

Minutes of the Meeting of the Avon Township Planning Commission

October 25, 2023

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at about 7:00 PM in the Main Chamber of the Town Hall. The meeting, like all Town meetings, was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Rich Sanoski, Stephen Saupe, Andrew Wensmann, and Lori Yurczyk (*Chair*). Absent: Craig Blonigen. Also present: LeRoy Gondringer, Kelly Martini

Approval of Agenda: Scheduled Business Item B was moved to A, and a discussion of road inspection was added as Scheduled Item F. Sanoski moved to approve the agenda as amended. Yurczyk second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the September 27, 2023 meeting as presented. Wensmann second. All in favor. Motion carried.

Public Hearings: *none scheduled*

Public Comments: *none*

Business:

1. **Blattner Variance** – Mr. John Blattner, 32277 Nob Hill Drive, appeared at the meeting to request a variance to construct an attached garage 9 feet closer to the center-of-the-road than is currently permitted. Mr. Blattner removed the previous residence on his Upper Spunk Lake property and plans to build a new one. In order to meet lake setbacks, he requests a variance from the required setback of 63 feet from the center-of-the-road of the unbuilt/unmaintained public road that lies to the east of his property. This road is an extension of Nob Hill Drive.

Mr. Blattner learned of the need for a variance when he approached the County for a Construction Site Permit. He said he was unaware of the need for the setback when this project was designed and when he approached the Township for an encroachment agreement to site his septic system in the road right-of-way. Because he wants to begin the project as soon as possible, Mr. Blattner requested an expedited variance process and stated that he is willing to pay the cost incurred for an additional meeting.

Wensmann moved to recommend to the Supervisors to set a public hearing for November 13, 2023 at 7:00 PM in the Avon Township Hall to hold a public hearing to consider a request from John Blattner, 32277 Nob Hill Drive, PID 03.01250.0014, for a variance from Section 9.9.9.A(3) of Avon Township Ordinance No. 5, to construct an attached garage 9 feet closer to (54 feet from) the center-of-the undeveloped portion of Nob Hill Drive. Sanoski second. All in favor. Motion carried. To expedite the process, Wensmann moved to recommend to the Supervisors to hold a Special Meeting to consider the findings of the Public Hearing immediately following the Planning Commission meeting. Sanoski second. All in favor. Motion carried.

In order to meet publication/posting guidelines for the proposed hearing (at least 10 days prior to a public hearing according to MN Statute 394.26), it is necessary to submit a legal notice for publication to the *Star-Post* prior to the Supervisors monthly meeting in November. Yurczyk said that this has been done in the

past. Saupe moved to post and publish notice of the public hearing and Special Supervisors meeting immediately and that the proposed meetings could be cancelled at the Supervisor's discretion at their scheduled November 1st meeting. Yurczyk second. All in favor. Motion carried.

Mr. Blattner paid the Special Meeting fee. Together with the variance hearing fee, these fees will cover the Township cost of this process. However, the PC recommends that the Special Meeting fee be reviewed to ensure that it, alone, covers stipends and any other Township costs incurred by a Special Meeting request.

2. **Sowada Transfer of Development Rights** – Jodi and Elvin Sowada attended the October Supervisors meeting to request the transfer of a development credit from a parcel in Holding Township to one in Avon Township (03.00703.0000). At that meeting the Supervisors authorized the Clerk to solicit feedback from neighbors about the request and for the Planning Commission to consider the request and any feedback at tonight's meeting.

Ms. Sowada was present at tonight's meeting to follow up on the TDR request and answer questions. She said the TDR would be transferred from their Holding property (38502 Co Rd 151, Avon, MN; 13.07645.0000). The TDR would move to their 18-acre Avon Township property (03.00703.0000) on 140th Avenue, which she said that they've owned for at least 15 years. This apparently means that 22 acres would be restricted from development on their Holding property. The Township has not received notice from Holding Township if they approve or not sending out the TDR. Gondringer reported that he had a conversation with Holding Supervisor Dave Yurczyk who said he didn't really know how the process worked but he was open to transfer the TDR out of Holding Township. Gondringer stated that Holding Township should approve the transfer before Avon Township would accept the transfer.

Approximately 24 letters were sent to neighbors of the Avon Township parcel alerting them to the TDR transfer request. There were two typos in the letter. The property address gave the Sowada's Holding Township address rather than the property, however the PID listed was corrected. The letter also stated that there was already a residence on the property, but this would be the first). However, there is currently a portable horse shed on the receiving property in the wooded area. The Clerk received no responses to the letters. Supervisor Gondringer who was in attendance at tonight's meeting reported that one resident contacted him for clarification about the situation, but expressed an opinion about the TDR request.

When asked about their specific plans, Ms. Sowada said a residence would likely be built. When asked where it would be built, Ms. Sowada said they weren't sure because they needed to do testing (*i.e.*, septic) but that it would likely be in the agricultural field, especially since the wooded area to the south would be too wet. She said the field was tiled. Based on elevations, the field appears to drain to the south. Access to the property would likely be from 140th Avenue to the west. There is a nearby feedlot which would mean a home would not be able to be sited in the northeastern quarter of the property

Two sections of the 439 Ordinance appear to apply to this situation – 9.3.7 and 11. According to Gondringer, Section 11 primarily refers to transferring credits purchased by developers, while 9.3.7 would apply in this situation, which refers primarily to individual residents who transfer credits from one property they own to another.

Yurczyk moved to recommend to the Supervisors approval of the receipt of a development right (TDR) for Jodi & Elvin Sowada from their Holding property (PID 13.07645.0000) to Avon Township (PID 03.00703.0000). Wensmann second. All in favor. Motion carried. When Ms. Sowada asked what happens next, she was told that the Supervisors will consider the request at their November meeting. She was

reminded that the Supervisor’s requested a letter from Holding Township approving the export of the TDR before they make a final decision; it is possible that the Supervisors will wait until receiving that letter before accepting the transfer.

The PC agreed that there should be a more formal process for a TDR transfer. The Town should consider an application form and possible fees. Other factors to be considered include: whether there should be restrictions on where TDR’s are allowed; the LESA score of any agricultural land proposed for the development; whether the property is in the Avon Hills Overlay area; whether the TDR should be pre-approved by the sending Township; whether a public hearing should be held, if accepting TDR’s is counter to the Township goal of maintaining agricultural land; and whether any policy changes would immediately apply to the Sowada request or begin with the next request. Yurczyk argued that a fee can be charged at any time and that the Sowada’s should bear the financial burden of the TDR process.

3. **LRIP Grant** – the basic writing has been completed, largely by engineer and former supervisor Will Huston. A copy was provided to PC members who were requested to evaluate and respond to the Clerk with any suggestions by next Wednesday. The Clerk will make the final changes and the Supervisors will be provided with a final draft to approve at their November meeting.
4. **Joint Planning Board Meeting agenda** – The City/Township Joint Planning Board will meet on October 30 in the Town Hall at 7 PM. Sanoski and Yurczyk are the Township representatives to the Board. The Clerk has created a draft agenda listing three items (Fire Hall Expansion, renewal of Joint Powers Agreement, handling solar garden requests). No other potential items were addressed.
5. **Solar Moratorium** – The Supervisors authorized the PC to discuss the solar moratorium and provide a recommendation. The main question is whether we want commercial solar (>1 MW) projects in the Township. The pros and cons of solar projects were discussed and summarized in Table 1. Other questions that were raised included: whether solar projects affect property values, the impact of solar projects on local tax rate, avoiding agricultural land, is there a maximum percentage of cover of panels that should be allowed in the Township, and should projects be limited in size. It was suggested that additional experts could be brought to a meeting (*i.e.*, Angie Berg, Jeff Bertram). A letter was received from Daniel Gorman, Enterprise Energy, in support of solar due to recent changes in state law. After considerable discussion, Yurczyk moved to recommend to the Supervisors to continue the solar moratorium and ban all commercial solar systems larger than 100 KW. Wensmann second. Three in favor. One opposed (Saupe). Motion carried.

Pros and Cons of Commercial Solar Development in Avon Township	
Pros	Cons
Provides 'clean' energy	Many think panels are an eyesore.
Financial opportunity for residents	Concerns about recycling the old panels
There are currently tax incentives available	Removes farmland from production
Provides a 'safe' energy; environmentally friendly (<i>i.e.</i> , no radioactive materials, heavy metals in the air)	Backup power sources are still required
The new state law may result in tax benefits to the Township	Lots of work for approval of projects less than 2 MW
Less restrictive on location where can be sited	Increased infrastructure cost (transmission lines, etc.)
Tax monies to the Township (production tax / property tax)	We have enough solar in Avon Township at this time
	Possible loss of wildlife habitat

- 6. **Road Inspection** – Road inspection will occur Saturday. The PC considered possible areas that should be examined during road inspection. These include: Pierskalla minimum maintenance road, spray can embedded in Tower Road, pole in ditch on 370th, 140th Avenue where Sowada TDR transfer is proposed, and the culvert on Shorewood Drive

Reports/Announcements: none

Next Meeting: The next PC meeting is November 29, 2023 at 7:00 PM (see ‘Call to Order’ for the Zoom log-in).

Other Meetings: Other Upcoming Meetings/Events (see ‘Call to Order’ for the Zoom log-in) include:

- Supervisors Meeting – November 1, 2023
- Joint Planning Commission – October 30, 7 PM, Avon Township Hall

Adjournment: Sanoski moved to adjourn the meeting at 10:10 PM. Meeting adjourned.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: October 29, 2023

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____