

Minutes of the Meeting of the Avon Township Planning Commission

April 27, 2016

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chairman Gondringer 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: Clerk Saupe led the Pledge of Allegiance.

Announcement of Recording: It was announced that the meeting would be recorded. The recorder was turned on.

Roll Call: Present – LeRoy Gondringer, Will Huston, Gerry Kremers, Ken Mergen, and Stephen Saupe.

Approval of Agenda: Mergen moved to approve the agenda with additions (i.e., nomination of officers). Huston second. All in favor. Motion carried.

Officers: Huston nominated Gondringer to serve as chair. Gondringer declined. Mergen nominated Huston to serve as chair. Gondringer second. Four in favor. One abstention (Huston). Motion carried. Gondringer nominated Mergen to serve as Vice-Chair. Huston second. All in favor. Motion carried. Huston took over the role of chair. Mergen will forward the building key to Huston.

Minutes: Gondringer moved to approve the minutes of the March 30, 2016 meeting. Mergen second. All in favor. Motion carried.

Public Hearings

Orion Conditional Use Permit – Huston opened a public hearing at 7:45 PM to consider a request by Orion Community Solar Gardens, LLC., for a Conditional Use Permit to construct and operate an approximately 3 MW solar garden at Saint John's. Two representatives from Geronimo Energy, Andrew Catania and Ben Adamis, and Br. Benedict Leuthner, OSB, from Saint John's, were present. No comments were received from the public. Gondringer moved to close the public hearing. Mergen second. All in favor. Motion carried.

The original project stalled because of the interconnect agreement with Xcel. The plan is to now run the power to a substation near I-94. The interconnect would run on the south side of 325th Street, under Co Rd 159 and then north to I-94. The Planning Commission considered the Findings of Facts: (1) All agree that the proposal is consistent with Town & County ordinances; (2) All agree that the CUP must meet the 10 conditions specified on the previous permit; (3) all agree that the proposal is compatible with present land since the proposal represents an expansion of the existing solar field; (4) All agree that a screening plan acceptable to the Supervisors is required; (5) All agree that there environmental impacts will be minimal and addressed through the specified conditions; (6) Board members differed in opinion on the impact of the project on property values – two members agreed that it will negatively impact values, but three were unsure or believe there would be no impact; (7) All agree that the proposal will only generate excess traffic during construction; (8) All agree that there will be minimal impact on the general health and welfare of residents with the exception of potential glare issues; (9) All agree that alternative energy systems conform to the Township Comprehensive Plan; (10) All agree that the proposal will have little impact on public services and will help utilities in the future provide electricity; (11) All agree that a cleanup and reclamation plan is required and a plan exists; (12) This is a renewal of a CUP that expired.

Gondringer moved to recommend to the Supervisor approval of the Conditional Use Permit for Orion Community Solar Garden with the following conditions:

1. the interconnection agreement with Xcel 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. Include 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.”
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; and
10. the Avon Board of Supervisors reserves the right to inspect the site at five-year intervals

Kremers second. All in favor. Motion carried.

Scanlon Variance – Huston opened the hearing to consider a variance for John and Jodi Scanlon to build a shed 40 feet from the center of the road, which is a variance of 23 feet. No public comments were received. Gondringer moved to close the public hearing. Mergen second. All in favor. Motion carried. Mr. Scanlon stated the doors will not face the street, and that it will have 8-foot sidewalls with 7 foot garage doors. The structure is designed for storage not cars. The Findings of Facts showed that: (1) the variance will not allow a use that is prohibited; (2) the variance is in harmony with the general purpose of the applicable ordinances; (3) the variance is consistent with the comprehensive plan because it maintains proposed uses around the lakes; (4) the property own proposes to use the property in a reasonable manner; (5) the plight of the landowner is not created by the landowner or a previous owner; (6) the variance would not alter the essential character of the locality; and (7) the variance involves more than economic hardship.

Gondringer moved to recommend to the Supervisors approval of a variance for John & Jodi Scanlon to construct a shed 23 feet from the center-of-the-road, on the condition that the there is no door on the road side. Kremers second. All in favor. Motion carried.

Temporary Recess: The Planning Commission temporarily recessed to allow the Supervisors to meet to consider the CUP requested by Orion Community Solar Garden project.

Scheduled Business:

1. **Philippi Driveway** – Mr. Tim Philippi is seeking an additional driveway to access his property on 325th Street. He will attend the Supervisor meeting. In November (2015) the Planning Commission recommended the approval of one additional driveway with culvert and aprons as necessary toward the west end of his agricultural area.
2. **Driveway Completion Time Limit** – A resident who obtained a driveway permit about a year ago inquired how long the permit lasts. Gondringer moved to recommend to the Supervisors that driveway permits expire one year from approval. Mergen second. All in favor. Motion carried. There was a question about what constitutes a completed driveway for the purpose of returning the damage deposit. This will be discussed at the next meeting.
3. **Driveway Permit Revision** – the existing form will be modified to include a data of signature and expiration date.
4. **Road Inspection Update** – Road inspection took place on April 16th. Overall the roads were in reasonable shape. There are about four frost boils that will need to be repaired and there is lots of brushing work.

Other & Old Business: *none*

Announcements/Reports:

1. There was a scheduled bike race through the Township on April 16th. The clerk received no complaints. A race organizer reported two incidents where irate motorists confronted race marshals.
2. There will be an auction of seized and surplus government items on April 30th at 9:30 AM.
3. Stearns County has begun work on Co Rd 3. Motorists should use caution.
4. The Knife River Asphalt plant will begin operation on May 2nd.
5. Stearns County will hold a public hearing on May 3rd at 10:10 AM to consider a moratorium on solar gardens and solar farms.
6. Rinke-Noonan is sponsoring a “Public Road Seminar” that will be held on April 29th (Detroit Lakes) and May 6th (Waseca). The cost is \$150.
7. An accident on Co Rd 9 destroyed the mailbox and 911 signpost of a resident. The motorist replaced both and Koopmeiners fixed and reattached the 911 sign.
8. The Town Road Map that was on the wall is being framed.
9. There was a shooting incident at the mobile home park.
10. There was recently a prescribed burn of a prairie on a local property. It caused lots of smoke.

Adjournment: Mergen moved to adjourn the meeting at 9:10 PM. Gondringer second. All in favor. Motion carried.

Next Meeting: The next meeting is May 25, 2016 at 7:30 PM.

Respectfully submitted,
Stephen G. Saupe, Clerk

Clerk signature: _____ date: _____

Approval:

Signature: _____ date _____

Print name: _____