MCLEOD COUNTY PLANNING ADVISORY COMMISSION MEETING

Wednesday, July 28, 2021 @ 9:30 A.M.

Environmental Services, Large Conference Room
1065 5th Avenue, Hutchinson, MN 55350 (320) 484-4300
>Road Tour Departure at 7:45 A.M.<

AGENDA

A. **CALL TO ORDER BY CHAIRMAN, LARRY PHILLIPS**
B. **REVIEW/APPROVAL OF MINUTES -** June 23, 2021
C. **PUBLIC HEARINGS**

1. **CONDITIONAL USE PERMIT 21-09** by Danny & Denise Fischer for the placement of an Ag accessory structure when the entire proposed construction is at more than 660' from the applicants existing site or farmstead and to be located as follows: 18.96 AC, Sec-21, Twp-117, Range-30 (Acoma).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Acoma Township	7/8/2021	Notified by Applicants – Approved on July 8, 2021
Env. Services		See Staff Report @ Environmental Services Office

2. **CONDITIONAL USE PERMIT 21-10** by Glen & Lisa Moldan for shoreland parking & recreation for the placement and use of seasonal travel trailers on a riparian lot (Lake Marion, a Recreational Development Lake) and to be located as follows: (120' X 135') of Gov't Lot 5 (.38 AC) in Sec-12, Twp-115 Range-30 (Collins).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Collins Township	7/8/2021	Notified by Applicants – approval was granted
Mn DNR, Area Hydrologist	7/7/2021	
Env. Services		See Staff Report @ Environmental Services Office

3. **CONDITIONAL USE PERMIT 21-11** by Jeffrey & Pamela McColley for shoreland parking & recreation for the placement and use of seasonal travel trailers on a riparian lot (Lake Marion, a Recreational Development Lake) and to be located as follows: (60' x 135') of Gov't Lot 5 (.19 Acres) in Sec-12, Twp-115, Range 30 (Collins).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Collins Township	7/8/2021	Notified by Applicants – approval was granted
Mn DNR, Area Hydrologist	7/7/2021	
Env. Services		See Staff Report @ Environmental Services Office

>Items from today may be placed on the August 17, 2021 County Board agenda.

4. **CONDITIONAL USE PERMIT 21-12** by Ross Horstmann & Lisa Blazinski on property owned by Diane M Horstmann for a second dwelling for the purpose of family care and to be located in Sec-11 of Twp-116, Range 28 (Rich Valley).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Rich Valley Township	7/13/2021	Notified by Applicants
Env. Services		See Staff Report @ Environmental Services Office

5. **CONDITIONAL USE PERMIT 21-13** by Randy Forcier for the purpose of a mobile indoor shooting range (gun club) on a rural building site on property owned by Layne & Robyn Kenny and to be located in Sec-20 of Twp. 116, Range 30, (Lynn).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Lynn Township	7/13/2021	Notified by Applicants
Env. Services		See Staff Report @ Environmental Services Office

D. NEW BUSINESS

1. **3-LOT SKETCH PLAN 21-03** by David Broll on an existing platted lot located in Section 36 of Twp 116, Range 30, (Lynn).

Notified	Notified	Comments Received:
Township & City Clerks	7/1/2021	
Lynn Township	7/13/2021	Notified by Applicants
Env. Services		See Staff Report @ Environmental Services Office

E. OTHER BUSINESS

- Discussion: Zoning Ordinance Amendment

F. MOTION TO RECESS: Motion to recess to reconvene at 9:30 a.m. on August 25, 2021.

>Items from today may be placed on the August 17, 2021 County Board agenda.

McLEOD COUNTY PLANNING ADVISORY COMMITTEE
Environmental Services Facility, Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
June 23, 2021 9:30 a.m.

DRAFT

MINUTES

Following an 8:15 a.m. road tour, 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 5th Avenue SE, Hutchinson, Minnesota.

Planning Commission members present: Chairman Larry Phillips, Paul Merkins, Charles Hausladen, Commissioner Daryl Luthens and David Hoernemann. **Staff members present**: Marc Telecky, Environmental Services Director, Sandra Posusta, Administrative Assistant.

Others Present: Alan Hecksel, Judy Hecksel, Brittney Krebsbach, Novel Energy Solutions Permit Specialist, Harlan Mathews, Bergen Township Supervisor, Brian Keenan, Impact Power Solutions Project Manager, Cheryl Mallak, Duane Mallak, Ralph Kaehler, Ryan Horstmann, Lori Moldan, Tom Horstmann.

A. CALL TO ORDER:

Chairman Larry Phillips called the meeting to order at 9:30 a.m.

B. APPROVAL OF MINUTES FROM MAY 19, 2021 SPECIAL MEETING:

Two corrections were noted on pages three (3) and four (4) of the May 19, 2021 minutes.

The first correction is on page three (3). The fourth paragraph from the bottom states, "Board member Telecky confirmed the minutes from the last meeting". It shall be corrected to state "Director Telecky confirmed the minutes from the last meeting…"

The second correction is toward the bottom in the motion made by Board member Hausladen. This motion also states it was seconded by Board member Hausladen. It should state, "Board member Merkins seconded the motion."

With corrections noted by Secretary, Sandra Posusta, Board member David Hoernemann motioned to approve the May 19, 2021 minutes with the two (2) corrections. This motion was seconded by Board member Paul Merkins. The motion carried unanimously.

APPROVAL OF MINUTES FROM MAY 26, 2021 REGULAR MEETING:

On motion by Board member Paul Merkins, seconded by Board member Charles Hausladen, and unanimously carried, the Planning Commission approved the May 26, 2021 Minutes as presented.

UNFINISHED BUSINESS

1) 1-LOT FINAL PLAT 21-05, BERGEN TOWNSHIP

Harlan Mathews, representative for the Bergen Township Board is requesting approval of a 1-Lot Final Plat to be known as "BERGEN ESTATES". The applicants wish to obtain a building eligibility on this lot they currently own, for the purpose of resale. This quarter-quarter section currently has one (1)

non-farm dwelling, thus requiring this request. This plat is located in the northwest one-quarter of the southwest one-quarter of Section 11 in Bergen Township.

The County Recorder's office responded an has no concerns with the plat, as requested.

Board member David Hoernemann, stated for the record, that he will abstain from voting as he is a Bergen Township Board committee member.

Board member Paul Merkins made a motion to approve Final Plat 21-06. Board member Charles Hausladen seconded the motion, which carried unanimously.

This item will be placed on the July 6, 2021 County Board Consent Agenda.

PUBLIC HEARINGS

1) CONDITIONAL USE PERMIT 21-08, Alan & Judith Hecksel, Helen Township

Chairman Larry Phillips, opened the public hearing by stating this request is a conditional use permit for the purpose of an accessory structure.

Director Marc Telecky described the request for the purpose to allow construction of an accessory building (36' X 50') in a front yard of an "R-1" Rural Residential zoned parcel. The existing drive way will be utilized to access the structure. The lot size is 2.36 acres. This building would be used for personal storage only.

The Board of Helen Township unanimously recommended approval at their June 10, 2021 meeting.

Zoning Staff recommends, if approved, that the accessory dwelling shall be 2,000 square feet or smaller.

Board member Hoernemann question the height of the side walls. They will be ten (10) feet.

Judith Hecksel commented they are with Xcel Energy, not McLeod Co-op.

There were no public comments.

Board member Hoernemann motioned to close the public hearing with a second by Board member Hausladen. Motion carried.

Board member Hausladen made a motion to approve the request with the condition that it be used for personal storage only. Board member Merkins seconded this motion as stated.

Commissioner Daryl Luthens made comment bringing awareness of the two (2) feet of water that can happen in a heavy rain season in this area. Mr. Hecksel is bringing in extra fill to raise the shed for that purpose.

With a motion and a second on the table, Chairman Phillips asked for all in favor to do so by stating aye. The motion carried unanimously.

This item will be placed on the July 6, 2021 County Board Consent Agenda.

2) 1-LOT PRELIMINARY PLAT 21-04 / FINAL PLAT 21-07, David & Kim Dickerson

Director Telecky explained Mr. & Mrs. Dickerson's request for the approval of combining two (2) platted lots into one (1) larger lot for the purpose of resale. This 1-lot preliminary/final plat, to be known as "Dickerson's Addition", is currently a 4.15-acre plat consisting of two platted lots known as "Madsen's South View". It is located in the northwest one-quarter of the northwest one-quarter of Section 8 in Rich Valley Township.

The Rich Valley Township Board recommended approval of this request at their June 10, 2021 meeting.

Ms. Lori Moldan, Attorney from the office of Gavin, Janssen & Stabenow, Ltd., Glencoe, Minnesota, commented she is representing the Kucera family and their concerns of contaminated soil and therefore opposed to this request.

Director Telecky discussed the original plat was dated back to 2007. Extensive studies were performed which came back indicating no contamination. Soil was scraped and borings were taken. There was not any contaminated soil found.

Attorney Moldan stated, "I want to make my affection known that we are opposed."

Director Telecky believes that on the original building site is the are in question which is to the east of where Dickerson's are looking.

Board member Hausladen stated the concern is if there is contamination there now. In 2007, extensive studies were done in order to allow building. The County approved the 2-Lot request. No contamination was determined per the soil borings taken.

Attorney Moldan mentioned the lot lines.

Director Telecky said the setbacks are not changing. It consists of simply taking out the lot line and abandoning the easements.

Board member Merkins stated by taking the lot line out, the second building lot goes away.

Commissioner Luthens shared the fact that in 2007 the Planning Advisory Commission and the County Board approved of this platting process. Today's request is to reduce the two building eligibilities to one building eligibility.

Director Telecky said he feels comfortable that the standards of the ordinance have been met.

Board member Hoernemann said the question is the 2015 issue when a mining permit was issued to remove the contamination and whether or not it is out.

Per Deb Jensen, Deputy Recorder, the taxes on the three (3) parcels that the Dickerson's own, have been paid. The Title Commitment is needed prior to recording.

Board member Hoernemann noted that the area of contamination concern is the eleven (11) acres, not the 4.15 acres we are dealing with today. The eleven (11) acres is a different location.

The Dickerson's said the thirty-eight (38) acres would not affect the 4.15 acres. Director Telecky agreed noting is should be Lot / Block.

Chairman Phillips asked if for any other discussion.

John Kucera questioned selling this property, not building in there.

Per Minnesota §505, any time you take land or add to it, one needs to go through a public hearing shared Director Telecky.

Board member Hausladen made a motion to request approval of the 1-lot preliminary / final plat as presented with the condition that Director Telecky review for soil contaminations. If there are none, this request shall move forward to the County Board. Commissioner Luthens seconded this motion. The motion carried unanimously.

Mr. Telecky said this item will be placed on the July 6, 2021 Regular Agenda.

3) McLeod County Zoning Ordinance Amendment – Section 5 and Section 18

Director Telecky explained the proposed amendments to be considered to the McLeod County Zoning Ordinance, Section 5 – Definitions, and, Section 18 – Essential Service Regulations, including Solar Array Systems, on more than three (3) acres shall only be allowed on land that is considered hard to farm. This information is all additions to the Ordinance, not amendments to what is already included in the Ordinance.

The full request is as follows:

Section 5 – Definitions and Rules of Language Construction
Subdivision 2: Definitions

Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

SECTION 18 - ESSENTIAL SERVICES REGULATIONS
Subdivision 5: Provisions for Major Essential Service Construction

B. Major Essential Service structures (including Solar Array Systems) on more than three (3) acres shall only be allowed on land that is considered hard to farm per the following criteria:

- ***Small size or irregular shape***
- ***Physical isolation from other farm fields by roads, steep hills, ditches or similar features.***
- ***Wooded, as defined herein.***
- ***Containing steep slopes, wetlands, or other environmentally sensitive features.***

Tom Horstmann made comment that the Board is not looking clearly at land owner rights. Reducing is limiting area. Solar produces more than any row crop. This would be a mistake. Years ago, the government was trying to reduce the size of dairy farms.

Board member Hoernemann asked Tom Horstmann if his position would be opposed to these amendments.

Mr. Horstmann said, "Absolutely! It would not be good for the economy to limit land owners. It would help allow to keep people on the family farm. It is the wrong decision and I am very much opposed."

Commissioner Luthens asked why McLeod County doesn't help us then.

Tom Horstmann said certain parcels of land have more value because of their land location.

A brief conversation took place between Commissioner Luthens and Tom Horstmann.

Director Telecky addressed Chairman Phillips stating that this hearing is for public testimony only.

Board member Hausladen shared that he has solar on his property and some wind but feels strongly that he cannot cut up prime farming community. McLeod County is an Ag preservation County and the Planning Advisory Commission is trying to keep it agricultural.

Tom Horstmann responded, "But yet you voted no."

"Yes. Particular places are just not the right fit," said Board member Hausladen.

Tom Horstmann expressed that property owner rights are being taken away and asked the Board to please, reconsider their position on this.

Ryan Horstmann said he thinks if there is hard to farm land that would be easily accessible, they would be all over it. If they can't find those hard to farm parcels or Xcel Energy decides to bring in expensive power instead, try to put up three (3) acre solar sized gardens on prime farm land all over the place. Are people going to want to look at all these small sites and poles? And, if they come back to the Board and say they want to put up fifty sites all to be three acres in size, all over, will the Board be upset?

Board member Hausladen asked Director Telecky to address why there is a one (1) megawatt size limit.

Director Telecky explained Minnesota Legislature required Xcel Energy to develop a project called a community solar garden. The legislation specified various parameters of Xcel's community solar garden program including a garden's capacity, the amount of electricity it can generate, cannot exceed one (1) megawatt. You're limited to one (1) megawatt per project size.

Board member Hausladen noted that the Board is not limiting the size.

Mr. Ralph Kaehler, Novel Energy LLC, developer, asked to correct and explain the one (1) megawatt rule. "The current rules are that it's a one (1) megawatt limit per developer which will range from seven (7) to ten (10) acres in size and per site. They can be fit in smaller areas, so say five (5) to ten (10) acres, which all depends on the topography. Each developer is limited. They can have up to five (5) projects next to each other, but they have to be independently owned. The limitation comes down to comes down to the sub-station capacity and the line capacity. That limits it. Solar is less than .5¢ a kilowatt.

Chairman Phillips asked for other comments or questions.

Brittney Krebsbach, Novel Energy LLC, asked to share the benefits of positive and clean uses of solar energy gardens. Constituents save on electric bills. These solar projects provide twenty-five (25) years plus, of conservation. The land remains in production. It has similar positive impacts to CRP but with no cost of public dollars. Its conserving and restoring the soil with pollinator friendly grasses and native grasses. In 2019 there were over seven thousand (7,000) acres in CRP land in McLeod County. "I just want to make that clear, said Ms. Krebsbach." Community solar gardens produce revenue for the farm owners. It can go back into the economy and can help small farmers. "We should note that urban sprawl accounts for more than one-hundred thousand (100,000) acres per year in Minnesota

which is much more of a threat than solar development. There is also limited visual, sound and no odor impacts. Also, tree removal is not a practice Novel Energy wants to use. Subscribers will save 10-15 percent on their electric bills."

Board member Hausladen asked Ms. Krebsbach where she got the numbers from as he feels they are ambitious.

Ralph Kaehler, founder and owner of Novell Energy, said the cost of solar is now the cheapest. It's also the fast growing. It's greater than wind. It costs more to farm (5) acres versus (2,000) on a fixed cost. There are industry standards by the Natural U.S. Energy Labs which includes, the United States Department of Defense, the United States Government, NASA, and the Canadian Government. Solar gardens can be built in less than ten (10) months. Mr. Kaehler stands by his findings that solar is less than .5¢ per kilowatt.

Director Telecky shared, for the record, Ordinance Section 7, the purpose statement of the Ag District. "Essential Services are a Conditional Use Permit in the Ag District. The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to minimize scattered non-farm growth, and to protect from deleterious influences those farm locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools."

"With that being said, "A conditional use permit is not a permitted use with conditions like some people like to refer to. They are, when appropriately mitigated, allowed in certain areas when managed. That's why statutorily the rights have been given to the local government to review conditional uses as established by ordinance structure of where they should or shouldn't go," said Director Telecky.

Mr. Telecky said the hard to farm standards has been discussed over the last several months. It is the same standards used for housing in the Zoning Office. If housing were to be asked in the rural area, we ask that it be done in hard to farm areas and not in the middle of a forty (40) acre area somewhere.

Mr. Kaehler referred to the proposed zoning ordinance amendment that is being proposed stating it would restrict even further.

Board member Hoernemann asked Mr. Telecky if the definition of the Ag District just read aloud, was established by the County or State. It was established by the County, a purpose statement for the Ag District.

Chairman Phillips asked if there were any other questions.

Brian Keenan, IPS Solar, a thirty (30) year solar developer based in Minnesota, said he understands that some people are not as excited about solar. When we are here, we are representing the property owner. What we're doing here is on behalf of the subscribers. As a solar developer, we're here representing land owners like the Horstmann's and subscribers like AWI Manufacturing in Winsted. People are active participants. McLeod County resident are wanting this. Co-ops generally are not generators. Just remember, the work we are doing here is on behalf of the of citizens of McLeod, the subscribers.

I think it's new and different and not what we've seen in the fields. Concept change is hard. Back in the day wood barns were big and painted red and now we have huge galvanized tin sheds and large grain bins. They aren't much to look at either. The land owners that want to develop solar want to work with the County rather than against it," said Mr. Keenan.

The prohibition on solar in McLeod County has always been based on the use of farmland predicated in the County Land Use Plan which he has read in detail. "I don't know how someone reads this document and says that solar can't be developed in the county," said Mr. Keenen.

"There are three major objectives here, growth management, environmental protection and economic development, the three goals the governing body has to keep in mind as they're doing their land use and management. Solar provides all three of those," said Mr. Keenen.

Discussion continued regarding the screening that can be accommodated through the conditional use permit. There aren't odors. Just visual, which can be remedied. Allow limited non-farm development. Feedlots are being made better. There is no requirement for city water and sewer. It's not located in the middle of Hutchinson, but in the rural area.

Board member Hausladen commented that a farmer who rents the land has big equipment. The field gets cut up and it's difficult to maneuver.

Mr. Keenan said, "That seems like an issue between the tenant and the land owner."

Mr. Keenen continued to say, "We're always pushed into the least productive corner of the property."

Solar is singled out and not sure why, verses other development and non-farm uses. The County itself built a ten (10) acre Highway garage right down the road on State Highway 7 and County Road 15 and sub-divided it off of a big farm with a high CPI index. Winstock grounds are (275) acres of land. Mr. Horstmann cuts some hay production there, but production of that land is absolutely shot. That special event permit is reinstated annually by the County. It occurs one time per year. The use is compacting the land. It will never be the same. With pollinator plants, vegetation, and less erosion by wind, we are protecting the environment. The Planning Commission has a duty. It's beneficial to acknowledge Ag farming economy.

Mr. Keenen referenced page 46 of the County Comprehensive Land Use Plan. Agriculture is an important component of the regional economy and farm operators will be protected, to the extent possible, from development which may contribute to land use conflicts and/or nuisance complaints.

At the end of the day, we need to look at how this amendment would stand up if it were challenged. Obviously, the Board is aware there are several appeals in right now for this very reason, prime farmland used for solar. Is this argument that you're basing it on the land use plan, is that going to hold up in an appeals court? Is a judge with no emotional investment going to see it the same way?

I hope you can see that solar development fits in this category and it's not prohibited by this plan. We're protecting the environment and providing farmland more value than any other row crop or farm activities that could be done on that land. It is a steady twenty-five (25) year income. Solar helps farmers stay on the land. It all goes back into the community here. Solar development is providing and protecting more economic development. Solar is better than any row crop. Why would we try to push that down?

Chairman Phillips asked for any other questions.

Commissioner Luthens asked, "What does land produce per acre per year for solar?"

Mr. Keenen said, "We are about four (4) times more than it does for crops, revenue and electricity. These payments are to the land owner. It's a twenty-five (25) year lease. We need to have a twenty-five (25) year contract on the property in order for Xcel to view the CFQ."

Mr. Kaehler stated that having that contract makes that farm more sustainable. It increases the odds that the land stays in the family. Its one of the best revenue generators.

Commissioner Luthens questioned the lease and the number of years of the lease.

Brief discussion regarding the lease and the amount it generates took placed by Commissioner Luthens and Mr. Kaehler.

Commissioner Luthens asked Director Telecky if the county taxes change or not.

Director Telecky replied that he would need to leave that up to the County Assessor. It's a discussion that we've had at our Board in regards to capacity. I would strongly advise us not to answer that because counties do it differently. We do not receive a production tax credit on a one (1) megawatt project or less. The increase is strictly in the capacity of the land. To answer the question, Mr. Telecky would refer to the County Assessor.

Brief discussion ensued about tax credits.

Mr. Ralph Kaehler thanked the Board and introduced himself as the owner and founder of Novel Energy. "I come her with different method than maybe the others. I'm not going to ask you to like solar. I can't change that. I do come to you as a fourth-generation farmer on a one-hundred forty (140) year family farm. I moved off it in November and sold to my Son and Grandson. We have generations five and six on the farm. We have been active in the agriculture community. I ask the Board to go back to the mission of your job, to protect the public interest. The majority of people are in favor of renewable energy. Our state is moving to that. In your mission, constituent driven solar projects are good. The second part that many people forget about when they're on these Boards, you represent the majority, but your job is also to protect the individual from the majority and to keep people from having their rights trampled on.

Discussion took place about personal land, owners' rights and that we're fighting change.

Discussions regarding the removal of panels, cleaning of the site, and how quickly the site is restored, ensued. It can be done in ten (10) days and then ready to go back into production.

Board member Hoernemann quoted Ms. Krebsbach Mr. Keenen's comment about the land, once restored, can be easily brought back into production.

Mr. Keenen said it's a twenty-five (25) year span, so they have not run past that yet.

Board member Hoernemann said, "So you haven't decommissioned any gardens, so you can't say for sure."

Mr. Keenan said they work with engineers.

Mr. Kaehler explained the decommission process step by step. All that is left is one small pad of concrete and some old wire underground. The components will all be recycled and brought to a landfill. It is easy to clean the site.

Mr. Harlan Mathews asked if the glass is recyclable and if anything gets buried on site.

Mr. Kaehler said, "Polycarbonate over the top, yes." He went on to explain the process and said it's no different than computers. Nothing gets buried on site. Panels will still be 80% productive at twenty-five (25) years.

Mr. Mathews thanked Mr. Kaehler noting that he more than answered his question.

With no further discussion, Chairman Phillips asked for a motion to close the public hearing.

Board member Hausladen made a motion to close the public hearing. Commissioner Luthens seconded the motion. The motion carried to close the public hearing.

Chairman Phillips asked Director Telecky if he had any comments.

Mr. Telecky referenced the interconnection agreement that was discussed at the last meeting, noting it is not in this proposal, is if we want to require that as part of an application packet for McLeod County, but it is not in this proposal. If the Board wants to include it, it is advised to table this request and bring back in July with a potential addendum, if that's the direction the Board would like to move. The options are very simple. Recommend approval and forward to the County Board for review, and then seek final review by our County Attorney, then bring back and act on it. It can be denied. Or, you can table it to bring back in July with any additions or changes the Board would like to be made.

Board member Hausladen said he would like the addition of the interconnection agreement.

Director Telecky said they would need to have the interconnection agreement prior to the Board acting on it.

Mr. Keenex asked to make comment. Due to the public hearing being closed, Director Telecky apologized noting the closure.

Board member Hoernemann referenced the statements made about the court of appeals.

Director Telecky said April 22, 2021 was when we had a brief with the Court of Appeals for the first suit/case has ninety (90) days to render a decision which puts us into the end of July. There has been no decision yet. The other two were later so August somewhere before we will receive a decision back from the Court of Appeals.

Board member Hausladen shared, "We have a one-quarter mile setback to feedlots. There has been a lot of resentment from property owners having solar next to their properties, upset people, devaluing properties etc. How do you feel about the same setback? What is your honest opinion, Director Telecky?"

Mr. Telecky said if it is a conditional use permit that the factors that have been brought up in concern can be mitigate. If they can't, then denial.

Mr. Telecky discussed the setbacks Carver County has in place.

This proposed amendment wasn't meant and authored to restrict. It was to provide direction as to where these installations should be targeted and where the developers should start looking.

A short discussion of options to set setbacks from homes, businesses, and more continued briefly.

Marc Telecky appreciates the Comp Plan but the Zoning Ordinance is our legal guide.

Discussion about the amendment and considering additional options took place amongst the Board.

Chairman Phillips suggested to table this amendment item and investigate the interconnection agreement portion.

Board member Hoernemann confirmed that the Board is not trying to squash solar as gently accused of. We're trying to have guidelines to work with. Director Telecky appreciates the comment. Preservation of farmland is important to have a blend. As a community you try to have a good balance economically. A good plan will do that.

Discussion concerning setbacks took place.

Board member Merkins made comment suggesting that the setback does not need to be in ordinance.

Board member Hausladen is concerned about the small guy with panels being close to the living room windows.

Mr. Telecky said per Ordinance in a variance, a practical difficulty has to be proven.

After all discussion was completed, Board member Hausladen made a motion to table the proposed Zoning Ordinance Amendment until the regular Planning Commission meeting on August 25, 2021. The July 28, 2021 Planning Commission meeting will be for discussion on what amendment is to be determined.

Marc Telecky said the July 28 meeting will start on July 28 at 9:30 AM. The hearing will be re-opened for consideration.

Mr. Hoernemann asked about the interconnection agreement and if it would need to be incorporated prior to the meeting. Marc Telecky will research and bring findings, including options to the next meeting. The Board can then decide if they wish to incorporate it.

Board member Hoernemann seconded the motion to table the Zoning Amendment until August 25, 2021 at 9:30 AM at 1065 50th Avenue SE, Hutchinson. Discussion will take place at the July 28, 2021 Planning Commission meeting. The motion carried unanimously.

NEXT MEETING:

1) Mr. Telecky confirmed there are three (3) items to date on the July 28, 2021 meeting agenda.
    a. A conditional use permit by Danny Fischer
    b. Two conditional use permits on Lake Marion for seasonal housing (campers). One lot has one additional camper the second lot as two campers.

MOTION TO RECESS:

With no further business to be brought before the Planning Commission, Board member Hoernemann made a motion to recess until June 23, 2021. Commissioner Luthens seconded the motion. The motion carried.

Larry Phillips, Chairman *Sandra Posusta, Secretary*

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 21-09**

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description:	The applicant is requesting to construct a 50' x 56' cold storage building with a heated shop area on property that is more than 600' from his primary residence.
Applicant/Owner:	**Danny & Denise Fischer** 720 Tyler St. SW Hutchinson, MN 55350 **P.I.D# 01.021.0600**
Site Address:	**21996 Walden Ave.** **Hutchinson, MN 55350**
Requested Action:	Motion to approve a conditional use permit to construct an accessory building on a parcel without a primary structure and greater than 660' from the owner's residence.
Lot Size:	18.09 acres
Existing Zoning:	"A" Agricultural
Location:	**18.09 AC E 148' OF N 946' OF NE 1/4 NW 1/4 & N 946' OF W 950' OF PT GOVT LT 1**
Existing Land Use:	existing rural building site, tillable acres, wetland
Adjacent Land Use And Zoning:	**tillable acres, wetland, wooded acres**
Zoning History:	NA
Applicable Ordinance	McLeod County Zoning Ordinance Section 7, 16 & 17

SPECIAL INFORMATION

Public Utilities:	McLeod Coop Power

Public Services: SSTS, Individual Well

Transportation: Walden Ave.

Physical Characteristics: **The area requested to build a cold storage building is generally flat on the southeast side of the existing grove of trees. This proposed area is on the existing building site to be re-established as a rural residence.**

Analysis: The applicant is requesting to build an accessory building without a primary structure for the purpose of agricultural use. The applicant is intending to construct a dwelling in the near future.

Recommendations: If approved, staff would offer the following condition for consideration:

1) The structure shall be used for personal (non-business) storage only.

Cc: Danny & Denise Fischer– applicant

Fischer_01.021.0600

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60-DAY REVIEW WAIVER

To the McLeod County Environmental Services Department located at 1065 5th Avenue SE, Hutchinson, Minnesota 55350,

I hereby agree to waive the 60-day timeline requirement set by State

Statute on my request for a Conditional Use (type of application) dated 6/1/2021. (date of application)

Applicant's Signature

June 1st, 2021

Date

FLOOR PLAN

1' 6"
1 1/2"
12' 4 1/2"
1' 7 1/2"
12' 4 1/2"
1' 7 1/2"
12' 4 1/2"
5' 9 3/4"
8' 3/4"
1 1/2"
OH 1
12' x 12'
OH 2
12' x 12'
OH 3
12' x 12'
SV 1
3' x 6' 8"
1-A
1-B
1-C
1-D
Cold Storage
BUILDING 1
Heated Work Shop
50'
10'
24'
26'
20'
7' 8 1/4"
8'
56'

Design #: 315558740702
Store: HUTCHINSON

Post Frame

Post Frame Building Estimate
Date: Jun 1, 2021 11:44:03 AM

Elevation Views

[Type text]

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 21-10**

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description:	The applicants are requesting to place two (2) seasonal travel trailers on their property with their permanent cabin.
Applicant/Owner:	**Glen & Lisa Moldan** 1104 S. Front St. New Ulm, MN 56073 **P.I.D# 03.012.1500**
Site Address:	**11404 Sunset Dr. N.** **Hutchinson, MN 55350**
Requested Action:	Motion to approve a conditional use permit to place and use seasonal travel trailers (2) on a riparian lot (Lake Marion).
Lot Size:	120' x 135' of Gov't Lot 5 (.38 Acres)
Existing Zoning:	"A" Agricultural
Location:	**Section 12 Collins Twp.**
Existing Land Use:	riparian lot, seasonal recreation
Adjacent Land Use And Zoning:	**riparian lot, seasonal recreation**
Zoning History:	NA
Applicable Ordinance	McLeod County Zoning Ordinance Section 7, 13, 16 & 17

SPECIAL INFORMATION

Public Utilities:	McLeod Coop Power
Public Services:	SSTS, Individual Well
Transportation:	Sunset Dr. (township rd.)

Physical Characteristics: **The applicants are requesting to place seasonal travel trailers on the parcel during the spring through fall season for personal use.**

Analysis: The applicants are requesting a conditional use permit to place (2) travel travels on a sub-standard riparian lot for the purpose of personal use. The applicants have a small cabin on the parcel with a bathhouse constructed in 2020. The property is serviced by an individual septic system and well.

Recommendations: If approved, staff would offer the following conditions for consideration:

1) The placement of these travel trailers shall be more than 50' from the ordinary high-water mark and 5' from front and side property lines.
2) This property shall be limited to (2) travel trailers at any time.
3) No additional structures shall be constructed within 5 feet of the travel trailers unless all required setbacks are met.

Cc: Glen & Lisa Moldan– applicant

Moldan Map

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McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 21-11**

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description:	The applicants are requesting to place two (2) seasonal travel trailers on their property with their permanent cabin.
Applicant/Owner:	**Jeffrey & Pamela McColley** 65712 410th St. Franklin, MN 55333 **P.I.D# 03.012.1600**
Site Address:	**11360 N. Sunset Dr.** **Hutchinson, MN 55350**
Requested Action:	Motion to approve a conditional use permit to place and use seasonal travel trailers (2) on a riparian lot (Lake Marion).
Lot Size:	60' x 135' of Gov't Lot 5 (.19 Acres)
Existing Zoning:	"A" Agricultural
Location:	**Section 12 Collins Twp.**
Existing Land Use:	riparian lot, seasonal recreation
Adjacent Land Use And Zoning:	**riparian lot, seasonal recreation**
Zoning History:	NA
Applicable Ordinance	McLeod County Zoning Ordinance Section 7, 13, 16 & 17

SPECIAL INFORMATION

Public Utilities:	McLeod Coop Power
Public Services:	Individual Well

Transportation: Sunset Dr. (township rd.)

Physical Characteristics: **The applicants are requesting to place seasonal travel trailers on the parcel during the spring through fall season for personal use.**

Analysis: The applicants are requesting a conditional use permit to place (2) travel travels on a sub-standard riparian lot for the purpose of personal use. The applicants have a small cabin on the parcel with a well but no septic system onsite.

Recommendations: If approved, staff would offer the following conditions for consideration:

1) The placement of these travel trailers shall be more than 50' from the ordinary high-water mark and 5' from front and side property lines.
2) This property shall be limited to (2) travel trailers at any time.
3) No additional structures shall be constructed within 5 feet of the travel trailers unless all required setbacks are met.

Cc: Jeffrey & Pamela McColley– applicant

McColley Map

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Proposal to keep our two campers on our property:

1. We are applying for a Conditional Use Permit so we have the ability to keep our two travel trailers, both of which are in our names on our property on Lake Marion.
2. The placement of the campers does not restrict access to the lot nor cause any traffic issues on Sunset Drive
3. We plan to keep these 5 feet from neighboring properties.
4. There is no indoor plumbing in our cabin.
5. We own a Porta Potty placed discreetly on our lot and contract with a professional company for weekly service during the months that the campers are there.
6. We DO NOT use the Toilets in these campers, so there are no issues with dumping black water.
    a. We have always had and have on hand a "blue tank" for hauling and have not needed to use it for the lake property. If we were to use the black water we have a "blue tank" for hauling this to either the city Park where there is a dump station or across the lake to the campground where there is a dump station. But again, I wish to point out that we do not use the toilets in these travel trailers while they are parked on our properties.
    b. We have an electric pump we use when the grey water is used by anyone that will pump directly into the porta pottie when attached with a hose.
    c. Another option is the Mini Biff can pump out our black or grey tanks. However we have not needed this service.
7. I do the dishes in one of the travel trailers and this water is dumped in the porta pottie.
8. There are few dishes as we usually use paper plates, plastic forks, paper cups, etc.
9. Most cooking is done on a gas grill, Blackstone griddle, or on the open campfire.
10. We are following the setback guidelines, 50' from waterfront. Behind the front line of the cabin.
11. These trailers are for overflow sleeping when our adult children and grandchildren are there. Which is almost every weekend. during the summer months
12. We maintain our property cleanly, mowing the lawn as needed.
13. We are respectful of neighbors and keep the noise level to a minimum.
14. We simply want to spend quality time with our children and grandchildren and great-grandchildren, and occasional friends who come for the day.
15. Campers are only on the property during the spring/summer season and are kept off site the rest of the year.

June 1, 2021

RE: Jeff & Pam McColley: North Sunset Drive

To whom it may concern,

We are neighbors to the south of Jeff and Pam McColley. We have lived in this location for over eight years. Not only have they been good neighbors, we also consider them friends.

They have always shown us respect and courtesy. They keep their property well maintained as is evidenced by the consistently mowed lawn. They also have tasteful décor enhancing their property.

Jeff and Pam value their legacy property and the neighbor relationships. They enjoy the property on weekends from time to time throughout the spring summer months. Their family also enjoys the property and is respectful of the neighbors.

We fully support Jeff & Pam's application for a Conditional Use Permit.

Respectfully,

Cathy Olson

Tim & Cathy Olson
11354 North Sunset Drive
Hutchinson, MN

To Whom It May Concern:

Pam and Jeff Mccolley have been our neighbor for as long as our families have owned the properties, and they have always been great neighbors. We have always known them to be respectful of others and have never caused any concerns. We fully support their request for the conditional use permit to allow them to park their campers and to enjoy time with their family.

Sincerely

Glen and Lisan Moldan

McColley Property

To who it may concerns:

I am writing this letter in concerns to the fact that we heard that Jeff and Pam got a letter concerning the campers on their property. We feel that they are not causing any problems there. They keep the property very clean. They are not loud partiers. They have an outside toilet that is kept very well clean no smell and they have a fence around it that keeps it very discreet. They have come to our home many times to shower if need be or we know that they have also used the Lake Marion campground to shower. They keep the lakeshore clean and very dressed with flowers and ornaments. We have not yet seen their lawn and property not maintained and we have permanently lived here for about 10 years.

Gary and Mary Bielke

Gary Bielke 6-17-21
Mary Bielke 6-17-21

WAYNE
UTILITY PUMP
115 V Transfer Pump
60 Hz. 150 WATTS, 2 AMPS
Pushes water 30' high
Thermally protected
Made in China
Model PC2
CAUTION
WARNING

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 21-12**

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description: Ross Horstmann and Lisa Blazinski are requesting to construct a 2nd dwelling on his mother's (Diane) property for the purpose of family care. The applicant's mother lives on the property in a mobile home and the applicants would like to remove the old farmhouse and construct a new dwelling to care for Diane Horstmann.

Applicant: Ross Horstmann & Lisa Blazinski
401 HOWARD ST NW, PO BOX 7
Silver Lake, MN 55381
P.I.D# 11.011.0200

Owner: **Diane Horstmann**
17485 Garden Ave.
Lester Prairie, MN 55354

Requested Action: To construct a 2nd family care dwelling on the above referenced property.

Lot Size: S ½ NE ¼ EX 1 AC & E ½ SE ¼ NW ¼ & 287' X 110' X 306.59' X 111.73' IN NE ¼ NW 1/4 SE ¼ 99.75 Acres

Existing Zoning: "A" Agriculture

Location: **S ½ NE ¼ Section 11 Rich Valley Twp.**

Existing Land Use: Rural building site

Adjacent Land Use And Zoning: "A" Agricultural

Zoning History: NA

Applicable Ordinance McLeod County Zoning Ordinance Section 7, Subd 3, Subp. 1

SPECIAL INFORMATION

Public Utilities: McLeod Cooperative Power

Public Services: SSTS, Individual Well

Transportation: Garden Ave.

Physical Characteristics: This is an existing 99.75 acre building site with tillable and low ground owned by the applicant's mother in a living trust.

Analysis: The applicant has submitted a letter from the physician stating the need for assistance. The applicant will be contacting a septic contractor for the purpose of obtaining a septic system design. Water supply is provided from the primary dwelling with a line buried.

Recommendations: If approved, staff suggests the following conditions:
1) The 2nd family care dwelling shall be a modular or manufactured dwelling (already on site).
2) The 2nd dwelling shall be removed or the existing farm dwelling will need to be removed once the assistance is no longer needed.
3) An annual letter, submitted to McLeod County Environmental Services, from her physician will be needed to continue the use of the 2nd dwelling.

Cc: Ross Horstmann/Lisa Blazinski– applicant

Horstmann, CUP21-12

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Horstmann, CUP21-12

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McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 21-13**

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description: The applicant is requesting to establish an indoor gun range in a portable trailer engineered specifically for firearms.

Applicant: **Randy Forcier**
15719 Walden Ave.
Hutchinson, MN 55350
P.I.D# 09.020.0400

Owner: **Layne & Robyn Kenney**
21996 Walden Ave.
Hutchinson, MN 55350

Requested Action: Motion to approve a conditional use permit to establish an indoor firearms range in an enclosed trailer.

Lot Size: E 1/2 NE 1/4 EX S 30 AC & 2067.86' X 21' X 2067.86' OF W 1/2 NE ¼ 50.50 Acres

Existing Zoning: "A" Agricultural

Location: **E ½ NE ¼ Section 20 Lynn Twp.**

Existing Land Use: existing rural building site, upland, wetland

Adjacent Land Use And Zoning: **tillable acres, wetland**

Zoning History: SSTS 2021

Applicable Ordinance McLeod County Zoning Ordinance Section 7, 16 & 17

SPECIAL INFORMATION

Public Utilities: McLeod Coop Power

Public Services: SSTS, Individual Well

Transportation: Walden Ave.

Physical Characteristics: **Rural building site**

Analysis: The applicant is requesting to place an enclosed trailer (purchased from manufacturer) to establish an indoor gun range. The applicant currently uses a portion of the property to operate a gun shop in an accessory building smaller than 2,400 square feet.

Recommendations: If approved, staff would offer the following condition for consideration:

1) The trailer shall meet the minimum accessory building setbacks established in Section 7 of the McLeod County Zoning ordinance.

Cc: Randy Forcier– applicant

Forcier Map

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Scott Hinton
Scott@mrtrange.com
303-489-1767

1002 Central Freeway
Wichita Falls, TX 76306

PRICE SHEET, SPECS AND OPTIONS 53' CUSTOM, Quote:

53' Static Pistol Container Range (most common pistol calibers up to 44 MAG – (no rifle caliber pistols). Firing Range 360° ¼" Steel Plating with: ✓ 2 Shooting Booths with LED Lights ✓ Shooters Shelves ✓ 2 Shooting Lanes with 12-yard Hard Rail Target Retrieval System ✓ MRT Bullet Trap with Replaceable Wear Plates ✓ MRT HEPA Air Filtration - utilizing 100% outdoor air that passes across the shooters with 4-ton AC/Heat ✓ Insulated Between Framing and 1" Drywall Between Framing and Container to Reduce Exterior Noise ✓ 2" Sound Foam on Ceiling (firing line forward), ✓ Rubber Floor ✓ Meets / Exceeds Federal Standards ✓ Easy to Clean Paintable Surface up to Firing Line. ✓ Only Needs Single Phase 50amp, 208/220 Circuit, 70amp with Control Room ✓ 1-year Parts Warranty, ✓ Customers Choice of Exterior Paint Color and ✓ 1 Day onsite Training. $169,900 plus shipping and setup. Delivery within 90-120 days of order for Base Unit!

OTHER OPTIONS

#	Part Number	Part Description	Qty	Unit	Unit Cost ($)	Extended Cost ($)	Total Cost
001	GEN-100	Generator complete (no remote start)	1	Ea.	$28,400	$28,400	
002	CR-100	Control Room (10 Yard Range)	1	Ea.	$21,650	$21,650	
003	RIFLE	Rifle rate up to 308 win.(7.62x51)	1	Ea.	$49,900	$49,900	
004	STAIR	Alum Stairs	1	Ea.	$1,750	$1,750	
005	AR-100	Air Recirculating (extreme Climates)	1	Ea.	$16,900	$16,900	
006	TRL-53	53'Container Trailer	1	Ea.	$25,500	$25,500	
007	DRY-53	53' Dry Van Option	1	Ea.	$69,900	$69,900	
008	DRWT-F	Down Range Wall Treatments Sound Foam	1	Ea.	$17,900	$17,900	
009	DRWT-R	Down Range Wall Treatments Sound Foam	1	Ea.	$27,900	$27,900	
010	CR-2TL	Turning Target Retrieval System	2	Ea.	$13,988	$27,976	
011	CR-2TL-Strobes	3-levels white, red/blue strobes - mounts in front of drive unit	2	Ea.	$1,190	$2,380	
012	CR-2TL-MC	CR-2TL master control (12" touchscreen)	1	Ea.	$12,995	$12,995	
						Total Options	
						Base Unit	$169,900
						Shipping and Setup	Quote
						Tax	
						TOTAL	

Side View

Back view

PROPRIETARY AND CONFIDENTIAL

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	NAME	DATE
DRAWN	TKM	12/20/2018
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ENG APPR.		
MFG APPR.		
Q.A.		

MATERIAL

FINISH n/a

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCES:
X.X : ± 0.1"
X.XX : ± 0.03"
X.XXX : ±0.005"

Mobile Range Technologies

TITLE: 53 W/control room

SIZE B | DWG. NO. 53FT Assembly | REV A

SCALE: 1:96 | WEIGHT: | SHEET 1 OF 1

[Type text]

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **Sketch Plan** 21-03

Date: July 6, 2021 – **Meeting Date: July 28, 2021**

GENERAL INFORMATION

Brief Description: David Broll is requesting approval for a 3-lot sketch plan located in the NW ¼ NW ¼ of Section 36 Lynn Township. This request is a re-plat of an existing platted 6.25-acre wooded parcel.

Applicant/Owner: David Broll
902 Hwy 15 S. STE 400
Hutchinson, MN 55350
P.I.D# 09.064.0010

Requested Action: Motion to approve a 3-lot sketch plan

Lot Size: **Lot 1 = ~175' x 449 = ~1.80 acres**
Lot 2 = ~175' x 449 = ~1.80 acres
Lot 3 = ~410' x 215' = ~2.60 acres

Existing Zoning: "A" Agriculture

Location: **NW ¼ NW ¼ Section 36 Lynn Twp.**

Existing Land Use: platted wooded lot

Adjacent Land Use And Zoning: "A" Agricultural, platted lot

Zoning History: NA

Applicable Ordinance McLeod County Zoning Ordinance Section 7, Subd 6.
McLeod County SSTS & Subdivision Ordinance

SPECIAL INFORMATION

Public Utilities: McLeod Coop Power

Public Services: SSTS, individual well

Transportation: Tagus Ave. (CR 54)

Physical Characteristics: **This is a ~6.25-acre lot that is wooded and relatively flat.**

Analysis: **The applicant is requesting to create 2 additional buildable lots on this non-tillable acreage. The soils per the McLeod County Soil Survey support a site and an alternate site for a septic system on each lot. The National Wetland Inventory (NWI) map do not indicate the presence of wetlands.**

Recommendations: Staff does not have concerns with this request. Preliminary review of the site does show that there is adequate area for a building site on each lot without limiting features.

Cc: David Broll – applicant

SKETCH PLAN APPLICATION 21-03

Marc Telecky, McLeod County Environmental Services Director
1065 5th Avenue SE, Hutchinson, MN 55350
PH: (320) 484-4344; FX: (320) 484-4315

➢ ***You must call your township clerk to get on the agenda of the township board meeting to receive their recommendation to this application. Once you have obtained their recommendation and signature, return this application to the Zoning Office for your public hearing with the McLeod County Planning Advisory Commission.***

Application Date: July 2, 2021

Applicant Information:		**Property Owner Information:**	
Name:	David Broll – Keller Williams Realty	**Name:**	First Class Builders Inc.
Street Address:	902 Hwy 15 S. STE 400	**Street Address:**	902 Hwy 15 S. STE 400
City:	Hutchinson	**City:**	Hutchinson
State / Zip Code:	MN 55350	**State / Zip Code:**	MN/55350
Phone No.:	(320) 583-8795	**Phone No.:**	
e-Mail Address:	david@thebrollteam.com	**e-Mail Address:**	

No. of Lots	3-Lot	**Section / Township**	Lynn/36	**Present P.I.D #:**	09.064.0010

Purpose: 3-lot sketch plan on an existing platted lot (Lot 1 Block 1 A M 2 Subdivision)

Applicant's Signature D W Broll, ***Date*** 7/2/2021

(First Class Builders, Inc)

Property Owner's Signature D W Broll, ***Date*** 7/2/2021

TOWNSHIP BOARD RECOMMENDATION

_____ **TOWNSHIP BOARD** recommended ☐ **approval** ☐ **denial** of this Sketch Plan on

_____. Signed _____, Chairperson.
(DATE)

McLEOD COUNTY PLANNING COMMISSION RECOMMENDATION

McLEOD COUNTY PLANNING COMMISSION recommended ☐ **approval** ☐ **denial** of this Sketch Plan on

_____. Signed _____, Chairperson.
(DATE)

McLEOD COUNTY BOARD OF COMMISSIONERS

THE McLEOD COUNTY BOARD OF COMMISSIONERS ☐ **approved** ☐ **denied** this Sketch Plan on

_____. Signed _____, Chairperson.
(DATE)