



Le Sueur County, MN

Tuesday, August 2, 2016

Board Meeting

Item 5

9:40 a.m. Kathy Brockway, Zoning Administrator (5 minutes)

Request for Action- Novel Energy Solutions-Vetter Enterprises

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 14, 2016

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Doug Krenik

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly and Rohlfing

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); BRIAN, KEVIN & TIMOTHY VETTER, KASOTA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1MW solar garden in an Agricultural "A" District. Property is located in the SE1/4 SW1/4, Section 9, Kasota Township.

Kathy Brockway presented power point presentation. Duane Hebert, Novel Energy Solutions and Brian Vetter applicant were present for application.

TOWNSHIP: Notified through the application process. **DNR:** N/A **LETTERS:** emails- see file

PUBLIC COMMENT: **Brian Vetter**, owner of land, lives in the development west of the site, embarrassed by neighbors having to come to a meeting to hear the negativity of the project. Small field to farm, larger equipment, less efficient for them. Original intent was to allow the neighbors to subscribe. Fence with the barbed wire has been a condition of the County on other projects. **Dave Borchert**, concerned with runoff as his property slopes to the north. Duane Hebert, the area remains vegetated with growth year round, improves the drainage in the area. **Pam Borchert**, does not live in the development but was one of the first houses built in the area 50 years ago, does not like big change, this is a residential area in a rural setting, concerned with traffic on Hwy 22, drifting of snow due to the placement of the fence. Duane Hebert, neither site is proposed along Hwy 22, therefore snow drifting will not be a problem. **Jerry Hansmeyer**, would like more information as to screening, details of plantings, such as height and type of plants, could have been handled through communications with adjoining landowners, concerned with maintenance at the site, cleaning of panels.

Discussion was held regarding: Minnesota owned and operated company, Xcel Energy mandated in Minnesota to provide solar energy as a renewable energy source, 25 year lease on the property, benefits to subscribers on their electric bills, timeframe for construction Fall of 2016-Spring of 2016, 6 ft. chain link fence, maintenance of site, 2-3 times per year, open to plantings for screening, good neighbor policy, explained the subscriber's benefits, substation locations, substation located in Blue Earth County, interconnection agreements in place, sound, stationary panels, glare, property values, taxes, agricultural zone in the middle of a residential district, screening plan could have been addressed with neighbors if not for the lack of communication with neighbors, negative impacts on property values. Why not combine the projects and install a 4MW site at the other site, topography of property at the other site, more grading, and filling, location of transformers, maintenance, 16 potential operations and management information was read.

Findings by majority were not addressed; until the applicants come back with more information regarding the project.

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being*

provided.

4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and 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.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Shirley Katzenmeyer to table the application for further information, in order to allow the applicants to work with the landowners regarding a screening plan. Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #2: NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); VETTER ENTERPRISES, LLC, ST. PETER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 3MW solar garden in an Agricultural "A" District. Property is located in the SW1/4, Section 16, Kasota Township.

Kathy Brockway presented power point presentation. Duane Hebert, Novel Energy Solutions and Brian Vetter applicant, representing Vetter Enterprises, LLC were present for application.

TOWNSHIP: Notified through the application process. DNR: N/A LETTERS: Email from Blue Earth County and City of Mankato- see file

PUBLIC COMMENT: none

Discussion was held regarding: location of panels within the airport zoning district, glare from panels, submitted a Solar Glare Hazard Analysis to the FAA, no documentation received back from the FAA as to the location of the panels, City of Mankato, recommended that all components be located outside the district, study was completed by Novel Energy Solutions, if panels located outside the district, approximately 150-200 panels would be eliminated out of the 12,000+, topography of site due to the terraces in place to the west of the property, move forward with the project and allow flexibility to placement of the panels once letter is received from the FAA, farming practices, timing with the project is critical.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *Adequate measures will be taken to prevent and 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. **Agreed.***

6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? **Agreed.***
7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan? **The current Land Use Plan as adopted in 2009, does not make reference to the use as requested.***

Motion was made by Don Reak to approve the application with the following conditions:

1. ***Approval of site from the FAA prior to construction, if negative response from the FAA, the panels will either be eliminated or moved to the west of the property.***
2. ***If site plan changes the applicants shall submit a new drawing to the Department.***

Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Chuck Retka to approve the minutes from the June 9, 2016 meeting by Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Don Rynda. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer by
Kathy Brockway

***Tape of meeting is on file in the
Le Sueur County Environmental Services Office***

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
August 2, 2016

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

SUBJECT: “REQUEST FOR ACTION”

The Planning Commission recommends your action on the following item:

ITEM #1: NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); VETTER ENTERPRISES, LLC, ST. PETER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 3MW solar garden in an Agricultural “A” District. Property is located in the SW1/4, Section 16, Kasota Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

- 1. Approval of site from the FAA prior to construction, if negative response from the FAA, the panels will either be eliminated or moved to the west of the property.*
- 2. If site plan changes the applicants shall submit a new drawing to the Department.*
- 3. A bond is submitted to the County for decommissioning of the project.*

ACTION: ITEM #1: _____

DATE: _____

COUNTY ADMINISTRATOR’S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); VETTER ENTERPRISES, LLC, ST. PETER, MN (OWNER), has applied for a Conditional Use Permit to allow the applicant to construct a 3MW solar garden in an Agricultural "A" District. Property is located in the SW1/4, Section 16, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 14, 2016 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application with conditions due to the following findings:

1. *With the imposition of the conditions, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed.*
2. *With the imposition of the conditions, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.*
3. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided. Agreed.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *With the imposition of the conditions, adequate measures will be taken to prevent and 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. Agreed.*
6. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed.*
7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan? The current Land Use Plan as adopted in 2009, does not make reference to the use as requested.*

WHEREAS, On August 2, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); VETTER ENTERPRISES, LLC, ST. PETER, MN (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the August 2, 2016 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of the conditions, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of the conditions, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses*

predominant in the area.

3. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, adequate measures will be taken to prevent and 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.*
6. *With the imposition of the conditions, as the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan?*
The current Land Use Plan as adopted in 2009, does not make reference to the use as requested.

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to construct a 3MW solar garden in an Agricultural "A" District. Property is located in the SW1/4, Section 16, Kasota Township, is approved/denied.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____