

MINUTES  
CLAY COUNTY PLANNING COMMISSION.  
7:00 P.M., TUESDAY, SEPTEMBER 18, 2018  
MEETING ROOM B - THIRD FLOOR COURTHOUSE

Members Present: Mark Klevgaard, Tom Jensen, Amos Baer, Dan Langseth, Randy Schellack, Bill Davis, Jenny Mongeau, Andrea Koczur. Joel Paulsen

Members Absent: Tim Brendemuhl, Curt Stubstad

Others Present: Ben Oleson, Steven Beitelspacher, Rita Rueckert, Colleen Eck, Cecil Johnson, Todd Thompson, Russell Pfaff, Tim Thompson, Jane Qualey, Jerald Butenhoff, Keith Langseth

APPROVAL OF AGENDA

On motion by Andrea Koczur seconded by Bill Davis, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Randy Shellack, seconded by Bill Davis, and unanimously carried, the Planning Commission approved the April 18, 2017 Minutes as presented.

CITIZENS TO BE HEARD

Tim Thompson spoke regarding the Wagner property issue complying with a court order. The 9-month extension for compliance will expire September 19, 2018. Power supply and deck are not in compliance. Thompson was issued a restraining order last Friday. None of the property has changed hands in that area and all property surrounding the Wagner property is still owned by the Thompsons. Thompson has 2 parcels of property that abut the Wagner property on the field side. He is asking for diligence from the Commission in enforcing compliance. Thompson states their property in that area is also owned under Frank Thompson and Frank W Thompson and Sons, Inc. and he is representing these owners. Labor Day weekend Wagner removed about a 4-foot section of deck. Electrical supply is still on premises. Xcel Energy and Sheriff's Deputies have been out there. There was a propane tank that was previously moved and then an additional tank was placed that is overhanging on township property. Thompson does not believe there is any current movement for Wagner to become compliant and he is asking that they obtain use of their property pursuant to current rules and ordinances. They are working through the Sheriff's Department to resolve the issues. Thompson's future plans include putting up a permanent fence once this issue is resolved. Closest structure should be 15 feet from the property line. Jenny Mongeau stated she has had contact with the Sheriff's Department on this matter. Steve Beitelspacher was asked by Chair Amos Baer about the Commission's responsibility in this matter and Beitelspacher advised that it is a legal matter.

Jerry Butenhoff is a line function supervisor and is on the Alliance Township Board. One of the propane tanks moved was placed on a township alleyway within the town of Baker. He stated that he would be inclined to leave the situation alone if it was only the propane tank; however, there are too many other mitigating factors in this situation. He asked for some guidance on what the next step will be. Butenhoff clarified that Wagner placed the propane tank on an abandoned alley within Baker. Langseth stated that if the alley is formally abandoned the area can be taken over by the adjoining property owners. The alley has not been formally abandoned. Butenhoff stated that he is concerned that overlooking the placement of this propane tank will be setting a precedence for other residents. There is a community well with Thompsons and other residents in the area in question. There was discussion regarding the requirements to do a formal abandonment of the alley area. Butenhoff states that abandoning that alleyway would then create 3 landlocked lots. The Commission discussed new surveys and platting. Jensen asked if the alleyways would be used by utility companies for access and stated that easement issues could be a way to approach the situation. Jensen asked if the County Attorney office would assist the Township with this.

Butenhoff also inquired about another piece of his property regarding a neighbor to the south that has a deer stand encroaching his property line with a leg of the stand. He asked if he can move the deer stand and push the leg back on to the neighbor's property so he is able to install a fence. County line setback on fences is the property line or 12 inches. Butenhoff just purchased this property a year ago and had it surveyed. The survey sticks were removed on the south side and he had to pay for a second survey to install the fence. The other property owner is now contesting where the line is supposed to be. This land was all in CRP and it includes about 50 acres. Butenhoff indicates that this transaction has not been recorded at the Courthouse. He intends to install a fence October 1<sup>st</sup>. He has called the Sheriff's Department on this matter.

Todd Thompson, brother of Tim, approached the overhead photo being displayed, explaining the differences of the GIS lines as well as where the disputes are regarding the Mike Wagner property. He stressed that he needed action taken on September 19<sup>th</sup> or believes the whole process will need to start over again. Todd Thompson indicated that Wagner requested to buy a triangular area of the property from him and that request was denied. Thompson states that he is unable to sell or do anything with his property while Wagner remains on the property. Beitelspacher states that the compliance deadline would be end of court day of September 19<sup>th</sup>.

Beitelspacher states that the court gave 9 months for Wagner to become compliant after he pled guilty. Clarification was made that there is only a deadline for September 19<sup>th</sup> and that there is no hearing currently scheduled for that date.

Todd Thompson requested the Commission to consider requiring a survey before selling any tax forfeited property in the future.

CONSIDERATION OF AMENDMENTS TO THE CLAY COUNTY DEVELOPMENT CODE ALLOWING FOR RENEWABLE ENERGY SYSTEMS AS A REGULATED USE.

The Planning Commission is considering development of an ordinance that would allow for energy systems (including wind and solar) provided they meet certain standards relating to location, setbacks, height, decommissioning, and other factors and is seeking public input as it drafts the specific ordinance language.

On motion by Tom Jensen, seconded by Joel Paulsen, and unanimously carried, the Planning Commission opened the public hearing.

Ben Oleson referred to changes he made to the draft of the Renewable Energy Systems Ordinance. He stated if the Planning Commissioners are comfortable with the language they could proceed with making a motion, otherwise table it for further discussion. This Ordinance refers to renewable energy for homes and not for large scale wind or solar farms. The question was asked if this was just an issue in case or if there were actual projects in the works. Oleson states that he has been contacted by one solar company that is currently interested in development possibilities. Mongeau stated that she had previously been on a sub-committee for this Ordinance. The proposed Ordinance would be similar to Stearns or Douglas Counties' current Ordinances. Setbacks from residences are dependent on size but typically 100 feet. Oleson states they would prefer to leave the solar items on a case-by-case basis to allow for flexibility. Wind tower setbacks would be 1.1 times the height of the tower. There was discussion about the minimal noise created by wind towers.

There was discussion about ground cover, trees and weed control around the solar panels or wind towers. Good native vegetation void of weeds would be required. Bond and escrow would be required but there were questions about the life of that escrow.

Nobody in the audience came forward to speak regarding this ordinance.

Mongeau expressed she was pleased with the progress Clay County is making regarding wind and solar use and feels it is beneficial. Other committee members also expressed their appreciation with the County moving forward on this matter.

On motion by Randy Shellack, seconded by Andrea Koczur, and unanimously carried, the Planning Commission closed the public hearing.

There was further discussion about Resource Protection Districts. Discussion included land alterations, setbacks and building. Changes can only be made by removing overlay districts or applying a variance to the area.

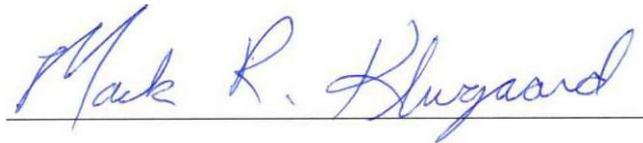
On motion by Bill Davis, seconded by Dan Langseth, and the Planning Commission unanimously recommended approval of the Renewable Energy Systems Ordinance to the County Board of Commissioners.

OTHER BUSINESS

Mongeau introduced newly hired Administrative Assistant Rita Rueckert to the Committee. She also advised that the Commissioners had approved for hiring a Planning and Zoning Technician.

Adjourn:

On motion by Jenny Mongeau, and seconded by Tom Jensen, the meeting adjourned at 7:54 p.m.

A handwritten signature in blue ink that reads "Mark R. Klevgaard". The signature is written in a cursive style and is positioned above a solid horizontal line.

Mark Klevgaard  
Planning Commission Secretary