

**Harris Planning Commission  
Regular Meeting Minutes  
Monday, February 26, 2024**

- I. **Call to Order** – Chairman Siedow called the Planning Commission to order at 7:00 pm.
- II. **Pledge of Allegiance** – All present participated in the Pledge of Allegiance.
- III. **Roll Call** – City Clerk Shannon Geier conducted roll call. Present were Chairman Al Siedow, Commissioner Shari Denny, Commissioner Neil Elmquist, and Commissioner Jeff Borash. Commissioner Haley Peabody was absent, City Clerk Geier announced a quorum was present.
- IV. **Public Hearing** – 2024-02 Solar Ordinance: Siedow opened the public hearing at 7:03 pm. Nathan Dull was present on behalf of the Minnesota Land and Liberty Coalition, a non-profit group. He commended the City for taking the steps to build a solar ordinance as it is important for protecting the City, property owners, and their neighbors’ property rights. There were a couple of things that stuck out in the proposed ordinance as items of concern for him. The first was under the Principal Use General Standards, Site Design, Setbacks (#5) “All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.” That statement is subjective. Who gets to determine what “fully screened” means? Is it from the landowner or the neighbor’s perspective? From the road? Possibly it could be tightened up, or it may become a point of conflict. Another item of concern is under Decommissioning (d) “The City requires the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.” Dull stated there was no amount listed. He thought it would be beneficial if an amount were listed for the bond or escrow unless the City was open to negotiating with developers on a case-by-case basis. There were no other comments or questions. Siedow closed the public hearing at 7:06 pm.
- V. **Consent Agenda** - Denny made a motion to approve the January 22, 2024, Regular Meeting Minutes. Borash seconded the motion. All in favor, motion carried.
- VI. **Regular Agenda** -
  - A. **Northern Illusion CUP** – Chad Douglas and Francisco Aguilar were present to discuss the conditional use permit (CUP) application for a cultivation facility to grow marijuana. Commissioner Elmquist had a concern about another facility he drove past that had an overwhelming smell of marijuana. Douglas stated that may have been an open facility. The facility in Harris is a solid structure of airtight construction called an “iso-cube.” Their main question for permitting is if the City of Harris will require a carbon filter system to mitigate any potential odor. It is not mandatory, but if the City will require it, they need to know because it is an expensive endeavor. The Mayor questioned why a CUP is needed when this is agricultural. City Planner Claire Stickler explained that the County will be assessing the property as commercial and according to the City of Harris zoning it is not rural agricultural, and a CUP is required. Douglas confirmed that the plants will not be placed in the soil as typical farming. Geier advised everyone that a public hearing on the CUP will be held at the March 25 Planning Commission meeting and if passed on from there, a final decision will be made at the April 8 City Council meeting.

- B. **Lutgen Property** - The Lutgens were present to discuss their denied building permit and how they could move forward. The property already has a house, and a second house cannot be put on the same property. Geier explained that the old house must be removed before a building permit would be approved. Another option would be to split off five acres that does not have a primary structure on it. The new parcel must have an easement because it cannot be landlocked. After the metes and bounds split process is complete, then apply for a building permit for a primary structure on the new parcel.
- C. **2024-02 Solar Ordinance** - After a discussion concerning the items brought up by Nathan Dull at the public hearing, Stickler stated she could update the ordinance with their changes and have it available for the Council meeting or have it brought back to the next Planning Commission meeting. Denny made a motion to update the ordinance and pass it on to the Council for consideration and possible approval at the March 11 City Council meeting. Elmquist seconded the motion. All in favor, motion carried.
- D. **Mineral Extraction** –
- a. Go over Scott County and Dakota Mineral Extraction ordinance - After a lengthy discussion, the Planning Commission decided to compare the Scott County Mineral Extraction Ordinance to the Harris Ordinance and look for sections from Scott County that would enhance the Harris Ordinance. They also decided to adopt the definition of “berm” from Scott County. Denny made a motion to approve and forward to City Council the definition of berm as a level space, shelf, or raised barrier separating two(2) areas, Borash seconded the motion. All in favor, motion carried. The moratorium is over on April 16, 2024, and the Planning Commission will request an extension.
  - b. 14.00303.00 CUP (Recently sold was Nowak property) – The Planning Commission directed City Clerk Geier to write a letter to the new owner concerning the conditional use permit for that property, and to advise them it would be on the March 11 City Council meeting agenda.
  - c. 14.00308.10 (Knife River IUP) – This interim use permit (IUP) was never signed or recorded. Knife River does not have a signed copy and will work with the City to review the IUP and get it updated.

VII. **Commissioner Reports** – Reviewed written reports.

VIII. **Adjourn** – Denny made a motion to adjourn the meeting. Borash seconded the motion. All in favor, motion carried. The meeting adjourned at 8:55 pm.

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City Clerk – Shannon Geier

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Allen Siedow - Chair

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Date Approved