

# Minutes of the Meeting of the Avon Township Planning Commission

December 29, 2021

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall. The meeting was also available online at the following URL: <https://us02web.zoom.us/j/88599868967> (PIN: 494892).

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Craig Blonigen, LeRoy Gondringer, Rich Sanoski, Stephen Saupe, and Lori Yurczyk. Also present: Kelly Martini.

**Approval of Agenda:** A discussion of the new computers was added to the agenda. Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

**Minutes:** Gondringer moved to approve the minutes from the November 24, 2021 meeting as presented. Gondringer second. All in favor. Motion carried.

## **Public Hearings: *Gertken / Novel Energy Solutions Solar Garden Hearing***

Chair Lori Yurczyk opened a public hearing at 7:10 PM to consider a request by Scott Tempel (Novel Energy Solutions) and Brian & Linda Gertken for an Interim Use Permit (IUP) for a 1 MW solar garden on the Gertken's property at 34184 Smiley Drive, Albany, MN (PID 03.00935.0000). The hearing was published, posted and 30 letters were sent to neighbors (one of which was returned because the address provided by the County was not active). Mr. Tempel provided an overview of the project (1 MW community solar garden that will power about 150 homes) and company (one of the largest producers of solar in Minnesota). The entire project was slightly increased in size (to about 8 acres) to accommodate the landscaping setback on the west. Mr. Tempel provided the majority of documents specified in Ordinance 6.54.1.L except for a LESA score. He stated that the County told him that LESA scores were not typically done for these projects. The PC asked to have the LESA completed because it is an item required by ordinance. The Clerk will follow up with the County about obtaining a LESA score. Mr. Gertken stated that the soil was not very good for farming. Mr. Tempel stated that the project will be done in conjunction with Xcel and there are several criteria that Novel must follow. The panels will likely be Canadian, not from China. There were no additional public comments. Gondringer moved to close the public hearing. Sanoski second. All in favor. Motion carried.

Mr. Tempel stated that the previous rule of 5 MW of solar panels per square mile has been phased out; new rules state that there can only be 1 MW/sq mile by a single company. Mr. Gertken stated that this might be the last solar project on their land because he likes to farm and raise cattle so doesn't plan to convert the entire property to solar panels.

Mr. Tempel provided an estimate of company costs to decommission the project of approximately \$45,000. This amount would be primarily for labor and associated costs with removing the panels. The cost would be higher if factoring in panel disposal/recycling cost. Gondringer stated that earlier in 2021 the County required a surety of \$185,000 for decommissioning. The Township required a letter of credit of \$62,500 for each of the previous projects on this property. Blonigen reported that a project with which he was familiar required a bond of \$250,000. The Clerk will contact the County to learn the decommission amount they require.

Yurczyk inquired about the road maintenance agreement for the previous Gertken solar projects. The Gertkens indicated that they and the neighbors that use Smiley Drive signed a road maintenance agreement to ensure the private drive was adequately maintained as a consequence of the two previous projects on the

property. Mr. Gertken stated that the road was in better shape after the projects. Mr. Tempel stated that they use 4-axle trucks and that the building period is only 4-6 weeks, so minimal damage would be done to the road. The Gertken's were asked to provide a copy of the previous road maintenance agreement. The PC may recommend a maintenance agreement for the road also be included in the Novel Project.

Mr. Gertken stated that the screening on the previous projects looks okay and that the trees mostly survived. A quick look at the plan seems good. The plan for the current project request includes approximately 9, six-foot tall conifers (Black Hills spruce) along the western border of the property. There is a 20-foot setback for landscaping. Yurczyk asked about the survival of the screening plantings from the previous projects. A discussion about replanting those that did not survive was brought up. There was a question about who does site landscape inspections, for how long, and the fee. The Clerk will follow up with the County.

The Ordinance requires DNR comment if the project is within two miles of a Natural Heritage System site. There was a question whether the Avon Hills SNA is part of this system. The Clerk will follow up with the County to determine if this needs to be done.

The Planning Commission went through the listing of application requirements (6.54.L.1-a-v). Gondringer reported that the soil type is 204b & c. Wetlands shouldn't be a concern on this site. Erosion control is specified by County rules. A Visual Impact Analysis was not yet done; one concern might be the neighbors to the west. The plans show a screening for property to the west.

Mr. Tempel stated that an interconnection agreement would be worked out with Xcel once the permit is written.

Gondringer moved to table until the next meeting a recommendation regarding the request for an IUP for a 1 MW community solar garden on the property of Brian & Linda Gertken until the Township obtains more information about the NHIS review, escrow amount necessary for decommissioning, road maintenance agreement, and LESA score. Blonigen second. All in favor. Motion carried. The PC will consider the Findings of Facts at the next meeting; the Clerk will follow with the County to confirm that we will use the proper forms.

### **Business:**

- 1. 439 Ordinance Copies** – Six copies of the new County 439 Ordinance were acquired for Township staff. The general consensus was that Supervisors & PC members would use them as necessary and then be required to return it at the end of their service/term.
- 2. ARPA Computers** – eight laptops & carrying cases were purchased with ARPA funds. Martini will look into including them on our insurance policy. The Clerk will develop a sign-out procedure to present to the Supervisors for approval. The consensus is that anyone who is issued a computer must take responsibility for it.
- 3. Keys** – most Town staff have keys to the building. Yurczyk will be issued a key.

### **Reports/Announcements**

1. The offices of the Stearns County Assessor, Recorder, Land Services (drainage, GIS, surveyor) and Environmental Services are now at the Waite Park Service Center.

**Next Meeting:** The next PC meeting is January 26, 2022 at 7:00 PM. *Zoom log-in above.*

**Other Meetings:** The next Supervisor’s Meeting is January 5, 2022.

**Adjournment:** Gondringer moved to adjourn the meet at 9:17 PM. Sanoski second. All in favor. Motion carried.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Signature: \_\_\_\_\_

**date:** January 25, 2022

**Approval:**

\_\_\_\_\_  
Lori Yurczyk, *Planning Commission Chair – signature*

**date:** \_\_\_\_\_