

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
May 18, 2023
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on May 18, 2023, to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Adams called the meeting to order, and roll was taken.

The following members were present:

Chair, Brian Adams, Orrock Township; Vice Chair, Bruce Aubol, Big Lake Township; Terrance Vandereyk, Clear Lake Township; Steve Demeules, Palmer Township; Francine Larson, Blue Hill Township; Butch Hass, Livonia Township; Kathi Sims-Kosloski, Haven Township; Gary Gray, County Commissioner, District 4.

The following staff members were present:

Lynn Waytashek, Zoning Administrator; Marc Schneider, Senior Planner; Carrie Winter, Secretary.

Adams stated that the meeting was being recorded. Adams added that the Planning Commission is a recommending body. These items heard tonight at the Planning Commission Public Hearing will be heard by the County Board of Commissioners on June 6, 2023, at 9:00am.

Aubol made a motion to approve the minutes from the April 20, 2023, Public Hearing. Demeules seconded. Motion carried and the minutes were approved for the April 20, 2023, Public Hearing.

Larson made a motion to approve the Public Hearing Agenda for May 18, 2023. Sims seconded. The motion carried and the Public Hearing Agenda for May 18, 2023, was approved.

Agenda:

1. **Elk River Landfill, Inc.** Request to Rezone property from General Rural to Industrial.
2. **MN CSG 2019 – 67 LLC** - Requesting an IUP for a Solar Farm
3. **USS Big Lake 1 LLC** – Requesting to amend IUP #56550 (Community Solar Garden) to allow agrivoltaics in condition #12.

Agenda Item #1-6:01pm

Elk River Landfill, Inc. Request to Rezone property from General Rural to Industrial.
PID # 30-034-3401. Legal Desc: That Pt of SE 1-4 of SW 1-4 (full legal on file). Sec 34, Twp 34, Rge 26. Livonia Township. 2.5 acres in the General Rural District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Written Reason for Rezone Request
- C. Vicinity Map
- D. Concept Site Plan for Proposed Use

LIVONIA TOWNSHIP COMMENTS (April 25, 2023): Unanimous to recommend the approval of the zoning change request for the Elk River Landfill parcel 30-034-3401 from General Rural to Industrial. Comments include: the process to convert the waste methane gas into energy is environmentally friendly, the location makes sense based on the presence of the Elk River Landfill and the existing pipeline.

DEPARTMENT/AGENCY COMMENTS:

Tom Cruikshank, MnDOT (April 18, 2023) We took a look at the rezoning request and have no issues or comments to pass along.

PLANNING & ZONING STAFF COMMENTS:

1. The applicant has requested to rezone a 2.5-acre parcel owned by Waste Management from General Rural to Industrial to utilize the parcel to support the construction of a Renewable Natural Gas Manufacturing Plant. For the past 20-years Elk River Landfill (ERL) has converted methane gas from the landfill into renewable energy at a facility located directly south on PID 75-103-2105. Due to the age of this facility, cost of operation and new air emission standards, ERL is choosing to rebuild this plant on PID 75-103-2105 and needs to utilize this 2.5-acre parcel for uses connected with this facility.
2. The County’s 2010-2030 Land Use Map identify this parcel as Heavy Industry. Therefore, there is no need to amend the County’s Comprehensive Land Use Map as Industrial zoning is a compatible use with this designation.
3. This parcel abuts US Hwy 169 and is surrounded by land owned by ERL on three sides. This rezone is compatible with adjacent land use and zoning.
4. No new access is proposed to US Hwy 169 at this time. Existing access roads will be utilized through the landfill.

Planning Commission Discussion Followed:

Mike Miller, 20721 Lake Ridge Drive, Prior Lake MN came forward as the applicant, representing Waste Management. Waste Management purchased this parcel out of sequence from the rest of the area, therefore it didn't get the Heavy Industrial Zoning that the other parcels have. Waste Management is looking to convert this parcel. This real estate is convenient to the infrastructure of the current gas piping systems as well as the Hwy 169 Corridor and is the most logical place for this facility to go in. This facility is an upgrade from the older gas plant. Waste Management is looking to reduce the Landfill emissions up to 90% with this plan as it's cleaning up the methane and sending it down the pipeline to be used elsewhere as a renewable gas rather than burning it off site.

Adams asked the applicant to explain the process for cleaning up the gas.

Miller stated that the gas that comes out of the landfill is 45-55% methane, along with nitrogen and CO2 mixed with it. The idea is to keep the methane at this level in the landfill to reduce the odors and emissions from the landfill. Once this is harvested, it goes through a system of pressurization, where it is pressurized and then depressurized and then they are able to split things off. Some goes through a filtration system, and they are able to split the gasses out of the methane. These gasses get burned on site and the methane goes to the Natural Gas pipeline.

Adams asked if a chemical will be added to the gas before it's injected into the pipeline, so that there is an odor.

Miller replied No, then stated that this would be up to the pipeline company and how they want that delivered to them.

Adams stated that he would be surprised if they didn't want it odorized before it gets to them.

Miller stated that it very well could be. They are working in partnership with the Minnesota Municipal Power Association (MMPA), and they will be the developer of this facility. Waste Management is supplying them with the gas and a facility to do it. They are building the facility and connecting it to the natural gas pipeline, which is on another property that they own, just East of the facility.

Adams asked who will own the facility.

Miller stated that it will be the MMPA, Waste Management is leasing them the property to build the facility.

Adams clarified that it's a lease from Waste Management for the MMPA to build the facility.

Miller confirmed and added that it's a renewable 30-year lease.

Vandereyk asked what the anticipated life span is of this facility.

Miller replied that it goes back to what is the gas generation of the landfill. It's anticipated that the landfill, as it's currently permitted with the City of Elk River, has a cap off date of 2030 and then they will no longer be able to take trash. The gas curves right now, say that it will be producing methane for the next 40 years at a level that can be commercially harvested.

Aubol asked for clarification on if there is an existing pipeline currently.

Miller confirmed and added that for the last 20 years they have been pulling the gas from the landfill and running this through reciprocating engines and generating electricity in partnership with Elk River Municipal Utility. The County participated in the construction of that plant as well. When the end of life came for Great River Energy, who was buying all of the electricity, it needed to be renewed and they weren't willing to do so (nor was anyone) at a price that was economical to run those engines. Waste Management has all of this infrastructure on this side of the facility and by adding on to this and running it to the North, they do not need to rebuild all of this infrastructure.

Aubol inquired if there is additional piping that is needed to get to the existing pipeline and then if it will be pumped away to a different location.

Miller confirmed and stated that the pipeline from the manufacturing plant may go under Hwy 169 to the East for about a mile or they will be using another option to cross private land or Road Right of Ways to tie into the Northern Natural Gas Pipeline.

Aubol asked what is approximate diameter?

Miller stated that the pipeline coming out of this is somewhere in the 3-inch range.

Aubol asked if this is under pressure and what that range is.

Miller confirmed that it will be under pressure but is not certain what that pressure will be.

Adams asked where the location is of the Northern Natural Gas Pipeline?

Schneider stated that it is on the outer edge (of Packet attachment C) on the East side.

Adams asked if this is about a quarter mile from Hwy 169?

Schneider clarified that it's maybe a half-mile from Hwy 169.

Waytashek asked if this is through the Manthei property?

Schneider replied that this is West of the Manthei property.

Adams asked if they would need to come back here for permits or what is that process?

Waytashek stated that this is a federal permit process unless there are wetlands involved. They would need to show that they are not impacting the wetlands. Most often they dig up the area, add the pipeline and put it back as it was, so there is little, if any impact.

Adams opened the Public Hearing.

No one from the public was present nor were any written comments received.

Aubol moved to close the Public Hearing. Sims seconded. The motion carried and the Public Hearing was closed.

Aubol made a motion to recommend approval of the rezone from General Rural to Industrial with the Findings. Hass Seconded.

Findings:

Pursuant to the County Zoning Ordinance Section 18, Subd 4.5, after the public hearing the County Planning Commission shall make a report of its consideration and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator. Consideration of a rezoning request shall include without limitation, the following questions:

Schneider read the comments while Aubol provided the responses.

A. Is the proposed rezoning consistent with the Comprehensive Plan?

Yes. The Comprehensive Plan, Figure 9.15 Future Land Use map identifies this property as Heavy Industry and Industrial Zoning is compatible with that land use designation.

B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?

The property is currently vacant, and a non-conforming use will not be created.

C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?

No. Property abuts US Hwy 169 and is surrounded by the Elk River Landfill.

D. How will public services (e.g., transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

This rezone will not be impactful to public services, nor will the permitted uses adversely impact existing public services.

E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?

The proposed rezone is to support the establishment of a Renewable Natural Gas Manufacturing plant and convert captured methane gas into renewable energy. No wetlands or rare biological habitat is found on this parcel.

F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?

No.

G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?

This property is between the Elk River Landfill and US Hwy 169 and with the setbacks there is limited space for any development. The applicant has submitted a variance application to support the proposed development of this property.

H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate?

The County's Comprehensive Land Use Map shows this land as Heavy Industry. The expectation for this parcel from the County and the Township is that it will be used for business and industry as it has historically been.

The motion carried and the Rezone request from General Rural to Industrial is recommended for approval to the County Board, with the Findings.

Agenda Item #2 – 6:18pm

MN CSG 2019 - 67 LLC (Karie Monk-Gohman & D Monk-Kobow) Request an Interim Use Permit for a 1 MW Solar Farm

PID# 20-223-4201 Section 23, Twp 34, Rge 30, Clear Lake Twp. Total acreage 18.4 acres in the Agricultural District and Orderly Annexation Zone 3.

Lynn Waytashek, Zoning Administrator, presented the request to the Planning Commission including the board packet, attachments, and comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (date stamped March 2, 2023)
- C. Fence Plan
- D. Tree Plan (date stamped March 2, 2023)
- E. Project Summary (date stamped March 2, 2023)
- F. Decommissioning Plan (March 2, 2023)

CLEAR LAKE TOWNSHIP COMMENTS (4/19/2023): Township has no problem with application as long as all conditions are met. Township prefers a chain link fence.

DEPARTMENT/AGENCY COMMENTS:

Keith Peterson, MNDOT – (March 14, 2023): The existing access would be approved for the solar facility, however, MNDOT will require a change in use permit for the access to be changed from agricultural to commercial. The access looks to be shared with PID #20-451-0010. The developers of the solar facility will need to reach an agreement with the owners of the adjoining parcel to repair/replace any damage to the asphalt surface of the shared driveway /access that could incur during construction.

PLANNING & ZONING STAFF COMMENTS:

- 1. MN CSG 2019-67 LLC is proposing to place a 1 MW solar farm on this property.
- 2. **All previous solar farms have been allowed construction hours of Monday – Friday from 7AM – 7PM, this applicant is requesting to have the option to work and Saturday and Sunday, by request.**
- 3. They are proposing to have three (3) new utility poles for this solar farm for connection with Xcel Energy. The new poles are located adjacent to MN State Hwy 24.
- 4. Site will have approximately 2,640 tracker solar panels. The racking system is installed in the ground with pilings at a depth of 6 ft – 10 ft. The solar panels are trackers that will follow the sun.
- 5. The fenced in area encompasses 7.5 acres.
- 6. Applicant will plant Red Cedar trees around entire perimeter of the solar farm.
- 7. An indigenous pollinator friendly seed mix is proposed to be planted under the solar arrays. Vegetation within the fenced portion of the array will not exceed 36 inches in height.
- 8. Applicant is proposing an 8 ft high chain-link perimeter fence without barbed wire on top that will encompass the entire facility.
- 9. Access to the proposed solar farm shall be from the north from MN State Hwy 24 utilizing the existing access.

10. All above and below ground solar components must be removed from the property when the solar farm is decommissioned.
11. A Glare Study was not required because proposed solar farm is not utilizing a reflector solar system.

RECOMMENDED CONDITIONS IF APPROVED:

1. Building permit required for on-site supply structure if over 200 sq ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted. Plans must match approved IUP plans.
3. The required privacy fence around the perimeter of the facility will be 8 ft in height, with no barbed wire. It will require a building permit with engineered plans.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM.
Need to determine if PC will allow weekend hours.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning & Reclamation plan date stamped March 2, 2023.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (8 1/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.

11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Eastern Red Cedar trees around entire solar farm. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart (Attachment D). All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 35 years until December 31, 2058. This IUP is valid for MN CSG 119 - 67 LLC and Karie Monk-Gohman & D Monk-Kobow.
14. Access to the solar farm shall be from MN Hwy 24 via existing access. MN Dot permit is required.
15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including underground conduit housing, all underground footings & posts.
16. Signage and emergency contact numbers must be posted at the access driveway to property.
17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.
18. The applicant shall allow the County to inspect the property during normal business hours.
19. The applicant shall comply with all federal, state, and local laws and regulations.

Planning Commission Discussion:

Waytashek read the comment from the City of Clearwater into the record, as this was received on 5/15/2023 and had not been included in Planning Commission packet:

Dear Commission Members,

I am writing on behalf of the Clearwater City Council to respectfully request your consideration of several concerns related to the request for an Interim Use Permit to construct a community solar garden at 6093 State Highway 24.

The City Council has expressed the following concerns about a solar garden at this location:

- 1) *The City Council does not believe a solar garden is the highest and best use of this land.*
 - a. *The city's shared sewer plant with the City of Clear Lake is located in the immediate vicinity of the proposed solar garden. Reasonable access to water and sewer utilities is available for future commercial growth along the state highway.*
 - b. *State Highway 24 is a high-traffic corridor which acts as the gateway to northern Minnesota. This makes it a natural candidate for future commercial growth.*
 - c. *The city is currently working with MnDot on a T.H. 24 Corridor Project expected to begin construction in 2026 to improve the traffic flow through the City of Clearwater. This project could lead to additional commercial opportunities for growth in this area as the traffic flows improve.*
- 2) *The proposed project is immediately adjacent to a residential neighborhood. The unsightly nature of community solar gardens may have a detrimental impact on the market values of these residences.*

- 3) *This area, and State Highway 24 in particular, already has a large number of community solar gardens, so there does not seem to be a need for additional facilities along the state highway.*
- 4) *The property is located right outside of current city limits and is within the city's two-mile annexation area. Placement of a solar garden at this location would make future expansion difficult and would not be consistent with the city's comprehensive plan for future commercial growth along the state highway.*

The City Council wishes to thank you for your consideration and members are available for any questions you may have regarding these concerns.

Respectfully,

Annita M. Smythe

City Administrator – City of Clearwater

Director – Clear Lake/Clearwater Sewer Authority

Waytashek stated that the applicant is asking for the ability to work on Saturdays and Sundays by request. This is something that the Board will need to address.

Sims asked how they would request this.

Waytashek stated that she thinks that they are looking to request this of her as the Zoning Administrator and that she is not sure that she wants to be the one to make this determination for them.

Sims asked if this is for the summer?

Adams asked if this is for construction only?

Waytashek believes that this is being requested for the summer for construction only.

Vandereyk stated that they had informed the Clear Lake Town Board that construction would begin in the fall.

Brian Keenan with New Energy Equity, 2670 Patton Rd in Roseville, MN came forward as the applicant. He stated that construction that is planned would begin after harvest season in the fall. Keenan stated that as far as work hours, with the climate in Minnesota they are constrained by construction season, with most work occurring in the Spring to Fall months. They have limited constraints and a calendar to work within as far as development with Xcel. They would appreciate the ability to work Saturday and Sundays. The "by request" may have been misunderstood. The applicant would like the ability to work these days but could limit the activity so there would be no pile driving or earth moving as these are the activities that gather complaints due to noise. Things that are outside of these activities and things that would be done on the weekends include electricians wiring so that the activity is not evasive to nearby properties. If the recommendations could be amended to allow for this, they would be happy.

Adams asked if there is currently an interconnection agreement with Xcel.

Keenan stated that this is in the process right now and they are far enough into the process that they have full confidence that there will be no issues.

Adams stated that he is surprised by the number of solar farms in this area, that there is capacity in this line for another solar farm.

Keenan stated that the first step in the application process is to screen the capacity. They look at what the line can hold, what the use is locally, and this is confirmed with Xcel very early on in the process.

Adams asked how the applicant would address the concerns of the City of Clearwater.

Keenan replied that as far as not being the best use of the land, with Solar being a relatively new use of the land and some negative feelings towards it, the developer sees this as a temporary use. It's being farmed now, then it will be a solar garden for 25 years. All of the equipment is created to be removed and then the land will be returned its current state. This is contracted and decommissioning bonds are in place. He has not read through the Comprehensive Plan for the City of Clearwater, but this is on the outskirts, and this will be a quiet neighbor with no noise, no smoke, no traffic flows. Solar is a good neighbor.

Demeules asked what the longevity is of the project and in how many weekends may the work occur.

Keenan stated that the actual construction period is 3-6 months; closer to 3 months for the active construction; a lot of the last 2 months is just electricians doing their last final work and inspections.

Vandereyk asked Schneider, with this property located in Clear Lake and within Sherburne County, then how does the City of Clearwater have the assertion of authority for this application.

Schneider stated that they can comment, but it is uncommon and out of order.

Vandereyk asked if this is an overlapping of jurisdiction.

Waytashek stated that we are required to send to any city within 2 miles from the proposed project site.

Sims asked if this is in the Orderly Annexation.

Waytashek confirmed and asked that Commissioner Gray speak to this.

Commissioner Gray explained that with the Orderly Annexation area, there is a State Statute that says they can claim anything within 2 miles of their boundary for possible Orderly Annexation. When serving on the town board, the gray area is the City of Clear Lake and City of Clearwater holding ponds, located in parcel 70-224-3300, this is technically in the City of Clear Lake. These 2 miles is a gray area for most attorneys in this situation. For the City of Clearwater to reach out and say that they have control of over this; this is taking a step way beyond what they can do. As far as the residents, they have spoken with

Gray and though they are not overly excited about this, they understand the landowner rights, and with the tree screening, they are comfortable with this.

Sims asked if the vegetation will be preserved on the Western side.

Keenan confirmed and stated that vegetation will be added on the Eastern side.

Sims asked to address the weekend hours and that it be mentioned that no sound is allowed on the weekends.

Keenan stated that they understand and can agree to no earth moving, no pile driving on Saturdays or Sundays.

Waytashek stated that she wants it clear that Condition #12 states that the installed tree outline is around the entire solar area, not just on the East side.

Applicant confirmed.

Adams asked if these (19) Conditions contain anything different than previous solar farms.

Waytashek stated that these are consistent.

Hass stated that solar farms are necessary evils, just like landfills. He would like to see the Northern Boundary of the solar farm follow the same setback as the easterly side for aesthetic reasons.

Adams asked how far back is being proposed, so much area is needed for the 1 MW.

Hass stated that they can move the solar farm to the South and have the same coverage while setting back from the road.

Sims agreed.

Adams asked if this is possible.

Keenan stated that he is not a designer, but this may be possible and reminded the members that there will be trees around the entire solar farm.

Adams added that the concern is that they would like to see more setback from the highway to that Northwestern corner.

Waytashek stated that the solar panels do need to meet the 150 ft setback from the centerline of the highway. The fence does not need to meet the setback. They could make some changes to improve the look of this.

Adams stated that the items in the Northwest corner must be the metering equipment, etc.

Applicant confirmed and pointed out where the panels begin.

Hass stated that few panels would need to be moved to move this solar farm to the South.

Vandereyk asked Adams if their role as the Planning Commission is to design the solar panels. As long as they are abiding by the setbacks and the screening, it seems to him that this plan should be approved.

Adams added that Hass is concerned about aesthetics.

Hass confirmed that he is concerned about the neighbors and the view from the road, he is not against the solar farm.

Sims agreed. Part of the responsibility of the Planning Commission is to the neighbors and to the aesthetics.

Vandereyk agreed and stated that this is the purpose of the screening.

Gray added that there are multiple other solar farms along Highway 24 that meet the setbacks, and this property follows suit. If this solar farm needs to be changed, then others should have had to do the same.

Keenan stated that the view from Highway 24 would only be rows of trees.

Gray stated that the shared driveway that will be used is on the property that the Monk family currently owns; the resident that owns the house has an easement. MNDOT stated that they would work with the family on that. Gray is also concerned as there are children that reside here, with the shared driveway and would like the builders to be aware of that.

Waytashek stated that the comment from MNDOT could be added as a Condition.

Gray added that this driveway was not intended to take on heavy truck traffic, which is what will be happening.

Adams clarified the Condition that Waytashek suggested, "The developers of the solar facility will need to reach an agreement with the owners of the adjoining parcel to repair/replace any damage to the asphalt surface of the shared driveway /access that could incur during construction."

Waytashek stated that the first part of that comment should also be used, "The existing access would be approved for the solar facility, however, MNDOT will require a change in use permit for the access to be changed from agricultural to commercial. The access looks to be shared with PID #20-451-0010."

Gray asked if the applicant is okay with the addition of that Condition.

Keenan confirmed.

Adams asked the applicant if he understands and can abide by the other recommended Conditions.

Keenan Confirmed.

Adams stated that the township wanted to see chain link fence.

Vandereyk added that the applicant is going to an 8 ft fence.

Keenan confirmed, 8 ft high, no barbed wire.

Gray reminded the board about the weekend discussion.

Sims asked the applicant to state what activities they would be doing on the weekends.

Applicant replied that it's easier to state what will not be happening; earthmoving and pile driving. The majority of time spent on site is the electricians that are wiring.

Sims asked about delivery trucks, backing up, etc.

Keenan replied that product delivery will all happen Monday-Friday.

Sims suggested using the language; no earth moving or pile driving.

Hass asked if 8-4 on the weekend would satisfy the needs.

Waytashek added that earlier hours should suffice as it gets darker, later in the year.

Hass asked what hours they would want.

Keenan replied that they hadn't discussed hours, rather just the activities and limiting those that cause concern. If we want to put 8-4 on that, they are okay with that.

Adams suggested that the Condition state that electrical work only be allowed on the weekends.

Demeules stated that this sounds too specific to him, and he doesn't want to limit. He recommends that they state no earth moving or pile driving on the weekends and the hours will be limited from 8:00-4:00. This would make for 21 Conditions.

Adams reiterated, no earth moving, or pile driving and limit the hours to 8:00-4:30.

Adams opened the Public Hearing.

Nathan Dull, came forward on behalf of the Minnesota Land and Liberty Coalition, they are a statewide nonprofit made up of farmers, landowners, taxpayers, rate payers, business and community leaders and components of all of the above, energy feature in Minnesota. He wanted to express the support of this project as well as the subsequent request. The core of the belief in these projects is the reiteration of

private property rights and protecting those rights. They believe that farmers and landowners know how to best utilize their land and how to invest in it and hope that the Planning Commission sees it this way as well.

Sims made a motion to close the Public Hearing. Demeules seconded.

The motion carried and the Public Hearing was closed.

Sims asked for clarification on Conditions. There were 19 original, #20 is the MNDOT comment about the driveway and #21 is the summer hours?

Adams reiterated that #21 is no earth work or pile driving on the weekends and limiting summer hours 8-4.

Demeules corrected Adams is saying weekend hours, rather than summer hours.

Adams confirmed.

Waytashek suggested that hours could simply be added to Condition #7, rather than adding Condition #21.

Adams agreed.

Adams confirmed that we are at 20 Conditions, with adding the driveway Conditions.

Vandereyk made a motion to recommend approval of the Interim Use Permit for a 1 MW Solar Farm, with the (20) recommended Conditions and Findings of Fact. Larson seconded.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted. Plans must match approved IUP plans.
3. The required privacy fence around the perimeter of the facility will be 8 ft in height, with no barbed wire. It will require a building permit with engineered plans.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM. Weekend hours shall be 8:00am-4:00pm and be limited to no earth moving or pile driving.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning & Reclamation plan date stamped March 2, 2023.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 per MW, in favor of Sherburne County, to guarantee compliance with the

decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (8 1/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.

11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will be responsible for vegetation control & weed management during the project's operating life.

12. Must install 6-foot-tall Eastern Red Cedar trees around entire solar farm. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart (Attachment D). All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.

13. This IUP is to be valid for 35 years until December 31, 2058. This IUP is valid for MN CSG 119 - 67 LLC and Karie Monk-Gohman & D Monk-Kobow.

14. Access to the solar farm shall be from MN Hwy 24 via existing access. MnDOT permit is required.

15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including underground conduit housing, all underground footings & posts.

16. Signage and emergency contact numbers must be posted at the access driveway to property.

17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.

18. The applicant shall allow the County to inspect the property during normal business hours.

19. The applicant shall comply with all federal, state, and local laws and regulations.

20. The existing access would be approved for the solar facility, however, MNDOT will require a change in use permit for the access to be changed from agricultural to commercial. The access looks to be shared with PID #20-451-0010. The developers of the solar facility will need to reach an agreement with the owners of the adjoining parcel to repair/replace any damage to the asphalt surface of the shared driveway /access that could incur during construction.

FINDINGS:

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

Waytashek read the Findings while Vandereyk provided the responses.

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES** or **NO** WHY?

Yes, the proposed location of the solar farm is in the west side of an existing agricultural field. There is an existing buffer of trees approximately 200 ft wide to the west of the solar farm. There is an existing residential subdivision to the west and south of the property solar farm. The perimeter of the solar farm will be planted with trees to reduce visual impacts to adjoining properties. The closest home to the South of the solar farm is approximately 275 feet away, the closest home to the west of the solar farm is approximately 325 feet away.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** WHY?

Yes, the IUP will be valid for 35 years. If the property owner no longer wants solar panels the infrastructure can be removed, and the site can either go back to farming or be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40-acre parcels under current zoning regulations.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** WHY?

Yes, it will utilize an existing driveway for the solar farm to the south to MN State Hwy 24. Utility lines necessary to transfer the electricity exist adjacent to the property.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** Why?

Yes, there is plenty of parking available on this property needed for construction and operations.

5. 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, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES** or **NO** Why?

Yes, construction of the site will cause noise and additional traffic, but this will be temporary. Once the solar farm construction is complete, traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis.

Hass asked what happens after the 35 years. Does this stay commercial property, does it go back to Ag?

Waytashek stated that at the end of the project life, they will remove all of the components. It is currently Ag, and she guesses that it will still be Ag at that point. It could be zoned differently and depends on what happens at that point.

Adams asked if it can be later than 35 years.

Waytashek replied that 35 years is the end date. If they wanted to extend beyond that, they would need to amend this IUP or get another IUP.

The motion carried and the Interim Use Permit for a 1 MW Solar Farm is recommended for approval to the County Board, with the (20) Conditions and Findings of Fact.

Gray added that the applicant will want to make sure that the Conditions are followed, as a County Commissioner, who is adjacent to the project, his neighbors and residents will let him know. It may be wise to let the Contractor know that he is in their backyard.

Agenda Item # 3– 6:53pm

USS Big Lake 1 LLC (USS Landco LLC) Request to amend existing Interim Use Permit for a 1 MW Solar Farm to allow for agrivoltaics in Condition #12

PID# 10-325-3101 Section 25, Twp 33, Rge 28, Big Lake Twp. Total acreage 19.47 acres in the Agricultural District.

Lynn Waytashek, Zoning Administrator, presented the request to the Planning Commission including the board packet, attachments, and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Explanation of agrivoltaics request (date stamped April 12, 2023)
- C. Existing site plan (date stamped April 12, 2023)

BIG LAKE TOWNSHIP COMMENTS (5/1/2023): Recommend approval of the IUP amendment with the stipulation that no fowl (chickens, turkeys, ducks, etc.) be placed on site.

STAFF COMMENTS:

- 1. Solar farm has been constructed. USS Big Lake 1 LLC is requesting to amend IUP to allow for agrivoltaics. The applicant is requesting to convert some or all of the project site into an agrivoltaic site to allow for agricultural activities, in addition to solar production. For example, growing hand-harvested crops, expanding honey production, potentially small livestock grazing could occur both underneath and adjacent to the solar installation or other more traditional agricultural practices.

They would like to allow farmers to plant, maintain, and harvest crops on the project site, as well as have the option to allow small livestock grazing. In areas not actively pursuing agrivoltaic activities, the existing pollinator habitat would remain. If agrivoltaic activities cease in the future, matching pollinator habitat would be restored.

RECOMMENDED CONDITIONS IF APPROVED:

- 1. Solar Farm will be 1 MW facility to be located as shown in the drawing #PV-100E-101-01 date stamped 5-30-2017. If proposed location or size changes it will require an amendment to the IUP.
- 2. Building permit required for installation of solar panels with engineered plans submitted for each phase.
- 3. A Stormwater Erosion Control permit will be required from the County Zoning Department prior to any grading on-site and before a building permit will be issued.
- 4. Must obtain an NPDES permit from the MPCA and provide a copy to the Co Zoning Dept prior to commencing construction.
- 5. All solar panels and accessory structures must be setback at least 150 ft from the centerline of MN State Highway 25 and 100 ft from the centerline of 196th Street NW, and 50 ft from any property line.
- 6. Operational hours allowed during construction of the facility are Monday through Friday, 8AM – 5PM.

7. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow plan date stamped May 30, 2017.
8. Prior to issuance of a building permit for each phase of the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
9. No activities, such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur on site until the applicant submits a signed interconnection agreement as required by Section 17, Subd. 17(1)(A) of the ordinance permitting the full scope of each phase of the project and proof that the full scope of each phase of the project is permitted by the Minnesota Public Utilities Commission.
10. A restricted access chain-link perimeter fence and gate, with an overall height not to exceed 8 ft will be installed for safety and security around the perimeter of the property prior to solar panels being installed.
11. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
12. The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. USS BIG LAKE 1 LLC will be responsible for vegetation control and weed management during the projects operating life. USS BIG LAKE 1 LLC may convert some or all of the project site into an agrivoltaic site to allow for agricultural activities. USS BIG LAKE 1 LLC may grow hand-harvested crops, expand honey production, and small livestock grazing could occur both underneath and adjacent to the solar installation or other more traditional agricultural practices. In areas not actively pursuing agrivoltaic activities, the existing pollinator habitat would remain. If agrivoltaic activities cease in

the future, matching pollinator habitat would be restored.

13. If agrivoltaic activities cease in the future, matching pollinator habitat must be restored within 30 calendar days.
14. No fowl allowed as livestock. This includes ducks, geese, turkeys, chickens, etc.
15. USS BIG LAKE 1 LLC must adhere to Preliminary Landscape Plan, date stamped 5/30/2017 (Attachment B). Must plant minimum 6 foot high Black Hills Spruce trees along the northern border, planted in a diagonally staggered fashion at 15 feet on center. Must plant minimum 6-foot tall Techny Arborvitae trees along the eastern, southern and western borders in a linear fashion at 8 feet on center. Cardinal Dogwood trees will be planted along the southern and western border, planted in a linear fashion, staggered outside the Techny Arborvitae at 8 ft on center. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
16. Access to the property for both construction and the permanent facility will from 196th Street NW. No access will be permitted from Minnesota State Highway 25.
17. Decommissioning of the project shall involve removal of the project's components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts and fencing. Must be regraded to its original state with vegetation, excluding the trees that were planted.
18. Signage and emergency contact numbers must be posted at the entrance.
19. This IUP is to be valid for 35 years until December 31, 2052. This IUP is valid for USS BIG LAKE 1 LLC.
20. This provision allowing for a change in ownership or control shall not permit the applicant and/or business entity to transfer the IUP to a separate entity without submitting a new IUP application for a Solar Farm as required by Section 16.2, Subdivision 20E of the County Zoning Ordinance.
21. The County Planning Commission has made the findings listed in Sect 18, Subd 6(4) of Zoning Ordinance.
22. The applicant shall comply with all federal, state, and local laws and regulations.
23. The applicant shall allow the County to inspect the property during normal business hours.
24. All conditions and drawings from original IUP (Permit #56550) must be adhered to.

Planning Commission Discussion Followed:

Hadley Braaten, 100 N 6th St , Minneapolis, MN came forward as the representative of US Solar. US Solar is the developer, owner, and operator of primarily Community Solar projects throughout Minnesota and other states and headquartered here in Minnesota.

Today, we'll be discussing our Big Lake 1 project site located in Big Lake, MN. The site is a 9 –acre solar array that sits on an 18 – acre triangular parcel. US Solar owns the parcel of agricultural land that Big Lake 1 operates on. This IUP amendment application references section 6 of the Original IUP Application submitted by my colleague Peter Schmitt in 2017. Right now, the IUP requires that pollinator habitat is planted and maintained throughout the entirety of the fenced area of the parcel, however all 18 acres of the parcel are currently home to different types of pollinator-friendly plants like native grasses and wildflowers. This is how the site has been maintained for the last 5 years.

We propose amending the vegetation requirements outlined in section 6 to allow for more

flexibility with our land use. The Big Lake 1 Site has ideal topography and spacing to allow for an intersection of agricultural activities and solar energy production. The National Renewable Energy Laboratory (NREL) defines this intersection as agrivoltaics – or using one parcel for both solar energy production and agricultural activities. Our Big Lake 1 site would be perfect for adding specialty crop planting, continuing pollinator activities, and sheep grazing to the solar function of the site. Our amendment proposes that Sherburne County allows US Solar the flexibility to perform a combination of these agricultural activities in *addition to* and to supplement the pollinator habitat that currently exists on the site. Our ownership provides a unique opportunity for this type of dual-land use to have both agriculture and solar production on the same parcel.

US Solar has experience with this type of land use. Pollinator habitat was introduced in 2018 to help benefit the surrounding farmland and help native pollinators survive in MN. Later, US Solar created a partnership with Bare Honey to allow us to host bees to pollinate the habitat and then produce solar-grown honey. On a solar site in Cologne, MN, US Solar hosts around 20 sheep each year for grazing. We think that the next step is introducing agricultural activities on the Big Lake 1 solar array.

Through all these projects, US Solar wants to build on what we have learned about solar and agriculture working together. Along with allowing the land to be used in a flexible way. The purpose of this type of dual-land use is to help farmers and solar developers have a mutually beneficial relationship. The University of Minnesota has shown interest in using this site to research and develop the best practices for farmers and solar arrays to cooperate. Allowing this amendment would help to provide information about what is possible for agrivoltaics in Minnesota.

This IUP amendment seeks to add and maintain flexibility with the land that our project sits on. The solar production on the site would not change at all. The land underneath and around the panels would now be used for hand-harvested crops and potentially small animal grazing over the course of the project. This is a unique opportunity to understand how this type of dual-land use could work in Minnesota compared to other states. Particularly for the first couple of growing seasons, the amount of acreage will be small, and hand harvested. It's important to note that we will not construct any new solar on the site, nor will there be any permanent structures or heavy machinery on the site. This IUP amendment simply requests that US Solar would be able to allow farmers to either grow row crops or introduce small animal grazing to the site. Any land that is not used for farming or grazing would remain as the current pollinator habitat.

Approving this amendment would allow maximum flexibility for the land to be used in three ways: either pollinator habitat, row crops, or small animal grazing. If you want to learn more about what agrivoltaics looks like, I have a brochure that has more information with me today. We have received a recommendation of approval from Big Lake Township for this

amendment, as they recognize that this unique opportunity could be a convenient way to use the site for more than just solar production. We welcome any feedback to this IUP application amendment. Thank you for your time today and we'd like to open it up to any questions.

Vandereyk asked if there will be any changes to the Stormwater Management?

Braaten does not think there will be any changes to this, the farmer will need to supply their own water, maybe with a pickup truck using the existing access road.

Vandereyk asked staff about the MPDS permit and the watering requirement.

Waytashek stated that there is one in place, most of these Conditions are from the original IUP, with some additions and amendments. The Stormwater plan that was approved previously, still holds. They need to leave the stormwater in there the way that it is showed originally.

Adams asked if there is enough water there to take care of the animals.

Braaten stated that it would be sheep that are there based on the recommendation from Big Lake Township.

Adams asked how the water would be supplied.

Braaten stated that US Solar will create a lease with tenant farmers, and they will be required to bring their own water to the site.

Demeules asked if this is a possibility for all solar farms or is this unique to this parcel?

Braaten stated that this is unique because US Solar owns the land and post to post the arrays are 13 feet apart and 9 ft when they are lying flat; not every solar array has the correct spacing for this to occur.

Hass asked if they would want to go for organic crops here?

Braaten stated that the goal for now is to work with groups who prioritize organic farming.

Peter Schmitt from US Solar came forward and stated that there is a 3-year record that is needed for organics certification, they would like to work towards that. The current tenant farmers that they are working with are organic. The current vegetation maintenance contractor that they are talking to; Natural Resources Services is working with them to try and figure out how to work with the occasional thistle spot treatment that is done on the site and the volunteer trees. The goal when talking with this group is to hand pull these for those 3 years to get the organic certification. This is an excellent opportunity for organic.

Larson stated that she and her colleagues are intrigued by this.

Waytashek asked if this is to become agrivoltaics, does this effect how this parcel is taxed? Schmitt stated that this he believes that this parcel is still currently taxed as Ag. They are not requesting a change and as the landowner they are still paying the taxes.

Aubol stated that it is his opinion that the company is seeking grants, and this just drives up the utility cost. He does not think that there will be a payback, however this is their land, and they are not changing the operations. He's going on record that he is not a believer in this.

Adams stated that the Big Lake Town Board did recommend approval.

Aubol replied that they could find no reason to object.

Gray would like to thank the applicant as they could have done all of this without coming forward. He is also intrigued by this as a retired farmer. Just like solar panels, and other things that are approved, the jury is out as to if all of this works.

Demeules stated that this allows us to benefit a lot of people.

Gray added, (it allows us to show) that it's a possibility. As far as this going large scale with goats, he has sat in on the meetings on this and we would not put in enough goats out there to take care of these large-scale solar farms that are going in.

Adams stated that this is intriguing.

Braaten stated that they hope that this aids in research as both US Solar and she personally is excited about. They would like to know more about what this can look like in 10-15 years.

Gray asked who the contact is with the University of Minnesota; what person or department?

Braaten replied that the Institute on Environment at the University of Minnesota is who they are working with.

Schmitt stated that the Institute on Environment is housed within Ag in this case.

Adams opened the Public Hearing.

No one from the public testified, nor were any comments received.

Hass made a motion to close the Public Hearing. Sims seconded.

The motion carried and the Public Hearing was closed.

Aubol made a motion to recommend approval of the Interim Use Permit Amendment, to allow agrivoltaics, in Condition #12, along with the (24) recommended Conditions and Findings of Fact. Larson seconded.

Adams confirmed that there are (24) Conditions and we are modifying #12, #13, #14 and #24.

Waytashek confirmed.

Conditions:

1. Solar Farm will be 1 MW facility to be located as shown in the drawing #PV-100E-101-01 date stamped 5-30-2017. If proposed location or size changes it will require an amendment to the IUP.
2. Building permit required for installation of solar panels with engineered plans submitted for each phase.
3. A Stormwater Erosion Control permit will be required from the County Zoning Department prior to any grading on-site and before a building permit will be issued.
4. Must obtain an NPDES permit from the MPCA and provide a copy to the Co Zoning Dept prior to commencing construction.
5. All solar panels and accessory structures must be setback at least 150 ft from the centerline of MN State Highway 25 and 100 ft from the centerline of 196th Street NW, and 50 ft from any property line.
6. Operational hours allowed during construction of the facility are Monday through Friday, 8AM – 5PM.
7. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow plan date stamped May 30, 2017.
8. Prior to issuance of a building permit for each phase of the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit

may not be amended without the written permission of the County.

9. No activities, such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur on site until the applicant submits a signed interconnection agreement as required by Section 17, Subd. 17(1)(A) of the ordinances permitting the full scope of each phase of the project and proof that the full scope of each phase of the project is permitted by the Minnesota Public Utilities Commission.
10. A restricted access chain-link perimeter fence and gate, with an overall height not to exceed 8 ft will be installed for safety and security around the perimeter of the property prior to solar panels being installed.
11. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
12. The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. USS BIG LAKE 1 LLC will be responsible for vegetation control and weed management during the projects operating life. USS BIG LAKE 1 LLC may convert some or all of the project site into an agrivoltaic site to allow for agricultural activities. USS BIG LAKE 1 LLC may grow hand-harvested crops, expand honey production, and small livestock grazing could occur both underneath and adjacent to the solar installation or other more traditional agricultural practices. In areas not actively pursuing agrivoltaic activities, the existing pollinator habitat would remain. If agrivoltaic activities cease in the future, matching pollinator habitat would be restored.
13. If agrivoltaic activities cease in the future, matching pollinator habitat must be restored within 30 calendar days.
14. No fowl allowed as livestock. This includes ducks, geese, turkeys, chickens, etc.
15. USS BIG LAKE 1 LLC must adhere to Preliminary Landscape Plan, date stamped 5/30/2017 (Attachment B). Must plant minimum 6 foot high Black Hills Spruce trees along the northern border, planted in a diagonally staggered fashion at 15 feet on center. Must plant minimum 6-foot tall Techny Arborvitae trees along the eastern, southern and western borders in a linear fashion at 8 feet on center. Cardinal Dogwood trees will be planted along the southern and western border, planted in a linear fashion, staggered outside the Techny Arborvitae at 8 ft on center. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
16. Access to the property for both construction and the permanent facility will from 196th Street NW. No access will be permitted from Minnesota State Highway 25.
17. Decommissioning of the project shall involve removal of the project's components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts and fencing. Must be regraded to its original state with vegetation, excluding the trees that were planted.
18. Signage and emergency contact numbers must be posted at the entrance.
19. This IUP is to be valid for 35 years until December 31, 2052. This IUP is valid for USS BIG LAKE 1 LLC.
20. This provision allowing for a change in ownership or control shall not permit the applicant and/or business entity to transfer the IUP to a separate entity without submitting a new IUP application for a Solar Farm as required by Section 16.2, Subdivision 20E of the County Zoning Ordinance.
21. The County Planning Commission has made the findings listed in Sect 18, Subd 6(4) of Zoning

Ordinance.

22. The applicant shall comply with all federal, state, and local laws and regulations.
23. The applicant shall allow the County to inspect the property during normal business hours.
24. All conditions and drawings from original IUP (Permit #56550) must be adhered to.

FINDINGS:

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

Waytashek read the Findings while Aubol provided the responses.

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES** or **NO** WHY?

Yes, this Solar farm has been established since 2017 and agrivoltaics will align with uses on neighboring properties.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** WHY?

Yes, the solar farm already exists. If the property owner no longer wants solar panels the infrastructure can be removed, and the site can either go back to farming to be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40-acre properties under current zoning regulations.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** WHY?

Yes, will utilize an existing driveway for the solar farm to the south to MN State Hwy 25.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** Why?

Yes, there is plenty of parking available on this property needed for agrivoltaic operations.

5. 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, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES** or **NO** Why?

Yes, the Solar farm construction is complete, traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis. Agrivoltaic activity will match surround land use and not anticipated to create a nuisance or disturbance.

The motion passed and the Interim Use Permit Amendment, to allow Agrivoltaics in Condition #12, is recommended to the County Board, with the (24) Conditions and Findings of Fact.

Closing:

Larson made a motion to adjourn the meeting. Vandereyk seconded. The motion carried and the meeting was adjourned at 7:11pm.

Submitted by Carrie Winter, Secretary.