

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 6, 2019

MINUTES – (Informational)

The Wright County Planning Commission met June 6, 2019 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with all Board members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant Attorney, was legal counsel present.

Minutes

On a motion by Bravinder, seconded by Borrell, all voted to approve the minutes for the May 16, 2019 meeting as printed.

1. **EVAN H. SILTALA** – Cont. 5/16/19

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 explained the Commission's recommendation to rezone from R-2a to R-2 was acted on by the County Board and rezoned. The rezoning was requested to allow the subdivision for one new lot. Survey and soil work has been completed. Riley described the location of the property on the east side of Cokato Lake.
- B. Mol went to the public for comment. No one came forward and he returned to the Commission for questions or action, noting this request was covered well at the last meeting.
- C. Borrell moved to approve a Conditional Use Permit for a two lot platted subdivision in accord with the record of these hearings and the preliminary plat completed by E.G. Rud and Sons, Inc. dated 6-1-2019; Job No. 19285PP with the following conditions: 1) Prior to the filing of the final plat: a) the park dedication shall be paid in cash along with the other fees as noted on the plat check list; b) a title opinion is submitted and accepted by the County Attorney; 2) no construction may commence until the County Board has approved the final plat; and 3) if required, an access permit must be obtained from Township prior to construction on new lot. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **STEVE D. LANGANKI** – Cont. from 5/16/19

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: Applicant not present

- A. Riley – the applicant was unable to get the professional information in time for this meeting. The action at the last meeting was a recommendation to the County Board to rezone which has been accepted. The action should be for a continuation to June 27.
- B. D. -*Thompson moved to continue the hearing to June 27, 2019 to give the applicant time to finalize survey work and soil borings. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **SOLARSTONE PARTNERS LLC** – Cont. from 5/16/19

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: Gordon Simanton & Mark Anderson

- A. Riley summarized the request to expand the solar farm on the Anderson property, west of Brooks Lake. The Town Board had not fully vetted the questions they had regarding power poles at the last meeting and the matter was continued for further discussions on that. Riley stated his understanding is that the location of poles has been moved to the east, substantially back from the town road, but still outside the fence.
- B. Simanton - stated the Town Board set a special meeting on May 20. At that time they reached an agreement for setting the poles 650-700' off Quimby. They received unanimous approval with conditions.
- C. Mol – went to the public for comments, hearing no response returned and asked for an update from Bravinder.
- D. Bravinder – (also a member of the Town Board) reported the Town Board agreed on a setback of 670' back from the town road. Questioned the ability to draw on the developer's agreement so the Township can piggy-bank on the bond in event there is any road damage. The applicant indicated a willingness to do that. The minutes from the Town Board meeting were included in the Commission's packet. The Ordinance could restrict the number of poles and Mahlberg had questioned that at the last meeting. The applicant can be required to do something that is less than one pole per 1 mw solar farm.
- E. Borrell – suggested the applicant bring in some loads of gravel in event there is some damage to keep the road in its current condition. Felt it would be best to work it out with the Township's maintenance person rather than a bond. Simanton indicated they are willing to cooperate with the Township on that.
- F. Borrell moved to approve a Conditional Use Permit to locate a 4 - 1 MW solar projects in accord with the revised plans, date of revision is 5/23/2019, and narratives on file with the following conditions: 1) Panels to be mounted using the existing conditions of landscape and limit the amount of service roads to just the one that is shown on the plan dated 5/23/2019; noting all internal roads created will be created in a fashion to meet the standards of Subsection 155.108 (C) (12) of the Wright County Code of Ordinances and will have minimal impacts to return the property back into its original state at the end of its useful life; 2) The applicant must keep up with ongoing vegetative and system maintenance, noting that noxious weeds are not allowed in the project area under any

circumstance; 3) Proper building permits (along with any required State permits) are obtained prior to work started on the site; 4) Proper access permits are obtained from the Township, noting no access will be allowed off the State Highway to the south; 5) Must conform to all setbacks and current plans show it meets setback requirements; 6) Due to drain tiles being located on the property the applicant will need to locate and replace all drain tiles if damaged due to the installation of the panels; 7) An agreement must be entered into with Wright County for decommissioning and financial security in accord with Subsection 155.108 (14) (a) (b) and (c) of the Wright County Ordinance must be met which includes an approved decommissioning plan in accord with 155.108 15(g); 8) A \$50,000 bond in accord with the Township's agreement be held by the Township to cover any damage or repair that may be required along Quimby Avenue SW; 9) The Conditional Use Permit for Solar Energy Farms shall expire at the same time the Solar Energy Farm lease, but in no case shall exceed 30 years; 10) The pole number and configuration on the plan meets requirements, if modifications are proposed ordinance requirements must be met; 11) Internal panel lines shall be buried underground or strung under the panels; 12) The applicant is responsible in assuring all final utility interconnection approvals from Excel Energy are obtained and followed for this project and before obtaining a building permit; 13) The Wright County Soil & Water Conservation District must sign off on project prior to commencement and all wetland regulations are followed for any impacts and alterations; and 14) If there are substantial changes (unless project is downsized) to the plans submitted and approved a new conditional use permit hearing would be required.

Felger seconded the motion.

DISCUSSION: Bravinder questioned condition #8 is the \$50,000 bond with the Town Board's agreement. The Township fully vetted what? Riley – the \$50,000 amount on a bond and at the time the Staff Report was written, the location of the power poles were still uncertain. They have now confirmed the distance. Bravinder agreed with the bond figure, if that is acceptable to the applicant. Simanton – stated it is no problem. Kryzer assured Bravinder he would be willing to work with the Township attorney on a joint performance bond.

VOTE: CARRIED UNANIMOUSLY

4. **JAMES FEEHAN** – New Item

LOCATION: Part of S ½ of NE ¼ of Section 7, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Part of Tax # 213-100-071300 & -071404

Petitions to rezone 40 acres from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for a four-lot unplatted residential subdivision (minimum 10-acre lots) as regulated in Section 154.14, Sections 155.027, 155.028 & 155.047 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jim Feehan & his agent, Lance Linstrom

- A. Riley explained the location of the property that is currently zoned AG General Agricultural and in the Land Use Plan for A/R (“Rural-Residential”). The proposal is to rezone for lots cut out of the farm field and the remainder to remain zoned AG with an existing house. The prime soils maps show the most tillable soil is not in a lot. The four new lots and existing house were described. Two lots on the east would have a shared driveway. The driveway can stay to serve the existing house and the house to the west of the house would have its own driveway and the last lot would come off a town road.
- B. Wally Smida - 10315 Aetna Avenue NE – questioned if there is a provision that these four lots could not be further divided. Riley – there is no future guarantees; however, the Land Use Plan has this designated for “Rural-Residential”. The lack of road frontage on CR 39 makes it difficult for further subdivision. It would take another rezoning and subdivision plan and include a new road. Smida asked about access to the fourth lot. Riley – that lot comes off the town road. Feehan pointed that out on the site plan to show the best access off Aetna. Riley confirmed there is only one drive coming off Aetna.
- C. J. Thompson – questioned the purpose of the shared drive for lots 1 and 2. Kryzer – it is a safety matter because of the speed of traffic along a county road.
- D. Mol – asked where this property falls in the Land Use Plan designation. Are there other properties zoned residential around the parcel? Riley – showed the Commission the designated area, most is still zoned AG General Agricultural except what is along the lakeshore and southwest across Aetna some large lots (R-2a). Mol asked the type of land. Feehan estimated it is 80% farm land.
- E. Darrell Coopman resident at 11070 Aetna Avenue NW – asked if each parcel would have an entitlement.? Riley stated that is correct.
- F. J. Thompson indicated she would like to visit the site because she is not familiar with the area. Riley noted the Commission has another site to visit if they want to add this one.
- G. Mol questioned if the other Commissioners want to see this. Consensus was they would.
- H. J. Thompson moved to continue to June 27, 2019 for a site inspection. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **JOHN KLINKNER** – New Item

LOCATION: Part of Gov't Lots 4 & 5 & NE ¼ of SE ¼ of Section 7, Township 118, Range 25, Wright County, Minnesota. (Fountain Lake – Franklin Twp.) Part of Tax # 208-200-071400

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 Residential-Recreational Shorelands and also a Conditional Use Permit for a two-lot unplatted residential subdivision (lots proposed are approximately 13.5 and remainder parcel of approximately 41 acres above the Ordinary High-water Mark of lake) as regulated in Section 154.14, Sections 155.027, 155.028, 155.047 & 155.057, Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto, Otto Associates

- A. Riley described the remainder parcel on the east side of Fountain Lake zoned AG General Agricultural. The parcel is restricted land and a concept plan for a two-lot subdivision was provided. Two attachments show the wetland and flood plain. The first decision is on rezoning and consideration of rezoning when it is riparian property is guided in the Plan. The Land Use Plan designation is to remain AG..
- B. Otto further described the parcel is 84 acres with 54 acres of upland. They looked at this property to determine the best use as far as building potential. He felt there are two nice building sites where the setbacks can be met. The access points were explained. There is no problem with access for the northern parcel, there is an existing access on the south end; however, a wetland delineation would be required. It appears to him that they will have access. They are trying to pattern the lots with what exists out here.
- C. Robert Mattson – a written letter was submitted (on file) – lives on a five-acre tract and has lived out here over 40 years and knows the land well. He is opposed to the rezoning and subdivision because the lake has already experienced deterioration, is polluted noting a dog had died a few years ago due to the pollution. There is 8' of silt on the shore, noted a spring on the corner just off where this development is proposed. Mound sewers don't work out here, his failed. He is representing other residents on the lake who are opposed. There are no fish in the lake, no boating or swimming in this lake. Turn-over of lot ownership is high on the peninsula. Noted one owner recently put in a drainage tile in that runs right into the lake. The acreage that is shaded dark on the plan is tillable. He is taking 13 acres out of production; the rest is all swamp. The lake outlet is into the Crow River.
- D. Felger – confirmed with Mattson that the lake has an outlet? Mattson – responded yes. Felger questioned if the ag property as it exists contaminates the lake. Mattson yes – they do not drink their well water because the last test they had showed arsenic in the water. The neighbors on the peninsula don't want this rezoned. Another owner, Dan Gabrelcik wanted to develop his high ground and they would not allow it; now looking at this. The Mattson lot was pointed out.

- E. Doug Cardinal resides at 801-72nd Street SE– stated he used to farm this land and there are only 10.5 acres of tillable. The access they are showing has been all under water. There is no lakeshore, this is all cattails and water to the back of his property that adjoins.

- F. Jim Donoho – resides at 748 77th Street SE – lives up the hill from here – he would like to see the layout of the two lots and access. Riley provided the site plan to show the proposed lines.
- G. Mol would like to make an inspection and asked the Commission if they want to see the property. Mahlberg asked Otto if he would address why this property is “especially suited to residential development”. Otto stated he would discuss with the owner and that would be addressed at the next public meeting, not the site inspection.
- H. Felger moved to continue the hearing to June 27, 2019 for a site inspection. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **SITE INSPECTION**

On a motion by Bravinder, seconded by Mahlberg all voted to establish a site inspection for Thursday, June 13, 2019. Commission to meet at the Government Center at 8:00 a.m.

7. **DISCUSSION:**

Attorney Kryzer informed the Commission that an opinion by the Court is expected on Monday for the Delano Gun Club matter. The time frame is tight and the Chairman may have to call for a closed session on Monday, if needed.

8. **Elphinstone Shores Plat**

On a motion by Borrell seconded by Mahlberg, all voted to accept the final plat of Elphinstone Shores and authorize the Chairman’s signature.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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