

**TO: Redwood County Planning Commission**

**FROM: Nick Brozek *NB***  
**Land Use and Zoning Supervisor**  
**Redwood County Environmental Office**

**DATE: September 14<sup>th</sup>, 2018**

**RE: Planning Commission Hearing on September 24<sup>th</sup>, 2018**



A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 24<sup>th</sup> day of September, 2018, beginning at 1:00 o'clock p.m. at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

The meeting will involve three (3) public hearings. A brief summary of the subject matter of the hearings is set forth below.

**1. Public hearing on Application for Conditional Use Permit submitted by David Watts of United States Solar Corporation o/b/o landowners Richard & Lynn Green.**

United States Solar Corporation, via USS Verde Solar LLC, is requesting to construct a community solar garden on County Hwy 2, about one half of a mile north of the City of Morgan. The property is owned by Richard & Lynn Green. The Greens have signed off on the Conditional Use Permit application. USS Verde Solar LLC has signed a long term lease for the site from the Greens. The proposed site is located in the South Half of the Southeast Quarter (S1/2 SE1/4), lying on the west side of County Hwy 2, in Section 9, Morgan Township, parcel number 59-009-4060. The site is in the Agricultural District.

The facility will consist of a one (1) megawatt solar array on approximately 10.3 acres. The project will generate enough electricity to power about 225 homes and will be open for subscription by Xcel Energy customers.

Equipment to be installed includes solar panels, inverters, and single-axis tracker racking installed on piles. The maximum height will be about 10'.

A 15' wide unpaved access road will be constructed to serve the site from CSAH 2. Temporary parking area and portable waste disposal containers will be provided during the construction phase. Two permanent parking spots will be provided for vegetation maintenance and other employees.

The ground underneath and between the solar panels will be seeded with a mix of pollinator-friendly, low-lying, deep-rooted plants. USS Verde Solar LLC will control for noxious weeds during the life of the project.

An 8' post and wire perimeter fence will be constructed around the solar array for security. The

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site will be screened from the public roadway by an existing farm building site.

Tier 1 silicone polycrystalline solar panels and inverters will be used. The panels will reflect less than 2% of incoming sunlight.

A permanent infiltration basin will be constructed in the northeast corner of the site to collect surface runoff water.

The location of the proposed solar garden is currently a tilled field. The existing surface water drainage pattern is that water drains from the southwest to the northeast toward the location of the proposed basin. There is no county drainage tile on the project site. The closest county tile main is located about 800 feet northwest of the project site.

The site will be connected to the power grid via an existing Xcel distribution feeder line located in the CSAH 2 right-of-way, on the east side of CSAH 2.

The three nearest rural dwellings to the proposed solar garden are as follows: (1) the residence of Bryan Green, located 460 feet east of the site; (2) a dwelling owned by the Wayne Weber Revocable Trust, located 950 feet southeast of the site; and (3) the residence of Cory Faults, located 1110 feet southeast of the site.

In the past two years, three previous Conditional Use Permits have been approved for community solar gardens in the Morgan area. One of the three previously permitted sites has been built and is currently operational (Jerry Huiras site, CSAH 3, east of Morgan). The two other previously issued permits are now void due to inactivity and those projects will not be built, unless the former permit holders reapply for new permits.

The reason we have had multiple applications in the Morgan area and none elsewhere in the county is that Xcel Energy is mandated by state law to produce 1.5% of its energy via solar power by the year 2020. The Morgan substation is the only Xcel substation in Redwood County that can handle solar gardens. Most of the rest of Redwood County is in the territory of Redwood Electric Cooperative, which as a cooperative is not subject to the 1.5% mandate.

The applicant has submitted a decommissioning plan addressing the disposition of the facility should it cease to be used for twelve months or reach the end of its useful life. At that time, the system will be shut down and the panels, racking, poles, cables, posts, inverters, transformers, concrete pads, fencing, and access driveway will be removed and properly disposed of. The site will then be restored to its pre-installation status as an agricultural field.

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A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

**2. Public hearing on Application for Conditional Use Permit submitted by David Watts of United States Solar Corporation o/b/o landowners Jeffrey & Angela Peterson.**

United States Solar Corporation, via USS Cougar Solar LLC, is requesting to construct a community solar garden on County Hwy 2, about two miles north of the City of Morgan. The property is owned by Jeffrey & Angela Peterson. The Petersons have signed off on the Conditional Use Permit application. USS Cougar Solar LLC has signed a long term lease for the site from the Petersons. The proposed site is located in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4), lying on the east side of County Hwy 2, in Section 3, Morgan Township, parcel number 59-003-2060. The site is in the Agricultural District.

The facility will consist of a one (1) megawatt solar array on approximately 10.2 acres. The project will generate enough electricity to power about 225 homes and will be open for subscription by Xcel Energy customers.

Equipment to be installed includes solar panels, inverters, and single-axis tracker racking installed on piles. The maximum height will be about 10'.

A 15' wide unpaved access road will be constructed to serve the site from CSAH 2. Temporary parking area and portable waste disposal containers will be provided during the construction phase. Two permanent parking spots will be provided for vegetation maintenance and other employees.

The ground underneath and between the solar panels will be seeded with a mix of pollinator-friendly, low-lying, deep-rooted plants. USS Cougar Solar LLC will control for noxious weeds during the life of the project.

An 8' post and wire perimeter fence will be constructed around the solar array for security. The site will be partially screened from the public roadway by an existing swine confinement feedlot site.

Tier 1 silicone polycrystalline solar panels and inverters will be used. The panels will reflect less than 2% of incoming sunlight.

Two permanent infiltration basins will be constructed, one on the north side and one on the northeast side of the site to collect surface runoff water.

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The location of the proposed solar garden is currently a tilled field. The existing surface water drainage pattern is that water flows in a loop around the proposed project site, generally from the south to the north. There is no county drainage tile on the project site. The closest county tile main is located about 100 feet northeast of the project site.

The site will be connected to the power grid via an existing Xcel distribution feeder line located in the CSAH 2 right-of-way, on the east side of CSAH 2.

The three nearest rural dwellings to the proposed solar garden are as follows: (1) the residence of Lawrence & Karen Swann, located 860 feet south of the site; (2) the residence of Dennis Hoffbeck, located 1720 feet east of the site; and (3) the residence of Douglas Mathiowetz, located 2890 feet southeast of the site.

The applicant has submitted a decommissioning plan addressing the disposition of the facility should it cease to be used for twelve months or reach the end of its useful life. At that time, the system will be shut down and the panels, racking, poles, cables, posts, inverters, transformers, concrete pads, fencing, and access driveway will be removed and properly disposed of. The site will then be restored to its pre-installation status as an agricultural field.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

### **3. Public hearing on Application for Extraction Conditional Use Permit submitted by Bryan Warner and Peter Fuhr.**

In 2013, Peter Fuhr applied for and obtained a permit to mine gravel in the South Half of the Northwest Quarter of Section 15, Delhi Township. The permit allowed for excavation of 6.5 acres, including equipment parking and overburden storage areas. The permit required a 50 foot setback from the neighboring property to the east.

In the summer of 2018, Environmental Office staff discovered that excavation had occurred on the Fuhr site up to the east property line. In other words, the 50 foot setback was not observed. Mr. Fuhr was contacted and told that he needed either to restore the ground within 50 feet of the property line to its original condition, or apply for and obtain a new permit to include that area in the excavation.

The neighboring property owner on the east side of Fuhr's property expressed interest in including some of his property in the project (in the Southwest Quarter of the Northeast Quarter). The





neighbor, Bryan Warner, has an old reclaimed pit on his side of the property line, next to Fuhr's active pit. Warner wanted to allow Fuhr's pit operator (Glen Zimmerman) to remove the material between the active pit and the old reclaimed pit, in order to create one large gravel pit. Warner and Fuhr were encouraged to make a joint application.

Fuhr and Warner propose to approximately triple the size of the pit to around 21 acres in total area. Only a limited amount of Warner's old pit will be included, mostly consisting of the sloped pit edge on the west side of Warner's pit. The remainder of the old reclaimed gravel pit will be left as is.

The site is located in Section 15 of Delhi Township, on River Road. The site is located in the Agriculture District. Mining is a Conditional Use in the Agricultural District. The pit uses, and will continue to use, an existing field road on Warner's property, from River Road.

The topsoil will be scraped off and reserved for reclamation. Gravel and fill material will be removed as needed for projects. At the end of the permit term, the stockpiled topsoil will be replaced and the site will be reclaimed to farm land. The requested permit term is 10 years.

The closest County Ditch or Tile to the site is a 24 inch tile main that is part of CD 40, about 175 feet west of the site.

According to the soil maps for the site, the soil types present are Estherville sandy loam, 2 to 6 percent slopes; and Linder loam.

The four nearest dwellings to the proposed site are as follows: Michael & Sharon Simmonds, about 1300 feet west of the site; Kevin Weiland, about 2000 feet northeast of the site; Kyle and Michelle Hentges, about 2480 feet south of the site, and a residence owned by Ramona Reinhart, about 2500 feet south of the site.

Pursuant to Sec. 16, Subd. 5, Subp. H of Redwood County Zoning Ordinance, the applicant is required to post a bond, cash deposit, irrevocable letter of credit, or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated/bid value to reclaim the property, whichever is greater. The Redwood County Board of Commissioners may require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project require more substantial restoration or reclamation. Further, pursuant to Sec. 16, Subd. 5, Subp. I of Redwood County Zoning Ordinance, "[s]ureties shall be for a minimum of one year beyond the ending date of Conditional Use Permit." This site requires a \$42,000.00 surety. Fuhr and Warner will need to obtain this security in an approved form prior to continuing excavation of the site. Each permit holder may obtain separate

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security just for that portion of the excavation area falling on their own property.

Pursuant to Sec. 16, Subd. 5, Subp. G of Redwood County Zoning Ordinance, the applicant is required to provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000.00 per occurrence. Fuhr and Warner will need to provide a certificate of insurance prior to continuing excavation of the site.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.