

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 16, 2019

MINUTES – (Informational)

The Wright County Planning Commission met on May 16, 2019 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, Ken Felger, called the meeting to order at 7:30 p.m. with the following Board members present: Felger, Pat Mahlberg, Jan Thompson, Charlie Borrell & Dan Bravinder. Absent were: Dan Mol and Dave Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant Attorney, was legal counsel present.

ACTION ON APRIL 18, 2019 MINUTES

On a motion by Bravinder, seconded by J. Thompson, all voted to approve the minutes for the April 18, 2019 meeting with a name change from Dan Mahlberg to Dan Bravinder on page 1.

1. **STUART W. MARQUETTE** – New Item

LOCATION: 3548 Dempsey Avenue NW - West 400.00 feet of the South 1088.82 feet of the SW ¼ of the NW ¼ Section 15, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-000-152300

Petitions for a Conditional Use Permit to operate a dog grooming business in a proposed 24' x 24' shed to be built on the property as regulated in Section regulated in Section 155.029, 155.048 & 155.103 of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Stuart Marquette

- A. Riley reviewed the location map to show the property and zoning and land use maps that designate the property for AG General Agricultural. A recent division for the house and outbuildings from the farm was approved. The request is a new building for proposed dog grooming business.
- B. Marquette explained they currently have this business in Marysville Township near Deer Lake. Purchased this property last fall and are moving here. An old granary was torn down and the new shed is to be built in that location.
- C. Felger opened the hearing for public comment.
- D. John Spielmann - resident at 3264 Dempsey Avenue NW – lives directly east of the property and his concern is that dogs outside might bark and cause a disturbance. This is a very quiet area and does not want to hear this kind of noise.
- E. Marquette addressed the concern and indicated that would not be an issue, they would not do any dog boarding at this location. At the most, appointments would be made each half hour, with the dogs kept in the house. There will be no outside kennels or runs. Borrell asked if the applicant would object to a condition prohibiting keeping the dogs overnight. Marquette agreed and noted the Town Board put that condition on the business. Borrell asked the highest number of dogs serviced in a day. Marquette felt 10-11 would be the maximum and accepted Borrell's suggested limit of 12 a day. Riley noted the use is not being permitted that way, but a condition could be added.

- F. Borrell moved to approve a Conditional Use Permit to operate a dog grooming business in a proposed 24' x 24' shed with the following conditions: 1) Proper permits are obtained for the 24' x 24' shed and septic prior to the commencement of the business noting the business is only to be allowed in the proposed 24' x 24' shed; 2) No more than 12 dogs can be on site at any given time, noting the number throughout the day cannot exceed 12 animals; and 3) No over-night boarding of dogs allowed. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ANDREA B. ZITZLOFF** – New Item

LOCATION: 11191 Fairhill Avenue SE – Lot 4, Block 2, Rice Lake Meadows, according to plat of record, Section 35, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-227-002040

Petitions for a Conditional Use Permit for a massage therapy and Reiki Energy therapy business in the existing home as a home occupation and Sections 155.029 & 155.047 of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Andrea Zitzloff

- A. Zitzloff – she explained her experience and current employment. She wants a Reiki therapy business out of her home. She works full and part-time jobs and currently makes house calls. She wants to get away from making house calls and have clients come to her home.
- B. Riley reviewed the property location and displayed the zoning of the Planned Unit Development plat which is A/R. This is a home occupation. A neighbor responded, noting the covenants on the plat. They indicate any signage must be on the house, since signs are not permitted and suggest a review in a year. Felger asked if the applicant realized there were covenants, one of which could be prohibiting a business. Riley stated it is his interpretation the dwelling is the primary use, but had more to do with signs. This is not a County issue and he could not say whether the covenants have been enforced over the years. Zitzloff – stated she would not want a sign.
- C. Felger opened the hearing for public comment, hearing no response returned to the Commission.
- D. Bravinder asked how many clients would come at one time? Zitzloff – explained she would like a small home business for primarily Reiki therapy and less massage. The clients would come on a Saturday. She would like every other week; and does not expect to do more than 2-3 a day, up to six clients over a month and does not want a sign.
- E. Bravinder moved to grant a Conditional Use Permit for a massage therapy and Reiki Energy therapy business in the existing home as a home occupation in accord with the plans and narrative held on file. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **STEVE D. LANGANKI** – New Item

LOCATION: xxxx Fillmore Avenue & 150th Street NW - NW ¼ of NE 1/4 , except ...Section 19, Township 122, Range 26, Wright County, Minnesota. (Unnamed NE Lake - Silver Creek Twp.) Tax #216-100-191200 Property owners: Carstens

Petitions to rezone approximately 34 acres from AG General Agricultural & S-2 Residential-Recreational Shorelands to A/R Agricultural Residential & S-2 Residential-Recreational Shorelands and for a Conditional Use Permit for an unplatted two-lot residential subdivision as regulated in Chapter 154 and Sections 155.028, 155.029 & 155.047 of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Steve Langanki

- A. Riley displayed the location map to show the property location. Proposal is to rezone 26-27 acres (measured above the ordinary highwater mark of lake), land currently zoned AG General Agricultural to A/R Agricultural-Residential. Land Use Plan shows a designation for Rural-Residential. If the rezoning is approved, the conditional use permit is for a two-lot subdivision.
- B. Borrell questioned the outline of the property and total acreage. Langanki – reviewed the road frontage on the south and divisions along with the remaining acreage to the north. Determined there was not enough for three lots.
- C. Felger asked how the wetland issues will be handled? Riley – stated this subdivision would be “metes and bounds” description and be reviewed if the rezoning is approved. This is a public lake and not a wetland which has regulations. There are some wetlands on the property and how the house and driveway are developed would get reviewed. The Wright County Soil & Water Conservation District have given approximate boundaries. These areas should be avoided and it is felt there are two buildable lots.
- D. Felger opened the hearing for public comment.
- E. Chris Klein – Town Board Supervisor – stated the request was brought before the Town Board who approved the A/R zone and plan for two lots. The Township Planning Board felt there is adequate road frontage on two town roads and access is not an issue.
- F. J. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural to A/R Agricultural Residential because the Board feels it meets the criteria the Land Use Plan and the Town Board approves. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- G. J. Thompson moved to continue the hearing on the subdivision portion of the request to June 6, 2019 to allow time for the applicant to finalize survey work and obtain other required information for subdivision approval and for the County Board to act on the rezoning. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **STANLEY J. & CAROL E. VANDER KOOI** – New Item

LOCATION: 1499 30TH Street SE – Part of the N ½ of the NE ¼ of Section 20, Township 119, Range 25, Wright County (Crawford Lake/Rockford Twp.) Tax#215-100-201101

Petitions to rezone approximately 40 acres from AG General Agricultural and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and part S-2 Residential-Recreational Shorelands and a Conditional Use Permit for a four-lot unplatted subdivision as regulated in Chapter 154; and Sections 155.028, 155.029 & 155.047 of Chapter 155, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Stanley & Carol Vander Kooi

- A. Riley displayed the location, zoning and land use maps. The farm was outlined and two previous “entitlement” divisions pointed out in addition to the existing home. The request before the Commission is to rezone acreage along the road to A/R and if approved by the Commission and County Board, a subdivision as shown on a concept plan provided.
- B. C. Vander kooi – informed the Commission they met with the Town Board on April 16, and received Township approval.
- C. Felger opened the hearing for public comment.
- D. Dan Chaffins – 2125 32nd Street SE – raised concerns about drainage on the property, the wetlands and how this property drains with possible backup from the lake. He explained his backyard has continual flooding problems and he is concerned this development will add more water. Using the aerial map, he pointed out the location of his lot to the east. The water from the north drains towards his property. Borrell asked Chaffins if he knows how the Vander Kooi property currently drains. Chaffins responded he does not, but knows water comes down the road ditch. S. Vander Kooi stated no water coming off his property drains in that direction. Borrell asked if there is a drainage ditch through the property. S. Vander Kooi stated no. Riley asked how these lots would drain. S. Vander Kooi stated this part of the property is flat. C. Vander Kooi – noted the soils are sandy loam. Chaffins reviewed the how the water runs along 30th Street ditch and then comes along Cahill.
- E. Kryzer informed the neighbor that what is before the Commission now is a request to rezone. Survey work has not been completed and if there is need for a water analysis that would be a directive of the subdivision portion.
- F. J. Thompson – would suggest they act on the rezoning, but questioned if they could ask that a drainage survey be done. She has been in a similar situation with water coming from a neighbor and understands the problems it can create. She would want assurance that neighbors are protected.
- G. Wendy Etzel – 1999 – 30th Street SE – pointed out her adjacent lot to the east. She is interested in knowing how the property will be divided up. The concept plan was noted. Etzel was satisfied if the land area next to her parcel was undeveloped.

- H. Borrell moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural & S-2 Residential-Recreational Shorelands to A/R Agricultural Residential and S-2 Residential-Recreational Shorelands because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Bravinder seconded the motion.

DISCUSSION: J. Thompson asked if the motion includes a directive for a drainage survey? Kryzer answered no as this is a rezoning action.

VOTE: CARRIED UNANIMOUSLY

- I. Borrell moved to continue the hearing on the subdivision portion of the request to June 27, 2019 to allow time for the applicant to finalize survey work and obtain other required information for subdivision approval and for the County Board to act on the rezoning. J. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **JASON D. LIPINSKI** – New Item

LOCATION: 6761 Bishop Avenue NW – 24 acres more or less described as: Part of NE ¼ of NW ¼, Section 35 and also part of the SE ¼ of SW ¼, Section 26, all in Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) 210-100-352101; 352100; -263400 & part of -352401 Property owners: Lipinski & Borgerding

Petitions for a land alteration to create a building pad for a new building for proposed contractor's yard. Land alteration to involve approximately 1800 cubic yards of grading and some of the material coming from adjoining Borgerding property. ALSO requests a Conditional Use Permit for a contractor's yard to locate applicant's equipment used in his concrete business as regulated in Section 155.029, 155.048 & 155.101 of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jason Lipinski

- A. Riley reviewed the property location in Maple Lake Township. The map does not reflect existing lots lines, but noted the parcels owned by the applicant and a neighbor where some of the material is coming from. The purpose of the land alteration is to prepare a site for a shed to be built for the applicant's business. The second part of the request is for a "Contractor's Yard". The site plan provided shows the building pad will drain in all four directions.
- B. Felger questioned property lines. Riley explained the area outlined in blue is two different tax parcels. Lipinski added, although the map does not show it, they have combined three tax parcels into one.
- C. Felger opened the hearing for public comment, no one came forward and discussion returned to the Commission.
- D. Bravinder – asked if the proposal is to borrow material from two different areas. Lipinski stated the would take the topsoil off, dig out clay and return the black dirt. Bravinder asked if this would change the flow of water? Lipinski – indicated it would not, this all drains to the west. The alteration will flatten out a field.
- E. Felger asked if any employees work out of the proposed shed? Lipinski – confirmed they do not, the building is for his equipment that leaves in the morning and comes back at night.
- F. Bravinder moved to grant a land alteration to create a building pad for the new building according to the plans submitted. Borrows sites must be put back to farmland as soon as possible. Slopes of the building pad should be seeded or sodded as soon as possible to prevent erosion. Also, the request for a Non-Commercial Contractor's yard is approved based on the nature of the request that most of equipment and machinery will be stored inside, and operations will occur off-site. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **VALLEY PAVING, INC.** – New Item

LOCATION: 14584 County Road 75 NW – Part of W ½ of NW ¼, Section 22, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax 216-100-222300
Property owner: Russell Martie

Petitions for a Conditional Use Permit to locate a temporary hot mix plant for the 2019 season as regulated in Section 155.029, 155.048 & 155.100 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Brent Kent, Vice-President of Valley Paving; 8800 13th Avenue East Shakopee & John Wokasch, Operations Officer - 8800 13th Avenue East Shakopee

- A. Riley reviewed the location, zoning and land use maps. The property is currently zoned AG and in the Plan for AG. An existing gravel pit is in operation on the property. The Commission had originally heard this in 2004 and recently to expand the mining area. The site plan shows the location of the plant within the pit. The EQB received a citizen's petition for an EAW and a land use decision cannot be made until that petition is resolved.
- B. Felger – asked if the Commission can hear from both the applicant and residents in the meantime? Riley – a public hearing has been scheduled but a decision cannot be made.
- C. Kent- handed out a packet that addresses questions that were raised at the Town Board meeting. Concerns included are about emissions and pollutions; and he assumes why the petition for an EAW was made. He explained an EAW is required if the plant emits 250 tons of emissions or more per year. This plant, based on the MN PCA 2010 paperwork, shows they were well beneath this at 5 tons. The information provided on page 1, was to show a comparison. Compared the amount of emissions from 46,000 cars per day (average for I-94 near Hasty) and the breakdown of emissions, such as hydro carbons, CO₂, etc. that the travelling public puts out to the plant. Attachment 3, includes articles about asphalt plants that were deregulated from OSHA because they are not a cancer-causing agent/facility and it was extensively studied. OSHA does not even have a standard on how long you can be around a plant. Attachment 4 is a copy of their permit with the MN PCA. Attachment 5 explains how the plant works and addresses the questions of fugitive dust that is put into the air. The plant has a baghouse that collects 99% of the dust which is recycled back into the plant. The visible white smoke is steam, water vapor from drying rock. Another question was noise. He took a sound meter on the freeway on Mother's Day and traffic measured at 88 dB; a measurement of 10' from an asphalt plant was 77 dB; at 450' away it is 62 dB and they are permitted 60 dB at a certain distance and they meet that standard. He explained this hopefully addresses the concerns. Noted there is a lot of misinformation online on asphalt plants and hopes this helps to clarify. The road project is the I-94 project that will take place over the next three years and because the location is in close proximity to the job, less amount of trucks, less hauls and more efficient to the work.
- D. Felger opened the hearing for public comments, first establishing the format, a limit of three minutes per speaker and comments should be addressed to the Commission not the applicant and not repeated. The applicant will take note of any questions and have an

opportunity to respond later. No decision will be made because of the pending petition for an EAW.

- E. Diane Schaefer – resident on Locke Lake, directly across the highway from where the plant is proposed. She is one of the people who put a petition of 229 signature together and presented much data to St. Paul with the petition. There is dense housing around the lake and the open pit across the highway and noise carries over this lake. This will increase traffic. The project is to expand I-94 into six lanes; in addition, CR 75 is also heavily travelled. Everyone that knows CR 75 is there everyone will be using that as an alternate route and will be very congested. The applicant talks about the emissions, the asphalt trucks are not covered and the emissions and smell come off. One resident who moved away from an asphalt plant, speaks to how it affected her health with chronic migraines. There were 500-600 pages of data provided to the State with the petition.
- F. Jim Hollow at 3074 142nd St. NW – addressed the noise and readings which depending on when the reading was taken, the air pressures, etc. this can vary. He noted the lake floods almost every year, a creek from Locke Lake that backs up and it eventually drains into the Mississippi River. He noted if there is an event and pollutants get into that drainage area, this will eventually get to the river.
- G. Barry Heikkinen – Township Supervisor – the Town Board took a vote of the citizens in their Township about eight months ago to see if they should re-open the Land Use Plan for study. The result was 2/1 that voted against doing that. Now they are looking at putting an industrial use in the agricultural zone. This is in contrast with the NW Quadrant Plan adopted in 2009 that addresses protection of ag land and natural resources. Specifically, Goal #3, that says to preserve areas from incompatible uses. There is a farmer directly next door that has cattle. The overall policy statement and the County’s position on land use is that urban development should happen in the City limits and areas outside of cities be rural and primarily agricultural uses. This is a small pit and there are better locations and larger pits within their Township that would provide a better location.
- H. Sandra Forsman – 2602 147th Street - She noted she is a Township Supervisor that lives directly across from the pit – they were told it was only an agricultural pit, there would be berms and trees and she is finding these barriers are inadequate. – she summarized the limits of truck traffic and operation they were told would be coming out of the pit; the odors would be addressed, masked by a pine additive. Citizens’ concerns are about streams, lakes and many ponds in the area. She urged the Commission to deny the plant at this location; and set it up along the freeway where there are less people. Understand the rules and regulations; but for the sake of the people in the area, consider their health and well-being.
- I. Alyas Masih – resident at 4841- 140th St. NW Clearwater – is a physician living nearby with seven children, five of them are asthmatic and this use with toxic fumes will not be good for their health. Regardless of the level of toxic fumes, poison is poison. They cannot avoid the emissions from existing traffic; but don’t want to add more. Requests a denial of the plant. Added trucks moving in all direction and children with medical issues, this will be a detriment, can cause possible carcinogenic even if the risk is small.

- J. Daniel Schroeder resident 12863 Crofoot Avenue NW Monticello – in his research he found that asphalt plants should never be in a residential, recreational, shoreland or wetland areas. This is across from a lake and creek that runs next to it. There is flooding in the pit every year and must drain out. It is obvious where it will drain to. Secondary, this is up the road from the nuclear power plant on CR 75 and questioned if this would have an impact to national security for the area. What is the impact of adding this with more traffic and people. Third, even with the unified voice of the community that is against this; if Commission does decide to allow this he asked if they could require a high bond to cover any uncommon medical issues and the expenses that might arise down the road. Noted Courts have ruled in cases come before them where health was hampered by a use.
- K. Johann A Massmann – 14518 Devitt Avenue NW – recalled that 20 years or more there was a horrific school bus accident out here. Noted there are three non-conforming intersections and now considering this amount of truck traffic in this area. He could point the three out on the maps if Board wants. He talked with a DNR hydrologist in St. Paul, although not shown on the current map, there is a flood plain where the pit is. There is a public comment period for the new flood plain plan and he plans to comment on that. He attended the original hearing for the pit in 2004 and was on the Town Planning Board after this and heard the pit would have a ten-year time frame. At that time there was not a temporary use, but they could allow a specific use where it was right next to the project. Residents get frustrated when these permits and temporary permits become long-term.
- L. Jeff Johnson- resident at 1911 Wolston Ct. Clearwater- pointed out what he considers is misinformation. The pit has never flooded since they have been in it. Creek floods away from Lock Lake and no water can get to the creek from the pit. Some of the benefits to the plant location is that this would reduce truck traffic on any township or county roads in the County. There are no bus stops between the pit and Hasty. Does not know that an EAW can be forced if they do not meet the minimum requirements for one.
- M. Jack Humphrey - 14187 Dempsey Avenue NE – disagreed about the statement Johnson made on the school buses, he sees many busses travelling by on the road.
- N. Gene Spurlock 3005 145th St. – does not want to look at a plant, they see the pit out their front window – is a business owner in the grocery business and there are things they don't do if the community is against it. They are against this.
- O. Chris Klein – Silver Creek Township Supervisor – the decision was not unanimous, but the consensus of the majority was to approve it and referenced their report submitted.
- P. Felger informed the public that the hearing would remain open and any written comments can be submitted. Invited the applicant to address any of the comments if they wished.
- Q. Kent – noted one concern by Schaefer was the location of plant and smell coming off trucks. The project will start in Monticello and go to Clearwater and will be going for three years. The further the plant is from the project, the longer the truck haul and more trucks needed and will be part of road project. The concern pollutants could get into the lake and creeks, he noted two other plants are next to water. Omann Bros. in St. Michael has a plant right on the Crow River that floods often and does not believe it has been shut down due to flooding. Just south of the Silver Creek Town Hall is a plant in a pit that is near a creek

with housing around it. He does not see anything different from this site than the others in Wright County. He is not aware that those other plant placements in the County were required to complete an EAW to place them. Unlike concrete, there is no chemical reaction to the process in making the asphalt, the process is heating of rock and sand and adding liquid asphalt. When the asphalt cools it hardens. The liquid asphalt at an ambient temperature of asphalt will not go anywhere. They are required to report any spill of five gallons or more, which is not much. Felt to them the MN PCA is more of a threat than a bond, they watch these operations closely and would come down hard on any violations. If the permit is granted, they accept the conditions in the recommendation that the Town Board suggest and this is spelled out in the packet.

- R. Felger asked if loads are tarped? Kent – they do not in the summer, only when it is early, late in the season or cooler at night. Felger – noted it was pointed out the decibel controversy and difference the humidity and winds can have on it. Kent noted the test taken are 77 dB, 62cB at 62 at 450 away, 90 dB at the freeway; and whereas prevailing winds in the summer are from the southwest to the northeast, the pit is down in a hole, bermed on all sides and the noise will go straight up. He indicated he has no knowledge of water flooding the pit.

Felger hearing no further comment, returned to the Commission. Bravinder – suggested a site inspection.

Riley – assumes the 250 tons cited by the applicant is the standard for a mandatory EAQ. This is a citizen's petition to determine whether an EAW is needed. A responsible unit of government must be assigned to determine if a EAW is needed. The June 27, agenda was recommended for that process and a decision to take place. If the Planning Commission wants to visit the site in the meantime, that is appropriate.

- S. Bravinder – moved to continue the hearing to June 27, 2019 and make a site visit prior to that time. J. Thompson seconded the motion.

DISCUSSION: Felger announced to the public that the Commission often visits controversial or sensitive issues and the date to be determined at the end of the meeting. The public is invited, but no public comments will be taken at the site inspection. However, at the June meeting they will have an opportunity to speak to it. Kryzer announced there would be no notice of the next meeting mailed out, this action is their notice.

VOTE: CARRIED UNANIMOUSLY

Felger called for a five-minute recess at 8:45 p.m.

7. **EVAN H. SILTALA** – New Item

LOCATION: 2827 County Road 4 SW - Part of Gov't Lot 2, Section 14, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-144423

Petitions to rezone approximately 6 acres from R-2a Suburban Residential and S-2 Residential-Recreational Shorelands to R-2 Suburban Residential and S-2. Also requests a Conditional Use Permit for a two-lot platted residential subdivision (one lot to include the existing dwelling) as regulated in Section 155.028, 155.029 & 155.050 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Evan Siltala

- A. Riley described the location of the property and rezoning petition before the Commission. The six-acre parcel is near Cokato Lake and is zoned R-2a. The Land Use Plan designates the area as Large Lot. The R-2 zone is requested that allows for a minimum of 2.5 acre lots; and if approved, this property would allow a two-lot subdivision as represented on the concept plan. One lot to contain the existing house and one new building lot. In the Staff Report they have laid out the Plan and intention for this Land Use for large lot is R-2a and has an exception for R-2. The R-1 zone is limited to riparian properties and small areas on R-1 infill.
- B. Siltala stated he presented this to the Town Board, obtained soil borings and an opinion for septic system.
- C. Bravinder – also a member on the Town Board reported they looked at this favorable. CR 4 is to the east and to the west side are lake lots with a private road servicing those lots. A split in half would not create any problems. The road to the south serves the boat landing and a couple homes. Town Board approves because this is not agricultural land and there is nothing that can be done with it.
- D. Borrell – property would be accessed from the road on the south and not the private road.
- E. Felger – asked for further explanation of the Land Use Plan designation of Residential Large Lot. Riley – read the policy that allows in special cases, R-2 can be considered for smaller sizes in cases where existing development trends or environmental factors are appropriate. The land is now zoned R-2a and a rezoning to R-2 meets minimum lot standards. R-2a is the normal Large Lot zoning and the R-2 can be considered under the criteria he read. Borrell – felt this fit and even could stretch it to an R-1 here.
- F. J. Thompson asked what are the trends in the area? Riley – either developed as small lakeshore lots on the private road (R-1 older lots with land zoned R-2a in the back. What the Commission and County Board are to consider is that there is a combination of both zones and if R-2 is an appropriate zoning district to step down to.
- G. Chris Klein – Silver Creek resident – felt this is an appropriate use of a smaller parcel that is there and fills a need for a 2.5-acre lot without taking it out of an agricultural area.

- H. Borrell moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from R-2a Suburban Residential and S-2 Residential-Recreational Shorelands to R-2 Suburban Residential and S-2 because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Bravinder seconded the motion.

DISCUSSION: Felger asked if a site inspection would be warranted. Borrell felt the air photo shows the area. Mahlberg – noted a letter in opposition raises drainage issues and access; however, he was not sure he would learn a lot from a site visit. Bravinder – explained where that water is coming from and it is not created by this property. Borrell agreed the applicant's property does not cause the water problem as it rises away from the town road.

VOTE: CARRIED UNANIMOUSLY

- I. Borrell moved to continue the hearing on the subdivision portion of the request to allow time for the applicant to obtain any other information if needed for subdivision approval and for the County Board to act on the rezoning. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **SOLARSTONE PARTNERS LLC** – New Item

LOCATION: 4700 Quimby Avenue SW - Part of the W ½ of the SW 1/4, Section 28, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-283300 Property Owner: Anderson

Petitions for a Conditional Use Permit to construct up to four – 1 megawatt solar projects on approximately 25 acres (same property as 1 mw solar farm approved in 2017) as regulated in Section 155.029, 155.048 & 155.108 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. Commission to review six-month time frame allowed for a Conditional Use Permit to commence.

Present: Gordy Simanton representing Solarstone & Mark Anderson - Cokato

- A. Riley reviewed the property location and that the Commission had previously visited the site for a 1 mw solar farm in the northeast corner of the property. The request is to build four 1 mw solar farms. Drain tiles were located on the property and shown on the plan. The solar units meet the setbacks from the lake and wetlands that were delineated. In response to Borrell's question, Riley explained the wetlands were identified so that the roads and service of these arrays are not in the wetland. He noted if they put panels in the wetland SWCD must sign off on that. The City responded and originally, they may have thought the panels were on the south end near Hwy. 12 where there is a sewer easement. Once they realized the location proposed they did not seem to have an objection. An existing entrance is to be used and the location of poles pointed out. The bonding and decommissioning agreements would be needed before building permits are issued.
- B. Simanton – stated this is their last project of 15 in the State under the Community Solar Garden program. This completes 70 mw on Excel's grid and are using the most advanced technology available today. When they started three years ago, these were fixed units. The new ones are "trackers", low profile at 10-12' in height. In the morning the panels tip 52 degrees to the east and with sensors follow the sun all day resulting a better production. Borrell noted these are like ones in Atwater; and later he noted in the winter he noticed they were covered with snow. Simanton – explained the design improvements the last three years. The production of the facilities is monitored and if become snow loaded, someone will be sent out. Described the motors. Felger asked if the motors off-set some of the efficiency produced. Simanton – the motors are running off the solar energy and geared such that energy use is not measurable. Felger – clarified the gain from the tilting is what he questioned. Simanton – that can be from 10-20% more.
- C. Riley – asked if the Town Board is looking for additional information? Bravinder – the reason for a second meeting is the applicant had some changes he wanted to present. Board members had conflicts and the meeting was rescheduled. He was unable to comment for the other Board members, but would give his input on the changes if the applicant wants to present them now.
- D. Simanton – displayed the plans and explained in April he had preliminary plans and later in April they got the interconnection study back from Excel. The Ordinance allows for five utility poles and did not know at the time if they would have to go underground or have enough to span it with five poles. Excel's design requirement is for secondary metering, a

lower voltage on the line to go down to Hwy. 12. He pointed to where a 4' x 6' switchboard cabinet and four poles are planned outside of the right-of-way. That is the biggest change and their engineers have also indicated they could go through the low-grade wetland to get there. He wanted to give the Township the courtesy of explaining this change and what was given to Staff.

- E. Bravinder – All four poles are next to Quimby (town road) and questioned why they could not go underground. Noted this was done for another solar farm. Simanton – the solar farm that went underground was because they could not get the distance and meet the limit on the number of poles allowed by Ordinance. Bravinder – he did not want to see an overhead wire across the road. Simanton – they must get a final approval from Excel, but he does not have a problem boring under Quimby. The design specifications from Excel state a meter and breaker must go on the poles and they cannot go underground, they asked for secondary metering. Borrell noted the reasons for the limit. Riley – added that originally the older designs would have required 12 poles and the County required it be reduced and they came up with a design that allows one pole per mw. Kryzer – asked for clarification that there will only be four poles? Simanton – stated that is right. Bravinder – the Town Board would want those four poles eliminated if possible. Asked if these poles are outside the fence? Simanton – yes, this is what Excel's design specification are for the interconnection study. This is so Excel can have access to them. Bravinder – when they talked about this it was Excel, not the solar farm that would have them outside the fence. Simanton – looking at the other projects, they are outside of the fence. Riley – stated the other solar farm has the poles outside the fence. The setback is 65' from the center of road. Mahlberg – the poles are off the road right of way. Riley noted the poles would be seen whether they are in or out of the fence, this is not a privacy but security fence. Bravinder – the Township's attorney warns that if the poles are too close to the road right of way and they rebuild the road in the future, the Township would have to pay for moving the poles. Simanton – these are not in the right of way, they are 65' from centerline. J. Thompson asked if the applicant could not ask Excel to make this change? Simanton – Excel gives them the requirements. Bravinder – recalled at the Committee meetings the Excel representative stated they could do what the County wants, including underground lines. Riley – the Ordinance allows this number of poles, this is about location. Borrell – stated the Ordinance allowed one pole per mw.
- F. Development agreement was discussed with the applicant. Bravinder stated that Kryzer indicated that the Township's agreement could piggy-back on the County's development agreement. Kryzer agreed he will work with them on it. Riley noted this is required before a building permit can be issued. Bravinder noted he is one of the Town Board members and the other members will have to agree with this. Riley the only issue is the closest pole and asked if that location has been staked. Simanton stated it is not, but they could do that. The electrical engineer decided on the pole location, based on the location of the road and fence does not allow much room to shift. Bravinder – his suggestion would be to pursue with Excel if those poles could be removed. Simanton – stated he is willing, but it would help if that is a condition. Kryzer – stated it can be investigated, however, the action tonight is based on an approved plan. If they want it investigated, the hearing should continue to June 6. Bravinder indicated he would be more comfortable, to allow time to investigate this. Town Board meets on May 20. Simanton – agreed that he would further check on the design requirements.

- G. Bravinder moved to continue the hearing to June 6, 2019 to explore options with the poles and meet with the Town Board. Borrell seconded the motion.

DISCUSSION: The recollection of the comments from Excel at the committee meetings, there might be some room to work on this. Riley – asked if it would be helpful to have the closest pole marked. Bravinder stated he does know where it will be.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission will schedule the date and time of inspection at the June 6, meeting in the event there are other items to look at.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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