



Le Sueur County, MN

Thursday, July 14, 2016

Regular session

Item 1

Draft PZ Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
June 09, 2016

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

MEMBERS ABSENT: Don Reak, Doug Krenik

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: SOCORE RED MAPLE LLC, CHICAGO, IL, (APPLICANT); KATHLEEN REGENSCHEID REVOCABLE TRUST, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 3 MW solar garden in the Conservancy "C" and Agriculture "A" Districts and the Special Protection "SP" District, on an unnamed stream. Property is located in the NW 1/4 SE 1/4, Section 24, Kasota Township.

Kathy Brockway presented power point presentation. Andrew Dahlen, representing Socore Red Maple LLC, was present for application.

TOWNSHIP: Notification through the application process. DNR: No comments. LETTERS: No comments.

PUBLIC COMMENT: No comments

Discussion was held regarding: history of Socore, installation of over 300 solar gardens within 17 states, 2 roof top installations in Minnesota, in the process of working with other counties in Minnesota, flat site, no additional grading and filling, concern with taking the most productive farmland out of production to allow solar gardens, no standards in the ordinance, interconnection agreements, Xcel Energy standards to meet renewable energy guidelines, fire protection, fencing, screening, vegetation, maintenance of the site, decommissioning plan, time frame, security, lighting.

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 (5-3)*

7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*
Disagree as renewable energy is not addressed in the 2009 Comprehensive Land Use Plan.

Motion was made by Steve Olson to approve the application with the following conditions:

- A 7' fence with 3 strands of barbed wire for a total fence height of 8'.
- Decommissioning Bond as set by the County Commissioners.

Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #2: LYRA COMMUNITY SOLAR GARDEN, EDINA, MN, (APPLICANT); LARRY & SOLVEIG THEIS, SHAKOPEE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 3 MW solar garden in a Special Protection "SP" District, on a Natural Environment "NE" lake, Querum's Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township.

Kathy Brockway presented power point presentation. Patrick Smith, representing Lyra Community Solar Garden, was present for application.

TOWNSHIP: Notification through the application process. Al Gehrke, Township Representative stated that the township has no objections to the proposal. DNR: No Comments LETTERS: Joshua Mankowski, LSC Resource Specialist. Letter read into record (see file).

Discussion was held regarding: agricultural land out of production, vegetation management, requested to deviate from the setbacks, re-worked plans, meets all required setbacks, fencing(woven type material with strands of barbed wire), height of fence, stray voltage, archeological study provided to the State, turn around, impervious surface, decommissioning plan, wetland delineation of the site, approved by the SWCD.

PUBLIC COMMENT: Larry Theis, current landowner, site is marginal farm ground, better use of the land, native plantings better filter for the slough.

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 (7-1).**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Disagree 5-3 as renewable energy is not addressed in the 2009 Comprehensive Land Use Plan.**

Motion was made by Al Gehrke to approve the application with the following condition:

- Decommissioning Bond as set by the County Commissioners.

Seconded by Don Rynda. Motion approved 7-1. Descending vote: Inconsistent with conditions.
Motion carried.

Discussion: Workshop set up for June 23, 2016 at 4:00 PM to discuss Ordinance Revision to include standards for solar energy.

Motion was made by Pam Tietz to approve the minutes from the April 14, 2016 meeting. Seconded by Betty Bruzek. Motion approved. Motion carried.

Motion was made by May 19, 2016 to approve the minutes from the May 19, 2016 special meeting by Seconded by Shirley Katzenmeyer. Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Chuck Retka to approve the minutes from the May 26, 2016 special meeting. Seconded by Al Gehrke. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. Seconded by Pam Tietz. 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***