

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: March 17, 2016

MINUTES – (Informational)

The Wright County Planning Commission met March 17, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with all Board members present. Sean Riley, Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, as legal counsel was present.

MINUTES On a motion by Bravinder, seconded by J. Thompson, all voted to approve the minutes for the February 11, 2016 meeting as printed.

1. **HELEN C. MATTILA** – Cont. from 2/11/16

LOCATION: N ½ of SE ¼ and SW¼ of SE¼ and Gov't Lot 1, Section 19, Township 120, Range 27, Wright County, Minnesota. (Albion Twp.) Tax #201-000-194100
Petitions for a Conditional Use Permit to allow two new “entitlement” divisions near the existing dwelling along County Road 5 (grouping of three or more dwellings in one location of farm requires a Conditional Use Permit) as regulated in Section 505. & 604.6(5)a of the Wright County Zoning Ordinance.

Present: Helen Mattila

- A. Riley reviewed the location maps and noted the property is zoned AG General Agricultural with two remaining “entitlements”. The location of the two proposed lots on either side of an existing lot were noted. They are adding some lakeshore to the lot of record and some with one of the new lots. The Planning Commission is reviewing the lot locations because it will result in a cluster of three home sites. A survey prepared was displayed to show these.
- B. Mattila explained she is not asking for any more lots than what the property has for entitlements.
- C. Felger asked including the existing lot, the property has two more building entitlements. Riley confirmed that. There could be some administrative ways to make the divisions without a hearing. The Commission made a site inspection and felt the seller should make sure buyers are aware of boundaries so there are no trespassing problems. Mattila indicated her agreement on that.
- D. J. Thompson moved to approve the clustering of two new residential lots (in addition to the existing lot) as proposed with the condition that a deed restriction be filed for the divisions prior to the properties being transferred and that proper access permits must be obtained from the County. Also noting that the seller should make clear where the property boundaries are to address the trespassing concern. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JOSEPH MEYER** – Cont. from 2/11/16

LOCATION: 4890 Highway 55 NW – Part of W ½ of SW ¼, Gov't Lot 4 & 5, ..., Section 5, Township 120, Range 26, Wright County, Minnesota. (Maple Lake - Maple Lake Twp.) Tax #210-000-053210 Property owner: Pristine Holdings LLC

Petitions for a Conditional Use Permit to allow a welding/fabrication business along with construction offices to operate out of the existing building on this property as regulated in Section 505 & 612.8(3)(m) of the Wright County Zoning Ordinance. Property is zoned S-3 Commercial-Recreational Shoreland District.

Present: Joe Meyer

- A. Riley reviewed the location of the property along State Highway 55, just east of the City of Maple Lake. Property is zoned S-3, is within the Shoreland District and is in the Land Use Plan as Transition. The existing building has been used for a number of commercial businesses over the years. The applicant wants a welding fabrication business. At this time the operation is small with the operator and maybe one employee.
- B. Meyer stated he has owned the property for 8-9 years and leases the building. The current renter did not want to apply for the hearing so he is representing the business owner. The current occupant has been in the building for about 8 months and did not know they needed a Conditional Use Permit. The business is "Hilltop Welding" and repairs trailers.
- C. Mol asked how much traffic the business generates. Meyer indicated it is low-key with one or two people stopping by each day. Mol asked about the access and whether that is shared. Meyer stated they have an easement with Driscoll, the previous property owner, who owns property to the north.
- D. Bravinder moved to approve a conditional use permit to allow a welding/fabrication business along with construction offices to operate out of the existing building on this property in accord with the narrative and plans held on file with the following conditions:
 - 1) Signage must conform to County sign regulations within 10 days of this final action;
 - and 2) Any new uses or expansions to the approved uses would require a new hearing.Pederson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **SUSAN V. MULVANEY** – Cont. from 2/11/16

LOCATION: 2226 85TH Street NE – E ½ of E ½ of SW ¼ of NW 1/4, Section 21, Township 121, Range 25, Wright County, MN. (Monticello Twp.) Tax #213-100-212306

Petitions for a Conditional Use Permit for a personal dog kennel as regulated in Section 302.(72), 505 & 604. of the Wright County Zoning Ordinance. Applicant currently has ten adult dogs.

Present: Steven Conroy, applicant's attorney

- A. Riley reviewed the property location and zoning and land use designation of AG General Agricultural. A pictometry of the property was displayed to show the layout and kennel building along with pictures of the structures. Commission made a site visit. New submissions received since the last meeting were included in the Board's Staff Report.
- B. Conroy asked if there were some recommendations that came out of the site inspection, his client is willing to make any modifications the Commission requires.
- C. Kaitlin Eisler, Attorney with Gries-Lenhard-Allen, representing Peggy and Michael Klein who live at 2272 85th Street NE, directly east. A letter was submitted at the last meeting and she spoke at that meeting so would not repeat comments. She highlighted two things. Attached is the police report regarding another incident when the noise had gotten so bad. She noted the officer returned later after responding, parked over a block away and noted there were five dogs barking continually over a ten-minute period. This represents what the neighbor's experience. Also submitted, was a letter from the MN Humane Society about neutering or spaying dogs. They have talked to several vets and provided a statement from Dr. Tim Roghair, DVM, that shows there is no relationship. Just want the Commission to understand the impact to her client.
- D. David Vorgert– lives two lots to the west – he was at the site inspection and asked how many dogs the applicant intends to have. He counted ten dogs that the applicant allowed them to see. There was another building that she would not allow access to and he could hear barking coming from. He noted a couple other buildings behind and understands those buildings are filled with cats. The dogs seem to be healthy and well-cared for. Most appear to be labs and are nice dogs and he has no problem with dogs. He does not agree she should keep this many dogs. The County has a limit of three adult dogs. The applicant should be limited to three because she has a small residential lot. Riley explained the Assessor may have the property classified residential for tax purposes, however, the lot is zoned AG General Agricultural. Vorgert – stated that might be, but these lots are only 300' wide.
- E. Mike Plachy – lives two lots east of the applicant– he hears dogs barking day and night and it keeps them up at night. Object to these dogs interfering with the use of their property. He could not imagine the impact for someone living closer.
- F. Staff Sgt. Kelly Austin – nearby neighbor – had spoken at the last meeting and has the therapy dog. The dogs get barking and it is a frenzy, this gets her dog agitated and has to try to keep her dog calm. She is familiar with all dogs, has had experience working with

them and cares for them. Dogs have a purpose and these dogs are responding to the situation they are in. This impacts their property values. If they allow more than three dogs, the neighbors will not be able to sell their properties. She asked how many times do they have to call the cops out to respond to the barking.

- G. Catherine Giccatti and Craig Mead- emphasized the noise problems they have experienced after moving in two years ago. The barking especially during the summer months is not tolerable and they would have had to call in complaints this year. They feel the conditions are not good for the number of dogs and the number is too much for even a young able-bodied person and questioned how the applicant can manage them.
- H. Mol – the Commission members made a site inspection and would have to agree the barking is an issue. Borrell – suggested due to the number of people that showed up at this inspection, they should develop some rules to corral the people. This is disturbing for the landowner.
- I. Felger asked Conroy whether his client would incorporate bark collars into her operation, he understands the owner feels they are cruel. Conroy – stated she had three collars for the dogs that are more of a problem. Felger – if barking is an issue what solution would they propose. Conroy –she is willing to work with Staff, whether it is to keep the dogs inside all night and could better insulate the kennel building to reduce noise. The officer out the last time said the dogs were not barking when he arrived; and when he was over at the neighbors, they were not barking until he arrived in the driveway. When he went into the Klein’s house he could not hear the barking. So he felt if the dogs are kept inside it should address the barking problem. Felger –asked if she taking in more strays or is the number of dogs being reduced. Conroy – she is not taking more in, she is looking at finding homes for some of the dogs. The speculation that there may have been more dogs in other buildings is unfounded.
- J. Pederson asked if the applicant would look into surgically debarking the dogs. Conroy – stated the applicant would not do that as she feels it is cruel. Mol – the Commission has had a couple other kennels where they used that to remedy it. There are homes in close proximity at this location and something has to be done to address the barking. Borrell walked out to the west property line and the noise seemed to echo or bounce off the buildings and was no quieter away from the kennel building. He suggested they might set a timeframe to phase out the number of dogs.
- K. J. Thompson – Conroy has stated the applicant is willing to better insulate the kennels, looking at reducing the number of dogs and take other measures by working with Staff to ease the tension in the neighborhood. She referenced a note that states the representative the MN Humane Society would be meeting at the site next week. She would like to see if a resolution could be worked out. The applicant has indicated a willingness to work towards a solution. The neighbors have stated the barking is the main issue. Before a final decision, suggested they give Staff time to work with the applicant to come up with a plan. There are some alternate solutions she might try. This would give Staff time to draft Findings and come back with a recommendation.

- L. Mol – agreed as long as this does not get delayed, they should be working toward a solution. The applicant has to come forward with a solution to quiet the dogs before they can make a final decision.
- M. D. Thompson moved to continue the hearing to April 14, 2016 to give Staff time to work with MN Humane Society and to come up with a solution for quieting the dogs. D. Pederson seconded the motion.

DISCUSSION: Borrell felt this barking is a problem and he is not willing to grant a Conditional Use Permit with this kind of disruption. Other kennels around the County are not creating the disturbance. The Commission is not going to overlook the problem. Conroy – the applicant understands and she is totally exacerbated over the matter. Pederson – suggested the applicant visit some of the kennels that have used the debarking. Those kennel owners have reported that debarking does not change the dog's personality. D. Bravinder – noted the tone of both parties as shown in the Sheriff's report dated the 15th; and felt the applicant should take this serious. Conroy agreed a plan would be best for everyone's sake. Felger did not know how much longer they could let this go; at this point he is ready to vote for denial but was willing to give Mulvaney more time. He also warned if given a permit, she must understand she cannot violate the conditions of the permit or there will be repercussions. Just the short time he was on the property, he felt it was untenable. In this location, it does not seem to fit.

VOTE: CARRIED UNANIMOUSLY

4. **COLIN J. HAWKINS** – Cont. from 2/11/16

LOCATION: S ½ of SW ¼, Section 7, Township 120, Range 25, Wright County, Minnesota.
(Buffalo Twp.) Tax #202-000-073300 Owner: MN Municipal Power Agency

Petitions for a Conditional Use Permit as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance to locate a 10 MW solar farm on approximately 45 acres (east side) of the 91-acre parcel.

Present: Timothy Kelley, Attorney; Jeff Underwood and Sam Meersman

- A. Riley reviewed the location of the property north of the City of Buffalo. The solar farm has been discussed at a couple of meetings and a site inspection by the Board was made. Staff was directed to develop a motion with conditions discussed. He noted a couple updates were included in the Staff Report. The public hearing was closed at the last meeting. Further clarification and suggested conditions were received from the Town Board.
- B. Borrell - felt it was important to address the field tiles now. If they hit a tile and make a wetland, it would be there for twenty-five years and then they cannot fill it later. His suggestion was they be located and moved and the new tile should last for the term of the 25-year lease. He would like it incorporated in the motion. Riley state that was the intent in #5, the decommissioning on this property might be substantial and would have to address any broken tiles; and #7) addresses the drain tiles and replacement. He would agree the decommissioning might be at the end, but the intent was to address this before, during and the end. Borrell – he would like it addressed in the beginning and may need to change the language in the motion.
- C. Pederson – asked for some discussion on this request that goes against the Land Use Plan by taking land out of agricultural production. The Plan specifically states that the County wants to preserve our agricultural land. The Town Board has asked that we preserve their agricultural land and they also have support from the community on that. He asked if the Commission wants to go on record in conflict with the Plan and the Town Board. Mol – questioned if this use goes against the Plan, they did a lot of work on developing and approved a Solar Ordinance and knew it was going into the Ag lands. Pederson – feels it conflicts the NW Quadrant Plan with one of the major goals was to preserve Ag land, the rural way of life for residents in the area, and is in direct violation. Borrell – noted anytime land is annexed, that would also go against the Plan, if it were not solar panels, it could be houses in this location near the City border. Pederson –asked the Town Chair if they would be opposed to the use if it were not Ag land and he said no. If this were a gravel pit, that would be acceptable. He asked for further discussion on it because he feels it goes against the Plan and the Township recommendation. Mol – noted they address it all the time whether it is adjustments or rezoning to A/R for houses. He understands, he is a farmer and also wants to preserve Ag land, but they look at this all the time. Pederson – the Commission looks at the wishes of the Township and he seldom goes against the Town Board’s recommendation. This issue has had a lot of emotion, feels they need to respect the Town Board’s opinion.

- D. Bravinder – expressed his respect for Pederson’s opinion, and Mol shared Pederson’s opinion on the Ag land. However, they have an Ordinance to work with. Maybe they need to look at limitations in the solar ordinance. Pederson noted they have one Town Board that recently broke off and are regulating their own Planning. He feels that is duplication and when the County starts breaking down it does no one any good.
- E. At the request of D. Thompson, Riley reviewed the Township response with several items addressed. Many are very good and valid points, but erosion control, water management, security fence, grading consistent with County Ordinance, wetlands, limit glare, lighting and signage many of those substantial things are in the list of conditions and are on the plan on file. Some could be debated, some may not have any legal standing with the way the Ordinance has been drafted, such as bill payment and access to private property. J. Thompson read a good part of the Town Board’s written response, includes 22 items (held on file).
- F. Riley most are addressed in the conditions suggested. The Ordinance already prevents nuisance items such as weeds or debris. Borrell asked about the 6’ fence. Riley the setback suggested is 75’ and the Ordinance calls for 30’ and the Commission can ask for more for a particular site. If they feel at this time they want a change to the setback, now is the time. J. Thompson – asked if they should include the Township’s recommendations into the motion. Bravinder agreed item #3 was reasonable, but most of the other items are already addressed in the Ordinance. Riley – the 130’ from the center of road is met, they are 500’ distance from the nearest home. If a performance standard is going to be changed the applicant would have to change their plan. They are between 30-50’ from the property lines and not the 75’ suggested by the Township. They would need to determine if the setback is changed would that push the solar panels into a wetland or closer to a wetland.
- G. Kelley – they had not seen the Township recommendations until the day before. The suggestion on setbacks do not include an explanation on how they had decided upon that. There is a problem in the northeast corner. He asked where the 75’ would be measured from the property line or the solar panel to the adjacent home. He did not think it is appropriate to vary the setbacks, these were not a problem with the other two solar projects and it has not come up before for this project. J. Thompson – could they incorporate the items that are not part of the motion. She asked what would be wrong with including the additional conditions the Town Board has asked for. This would address their concerns.
- H. Borrell moved to approve a Conditional Use Permit to locate a solar farm in accord with the plans and narratives on file with the following conditions: 1) Screening will be required to fill in the existing tree line and to screen property across the road with evergreens or similar trees. Pine or spruce trees will be planted on the south side of the project in accord with letter dated February 4, 2016 by the applicants attorney to shield the property owners to the south; 2) Proper building permits (along with any required State permits) are obtained prior to any work started on the site; 3) Proper access permits are obtained from the County Highway Department and all access roads created will be created in a fashion to have minimal impacts to return the property back into its original state at the end of its useful life; 4) Conform to all setbacks; 5) Hanwha will locate all drain tiles and replace all drain tiles that are damaged; 6) The decommissioning plan be

followed. Due to drain tiles being located on the property the applicant will need to replace any damaged tiles. The bond agreed to be put up is \$125,000. Will be posted within 90 days of construction and the County would have money to draw on for any unforeseen problems at the end; 7) Since the property is owned and not leased the Conditional Use Permit for this Solar Energy Farm shall expire in 30 years in accord with the ordinance and the useful life of the farm noting the site will be returned to its original condition; 8) Ongoing vegetative and system maintenance according to plans submitted; 9) The applicant is responsible in assuring all approvals from Minnesota Municipal Power Agency are obtained and followed for this project; and 10) If there are substantial changes to the plans submitted and approved a new conditional use permit hearing would be required. D. Thompson seconded the motion.

DISCUSSION: J. Thompson did not hear anything on the Town Board's conditions. Borrell stated he did not include those in the motion. Felger asked the applicant if there is anything in the conditions they cannot abide by or create a great burden and whether they would consider any of the Town Board's recommendations. Kelley stated they could support the resolution and conditions written by Staff. Most of the items addressed in the Town Board's 22 conditions are already addressed or required in the Ordinance. Did not think the County should impose additional conditions. J. Thompson asked counsel if the Planning Board can add conditions to a Conditional Use Permit. Kryzer responded that they could as it is reasonably related to the application, but as the applicant's attorney has pointed out, for one, #14 would not be a legal one.

VOTE: CARRIED, Nay: J. Thompson & D. Pederson

5. **JAY A. JOHNSON** – Cont. from 2/11/16

LOCATION: Part of Gov't Lot 2, Section 32, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-322200 & 202-000-322201
Property owner: Johnsonville LLC

Petitions for a Conditional Use Permit as regulated in Section 505 & 610.2 of the Wright County Zoning Ordinance to process and store sand, gravel, other related materials and equipment used to recycle asphalt and concrete and a use of the existing building for a contractor's shop for maintenance of their own equipment/vehicles.

Present: Jay & Sheila Johnson and Howard Roston, Atty. with Frederickson & Byron

- A. Riley reviewed the property location surrounded by the City of Buffalo, zoned Industrial and in the Transition area of the Plan. The request reviewed was before the Commission and he summarized the request within a year to properly process all demolition materials on site by either moving it off site or use in a parking area; and, then use the building for the applicant's contractor equipment. The equipment will be repaired and stored on site and are taken to construction sites.
- B. J. Johnson plans to put up an 8' screening fence on the south side. Mol – the Commission made a site inspection and noted he has been doing some crushing. He asked once the material is hauled out or used they will no longer be crushing or storing those materials on site. The property will be used only for storage of his equipment. J. Johnson stated that is correct and includes repair of his equipment. He would screen the property with pine trees and a berm for the residences to the east. He has about 20 days of crushing left on the site. He had asked for 50 days on the application. Mol asked if the days could be reduced. J. Johnson stated reducing the number to 40 days would be sufficient time.
- C. Borrell – he has done some research in reference to a letter received at the last meeting from the City Attorney. He does not recall a City soliciting residents to come in and object to a proposal. Riley-stated he has been administrator for five years and would have to research that. Borrell felt the statements in the letter that the use is injurious or would harm are not credible. The property is zoned industrial and use fits with the Plan. The property is prime for industrial use, close to a highway interchange (State Highway 25) with access to Highway 55 to the east. This is a large parcel especially suited for this type of industrial work near an urban area. The use fits the major goals as stated in the Northeast Quadrant Land Use Plan. Borrell did not feel the City's argument that the road was not built for industrial use is credible. The property has adequate access roads. Settler's Parkway was built to a 10-ton standard and is sufficient for industrial use and is the weight standard used for State Highways 25 & 55. He included an entry, for the record from the State's website related to that. The City in 2015 rebuilt the access to the property. The property was used in an industrial manner for a number of years and prior to the 2015 road rebuild, this property was serviced by CR 147. The City rebuilt this road and created a new interchange between State Highways 25 and 55. The applicant's property is required to have access under the laws of Minnesota. If the City's argument is now that this property can no longer use the roads then that means that the City unlawfully took access away from the property and applicant. If the City's landscaping on Settlers

Parkway is getting damaged it is not Johnson's problem, but a design flaw created by the City. The City when they took over this road knew they needed to accommodate Johnson's use of the property and they knew he had semi's coming and going from his property. If the City didn't design the medians correctly, it is the City's duty to acknowledge their mistake and rebuild this road to accommodate this pre-existing use. If the City won't do that, then they need to compensate Johnson for their unlawful taking. At the last public hearing, the City presented photographs which they allege show injury to the neighborhood. These photos do not show any injury, but show a property that is being used in an allowed industrial manner. Furthermore, the items on the property were there for staging the City's reconstruction of State Highway 25. The City can claim this is a State project because that is where the funding is coming from, but it is the City's engineering firm which is managing the project and not MN Department of Transportation. Staging these materials on the property last year was allowed by the City and the City benefited greatly from Johnson's staging operation because of his close proximity to the project and his extremely low bid. For the City to now come back and attack Johnson is disingenuous and shows a complete lack of credibility on their part. The Johnson proposed use will not cause any injury to the neighborhood. Any argument from the City that this use will impede the development in this neighborhood is negated by the fact that the neighborhood actually got developed while this use was occurring. Again the City's argument is not credible. The Commission plans to require screening according to the narrative on file with Planning and Zoning. The conditions suggested by Staff in the proposed motion and the addition of screening, are adequate to control and offensive odors, fumes, dust, noise or vibration and to address any of the concerns presented by the public. The conditions that Staff has recommended will prevent this property becoming a nuisance, He did not find the City's argument concerning harm are credible, but operating with undo malice toward Johnson. The proposed use is allowed in the zoning ordinance and Johnson has met all the criteria for granting the conditional use permit. He submitted for the record that the State funding was used, but it was the City in control from Highway 25 down to 3rd Street.

- D. Bravinder moved to approve the request for a Conditional Use Permit to process and store sand and gravel, other related materials and equipment used to recycle asphalt and concrete and the use of the existing buildings for a contractor's shop for maintenance and storage of equipment/vehicles. The construction of an outside storage rental lot for construction equipment, trucks, trailers, shipping containers with the following conditions: 1) Hours of operation for the business are 7 am to 7 pm Monday – Saturday; 2) Hours of operation for processing sand, gravel and other raw materials are 8 am to 5:30 pm Monday-Friday with no processing on Saturdays, Sundays or holidays; 3) Processing of all materials must be completed by December 31, 2016 and must not exceed 40 days of operation during the hours listed in condition two; 4) Keep all refuse, wood scraps, lumber, logs, scrap metal, inoperable vehicles neat and orderly behind a fenced area; 5) Obtain proper permits dealing with storm water and erosion control plans from the MPCA; 6) Township review after one year; Borrell seconded the motion.

At Kryzer's suggestion: Bravinder and Borrell amended the motion and second to include: 7) Must comply with Wright County requirements for septic compliance based on previous transfer of the property; and 8) Screening according to plans held on file.

VOTE: CARRIED UNANIMOUSLY

Commission recessed for five minutes and reconvened at 9:00 p.m.

6. **REED RICHERSON**– Cont. from 2/11/16

LOCATION: 11345 County Road 17 SE – W ½ of NE ¼ & SE ¼ of NE 1/4, except ...Section 36, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-361200 Property owner: Hajas/Krajewski

Petitions to rezone approximately 82 acres from A/R Agricultural-Residential to AG General Agricultural as regulated in Section 504 & 603 of the Wright County Zoning. (Property was rezoned A/R in 1996.)

Present: Reed Richerson and Michelle Mathews

- A. Riley presented a map to show the location south of the City of Delano and northwest of Rice Lake. The property is zoned A/R and in the Land Use Plan for AG. Air photo was displayed to show the surrounding area. The request from the applicant, representing the landowner, is to rezone it back to AG General Agricultural.
- B. Richerson – the request to rezone back to AG will allow them to apply for a Conditional Use Permit for a solar farm. This is a good use for the site and would preserve Ag land for the long term. The owner, who is in the audience, has owned it for 18 years and is not planning to put homes on this property. This is outside of the Transition Area. This is one of the solar projects introduced in the State servicing the Excel territory. This is a good use.
- C. Borrell – asked if this use would be allowed in A/R zone. Riley – the Ordinance does not allow them in Residential Districts and this applies to land developed or not. Borrell felt the reason was to keep them away from a higher density of homes. Felger asked where the City limits are. Riley estimated 2-3 miles to the north. Noted CR 17. He reviewed the zoning map and noted parcels that have been rezoned and the properties that have been developed. This end of the Township is designated Rural-Residential. Felger asked if there were properties zoned AG adjacent. Riley stated there are; one to the east and some smaller zoned AG parcels. Felger questioned if the land to the east is under cultivation. Hajas stated that land is wetland and noted another 30 acres of field north of that. Borrell asked if the applicant was able to meet with the Town Board. Richerson stated his colleagues were at that meeting.
- D. DeWayne Bauman – Township Supervisor – stated the Town Board is not against wind and solar energy; but questioned why they are considering taking up good farmland. He felt more appropriate locations might be old gravel pits, or non-farmable side hills or the County’s recycling plant. There are better locations in Wright County. Should be zoned industrial not Ag as this is an industrial use. Does not understand the decommissioning plans and trying to put land back to Ag. These leases will someday be assumed and if it stays Ag it will be cheaper. Between the DNR requiring the buffer strips and solar factories taking up Ag land what will be left. He noted in the future they may be looking at water rights and meters for farms. Suggested putting them on lands that require irrigation. He felt in the future those farms could be buying water to irrigate. This has the “Met Council” written all over it and why are we listening to them. The power may not stay

here, but sold outstate or to cities. He felt the citizens are heavily subsidizing this. He referred to the amount of power generated with the solar, the number of acres it takes to generate the energy in relationship to the power generated at the Sherco Plant. This is good agricultural land in Franklin Township that should be preserved.

- E. Borrell felt Commission would rely on the Township's opinion because it is a zoning issue. If this does not go into solar panels, the argument to save Ag land may not be valid; the farmland will be lost because if it is zoned A/R now and will likely develop for homes. He and his wife have talked about whether they would prefer to look at homes or solar panels and personally would rather see solar panels. Bauman – stated that is different, these neighbors do not want it. He questioned why the Company shows up and the owner does not have to face their neighbors. Borrell stated a representative of the solar farm contacted neighbors and himself on the other project. Bauman stated his point is why are they burning up good Ag land. Borrell felt in this case, he could go either way.
- F. Bill McMullen– incoming Town Board member – was present at the Township when they discussed this issue. He was involved when they developed the long-range plans for this part of the County. This area was designated for A/R in the Township. He felt it is backwards to revert back to AG classification. This is unusual and does not meet the long range plan for the Township which they worked hard with the County to develop.
- G. Bill Fink – questioned why they have Township Supervisors if the Commission does not listen to them. Borrell has his own opinion about the solar farms next to him, but is an elected official and should be representing the residents. Understand a lot of time was spent setting up the Solar Ordinance. This is a County Land Use Plan and changes to the Plan should include broad citizenship, participation supporting objective studies based on planning principles and reflect the interests of the citizens. He urged the Commission to go back to these policies. The intent is not just to preserve prime agricultural land but also to preserve areas that can remain open space. They don't want these areas covered with solar panels. Residential and industrial areas are kept separate, the agricultural areas can benefit all citizens. Wright County has placed a high value on wildlife and open spaces that need to be protected. He asked if the Commission would rather see panels than some homes. He did not think this is the intent of the Plan and urged them to listen to the citizens. Borrell agreed the Town Board's opinion is important. But, public hearings on the Ordinance for solar were held and asked for participation. It is a rezoning issue before them. If the Town Board does not want solar farms, a moratorium is an option. Fink –a 100 people attended the Town Board meeting who were opposed.
- H. John Czanstkowski –like the dog kennel on the agenda, he asked if they are respecting the neighbors here who don't want to look at these solar panels. Need to protect the farmland as long as they can. They are losing a million acres a year to development. Last year 500 farms in Minnesota were lost because they cannot afford to keep farming. He talked to the Township's legal counsel and they can put on a one-year moratorium; or, could do their own planning and zoning which they don't want to do. Could put solar panels in the median of the freeways. Farmers create economics for the area. This is a Canadian company and once this goes through the money will go somewhere else.

- I. Laverne Dunsmore- reviewed the acreages in the immediate area he has owned for 23 years. He was involved in the 1996 discussions when this property was rezoned. He recalled the large number of people showed up at the Township meetings. The residents wanted this to go to A/R because the metro area was moving out. He rents his land to local farmers along with other neighbors who rezoned and subdivided, but are still farming their land. He is against the solar farm that would take place if down-zoned.
- J. Sue Fink – sympathize that the issue is on rezoning; but it is the solar farm they are against. Until September 25, it was okay to take 50 – 60 acres for 5 MW systems without hearings and then a decision to only allow 1 MW on five to seven acres. They are against the large solar farms, but not against a few acres for the smaller solar gardens in back where they are not visible. Several neighbors have not heard of the solar farms coming to their area. The property owners do not always see the papers and know what the Township and County are considering. She presented the Commission with a petition signed by 110 people to limit the solar to 5-7 acres in size.
- K. Christine Johnson – live on a small residential lot to the northwest and would be impacted the most. Her concern is that their water quality might be affected. She asked for water testing and additional setbacks and screening. They moved out of City of Delano to get away from a manufacturing facility. They enjoy and don't want to lose the rural area and habitat. Mr. Johnson noted this is in their back yard and don't want it rezoned.
- L. Roger Nelson – taxes were raised and more homes might bring taxes down. He noted everyone in the room is against this. This affects the entire neighborhood.
- M. Mike Dickerman – resident of the Township – he is not directly affected by this solar farm; but a 5 mw next to his is coming up. He felt this is a disservice to the tax payers. He asked why they put a solar farm here when it is an industrial plant and any other power plant is in an industrial area. A proposal will wrap his property on three sides. If there are Ordinance changes made that allow ugly structures, the owner should have to live out there and look at it also. He does not want to get up and look at 60 acres of mirrors. This is not a farm. He is a farmer, grows grapes. He does not feel solar should be defined as agricultural, keep these in the industrial areas. Urged the Commission to listen to the people.
- N. Terrence Olson –pointed out the 31 acres he owns and the 10-acre lot his son owns across the road from this. He bought this 20 years ago and did not want this land split into ten acre lots, but that is progress. This does not fit and is not an appropriate use of this land.
- O. Sue Novak, along with her husband, live across from the Dickermans' winery. They are opposed to these solar farms going in near them. Not opposed to solar if appropriately located. There are wildlife concerns and feasibility issues.
- P. Mylo Durben - felt there are many locations that are a better alternative to putting them on farmland. He suggested on top of large school buildings or government buildings. The residents are opposed as this is not good use of agricultural land.
- Q. Steve Hajas – owns this land and lives there and this is in his backyard. Originally, when he purchased this land in 2002 a developer tried to develop into a PUD and there was a big

uproar when residents did not want it developed. He did not want houses there either and bought the property. Minnesota has mandated that 10% of all energy consumption has to come from solar by 2030. These are close to the cities and the mandate is going to put these in people's backyards. They are trying to comply and do the right thing. The agricultural crops don't support the taxes for the property. This use will have little traffic to maintain the site, no unsightly towers. The wildlife will still live on the property. If he wanted to put houses here the same people would be here opposing it. He did not attend the Township meeting because the solar representative offered to go.

- R. Dan Gabrelcik – the biggest problem with these solar gardens is it is another thing pushed through by the legislature. They are not fully operational at a 100%; these are buy-in and by people who hope to get rich quick.
- S. Ray Schmidt – Buffalo Township resident – it is disheartening to see people coming forward as did in his township over the last 2-3 months against taking up good farmland for the solar farms. He did not feel the people are being listened to and asked if that is democracy and felt it wastes their time.
- T. Richerson – understands that the conversation has turned to solar. They have not had a chance to address the details of the project, screening and how low they sit. The next step would be visiting with neighbors to address specific concerns. Only a small area of the impervious surface would increase. The majority of the land would remain in native grass. Understand if rezoning is approved, it is not guaranteed that the solar farm would get approved. Once rezoned, they would go back and visit with the Town Board and neighbors and can address the issues. There are some confusing statements, some want it to remain ag; others allow residential development. Request is to go back to AG and they understand they have to meet all the rules for a CUP. They would try to make the project more palatable. As the land sits, it is not applicable and this is the first step.
- U. Czanstkowski – submitted pictures of solar enterprises located in southern Minnesota.
- V. Mol – reminded the Commission the request is to rezone and not a particular use. He understands the time spent in developing a Land Use Plan. Here they need to consider that the Town Board wanted the entire area A/R and going back would make this land an island with A/R around it. Pederson would agree.
- W. J. Thompson – appreciates the effort going into developing the Land Use Plan and she attended those meetings and supports those. She would agree with Mol's comment.
- X. Borrell –the Commission values the Town Board's recommendation. He also appreciates the property owner lives right here. He feels it would be an ideal location for solar, however, the owner would have to convince the Town Board first. It is rare, he would vote against the Town Board's wishes. There is an Ordinance and if they meet the conditions they have to allow it. A moratorium is an option or look at changes to the Ordinance.
- Y. Bravinder moved to continue the hearing to April 14, 2016 and direct Staff to develop Findings consistent with denial of rezoning. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **LUTHER J. WORKMAN** – New Item

LOCATION: 4784 50TH Street SE – W ½ of E ½ of SE ¼, Section 26, Township 119, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-300-264300

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential and an unplatted two-lot residential subdivision (one lot to include existing dwelling) as regulated in Section 504 & 603 of the Wright County Zoning Ordinance and Wright County Subdivision Regulations.

Present: Luther Workman

- A. Riley reviewed the zoning is AG with the Land Use designation for A/R. If the rezoning request is approved, the applicant would proceed in getting the information needed for subdivision.
- B. Workman stated they bought the property with the intentions of building a new home.
- C. Mol asked if there is adequate room to meet setbacks and get a driveway in considering the wetlands. Riley agreed there are wetlands to work around. He feels the setbacks can be met at a location near the town road. More information is needed if they were to build in back. It is possible Wright County Soil & Water Conservation District (SWCD) would need to look at it, may need a land alteration. There are topographic details needed.
- D. Borrell asked if each lot can meet the 300' in width. Riley stated the dimensional standards can be met, Mol was more concerned about how they will fit it in and if the soils are adequate.
- E. D. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural to A/R Agricultural Residential because it meets the criteria laid out in the land use plan and the Town Board approves. D. Pederson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- F. D. Thompson moved to continue the hearing for the conditional use permit to April 14, 2016 for action on the rezoning by the County Board. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **TRUE FRIENDS, represented by Steve Meyer** – New Item

LOCATION: XXX Ingram Avenue NW – Part of Gov't Lot 2, Section 22, Township 121, Range 27, Wright County, Minnesota. (Cedar Lake – Corinna Twp.) Tax #206-000-221103 Property owner: Children's Disability SVC Assoc.

Petitions to rezone approximately 4.5 acres from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-1 Urban-Rural Residential & S-2 as regulated in Section 504 & 605 of the Wright County Zoning

Present: Steve Meyer

- A. Riley reviewed the property location, the current zoning map and Land Use Plan designation is R-1. The unique piece of property was noted and because it is located in Corinna Township, the Town Board will handle the conditional use permit for the subdivision. The subdivision includes a portion of land already zoned R-1 and changing the road dedication to layout some new lots.
- B. Meyer explained this is unutilized land that Camp Courage would like to develop and sell some lots off. The home was noted and the cul-de-sac moved down to create four parcels. This area is in the long-range plan for the Township and County. The proceeds of the sale would be used to provide much work for the Camp.
- C. Mol opened the hearing to the public, hearing no comments brought it back to the Commission for questions.
- D. Felger asked about the land use plan and whether second-tier lots are not discouraged. Riley stated the property is currently zoned AG and in the Plan for R-1. He reviewed the development and how this fits the Plan.
- E. Felger moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural and S-2 Residential-Recreational Shoreland to R-1 Urban-Rural Transitional and S-2 because it meets the criteria laid out in the land use plan as it is considered infill and most of the surrounding land is already zoned R-1. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **WILLIAM J. HOLTHAUS**– New Item

LOCATION: E ½ of W ½ of SW ¼, Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-223201

Petitions to renew a Conditional Use Permit to continue mining for 15 years as regulated in Section 727 of the Wright County Zoning Ordinance. (Permit for mining expired December 2015.)

Present: Bill Holthaus and Paul Otto, Otto Associates

- A. Riley presented the zoning and land use maps to show current and proposed zoning is AG. Mining permits have been issued for gravel mining and the permit extended both in time and area. The applicant is back for a piece that the permit recently expired on. The pictures to show the progress of the mining and the current conditions were displayed. The mining and reclamation plans were submitted.
- B. Holthaus explained based on the last few years and limited activity, he is asking for a 15 year extension. Otto stated a minor change to the reclamation plan are two ponds were designed and are now removed because they feel the property could be better used. The berms on the side would remain but have a gentler slope making it easier to farm.
- C. William Haire – representing his late brother and neighbors. His brother passed away in an accident this past Saturday on State Highway 25 near by. The historical home and barn was located and questioned how close to CR 106 would they mine. That area to the north is a residential subdivision and he is concerned about the mining and safety on the roads. His brother lost his life on the highway because they did not put in a sidewalk that was in the State plan.
- D. Mike Johnston – his lot is in the subdivision to the north and has concerns about noise and dust and what are the hours. Not opposed to a business, but a gravel pit could impact his ability to sell his property. This was opposed a few years ago and trees were to be planted as a buffer. These were planted but not maintained and are dead. They look at this from their residential property and the noise will disturb his wife who sleeps days.
- E. Julie Lindquist lives at 3036 85th St. (CR106) – she pointed to two gravel mines. The permit required this owner to put in trees, but they are dead. The photos on the screen do not show the property as they view it from the north. People who care for the small details will take care of the big items. She informed the County that the trees were not alive, but there are no teeth to the rules. There are rules but the Commission must ensure they are enforced. There is nothing preventing children from going into the mine, she is concerned about securing the property.
- F. Holthaus – agreed some of the trees died, but not all. They were watered at first and he would replace the dead ones. He talked to Planning & Zoning last fall about it.
- G. Borrell asked how far back in the mine are they working? Otto reviewed the original approval that encompassed the entire property. He estimated a little over half is mined.

Borrell asked if they would berm and place trees to shield what will now be mined. Holthaus stated the trees are north of the berm. Otto explained the trucks access the mine by the gun club and do not go out on CR 106.

- H. Mol questioned the Town Board approval. Otto stated the approval was for 15 years. Borrell asked if they should not have continued to maintain the trees. Holthaus indicated some were hanging on and hoped they would come back. Some need to be replaced.
- I. Johnston – suggested the Commission go out and look. There is nothing there for a tree barrier, they have all died. Haire – concurred with the neighbor, these trees are dead. The trees should have been established so they have a buffer now. If they are replaced, those trees will not be large enough in another 15 years to shield them.
- J. Felger noted 15 years is a long time. Riley – the Commission has recently allowed permits for 3-5 years, and when processing or something like a hot mix plant, those things are often limited to one year permits.
- K. Borrell moved to continue to April 14, 2016 for a site inspection. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **DEAN LEISCHOW** – New Item

LOCATION: xxx 85TH Street NE (aka CR 106) E ½ of SE ¼ of Section 21, also W ½ of W ½ of SW ¼, Section 22, all in Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Property owner: Holthaus Family LP Tax #213-100-214100 & -223200

Petitions for a Conditional Use Permit to locate a 5 MW solar farm on approximately 50 acres as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance.

Present: Phil Carlson representing Stanteck, solar farm developer

- A. Carlson explained the property is located west of the Holthaus pit, previous item on the agenda. The Conditional Use Permit requested is for the solar farm, and due to his scheduling error he did not make the Town Board meeting last week. He is presenting this as an information item, will meet with the Town Board next week and come back to the Commission in April. This is a 5 MW solar farm and there is a gravel pit on the south end of this property, they have no plans to continue mining and it would be reclaimed if it has not been completely closed.
- B. Riley – after finding out the applicant had not met with the Town Board, it was suggested the applicant show up, since there might be neighbors attending. The Commission could see what is proposed. It has had a mining permit and a good portion of the property has been reclaimed. The property is zoned AG and in the Land Use Plan for Ag. The neighbors that were notified for the mining next door received the notice for the Solar Farm. The diagram showing the location of the panels was displayed. The existing topography and water plans were displayed.
- C. Carlson stated they are changing the layout of the panels and instead of an “L” shape they will make it more of a square. The same number of panels, just a different configuration and the setback can be met.
- D. Borrell – noted a Franklin Town Board member mentioned earlier in the meeting, these solar farms should be placed on old gravel pits. He questioned why they would not do that here. Those soils likely are not good for anything else. Carlson – stated good flat land is where these work best. Where they are proposing the panels it is fairly flat and because the topography in the mined area is a hole in the ground, grades are steep to about 30’ deep. Borrell screening is required, in these soils what will they plant that will grow. Carlson -t his property has berms in place along the north and east sides. The one berm is between two gravel mining parcels. The solar arrays are only 6-8’ off the ground.
- E. Pederson noted the major concern is that they are taking agricultural land out of production. He asked if Carlson knew how many solar panels would fit in the bottom of the pit or how much the development costs will be, but is something to consider. Carlson the property as it sits fits their proposal and meets the County Ordinance, it is not their proposal at this time, however, understand the concern.

- F. Mike Dickerman – Franklin Township – is it Wright County’s ambition to have solar farms across the County and be the power plant for the Twin Cities. Mol – the County has an Ordinance and any citizen has the right to ask and have to go through the process. Dickerman asked if there is an Ordinance preventing them next to housing developments. Mol – if the land is zoned Ag is one criteria. Dickerman felt this is a joke. Carlson – noted the practical fact is there will only be a handful and the capacity of the electrical systems substations will be filled up with a small number of these. Those that live next to them will see them, but won’t be across the County. It is not in the State’s plan. Those in process now are the ones will be built and Excel has a plan.
- G. Julie Lindquist – originally when the pit was proposed the 120 residents were very concerned about their well water. They hired a hydrologist who determined the water flows toward the Mississippi River. How much soil has been extracted and how far is it now between the bottom of the pit and ground water. She asked about the panels and what chemical analysis are in them. What if there were a tornado or storm that damages those would there be a danger to the ground water. If something should happen, it would be up to them to prove who and what contaminated their wells, which would be difficult to prove. Carlson – stated the materials that the solar panels are made out of are very inert. The other type of panel is where they heat the water. This panel heats up from the sun and creates electricity that goes through wires. The panels are only 6-8’ off the ground and designed to withstand wind forces like any other structure. He compared them to storm windows. The homes and farm chemicals that might be stored on agricultural land could cause a much higher danger to ground water if there were a storm.
- H. DeWayne Bauman – the applicant states only a handful of these are needed to meet the needs; if that is the case, then they don’t have to burn up all our agricultural land, use the old gravel pits. He suggested they get the dozer out here and level the pit out and use that.
- I. Laverne Dunsmore – resident of Franklin Township – former Chair of MN Nursery and Landscaping stated he is a consultant for screening materials. His business involves travelling all around the country to determine what variety works well in different areas. The question here is what would be put into these sandy soils near Monticello. One variety does not fit the needs of all areas. There are growth levels. Also need to look at topography, what it will look like from the street. He noted another solar location in Independence he is working on that would require a 60’ tree to screen the operation from the street. Suggested they take these details into consideration. He hears black and Colorado spruce, however, those will take a long time to get to any height.
- J. Jason Franzen - Delano City Council member – noted in the desert regions these sell themselves, because of exposure to the sun in the deserts. One problem they run into in the desert southwest is trying to keep these panels clean. They have a problem out there because of lack of water. He asked how they would keep these panels clean. Carlson stated the panels do need some maintenance, and someone has to come out on occasion. These panels tilt so snow and rain are running off occasionally.
- K. Felger moved to continue the meeting to April 14, 2016 for a site inspection and to allow the applicant to meet with the Town Board. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

11. **GERARDO G. RUIZ** – New Item

LOCATION: Property on the corner of Dempsey Avenue & 70th Street SW - W ½ of NW ¼, except tract desc. in Book 80 of Misc., page 384, Section 10, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Property owner: Todd & Mark Wurm Tax #220-000-102300

Petitions for a Conditional Use Permit to locate five contiguous solar gardens, each 1 MW as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance.

Present: Gerardo Ruiz and Michelle Mathews, Reed Richardson

- A. Riley reviewed the property location and presented a map to show the layout of the solar farm. Work has been done to identify where the tile lines and wetlands are located and a location map to show the solar farm was viewed.
- B. Mathews –gave an introduction explaining this is one of several joint ventures between US Solar and Potentia Solar. The 78-acre property is in Woodland Township and they would use the north 35 acres. This is south of the Transition area, not in an annexation area. How they site these is a willing landowner, the proximity to the electric infra-structure hook into a single or three phase line to make this project economically feasible. In looking at the Zoning Ordinance, they feel this project fits. They have met with the Town Board twice and received their approval last week with a condition that the decommissioning plan be outlined in the plan and a bond for the road. She noted the location of the access off Dempsey as shown on the site plans; that has been moved further north on 70th. They would not have to use Dempsey, are willing to meet the Township’s requirements for a culvert under the access and agree to plant a species such as dogwood, black spruce or serviceberry for screening along Dempsey. They will work with an arborist.
- C. Borrell stated an owner to the north had proposed dogwood and asked for screening along 70th Street. Borrell suggested a double row, with a variety of height. Mathews stated a single row of hackberry along with white cedar trees, planted 8’ on center will grow into a tight screening barrier. These trees are a taller variety. Borrell noted the field is some of the best agricultural land in Wright County; but noted farmers also put good Ag land into other Federal programs such as “set aside” that help inflate corn prices. These solar farms will involve putting a pole in the ground for panels that will be here for 25 years and if more cropland is needed these can be pulled out and the property put back into cropland. He sees this as a form of Ag preservation. He applauded the Town Board for their suggested conditions on screening and was happy to see they worked it out with the solar company. This land is flat and suited and can be buffered.
- D. Laverne Dunsmore - his expertise is in biology and a question that should be answered is will soils be good in 25 years. If you leave farmland fallow for one year the micro floral becomes active, does it become sterile, if shaded does it become less productive over that time. Borrell –agreed that is a good question, but it is not entirely covered by the panels. Mathew explained there are 30-35’ of space between panels and it is not fallow because they will be planting native grasses. Borrell – the solar farm they visited in St. Cloud they

were looking for a grass that did not grow so fast. Ruiz stated the land will be in better shape in 20-25 years; that is part of the due diligence.

- E. DeWayne Bauman – Franklin Township – questioned how stable is this company, he could not find anything in a google search. Many of the solar and green energy companies have gone out of business. Mathews explained this is a joint venture between two companies. Potentia and US Solar are partners and both can be googled and have web sites. Each venture is setup as a bankruptcy remote LLC established to ensure there will be insurance and money available. Ruiz added, these are separate legal entities to ensure the funds are there. This is not unique to solar, but is used in all businesses.
- F. Alan Johnson owns a small wooded parcel with a home on it. He had tried to purchase a piece of property and was told the farmland was too valuable to break up. A development approved in 2000 only put in a few new homes. He points this out because much more is known about developing lots for homes than we do for solar farms. The City developed these lots and the roads and infrastructure are sitting there. What the Commission does now impacts the future. He noted good productive land was developed into lots that are sitting there empty. He estimates over a thousand empty lots in Wright County.
- G. Ruiz – solar farms have a light impact and pylons can easily be pulled, if it becomes a mistake and put back into farmland. Asked the Commission to stay informed.
- H. Milo Durben – Franklin Township – referred to studies that indicate a need to double food production by 2050. Research on the impact of taking ag land out of production should be studied.
- I. Mol – as a farmer, he is frustrated when people talk about taking land out of production, because the Government is paying farmers to take land out of production through programs such as CRP, etc. and noted there are a lot of farmlands that are sitting vacant. They need to think about those programs as well as solar.
- J. Bill Fink – in response to Mol, asked who is paying these solar developers. They say not much land will be taken out, however, this is one meeting with five out of twelve items that have to do with solar. He felt Borrell notes this is one of the best pieces of farmland; and, yet considering taking it out of production. He should listen to the citizens. He asked how they would handle a grass fire during a dry period. Are they prepared to fight fires around solar panels with high-voltage? This will take resources to train and fight fires. Borrell stated he farms, the Town Board has no objection. He agreed there are programs to take crops out of production to get a better price, such as corn. He feels good about putting the land in what will be an Ag preserve. If there is a fire, they put water on it. These units would not be harmed.
- K. Chris Klein – Maple Lake – commended the Commission effort's to address the solar. The Public Utility Commission has jurisdiction to cram these things in anywhere around the State. The Planning Commission addressed the use with a public meetings giving the public opportunity to address these. He tries to stay informed and attended those meetings. He likes the fact the local Commission addressed the use rather than leave it up to the State. Under those guidelines it could have been shoved in anyone's backyard, however, the

County came up with an Ordinance. Borrell – this will go to the Waverly substation and likely the last to feed into that one. He explained they cannot just go anywhere, they have to be within a mile of a substation, have a three-phase line in an Excel area. Much expense would have to be invested to put it anywhere else.

- L. Richerson –it started last summer and there was a short period of time to get these in before the rules changed. It is all decentralized energy, extremely efficient. This is why the timing is the way it is and they are seeing a rush of them. Borrell – the solar is valuable as it provides energy for a real balance for energy needs at peak times. Appreciates Klein’s comments, noting earlier solar farms went to the State with no local control.
- M. Jason Frenzen – Delano City Council –addressing the solar energy issue. Reference was made about 500 miles, it is much less than that. Sherco III shut down one of the units that is only 25 miles away. That was a choice and these are policy decisions. It was decided a certain amount of power must be generated by solar which is more expensive. Governor Dayton did not have to block Big Stone in South Dakota, he just does not like coal power. The issue is not so far away. Financial arguments are on shifting sands and in depends who is elected, the subsidies that the industry depends on could go away. Borrell stated this is not subsidized like in Europe, they get subsidies upfront and that is it, these companies have looked at the cost.
- N. Riley indicated the Commission is concerned about how close this is to residences and would need to see the new location of the access on the plan.
- O. Borrell moved to continue the hearing to April 14, 2016 for a site inspection. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

12. **GERARDO G. RUIZ** – New Item

LOCATION: 3527 US Hwy. 12 SE - W ½ of NE ¼, and E 1 ½ rods of N 14 rods of NW ¼, except...Section 3, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Property owner: Ventures West LLC Tax #208-200-031200

Petitions for a Conditional Use Permit to locate five contiguous solar gardens, each 1 MW as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance.

Present: Gerardo Ruiz, Michelle Mathews, Reed Richardson

- A. Riley presented the maps of the area to show the property location, property on State Highway 12 west of Delano that is zoned AG and in the Transition area of the Land Use Plan. There is an existing farmstead on the property.
- B. Richardson – the application is for a Conditional Use Permit for a 5 MW solar farm to inter-connect with existing power lines along State Highway 12, similar to the last project. The electric infra-structure is considered, combine that with the land that is suitable; noting construction on this site will take little site preparation. From a zoning standpoint this is not adjacent to residential development and is near a future commercial development to the east. The farmed parcel to the west is in the Plan for future commercial development and a new intersection with Highway 12 was noted. The land is zoned Ag and a Conditional Use Permit for solar is permitted. Met with the Town Board several times. A big portion of the legislation was actually part of the George W. Bush administration and not as partisan as some people think. The concern that solar farms use of good farmland, but the project both preserves the ag land and will give the community increased taxes. There is a production tax for each unit produced rather than basing it on value. Once constructed into a solar field, the land will be taxed as commercial. Feel this location is very suitable. On this site there is less than one acre of impervious material being brought to the site with 33' on average of spacing with natural grasses planted. There are significant setbacks from Highway 12 and potential for other activities on the site. Although the City of Delano has concerns, there is much undeveloped land that is zoned for commercial that is much closer to the railroad, etc. This is on the backside of a commercial park which seems an ideal location.
- C. Borrell – with this bordering the City limits, asked if they met with the Council. Richardson – no they have not.
- D. Mol – asked where the City limits are in relation to the property. What are the City's plans to Transition to? Riley presented the map to show the city boundary. The City provided a substantial packet, with a letter that were given the Commission. The City Planner is in the audience and can address that in more detail.
- E. Alan Brixius, City Planner, along with two Council members, Jason Franzen and Jack Russek in the audience –The Mayor's letter dated March 16, was referred to. He respectfully asked for denial as the Town Board has recommended. The long-term City Plan, developed in 2002 shows this land to the northwest is directed toward Industrial. After they prepared their plan, the County had also developed a Comprehensive Plan.

Looking at the County's Plan, this area was designated for the Transition area. This designation used around City limits is where they expect cities to grow in the next 15-20 years. The proposed use will have a 25-30 year life expectancy and that is well beyond their growth expectations for this area. Since 2012 they did a concept plan and showed a map to show the area they are expecting expansion. The City secured access from Highway 12 to Eaken and improved streets, extended utility improvements, sized their industrial park toward a western expansion. With limited access to 12, they have looked at east and west local streets for future access points. This layout creates an obstacle for development. The City has along with private property owners, State of MN and developers invested approximately 8 million dollars and was based on the fact they do not have other industrial zoned areas available. He noted the City has done a good job on 7th Street area in bringing in quality businesses that create good paying jobs for the community. The location of this future industrial is prime because of the availability of transportation, the railroad and it is located away from residential zoned properties and is a place that industries can grow. He noted some of the wetlands that limits the amount of land available. He summarized the six criteria in the County's Ordinance that are important considerations when evaluating a CUP. Is it going to be injurious to property owners? They feel that sealing off the west boundary, it is injurious to the City of Delano as well as to the County as it is a prime economic area. The Land Use Plan stresses: the efficient use of utilities and investments, which would not be present if this land were a solar farm for the next 30 years; promoting economic development along the Highway 12 Corridor; consistent with the Transition Area which designates this are for development in the corridor; this is prime and is consistent with the Transition Areas for an urban style over the next 15-20 years. The last major goal is to promote transportation and development that compliments Highway 12. Just to the west it is an Industrial zone in Franklin Township. If there is some local streets they can provide access for, it would avoid accesses to the Highway 12 corridor. While it is zoned AG it is sitting between two Industrial zones and this will be valuable for Industrial use, access and visibility. The proposed solar farm would prevent any logical expansion or extension of City streets. Borrell asked when he would anticipate annexation. Brixius responded that they have not pursued annexation in a contested arrangement. They have been in conversation with the property owners and are willing; but anticipate that the area would be within the City within 15 years. Borrell – he knows the area, there are wetlands to work around along with County Ditch 34 that has had a lot of issues. He asked if there is a compromise and a way to scale this back to provide for access. Brixius – the cost to develop utilities and streets when they don't need it would not be likely. At this time not necessary. He explained the current arrangement is that as soon as the property owner feels the market is right they can pursue it. With the solar farm in place it would not happen for 30 years. He noted there has been negotiations with the County and reimbursement and payment for improvements and how it relates to the ditch; and, they would continue that as land comes into the community. Another concern is approval for this as a CUP. An exhibit was provided that is an Attorney General's Opinion that "drop dead" dates for a CUP should not be imposed. He suggested they share that opinion with the County Attorney. Within the State Statutes and County language as well, an interim CUP is suggested. The City would be fearful that the CUP would not expire.

- F. John Czanstkowski –read a statement from a person familiar with the issue. A solar farm adjoining city limits would inhibit city growth and negatively impact more people. Should

be located in a location with little or no impact on residents. Solar farms are an industrial use and generate MW of energy, should be a half mile from residences. People moved out into the country to enjoy the rural lifestyle. These are a long-term blight on rural landscapes. They should be limited to an industrial areas in cities or compromised sites such as old gravel pits or landfills. Solar farms provide no local benefits and should be limited in rural communities. Ditch 34 will be a problem for whatever happens here.

- G. Jack Russek – introduced himself as a City Council member, former County Commissioner with 19 years on the Planning Commission. Solar is new to him, however, six years ago as the County Land Use Plan was developing they had encouraged both participation from the Cities and Town Boards. Now the industrial park was sized to accommodate the next parcel that could be annexed. If this is approved, that would negate these plans and the money spent to prepare for when it develops. This is in conflict with the Plan. Once there is enough traffic the State will allow a stoplight. He did not think they want to stop that. Borrell – the County has not changed anything in the plan in the past six years, and felt this would be in conflict. He noted the location in the City of Waverly and just outside was different because of wetlands that inhibit development of the City in that direction. This might be ideal for the substation, but not a good location for this City. Russek stated the development could funnel all the traffic into one location and a stop light at this intersection is agreeable to the State.
- H. Bob Perry – he and Greg Theisen are the property owners – he explained some history of this property along with land in the City’s industrial park to the east. They bought this property in 2007 and started plans for a Township industrial park to provide lots for the types of businesses that would not fit into a City industrial park. The property has an intersection for access, they have some of the engineering completed and wetland delineation. This property was bought with no plans for solar energy, but were going to continue farming it. They were approached for the solar and told there was a deadline to get a proposal in. There is no access onto the property except through a road when the adjacent land gets developed. When talking with the solar company, they felt this property was the best location. Excel Energy has power between the properties and the lines are three-phase and a nearby substation makes it ideal. They talked with Kern at the City and were asked to move the solar over to another property; however, was not pursued because it does not seem viable. They have not talked about annexing the property. As far as taking farmland and putting it into another use, if the City has their way, it will put it to a different use anyway. The solar farm would protect the farmland longer than if it is annexed. The property only has one access onto the property which is a residential access off the State Highway which is adequate for a solar farm. The State of MN or Federal government has required 25% of the energy has to come from renewable resources by 2020. Where are they going to go when mandated? He noted cell phone towers also received opposition; however, that is progress. Property rights include the right to mine minerals if found on site. Here they are only using the sunrays. This use would not affect the County Ditch, no change to the runoffs, no fertilizers or chemicals used, no subsidy for the landowner, although there are all kinds for farmers. This property will still be favorable to wildlife. This fits the zoning ordinance, other than opposition from people who don’t want it in their backyards.

- I. Brixius – not consistent with the Wright County Zoning Ordinance. Emphasized the six criteria for any CUP the Commission has to look at. Effects on adjoining property, the transportation components and land use plan. The City letter addresses these and finds it is hard to say this fits the Comprehensive Plan. Mol it is confusing for the Commission when they hear conflicting statements from the city and townships. They hear from the residents who object to using farmland and say it should be in industrial. Here is a property that is in the Plan for Industrial and is a business. This is a use that would not make any noise, people could live around it. If it is annexed, they would also benefit from the taxes, there are no roads built, so no expense or upkeep with no traffic. On one end they hear don't put it in farm areas put it in industrial, here it is in the Plan for Industrial and hear from the City who does not want it. County has nothing to do with what the City does. Brixius stated from a zoning standpoint they are separate entities, but the Comp Plan covers both and leads to these recommendations. This area has a plan and this is in conflict. The County has made the decision to allow solar farms in agricultural areas. His point is they have developed industrial areas, provided services to accommodate that; they are not doing anything contrary to the Wright County Comp Plan, but trying to work with it. Area is limited around Delano that are in the Transition area intended for them to work into and slated for industrial. They have invested in infrastructure to expand and if not allowed it will be wasted investment. This is a prime industrial area and a solar farm is not an attractive industrial use. This acreage could have 5-10 acre lots for business that could generate high-paying jobs. If allowed without a timeframe, it will become an obstacle. Borrell suggested leaving land for a road. Brixius – this is where the Township and City had agreed they would grow and if they do this they have to look elsewhere.
- J. Russek responded to the comments stating it would be a shame to destroy the efforts made by the City and Township when they worked together. He asked they consider this seriously and opposition is not based on “not in my back-yard”. The infra-structure is already there. He did not agree it could easily go back to farmland with all kinds of pylons in the ground.
- K. Mike Dickerman – asked if 30-year permit was unusual. His permit comes up for review every few years. Riley – noted most CUPs do not have a time-frame, these are for the solar farms. Dickerman explained he came in for a CUP to grow grapes and sell his wine and was told he had to come back for reviews. 30 years is a long time and much can happen and don't know what changes there will be for the solar panels. Perry–there is more land to the northeast that can be utilized for industrial and there would be a way to bring utilities over there. They are willing to discuss that. Jason Franzen – stated the statements made by Brixius represent the Council who ask this be voted down. Delano has spent a lot of money on preparing this area for industrial. Although Borrell supports solar, he noted at this location there has been a lot of planning and investment. The City and Township agree on this one. A CUP cannot lower property values. Pederson – stated they have heard many reasons supporting denial. Mol – in fairness to the applicant they should look at the site. Borrell – would agree to a site inspection.
- L. Borrell moved to continue the hearing to April 14, 2016 for a site inspection. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

PUBLIC MEETING SCHEDULE

Commission agreed to schedule a second meeting for April and May, if necessary. April 21 and May 26.

SITE INSPECTION

Commission members to hold a site inspection on Thursday, March 24, 2016. Members to meet at the Public Works Building at 1:00 p.m.

Meeting adjourned at 12:25 a.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
County Board of Commissioners
Kryzer
Twp. Clerks
Applicants/owners