

## STILLWATER TOWNSHIP PLANNING COMMISSION

October 6, 2022 - Stillwater Township In-Person– 7:00 PM

### Meeting Minutes

PRESENT: Chairperson Frank Countryman, Planning Commissioners Robyn Stoller, Katie Driver, Alan Robbins-Fenger, Dan Loveridge and Carrie Rolstad. Clerk Barbara Riehle and Planner Evan Monson.

### **REGULAR MEETING**

1. **AGENDA** – M/S/P Stoller/Loveridge moved to approve the agenda as written. (6 ayes)

### **PUBLIC HEARING**

A. **14033 120<sup>TH</sup> St N** – Consideration of an application request from All Energy Solar, on behalf of the property owners, for a conditional use permit to install a ground-mounted solar array at a size of 1,112 SF.

The public hearing was opened. Planner Evan Monson began with a summarization of the request. The Township zoning ordinance in regards to solar energy systems (SES) have an 800 SF maximum size limitation; however, properties over 20-acres in size and that are used for agricultural use may apply for a Conditional Use Permit (CUP) to have an SES larger than 800 SF. Planner Monson's staff report indicates the parcel description and the evaluation of the request by application of the Developmental Code. There were a number of criteria items including but not limited to setbacks and height limitations, that were reviewed and have been met by the applicant. Planner Monson's findings as listed in the staff report state that the applicants have met the criteria for the CUP as proposed for the ground-mounted SES. It is Planner Monson's recommendation that the Planning Commission recommend to the Town Board approval of the CUP request, with the following conditions:

1. The proposed solar energy system shall adhere to the plans submitted to the township and reviewed with this CUP request.
2. The proposed ground-mounted system shall not exceed the size as shown in the submitted plans of 1,112 SF. An increase in size of the ground-mounted solar energy system shall require an amendment to this CUP.
3. The applicant shall secure any other applicable Federal, State, County and local permits required for the project.
4. The applicant shall pay all fees and escrows associated with this application.

Both Representative Danielle DeMarre with All Energy Solar and Resident Applicant Chad Sandstrom were present to answer questions pertaining to the application.

Commissioner Robyn Stoller noted the existing screening on the site is heavy. Ms. Stoller asked their reasoning for ground-mount over roof? Mr. Sandstrom answered that his existing roof line doesn't face south and since they do have trees it was not the most

advantageous. He added that a ground-mount met the dual use as it provided shade for his 15-acre sheep ranch/Agricultural use.

Commissioner Carrie Rolstad asked what the projected kilowatt usage and the capacity of the system they are desiring to install? Ms. DeMarre answered that the site's annual consumption is projected to be 23,000 kilowatt hours annually and this system is set up to produce enough solar to cover just over 110%, which is offset to cover the flex in weather changes and/or usage changes. A good renewable energy source.

Was this one of the reasons behind needing over 800 SF? Yes, to match the load. The plan is to store energy; a battery system will be in the home, a good mobile battery source for future use. Are there any plans to expand the size in the future? No, there is not an expectation of expansion.

The public hearing was closed.

No further discussion was needed by Commissioners.

M/S/P Stoller/Driver moved to recommend approval of the CUP request to the Town Board with the conditions as stated above and in Planner Monson's staff report. (6 ayes)

2. **MINUTES** - M/S/P Loveridge/Rolstad moved to approve the 08/18/22 Planning Commission Regular meeting minutes as written. (6 ayes)

3. **PLANNER** -

A. **Short-Term Residential Rentals**

Planner Evan Monson gave a brief recap on this topic of ongoing discussion. At the last meeting in August 2022, there were legal questions that needed attorney response.

A short-term residential rental is a house that would be rented for a period of time of less than 30 consecutive days. In the last few years, homeowners have opened up their homes for rent online by visitors who typically rent for a week or weekend. Whether Vrbo or Air-BnB, these are all classified as STR (Short-Term Rentals). Stillwater Township does not have an ordinance or rules addressing STR at this time. The Planning Commission has reviewed and discussed the topic at a number of previous meetings.

Planner Monson has presented working drafts (#5) for review. This ordinance would create an STR licensing system, which residents would have to apply for. In addition, the draft included the following for further review:

1. Terms/definitions
2. Licensing - application, length of license, revocation of license
3. Standards
4. Penalties for violations

Planner Monson reported on legal responses which included a “hold harmless” clause, and a recent court case ruling which impacts the “owner-occupied” requirement for STR ordinances. The recommendation by attorney Soren Mattick would be to discuss further consideration of licensing standards as per the staff report.

**DISCUSSION:**

Planning Commission Members made the following discussion points:

- Owner Occupied requirement – the need to study the reasoning more in depth.
- Alternatives to owner-occupied such as operator on site (like a home business), increase licensing fees, capping licenses issued, increasing enforcement and stiffer penalties.
- Language vagueness; careful on specific wording used in ordinance.
- Clear reasoning of findings and intent needed.
- Increased enforcement and stiffer penalties/fines.
- License revocation with infractions. Section 5, change to 2x in 12-month period.
- Reporting and administrative documentation of complaints, etc. - TBD
- Noise ordinance / disorderly conduct.
- Free standing ordinance – add quiet hours 10pm-7am as a possibility.
- Commissioner Alan Robbins-Fenger suggested adding a separate section for administration reporting whether it be CSO or Designee.
- Commissioner Robyn Stoller believes a \$200 licensing fee previously discussed is too low. The Town Board will determine the fee.
- STR property owners can specify renter house rules as they wish (i.e., no parking on grass, no outdoor fires, etc.)
- Correction of draft section numbering.
- Clarification needed to define what happens when an application is received. What accompanies an application? What is the Documenting process, etc.?
- Commissioner Robbins-Fenger suggested “age” changes. Consensus by Commissioners was to change from age 18 to age 21.
- Commissioner Driver suggested consistency “30 consecutive days” both Sections 3 and 6.
- Definitions discussed: “weekend” is defined as period of Friday evening to end of Sunday.
- Maximum 75 rental days per year and 2 weekends per month.
- Remove the Owner-occupied reference in Section 2
- Capped licenses
- Fees
- Homesteading
- Notification to property owners; specify not adjacent but ¼ mile radius instead to include across the road or 10 properties nearest to notice whichever is the greatest number. This follows the CUP notification requirement.
- Website – what should be posted?

- Planner Monson will provide an updated draft ordinance with all the discussed edits and changes for review at a future meeting. (November).
4. **OTHER BUSINESS** – Planner Monson suggested a future agenda item: Planning Commission Orientation (review process, procedure, etc.). This could be covered when the agenda is lighter, perhaps after the STR Ordinance is completed.
  5. **TOWN BOARD LIAISON REPORT** – No report given.
  6. **ADJOURNMENT** – The meeting was adjourned at 9:05 p.m. M/S/P Stoller/Robbins-Fenger (6 ayes)
  7. **NEXT MEETING** – November 3rd at 7pm.

Submitted by: Clerk Barbara Riehle