

# **Minutes of the Meeting of the Avon Township Planning Commission**

March 25, 2015

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Chairman Mergen called to order the regular meeting of the Avon Township Planning Commission at 7:30 PM. in the Main Chamber of the Town Hall.

**Pledge:** The Clerk led the Pledge of Allegiance.

**Roll Call:** Present – LeRoy Gondringer, Will Huston, Gerry Kremers, Ken Mergen, and Stephen Saupe. Also present: Richard Bresnahan, John Merdan, Roger Nelson.

**Approval of Agenda:** Gondringer moved to approve the agenda as amended. Kremers second. All in favor. Motion carried.

**Minutes:** Mergen moved to approve the minutes of the February 25, 2015 meeting as presented. Kremers second. All in favor. Motion carried.

## **Public Hearings:**

1. Orion Community Solar Garden Project – At 7:45 PM, Chair Mergen opened a public hearing to consider a request by Orion Community Solar Gardens, LLC to construct up to a 3 MW solar farm at Saint John's. Representatives from Orion (Ms. Tena Reytel), Saint John's (Br. Benedict Leuthner, OSB, Mr. Gary Jorgenson), and Westwood Engineering (Mr. August Christenson) were present. Ms. Reytel presented an overview of the project. She stated the project will meet all County guidelines, create two storm water ponds, and include weed control and maintenance by a third party. They hope to complete the project by year-end.

Mr. Carl Driggens, a resident on Fruit Farm Road, expressed concerns about the health risks (GS units & electrical hypersensitivity), effect on wetlands, setbacks, deer population, individuals driving on his property wanting to visit the existing solar project, and the appearance of the proposed fence. Ms. Reytel responded that she was unaware of any health risks, the storm water management plan meets pre-settlement guidelines, and the DNR has no concern about the effect on deer. Saint John's is planning to plant a visual buffer along the fence line. Saint John's is working with the residents to install signage to prevent tourists from trying to access the existing solar field via their driveway.

Another resident on Fruit Farm Road, Mr. Cable, stated the project was progressing too quickly and should have more input from neighbors. He also requested a taller fence. Mr. Greg Haeg and Ms. Megan McNair who also live adjacent to the project were neutral.

Gondringer moved to close the public hearing. Kremers second. All in favor. Motion carried.

Township Attorney Adam Ripple suggested changes to the contract language proposed by Orion.

The Findings of the Facts showed that: (1) the proposal is consistent with existing ordinances (439 4.8; 6.51) and it complies with Stearns County guidelines; (2) the proposal must meet

nine specified conditions (see motion); (3) the proposal is consistent with land use in the area. Screening is required; (4) screening is required as specified in the motion; (5) storm water will meet County guidelines, fewer chemicals will be used on the fields; (6) it is not known how property values will be affected though it seems unlikely; (7) no excess traffic will be generated except during construction; (8) there is no conclusive evidence the proposal will affect health or safety; (9) the proposal conforms to the rules of Avon Township; (10) parking on neighboring properties is a concern. This is being addressed by Saint John's; (11) cleanup and decommissioning is required.

Gondringer moved to recommend to the Supervisors approval of Orion Community Solar Garden at Saint John's with the following conditions: (1) the interconnection agreement with Excel be provided to the Township prior to construction; (2) project meet all application Stearns County guidelines including those for solar farm performance; (3) the company provide evidence that a bond or escrow account has been established for the decommissioning of the project; (4) project follow the Stearns County Storm Water Management rules and requirements; (5) noxious weeds are controlled in the project area; (6) provide a landscaping and screening plan acceptable to the Avon Township Board of Supervisors; (7) Orion provide to the township the contact information for the responsible party once the project is completed; (8) replace the last paragraph in section 2.3 on page 4 of the application for a CUP with the following: "The CUP shall run with the real property on which the Project is located (the "Property"). The Township agrees that OCSG may lease portions of the Property to one or more entities (each, a "Lessee" and together, the "Lessees") for the construction and operation of solar gardens or solar farms. Each Lessee shall be responsible for complying with all of the terms and conditions set forth in the CUP. OCSG will remain responsible for the performance of all of OCSG's obligations under the CUP, and the Township will pursue directly against OCSG any proceeding for termination of the CUP due to any failure by OCSG or any Lessee to comply with the terms and conditions of the CUP." and (9) the extent of the project size is that shown by the fence line on page C.100 of the March 20, 2015 site plan. Kremers second. All in favor. Motion carried.

2. Bueckers Conventional Subdivision – Chair Mergen opened the public hearing at 9:35 PM to consider a request by Brian & Melissa Bueckers for a Conditional Use Permit for a conventional subdivision in the Environmental Overlay area. Mergen reported that a site inspection had taken place earlier in the evening. Mr. Bueckers was present to provide an overview of the project. No public comments were received with the exception of one resident who attended the site inspection – Mr. Vern Persoski – who supported the project. Results from a water test conducted showed high levels of boron. Soil borings around the landfill site will be taken next week. Lots of dumpsters were present on the site, which suggested it was a commercial site and is not compatible with a residential subdivision. A three-lot plat was suggested as a use that might be appropriate to the site. To await further test results and clarify the role of the MPCA in the landfill site, Gondringer moved to continue the hearing on the Bueckers CUP until April 29, 2015 at 7:45 PM. Mergen second. All in favor. Motion carried. The Supervisors will need to authorize a 60-day extension of the 60- day rule statute (15.99).
3. Bueckers Building Site – Chair Mergen opened the public hearing at 10:33 PM to consider a request by Brian & Melissa Bueckers for a Conditional Use Permit to construct a home more than 150 feet from an existing building on the property. Huston moved to continue the hearing until the next meeting. Gondringer second. All in favor. Motion carried.

**Scheduled Business:**

1. **Larkey Turbine** – Mr. Lee Larkey was not present at the start of the meeting so not action was taken on this agenda item.
2. **Driveway Permits** – Mr. Dan Breth submitted a driveway permit for a home to be constructed on Cardinal Nest Court. Ms. Mary Schlichting failed to appear to request a driveway that is required for her property on Red Maple Drive. No future building permits will be signed unless the driveway permit application and fee have been received.
3. **Joint Planning Board** – The agreement between the City and Town officially ends at the end of the year. The Joint Planning Board is in favor of its renewal and the Avon City Council has already approved its renewal. The Supervisors will consider the proposal at their next meeting.
4. No action was taken on an ordinance for large truck parking / noise or concerning a bid for roadwork on Norway Road.

**Other & Old Business:** *none*

**Announcements/Reports:** none

1. none

**Adjournment:** Gondringer moved to adjourn the meeting at about 10:40 PM. Huston second. All in favor. Motion carried.

**Next Meeting:** The next meeting is April 29, 2015 at 7:30 PM.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Approval:

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Ken Mergen, Chair

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Date

Attest:

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Date