

Minutes of the Meeting of the Avon Township Planning Commission

January 26, 2022

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 7:08 PM in the Main Chamber of the Town Hall. The meeting was also available online at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

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

Approval of Agenda: Added to the agenda were discussions of ARPA funding, Norway Road solar garden inquiry, and packet content. Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the December 29, 2021 meeting as presented. Gondringer second. All in favor. Motion carried.

Public Hearings: *none scheduled*

Business:

1. **Gertken / Novel Energy Solutions Solar Garden** – At the last meeting there was a public hearing 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) 56307. No action was taken because more information was required (*i.e.*, need for a NHIS review, LESA score, escrow info, road agreement, and how to administer the landscape plan).

Escrow/Letter of Credit – We learned that the County requires a letter of credit or cash escrow (but not bond) of \$185,000 for solar garden projects. Gondringer stated that if a letter of credit, it should be with a bank within 100 miles. Yurczyk recommended rounding up to \$200,000. Blonigen moved to require an escrow of \$200,000 for the project. Sanoski second. Four in favor. One opposed (Saupe).

NHIS – The project requires a NHIS review by the DNR because it is less than 2 miles from the project (6.54.1.J). Yurczyk reported that the ordinance is actually incorrect; it should be within one mile to trigger a review and that this will be corrected in the next 439 update. However, it doesn't affect this project because the project is less than a mile away from the Avon Hill Scientific and Natural Area (SNA), which is presumably triggering the review. Mr. Tempel reported that he has contacted the DNR for a review but it is not yet complete. Rather than wait to make a decision on the project until the NHIS review is completed, there seemed to be consensus that the project could be conditionally approved based on an acceptable NHIS review.

LESA Score – the County has completed the LESA evaluation (60.05).

Landscape/Pollinator Inspection & Escrow – Yurczyk contacted Soil & Water for information about inspections, etc., that they do for the County. It costs roughly \$65-75/hour for travel, inspections and reports (*i.e.*, pollinator assessment forms, seed mix review). The County charges a fee of \$4,320 for the life of the project. Inspections are supposed to be done annually for the first three years then every three

years after. It is not clear who is responsible for the inspections: the Township because we issue the IUP, or the County because they issue the CSP. We need to clarify this question. An escrow of 125% of the cost of the landscape plan should be put into escrow/letter of credit. Gondringer moved to require a fee of \$4,320 for review of the pollinator seed mix and inspections in years 1, 2 and 3 and every three years after that for 25 years. Sanoski second. All in favor. Motion carried. It was suggested that the Town should draw up documents relating to the fee. There was a question whether nine conifers in a single row was an adequate screen. Mr. Gertken stated that the neighbor could see the project from the back of their property.

Road/Driveway Agreement – For the previous Gertken solar projects, there was a road agreement between to neighbors that use Smiley Drive, a private road, to ensure that the additional traffic on the road doesn't cause problems to the shared drive. Mr. Cliff Borgerding inquired about potential damage to the Wobegon Trail. He was told that this a concern when the previous solar gardens on the site were installed and was included as part of the conditions that the trail is not damaged and that any damage is repaired.

After discussing the items above, the PC considered conditions for the project (*see appended*). The PC then went over the Findings of Facts (*see appended*). Following PC review of the provided information, Blonigen moved to recommend to the Supervisors to approve the request by Brian & Linda Gertken and Scott Tempel (Novel Energy Systems), for a 1-megawatt solar project on the Gertken property at 34184 Smiley Drive, Albany, MN 56307, (PID – 03.00935.0010), with the stated conditions. Sanoski second. All in favor. Motion carried.

- 2. Shorewood Drive Connection to the Wobegon Trail** – Mr. Cliff Borgerding, Lake Wobegon Trail Association President and resident of Shorewood Drive, appeared via Zoom to request that the Township support a connection to the trail from Shorewood Drive. He has been in contact with individuals at MNDOT who have indicated that the only way a connection can occur is if a local governing authority such as the Town requests a temporary connection and takes responsibility for it. There would be no fee to the Town. Mr. Borgerding stated that this connection is necessary to provide safe access to the trail by about 40 families in the Shorewood Drive neighborhood. Otherwise, residents must travel east about 1000 feet along Co Rd 54, which is a busy road. Mr. Borgerding also stated that he has contacted Lange Excavating for an estimate of the cost of the project (\$3000), which the residents will pay. He would like to see a connection in place before Co Rd 54 is resurfaced (which is scheduled by the County). Because this area is in the Urban Expansion district, Gondringer suggested that it is necessary to clarify if the project needs both City and Town approval, or just Town (*i.e.*, Joint Planning Board).
- 3. Jonas Certificate of Compliance** – Gondringer reported that the City/Town Joint Planning Board met to consider a request for a Certificate of Compliance for a land split for the Peter Jonas property (34759 Co Rd 9; PID 03.00941.0000). It would create an approximately 18-acre non-buildable lot on the east side of Co Rd 9 and a 24-acre lot on the west side. If the owner wants to develop the 18-acre parcel it would need to be annexed to the City. The JPB supports the request. The applicant will complete the appropriate Township paperwork for consideration for final approval by the Town Supervisors at their February meeting. Also discussed at the Joint Planning meeting were (a) the possibility of using Township Park Dedication Funds for Avon City parks, and (b) cancelling the scheduled April meeting of the Joint Planning Board.
- 4. Queens Road LRIP Planning** – The Town plans to apply for a LRIP grant from MNDOT to resurface Queens Road. It was suggested that letters of support should be requested from neighbors. The PC examined a draft of recruitment packet that could be sent to residents. Sanoski moved to recommend to the Supervisors to approve the packet and mail it to residents of Queens Road, 160th, and 360th off of 160th, as

well as other individuals who may frequently use Queens Road. Blonigen second. All in favor. Motion carried.

5. **ARPA Computers** – MAT reports that restrictions on ARPA funding have been loosened to allow for a greater range of purchases. The category of “Lost Revenue” can be used for assorted purchases without justification. This is good news which provides the Town with much greater flexibility to use the money for items such as a tractor, pickup, or snowplow. Also, it means we can be more selective and might not want to purchase some of the items we had previously considered that would have fit the original guidelines (*i.e.*, keyless entry, touchless access).
6. **2022 Boundary & Annexation Survey (BAS)** – no action is recommended.
7. **Landscape Enhancement Pilot Program** – The Township planted prairie around the Town Hall using funds from this program about 10 years ago. No action is recommended at this time.
8. **Town email** – It is a good idea for Town staff to have a separate email account for Township business. A separate account can be obtained through a service such as Gmail. Alternately, accounts are available through our web provider. Huston and Saupe currently use an account through our website provider. Yurczyk and possibly other individuals would like a similar account. The Supervisors will make a decision at their February meeting.
9. **Packet Information** – now that Town staff have computers, there is little need to provide hard copies of documents since they can be accessed in electronic form. However, it might be beneficial to have hard copies of some documents. It is a challenge to determine which documents should be provided at meetings as a hard copy, and those that would be electronic. It was agreed that the agenda should be provided as a hard copy. It was suggested that meeting chairs would have a hard copy of all documents. It was generally agreed that (a) a hard copy of the minutes is not necessary, and (b) Word documents are preferred to pdf ones.
10. **Norway Road Solar Project** – an inquiry was received about a potential solar garden on Norway Road. No action will be taken until a formal application is received.

Reports/Announcements

1. There will be a County Hearing on January 29th to consider a request by Will Huston for a variance from a septic design for his property at 17559 360th St., Avon.
2. Sanoski will attend the upcoming Fifth Monday meeting.

Next Meeting: The next PC meeting is February 23, 2022 at 7:00 PM. *See #1 for the Zoom log-in.*

Other Meetings: Other Upcoming Meetings/Events (*see #1 for the Zoom log-in*):

- Supervisors Meeting – February 2, 2022 @ 7:00 PM
- Board of Audit meeting – February 8, 7:00 PM
- Fire Board meeting – February 9, 7 PM; Avon City Hall
- Public Accuracy Test – March 5; 9:30 AM
- Town Hall open to accept absentee ballots – Mar 5, 10 AM – 12:00 PM & Mar 7, 10 AM – 4:30 PM
- Annual Township election – March 8; 2-8 PM
- Board of Canvass meeting – March 8; 8:15 PM
- Annual Township Meeting – March 8; 8:30 PM

- Organizational/Qualification Meeting – March 16; 7 PM
- Avon Township/City Joint Planning Board – April 11 (2nd Monday)
- LBAE meeting – April 18, 7 PM

Adjournment: Sanoski moved to adjourn the meet at about 10:10 PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

Signature: _____

date: January 30, 2022

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____

Interim Use Permit – Gertken/Novel Energy Systems Community Solar Garden: Recommended Conditions

1. The company will repair the Lake Wobegon Trail if it is damaged during construction.
2. Stop signs will be erected on Smiley Drive on either side of the Lake Wobegon Trail during construction.
3. With the approval of the Stearns County Parks Department, signs will be placed on the Lake Wobegon Trail to alert users to truck traffic ahead.
4. The project meets all applicable Stearns County guidelines including those for community solar gardens (6.54);
5. Decommissioning shall be completed in accordance with the plan submitted in the event the solar panels are not in use for 12 consecutive months.
6. A financial guarantee is required in the form of a cash escrow deposit of \$200,000 in favor of Avon Township to meet the requirements of the decommissioning plan.
7. The applicant shall install and maintain ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. The final seed mix shall be approved by the Township.
8. A fee of \$4,320 will be paid to Avon Township for seed mix reviews and inspections of the project at year 1, 2, 3 and every three years after for the life of the project.
9. A financial guarantee is required in the form of a cash deposit in favor of Avon Township equal to 125% of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation and screening is sufficiently established in accordance with the requirements set forth in Ordinance 439. The company will provide Avon Township documentation to show the calculation of the financial guarantee for landscaping and screening.
10. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by Avon Township. Major modifications may require review by the Avon Township Planning Commission and Board of Supervisors.
11. The project will follow the Stearns County Storm Water Management rules and requirements.
12. Noxious weeds are controlled in the project area.
13. A landscaping and screening plan acceptable to the Avon Township Board of Supervisors will be provided.
14. The company will provide to Avon Township the contact information for the responsible party once the project is completed.
15. Avon Township shall be notified of any changes of ownership providing any new contact information.
16. The company will provide a copy of the road maintenance agreement for Smiley Drive.
17. The company will follow any NHIS guidelines recommended by the MN Department of Natural Resources review.

Interim Use Permit – Gertken/Novel Energy Systems Community Solar Garden: Findings of Facts

Name: Brian & Linda Gertken

Date: January 26, 2021

Request: construct a 1 megawatt community solar garden

Findings shall be made in either granting or denying an applicant's proposal. Findings should reference specific sections of applicable ordinances. The following are examples of findings, but are not limited to these areas.

1. Is the proposal consistent with existing Township ordinances (*i.e.*, 6.54)? Why or why not? Specify applicable section(s) of the ordinance.
...yes, 6.54
2. Are there any other standards, conditions, rules, or requirements that the proposal must meet?
...There are 17 conditions (appended) that the project must meet.
3. Is the proposed use compatible with the present and future land uses in the area, or can it be separated by distance or screening from adjacent land uses? Why or why not? How will any scenic views be impacted by the proposed use?
...it is compatible and screening will be in place based on the plan presented.
4. Are there any potential environmental concerns (ground water, surface water, air quality, wellhead protection areas) that should be addressed as part of this request, and if so, how are they addressed?
...a NHIS review is being done by the MN DNR.
5. Has information been provided regarding the impact to property values in the area as a result of the proposal? Will the proposal affect the property values of the area in which it is proposed?
...no information has been provided, but the project will not likely affect property values.
6. What potential public health, safety, or traffic generation impacts will the proposal have in related to the area and the capability of the roads service the areas, and how are they being addressed by the proposal?
...signage will be installed and a working driveway agreement will be provided.
7. How does the proposal affect the general health, safety and welfare of residents?
...no obvious impact
8. Does the proposal conform to the goals and objectives of the County's Comprehensive Plan? Specify which goals and objectives apply.
...the project meets agriculture use policy which allows for land to be used in many different ways, and allows for renewable energy systems
9. How will the proposal impact existing public services and facilities including schools, parks, streets, or utilities? What potential is there for the proposal to overburden the service capacity? How are these issues addressed by the proposal?
...the proposal should have little effect, other than short term impact during construction.
10. Is cleanup/reclamation required and has applicant provided financial assurance if so?
...yes, and a financial guarantee in the amount of a \$200,000 cash escrow will be required for the decommissioning of the solar garden.
11. Other issues pertinent to this proposal?
...there are already two, 1-megawatt solar gardens on the landowner's property