as this request. There's a sixteen (16) lot subdivision location lot subdivision located to the northeast of this proposed project with rural housing on all four sides of this location.

Mr. Telecky noted some conditions that the Board may wish to give thought to should they consider recommending approval of this request.

The Board of Winsted Township unanimously recommended denial of this request on July 11, 2019 with the following conditions:

- 1) Proof Liability insurance.
- 2) Decommission bond and plan in place. Winsted board feels bond should be \$25,000
- 3) All signage on site to be minimum size of 4' wide x 6' long with all contact information provided in case of emergency. Signage to be visible from access point.
- 4) Submit landscape plan for screening to McLeod county SWCD prior to construction.
- 5) Stray voltage testing to be done on site pre construction as well as post construction at the expense of solar farm operation. Testing to be done in accordance of Karels Solar farm in Winsted Township with results provided to the township.
- 6) Education awareness with local fire district in case of fire or natural disaster. Along written with proof that meeting took place or invite Winsted Township Board to meeting.
- 7) Reduction in usage of poles on site. Pole installation to be a minimum required by Xcel Energy.
- 8) All construction equipment and workers vehicles to be parked on construction site.
- 9) All lighting to be pointed away from adjacent roadways.
- 10) Maintain and identify all existing tile and drainage on site.
- 11) Post Construction meeting with Winsted Township Board and McLeod Co. planning and zoning to confirm that all conditions of the CUP are met.

Chairman Larry Phillips discussed the access locations as there are two locations.

Brian Anderson, Winsted Township Board member also discussed the access concerns.

The plan is to access the Highway 7 entrance and not use the alternate on Dairy Avenue, per Luke Nelson. MnDOT has already been contacted.

Joe Neaton said he completely against this request. A permit is already on this particular site. Mr. Neaton is not happy to see a solar field near his property and all homeowners near these solar gardens are getting taken advantage of. Property values go down. The land is zoned Ag.

Mr. Telecky told Mr. Neaton that the permit he is referring to is null and void due to not exercising the permit within the one (1) year time frame.

Larry Phillips commented that this system would be to the south of Mr. Neaton, not around him.

Larry Phillips addressed Mr. Nathan Schmalz of the Winsted Township Board.

Mr. Schmalz said they recommended denial because of the lack of information. There have been some past issues. The contact signage does not stay updated and it's taking prime Ag land out of production.

Greg Mathews, neighbor to the north said the weed control is bad and not being maintained.

Brian Anderson commented about the sites. The signage is not current.

Marc Telecky said he followed up with Tobias Brown through Paula Fitzgerald with pictures on his phone to address. Mr. Telecky is not neglecting this issue and is actively working on it.

Brian Anderson commented that he is the Chairman of the Winsted Township Board. Mr. Tony Hausladen has a full-time job and wished Mr. Telecky would've reached out to him earlier than July 8.

Marc Telecky said these requests are reactionary at the State level. Any change will take legislative action. McLeod County hasn't created a solar ordinance to date. "We want to be able to condition on a base by base basis," said Mr. Telecky.

Joe Neaton said he is not against green energy, but solar farms should be constructed in an appropriate area.

Joe Herzog lives on the property to the east and has a dairy farm. Mr. Herzog agrees with Joe Neaton stating that shoe horning this project in between two (2) houses is not the right place to put this solar garden. Mr. Herzog recommends that the Board not over rule the Winsted Township and deny this application request.

Laurie Snegosky, nearby hog farmer, commented that there are seven (7) feedlots, not just a few, in this particular area. Mrs. Snegosky agrees with Joe Neaton. It is not the right place to put this solar garden and her family does not benefit from this project at all.

Mr. Telecky discussed how conditional use permits work. They stay with the property at long as it is still being use. This project could go on longer than twenty-five (25) years.

Laurie Snegosky said government has to be reactive. There are a lot of underground wires in the roads and yards. It could be too late by the time you address check for stray voltage as hogs will show weight loss and aggressive biting.

Laurie Snegosky asked Mr. Nelson how many projects are in Carver. Mr. Nelson replied that they are not active in Carver County.

Larry Phillips has concern with livestock being so close. Commissioner Rich Pohlmeier said he grew up on a dairy farm and it's definitely as cosmetic concern.

Cindy Larson O'Neil said there will be four (4) poles running along the access road to the interconnect point. Property value studies have been done and they don't lower. She referred to Chisago City and their solar project. She also referred to a solar farm in Illinois and Indiana, in which they looked at control areas and test area. They're asking for one more 1-megawatt solar garden.

David Hoernemann asked if they looked for stray voltage on the Karels project prior to any deal on any project that's been completed. Not yet as it was just turned on. Cindy Larson O'Neil said they're meeting with the fire department the first week of August. The voltage testing will be scheduled and completed soon. It's pending. Marc Telecky said there will be testing at five year intervals. David Hoernemann said it's highly probable that this project will be sold. ReneSola specializes in finding sites and then investors come in.

A brief decommission discussion took place regarding the Bond amount.

**With the public having no more questions or comments, Paul Merkins motioned to close the public hearing. Commissioner Rich Pohlmeier seconded this motion. The motion carried.**

The Board discussed the bone, stray voltage and testing, including the \$25,000 bond, which is probably not enough due to the increased perfected technology.

Marc Telecky brought up siting issues. We do have farming operations.

**Commissioner Rich Pohlmeier made a motion to recommend denial of this permit request due to the existing feedlots and housing in the immediate area. David Hoernemann seconded this motion.**

Marc Telecky asked the Board if they would like to amend the current motion on the floor to include that this property is prime farmland.

**Commissioner Rich Pohlmeier amended his motion to include prime farm land. Seconded by David Hoernemann. The motioned carried unanimously to recommend denial of application 19-15.**

*This item will be on the August 20, 2019 County Board Regular Agenda.*

#### **D. NEXT MEETING – August 21, 2019**

- Charles Hausladen will be absent on August 21, 2019. Paul Merkins will too due to meetings at the State Fair.
- One application to date for Chad Pokornowski in Rich Valley Township.

#### **E. MOTION TO RECESS**

**With no further business to discuss, Paul Merkins motioned to recess until July 24, 2019. Charles Hausladen seconded the motion. The motion carried unanimously.**

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*Larry Phillips, Chairman*

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*Sandra Posusta, Secretary*