

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 9, 2016

MINUTES – (Informational)

The Wright County Planning Commission met June 9, 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 following Board members present: Mol, Charlie Borrell, David Pederson, Jan Thompson, Ken Felger, Dave Thompson and Dan Bravinder. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES – action on May meeting were held over until the end of the agenda.

Chairman Mol, read the order of procedure for the following public hearing.

1. MARK E. BERNING – Cont. from 5/12/16

LOCATION: 7776 County Road 37 NE – All of NE ¼, except for applicant's home site; and part of the N ½ of the S ½, all in Section 32, Township 121, Range 24, Wright County, Minnesota (Monticello Twp.) Tax #213-000-321400 & 213-000-321301
Property owner: Green Waves Farm Inc.

Petitions for a Conditional Use Permit as regulated in Section 604.4 of the Wright County Zoning Ordinance and 6.005 & 8.003B of the Wright County Feedlot Ordinance to allow an animal feedlot in excess of 500 animal units. The proposed expansion includes an addition to an existing total confinement barn that houses dairy cows and an increase to 995 animal units of dairy cows and youngstock. There are currently 5 total confinement barns and one partial confinement barn with a concrete open lot. Manure is stored in existing liquid manure storage areas of concrete and a Slurrystore® System. Some of the current barns are within 1000 feet of a neighboring home; the proposed barn addition is not within 1000 feet of a neighboring home.

Present: Mark Berning and Paul Berning

- A. Riley summarized the previous hearing continued for a site inspection; since, the Town Board has pointed out the merits of the request. Additional information presented by the applicant was how he might help control the odor. This information was supplied to the Commission in their packet.
- B. M. Berning – stated in the short time he had, he would try to address the concern with odor by adding a windbreak to the north; however, the Town Board felt it would take too long to get a windbreak established. He has talked with the University of Minnesota, and they discussed this at length as far as the direction and the distance from the buildings.
- C. Felger questioned the expansion numbers. M. Berning – stated they now have 300 milking cows, 40 dry cows, 45 baby calves and expect to grow the milking cows to 480, with a fluctuation of dry cows of about 70, depending on calving. He included a maximum number on the application to allow for their own breeding and to allow children or neighbors who want to show dairy animals, they would have a place to keep them. On one side of an open shed, he noted they will need a cement berm so the water can drain to the pit. Felger stated after visiting the farm, he was impressed with the operation and felt

they run a very clean operation. He confirmed 995 animal units does not mean the head of cattle. A milking cow is considered 1.3 unit and a dry cow less. M. Berning confirmed that and indicated it would take a long time to reach the maximum requested.
(Clarification: milking and a dry cow is actually a 1.4 unit.)

- D. D. Thompson – asked if the number of heifers and calves would not increase by 50%. M. Berning stated that was right. The number of calves fluctuate more than the rest. He explained this system will work best when the weather is not the coldest. Borrell asked if they would have six months of storage? M. Berning stated it is designed for twelve months, with application to the fields in the fall.
- E. D. Pederson indicated he was not on the tour, but knows from driving by that there would be more liquid than solids. M. Berning – stated the slurry system cuts down on the smell because it forms a crust on top that contains the odor. Pederson understands even with more animals, using this kind of system will have less odor. P. Berning agreed.
- F. Riley – reviewed the zoning and land use plan maps that show this is in the AG district. Areas outlined in the blue must be owned in common because of the dairy operation and buildings. The plans for the slurry storage were displayed to show that. Pictures looking from different directions were displayed. Plans for manure application provided. The boundary of the Monticello Orderly Annexation area outlined in red was pointed out and this property in relation to that. The white area is zoned AG. Felger – noted the farm is surrounded by Ag zoned property.
- G. James Peters, Attorney representing some residents in the vicinity, agreed this is a good project and good hard-working people. But, the expansion will be a problem for the applicant and the neighbors and for those reasons the Commission should deny a Conditional Use Permit (CUP). In 2007, substantial work went into developing the Comp Plan with specific plans and detailed report themes for development. Talks about open space and it restricts any expansions in the Quadrant, including the Ag zone and prohibits any new feedlot operations because of the I94 corridor and development planned for the area. Regarding the manure spreading acreage; it is one thing to store it and have a building for animals, but generating millions of gallons a year they will have to have enough land to spread it. He has seen the land proposal and this project has a small amount of land. He represents dozens of townships and written about 50 Township ordinances in the State. With travel to transport this manure great distances, it impacts the roads, adds cost and eventually there is a limited amount of acreage available to inject it. The Townships that are full of feedlots are restricting them because there are no properties to spread the manure. The contracts they have are for only three years, he warned that will be the biggest problem for the project for the long run. As the Transition Area expands out it will become a problem to find land to spread it. This operation would be better in the southern part of the County where there is more land available. The legislature, adopted Statute 116.0173 that exempts a project from nuisance issues for three weeks a year. The neighbors will have no recourse during this period. In summary, these are good people who believe it is a good project, but this is the wrong location. This area is poised for development for shopping and entertainment and that is what the Comp Plan says.

- H. Keith Wilts - 7416 CR 37, a neighbor the past 20 years – stated he has no problem with the odor. This operator runs a very good dairy operation and is a good neighbor.
- I. Loren O'Brien - Riley mentioned he included O'Brien's power point and information to save time. O'Brien – stated he lives at 7204 72nd Street –and regrets having to speak against a neighbor, however, there are issues that impact the residents that they have been putting up with the operation. He went through his pictures in a power point presentation showing the location of the operation, freeway, city and his property. Potential impact to many wetlands in the area that connect with each other concern him as well as the water table. The Land Use Plan (LUP) talks about Pelican Lake and protecting that. The 1,000' buffer around the lake was noted, asked if they can spread manure or pull hoses within that area. How will they move the manure to these properties for application? The LUP map was displayed, the AG area was noted, but this is an island. The only farm of this size is in Woodland Township, but that is very rural area. Wanted to know if there is anything in the County like this where manure is being spread near subdivisions, as he would like to talk to residents who live near a similar operation. Trying to double the size, but they need to look how this affects the nearby residents. Often comments that this is part of the LUP and use this manure spreading, however, this is a major operation. D. Thompson asked when he moved into the home. O'Brien –built and moved into his home last fall, but visited the site 3-4 days a week over 17 years he owned the property. He has not complained, but if they do not deny the permit, he suggests they put restrictions to protect the residents.
- J. David Hanson – lives north of Berning, are related and friends, the applicant understands the concern and will try to address the odor by injecting the manure into the fields. This is an ag area, but anything they can do to cut down on the odor would be appreciated.
- K. Ryan Johnson – 7075 Jason Avenue, $\frac{3}{4}$ mi. west of the farm – he would like to applaud what they are doing, but his issue is the manure spreading. When he had time off work, he drove around these sites where it is to be applied. The area northwest of Pelican he noted there are steep slopes. The erosion is evident and anything spread on those lands will end up in Pelican Lake. Those slopes are not suited for row crops let alone manure. The alfalfa/grass mix that is there may restrict how much of that land they can use.
- L. Rick Rosnow – speaking for his mother who lives at 7880 Jansen Avenue NE– directly north of Berning. She has had problems with odor from other small farms spreading manure. Most cities would have a treatment facility to handle something of this size. The spreading of manure will affect the neighbors. He has a truck farmer who applied a fertilizer and even people in the City of Monticello could smell it. He would suggest they look more into the issues surrounding the spreading of the manure.
- M. Oscar Galindo lives in Hillside Farms – he is not opposed to what he wants to do. Concern about knifing the last time applied south of Hillside Farms, and understand knifing controls odor more, but it did not work. The smell was very strong. What would prevent the operator from surface applying the manure.
- N. Justin Hillesheim – lives in Carlyle development, just regaining equity in their home built in 2006 after the downturn of the economy. He is opposed to anything that could

negatively impact the value of their homes. He respects farmers, but this is a bad location. He pointed out the location of his development. Additional new homes were pointed out.

- O. Bruce Hanson – representing the Monticello School District – District has concerns about the odor because of the close proximity especially how it would impact outdoor events.
- P. Jason Penaz -built his home in 2004 in Hillside Farms – is opposed to expansion and spreading so close to the schools, development and limits their enjoyment outdoors. Wants to see the community continue expanding.
- Q. Lloyd Hilgart-in Carlyle development-asked how many acres are used to land apply manure now and how much is needed with the expansion? How many times they apply.
- R. Barb O'Brien – 7204 72nd Street a neighbor to Berning – experiences the smell now year around. She has been around farms during her lifetime and knows what a farm smells like. However, this is much stronger than she has ever experienced.
- S. Dale Hendericksen – 6355 Halsey Avenue NE – he is torn over the issue – nice operation, but emphasized the concern about property values. He is within a mile of this.
- T. David Hagen – 8833 CR 37 NE – pointed out his location and noted he will be surrounded by this. Much development in this area, including schools. The concern is the manure spreading, he has family members who are farmers and supports the industry. This location is a concern, there will be no recourse for the residents. Restrictions should be placed on spreading, how often, because this is a prime development area for the City. Asked the Commission to take time to consider all the people.

Mol called for additional public comment, hearing none returned discussion to the Commission.

- U. Bernings addressed some of the questions raised. M. Berning – many of the people from the City who spoke about the manure application on 37 acres last four years was surface applied in the winter and spring. It took less than a day and half last year and they worked it into the ground right after the truck was there. According to a resident that lives there, he reported some odor for a couple days. Manure application on that site would be every 3-4 years going forward. He explained the limits that determine how often they can apply. They intend to run a pipe, with landowner's permission, for faster application and is knifed into the soil. He has Township approval to run the pipe under their road at one location. He explained this is much more efficient. Surface spreading manure takes much more time. The City residents can expect odor for a 1-2 days every fourth year, because they will move around to different sites. The landowners came to them for the manure application. He explained the land involved have the next generation of farmers coming up, so he felt they will be long-term. There is not the future development as suggested. City of Otsego and St. Michael are near, but there are no municipal utilities or development planned out here; even though they located a school out here. These are virgin fields that have had no application in a very long time. Borrell raised the question that Johnson asked about spreading on alfalfa? M. Berning – what they had done was a surface application in the past, but a 30 day manure storage unit has been shutdown. M.

Berning – the setback is 300' from a stand pipe, they have a plug that can be put in and used. P. Berning – the applicator who is licensed takes care of that. Borrell – explained an event, where the applicator applied and during a storm it resulted into much of it ending up in Waverly Lake. M. Berning – explained that is the reason they are building a larger storage capacity, gives them much more options so they can avoid events like that. He explained how the technology is changing that is getting similar to municipal facilities for quality. It was suggested a methane digester, however, they are not working well and are not cost effective. P. Berning - explained the knifing process – the soils have to be plowed first, the tractor goes in with knives to apply and if something happens there are shutoff valves. The manure is put into the soil and they keep it in the ground opposed to surface application. M. Berning – organic buildup is important for better crop production. In response to Felger, he stated they would knife about 80-90% of the manure, where last year they did 40% as experimental. One field was 30 acres near the Albertville Outlet mall and they did not hear any complaints from that. These fields were worked in right after the applicator because they were concerned about odor. Maps were used to show where the surface applied near the residents in Hillside and that would be knifed in at the same time as other parcels in the area. P. Berning – stated it is likely 3-4 years before they would apply in that location. Felger noted one of the questions was whether they had adequate land for application. M. Berning – secured enough land and apply in the fall.

- V. J. Thompson – many of the complaints are about odor and asked if there is anything they can offer to ease that concern? M. Berning – he has talked to his neighbors and asked that they let him know so he can determine where it is coming from. If a neighbor is planning an event, would be happy to address any concern. P. Berning – a complaint registered was actually a neighbor who hauled in 10-15 loads of sludge (lime from the City) that will sit there all summer. M. Berning - that is not their waste and they would not be accepting any of that. J. Thompson - was impressed with the applicant's operation and the progressive methods used. If the applicant can work with his neighbors with the manure situation there should not be an issue.
- W. Mol – would agree with J. Thompson, as a farmer he knew where to look and could see they run a very tight and neat “ship”. People should be aware the odor from the manure, is something the crop farmers want. The type of soils in his area need this. He has to pay for it. The smell is much less with knifing it in, there was no odor when they were out on site inspection. Maure is much more valuable than the commercial fertilizers used. The increased head of cattle will be a transition over the next 4-5 years, he does not think the smell will increase. Farming is progressive and summarized the improvements made.
- X. Bravinder asked Janikula, how involved is the MN Pollution Control Agency (MN PCA) with the manure application. Tracy Janikula, Feedlot Administrator– responded the forms are filled out by the applicator, landowner and producer who keeps it for three years. It is a PCA form but it comes back to her. This is new and a way of tracking where the manure is being applied. The nutrient value will be given to the landowner, applicator and producer. Will give all parties the total nitrogen and phosphorous so they know they have applied at the proper rate. Currently, the farm is not over-seen by the MN PCA because of animal units. She uses the MN PCA form rather than creating her own. Mol asked if other producers use the knife-in application. Janikula stated she lives adjacent to a field, where it is applied 200' from her house. That is the largest producer in

the County. The odor lasts a couple days but is only late October or early November, so it is not over the summer months when residents are out trying to enjoy the outdoors. M. Berning stated if he knows when there is a Friday night home football game, he would not apply it just before.

- Y. P. Berning – They have been informed by others, that reading what has been on social media was hard on his family. Since that many residents stood up for them. M. Berning, these were comments that included posts by environmentalists, some threats and animal rights activists, so they went into “terrorist mode” and took precautions with the Sheriff’s Department, put locks on their storage units and have had 24/7 monitoring of the property. This is how serious they take their operation and the security of the neighborhood.
- Z. T. Janikula – stated the complaint Rick Rosnow raised on State Highway 25 & CR 106, she followed up on was actually poultry manure. She agreed although properly applied, the odor of that was really bad.
- AA. J. Thompson –she considers a family farm different than large corporations coming in from another part of the State or Country and this farm has been in the farming community since 1935, kept pace with the technology and if there is a better way to dispose of the manure she is confident they will take advantage of that. This fits the criteria of a CUP and would support the Attorney to prepare action for approval.
- BB. J. Thompson moved to direct the Wright County Attorney and staff to draft tentative findings for approval. However, the Commission’s discussion today does not constitute an approval or denial of the request, nor is it a final evaluation of the record. Staff is directed, based upon the discussion, to prepare proposed findings to present to the Commission on June 30, 2016 for deliberation. The Commission will make a final evaluation for the record and make a final statement of the reasons to approve the request at that time. Borrell seconded the motion.

DISCUSSION: Borrell asked about including a buffer of trees. Kryzer – he would come up with a suggested motion and include that buffer to the north. Borrell – stated the largest dairy operation in Woodland Township is now under different ownership and are much better neighbors. Being a good neighbor is important, he feels this applicant would be responsive if a neighbor had an event such as a grad party planned.

VOTE: CARRIED UNANIMOUSLY

2. **GERARDO G. RUIZ** - Cont. from 5/12/16

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: Michelle Mathews

- A. Riley summarized the Commission made a site inspection, applicant asked to continue to be on the same agenda as another item. Maps showing zoning, land use and plan of the 5 MW solar farm were viewed. The plans were modified, address the location of the panels, the screening along the road, moving the solar panels further from a small parcel. The screening barrier suggested by the Commission from that parcel are not yet shown in the plans. Concerns were discussed about the roads servicing the panels, grading how the existing land would change to build the solar farm. New information in the Staff Report is in red. A suggested motion for approval or denial was included in the Board's packet. He noted a Work Group are meeting to address some of the issues. The Commission should decide on some of these issues and attach additional conditions, if necessary.
- B. Mathews stated they did not proceed with any grading plans because they do not anticipate a need at this site, except for the inverter pads and the access. They are agreeable to conditions for a landscape buffer. There is a natural buffer of trees on the southwest corner, but if that is not sufficient they would agree to add more. They are attempting to be good neighbors; have received approval at the Township level. Overall, they feel they are good neighbors, no odor, no grading that would change the nature of the ag land and decommissioning would put this back to farmland.
- C. Bravinder – asked about the roads going in there and how they are built. Mathews – it is gravel and some culverts for drainage. If the County and landowner want that removed they would be willing to do that. Bravinder –removing that amount of gravel after 25 years will not be an easy thing to do. Should there be a bond for that. Looks like a road in the middle. Mathews –typically they do not have a road through the middle and because the plan is showing one, she would check on that. Usually it is just a road in and a pad for parking on the edge. Bravinder questioned if there would be five inverters. Mathews – that is a current requirement of Excel Energy which they are working on with Excel.
- D. Borrell – explained a moratorium was established because this industry is new to the County. An Ordinance amendment request was made by Wright-Hennepin to allow their solar farm. He felt they need to work on reducing the number of poles, he would not support this request unless that can be done. He noted a representative of a solar farm in Monticello Township came back and said they had worked it out with Excel. He would agree on this site no grading is needed. A decommissioning plan is necessary, the poles in the ground do not come out easily. He asked the average depth of the poles. Mathews stated 12'. Borrell stated he has heard, depending on the soils they can go down to 16'

and he questioned if the material is worth removing this many. He would agree with Bravinder, a bond should be required to reclaim the site and remove the gravel. He asked why gravel has to be placed to drive in, most hay fields will accommodate driving in and the fire trucks are equipped to drive through mud. Pauline Stoll is very close to the solar farm, asked if they could keep the solar farm and even the fence a minimum of 50'-75'. Neighbors to the north are concerned about the solar farm, asked if they have a row of dogwood trees and a second row south of the power line that would provide a taller buffer. Mathews stated they plan evergreens in a second row. Borrell – noted the Town Board is asking for a \$50,000 bond in the event there is damage to their road. He stated the existing tile should be verified it is working or replaced. Mathews stated they have discussed a tile around the perimeter. Borrell prior to construction, a bond amount to be determined, and once completed a portion released.

- E. Pederson suggested in the event they have to put in gravel for an access road, they stockpile the black dirt and replace it. Borrell they might consider sod where they want to drive. Pederson – any requirements the fire department might need for access be provided. D. Thompson – questioned stockpiling soil on the site for 25 years. Pederson – place it at a 4:1 slope and have grass growing until it be used for reclamation.

Mol opened the public hearing for any new information.

- F. Alan Johnson – a neighbor to the north – had a conversation with Waverly and Montrose who stated they have no training to fight electrical fires. Moving more than one acre of soil in Wright County falls into a SWIFT program with erosion control measures required. The depth of black dirt on his property is 12-14". He read from the County's Mission Statement. "preserve and enhance the quality of life provide quality services through a participatory process..." He noted at the March 17, meeting, incomplete drawings and information generated many questions. April 15, the Commission tried to respond to the many concerns, especially in light of the solar farm debacle in Buffalo Township. Following the last meeting, County Board established a moratorium and a Task Force to study the issues and provide a common sense process for a CUP. Hopefully they will provide a detailed and workable set of standards to avoid the problems exhibited with the solar farm in Buffalo Twp. Many more neighbors that showed up in opposition at the May meeting that are not present tonight, there was no notice the matter would not be heard. It is his opinion the P & Z board has a much greater challenge, primarily the willingness to hand over prime farmland. This site is prime farmland. He read from the County Ordinance, 201. Intent and Purpose: (5) Provide for compatibility of different land uses and appropriate use of land throughout the community; and (6) Protect agricultural areas. He asked a solar farm request for non-prime farmland. There are 89 gravel pits in the County, abandoned dumps where they can put this use. The solar farm companies use the farmland because it is the most convenient. The surrounding counties have also established six month moratoriums; this one should be added to the moratorium. What is the reason to rush a decision without waiting until the study is completed. In the newspaper, he would provide copies, Sun Edison is a large corporation, with stock values dropping dramatically. He provided information shown in a newspaper articles, of the parent company and CEO running it and his association with several companies. The companies listed are not showing up on any Minnesota Secretary of State lists. He noted this information can be easily googled, and questioned the companies he has been

involved in the last eight years. There are 12 addresses listed for the CEO. This site has a 20 year time frame before it has to be decommissioned. Can the County or residents afford to risk failure if the company walks away; the public will be on the hook. He urges the County to require conditions outlined in 710 & 728 on all solar farms and monies for decommissioning the site. He has a petition with 45 signatures in opposition and reminded Borrell these are his constituents he is elected to represent. He asked if Borrell is listening. Will they uphold the preservation of agricultural land.

- G. Donna Decker – grew up on her father’s farm near here. She is concerned with the loss of acres of good farmland developed over the years. The research she has seen is that the efficiency of the solar farms is not proven. Farmland preservation for food production is important.
- H. Julie Mader – relayed a variance request denied because they did not have enough land to build a lean-to; they offered to buy land but were told they could not because it was ag land. She asked how a resident could be turned down for additional roof area, but a business can come in and use up this much ag land. Borrell questioned zoning.
- I. Randy Decker – owner of land directly south – could not speak to the efficiency of the solar farms. He relayed that his son wants to build a house and was told cannot use more than 2.5 acres of farmland, where do you draw the line. These panels might be an eyesore and is opposed to them. He rents his land to Wurm adjacent to where these panels are going up. Wurm had stated this is the best land they have put a crop on.
- J. DeWayne Bauman – Franklin Township Chairman and a member of the Solar Work Group – there is much information coming out. He asked the solar companies why they are dedicated to using farmland; one of them let it slip that their investors only want to look at that. Something tells him they would prefer to have prime farmland in case they fail. He feels they should be preserving the ag land. The Work Group is continuing to meet, a decision for this permit should be on hold or denied for further information.
- K. Pauline Stoll – owns the small lot surrounded by the farm. No one contacted her about this use. This is a minimum maintenance road and how would it be impacted. Borrell – stated they would come in from the east, he felt only a portion is minimum maintenance. Stoll – could she request 75-100’ from her line. Noted a tile and if they plug that it will flood her property. Riley – setbacks of 30’ from side and 50’ from rear is required by Ordinance. The Commission can require more. He reviewed the map to show the first proposal showing the location of panels. A second plan shows the panels and fence further away from her property. Stoll asked why use up prime farmland. Borrell – the panels and fenced are being discussed to be a minimum of 75’. Riley he would have to measure the site plan to scale and should be no less than what is shown on the plan.
- L. John Czanstkowski – Franklin Township Supervisor – felt this use goes against the Land Use Plan. Comments made relate to the use proposed in Franklin Township.
- M. Heather Mears (sp?) as a young resident and next generation who will have to live with the consequences. She has a problem with removing good farmland when there are

starving children in America and around the world. The 40 acres could feed seven families

- N. Julie Manard – if this is allowed they will set a precedent for others. The Commission is not just considering this acreage, but if approved this industry will explode.
- O. DeWayne Bauman – the Companies are dedicated to prime farmland because it makes it easy and cheap. He felt the industry needs to look at other properties. If they cannot afford to do it on other properties, if the subsidies don't cover the cost, maybe it should not be done. If this is the future, why would we think of decommissioning in 25 years. It is permanent as long as there are subsidies. They should look at leasing properties, such as the gravel pits or non-prime farmland where costs would be less.

Mol asked if there were any further public comment, hearing no response, closed the public hearing.

- P. Borrell asked if the moratorium would apply to this request. Kryzer stated no, not in this instance. The County has an Ordinance and they applied for the CUP. The solar industry approached the County about a year before and Wright Hennepin had a need for the coop and the County tried to address this last year. There were a couple applications received at that time. The amendment to the Ordinance said they could be a CUP in the AG district and did not specify where in that zoning district they could be located.
- Q. J. Thompson – given those rules they have ability to put conditions on the permit. Should they decide after the committee completes their work. Kryzer would not recommend continuing this indefinitely. The applicant signed off on Statute 15.99 because it would not be within the spirit they signed the waiver. Thompson a lease agreement was signed with Wurm, could the current owner sell the land and enter into an agreement with a new owner. Mathews – stated that is how the lease is set up. Thompson – noted Ms. Stoll will be affected the most because the panels will surround her property. She has a concern about the amount of gravel put down for roads, but there is the pilings driven into the ground and no cement used for construction. She questioned how they would recover the earth that was impacted by the pilings and integrate it back into the soil. Mathews – she explained the technology of the pilings and dirt is moving with them. There would be some decompression, but site would be regraded and self fill. Mol – the way he understands it is a healy-coil auger is used, the pole put in and knocks dirt off. The metal will be gone and some mixing of top soils. Thompson asked how many pilings are used. Mathews explained a group of panels are on racks, less than two pilings per group of panels. Riley stated the details will be in the decommissioning plan. Mathews there are concrete pads where the inverters are located. Pilings are not concrete. Riley asked if these are included in “other fixtures” stated in the decommissioning plan. He does not read that they are pulled out, what would happen to these 16’ deep poles? Mathews- they would come out. Riley felt they want assurance these are taken out. Thompson asked if there is a guarantee that the land will be restored to its original state and what is the cost. Mathews – the bond would be provided. Riley – the motion is not set up for multiple bonds. If the Commission requires construction bonds, land alteration bonds, pre-post they would need to further work on those issues. If that is what the Commission is looking for they would have to obtain those numbers. There has been some discussion to

motivate people not to do land alteration but if they do, there is a bond. Borrell – if they put gravel down that should be addressed on what the cost to convert it back to original. Thompson – felt that is important – if they allow this prime farmland to be given up for this many years, it should be put back to the same condition for production and know the cost of doing that. In Section 10 of the Zoning Ordinance, a CUP for solar systems do not expire unless the solar system is removed, until 30 years and then can extend the CUP. She read this part of the Ordinance. Riley – or there could be a date in the CUP and is where the discussion on an interim permit came from. Thompson – felt Stoll should have a buffer and better setback to protect her. She stated she is not in favor of approving in this location, it impacts generations to come and only benefits the applicant.

- R. D. Thompson – asked the distance from the Stoll house. Mathews – did not know. Riley – would have to measure it on the scaled plan that was modified, but it is more than minimum setbacks. They have discussed that the fence line up with the panels and provide landscaping. Questioned whether a road would be built, should a bond be required for the road. No land alteration and asked, can a plan guarantee that or do they need a bond for that. They are at a point where a decision is needed. Staff needs some direction. D. Thompson – asked J. Thompson the distance she was thinking from the house. J. Thompson – responded it would be more than 40 acres.
- S. Pederson – felt Riley did a good job developing an Ordinance when the original request came in. They are now faced with another use taking ag land out of production. Without these subsidies they would not be facing this use. The power companies were put in a position to provide re-usable energy and that drives this. In general, he is opposed, he had supported the one in Monticello Township because it was on a different type of land and once the solar panels are removed, the gravel resource would still be there. He would vote in opposition to the solar. Borrell asked Pederson if he voted for the Ordinance. Pederson – stated he did because it was a use coming before them and they needed a tool to address them.
- T. Bravinder – noted there are subsidies available for many uses. He has an issue with a lot of them. When it comes to farmland in Wright County, however the conservation programs take up about ten times as much land. They have developed a good Ordinance that provides for standards and the setbacks can be increased where necessary. He felt they have to move on this an application was submitted based on an Ordinance.
- U. Borrell – if they are protecting ag land at all costs, why should a housing development be allowed. That use would never go back to ag. The solar farm adjoining the City of Waverly and across from his property would have been a housing development. Pederson noted there are no subsidies for those homes. Felger – he had learned a CUP cannot have a time limit, but would suggest the CUPs coming are approved as interim permits. Mol – noted earlier on the agenda they heard from residents who do not want a farm expansion because of the odor. He would agree this particular land is prime. The young lady who addressed her future, but noted they are shutting down the coal plants and have to go to green energy. His employer who installed solar panels states they are paying for the energy costs on the farm. No one wants a nuclear plant and everyone wants power, but how will they provide that for the future. Technology is continually changing and they have to start somewhere, solar will become more efficient. Examples of other technology

were given. They have to look at what is happening in Wright County but they also have to look at what the State and Federal agencies are doing. He would agree there are large amounts of ag land set aside in preservation as Bravinder mentioned. Pederson – feels they have to listen to the group before them and everyone seems to be against it. Felger – the Ordinance come about as a result of it and they had Staff develop it. Although it is not perfect, it is on the books and in six months they can improve it. A reason for an Ordinance so local citizens could have some control of it. That was the most meaningful effort, opposed to the State or the Feds forcing it on them. He did not want to vote for the one in Buffalo Township, but supported the Ordinance in place. Pederson – because it is a CUP they have a decision on whether to approve it. After listening to the input he was not sure he could approve this. Borrell asked what would be the reason for turning this down. Pederson – stated the primary use of the Land Use Plan is to preserve agricultural land. The Ordinance gives the option to approve it; however, they are hearing from the people they do not want it. J. Thompson – would agree the Ordinance gives the option to approve. Denying this would not create a hardship for the applicant. She felt the hardship imposed on the residents is far greater. The Commission should listen to the input from the neighbors. Asked for the criteria of issuing a CUP and has not heard anything to support it. Riley read the six criteria. The recommendation from the Township alone is not reason to approve or deny a request and should be tied to those six criteria. If it conflicts, the County should not be developing an Ordinance that is in conflict with those six criteria. J. Thompson – regarding the Berning item on the agenda was a farm in existence for a very long time, this Company is not the same and cannot compare it. Kryzer – would caution not to use where the applicant resides as a criteria, it is not listed in the six Riley read. J. Thompson – stated she stood corrected. Borrell – asked about a home business is a CUP, and they cannot turn down an application because of the number of neighbors opposed. Kryzer – stated that alone is not reason to deny. D. Thompson – asked about the liability exposure the County might have if denied. Kryzer – they have an insurance that would provide defense. Borrell – there may be changes coming after the Moratorium. The Commission can add conditions at this time. He would suggest a fence moved back 75' to give her a better buffer. Riley noted those details could be included in the conditions. They must first decide if the request meets the criteria to issue the CUP. Mol – stated a motion is needed, if approved Staff need direction on conditions.

- V. Felger moved to continue to June 30, 2016 and direct Staff to draft Findings for approval of a Interim Conditional Use Permit for a period no longer than 25 years and include conditions on setback for neighbors, number of poles and other details on bonds, road etc. as discussed. Bravinder seconded the motion.

DISCUSSION: D. Thompson asked the applicant if the time frame requested would be 25 or 30 years. Mathews – the operational time is 25 years and is what they have a lease. Her question is does that time start at the time it is live. Felger – suggest the time starts when they get the interim permit to avoid delay. Riley – this use also requires a building permit. Mathews – would like a little leeway as their permit with Excel is 25 years when the switch is on. Riley – suggested it could be tied to 12-18 months from issuance of the CUP. Felger would agree up to 18 months to construct; and then the 25 year Interim Permit begins.

Pederson referred to an article in the Wright County Journal Press – the only people who are in favor of these are the companies proposing it. Felger noted it could be some other use that

residents don't support. There is a good chance this land will return to ag land in 25 years. The solar came about because the Feds shut down plants. He feels nuclear is the safest energy around, however, are forced into this situation. The solar farm in Buffalo Township where they removed trees and destroyed the environment was where the Township and County had no say in it. Here they have some control. Pederson – agreed that solar farm was out of their control. Felger without an Ordinance they could have had another similar situation.

VOTE: CARRIED

IN FAVOR: Felger, Bravinder, D. Thompson & Mol

OPPOSED: Pederson and J. Thompson

ABSTAINED: Borrell

3. **GERARDO G. RUIZ** - Cont. from 5/12/16

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: Michelle Mathews, Bob Perry, Owner/Wright County resident & Greg Theisen, owner

- A. Riley displayed the air photo, zoning and land use maps. Property is zoned AG and in the Land Use Plan for Transition Area. Originally a design showed the solar farm closer to US Highway 12; it was continued for a site inspection and have the applicant work with the City of Delano because there was some conflict with the Plan and City growth patterns. Because of that issue, there are many things that could be discussed, buffer, trees grading, bonds or decommissioning; but first what is before the Commission is whether this is a viable location for a solar farm. If it is, they would proceed and work on potential conditions. If it is not a viable location, a motion for denial should be based on the six criteria for a Conditional Use.
- B. Perry – the statement was made that the people are opposed, but not all are against. As an owner, he does not recruit people to come in and speak in favor of the issue. The notice sent out invites people in to speak out against it.
- C. Alan Brixius – Planner for the City of Delano – referred to written comments submitted and a draft resolution for denial. On May 12, the City Council met and they were asked to develop Findings for Denial. At an earlier PC meeting, it was suggested if it meets all the conditions, there is no reason for denial. No one has offered an analysis other than the City that addresses why it does not meet the six criteria. The March 16, letter from the Mayor outlines how this would be injurious to the City. The City is very much opposed. This document addresses the impact to the City's growth, inconsistent with the County's Plan and would be inappropriate for the area. A submission from the Attorney General's office states that an end date cannot be placed on a CUP. There are provisions the County can take to establish an Interim Use Permit within the zoning code. If they have not established that, it would run with the land. Lack of details is a concern. These include, compaction of soils, runoff, erosion and downstream issues for County Ditch 34. Landscaping requirements should include firm plans with details. There are no graphics demonstrated and they have concerns about approving things without final details. Once the solar farms are established, how does the ground cover get established and maintained when there is no sun getting down there. This is a concern for erosion and watershed issues. Pilings are not specified, are there drain tile issues. Information is lacking to determine whether this would be injurious. The reclamation plan is a single paragraph that says if it is concrete take it down 2' and other components would be taken down. Those items should be listed. The City and County have benefited by providing an area for industrial expansion. The current industrial area only has 93 acres with a \$31,000,000 value. These businesses provide high-paying jobs. There is \$8,000,000 invested to get the industrial park established that is immediately adjacent and they have sized that infra-

structure with this property in mind. Taking this potential out for 30-years would be in conflict with the County's Land Use Plan which promotes economic development, job growth for logical urban development. None of this would be accomplished with a solar farm. Mol – understands the concern with 30 years, but is the City ready to purchase this land within 5 years. Understands they have plans for the future, however, this is still AG land. The infra-structure is within 500', but his question is these land owners have a proposal and it is still zoned AG. These owners could put this in a 100-year trust or a CRP program preventing development. If the City bought it they can control it. Brixius – a CUP runs with the land and with all the opposition to them, once established and as solar energy becomes more popular, why would they decommission this when it is the thing of the future. Don't believe they can put a drop-dead date on the CUP, as it is not an Interim use. This may be ripe for development in 10 years, but if this is not available they would have to look elsewhere. This property owner has bought this recently and the reason they bought it is because utilities are right there. The City would work with these owners and offer benefit packages to develop this. Nothing is precluding them from asking for industrial development tomorrow. Putting a solar farm here for 30 years takes that opportunity away. Part of reason they participated with the County and Township is they feel this location is ideal for industrial, the State Highway and the railroad are right here. Do they separate the area with a solar farm. Street utilities have to be planned and they have worked with the State and noted it would be better to have controlled limited access. Their planning was based along with the County's Plan.

- D. Jack Russek – the Commission has an opportunity to vote on the issue. He is not arguing either way, but did not feel this is the right spot for a solar farm. The City, Township and County worked hard on the Plan and this would be in direct conflict. Mol asked how they define growth, it could be argued this is growth. This would be commercial and produces electricity. Russek stated this use would not produce jobs.
- E. DeWayne Bauman – a Township vote of 2/3 initially gave approval. However, since they have reconsidered after more meetings, including with the City and request a denial. At first, they had thought this might be here for 10-12 years and taken down if the City needs this area. Once this is approved and if it is successful, he cannot see anyone wanting to decommission. They respect the Transition Area and don't want to stop growth.

Mol asked for further public comment, hearing none closed the public hearing portion. The discussion returned to the Commission.

- F. Borrell - the City of Waverly approved a Solar farm and then Sun Edison asked for one across the road. He did not think in that location the City was planning to grow. He is torn on this issue. Perry & Theisen own the land and have rights. Asked if the property beyond this is planned for development? Perry - they have 155 acres and there is plenty of land to develop in the City's Industrial Park. He recognizes the City and Township have worked together on this. Riley - the one outside of Waverly was not in the Transition Area of the County's Land Use Plan. Annexation area agreements are separate. Noted a road splits it. City was notified and could have objected, but could not have referenced it conflicted with the Land Use Plan for the County. Bravinder asked if Riley could read the six criteria for a CUP. Riley read the six criteria. Bravinder felt there is only one he would question which is "in conflict with the Land Use Plan". Mol – agreed it may be a

factor, but asked what is growth? This is commercial and growth. This is still Ag land and questioned how easy it would be to farm in this area. If you were to take ag land out of production, this would be better than the one in Woodland Township. Riley read criteria # (2) and Commission must decide how this fits in with the growth and predominant use in the area. Mol stated that is the criteria he feels is questionable. How do they define it, it is not agricultural. Bravinder – bringing jobs and more economy to the area is something he can appreciate. On the other hand, there is no current annexation agreement with the City of Delano. Pederson – the City and Township had developed this as a Transition area and the City invested infra-structure based on that. To do something different could change everything. J. Thompson – stated she would agree with Pederson.

- G. Mol – asked the definition the County has for growth, the Township is not looking to develop. The Commission has to give good reasons. A CUP allows agricultural in an I-1. Agricultural overlaps with the Transition. He would look at the six criteria and what is predominate to the area. J. Thompson – in the documents provided them, there was an agreement to establish the boundaries for the Transition area to allow the City to continue to grow. The Township and City have agreed what should happen for this area and it would be an industrial park. The City proceeded under that premise, and then recent years with the economy slowing down, things were delayed. Mol – the Commission should not be considering economic reasons. J. Thompson – understand, but that was part of the planning process. Mol – stated in his Township they developed an Orderly Annexation Area where these issues are resolved by a separate Annexation Area Board. Here is no orderly annexation agreement. The Commission has to decide this request under the County Ordinance and decide on the predominate growth. Riley- the City and Township are notified and receive their input.
- H. Felger stated the Transition Area was agreed upon by Township and City in 2010 and in the City's opinion would be filled up in 15-20 years. However, 6 years have passed with little development. Often times, a City will take an aggressive development approach and expectations are high. He has been apprised of a situation about ten years ago, a small City's plans to expand were vastly exaggerated and unrealistic. Nothing has happened in that City. He would not say Delano falls in the same category, but don't know what the future will be. These property owners cannot be sitting without knowing. The City and other funds were used to build the infrastructures and sized in anticipation of acquiring this Transition area. He agrees that is good planning; but, questions if this request for this use in the Township is going to impede the City's plans to move into that area. The developer has made concessions to move the solar panels to allow more development along the highway. Other concessions could be an interim CUP and suggested they incorporate that into a motion. He did not think owners should be held hostage. Riley would not disagree with some of the comments about City plans; but to speak to the process the LUP was not just Township or City plan. The City expressed concerns about limiting its extra-territorial area and noted where it extended to. The Township was not willing to agree to that large of an area. The boundary was noted, and that is part of the City's extra-territorial boundary. They worked out an agreement. Riley agreed there can be some unrealistic expectations and that is why there was a big effort to reach an agreement. Now the question is the use within it. Bravinder – asked for the revised plan. Riley displayed the plan and shows a further distance from the State Highway. Perry the

City asked for 600'. Mathews – it is about 591-626'. Riley reviewed the plan with the drainage patterns. The City did not endorse this plan.

On a motion by Borrell, seconded by D. Thompson all voted to open public comment to allow for the City Planner to speak.

- I. Brixius – the concept plan was just one thing discussed, only one offered. This was not endorsed. This leaves a corridor for street extension or development, but the way it is being setup is a concern. They would be open for them to come into the City, under City Ordinance interim permit and establish detailed plans. What is growth? The Comp Plan describes Transition and this area reserved for public utilities and discourages uses that discourage utilities. Growth in the Transition Area is growth with utilities, that is the County's language. Major Policy Goal #1 states is to make best use of public funds and investments. The City has made that investment and it should not be taken away for 30 years. Major Goal #2 Land uses that should be serviced by utilities should be located in the Transition Areas and not in Agricultural areas. This use does not require urban utilities, create jobs or create tax base.
- J. Jason Franzen – City Council member – concurs with Brixius' representation of the City's position. He asked the Commission to respect their own Comp Plan which was developed by three separate bodies and the elected officials. Part of the reason they got together and it was not an easy process, was to avoid conflict. It is frustrating to listen to this for hours. Do they need lawyers to decide this? The Plan was developed after listening to the people and adopted by elected officials. Felger noted that in 2010 solar farms were not in the forefront and is a relatively new development.

Mol asked for further public comment.
- K. DeWayne Bauman – Franklin Township – agreed solar farms were not envisioned; but if they had known it would not have happened. When the County adopted the Solar Ordinance and if the concerns were known of prime farmland or lands of this type, that would have been addressed then. As Franzen has said they have to listen to the people.
- L. Perry – did not see the concern about compaction of soils as it relates to reclamation or impact to Ditch 34, it will not be an issue here. He can get the posts out of the ground or leaving concrete in the ground. Question about access to this property, he knows MN Department of Transportation will not give direct access here to the State Highway and they will have to access to the west by the "Flower Farm". He explained the future road plans. They would like this use for the interim until it goes into the City. There is still some land to develop in the City and other available land. They have a 165 acres they can develop around it. He agreed they did not purchase this land to farm. He questioned why the Township has reversed their decision, and only reason they are fighting this is that it is farmland. That is a reason expressed whenever development is proposed. He stated this is not the best farmland. City and Township have had closed meetings on this issue.
- M. D. Thompson made a clarification on Criteria #2 for approving Conditional Use Permits. Are they talking about impeding development around it; would industry or commercial business not come in around the solar farm? Discussion followed. J. Thompson felt it

would impact tax base. Mol – but would it impede other businesses from coming in on adjacent property. Riley –impede the predominate development in the area? Pederson questioned how would lots be laid out to the west of the City street and how development would fit into that. Where the City brought in the water and sewer, would removing this property impede how they grow. Riley referred Pederson to the Staff Report, last attachment for this item is the City of Delano Master Plan for development.

- N. Kryzer –if the Commission has had discussion and have reached their reasons, a motion would be in order. Pederson – as Russek pointed out, after many years watching these Boards, this is the first time he saw the City and Township agree on something; he felt that says something. J. Thompson read a Transition Area statement that Franklin Township is one of the few that have plans for large Industrial areas outside the City limits which is generally not permitted; however, because there have been some demands for businesses that need large parcels but not infrastructure of an industrial park and may need large areas for outdoor storage. She did not think a solar farm fits that definition.
- O. J. Thompson moved to direct the Wright County Attorney and staff to draft tentative findings for denial. Pederson seconded the motion.

MOTION FAILED - VOTE: FOR: J. Thompson, Pederson & Borrell

AGAINST: D. Thompson, Felger, Bravinder, Mol

- P. D. Thompson moved to direct the Wright County Attorney and staff to draft tentative findings for approval. However, the Commission’s discussion today does not constitute an approval or denial of the request, nor is it a final evaluation of the record. Staff is directed, based upon the discussion, to prepare proposed findings to present to the Commission on June 30, 2016 for deliberation. The Commission will make a final evaluation for the record and make a final statement of the reasons to approve the request at that time. Bravinder seconded the motion.

DISCUSSION: Mol noted a lot of things were not laid out in the plan, buffer areas, roads, would Staff be able to integrate that into the Findings. Riley – they have not had that discussion. Kryzer – Staff can develop some conditions for consideration. Riley noted there is an original plan and a second plan and the second plan does not take into account everything in the Ordinance. There are roads, tiles, bond requirements, fencing, etc. Those issues were not part of the discussion. Borrell – asked if they can discuss that now. Riley noted the many details. The Wurm property was continued several times because of all the details they were concerned about. Kryzer – Staff could try to put the details together, if the Commission is not comfortable or further conditions need to be addressed, it can be continued again. The time-frame under 15.99 has been waived. Riley – they don’t have the plans from the applicant to craft all those conditions, they will need to provide more information. D. Thompson is agreeable to continue for plans. Bravinder – suggested Staff draft something for them to look at, in the meantime the applicant has time to submit a plan. D. Thompson and Bravinder agreed to stay with the motion made. Felger asked that the permit state this is an Interim Conditional Use Permit for 25 years. Kryzer stated he will add that to the heading. Mol – explained to the applicant the motion does not mean final action to approve or deny will be taken at that meeting.

VOTE: CARRIED FOR: D. Thompson, Felger, Bravinder & Mol
AGAINST: Pederson, J. Thompson and Borrell

4. **DEAN R. SPIKE** - Cont. from 5/12/16

LOCATION: 14933 Huber Avenue NW – Part NE ¼ of NE ¼, Section 22, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-221101

Petitions to rezone from AG General Agricultural to R-2a Suburban-Residential as regulated in Section 504 & 606.a of the Wright County Zoning Ordinance.

Present: Dean Spike

- A. Riley summarized the request that was continued for a proposed motion. The maps were displayed to show the location of the property, existing zoning in the area and Land Use Plan. He noted the property is designated to remain AG in the Comprehensive Plan and that designation includes more than tillable land. A comment at the last hearing was that this was similar to the rezoning in Southside, however, he noted the difference in the two requests was the Southside property was infill a lakeshore area, had R-1 zones nearby. The location in Clearwater Township has a definite border between the Residential to the east and this area across the road. The property in Southside had a mix. A proposed motion for approval was prepared if the Commission is still going to act on the recommendation for approval.
- B. Borrell pointed out that that this property is not “ideally” suited for Agricultural uses as it is a small wooded parcel.
- C. Riley stated it also could be argued this part of the County is not considered suitable for agriculture without irrigation; but the County does not break up land into lots because the yield is not as high as in other parts of the County.
- D. Felger noted the Town Board approves. Mol – Township Chair – reported the Town Board approves because things have changed in this area since the update of the Land Use Plan. There is a 5-6 acre lot across the road and property across the road is no longer a large parcel. He noted the old residential lots to the northeast. He had not been in support in the past but realizes things have changed.
- E. Felger moved to recommend approval of the rezoning to the County Board of Commissioners of the property from AG Agricultural to R-2a Suburban Residential because the Commission determined the request meets the definition for the rare and unique circumstances exception under 4.4 Agricultural of the NWQ Land Use Plan, specifically to the language where it provides protection for agricultural uses and preserving of productive farmland, which restricts it from further development and is determined that this area is not well suited to agricultural activities; but, is suited for residential subdivision based on the intent of the Land Use Plan.
Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **DAVID M. NESKE** - Cont. from 5/12/16

LOCATION: xxx Colbert Avenue SW –Lots 1-4, Block 1, Birch Haven, Section 3, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-031-001010 thru 001040

Petitions to amend conditions placed on the plat approved as a Planned Unit Development District as regulated in Section 505, 612, 614.8 & 728 of the Wright County Zoning Ordinance. Requests consideration to allow revised placement of homes that would require tree removal and review proposed land alterations.

Present: Dave & Ruth Neske, Paul Otto, Otto Associates

- A. Riley noted since the last hearing, the Planning Commission made a site inspection.
- B. Mol called for public comment, hearing none, closed the public hearing portion.
- C. Borrell asked what action is needed. Riley – explained the lots were approved and the conditions of the Subdivision are being reconsidered. Had approximate house and sewer locations, and they cannot conflict with the steep slope leaving a smaller area to build. The preliminary plat and restrictions limited placement to protect the slope and trees. However, the potential buyers want to be able to build walkout basements and take advantage of lake views. He noted if platted today, they would still be concerned with the steep slopes, land alteration and potential soil erosion. Commission went out to see if there are any concerns in the modified house locations and the original plan was viewed along with the proposed. Also some land alteration proposed by a potential buyer of one of the lots.
- D. Felger stated from what he could see at the site, most of the changes would have minimal impact to trees except on the south end. The condition has been on the plat for ten years and some trees have grown up and noted the quality of some are not great, particularly on Lot 3; and he did not have a concern. The issue is going forward.
- E. Mol – stated he would not necessarily have a concern with homes located in the trees. Planning Commission should not allow placement too close and home owners must be aware that variances would not be granted later.
- F. Riley stated if the Commission is comfortable with what the applicant has presented, other than the concern about the slope. A motion could refer to an Exhibit on file. This is a Natural Environment Lake and the 200' setback must be met. Any land alteration in excess of the plans would require a new hearing, unless moved further back from steep slope, erosion prevention steps to be taken. Final sewer, house and engineering of walls that are required must be presented at the time of building permit. Pederson and Felger stated they are comfortable with that. Felger – only question he has is a shed on Lot 4 requires much alteration and is that still the plan. Matt Nelson, buyer in the audience, addressed that question. His primary concern at this time is tree removal and house placement and not the shed. Riley asked what trees he is referring to. Nelson pointed it out. Otto – stated there is less tree removal but more earth movement which is what Nelson wants. The grading plan, Option B, was another idea provided. That goes further

into the woods, less earth movement, but more tree removal. House on Lot 3 is actually moving closer to the lake. They provided the volume of material being moved to Staff. Felger – Option B would be the plan without the shed. Riley stated there are two options on that lot and Option A requires the Town Board approval for an access.

- G. Felger stated he would approve an amended Conditional Use Permit with Option “A” on Lot 4, according to the Exhibit “A” held on file.
- H. Riley stated Option “A” is preferred, if that sale falls through they want to know if they could use “B” as a second option. That also requires a Township access approval for that shed, or it could not be built. If “B” is not approved as an option, a new hearing will be needed if they decide on the shed. Felger – suggested they make sure there is enough setback and later don’t come in for a deck variance. The Board of Adjustment sees those requests often. The 200’ setback line was noted and Otto noted the space available. D. Neske – they do not plan to come back and is the reason for a second option on Lot 4. Riley agreed any changes may have to come back. The trees and the steep slope are the issues. The photos speak to why this is back before them. This is not a bluff or impact zone, but involves substantial land alterations and a change in the locations previously shown. The Commission has to decide if they are comfortable with the changes. Otto – they want a clear plan that the sellers can provide to potential buyers. A couple buyers had different ideas and the past approval had some grey areas. Riley added, if the Commission feels they should stay with the original that is what action should be; otherwise, address the new plan.
- I. Bravinder – did not see any trees in the proposed building area other than scrub trees, as long as they meet the minimum setback. Riley agreed a buyer would not want a rambler on that slope. J. Thompson – suggested they add in the motion that the lakeside of the building includes, decks or other extensions cannot built within the area would warn buyers.
- J. Bravinder moved to approve modification of plat conditions according to Exhibit “A”, including Plan “B” for Lot 4, all setbacks, erosion control, subject to the shoreland impact zone; and land alteration standards be met at building permit and building stage, any substantial deviations of the Plan will have to come back for a land alteration review. To allow an outbuilding on Lot 4, it will require Town Board approval for access. Previous conditions in original CUP not changed by this action are still in effect. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **JK LANDSCAPE CONSTRUCTION LLC, represented by Jerry Konz**- New Item

LOCATION: 2086 Donnelly Drive NW – Lot 12, Surfland First Addition, Section 34, Township 121, Range 26, Wright County, Minnesota. (Maple Lake – Maple Lake Twp.) Tax #210-138-000120 Property owner: Drontle

Petitions for a Conditional Use Permit for a land alteration in excess of 50 cubic yards as regulated in Section 505 & 728 of the Wright County Zoning Ordinance to build a retaining wall between house and gully. Wall is over 4' tall and is engineered. Project also includes the rebuilding of lower retaining wall by the lake and creation of a patio.

Present: Jerry Konz & John Drontle

- A. Riley presented the property location. Konz explained the boulder wall would be 8-9' high, built a couple feet off the property line would extend 110-120' in length. This is behind the garage to help stabilize the structure. Described the grading, removal of brush and smaller trees. A culvert is under Donnelly Drive.
- B. Mol asked if the culvert under the road currently drains directly to the lake? Konz stated yes, the size is 15-18" and takes water under the road to this lot. Riley stated there is nothing being done to restrict that culvert? Konz stated no. Mol – asked if the rock wall placement would create more water and a faster flow; at this time they are slowing it down the vegetation that is there. Konz – the waterway itself does not have much vegetation. The last 100' before the lake there is granite rip-rap and they will recreate that swale and rip-rap to slow down the water. Mol asked if they would add more rip-rap further up slope? Konz – not changing anything on the neighbor's property, and it could collect more leaves, etc. Drontle - noted where the water is meandering on the top part. The watershed was described and they would slope so the water would be kept from running up against the wall.
- C. Mol opened the hearing for public comment, hearing none, the discussion came back to the Commission.
- D. Pederson moved to approve a Conditional Use Permit for a land alteration in excess of 50 yards to build a retaining wall along the drainage ditch, construct a fire pit, and rebuild the failing retaining wall by the lake in accord with the plans on file. Erosion control measures should be utilized as necessary and all exposed soil should be re-vegetated as soon as possible. A building permit is required for the main retaining wall. Bravinder seconded the motion.

DISCUSSION: Mol asked if they are under the 25% lot coverage? Riley – they are confident on the 15%, but would look into the total coverage. Konz indicated the fire pit is about 200 sq. ft. Riley – directed the applicant to pursue any proper building permits.

VOTE: CARRIED UNANIMOUSLY

7. **KEVIN E. BUTCHER** – New Item

LOCATION: 10006 Fenner Avenue SE – North 26 acres of the N ½ of the NE ¼, lying east of the town road, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-251102 & -251100 Property owner: Morrow
Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for an unplatted two-lot residential subdivision (north lot to include existing house) as regulated in Section 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Kevin Butcher

- A. Riley reviewed the location of the property, existing zoning map that shows the parcels are zoned AG. Land Use Plan designation is for A/R. A survey presented shows an existing property line goes through the house. The two tax parcels are not separate building lots and have always been owned together. Options were to apply for a variance to see if approval could be given for the odd lot lines, however, since the property is in the Land Use Plan and they were able to meet the requirements, the rezoning made sense. The request is to rezone and if approved, a two-lot subdivision would follow.
- B. Kryzer informed the applicant that there could be no further encroachment on the property line and they might want to keep that in mind for the subdivision. Riley agreed, noting the new house should have no problem meeting setbacks. But the existing house could not extend closer toward the proposed line, unless it is adjusted. The setback is 30' from that line. It was suggested to move that line to give plenty of room for any future expansion.
- C. Mol noted the action tonight is on the rezoning. Opened the hearing for public comment. Hearing no comments, brought the matter back for action.
- D. J. Thompson moved to approve the rezoning to the County Board of Commissioners from AG General Agricultural to A/R Agricultural-Residential because it meets the criteria laid out in the Land Use Plan and the Town Board approves. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- E. Bravinder moved to continue the Conditional Use Permit until June 30, 2016 for the subdivision portion of the hearing to give the applicant time to gather the proper survey work, soil borings and other pertinent data required for subdivision approval. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **CHRIS R. SWANSON** – New Item

LOCATION: 3870 20TH Avenue NE– Part of the East 5/8ths of the SE ¼, Section 22, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-224401 Property owner: D. Miller

Petitions for an amended Conditional Use Permit for the nursery/irrigation and landscaping business with retail sales that will be expanding into a new building (to include office space) as regulated in Section 505 & 604.4 of the Wright County Zoning Ordinance.

Present: Chris Swanson & Craig Ballensky

- A. Riley reviewed the location map, zoning and land use that has the property designated AG. The applicant was unable to meet with the Town Board, however, wanted to come before the Commission and describe the proposal in the event any changes might be needed before the Town Board hears this. This is a nursery, was the former Dan & Jerry’s nursery/retail site. The pictometry shows the existing nature of the property. A site plan shows the building, plans, parking and location of rock, etc. The applicant wants to construct a new building. The Highway Department states the access is adequate for what is proposed, but might take future improvements. Applicant can describe what they do onsite and offsite and within the buildings.
- B. Swanson - noted the current stock of trees and building on the site. Propose a new building for a couple of offices, storage and equipment. They plan to use the property similar to Dan & Jerry’s operation. Mol asked if there is adequate access and get a semi in there. Swanson said yes, this has been reviewed with Adam at the County Highway. There will be some retail and employees. Discussions with Schulz, building official, on plans needed.
- C. Mol asked about screening. Swanson – noted the existing screening and did not feel there is a need for more. Mol asked if the Commission feels there is a need for an inspection. Riley – noted they can see what might come from the Town Board.
- D. Pederson moved to continue to continue the hearing to June 30, 2016 for Town Board review. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by D. Thompson, seconded by J. Thompson all voted to approve the minutes for the May 12, 2016 with a clarification Felger noted in the Spike rezoning item, that word “it” is reference to approval of R-2a.

DISCUSSION

Riley reviewed the Work Group on Solar energy. Explained he overlooked bringing the appointment of members of the PC to one of their regular meetings. He just called a couple members to see if they were willing to serve on it. These work groups are open to anyone who wants to attend. He wanted to be sure the Commission is comfortable with the representation, or if they prefer something different. Borrell asked if everyone in the PC could be in attendance. Riley – stated there may be a concern with a quorum. Mol – noted as long as decisions are not being made, he felt they could be in the room. Felger asked J. Thompson if she would like to take his spot on the Work Group. J. Thompson – stated she would be interested in listening in. Riley – noted the group meets every two weeks for a couple months and he will keep the PC informed.

Meeting adjourned at 1:10 a.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

cc: Planning Commission
County Board of Commissioners
Kryzer
Twp. Clerks
SWCD