

PLANNING COMMISSION MEETING FOR THE CITY OF WAITE PARK

The Waite Park Planning Commission met in regular session on Tuesday, September 12th, at 6:30PM at Waite Park City Hall. The meeting was called to order by Chair Jansky beginning with the Pledge of Allegiance.

Planning Commission Members Present

Chair Tim Jansky, Commissioners Bob Zabinski, Vic Schulz and Chris Shorba

Planning Commission Members Absent

None

Others Present

Jon Noerenberg, Planning & Community Development Director
Others on sign-in sheet.

Approval of the Agenda

Commissioner Zabinski moved to approve the agenda as presented, seconded by Commissioner Shorba. Passed with all present.

Review and Approve Minutes, August 8, 2023, Planning Commission Meetings

Commissioner Zabinski commented on a point of clarification regarding meeting minutes for August 8, 2023. Commissioner Zabinski referenced on page 2; Buzz Lake should be Pleasant Lake. On page 3, paragraph 10, Iowa Industrial District should not be Iowa, just Industrial District.

Commissioner Schulz moved to approve the minutes, seconded by Member Shorba. Passed with all present.

Preliminary and Final Plat - Park Square Plat 5

Chairman Jansky read aloud the public hearing notice. Public hearing opened at 6:33PM.

The request has been submitted by property owner Coborn's Incorporated for preliminary and final plat review of Park Square Plat 5. The property is located at the northwest corner of Hwy 23/2nd St S and Waite Avenue, and is currently three parcels which are home to Holiday convenience store/gas station and Coborn's Liquor store. The Holiday convenience store is currently split between two parcels. The property is located within B-2, Commercial/General Business District.

The property was previously platted and the applicants are pursuing the replatting of the property in order to "clean up" the current parcel configuration; the proposed plat would reconfigure the property to as to have the Holiday station be on one parcel rather than split across two parcels as it is now. No additional development is anticipated with the proposed replatting of the property.

The proposed parcels meet standards for the B-2 Commercial/General Business District. As the property is located along State Highway 23, a request for review and certification has been sent to district MN Dept. of Transportation staff, who will prepare a certification that is to be recorded with the plat when finalized along with any conditions of approval they may have. Comments from MnDOT staff have not been received as of Friday, 9/8/23 so they are unable to be included within

the report and recommendation, but they will be provided to Planning Commission if available in time for the September 12th meeting.

As the properties were previously platted, there is no requirement for payment-in-lieu of parkland dedication associated with the request.

Staff is supportive of the preliminary and final plats as-submitted and they meet standards for the associated zoning district. As this request includes a public hearing component, the Planning Commission will need to hold the public hearing prior to any action on the request.

Staff recommends approval of the preliminary plat with the following conditions:

1. Property is subject to any requirements set forth by Minnesota Department of Transportation as part of their review and certification process. Provided that conditions of the preliminary plat are satisfied, staff recommends approval of the final plat.

Commissioner Zabinski verified the new title, Park Square Plat 5, consisting of two parcels.

Planning and Community Development Director Noerenberg confirmed this information.

Chairman Jansky reminded the group this was a public hearing and invited anyone to give input.

Commissioner Schulz identified no comments.

Commissioner Schulz made a motion to close the hearing, seconded by Commissioner Zabinski. Motion passed with all present. Public hearing closed at 6:36PM.

Commissioner Schulz made a motion to approve the preliminary plat with the following condition, whether it's subject to any requirements set forth by the Minnesota Department of Transportation as part of the review and certification process, if satisfied, move to approve. Commissioner Zabinski seconded the motion. Passed with all present.

Planning and Community Development Director Noerenberg stated the request will go to the City Council for their Monday, September 25th, 2023 meeting for final approval.

Interim Use Permit Extension – Johnson Materials/MTL Partners

Chair Jansky read aloud the public hearing notice. Public hearing opened at 6:38PM.

This request has been submitted by MTL Partners & Johnson Materials, Inc. for amendment to an Interim Use Permit for Extractive Use and Mining to extend Interim Use Permit for removal of granite in an A-1, Agricultural/Rural Residential District. The property was previously approved as a five-year Interim Use Permit in 2018 and an amendment to expand quarrying areas and quarry materials within City right-of-way was approved in late 2021.

The applicant received initial Interim Use Permit approval in 2018 for a proposed five-year granite quarrying operation, with the intent that removed granite would be largely used for the I-94 reconstruction project, while also making the property potentially more viable for eventual development by removing problematic granite outcroppings and surface granite which hinder development. At the time of initial approval, the applicants also received approval of a variance to reduce the setback for quarrying from the property line to zero feet, so that they could potentially mine up to the public right-of-way. In fall of 2021, a request was approved for limited quarrying

within City right-of-way and to expand the quarry areas to include the “teardrop” parcel referenced on the attached plans.

As the permit is set to close in 2024, and the approved quarrying areas have not yet fully been utilized, the applicants are seeking a 5-year extension to allow for additional time to work through the approved areas. No modifications to the existing Interim Use Permit or approved areas are being requested at this time; the request is solely to extend the approval for an additional 5 years.

No major issues have been associated with the ongoing work at the site and the applicants have worked diligently and in good faith to resolve the few minor issues that have come up. Staff does not have any concerns with the requested extension.

Per request made by the DNR and Stearns County staff made during previous work on the quarrying/mining ordinance amendments made in the last year, notice and information regarding the request was made and provided directly to a list of several DNR and Stearns County staff, with request for review and comment and information regarding the public hearing timeline. As of Friday, 9/8/23, no comments have been received.

As the standards for granting of Interim Use Permits follows criteria for Conditional Use Permitting per City ordinance, the standards are enclosed for reference.

Staff is supportive of the request, and that all current conditions of the previous approval continue to be in effect and the site maintained and operated accordingly. One additional condition is being proposed regarding a requested curb opening onto the “teardrop” parcel for quarrying purposes.

Staff recommends approval of the Extension to Interim Use Permit as below:

1. All conditions of previously approved Interim Use Permit and subsequent 2021 amendments continue to be in effect.
2. Interim Use Permit for mining/quarrying activities shall terminate April 1st, 2029. All mining/quarrying activity must cease at that time. Reclamation activities shall be complete by April 1st, 2030. Additional renewal may occur subject to processes established by City Ordinance Section 52. No tacit or inferred approval of renewal is established by granting of this Extension to Interim Use Permit.
3. Any curb opening/curbcut utilized for the “teardrop” parcel is subject to approval by City staff and shall be removed and restored to previous condition upon completion and reclamation of the area, unless an approval is granted by the property owner for it to remain with intent to be utilized for further development.

Chairman Jansky reminded the group this was a public hearing and invited anyone to give input.

Commissioner Schulz made a motion to close the hearing, seconded by Commissioner Shorba. Motion passed with all present. Public hearing closed at 6:45PM.

Commissioner Zabinski stated the proposed operation plan talks about Quarry areas A, B, C, and D. Zabinski indicated the map he received only shows A and B. Zabinski indicated he is with the understanding the quartering site will be the teardrop between Granite View and Highway 15.

Planning and Community Development Director Noerenberg clarified the additional sites were previously approved in 2021 so they had already been seen by the Planning Commission.

This does not have any additional sites with it, it's solely the timeline. There is no property addition or changes, it is solely letting them work through for a while longer.

Commissioner Zabinski moved for approval of the extension of the interim use permit with conditions stated by Planning and Community Development Director Noerenberg, seconded by Commissioner Schulz. Passed with all present.

Planning and Community Development Director Noerenberg took a moment to ensure computer and display was coming thought the online platforms appropriately as someone on Zoom indicated the screen went black for a moment and then came back on.

VariANCES - Tom and Susan Ardolf

Chair Jansky read aloud the public hearing notice. Public hearing opened at 6:49PM.

This request has been submitted by Tom and Susie Ardolf as property owners, with support from Dakota Sun Capital LLC and Parcel Real Estate as part of the application. The request is being made for several variances from City Ordinance Section 52.56, Solar and Wind Electric Generating Facilities, including requests to reduce setback requirements per Section 52.56, Subd. 4.A2, Section 52.56 Subd. 4. A3, and Section 52.56 Subd. 4. A4 to facilitate future potential Interim Use Permit request for establishment of solar electric generating facility.

Should variances be approved, it would be expected that an application for Interim Use Permit would follow, and that permit application would address the specific requirements outlined within the ordinance for application at that time. However, should the necessary variances be ultimately denied by the City Council, there would be no further opportunity to submit the Interim Use Permit application as the subject property requires variances in order to be eligible in any capacity for the Interim Use Permit.

The applicants have submitted an extensive application packet and are to be commended for the thorough submittal and details contained within the application. Due to the extent of information and rationale outlined by the applicants within their application packet, staff has opted to enclose it in its entirety (with exception for redaction of personal contact information) for review and consideration by Planning Commission and the same will be done for City Council. At request of the applicant, staff also extended via email an invitation for Planning Commission members for opportunity to meet personally on-site with applicant(s) on a one-on-one basis to review property firsthand with applicant, with notation that the Planning Commission would be unable to meet as a group at the property to review as it would be considered a public meeting and as such would require proper public notice ahead of time.

Staff was contacted previously by applicant partner Dakota Sun Capital staff regarding interest in the property and advised of the current ordinance and that a proposal would require significant variances from the solar/wind facility ordinance, but expressed potential openness for consideration of project that would locate primarily in previously-identified wetland area of the parcel located on the western side of CR137; the solar/wind ordinance notes that solar facilities shall be designed and located in such a way as to utilize existing lowland/wetland areas that are otherwise non-buildable in their current condition, and to avoid agricultural and otherwise developable area. As utilities are available to the subject property (memo from City Engineer enclosed for review) staff and the City have held previously that the farmed/tilled areas of the property are considered serviced and developable, although applicants have disagreed with that assertion.

The applicants are requesting variances with consideration of two design options, noted as Option 1 and Option 2 within the enclosed materials. Both options as presented would require

variances from three ordinance sections regarding setbacks, although to varying degrees for both options. Specific details for both design options are contained within the enclosed application packet under Section 4.

The applicants have noted that they believe that the location of the design options, combined with maintenance of existing tree cover and eventual additional screening as required by ordinance, address the intent of the setbacks as outlined in ordinance in attempting to limit impact to neighboring properties.

The existing solar/wind electric-generating facility ordinance was adopted in early 2019 after considerable review and input, including public input opportunities, due to concerns with ongoing interest in solar farm projects in the western area of the City and their potential long-term impacts on future development as well as ongoing concerns brought forth to staff from residents in the areas where such facilities were located.

A copy of the ordinance is enclosed for reference and review. Staff would note that specifically noted as the stated intent of the ordinance in Subd. 1 is “To regulate location of solar and wind-generating electric facilities within the City of Waite Park and guide their development to areas which are most appropriate given their conditions, and to limit impacts of such facilities on adjacent residential properties.” Further, as referenced earlier, Subd. 4D states that solar facilities “Shall be designed and located in such a way as to utilize existing lowland/wetland areas that are otherwise non-buildable in their current condition, and to avoid agricultural and otherwise developable area.” Staff indicated previously with the applicants that should a variance request be made, a strong preference for any City consideration for variance would be associated with utilization of the wetland area(s) to guide impacts away from the remainder of the developable area of the property, as noted by ordinance.

A case could potentially be made for setback variances based on utilization of wetland areas as major component of a proposal, but staff does not believe that either of the options or requests listed reach the threshold for establishment of practical difficulties as required by ordinance.

Guidelines for review of a variance are enclosed for review/consideration. Practical difficulties necessary for approving a variance only exist when all three of the following conditions are met:

- The property owner proposes to use the property in a reasonable manner not permitted in the zoning ordinance.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner
- The variance, if granted, will not alter the essential character of the locality.

Further, it is stated within ordinance (and State Statute) that economic considerations alone do not constitute practical difficulties for purpose of variance. The application materials heavily reference economic aspects, including the current costs of development, claimed issues with the depth of the current City utilities and viability for connection, and the potential value of the property via Xcel’s community solar program, as well as the desirability of the property for solar development due to design and distance requirements for solar connection and increased capital expenses in developing such facilities further away as would be potentially possible under the existing ordinance. While commendable, the ordinance as written cannot factor increases in renewable energy or reductions in carbon emissions.

Staff has enclosed Planning Commission Variance Guidelines and Criteria for Approval, with staff’s opinion regarding aspects as outlined per consideration of application materials. Staff has received three contacts regarding the proposal; two from neighboring residents and one from Senator Jeff Howe’s office. Senator Howe noted concerns he had received from constituents that had purportedly been precluded from installing solar systems on their own residential properties due to lack of grid capacity stemming from large solar field development and the potential foreign

ownership of solar facilities as their ownership is transferred, although staff is unable to substantiate either concern at this time.

Given careful consideration of the request and the intent and aspects of the applicable ordinances as-written, and evaluation of the request against the requirements for variances as enclosed, staff recommends denial of all three variance requests as-submitted. In staff's opinion, the requests are unable to meet the requirements and threshold for establishment of practical difficulties.

Planning and Community Development Director Noerenberg referenced slide "Map 4: Setback Requirements Estimates".

Planning and Community Development Director Noerenberg referred to Planning Commission Variance Guidelines and Criteria for Approval.

Subd. 5. Practical Difficulties.

A. Practical difficulties as used in connection with the granting of a variance means that:

1. The property owner proposed to use the property in a reasonable manner not permitted by the Zoning Ordinance; - Staff does not believe the current proposals to be reasonable given the ordinance and configuration of the property. Both proposed designs utilize major swaths of developable area located centrally within the property, not utilizing wetland as directed per ordinance or locating to farther eastern side to accommodate potential development on remnant area.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and - Staff does not believe the claimed circumstances regarding applicability of the solar ordinance to be unique to the property; rather the applicable ordinance affects all properties zoned Ag/Rural Residential equally since its adoption in 2019. The concept that the property could have hosted a solar farm prior to adoption of ordinance is flawed as there is no guarantee that such a request would have been approved even prior to adoption of the current ordinance, and City ordinances for permissible uses are based on present conditions rather than what may have been allowed in the past. However, there is significant natural screening exists and existing configuration and designs of public streets would be potentially viable for reduction(s) in setbacks for an alternative design.

3. The variance, if granted, will not alter the essential character of the locality. – Staff believes variances granted for either Option 1 or Option 2 would alter the essential character of the locality to an untenable degree. Ordinance intent is to guide away from developable areas and into wetland/lowland areas wherever possible and an alternative utilizing as least partial wetland area is known to exist, even if it is more expensive to construct. Both options as presented jeopardize the intent and effectiveness of the solar/wind electric generating facility ordinance. All but one existing solar facility are located in areas where utilities are unavailable and near-term development is not realistic, and the one other is a relatively small (1MW) facility that was placed as far north on the property as was possible, away from public right-of-way and to allow room for future additional development if possible. Staff agrees, however, that existing tree cover in several areas of property as well as limited use of public streets with existing limited number of businesses on them may be viable and appropriate for potential reduction in setbacks for a revised design.

B. Economic considerations alone do not constitute practical difficulties. – Applicant cites Xcel distribution line with desirability for location based on Xcel development costs.

Ordinance is not intended to make costs viable for solar but rather to ensure additional solar/wind developments are not concentrated in any one area and to limit impacts to neighboring properties. While applicants have not located other potential buyers and advise of concerns with depth of available utilities, the utilities have been previously determined to be in-line with industry norms. Applicants advise that sale of the property for solar would raise capital for development on remainder of the property but do not cite any specific detail regarding how that would be performed. Applicants further note that adjacent vacant properties currently serviced with City utilities are likely to be developed first and that the subject property would be ready for development at the conclusion of the Interim Use Permit. While that is possible, as the subject property is currently serviced, there is nothing precluding similar development at this time and any one of the serviced properties would be considered as ready for development without any single one necessarily having to be developed first.

Subd. 6. Findings of Fact: That the literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

A. Is the variance in harmony with the purposes and intent of the ordinance? – Staff does not believe the request as proposed is in harmony with the purposes and intent of the ordinance.

B. Is the variance consistent with the comprehensive plan? - Yes. While a new comprehensive plan is forthcoming in which the proposal would be considered inconsistent, the proposal is not inconsistent with the currently-adopted 2005 Comprehensive Plan.

C. Does the proposal put property to use in a reasonable manner? No, in staff's opinion the proposed variances and proposal would put the property to use in an unreasonable manner and would be against the intent of the existing solar and wind electric-generating facility ordinance.

D. Are there unique circumstances to the property not created by the landowner? Yes, there are several unique circumstances with the property not created by the landowner. Significant natural screening exists and existing configuration and designs of public streets would be potentially viable for reduction(s) in setbacks for an alternative design

E. Will the variance, if granted, alter the essential character of the Locality? - Yes, in staff's opinion the variances, if granted to support proposed project configurations, would alter the essential character of the locality and be against the intent of the ordinance as-written.

Staff recommends denial of variance from City Ordinance Section 52.56, Subd.4 A2, to reduce 500 foot setback from adjacent residential property to approximately 100 feet and according to project proposal exhibit.

Staff recommends denial of variance from City Ordinance Section 52.56, Subd. 4A3, to reduce 1,000 foot setback from public road according to project proposal exhibit.

Staff recommends denial of variance from City Ordinance Section 52.56, Subd. 4A4, to reduce ¾ mile setback for solar project from another solar project to approximately 0.6 or 0.4 miles, according to project proposal exhibit.

Chairman Jansky reminded the group this was a public hearing and invited anyone to give input.

Tom Ardolf (2992 County Road 137) commented he and wife, Susie Ardolf, have consistently been acting as good stewards and citizens of Waite Park, and believe these variances allow us to continue to act in that fashion. Mr. Ardolf requests Planning and Community Development Director Noerenberg to begin power point presentation, created by Mr. Ardolf, which is viewable to audience and individuals joining online.

Planning and Community Development Director Noerenberg confirmed with online individuals they were able to see and hear properly.

Mr. Eric Gillen confirmed he was able to see and hear the presentation appropriately.

Mr. Ardolf began his Power Point presentation. A full copy of this presentation is available upon request at City Hall, otherwise viewable on YouTube – search City of Waite Park 09-12-23 Planning Commission Meeting.

Chairman Jansky asked if anyone else would like to come up and make a comment or have any questions.

Planning and Community Development Director Noerenberg stated a point of clarification; Mr. Ardolf referenced the application for quarrying or mining a couple times; that deal was essentially terminated before there was ever an application made. There was a possibility to expect an application, however, that stopped on their end, was withdrawn. I believe it was a plat at that time that needed to potentially go forward before we would ever see an application for interim use permit for quarrying. I have never seen until tonight any actual documentation as to what was actually being proposed. I can't say the City would have approved or denied it because we did not see an application and thus no review or consideration was ever made for it.

Neal Lampher (2862 County Road 137) my property is just to the north of this property. I am against the variances. First of all, when I got the information I thought it was quite deceiving because it gives 500 foot circles for residential, 1000 foot parameters for the public roads. It makes it sound like that is what the current ordinance is, when in fact on the part of residential, it's not even close to 1320 from what I talked to Jon, is what the current setbacks is for both residential and public roads. Quite frankly, option one, as I see it is a slap in the face. I have zero buffer. Mr. Ardolf put a good presentation together, I give him credit for that, however I wish he would have taken a picture from my property/house. There would be zero buffer from anywhere on my property. The first thing you see is that corn field, there is no trees. Yes, you could plant trees there, however, the ordinance calls for trees to be the same height approximately as what the solar panels would be which would be about 4 feet high. Do you realize how many years it would take to have any substantial buffer from this solar farm? My property is 40 feet from the corn which if you look at the map for option number 1, goes very close to that tree grove which is exactly where the cornfield is now. My property line is 40 feet from that and my house is less than 200 feet from that and that's what it would be, less than 200 feet from these solar panels with no buffer. So, anywhere I look from my house, etc., I would be looking at solar panels. So, when you call this hidden, for me, that's a joke, it's not at all hidden. The distance from the road, east and west, I took a 100 foot tape measure and measured from the road along the edge of my property, where the edge of that solar field would go in option number one, I measured down 300 feet and at the end of the 300 feet I was

about 40 feet into the corn, so that would be very close to the edge of where this solar farm would go. So again the 300 feet you're talking about a setback currently of 1320, so you're not even close. My house would be an 85% deviation from the current setback and for the case of the road, it would be approximately an 80% setback change in the setback, so we are talking a major amount. Option two is not much better. Even from my house it would be more than 50% from the current amount. It would be approximately 400 feet from the road, which again, with the current setback of 1320, you're over 66% from what the current setback is. There is an argument that could be made that these solar farms, especially this large, do not belong in the city limits. There are already other solar farms close to our property and I think this is why our Senator Jeff Howe chimed in on this, it's getting hard he said for individuals to hook up to the grid because of the over saturations in some areas like ours. Jon talked quite a few times about the other variance that would be guideline that would be broken that this was supposed to be in wetland or otherwise non buildable to avoid agricultural and otherwise buildable land. I heard a comment that that could be argued, I don't see how, the land that that is option one, I don't know so much about option 2, I've never seen it under water or anything like that. That land is very buildable. In my opinion the city needs to be very careful, what I call the slippery slope effect, there are several other large landowners that will be watching your decision on this. They are hoping that you allow this to go in there. Why? Because that will give them the argument and ammunition in the future to get their projects to do what they want to do, even if it doesn't fall within the city ordinances for their projects. What does this really boil down to? Why are they for it and why am I against it? For them it's simple, money. For me, I'm not going to benefit from it at all financially and my property will depreciate and as a bonus I get to look at an ugly solar farm. If they were in my shoes and they weren't going to benefit from it in any way or form financially and their property was to depreciate, they wouldn't be for this either. I want to close on a personal note. Just a few years ago I came to the city to see if I could build a garage. It would have gone against only one city ordinance, not many, and even though I had the support of all my neighbors, and even through this garage would have been very difficult to be seen by anyone because of the large grove of trees in the front of my property, I was turned down. So, you can imagine how it would feel if you accept this in any capacity while this is breaking several ordinances and would be 10 times the eyesore of what I wanted in just my garage. Thank you.

Commissioner Schulz asked about screening, if Mr. Lampher would be okay with a large berm, screening for the field so you wouldn't see it when you drive in and from your house, with trees planted on top of it?

Mr. Lampher stated, anything that you're going to plant there is going to take forever. Are you talking about building up a large hill and then putting trees on?

Commissioner Schulz stated, building an actual earth berm with trees planted on top of it.

Mr. Lampher stated he would not be in favor of this. He understands the land isn't going to stay this way forever, what they're asking us to do is take either bad or worse. I think there's other options. I don't think we have to just accept bad or worse. Reiterated the mining option wasn't accepted and highly doubt that it would have been accepted.

Eric Gillen (Dakota Sun Capital) working with Jon and Sam on some of these designs. I wanted to address some of the Senator's concerns and a few things we just heard from Mr. Lampher. Prior to me (Mr. Gillen) being on the private side of solar, I spent eight years at the utility working with community solar gardens, residential solar, utility scale, and everything natural gas, renewable energy. His comments regarding these projects caused problems for residential people

to not be able to put up solar on their rooftops because of grid capacity concerns; it is possible that it could happen but it's very rare. Residents that do this by percentage, live closer to populace centers where they have the substation and distribution infrastructure. Generally, that is where the capacity is on the grid. You can see on the grid and application just the hosting capacity map with Xcel as you get closer to where people live there is hosting capacity as you get further away, that's where hosting capacity is tough to come by on the distribution side. I just wanted to point out that I don't think that concern is valid and we are actually willing to as the developer when we go through the Xcel interconnection study, if it does come up to this project maxing out that entire distribution line which is one of their measurements they do we would be willing to downsize the project to leave room for , throwing out a number, 40 new applications that would be interested in putting solar up over the project life. Right now, the study came back and said the substation and feeder that this line is on, right now has room for 76 megawatts and 22 megawatts respectively. This project we're looking at is five megawatts so again I don't think it is a concern and if it did become a concern, we are willing to reserve an allocation so that we're not hindering people out of that opportunity. The other thing mentioned by the Senator was potential for foreign ownership. Without having context of that concern, it's a little difficult to say how we could address it. We are willing to address it if we understand it a bit better. I'm not sure if he's nervous about investors from countries that are frowned upon doing business that might be on sanctions lists, but I can assure you that's not going to happen. The only reason I'm hesitant is that a lot of the US-based developers, it's a very capital-intensive business, they are receiving funds from infrastructure funds, private equity funds, that may or may not come from foreign ownership. Like I said, we're willing to work with whatever requirements that issue stems from. Referenced similarities with real estate investors. Doesn't feel it's a valid concern to this project. Reiterated, he and Mr. Ardolf covered three-prong test that was referenced and understands economic reasons aren't a sole reason to approve. The community solar program would go straight to Xcel's grid but what their program allows is us to sell virtual bill credits. It allows us to sell those to local commercial businesses and residents, which are sold at a 10-20% discount depending on the market, so you would be talking 3.5-4 million dollars of bill credit saving for local businesses and residents. The investor group we've been working with wanted to file this, if approved, as a low-income community solar garden so they would apply for the incentive so at least 50% of it would go to some sort of public housing authority that they can then disperse those bill credits to their members, usually at 20% bill credits. Referenced to the property tax information Mr. Ardolf spoke about and the benefit from this the community would see. Also, willing to hold out an extra one hundred grand for whatever purpose the city would like to do with it and make that as park of the requirement for them when they are factoring in the building costs. Addressed Mr. Lampher's concern about seeing it, a berm is possible with planted options on top of it. Recognized that the entire lot is not screened and Mr. Lampher's portion is not screened, in addition to this screening, the project itself must have a screening around it. Want to impact the least number of people and it's possible to merge those two together and push further to the east.

Commissioner Zabinski asked Mr. Gillen, if it were to make it more palatable could the configuration of the solar field be further north and south wider and come less distance to the west, so in other words come closer to Tom Ardolf's house and be more distant from Mr. Lampher's house?

Mr. Gillen confirmed yes this would be a possibility.

Commissioner Schulz acknowledged Mr. Trisko was present at the meeting and wanted to ask a couple of questions of him if he would be willing.

Planning and Community Development Director Noerenberg indicated to Mr. Trisko he is not required to speak, rather it is at his discretion. Directed Mr. Trisko to speak into the microphone on record if he chose to speak.

Commissioner Schulz stated the only reason he wanted to ask questions of Mr. Trisko is because he has property contiguous to this one. Commissioner Schulz asked Mr. Trisko what his feelings were about Mr. Ardolf's potential development.

Bob Trisko (1501 Country Road 137) stated they also have been calling everyone possible to get development to happen and doesn't want low-income housing or section 8 in that area. Mr. Trisko said they want to see town homes, nice apartments and a science museum. Referred to the Horizon Roofing Company and possible purchase in order for developers to look at their land for development. Indicated he previously worked with Mark Knoblock, who built all of 2nd Avenue and Mark says no you can't buy it, that's way too much money for it. Also made comment about working with Ardolf's and with Lenars, not wanting just 40 acres, but wanting 200-300 acres to do a nice development of housing. Mr. Trisko stated he doesn't feel wrong about Mr. Ardolf and his want for development. Said he and Mr. Ardolf have tried to work together if needed to make development happen. Also spoke about additional items they are looking at for future development to complete their vision of what they want to see Waite Park become.

Commissioner Schulz asked Mr. Trisko if he supported Ardolf's?

Mr. Trisko indicated he did.

Commissioner Shorba asked Mr. Trisko if this project were to be built, would it have an impact on your vision for your property?

Mr. Trisko replied, would you buy a condo back in there? I'm hoping to overlook the park and the quarries and it's so natural. What I'm hoping what he does is keeping the theme natural because what I want to do back there is nothing other than try to retain a green look.

Commissioner Shorba questioned if you built your houses and your hotel resort complex, would those folks be able to see it?

Mr. Trisko replied he didn't know if that would interfere with what he was doing and would like to say it's not.

Sam Johnson (Realtor) who has been involved in this area. Bob (Mr. Trisko) we go back five years ago we worked together. In the last three years, there have been five newly constructed houses built and sold in Waite Park that were listed on the MLS all along the Hwy 15 development. Sartell has had 51 new homes built and sold, St. Cloud has had 150, St. Joe has had 6, Sauk Rapids has had 31. The entire region as a whole in the last three calendar years has had 237 house built and sold on the MLS. When we talk about these big projects and what it's actually going to take for a large developer to come in here and make something happen, they need a lot of rooftops to justify it. If you were a developer that wants to come in here with a big project and you're going to take down hundreds of acres and you're going to look at it and go, you're telling me I'm going to sell 75 house a year, it's not going to happen. And, if it were to happen, per Mr. Blommel report, there's a 20' DIP drop pipe that feeds into the 38-foot-deep sewer.

Mr. Dave Blommel (SEH, City Engineer) stated the sanitary sewer serving the Ardolf property is 20ft deep.

Mr. Johnson commented, so the bottom of the inverts 38 feet, but there's a cast iron pipe that we can tie into at 30 feet that is 8 inches in size.

Mr. Blommel said yes.

Mr. Johnson asked Mr. Blommel how many homes could 8-inch sewer pipe support?

Mr. Blommel stated roughly 350 homes.

Mr. Johnson asked what about the water in that area?

Mr. Blommel stated the same roughly 350 homes.

Mr. Johnson said, we've got the sewer and water there potentially to handle a lot of those houses. That's good to know because we were previously under the assumption that we were going to have to go right down the center of the road to extend that at 39 feet. In the immediate region as well, there are 251 shovel ready sites available for sale at the current moment. That is roughly 3 years of inventory ready to go. After all the shovel ready inventory has been digested by developers, people will start considering newly developed land, the low hanging fruit is going to be Labuda's, it's going to be Bob's, they've got 69 lots if we extrapolate that out to the 100 acres out at Labuda's we are talking another 300 houses. In the last 10 years there's been 15 lots sold in the City of Waite Park on the MLS, that's 1.5 lots sold per year, and in order to sell 300 homes that would take 200 years to get to where it makes sense, I mean obviously that's just straight-line math. At some point there might be a big splash, but what I'm saying is the screening is in place, it's a conditional use permit, it just does not pass the test to me that any way shape or form this affects the locality of the region. To me, it's the city trying to protect its limited projectile of development. You've got 35 acres of solar shoved back in the corner of a field where there's hundreds of acres of developable land in the immediate region that needs to be filled before you get there. This is from the real estate perspective.

Susie Ardolf (2992 County Road 137) we've been trying to sell this land for the last 16 years. People do not want to buy the land so then you say, try something else, what do you do with it? There is a real water issue out there too. Do you just keep sitting on this land, that's not being very good stewards of the land. Gary Zabinski farms the land out there. We would really like to just do something with it.

Mr. Trisko commented if there is anything to help with delaying some of the infrastructure tax money or just to get a spark going. I think if we can get building going that area will be on fire like St. Joe, it's just we need to get something going and Waite Park needs housing. There is a market of people wanting to buy houses.

Chairman Jansky addressed Mr. Trisko stated he appreciates Mr. Trisko's passion, but the Planning Commission has to deal with the zoning, not any other costs in getting a vision started. When it comes to finances, it would be the Council, not the Planning Commission, and that's something you'd have to take to City Staff.

Mr. Trisko would be interested in setting up a meeting for something in the future.

Commissioner Schulz addressed Mr. Blommel regarding the report on August 30th, do we have the water we need to push through the pipes to support a development?

Mr. Blommel confirmed the city does.

Commissioner Schulz asked, even if we are in a watering ban?

Mr. Blommel stated the watering ban is a separate issue. But yes, we currently have the water supply. The watering ban is as much based on a DNR (Department of Natural Resources) regulation as it is the physical limitation. We do have the water in the area and the ability to supply it.

Chairman Jansky addressed Mr. Blommel regarding Mr. Trisko needing a lift station for his sewer, the sewer is so deep, there wouldn't be a need for lift station.

Mr. Blommel stated there should be no need for lift stations for any of the parcels that were discussed tonight. The lift stations have already been installed.

Peter Theisen (115 35th Ave N, St Cloud) I've been in business in Waite Park for the past 40 years and no one has addressed how long this solar farm going to up and running?

Commissioner Schulz stated it would be 35 years.

Mr. Theisen stated this development is up and we have through its cycle before any of that land is even developed that we could sunset the variance and reclaim that land for use as development by the time that it's needed. I think they are putting the cart before the horse. You're trying to save something, not hurting the land by putting a solar farm on it. You can always remove the solar farm at a point. We don't know how long solar farms maintain their usefulness and I don't know much about them. From any of the developers of how long they'd want to have that or renew it, at the end of that round they just close the variance and reclaim the land is building base, so that was my concern.

Chairman Jansky asked if anyone else wanted to speak or had concerns.

Mr. Lampher stated he thinks Trisko made a few good points, if the ball ever got rolling out there, and there was land that had the infrastructure, those lots would sell. Right now, it's not all built up and ready for people to buy those lots. 10, 20, 30 years from now what do you want, to drive out there and say, wow, they really did it right, they put some nice houses out here. Or do you want to go out there and say, wow, you got a little bit of this, a little bit of that, little bit of everything. But I think there is so much potential out there for something to be done. As far as the solar, you put solar out there, that's going to put the kibosh on anybody that's going to come out there and say, yeah, let's put this, let's develop some nice houses when you got that out there, they will say, no, no thanks.

Commissioner Schulz made a motion to close the public hearing, seconded by Commissioner Zabinski. Motion passed with all present. Public hearing closed at 8:22PM.

Chairman Jansky opened up for comments from the Commissioners.

Commissioner Zabinski stated he read through this quite thoroughly and had an opportunity to go and physically walk the area with Tom Ardolf and see exactly what is out there and the end result is some of the reasons that I feel the application has some merit. I do not agree with this particular ordinance as I voted against it when it came to this panel. It was ultimately passed by the City Council. Number one, the 50-foot distance from our residence; north side is screened by a densely populated tree line already nearly up to Neil's house. The east and south side are entirely wooded, some of the south side being DNR scientific and natural area which average people can't go on. It's going to be studied so no one from that side will see it. The south side toward the west end will be Tom Ardolf's house and he will be looking at it, that's his issue. The remaining area along the north and west side will be planted with trees, screened adequately, so that it will not be seen. It can't be seen now from the east, south, and north side. Resident in the west end in question, the residence on the west end is owned by the Ardolf's and rented out. The next issue is the 1000 feet distance from public roadways. If it is entirely screened from view, what is the difference if it's 200 feet off the road or 1000 feet off the road? For that variance I see no issue with that. Because it was entirely screened, I don't think that's an issue. The argument that it should be preserved for development; there is still a reasonably wide band of property on the west end that could be developed even with the solar farm there. The fact that this is interim use and not a conditional use, interim use indicates that at the time that the panel would be of no use anymore that it will be stopped and if at such time there's a demand for housing, I'm sure they will do it. With an anticipated life of 35 years, it certainly has the potential for being developed later. The idea that solar fields should be limited to wetlands, if we have a minimum size for these solar gardens, to find an area that has wetlands, the companies won't put them on cattails. They can't. To find an area of wetland, I think that is kind of a ludicrous argument. They need an area they can work with and this is as good as it's going to get. To set it back the 1000 feet so the land in front of it can be developed, I presume that's the reasoning behind the 100-foot setback, then you're building houses up to the solar garden, which is at this point what we are trying to avoid, so I don't understand that argument very clearly. Current polices, federal and state, want all electric use green 2024. I don't think any of us realize how much more demand and how much more need we're going to have for this type of thing. This is what is wanted for green energy and so the need is there. The idea that, I don't want it in my backyard, nobody does, but we all want more electricity, we're all using more electricity, all going to use a lot more electricity by 2024 and we are all going to have to bite the bullet a little bit here and accept the fact that these solar gardens are going to become a necessity. We all must take responsibility for that somewhat because we all want the electricity. Last thing I struggle with is the City's intent to dictate how someone uses their land, I still struggle with that a little bit. I know we can develop a comprehensive plan and we say from the City's perspective this is what we would like here and here, but to come to the point of saying this is not a good enough use of that land, I don't think it's the City's job to determine that. If it was a bad use, like quarrying or something that would be harmful to everybody, I understand that. This is a very acceptable use, and I don't think that it should be dictated to the Ardolf's that they can't use it for this purpose because we think it should be used for a different purpose. I think these variance requests do have some merit for consideration. Thank you.

Chairman Jansky stated he does see the need for solar and that setbacks from neighbors, screening is a big thing and old tree lines don't last forever. I can see some variance in footage but is 500 feet or 1000 for the road. Instead of 35 acres of solar can they cut that back, make it a smaller footprint? That's all stuff that could maybe happen.

Commissioner Schulz stated his issue is the guess with the comprehensive plan, a suggestion of what we would like to do, and we guess this is the direction we would like to go. We did that in 2005 and worked hard on that. Well, it doesn't work today and that's only 18 years ago, it doesn't work today. So, we are going to say in this comprehensive plan say this is what we are going to do out there when in fact its only a recommendation. The other concern is the city has some thought they spent a lot of money to put sewer and water out there because at one point Ardolf's thought they could develop into housing. Obviously, they have proven that can't happen and there is also some thought that this is the last viable place to do residential housing in Waite Park area. There's lots of other land out there that is easily converted to developments that we're talking about doing. So, I have a real problem with telling them that no, we can't do this. I know some of the city thinking on it and I don't think it's valid at this point, and especially when we're guessing on what that land should be use for. Do we want to have a granite operation out there? I don't think so. Is this better than that, yeah, I think so. I do understand the concern of the neighbor if this were to go through. There has to be some significant screening that they agree with it and have to approve of as part of this whole thing. I have a tough time with this thing so I'm having a difficult time making a decision on voting for these motions.

Commissioner Schulz made a motion to remove to recommend to the City Council to approve the variance request for the City Ordinance section 52.56 and subdivision 482 to reduce 500 setback and move to approve it.

Commissioner Zabinski clarified if Commissioner Schulz was making a motion to approve all three variances.

Commissioner Schulz stated we can only do one at a time.

Chairman Jansky questioned reduce the 500 foot back to what?

Commissioner Schulz indicated to reduce to 100 feet.

Planning and Community Development Director Noerenberg clarified the 100-foot setback variance was based on option one of estimated distance. This is estimated distances. Option two works with that just as well.

Commissioner Schulz asked what the setback was for option two.

Planning and Community Development Director Noerenberg stated that it was more than option one because when the present two options, the variances are in play, all three variances are required for either option but to a different degree.

Commissioner Schulz stated he will reference to the variance to option two. That is a little more palatable to the neighbor but not still what he wants.

Commissioner Shorba stated 35 years is a long time. When the city expanded the sewer and water, I live on County Road 137, nobody saw 2008 with the Great Recession happening and all of the sudden the real estate market crashing that the St Cloud area was going to continue to grow at an exponential rate. In the next 35 years I would like to think that our area is attractive enough and close enough to the Twin Cities that we have a lot of amenities and with Quarry Park and The

Ledge, I think I would agree with Mr. Trisko's vision that things could change. If this project was going to be viable, maybe it could be smaller than where it is now and option number one or two, could we move it further south? Why not keep the farmland and preserve the farmland as is and collect that rent and the solar array be on land that is not already being farmed. I would defer to Mr. Lampher on nobody wants it in their backyard when they have to view it. If this was 100 feet from my house, I would not be happy. I think this could have an impact on Mr. Trisko's vision. 35 years is a long time and Waite Park is going to be a significantly different city by then by the time this project is over.

Commissioner Zabinski asked Mr. Ardolf what the acreage difference of solar panels from option A to option B is?

Mr. Ardolf stated they are about the same.

Mr. Johnson stated they are roughly the same number of acres, within 10% or so, they are just different designs.

Commissioner Shorba posed the question to Mr. Johnson, if it was an economic project if it was a smaller amount of acres and if it was for shorter than 35 years?

Mr. Johnson stated one could do a smaller project than what is listed here. The bigger it is, the more you can handle the upgrade cost. Financially I do think that you could afford the interconnection cost with a smaller footprint, but I would defer to Mr. and Ms. Ardolf. It is their land, and I don't want to commit or decommit acres there so I would defer that piece to them.

Commission Schulz withdrew his earlier motion.

Commissioner Zabinski stated with all due respect I think if we are going to change configuration, that's a whole different ball game, then we better table it.

Chairman Jansky stated, should come up with guidelines for setbacks and leave them fitted into those criteria.

Commissioner Schulz made a motion to table.

Planning and Community Development Director Noerenberg stated if you are looking at a potential modification to a layout, I would agree, because we are not necessarily withdrawing or starting over but we would want to re-notice people because there may be interest if the layout changes. We would send it out as a notice, it's just the meeting being continued. If you wish to give guidance to the applicants as to what kind of revisions you'd like to see them come back with, I would suggest doing so.

Commissioner Zabinski asked with option two, do we know how far that is from Mr. Lampher's property?

Planning and Community Development Director Noerenberg didn't have a specific distance. It may be referenced in the report but don't have it at hand.

Mr. Johnson stated they didn't have the footage referenced in the packet but could get it.

Mr. Lampher stated he figured it was about 550 feet, for me is too close. If there were two things that I would want to see done. Obviously further to the south and if you were to make it smaller then take out that north side of that number two, in other words the top and make that smaller and or go further to the east, back of the property. If this thing were to ever get to the point where it would be at all palatable for me, you would have to do a big berm and not just small trees on there. I don't want to be starting right at a solar field. I understand times change and there is a need for this but you have to be reasonable for it.

Planning and Community Development Director Noerenberg stated as far as the screening aspects, right now you're looking at can they get a variance to even pursue an application? Should that happen, when they apply for the interim use permit, that's when the screening and those sorts of things become a part of the review and discussion.

Commissioner Schulz reiterated Commissioner Zabinski made a motion to table this discussion until we have an opportunity to work this out more clearly and have more definitive.

Planning and Community Development Director Noerenberg requested if the Planning Commission has any specific direction for the applicants to reconfigure so as not to speak on your behalf.

Chairman Jansky stated he would like to see as much buffer as we can between the neighboring properties and maybe a little smaller footprint to do the buffering.

Commissioner Zabinski stated the configuration looks like if you took some off the west end and put it on the north side you could probably get the same acreage and quite frankly right now it's 550 feet from Mr. Lampher's house.

Chairman Jansky stated if its 500 feet then it would meet that guideline.

Commissioner Zabinski stated yes, if that is 550 feet from Mr. Lampher's house, they don't have to do anything more than plant trees and be within the guidelines.

Chairman Jansky stated 1000 feet from the road, they're closer to that, so that would be something to consider.

Commissioner Zabinski stated yes, but that would be more palatable than 500 feet from Mr. Lampher's house.

Chairman Jansky stated the other variance they were asking for is the 3/4th of a mile.

Planning and Community Development Director Noerenberg stated there is no real way around that at the property at all except for maybe the very northeaster portion here. That wouldn't be a scale they probably would look at unless it were a disjointed project, I think was referenced earlier having some in the wetland that I was more amenable towards because then we're not going against the putting in otherwise developable area. My thought had been to utilize the wetland and put the remainder in this area more tucked away.

Commissioner Zabinski asked Mr. Ardolf if this was something that he thought could be worked with, maybe within the next 30 days, get some reconfiguration to work out the glitches?

Answer inaudible as was not on microphone.

Planning and Community Development Director Noerenberg stated he would expect the City Council would want to see it all come together as a single package.

Commissioner Zabinski stated his inclination is the ¾ mile from another project would be much more palatable to the City Council for the simple fact that this one would be screened, the other ones are not. This one won't be seen; the other ones are. I would say the council would be more acceptable of that variance.

Planning and Community Development Director Noerenberg commented to keep in mind the perspective when you're looking at these significant variances to the ordinance and it has to be defensible for anything else that may come across because this is one property, but what if the others that are nearby that remain developable, what's the justification to say no if they decide they want to do this too, especially if there is the ongoing interest. Granted, those properties are zoned a different district that doesn't allow for solar but there's nothing to say that they couldn't request a rezoning and in the same way having a variance requested. I just want to go on record that this opens a slippery slope for us. If the desire of the Planning Commission and or City Council wishes to go that way, that is their discretion, but this could open a pathway for other projects to come forward at some point as well.

Commissioner Zabinski stated Commissioner Schulz made a motion to table the conversation for 30 days, seconded by Commissioner Zabinski. Motion tabled by all present.

Planning and Community Development Director Noerenberg stated he would issue an extension of the 60-day rule just for good measure as they are within the timeline to review. Expectation would be to come back on Tuesday, October 10th.

Commissioner Zabinski stated he would not be in town on Tuesday, October 10th.


Planning and Community Development Director Noerenberg indicated if there were not enough commission members to hold the October meeting then it would be extended until November.

Commissioner Zabinski thanked everyone for coming.

Planning and Community Development Director Noerenberg had a brief update: we were looking at having an open house with the City Council, Planning Commission, Park board and public input session for anybody that wants to attend as well as anyone who participated in the wrap up for the vision of comprehensive plan. The tentative date is October 2nd. Our team from SEH will be in attendance to discuss the draft comprehensive plan. Time has yet to be determined. Comprehensive plan would then be during October meeting as well for planning commission meeting. One other brief update regarding technology and moving towards the online outlook portal.

Commissioner Schulz moved to adjourn the meeting, seconded by Commissioner Shorba. Motion carried unanimously. Meeting adjourned at 8:57PM

EDIT - Per review of minutes at 10/10/23 Planning Commission meeting, Planning Commission members advised statement from Mr. Lampher that he may be more amenable to project with berming was inadvertently omitted from transcript due to not speaking at the microphone and being picked up on audio recording. One instance of spelling error for Mr. Trisko was also corrected



Tim Jansky, Chair



Jon Noerenberg, Planning & Community
Development Director