

**Planning Commission
MINUTES
May 9th, 2019**

PRESENT: Gerry Feld, Jerry Lang, Dan Gottwalt, Mitch Czech, Warren Peschl, Mary Jo Holewa.

Staff: Roxanne Achman, Karen E Loehrer



1. Gerry called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Jerry seconded and the motion carried.
3. Mitch moved to approve the minutes from the March 14th, 2019 meeting. Dan seconded and the motion carried.
4. File #19-105, Jason Bambenek requesting approval of a three lot minor preliminary plat entitled “Bambenek Addition” in the R-3 Residential District. Pursuant to Section 10.7. The affected property is described as follows: Part of Gov’t Lot 1, Section 9, Sauk Rapids Township.

Roxanne stated that this is a three lot plat in Sauk Rapids Township. The property is located north of Sartell city limits. The proposed lots are consistent with the existing lots in the area. The remaining lot will be 22.6 acres. There will be right of way platted on 16th Ave NW. The roadway will need to be put in by the developer and meet township standards. The County does not require a Developer’s Agreement. Sauk Rapids Township has seen this proposed plat and has signed off on moving forward. The City of Sartell has no concerns at this time but would like to be involved with any further development of the remaining land. The lots meets size, lot depth and width requirements.

Jason Bambenek, 617 2nd Ave S, Sauk Rapids, stated he is requesting to plat off these three lots and will build his house on the remaining 22.6 acres.

Kara Patton, 4425 16th Ave NW, asked where the applicant would be building his residence on the remaining 22 acres. Jason stated their house would be on the south part of the lot near the stream.

David Christian, 1620 44th St NW, stated that the proposed lots would be 30ft from his property line. David asked Jason when he would be building his home and if he has buyers for the proposed lots. Jason stated that they would like to build as soon as possible. Jason said that he had buyers but was unsure of the status. David stated that he was not in favor or opposition.

Jerry moved to close the public hearing. Mitch seconded and the motion carried.

Warren moved to approve this preliminary plat. Dan seconded and the motion carried.

5. File #19-093, Lew and Donna Benzkofer, landowner and IPS Solar, applicant, requesting an interim use permit to construct a community solar energy system in the Agricultural District. Pursuant to Sections 7.1.24C, 9.20 and 11.6.3. The affected property is described as follows: SE1/4 SE1/4, Section 34, Mayhew Lake Township.

Roxanne showed the location of this property. This is a 40 acres parcel. She showed the site plan. This is a one mega-watt solar garden taking up 8 to 10 acres. The proposal meets all setbacks. The request is for a 35 year interim use permit. A signed copy of the interconnect agreement with Xcel is still needed and is a condition of the permit. She stated that a compliance inspection has been submitted and that condition can be removed from the development conditions. Access will be from 55 St, a township road. Mitch commented on the amount of prime agricultural land being taken out of production for solar gardens. Roxanne stated that a \$25,000 financial security is required. There is no screening proposed.

Evan Carlson, IPS Solar, 2670 Patton Rd, Roseville, stated that this is a one mega-watt solar garden. This is a way people can participate in solar energy without having a solar panel on their roof. The site is in Xcel Energy service area, on a three phase power line and room in the grid for the power. He stated that they are open to screening. There are rocks in the middle on the field where no panels are proposed. If the rocks are removed solar panels could be added there. This is a tracker system that follows the sun. Mary Jo asked about decommissioning. Evan stated that no solar gardens have been decommissioned yet.

Brandon Rehnke, 5245 55th St, stated that he would like a buffer along the west side by his driveway. He asked about glare. How this would affect how he can use his property. He asked who would be responsible for decommissioning if the company would go out of business. What are the construction times? What are the setbacks to the property lines? Roxanne stated that if the bond were gone the developer and landowner would be responsible for decommissioning. The security bond would be used for decommissioning. The setbacks are 50ft to the property line with 100ft from a residential structure. Evan stated that glare would be similar to a lake. He stated

that screening can be part of the permit. All construction would be done during the day.

Deb Schreifels, 5750 55th St NE, asked if there would be any hazardous materials. Evan stated that there are no hazardous materials with the panel. She asked how Benton County would manage the solar gardens in the county. Roxanne stated that there is no specific plan. The Comprehensive Plan supports solar energy. Deb asked if this would affect her property value. Gerry stated that there is no information that solar gardens reduce property values.

Jerry moved to close the public hearing. Mitch seconded and the motion carried.

In reviewing section 11.6.3, the vote was as follows:

- 1) Mitch stated that the solar garden plans conform to the zoning regulation as outlined in the staff report to include foundations, power and communication lines and setbacks. The vote was unanimous that the interim use conforms to the zoning regulations of the County.
- 2) Warren stated that the county will see a benefit in tax classification. It is consistent with Benton County Development Code Section 7.1.30. The vote was unanimous that there will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
- 3) Dan stated that the use is not expected to create an excessive burden on existing parks, schools, or streets which are expected to serve the area and public facilities. The project itself does not increase the population of the county and the traffic is expected to be minimal. The vote was unanimous that the interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 4) Jerry stated that the project will occupy a portion of the property for the one-megawatt solar garden. The proposed project will not require city services. Surrounding areas are agriculturally zoned with several residential homes on adjacent properties. The passive nature of electric generation prevents any impact on neighboring properties. The vote was unanimous that the interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.
- 5) Warren stated that the project will meet setbacks. A condition will be added to address screening. The vote was unanimous that the interim use, including any structures utilized for the use, is sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 6) Mary Jo stated that the proposed solar energy system will allow for the tillable land to “rest” from row cropping and can be returned to row cropping after the decommissioning of the site or redeveloped according to Comprehensive Plans and regulations at that time. She cited Sections 2.1.1 and 2.1.12. She

- added the development conditions as amended to File #19-093. The vote was unanimous that the interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.
- 7) Gerry cited Land Use Goal #4: Natural Resources. 4. Scenic Resources and Economic Development Goal #1: Growth. 3. Business Development. The vote was unanimous that the interim use is consistent with the Comprehensive Plan of the County.
 - 8) Dan stated that the applicants have indicated that road access will be off 55th St NE. They will need to obtain approval from the township road authority for the installation of an access. During construction and decommissioning, a temporary off-street parking area will be created. The vote was unanimous that the interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.
 - 9) Jerry stated that the applicant will be converting tillable land and pasture land to a solar garden. The representative agrees to plant low growing grasses and pollinator friendly forbs. The anticipated effect is to have additional infiltration and a decrease in runoff and erosion from the site. The vote was unanimous that the interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

Roxanne read the findings and conditions.

Findings

Criteria 1: The interim use conforms to the zoning regulations of the County.

The solar garden plans conform to the zoning regulations as outlined in the staff report to include foundations, power and communication lines and setbacks.

Criteria 2: There will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.

The public will benefit by increased tax classification, and production tax payment as required by MN law. It is consistent with Benton County Development Code Section 7.1.30.

Criteria 3: The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The use is not expected to create an excessive burden on existing parks, schools, or streets which are expected to serve the area and public facilities. The project itself does not increase the population of the county and the traffic is expected to be minimal.

Criteria 4: The interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.

The proposed project will occupy a portion of the property for the one-megawatt solar garden. The proposed project will not require city services. Surrounding areas are agriculturally zoned with several residential homes on adjacent properties. The passive nature of electric generation prevents any impact on neighboring properties.

Criteria 5: The interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

The proposed project will need to meet setbacks. A development condition will be added to address the screening request.

Criteria 6: The interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.

The proposed solar energy system will allow for the tillable land to “rest” from row cropping and can be returned to row cropping after the decommissioning of the site or redeveloped according to Comprehensive Plans and regulations at that time.

In accordance with:

Section 2.1.1 of the Development Code the purpose and intent of the Code is to promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

Section 2.1.12 states the purpose is to further the appropriate use of land, and conserve and protect the natural resources of the county for present and future generations.

The development conditions for File No. 19-093 with the addition of condition number 14 are adopted.

Criteria 7: The interim use is consistent with the Comprehensive Plan of the County.

Land Use Goal #4: Natural Resources

4. Scenic Resources: *Protect scenic values by controlling billboards and regulating signs, auto junkyards, and other potentially unsightly land uses and practices.*

Economic Development Goal #1: Growth

3. Business Development: *Recruit new businesses and promote the idea of incubator space for emerging businesses.*

Criteria 8: The interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.

The applicants have indicated that road access will be off 55th St NE. They will need to obtain approval from the township road authority for the installation of an access. During construction and decommissioning, a temporary off-street parking area will be created.

Criteria 9: The interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

The applicant will be converting tillable land and pasture land to a solar garden. The representative agrees to plant low growing grasses and pollinator friendly forbs. The anticipated effect is to have additional infiltration and a decrease in runoff and erosion from the site. A wetland delineation report has been submitted and reviewed by staff.

Conditions:

1. This Interim Use Permit is granted for the land indicated in this application and is not transferable to other land.
2. This Interim Use Permit shall expire 35 years after approval.
3. This Interim Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
4. Pursuant to Section 11.6.2 of the Development Code, this interim use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and

to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the interim use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

5. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
6. Applicant shall comply with all requirements of Benton County Development Code Section 9.20 or successor ordinance.
7. Appropriate erosion control devices shall be utilized during construction of the project.
8. Applicant shall submit certification by a professional licensed engineer in the state of Minnesota that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
9. The solar garden shall comply with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended, the National Electric Code, as amended and shall be in compliance with all applicable federal, state and local wetland laws, rules and regulations, as amended.
10. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the planning commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
11. The solar garden shall meet the minimum principal building setback (same as a residential structure) for the zoning district and be located a minimum of one hundred (100) feet from a residential dwelling unit not located on the property.
12. The solar developer and or applicant shall provide a financial security in the amount of \$50,000 per megawatt. This shall be held by the county for decommissioning if the developer or property owner fails to comply with the decommissioning plan. The financial security will be required until decommissioning of the solar garden is complete as determined by the County.
13. A copy of the interconnection agreement with Xcel Energy shall be provided prior to the issuance of any permits.

14. IPS shall work with the neighboring property to the west an on acceptable screening that shall be submitted to the Department of Development at the time of requesting a building permit. Screening shall include dogwood shrubs, conifers or a similar landscape material.

The findings, conditions and decision were accepted and File #19-093 was approved. The applicant was given a copy of the findings, conditions and decision.

6. Warren moved to adjourn at 8:15 p.m. Dan seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary