



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: September 24, 2018

A meeting of the Redwood County Planning Commission convened on Monday, the 24th day of September, 2018, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, Mike Scheffler, Mark Madsen, Jeff Huseby, and Commissioner Dave Forkrud. John Rohlik, Jr. was absent. Also present were the following individuals: Jeff Peterson, Richard Green, Lynn M. Green, Anne Hall, Beverly Hoffbeck, Bobby Hoffbeck, Alex Yager, Pater Schmitt, Bryan Warner, Environmental Director Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

At 1:03 p.m. the regularly scheduled September 24th, 2018 Redwood County Planning Commission meeting was called to order by Chair Kaufenberg.

Chair Kaufenberg read aloud the rules and procedures of the meeting.

Chair Kaufenberg then invited Anne Hall, from the Minnesota Department of Natural Resources (DNR), to speak to the Planning Commission.

Anne Hall spoke to the Commission about the DNR Water Appropriations Permit process. She made the following statements:

- Hall is a Water Appropriations Hydrologist for the DNR.
- She works out of the DNR office in Hutchinson and oversees the north 16 counties of DNR Region 4 (southwest MN).
- The DNR plans to step up its Water Appropriations Permit program, particularly in relation to livestock watering.
- Redwood County has moderate surface water table availability and low aquifer and bedrock water availability.
- The DNR's role in the permitting process is to track ground water quantity and availability.
- The DNR operates a number of ground water observation wells in Redwood County and has notices a downward trend in water levels over the past 10 years. Water levels are not yet low to the point of concern, but DNR wants to keep an eye on it.
- Water Appropriations Permits are required for all water users using 1,000,000 or more gallons of water per year, or 10,000 or more gallons of water per day.
- According to the University of Minnesota, Waseca Extension, common feedlot animal types and weights require water in the amounts, on average, as follows:
 - o Milking cows All weights 30.4 gallons per day
 - o Swine 55-300 lbs. 1.05 gallons per day
 - o Feeder cattle 400-800 lbs. 6.6 gallons per day

- Slaughter stock 800-1400 lbs. 10.8 gallons per day
- Turkeys 8-14 weeks 207 gal/1000 birds/day
- Reported water use in Redwood County is 68% municipal/public, 13% Livestock watering, 12% golf course irrigation, 4% for ethanol processing, 3% for agricultural processing, and less than 1% crop irrigation.
- Of the 397 registered livestock operations in Redwood County, 25 have Water Appropriations Permits. DNR estimates that an additional 97 livestock operations should have a permit, based on their registered animal unit numbers. About 1000 need permits in the 16 county area.
- DNR wants to get the feedlots permitted.
- The purpose of the permitting system is to protect sensitive ecosystems, make sure we don't run out of water, and promote economic growth.
- DNR would like Redwood County to send Feedlot CUPs to the area hydrologist for review.

At 1:28 p.m., Chair Kaufenberg called to order a public hearing on Conditional Use Permit #11-18, submitted by United States Solar Corporation, o/b/o landowners Richard and Lynn Green, for construction and operation of a 1 MW solar garden.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the matter:

1. 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.
2. 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.
3. Equipment to be installed includes solar panels, inverters, and single-axis tracker racking installed on piles. The maximum height will be about 10'.
4. 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.
5. 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.
6. An 8' post and wire perimeter fence will be constructed around the solar array for security. The site will be screened from the public roadway by an existing farm building site.
7. Tier 1 silicone polycrystalline solar panels and inverters will be used. The panels will reflect less than 2% of incoming sunlight.
8. A permanent infiltration basin will be constructed in the northeast corner of the site to collect surface runoff water.

9. 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.
10. 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.
11. 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 Faulds, located 1110 feet southeast of the site.
12. 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.
13. 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.
14. 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.
15. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Alex Yager and Peter Schmitt were present to explain the project. They made the following statements to the Planning Commission:

- Propose to construct and operate a 1 megawatt community solar garden on Richard and Lynn Green's property located on County Hwy 2 and 260th Street, north of the city of Morgan.
- Excel Energy customers will be able to subscribe to the project, if they wish, which should save them money on their electric bills.
- The local Excel substation has capacity to handle the power from the project.
- Will provide a source of income for the Greens.
- A 67 foot setback will be observed from the public road ROW (the project will be 600 feet from the road).
- A 10 foot setback will be observed from all property lines.
- The solar panels will be 10 feet tall, or shorter.
- The panels will be placed on single axis tracking racks.
- An 8 foot tall "farm style" fence will be constructed around the perimeter of the project.
- Grass and prairie plants will be planted between the solar panels.
- Noxious weeds will be controlled.
- Construction is estimated to last about 3 months.

- Project will follow the state electrical code.
- US Solar has a lease with the Greens for use of their property.
- US Solar has an interconnection agreement with Excel.
- The project will produce energy for 25 years.
- The site will take up 10 acres of the Green's agricultural field.
- The panels have reduced glare technology, which increases efficiency.
- The panels and racks will be arranged in north/south rows instead of the usual east/west rows.

The Planning Commissioners had the following questions and comments:

- The materials submitted prior to the hearing claim, among other things, that the project will increase local crop yields. How will a solar garden increase crop yields?
- Will the solar garden make noise?

Yager and Schmitt provided the following responses to the Commissioners:

- The pollinator-friendly habitat created by the grass prairie plants on the site will help increase crop yields. Studies show soybean crop yields increase 15 to 20% near similar sites, depending on pesticide spraying. They planting also will control surface water and fix nutrients in the soil.
- The noise produced by the project, after construction is complete, will be equivalent to the sound of a sunset, within 50 feet of the project.

Kaufenberg inquired if anyone was present to support the project. Lynn Green stated that she supports the project, as the property owner. The project is a good opportunity for alternative use of agricultural land. Green stated that the Planning Commission approved a larger solar project for the same site in 2015, but it was never built.

Kaufenberg inquired if anyone was present to oppose the project. No one came forward.

Kaufenberg closed the public hearing at 1:37 pm.

Kaufenberg directed Brozek to lead the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Madsen made a motion to recommend approval of Conditional Use Permit application #11-18, subject to the conditions proposed by staff. Forkrud seconded the motion and it passed unanimously.

At 1:46 p.m., Chair Kaufenberg called to order a public hearing on Conditional Use Permit #12-18, submitted by United States Solar Corporation, o/b/o landowners Jeffrey and Angela Peterson, for construction and operation of a 1 MW solar garden.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the matter:

1. 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.

2. 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.
3. Equipment to be installed includes solar panels, inverters, and single-axis tracker racking installed on piles. The maximum height will be about 10'.
4. 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.
5. 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.
6. 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.
7. Tier 1 silicone polycrystalline solar panels and inverters will be used. The panels will reflect less than 2% of incoming sunlight.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Alex Yager and Peter Schmitt were present to explain the project. They made the following statements to the Planning Commission:

- The project is substantially similar to the project proposed under CUP application #11-18 (Richard and Lynn Green site).

- The applicant proposes to construct and operate a 1 megawatt community solar garden on 10 acres of land owned by Jeffrey and Angela Peterson, on County Hwy 2 and 280th Street, north of the city of Morgan.
- A 67' setback from the road ROW and 10 foot setback from property lines will be observed.
- The site will be accessed from County Hwy 2, possibly via the existing driveway used by the swine feedlot, behind which the solar garden is to be built. The feedlot is owned by Brian Polesky, who bought it from Peterson.
- The site will have an 8 foot tall perimeter fence.
- The garden will be set back 300 feet from the road.
- Pollinator friendly plants will be planted around the solar panels.

Brozek informed the commissioners that he had been contacted by neighboring landowner Larry Swann, who has concerns about the project, including the following:

- He did not receive the letter notifying him of the Planning Commission meeting until the Saturday before the meeting.
- He believes that the solar panels will impact his quality of life.
- He is concerned about potential glare and noise.
- He believes that the project will negatively impact the value of his house.

Yager and Schmitt stated that they had also spoken with Mr. Swann about the project. They provided the following information in connection with Mr. Swann's concerns:

- The solar panels that will be used have an albedo (unit of glare measurement) less than corn and grass.
- Solar panels are designed to absorb, not reflect, sunlight in order to produce energy as efficiently as possible.
- The panels will have an anti-reflective coating.
- The panels will be oriented to face toward the sky, not toward Mr. Swann's home or the roadway.
- At 50 feet from the solar garden, the noise level is equivalent to that of a library.
- Mr. Swann's residence is 950 to 1000 feet from the project area.
- Appraisals of residential and agricultural properties around existing solar gardens do not show impact on property values.

Schmitt stated that he would follow up with Mr. Swann by providing additional information to address his concerns.

Kaufenberg inquired if anyone was present to support the project. Jeff Peterson stated that he supports the project, as the property owner.

Kaufenberg inquired if anyone was present to oppose the project. No one came forward.

Kaufenberg closed the public hearing at 1:55 pm.

Kaufenberg directed Brozek to lead the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Forkrud made a motion to recommend approval of Conditional Use Permit application #12-18, subject to the conditions proposed by staff. Huseby seconded the motion and it passed unanimously.

At 2:02 p.m., Chair Kaufenberg called to order a public hearing on Conditional Use Permit #13-18, submitted by Peter Fuhr and Bryan Warner, for the expansion of an existing gravel pit.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the matter:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. According to the soil maps for the site, the soil types present are Estherville sandy loam, 2 to 6 percent slopes; and Linder loam.
9. 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.
10. 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 security just for that portion of the excavation area falling on their own property.

11. 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.
12. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Bryan Warner was present to explain the project. He made the following statements to the Planning Commission:

- There was a gravel pit on Warner's land, 25 to 30 feet from the property line with Fuhr's property, in the 1970s. However, this pit was closed up and reclaimed a number of years ago.
- Warner wants to expand Fuhr's pit onto Warner's property in order to remove material lying between Warner's old 1970s pit and Fuhr's currently operating pit.
- The pit will also be expanded on Fuhr's property.
- Warner wants to have the option of closing his side of the pit up before the end of the permit term, so that he can place the property in a conservation program.

Kaufenberg inquired if anyone was present to support the project. No one came forward.

Kaufenberg inquired if anyone was present to oppose the project. No one came forward.

Kaufenberg closed the public hearing at 2:20 pm.

Kaufenberg directed Brozek to lead the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Scheffler made a motion to recommend approval of Conditional Use Permit application #13-18, subject to the conditions proposed by staff, with condition # 13 amended as follows: The 3rd to last word in condition # 13 is changed from "may" to "will". Madsen seconded the motion and it passed unanimously.

The Commissioners reviewed and discussed the minutes from the August 27th Planning Commission meeting. On a motion by Huseby seconded by Forkrud the minutes from the August 27th Planning Commission meeting were unanimously approved as presented.

On a motion by Forkrud, seconded by Huseby, the meeting was adjourned.

Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

Mike Kaufenberg, Chair
Redwood County Planning Commission