

SUNFISH LAKE PLANNING COMMISSION MEETING
AUGUST 15, 2024
7:00 P.M.

Attendants

Chair: Tom Hendrickson
Commissioners: Present: Dominick Driano, Jeannine Naves, Claire Nobel and Kevin Wu
City Planner: Lori Johnson
City Clerk: Christy Wilcox
Members of the General Public.

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:10 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Driano moved to adopt the agenda as presented, seconded by Chair Hendrickson. Motion carried (5-0)

3. APPROVE MINUTES, MAY 23, 2024, PLANNING COMMISSION MEETING: Chair Hendrickson asked if there were any additions or corrections to the May 23, 2024, Planning Commission meeting minutes.

Commissioner Naves moved to approve the May 23, 2024, Planning Commission minutes seconded by Commissioner Driano. Motion carried. (5-0)

4. PUBLIC HEARING: A. CONDITIONAL USE PERMIT REQUEST FOR GROUND MOUNTED SOLAR ARRAY. Chair Hendrickson opened the meeting for the purpose of a public hearing on the application for a Conditional Use Permit request. St. Annes Episcopal Church is requesting to install a solar array on the church property at 2035 Charlton Road. The array will consist of two rows of panels that are 93 feet 8 inches by 12 feet 8 inches. The rows are separated by 18 feet 1 inch. The arrays will be located in the side yard of the property along Highway 62. Commissioner Hendrickson asked if there were any questions from the applicant or the public.

Steve Kleist from Inspectron asked if they had located the septic drain field. The City Planner noted that the applicants have not located the drain field but that will be a condition of the permit.

Commissioner Wu noted that once the septic drain field is located that there is a strong potential that the location of the array will need to be revisited.

A member of St. Annes and member of the solar committee believed that over a year ago the drain field was located and had the original systematics from 1992. Reverend Jennifer McNally also stated they have all the information regarding the drain field and will get that to the City.

Commissioner Hendrickson asked if there was a setback from the drain field or the tanks in place. Planner Johnson said the city does not but the state does. The state says requires 10 feet from tanks and 20 feet from the drain field.

Commissioner Wu acknowledged the complaint that was received. Reverend McNally indicated that they have meant with the individual that did complain and feel that this has been resolved and ended on a positive note. St. Annes strives to be good neighbors and will continue to do so.

Commissioner Naves indicated that there will be no additional lighting attached to the structure and agreed with Commissioner Wu that it would be better if this would be more towards Charlton Road.

Chair Hendrickson would recommend making a condition that the pipes that are holding the array are at least the minimum away from the mound and the tanks. If there is a dramatic impact on the solar array system, then it could be revisited.

Planner Johnson asked the applicant how many holes would have to be dug for this array. The applicant indicated that there will be 30 holes per array.

After discussion regarding the screening, it was the consensus that no recommendation of screening is recommended. If the church does receive complaints after the construction of the array, they will work with the City and the residents to resolve any issues.

Commissioner Noble asked for the timeline for this project. The applicant indicated this fall or in the spring when the ground is ready.

Chair Hendrickson asked if the Commissioners had any questions or comments. Chair Hendrickson closed the public hearing.

Chair Hendrickson would recommend approval to add a condition that the final location of the arrays is determined by the septic tanks and drain field locations and that we adhere to the state statute requirements for the posts and the septic tank location be provided or another site plan location.

Planner Johnson stated that staff is recommending approval of the Conditional Use Permit subject to the fourteen (14) conditions as listed in the Findings of Fact which would include the two additional conditions added this evening.

Commissioner Driano moved to recommend approval of the Conditional Use Permit for Ground Mounted Solar Array subject to the conditions as listed in the Planner's report dated August 8, 2024, and the two additional conditions added this evening, seconded by Commissioner Hendrickson. Motion carried (5-0).

5. Zoning Ordinance Amendments

The Zoning Ordinance for the city currently requires a setback of 150 feet between a septic system and the Ordinary Highwater Level (OHWL) for properties within the Shoreland Overlay District. In recent months the city has received two variance requests from different property owners within the Shoreland Overlay District for setback reductions from the OHWL because their septic systems are failing or will fail soon. These property owners live on smaller, nonconforming lots within the Shoreland Overlay District and there is no possible way for the new systems to meet the 150-foot setback from the OHWL.

The city's ordinance exceeds the DNR's 75-foot setback requirement from the OHWL for septic systems. The variances that have been recently requested would place the septic systems between 19 feet and 36 feet from the OHWL. Thus, even if the city had a 75-foot setback requirement in place from the OHWL for

septic systems, the two lots requesting variances would still not be able to meet the 75-foot setback requirement.

The city has received indications from the City's septic inspector that there will be many failing septic systems within the city in the next few months/years due to the average age of homes in the city, or due to home sales that require an inspection of the systems. These inspections have been leading to failed or failing systems. Installation of new systems prior to a sale is time consuming, and on smaller, nonconforming lots, variances are likely to be required for the location of the systems. The variance application is a two-to-three-month process and can be very costly to property owners both in terms of time and money.

The City Council and Planning Commission have expressed their desire to revise the zoning ordinance to accommodate reduced setbacks for septic systems from the OHWL on various lots throughout the city. WSB researched the effect of a 150-foot setback and a 75-foot setback on all riparian lots throughout the city. This included lots on Hornbeam, Sunfish and Horseshoe Lake. The maps depicting this research are attached for your review. The maps provide an approximate depiction of the setbacks and a depiction of the lots that would likely not be able to meet setback requirements due to the size of the lots, and the location of buildings on these lots. There is a significant difference between the number of lots potentially affected by the 150-foot setback versus the number of lots affected by the 75-foot setback.

Staff has elected to propose ordinance changes that will include the creation of a Septic System Overlay District. The lots that are included in the overlay district have been chosen because of their smaller size, location adjacent to the OHWL (also within the Shoreland Overlay District) and building locations on the lots as depicted on the Septic System Overlay District map. The overlay district standards will allow reduced setbacks with other stipulations included.

After much discussion, it was the consensus of the Planning Commission to table consideration of the ordinance.

Chair Hendrickson moved to table consideration of the proposed *Septic System Overlay District (SSOD)* for further review, seconded by Commissioner Wu. Motion carried. (5-0).

OTHER/NEW BUSINESS:

5. ADJOURN

Chair Hendrickson moved to adjourn the meeting at 8:06 p.m., seconded by Commissioner Naves. Motion carried. (5-0)

Respectfully submitted,

Christy Wilcox, City Clerk