

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 14, 2016

MINUTES – (Informational)

The Wright County Planning Commission will meet on Thursday, April 14, 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 the follow Board members present: Mol, Charlie Borrell, Ken Felger and Dan Bravinder. Absent were: David Pederson, Jan Thompson and Dave Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office.

MINUTES

On a motion by Bravinder, seconded by Felger, all voted to adopt the minutes for the March 17, 2016 meeting as printed.

1. LUTHER J. WORKMAN – Cont. from 3/17/16

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 informed the Commission the County Board acted on the recommendation to rezone to A/R. The applicant has provided another version of the survey, the borings and approximate location of the wetlands. Staff feel comfortable with this information that they would be able find a building site on Tract “B”, as long as the owner works with the Wright County Soil & Water Conservation District and avoid the wetlands, or they follow the proper procedures.
- B. Workman explained Tract “A” is where he plans to build and replace the existing house that is not livable.
- C. Felger asked if the two lots would share an entrance to the road. Workman confirmed they would access at the same point and split off for individual drives. His brother may not build for some time. He noted they would get beyond the wetland area with the common drive.
- D. Mol asked for public comment, hearing none the discussion returned to the Commission.
- E. Felger moved to grant a conditional use permit for a two lot un-platted subdivision in accord with the survey completed by Shoborg Land Services, Inc. dated 3/2/2016; Job No. 8146, with the condition that Wright County Soil & Water Conservation District and wetland regulations must be met prior to the issuance of any building permits and they come into compliance with the point of sale requirements. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ALFRED S. NELSON** – Cont. from 1/14/16

LOCATION: 7928 Aetna Avenue NE – 3.8 acres lying in Gov't Lot 1, Section 30, township 121, Range 25, Wright County, Minnesota. (Cedar Lake – Monticello Twp.) Tax #213-100-301200

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-1 Urban Rural Transition and S-2 as regulated in Section 504, 605 & 612 of the Wright County Zoning Ordinance. (If rezoning is approved, applicant will re-apply for a subdivision to create one new building site.)

Present: Alfred & Julie Nelson

- A. Riley summarized the previous discussion that was continued for a site inspection and allow the applicant to continue meeting with the Town Board. The property is zoned AG General Agricultural and in the Land Use Plan for A/R. The request to rezone to R-1 is to get a second building site. The applicants did not want to spend more money on the soils test and survey work without knowing where they stand on the rezoning. The applicant has signed the waiver to allow more time for consideration.
- B. J. Nelson noted the Commission at the January meeting asked they meet with the Town Board again. She felt they addressed the Town Board's biggest concern that was the driveway and with the assumption the lot was buildable. She illustrated the building area available by using the County mapping program, "Beacon", to show there is an area of about 20,000 sq. ft. to work with. This area is outside of the bluff and meets the building setbacks for the R-1 zone. They agreed to prove this prior to the subdivision approval. The new concern the Town Board discussed was the precedent R-1 would set and continued to meet with the Town Board. They discussed this with the Zoning Administrator. She reviewed the lots to the north and south and felt the proposed division fits in with the surrounding lots. Supervisor Yonak, indicated the R-1 is the best use and everyone seems to agree this does not fit the AG district. She felt they were able to address all the site issues, but concern was an R-1 rezoning could lead to other requests. They are requesting the Commission rezone to the R-1 which is a more appropriate district for the parcel. She felt the two lots would meet the R-1 standards. A question on how a rezoning would affect their property taxes if they did not get a subdivision approved was clarified with the Assessor. The zone would not change the tax value until the subdivision were completed.
- C. Felger asked if the new lot line would meet the setback from the existing storage building. J. Nelson indicated it would more than meet the setback.
- D. Riley explained the Town Board has a legitimate concern whenever there is a mix of development. This is an old "lot of record" in a AG and lakeshore zone that is undeveloped. It is understandable they would be concerned that other property owners would come in to try and rezone another tract for one-acre lots. The decision to rezone is a matter that stands on its own. The Commission should decide if the R-1 fits. The other issues would be left for the applicant to figure out.

- E. Mol asked the Plan designation. Riley stated it is A/R. The policy for the shoreland states the Commission should determine if it is “shoreland especially suited” for development. Typically, the Commission has a request that is a larger scale than this.
- F. Borrell noted he found the rezoning request on Washington Lake was well suited for the lots developed there. Riley noted those were large lots in the A/R district. What the Town Board is saying here is there is a substantial amount of lakeshore that is still open and are concerned about the impact of a rezoning on the south side if other requests come forward. Mol noted other requests would have to stand on their own.
- G. Felger stated the Commission made a site inspection and since he has given this a lot of thought. This property has good elevation above the lake; whereas, the acreage to the south around the lake are large parcels due to the amount of swamp. He felt it is unlikely those properties would come before the Commission for lots.
- H. Bravinder – felt the property owner has addressed the concerns about the driveway. He understands why the Township would have concerns about the driveway washing out, but that can be corrected. The maintenance person was at the site inspection to address that. The remaining issue is the precedent on the lake. A. Nelson – explained the culvert would be cleaned out; driveway will be crowned and if they put in rip-rap on either side that would address the concern.
- I. Riley suggested the decision should be continued to develop a motion consistent with the discussion. The discussion on whether this is suitable for development, the difference between this site and surrounding properties should be included in action that could be taken at the May meeting.
- J. Borrell moved to direct Staff to prepare a motion for approval of the rezoning and to include the discussion about the uniqueness of the property as it relates to the properties to the south. In addition, the applicant reached a resolution with the Town Board on the driveway to the property. Action on the rezoning request to be continued to the May 12, 2016. Bravinder seconded the motion.

DISCUSSION: Nelson informed the Commission they would be out of town in May, however, their daughter could represent them.

VOTE: CARRIED UNANIMOUSLY

3. **SUSAN V. MULVANEY** – Cont. from 3/17/16

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 updated the Commission on the request. The applicant has re-homed two of her dogs and expects to adopt out three more dogs by August and agrees to take other steps that include improvements to the facilities to address the barking concerns. The Commission had indicated they have no patience with this because of the barking issue.
- B. Conroy explained these dogs are the applicant's "family". She has rescued dogs for over 20 years and understands the barking is an issue. She has been working with Staff and the Humane Society to address these things. She had ten dogs and has re-homed two and plans to get the total dogs down to five. Of the five dogs, only three would remain in the kennel building, with one dog in the house and another in a separate house kennel on another part of the property. She has also agreed to spay and neuter the dogs she keeps. Other changes would be to find a different source of bedding and other minor changes that have been suggested for their care. The loss of five dogs, has been very disappointing to Mrs. Mulvaney, but is a fair attempt to resolve this for everyone. He asked the Commission to approve the Conditional Use Permit (CUP) on those terms giving an advantage of oversight from the Humane Society and County Staff.
- C. Borrell – could understand if one dog was barking, but here one starts barking and they all bark. Reports of continuous barking at night is a problem.
- D. Kaitlin Eisler, Attorney with Gries-Lenhard-Allen, representing Peggy and Michael Klein who live directly east of the applicant, asked if there is confirmation that two dogs have been placed. The non-stop barking continues at all times of the day, even if they are in the insulated portion of the building, the Klein's can hear them. An audio recording from inside the home from the previous night is available. Because of the topography of the property the noise seems to echo. The kennels are not sufficiently insulated. Staff's Acton Plan talks about the conditions of the building and insulation, addresses the reduction of the number; but does not address the barking. The applicant had purchased bark collars, but has not demonstrated she would use them and is not willing to debark the dogs or address the key issue which is the noise. As the weather has been getting warmer, the neighbors have noticed the smell of feces. That along with the barking interferes with everyone's ability to enjoy their property and is reason to deny the CUP for five dogs.
- E. Dave Vorgert – property owner two lots to the west – reiterated the noise interfered with conversation outside his home on a recent evening. He explained they could not hear conversation at 8:00-8:30 that night. The residents all love dogs and also own them, but if they bark they are brought inside. He did not feel she is putting effort into keeping them quiet. The neighbors should not continue to be subjected to this noise.

- F. Catherine Giccatti – the barking continues and they were the neighbors talking with Vorgert on a recent evening. She does not trust the applicant is able to control the number. She suggested three are allowed and is a number the applicant might be able to work with.
- G. Mike Klein – relayed how bad this is for them as residents next door. They open their sliding door to go out on their deck and the barking starts in. The applicant has disrupted the neighborhood. A house on the other side was on the market and could not sell and he could understand why. They are considering going after their realtor for not disclosing this. The use reduces the property values and that should not be allowed. Urged the Commission to deny a kennel license. He is afraid the number could be 25 dogs.
- H. Kelly Austin – neighbor with the therapy dog –when outside she talks loudly because of a hearing loss and talks to her dog outside which starts the applicant’s dogs barking. Any noise on her property starts this and she feels bad this disrupts the neighbors. Her dog does not bark at the Mulvaney dogs. The neighbors cannot be outdoors and what time of day will she be required to bring the dogs inside and what number would make a difference.
- I. Peggy Klein – adjacent neighbor – whether there are 10 dogs or 3 dogs, they are all barking dogs and barking will continue. Everything seems to start the dogs barking because she does not control them. She did not know if the Humane Society can train her on this. The dogs even in the shed sound like they are outside along the fence.
- J. Mike Plachy – three doors east – and the noise has not improved. A pet is not something a person should have that sits outside all day and barks. The permit should be denied.
- K. Kathy Ruppe - State Humane Agent – stated she was out to the site with Staff and the Commission members. She reported since that time, two dogs were re-homed. The applicant was very upset about losing her dogs. The comment that dogs sit outside all day and bark is not accurate. When she visited a dog came out on a leash with Mrs. Mulvaney and handled well. Another dog came out of the kennel and came to the applicant at the first call. Although very upset about losing the two dogs, Mulvaney has been very complacent. After the site inspection with the Commission, Ruppe stayed an additional two hours and did not hear a lot of barking. When the dogs were picked up, she stayed on the site for three hours and there was no barking during that time. She could say that sound does travel out here. She reported that the applicant has been really complacent, however, neighbors that showed up at the site were going into buildings where they should not have been; one man raising his voice. The applicant is a senior citizen, who is frightened by her neighbors. A realtor contacted her about selling her place. There is a lot more dynamics going on here. The building is insulated and if she can get the dogs contained inside rather than going in and out at night; that should help. She is asking for a Conditional Use Permit and suggestion has been a reduction to five, one dog would be in the house. Some are not dogs that can be re-homed. If they can follow the recommendation outlined by Marquardt, Staff Planner; they can address the problem. Conditions include keeping them inside and getting the remaining dogs spayed and neutered. Without a CUP, she can keep three dogs and they cannot enforce spaying or neutering, which is huge. The applicant has agreed to do this if she can keep five dogs. Also, Mulvaney would be willing to work with the feeding suggestions and bring her dogs into an insulated buildings. There is no law requiring that

she bring dogs in at night without a CUP. The Commission's representative Stacy Marquardt put the recommendation together and Ruppe went through that recommendation. A CUP allows her to go in and work with the applicant on training, feeding, where to keep them and she is willing to bring a trainer to help her work with the dogs. A suggestion is to give a one-year CUP and allow time to work with the applicant.

- L. Mol asked Ruppe if she has worked with owners who have clipped the vocal chords. He reported another kennel in his Township where they had a room full of neighbors and that owner had the procedure done on large collies. After a recent review of that permit, the neighbors reported no problems. That owner when realized she might lose her dogs, had the procedure done immediately. He questioned how the barking will be controlled here without the collars or debarking. Ruppe – explained you have to know how to use bark collars correctly. The applicant purchased and tried the collars and she burned the dog's necks. More and more vets are refusing to debark and it should be a last resort. She recommends other methods like proper exercise and training to reduce the barking. She felt these steps need to be taken and it takes some time. Once they remove three more dogs, they will start working with the remaining five dogs. The applicant has shown a willingness to work on this. She understands there is a barking issue, however, if she follows the recommendations that Marquardt has come up they can have success. Marquardt, who the County pays to work on these issues, prepared these recommendations, which Ruppe reviewed and agrees with the recommendations. Ruppe stated she is not happy to hear that owners are going to the extent of surgically debarking dogs when there are better methods. Mol – if the Commission issues a CUP, how soon could they see some improvements? The neighbors are looking at the summer months ahead when they want to be outside. There are other dogs in the area, but the neighbors have indicated they are house dogs. After a couple months, the Commission hears the issues are the same. Ruppe – stated she just got involved. The issue is to try to deal with the barking. If she gets the CUP, she has one dog in the house and one is behind the house and three in the kennel. She needs time to work with her. The applicant feels very harassed and is under tremendous stress as a senior living alone. For 26 years no complaint was filed with the County and felt she should be given an opportunity to try. The applicant is trying to hang onto what she has, so she keeps them inside and when she lets them out, it starts in. She suggested the Commission listen to Marquardt's recommendation. As an agent, she has seen terrible situations; but these dogs are well loved. She recommends a five-dog CUP.
- M. Borrell –asked about the action plan and if the dogs pass away would she replace them. Ruppe –the understanding with her is no. They cannot expect it will change over-night, because of the harassment she has holed up with her dogs and that does not make it better.
- N. Felger – asked if any of the dogs were spayed and neutered. Ruppe – no, it is expensive and she suggested Mulvaney wait to see if she gets the CUP. If she only has three dogs it is not against the law to have a dog that is in tact. Felger – there is no control by an outside agency if she gets down to three dogs. He asked what a neighbor's recourse is if there is a barking problem. Riley – stated there is limited zoning control, other than a Township may have adopted an Ordinance for a loose dog. Possibly civil action. Felger – if he does not approve the CUP, the applicant gets down to three and they are still barking, they are at a quandary. Ruppe – approve a one-year temporary permit. Felger – with summer coming up, how soon could the applicant act on spaying the dogs? Ruppe once the CUP is issued,

she will need to set it up. She noted a dog needs ten-days of rest; so they will have to be done one at a time. Felger – asked about the time frame to get this done. Borrell – noted the plan says August 11, to comply with the five dogs. Felger noted that is the end of the summer for the neighbors. Borrell noted, this has been going on for 20+ years. Ruppe – the applicant has shown a willingness by re-homing two of her nicer dogs. She expects the applicant will comply. Ruppe has other cases to move on to and will be working with the applicant during this time. She also trains service dogs and knows them. If there is one dog that is a particular problem, they could try and re-home it. The dog that has mental issues would not be one. If they cannot re-home a dog it would have to be euthanized.

- O. Bravinder – relayed experience with a kennel in his township. When a neighbor has to live next door to constant noise that is a concern. The Zoning Ordinance addresses this and is very specific. The barking problem at the kennel in his Township did not involve debarking; that owner controlled the dogs after the CUP was issued. He owns labs and knows one can be controlled; but with two males it becomes an issue. He has been able to control barking and train his dog with the use of a collar and once the dog was trained he no longer needs to use the collar. The barking has not improved here and asked why she has not worked on this. Ruppe – stated she just got involved. The night time is when neighbors seem to have most of the issues. Ruppe – prior to this, the Humane Society has received one complaint and she was not involved since until asked for help by County Staff to provide a recommendation. If the CUP is not issued, she would no longer be involved.
- P. Mol – noted the applicant is a senior citizen and questioned whether she can even handle five. Ruppe – stated she feels five is appropriate, she can train her dogs and not work as hard cleaning up after them, allowing more time to enjoy her dogs. With a temporary CUP, if they are not seeing improvement, they can address it.
- Q. Conroy – the applicant is not blowing off the concerns. She is not sleeping because she is monitoring the dogs and you can argue whether it has been effective or not. The plan proposed seems more promising and effective.
- R. DeWayne Bauman – suggested a method to soothe the dogs may only take a radio with some quiet music playing. This was effective with a dog he owned that barked. He suggested giving a three-month temporary permit.
- S. Faye Vorgert – felt the applicant should have had concern disrupting her neighbors long before this. She questioned how the applicant could stand the barking. She has lived out here for 40 years, and although they have heard dogs barking in the distance, this owner with many dogs has created a nuisance. If the applicant wants this many dogs, she should live on a larger property in a remote area.
- T. Eisler – there is no time line or deadline when some of these things need to be done. This has been going on for a couple months already. The Humane Society is busy. Without deadlines, she did not think they would see any change. She felt one-year is a long time and suggested a shorter time period to see if there is any improvement. The Town Board has denied the permit. Ruppe responded she was not asked for a time line, but would be happy to provide that.

- U. Klein – stated the applicant is not outside telling the dogs to be quiet. One dog starts and they all start in. Any noise they make on their property gets them started.
- V. Conroy – stated he has been on the property three times himself. The dogs bark here and there but it is not true they are barking constantly. Looking at the Sheriff's report, you can see they have been to the site and were not barking. To say the dogs are barking 24 hours is a gross exaggeration.
- W. Mr. Klein – stated they found out she has a police scanner. The only time they were barking, was when the deputy came back unannounced and they were barking 20 minutes while he was sitting there. She knows when they call the police. He asked why the Humane Society would not help her out if she only has three dogs.
Conroy – stated Mrs. Mulvaney does not have a police scanner, would not know what one is. Borrell then asked if Klein has seen her police scanner. Klein responded no. Borrell objected to someone making an unconfirmed statement.
- X. Bravinder – read through Marquardt's report and can see if these things are put in place it will help the barking situation. The reduction of number by August 11, he would like to see that happen in four months with summer coming up. If the CUP is issued and that is not met, she would be in violation. He would be more comfortable if they had a full Board to vote on this. Mol asked if they could give a probation period to see if she can come into compliance and get some of these items taken care of; such as spay and neutering the dogs, etc. Riley – noted another kennel permit that had health concerns was given a one-year temporary permit and Commission then went back out. This situation, there is a number of dogs and require neutering and spaying by a specific time; require she come back and the Commission could make another inspection. Felger asked if the applicant is willing to incorporate bark collars or debarking surgery. Conroy – debarking no, but bark collars yes. He could not say if she has been using them recently. Borrell – the Commission has had good results with kennel permits that have conditions. Mol – some of those applicants were trying to resolve the issues before the permit was issued. He is not seeing that here. Borrell suggested four months to re-home, sounds like two dogs were re-homed in a short time. Felger – asked if the action plan addressed bark collars. Riley stated no the collars and debarking are not offered. The applicant has to take actions, whatever that is, to reduce the barking. If she does not do anything she would be a violation of the CUP. Borrell – if it does not go well, dogs are still barking in September it is a violation of the CUP. Would they have to wait until the end of the permit to address it? Riley – the Commission would have to take action to revoke the CUP, however, if the applicant is willing to work to resolve it, they try to work with the owner. Borrell – would want a little control and five dogs would give them that opportunity. Mol – felt one year is too long and they should not subject neighbors to that. Bravinder – referred to the Action Plan, first page which suggests working with the Humane Society to reduce the number to five dogs within four months. He would suggest they also define the time frame to four months that include the number of dogs should be reduced to five; the dogs should be spayed and neutered during the four months. He noted a three-year old dog will not be as easy to train as with a puppy. He is familiar with the frustration she would have; the applicant can do it but it would take some knowledge and work by the applicant. Mol agreed they need further time lines and suggest they continue to spell this out. The time frame was questioned. Borrell asked Ruppe if she felt it would be possible in four months. Ruppe – stated she had someone

who had three openings in their kennel. She was confident that she could place them by August. The spaying and neutering could be done in three or four months. Riley stated they get this down on paper and continue for a better definition of the training. He asked Ruppe if she could accomplish this within a week. Ruppe answered yes.

- Y. Bravinder moved to continue the hearing to April 21, 2016 for Staff to work on a timeline, short as possible, but still realistic, with the agent of the Humane Society for the neutering and spaying, reducing the number of dogs. Borrell seconded the motion.

DISCUSSION: Mol asked if this would be an interim permit for three or four months or a CUP. Riley stated he would look into that and give the Commission options if they are available. He felt at this time it would be a CUP with conditions and if not compliant it would have to be revoked. Ruppe – reminded them the barking is a process to accomplish. Mol – agreed, but want to get the process started.

VOTE: CARRIED UNANIMOUSLY

4. **REED RICHERSON**– Cont. from 3/17/16

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 stated the Commission heard the rezoning and had continued the item for Staff to draft a motion consistent with denial. Since that time, Franklin Township placed a moratorium on application for solar farms. The rezoning is requested so a solar farm can be requested and after further discussion the applicant submitted a formal request to dismiss the petition without prejudice. The Planning Commission needs to decide if the moratorium makes this a unique case to dismiss. At this time the CUP cannot be requested even if they rezoning were approved.
- B. Richerson stated they agree with Riley's summary. There is no point in proceeding with the rezoning when the purpose was to come back for the CUP for solar.
- C. Felger moved to dismiss the rezoning request without prejudice. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Chairman called for a five-minute recess. Commission reconvened at 9:25 p.m.

5. **GERARDO G. RUIZ** – Cont. from 3/17/16

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: Reed Richerson and Michelle Mathews

- A. Riley reviewed the map and site location. Property is zoned in the Land Use Plan as AG. The Planning Commission made a site inspection since the last meeting and continued to allow Staff to develop a motion based on their discussion. In the meantime, a plan was submitted to show the location change of the interconnection to the northwest corner of the property along with more detail on the landscaping. In concept and in discussion, everyone seems to be in agreement on the details, the additional plans provide clarity.
- B. Mathews – explained the inter-connection was moved to the northwest corner to reduce traffic on the west side of the project. Although they are willing, she did not get the impression the Town Board wanted screening on the southwest corner. She noted there is some natural screening and had not heard from that owner, but are happy to accommodate that. They detailed what would be planted if it is a requirement. Felger asked if they would comply with reasonable requests for screening. Mathews, answered yes.
- C. Bravinder asked what the infra-structure will look like going back to the substation. Mathews indicated that would be up to the power company and are designing what that would look like and the poles. The array detail has been provided. Richerson – added, the power poles would inter-connect with the power lines along 70th Street. Borrell asked if there was any reason to put in power poles along Dempsey Avenue other than from the inverters. Richerson – indicated no it would up in the northwest corner. Everything in the array is underground. The final plan is in process with Excel. Riley noted in the solar field it will be underground. Then an above-ground inter-connection to existing grid and no improvements to the grid to the substation. He did not get that for a fact from Excel. Richerson stated they don't have an executed design from Excel. Riley noted like the Buffalo Township solar farm, Excel is in control of that, they should keep it in mind for future requests. Further information is needed to consider the impact and what is it going to look like and to keep it away from residences. The Commission is interested in whether there is more infra-structure then is needed from an engineering standpoint. Richerson stated what they have at this project represents the standard engineering from Excel.
- D. Borrell noted they should consider the neighbor and provide a barrier. As far as the neighbors to the north, he questioned if a taller variety could be planted to better screen the site. Richerson was in agreement.
- E. Alan Johnson and Karen Edwards made the following statements: Johnson stated he owns the property directly north. He asked about the specifications on the screening. Mathews – Dog wood, black spruce or service berry bush. The dogwood and service berry are bushes and are thick but are not very tall. Johnson asked the height of the panels. Riley stated the

Ordinance allows a maximum of 20', but not requested here. Johnson –what is the purpose of the screening if the species are not high enough? Mathews –explained a mixture is proposed. Trees are 4-8' tall at planting. The solar panels are only 10-12' high and this should screen it. They agreed they could put the black spruce for height, along with the bushes.

Edwards – questioned why locate a solar farm in the County's most fertile soil. She explained they did not know about this petition and now the request has progressed. When they purchased their property were told by the Board that this farmland was so prime that they could not expand their front yard. Johnson pointed out on the map the acreage between the home site and road. They could only have a strip for a drive. Edwards emphasized that the County had denied taking this small acreage out of production because it was prime. Of particular concern to her, based on her work in the transmission of power in the energy industry, is the potential of radiation coming off these panels. The panels have carcinogens that have been proven to cause leukemia and other diseases. Everyone thinks solar are just glass, but these panels have carcinogen properties. If panels break and these chemicals are released into the air, it is a big problem. Radiation could be released into the ground and air. The neighbors that adjoin should be concerned and the radiation is a disaster for them and that will affect them. She described a system she was involved with in Arizona where they were transmitting from the top of the mountain. People owning million dollar homes, were getting hit directly by radiation, there were high instances of people developing leukemia and children were having health problems. She urged them to look at what they are doing to Wright County and what it will do to the land. She read a quote from an article from PB power plants.com an industry publication about PB power plants and their components. This states they should be located in old landfills or abandoned mine sites, or surfaces not suitable for agriculture in desert regions. That does not describe Wright County who values their agricultural lands. The reason is the industry should be locating these away from families. The applicant has no formal plan to address the screening or what Excel is planning for the infra-structure. She noted where the flooding is. When they walk out their front door they will see this. She knows from the industry, the pines can break up any radiation. A dog wood tree is decorative and will provide no protection. The panels are filled with chemicals that are flammable and explosive and have carcinogens in certain concentrations. What is the maintenance plan to make sure the cables are not broken? If this is not dangerous, why do we need a fence that says danger high-voltage?

Johnson stated as an employee of Westwood, he understands the details required for site plans. This plans has no topography and little detail. The decommissioning strategy should be addressed. He read a news publication dated April 4, in the Star Tribune about a subsidiary of Sun Edison are at risk of going bankrupt. The Denver Post did an article about decommissioning solar. Edwards, added it was the Public Utilities Commission that denied a solar farm, in Colorado who are generally pretty liberal. Johnson –of particular concern is the decommissioning. If this goes bust like many other developments, who gets left holding the bag. If this is approved, they should understand what the impact is down the road. They stand in opposition to the proposal.

- F. Richerson – much of the research done is applicable to other types of solar, such as solar thermal or other chemical components. This is not solar-thermal, some other industries use

cadmium, etc. but these are non-toxic. Their technology uses highly refined sand with aluminum frames and glass, there are no carcinogens. The 39 acres have impervious surfaces. They are improving ground cover with prairie grasses instead of row crops. The interconnection details are Excels scope, which they do not have. The analysis of the equipment on site, steel, aluminum and recyclable costs today and compare it to removing the system, which can be done quickly; there is value to remove these. Alan Johnson – asked if there are any hazardous chemicals or products inside the panels, or any asbestos in the pipes. Edwards, added Companies have to provide a plan to recycle the hazardous waste coming off these plants generating the energy. Richerson – the research is being done by a different type of solar technology, so it does not apply here.

- G. Tom Kleist – Buffalo Township – informed the Commission they had an enlightening meeting over at the Lake Pulaski Solar site on Friday. After a Township Officers meeting, Marion O’Neil set up the meeting. Representatives of the Italian and Greek companies building that solar farm sent someone to answer their questions. He would hope they can set up a moratorium to get some definitive answers. What Aurora had told them is entirely different then what is happening at the site. The Township was told they would not disturb the site. The panels are 20’ tall because of the terrain. They are now finding out that they are excavating over 200,000 cu yds. of dirt and 21,000 yards are coming in to build the berms. The Township just reconstructed Eaken and are concerned what 1,000 belly-dump trucks coming in on their road will do to it. They were told they would not disturb the wildlife, however, hundreds of trees were removed. A young couple just bought the house adjacent and questioned what it will do for their property values. Borrell had stated they are preserving the Ag land for 25 years and can go back into farmland. However, the removal of this much soil, the construction of roads down the middle with Class V to the back will destroy it. The other solar site on CR 12 also will have Class V roads around the perimeter. The County needs to find out what they are doing and putting in their fields. The Township has always had a good relationship with Excel, they put the poles along the edge of the right-of-way, but here they are putting them right in the middle. Borrell stated with this one they are not talking about those kinds of roads and they have some control. Kleist pointed out the County approved the one on CR 12 in Buffalo Township and that will not be farmable again. They done’ know what is put into the valuable cropland.
- H. DeWayne Bauman – Franklin Township – met with Buffalo Township, Marion O’Neil State Representative Anderson at the Buffalo Township Aurora solar farm site. He heard 250,000 cu. yds. of soil was removed, the maps show roads going in; that is not preserving the farmland. Also recommends a moratorium on these to further study the impacts. The companies are foreign that bought this parcel, with work done by subsidiaries who provide misleading information. The plans and CUP should be very specific. Nothing matches what the Town Board was told originally. Is this “green-energy when six-eight acres of trees were removed?
- I. Tammy Kassulker – pointed the farmland she owns with her brothers and farm. She is opposed to the solar farms. They live in Hollywood Township where these solar farms have been denied. She is opposed and supports these owners.
- J. Dwight Hammer – Albion Town Board Supervisor – his township has not had a solar farm proposed in their township. If these are such a good thing, he asked they look back at a

time when they could not sell their corn because it was “round-up” ready and solar farms may have the same impact on ag products.

- K. Mol brought discussion back to the Commission and asked what action they want to take. Borrell –the County now has an Ordinance and have been told they are not disturbing the soil, but perhaps they can add that as a condition. Riley – agreed they don’t say they can’t, but they have the ability to review the land alteration and plans need to show it. The few they have looked at, beyond the roads, show the alteration is minimal. Any more should be shown on the plan and approved. He agreed 200,000 cu. yds. at the Aurora site is a lot, but can envision it with the topography of that property. Borrell understood Kleist’s concern and would agree that would be hard to put back to farmland. Mol according to the plans submitted, can we hold them to the plans submitted on this one. Riley – once the material starts moving it is hard to establish what was original. It is best to have it on the plans and in writing. Borrell on this parcel there is no need and suggested the Commission include the condition that there be no more than what is needed for the access and the cement.
- L. Karen Edwards - what is the motivation for putting solar farms in. Mol – the Government is mandating it. On the other hand, a coalition in his part of the County are trying to shut down the Becker power plant. He personally would not want to live in southwest Minnesota and look at windmills. The Government has decided a certain amount of power has to come from sun or wind. Something has to be done to address the energy needs, but agrees it will have to be done right. Edwards - felt they should do something that does not impact people. Based on her calculations, using her electricity rate today, estimates they are only saving \$1,000 in ten years. Also, to save you have to buy shares. These should be located in undeveloped areas.
- M. DeWayne Bauman – they are heavily subsidizing this industry and felt they would not save, while these companies are getting rich off it. He suggested leveling off a gravel pits to put these would be a better location.
- N. Mol asked if the matter should be continued for a full Board. Borrell suggested have Staff draft a motion. This site is not like the Aurora site in Buffalo Township. He would suggest additional screening and define the species, something taller on the north side. Riley it would be helpful for the Planning Commission and neighbors to have a landscape plan with the topography; also a grading plan with elevations. Borrell – are the drain tiles identified? Riley confirmed they have that.
- O. Felger – there is an Ordinance for Wright County, although not perfect, it was in response to the Aurora solar farm forced in Buffalo Township. The County and Township had nothing to say about that one. Although the Ordinance is not perfect, they have a say. There are other higher agencies that can force these without anyone having a say.
- P. Richerson confirmed they could prepare the screening and landscaping plans.
- Q. Borrell moved to continue the hearing to April 21, 2016 for preliminary grading and screening plans. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **GERARDO G. RUIZ** – Cont. from 3/17/16

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: Reed Richerson and Michelle Mathews

- A. Riley the parcel is zoned AG and is in the Plan as Transition which led to much discussion at the last meeting. Franklin Township has now established a moratorium on solar farms. That does not affect this request because it is in process. A change from the last meeting, was the solar farm has been moved further from the State Highway. The solar farm is the same size and further details on the Transition Area of the Plan were made available. There were a number of concerns expressed in relation to the location as it relates to the Plan. The matter was continued for additional information and a full Board.
- B. Mathews – had a site inspection and had some good discussion with the Town Board, Commission and City representatives. The location is a notable change. They met twice with the City since the last hearing to see if they could work together on what the City envisions for the site. Moving it south is more expensive, but gives a 600' buffer along the highway. Allows an opportunity for a service road and initial commercial development along the highway. They submitted a formal response to the City's objection. Solar energy is completely compatible to an industrial area. The solar industry was not on the radar at the time the Land Use Plan was developed and could not have been anticipated. They believe this meets all the requirements, they have gone above and beyond to try to address the City's concern. They keep hearing these should be kept out of Ag areas and that they should be industrial areas. That is the case here, the land is zoned AG and meets the Ordinance, this site is directly adjacent to an area planned for industrial.
- C. Alan Brixius – City Planner for Delano – stated the concerns addressed in a letter dated March 16, from the Mayor still stand. The olive branch extended from the developer, only addresses part of their concerns. The opinion of their City Attorney and Attorney General's office is that you cannot put a sunset date on a CUP. Any conditions put on the land use right does not terminate with a lease or date put on it. Statutes were referred to that allow an interim permit. The Wright County Zoning Ordinance, Section 505 outlines all six conditions have to be met to obtain a permit. No damage to the vicinity, cannot impede orderly development and improvement of surrounding undeveloped property; and be consistent with the Land Use Plan are a couple. By the County's own Comp Plan, this is an area designed to go into the City. The City has a long-term development plan and a large investment of \$8,000,000. on infra-structure. That investment would be wasted, or the City would have to develop somewhere else. They find it would be injurious to the City based on the investment. The developer says that is speculative, he disagrees as it was based on long history of economic development and based on the County's Plan. Although, the plans was modified to give a 600' buffer area along the highway, it was only one component of what they asked for. They had also suggested bringing them into the City boundaries, give an interim use permit, sunset clause and work them on future concept plans. The City plans would require engineering to show drainage and utilities and

landscaping. The plans they have provided the County do not include any of these details. He feels this does not meet the six criteria the County outlines for a CUP. The attorney for the applicant submitted a letter and tries to indicate the Commission has no choice but approve this, or it would be arbitrary and capricious. He does not agree they are meeting the criteria.

- D. Felger has heard an \$8,000,000 investment a few times and asked just where that is. Brixius provided a map to show the location, although does not know the acreage, it includes the Moon and Murphy farms. The City is working with Randy's Sanitation who will build a facility. A large area of wetlands limit the development because of the arrangement of that. MN Department of Transportation provided 1.6 million for the intersection improvements. He pointed out the city streets and the improvements in anticipation of businesses coming into the community. Felger – his question was who was contributing the funds. Brixius explained it included the developer, the City portion and the MN Department of Transportation. Felger asked the projected time frame that the City feels they would develop this area to full capacity to use the infra-structure. Brixius – the subject site is a Transition site planned to come into the City within 15-20 years. The City believes it will be sooner. This project was just completed in 2015, before the solar request came in. Transition areas establish areas in Wright County where Cities are expected to grow in the next 15-20 years. During development of the Plan there was a mutual agreement to pare down the acreage in this Transition area. Felger – the solar farm shifting south would allow them more area along a frontage road; and, taking everything into consideration, time element, value of money and the solar farm, with the new configuration he asked how much impact would this have in the interim. He would not agree they cannot put an end date. Brixius suggests they get an opinion from their legal counsel as he has had experience on this. The timing is not specific, but the City believes they are allowing a permanent use. The lease is 30 years, that is beyond what the City has invested for; and based on the controversy the Commission is hearing on all of these, why would anyone relinquish a use if they cannot sunset it. The County will only allow so many; someday these sites will become more profitable, why would anyone give up their site. Felger if there could be a mechanism to put an end-date, would that satisfy the City with the assumption it is not annexed. Brixius suggests including an interim permit in the County Ordinance. When they met with the applicant a week ago, they talked about an interim use. The conceptual plans are not the detail the City would be comfortable with. There is no drainage, grading plans or landscaping plans showing species, size and location. That would give the County some control over what has to be done. Brixius would be comfortable with an annexation and then an interim plan. This is identified as their growth area, they do not have any interest in annexation unless this area is going to be developed in a way they can control. The City has not pursued annexation without a willing owner/developer. He thanked Riley for the packet given the Commission that helps describe the Transition area. He feels 30 years is much too long. Felger his first inclination is that this is going into an industrial area and is ideal and they don't like to see them in an agricultural lands. The best location was for Wright-Hennepin at the UPA site, in an old flat pole site, this site comes in a close second. Felger – this could go industrial in the Township. Brixius their first suggestion was to move this solar farm to parcels to the west. Felger understood the developer was willing but they had a deadline to meet. Brixius – that is not their concern and if they would have approached the City first, that would have been their suggestion.

- E. Felger – received information that Excel may allow a solar farm within a certain distance for a permit. He cannot confirm it with Excel, but his understanding is they could move directly west. Borrell – with Franklin’s moratorium this applicant cannot do that now. Riley – they are allowed in Industrial zone, however, there is opinion that the County should not be burning up Industrial land when it could bring in businesses. Brixius – explained the City’s plans for economic growth and what they have planned for. Felger asked Brixius how much land in industrial parks are undeveloped. Brixius answered, other than this industrial park, there is one acre parcel that has an easement and abuts a residential plat with no street access. From what they learned after the 7th Street development, this location was ideal because it is isolated, has good transportation and is away from residential. The City’s comprehensive plan was displayed and he outlined the area.
- F. Mathews responded to comments about the investment the City and State have made. Even if it were less, that is infra-structure built for a large area. The acreage they are talking about is a small portion used for up to 25 years. Brixius had alluded to the storm-water and wetland, but that has not impacted this parcel. Mathews – they also discussed the setback portion and the annexation; however, the landowners are not interested in annexation. They tried to accommodate the City’s concerns. They have no intention of going beyond 25 years. Last, the requirements for a CUP state they not impede orderly development, an argument by the City; but also an argument there is no development bordering this property and it is somewhat speculative to say that. Brixius although it is speculative, their investment shows they feel it will occur sooner. Why would anyone invest this much in a site and then after 25-years they would give that up. Mol – suggested the City could have purchased the land before they made the investment so they have control of what happens. The OAA agreements in Mol’s area with the City of Clearwater are different. Here the City holds the owners and City hostage. Brixius disagreed, some of their confidence came with the major goals and the development of the Land Use Plan for the County. They have to plan for the growth and make improvements in order for these things to happen. The City cannot afford to go out and buy these lands. The owner bought this land with anticipation something will occur.
- G. Jack Russek – Delano City Council member –former member of the County Board and County Planning Commission spoke to the amount of time worked to develop this plan six years ago and felt this use would be in conflict.
- H. John Czanstkowski – Franklin Town Board Supervisor - most of the issues have to do with location and he felt a moratorium is good reason to study this. He suggested other areas may be more appropriate. Much of this is new to the Town Boards and felt it would be beneficial to get more information. Mol – noted in his area they dealt with a large power line that was forced through. They also have residents that don’t want the nuclear and coal plants they have on his end of the County. Czanstkowski – understood, but felt they need more information. Russek pointed out the coal and nuclear plants are efficient and generate much more energy and take up less land.
- I. Mark Bauman resident of Franklin Township – not opposed to solar and felt they should be limited to 1 MW. This use at this location would create less runoff than if developed or

even crops. Noted a parcel that was left out of the Plan. The growth the City projects goes through the Township's industrial area and did not know why the City spent this investment without first talking with the Town Board. If an owner wanted to develop something industrial or commercial in the Township, the City would be opposed unless it came into their boundaries.

- J. Czanstkowski – talked with Phil Kern of the City who wants to sit down with the Township and work on an annexation area. He supports an Orderly Annexation Area and feels cooperation would benefit everyone.
- K. Bob Perry – owns this land in partnership – in listening to the comments, the difference of opinions is interesting on how successful these solar farms will be. The owners are just getting land rent and not any subsidies for this. The County ditch issue is a big concern, as they learned with the land behind on the Butterfield farm. This use should not impact the ditch and is an interim use. Land values will change as the City's industrial park fills up and will be more valuable for another use. This property is still in the Township and how much say should the City have on this. As owners, they are not farmers and should have a right to do something they feel is the best use of this property. Future development plans for the City would not preserve the farm field. The County allows this for a solar farm, if this were to go into the City it might still have a corn field until it develops. Requests approval.
- L. Jack Russek – once the City develops there can be zero runoff into Ditch 34. Would these solar panels have to meet that same standard?
- M. Mark Bauman –with a solar garden there is 10-12 feet between panels with grasses that would absorb more than a field of corn. He did not believe there would be any runoff.
- N. Mol brought discussion back to the Commission. Felger asked about the information provided since the last meeting. Riley reviewed the information includes revisions to the conceptual plan provided by the applicant today; a letter submitted from applicant's attorney. Felger indicated he has not had time to absorb the new information. Suggested they continue this. Riley would agree more detail on landscaping and excavation plans is needed. The details for development would not be the same as a City. He noted they don't usually have a parcel that already has streets and infra-structure built to it. He has concerns about the Transition area and improvements made that make this ready for development. Felger stated he would also like information for a sunset date. He would like to see this work, the applicant has shown a willingness to modify the location further south and accept a sunset date. He understands the City's investment, but just like a private investor there is no assurance. This development only takes up a small area of the entire area. He would like to see some compromise and a sunset date. Borrell suggested if they extend this out to the May meeting.
- O. Brixius felt it is inappropriate because it is in an industrial area and not Ag. This site has the capability of being sewerred. The site directly to the west is industrial and would not have utilities and components. If Excel is open to a slight adjustment would not interfere with the City plans and the City would not have any objection. The kind of industry they attract with the city facilities would benefit not only the City, but County and school

district. Bravinder what is the pay back to the landowner. Brixius –if the bring in utilities the land will be marketable land and will bring in a higher price. In response to the time frame, he noted it could be anytime within 15-20 years. Russek – this was bought as Ag land and they can continue to farm it, they are not taking that away.

- P. Borrell continue the hearing to May 12, 2016 for the Commission to get further information and have a full Board. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **WILLIAM J. HOLTHAUS**– Cont. from 3/17/16

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

- A. Riley reviewed the location of the mining on the southern portion of the property. The proposal is to continue operations that include recycling. The time frame proposed is longer than what the Commission has seen recently.
- B. Holthaus stated he is requesting a 15 year extension. The past ten years he estimated the mining has only been completed in a 10-12 acre portion and there are approximately 18 acres left to mine. The demand has been light the last few years and is the reason he is asking for 15 years.
- C. Mol noted at the site inspection they found the tree barrier on the north side is almost non-existent. The property to the west has a nice barrier. Holthaus asked if the Commission has a recommendation on the variety that does best. He noted an arborvitae was recommended. Bravinder noted the Wright County Soil & Water Conservation District might have a recommendation. These soils do not hold water well.
- D. The time frame requested was discussed. Mol felt 15 year extension was long. Bravinder agreed, noting the recent Southside permit was granted for five years. Mol felt 3-5 years would allow the Commission to keep a handle on how things are progressing. He asked if the recycled materials will be the asphalt and related materials for the projects associated with the pit material? Holthaus indicated that was right. Mol asked if there is a letter of credit and Holthaus confirmed that is on file with the County. Felger agreed with the suggested five-year permit. Holthaus asked if seven would be acceptable as that would give him five years to mine and a couple years of material in stockpiles. Riley explained if they give a five year permit, they usually give an additional year to reclaim. If the pit has not been reclaimed the applicant would have to apply for an extension.
- E. Bravinder moved to approve a Conditional Use Permit to continue mining, stockpiling and crushing and recycling of bituminous and concrete demolition materials for five (5) years according to the plans presented by the applicant on the record, including the revised reclamation plan, and according to the conditions established previously, with the

following conditions: 1) Dead trees along the berm on the north side of the property must be replanted immediately; 2) The letter of credit must be kept in place until released by the Planning and Zoning office upon final reclamation; 3) Mining to be completed by December, 2021 with reclamation completed by December, 2022. Borrell seconded the motion, with a friendly amendment that the tree barrier be maintained throughout the mining operation. Bravinder accept the amendment.

VOTE: CARRIED UNANIMOUSLY

8. **DEAN LEISCHOW** – Cont. from 3/17/16

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.) Owner: Holthaus Family LP Tax #213-100-214100 & -223200

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

Present: Dean Leischow & Joe Tierney, SunRise Energy Ventures
& Faith Simerfay, with Stanteck

- A. Riley reviewed the zoning and land use designation for AG. Commission has made a site inspection. The solar farm is on the north side of the property with a partial reclaimed gravel pit on the south end of the property. The revised plan shows the solar farm has been reconfigured. The applicant has since met with the Town Board and they approve. The details such as the landscaping, additional berms (if needed), connection point, land alteration and conditions of reclaiming the existing gravel pit should be refined for conditions to be developed for action on the request.
- B. Leischow asked for approval of the project that is on property well suited for this use. There is a well-established berm and trees along the north side will shield neighbors to the north; and, has no close neighbors to the west. The site was well screened for the gravel pit. The project meets every condition of the Ordinance. He stated they are willing to provide reclamation with assurances such as a bond or whatever the County requires.
- C. Felger asked if the adjoining mining operation was one permit that included this property. Riley reviewed the CUP just issued. There is a potential of being two parcels and a different configuration that may require a future hearing. Right now this is proposed on one site. Felger is there still a CUP for mining under where the solar arrays are proposed? Riley stated no longer. That has expired.
- D. Mark Holthaus – owns this property with other family members. There should still be an active CUP for the entire 120 acres issued years ago. He farms this land now and the reason the south end was partially reclaimed was the lease agreement with the Company was not working out. They reclaimed all but 5 acres so the mining CUP would not expire. Riley noted there are a number of files that include placement of bituminous plants. If the

CUP were still active, the owner is not planning to mine the portion of the property where the solar panels are proposed.

- E. Mol noted the Commission has talked about why they would not use old gravel pits. The way the banks have been reclaimed, the panels could go there. Questioned where they have an old gravel pit they are putting it in the field. That would address some of the objections they are hearing from the public. Leischow the problems with the gravel pits are they have to anchor the panels by driving posts and with bedrock that is difficult. Technically, you can figure out a way to put them anywhere, but it is very difficult and expensive. They would have a problem getting financing for that. Borrell asked if they have done borings, he would doubt they hit bedrock, more likely clay. Leischow – stated that it is not feasible, non-standard and they would not do it. On top of landfills is something there is some history and they know they work. He indicated he has talked to their investors and this would not be acceptable to them. Felger – stated to optimize the use of the land he would suggest putting the solar panels in the pit and mine the rest of the land (where the solar panels are proposed). Leischow stated there are problems with dust and the panels so would not be interested in this site if forced into the pit. Consideration for this site was the location of power on the north line and the project meets the Ordinance.
- F. Borrell – asked if they would be grading the site? Leischow –the site is flat and the only grading would be some access roads. They would not have to put down Class V, but access just to get their maintenance trucks in. If something unexpected comes up, they would provide a landscaping plan. Borrell agrees with Felger that there is no reason not to put the panels in the pit. The pit could be leveled out in a couple days. Leischow – he does not disagree it could be better use of the land, but did not think they could get it done. Felger – does not understand the Investor’s objection. Borrell – get the banks leveled off and the solar panels in the lower area. He assumed there is clay layer not bed rock. Riley –in the bottom of the pit there may be water issues and might require the floor of the pit be brought up some. Agrees it could be done.
- G. Riley – asked the applicant to explain how they connect from the underground solar panels to the overhead power lines to the substation. Leischow – in most cases, there will be some re-conductering with thicker wires, not an additional set of poles. Excel said they are not putting in a new set of lines. Borrell asked why at the Buffalo Township site they put the poles in eight feet, closer to the road. Leischow – noted they also have questions, but they have the right-of-way. Riley – noted the objection is 15 poles between each megawatt farm and it is the Township and neighbors that have to live with it. Leischow – it is in the tariff and demanded by the PUC that it be done that way. It is not Excel, because when asked, they say it is the requirement of the PUC. Riley suggested they keep it underground. Leischow – it can be done underground, but they are being told that is required by the tariff written by the PUC. Riley – the Townships and County should know these things and it does not make them receptive. He suggested they take a look at the Aurora project in Buffalo Township. Borrell –felt if the County drafts an Ordinance they have something to say over it. Leischow –there is no way to know before they get a CUP. This is the same design they show to Excel and have been told they have no choice. Riley – felt if the County were not going to approve these without knowing this maybe something would change. Leischow - would agree there is a better way of doing this. Riley asked if they

really need 16' wide access roads around these gardens. Leischow – that is for maintenance. He asked if there is a smaller road suggestion. They have done a lot of these around the Country and sometimes it is a fire department access and so these plans have become standard. Borrell – stated the Fire Department can drive across the field if there is a fire. Simerfay indicated it has been helpful there is a checklist so they know what the County's expectations are. The Staff Report states that they have submitted all the items requested. Riley – although there is a checklist, he is asking questions because they are finding out after construction there are some items that might be playing out differently than thought. This is not a good way for long-term building and the momentum is starting to go the other direction. Leischow agreed, they don't like the additional power poles and they are willing to go back to Excel and feel that there is no need for ten transformers when two will do. He felt it would be good for them to hear from the County, because they have raised this issue with Excel.

- H. Bravinder –the Commission has heard from three different solar companies. What is changing his opinion on these is there is an element of control they have nothing to say about and it is the unattractiveness.
- I. Discussion followed on whether Excel even wants this to play out and on the pressure to get these in. The power lines are in every plan that Excel has in the State and Leischow explained he has sat in the Work Group meetings with all the developers in the State and Attorney General's for the last year and half and the issue has been brought up many times. It is written in the tariff and it would likely take a year to change before the PUC. The backlash is that they are all hearing the same complaints. Riley noted it is the small things that add up and cause problems and ill will.
- J. Bravinder stated last week, Marion O'Neil and Bruce Anderson attended the Township Officer's meeting. O'Neil sits on the Energy Commission and is working to get the Legislature to put a moratorium on these until the details can be worked out. She works with Excel on the Energy Commission. She encourages people to call her. Leischow – stated they are involved and are in contact with the legislators. Bravinder – he does not object to the solar farms, but does not like these things to be pushed on them. Leischow – agreed they do not like the additional poles either. The plan they put before the Commission is what they are required to do and they will continue to push for changes. Riley – what he is talking about is on the site underground from the array and hooks up to the line that has to go through a series of poles just because tariff spells out the parameters. Borrell noted the other farms were not brought up. Leischow explained how it is transitioned. Each MW has two poles and everything on the property goes underground. Leischow added that the Geronimo project is not a community solar project. They did not have the restrictions on it and could run dedicated lines from the substations and long-lines could be used and could make upgrades to transformers. Everything before this Commission was a community solar and cannot do those. Borrell asked about the lines for this project. Leischow stated they will have five poles on this side of the road and Excel will have five poles next to those. Tierney explained their design would not use a third pole for metering; he pointed to where the underground lines would be and where they go up to the five poles and then pointed out the five Excel poles, just off the road right of way and all within the solar garden site. One line connection from this to Excel's facility.

Borrell asked where the inverters would be. Tierney stated those are in the site. Leischow – stated it is set back but Excel would not go further back than 50’.

- K. Felger –returned discussion back to putting these panels in the gravel pit. Leischow – does not disagree with the idea, but cannot do it. Riley – at this location it is not about prime farmland, but a resource just sitting there that will be tied up.
- L. Borrell – this is a project where it is permitted and they can place conditions on it. He suggested they continue for discussion with their legal counsel. The Commission is still learning and now they hear about another issue of concern. Referring to pictures of the Buffalo Township solar farm is ending up looking like.
- M. Bravinder – an elevation sketch was provided and asked if the overall height is 7-8’. Tierney – explained the single-access tracker is lower to the ground. The fixed panels are stacked up and sit a little higher toward the back. The axis turns to follow the sun and sits flat during the night. Riley stated the plans shows a maximum height or tilt would be 10’.
- N. Tom Kleist – Buffalo Township –at their Quarterly Township meetings it was asked if they could find out why a solar field in the old gravel pits would not work. He would like the industry to give them a better explanation why. Riley – some of the reason is that it has to be in an Excel territory where they can hook up. Kleist – felt it would put many people’s objections to rest if they can go in a gravel pit. He felt those would be ideal sites. Riley – noted Kleist is talking about a solar farm on Eaken. Kleist also noted the locations on County Road 12, the one in Woodland and Franklin Townships. Riley noted those areas of the County would not have the gravel pits. Tierney – stated when they met with the Township they asked the same question and had the same answer that it is not feasible. Monticello Township, after hearing this a couple times, took a vote and approved because there is a lot of good screening for this site.
- O. Simerfay – pointed out that Wright County allows these in the Ag districts; they are willing to work with the County for adequate reclamation of the pit that is there. Riley noted they have gone a record that they would not put solar panels in the back of this property. Leischow – it is not impossible, but not practical.
- P. Borrell moved to continue the Conditional Use Permit for one week, April 21, 2016 for legal counsel. Felger seconded the motion.

DISCUSSION: Leischow asked if there are some things they could provide to help the Commission to better understand. Borrell would like to hear more about the additional power poles. He understands those requests in progress have to be addressed and not delayed, but a moratorium can be considered. Riley – asked if the motion is directing him to draft a motion. Borrell – asked about the roads proposed and if what is shown on the plan is needed. Leischow – stated they have to gain access year around. He would agree they would not need roads to this extent. Mol – you can usually drive on a hay field. He would agree minimal disturbance of the soil. Leischow would agree and could come back with a plan for minimum access roads. Mol – the other issue is the trees must be maintained for screening. Riley – a letter of credit from a bank within a hundred miles is required by the County Attorney. There are two pieces of assurance, the pit and decommissioning of the solar farm. Riley explained these details will be

part of the conditions. Mol stated he would like information from their technical or financial justification for why these cannot be built in gravel pits.

VOTE: CARRIED UNANIMOUSLY

FINAL PLAT – Peterson Farm (Rockford Twp.)

On a motion by Borrell, seconded by Bravinder, all voted to accept the final plat of Peterson Farms and authorize the Chairman's signature.

9. **DISCUSSION:** - Solar Farms

Felger inquired about a moratorium on solar farms. Mol noted the Commission has to decide on the ones before them. He asked if the Commission is interested in recommending this to the County Board. Mol – noted there is opposition from the public and from some Town Boards. Borrell noted they always get opposition, however, they are being made aware of some things they did not know about like double poles. Riley – one Company said that Excel is making them put in additional poles, three sets in one case. What the public is talking about is they do not want them at all; and he cannot come up with a map where they can go in. Borrell felt the PUC can address it through the legislature Riley cautioned that they could also go back and treat them like the Aurora project without any local control. Felger thought as far as the number of solar farms, they may be reaching the peak. Riley indicated he has not been hearing as much about upcoming ones. Two projects in the MOAA may not happen. Borrell the one in Waverly pulled out the poles they had up and are sitting in a pile, whereas on the Rice property the poles are still up.

Mol suggested they put a moratorium, maybe they should just sit back and see what happens.

Bravinder – have a site inspection to see the ones going up around the County. The ones that Excel are building right now. Riley noted there is one started in Buffalo Township but there are no panels yet.

Borrell felt without a full Commission, they should wait and see what the County Attorney says.

Meeting adjourned at 12:30 a.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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