



---

# **Le Sueur County, MN**

**Tuesday, February 26, 2019**

**Board Meeting**

## **Item 3**

**9:20 a.m. Joshua Mankowski, Planning & Zoning Administrator (10 min)**

***1. Request for Action***

**Staff Contact:**

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**February 26, 2019**

**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 items:

**ITEM #1: USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 34, Waterville Township.

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

Therefore, the Planning Commission recommends Denial of the application as written

**ITEM #2: USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 27, Waterville Township.

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

Therefore, the Planning Commission recommends Denial of the application as written.

ACTION: ITEM #1: \_\_\_\_\_

ITEM #2: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## ITEM # 1 FINDINGS OF FACT

**WHEREAS, USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER)** has applied for a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture “A” District. Property is located in the West half of the SW quarter, Section 34, Waterville Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on February 14, 2019 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 Denial of the application due to the following findings:

- 1. The conditional use will 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. **Solar farms not the same a agriculture or residential, they are more of a commercial use.***
- 2. The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impact neighboring properties.***
- 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 not been or will not 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. **Solar farms are more of a commercial venture and will disturb the area.***
- 6. The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **This use is more of a commercial venture in an Agriculture/Residential District. Should work to preserve good agricultural land in the Agriculture District.***
- 7. The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan? **Solar is not referenced in the Comprehensive Land Use Plan.***

**WHEREAS,** On February 26, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the February 26, 2019 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will 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. **Solar farms not the same a agriculture or residential, they are more of a commercial use.***

2. *The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impact neighboring properties.***
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 not been or will not 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. **Solar farms are more of a commercial venture and will disturb the area.***
6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **This use is more of a commercial venture in an Agriculture/Residential District. Should work to preserve good agricultural land in the Agriculture District.***
7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan? **Solar is not referenced in the Comprehensive Land Use Plan.***

**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 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 34, Waterville Township, is **APPROVED/DENIED.**

ATTEST:

---

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

---

Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## ITEM # 2 FINDINGS OF FACT

**WHEREAS, USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER)** has applied for a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture “A” District. Property is located in the West half of the SW quarter, Section 27, Waterville Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on February 14, 2019 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 Denial of the application due to the following findings:

- 1. The conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and may substantially diminishes and impairs property values within the immediate vicinity. **The proposed site is to close to residential properties.***
- 2. The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impeded future development of 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 not been or will not 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. **The proposed site is too close to residential properties.***
- 6. The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. **Solar is not listed in the Comprehensive Land Use Plan.***

**WHEREAS,** On February 26, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the February 26, 2019 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and may substantially diminishes and impairs property values within the immediate vicinity. **The proposed site is to close to residential properties.***
- 2. The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impeded future development of 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 not been or will not 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. **The proposed site is too close to residential properties.***
6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. **Solar is not listed in the Comprehensive Land Use Plan.***

**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 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 27, Waterville Township., is **APPROVED/DENIED**.

ATTEST:

---

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

---

Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**February 14, 2019**

**MEMBERS PRESENT:** Don Reak, Doug Krenik, Al Gehrke, Commissioner Glinszinski

**MEMBERS ABSENT:** Jeanne Doheny, Shirley Katzenmeyer, Pam Tietz

**OTHERS PRESENT:** Joshua Mankowski

1. The meeting was called to order at 7:00 by Acting Chairperson Don Reak.
2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Al Gehrke. Approved.
3. Minutes from January 10, 2019 Meeting. Motion to approve minutes was made by Al Gehrke. Second by Scot Vonlehe. Approved.
4. Applications

**ITEM #1: USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 34, Waterville Township.

Joshua Mankowski presented power point presentation. David Watts and Cullen Kobayoshi were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS:

Harry & Randee Tolzman regarding their concerns with approving the Conditional Use Permit, including removal of productive cropland, reduction in property values, health issues caused by solar, harm to wildlife, traffic hazard, and noise and TV reception.

James T. Chlan regarding his concerns with approving the Conditional Use Permit, including the proximity of the proposed solar garden to his property and removal of crop land from production.

Chuck Taylor regarding his concerns with approving the Conditional Use Permit, including the concerns listed by Tolzman with the addition of locating another solar garden in the vicinity of Waterville and how they will look to tourists.

Read a comments from a phone call with Peter Cowdin into record regarding his concerns about the impact to property values, chemical sprays and his belief the County should place a moratorium on solar gardens until they can be addressed specifically in the Zoning Ordinance.

Read a comments from a phone call with Kathy Hultgren into record regarding her concern about the impact a solar garden will have on neighboring properties

**PUBLIC COMMENT & DISCUSSION:**

Jerry Mason regarding his past experience with wind generated renewable energy, its impacts to television reception, the possibility of the project constantly changing ownership, accountability, impacts on wildlife and property values, and interference with pacemakers. David Watts referred to a study done by Kirkland Appraisal LLC that showed that a solar garden had no impact on the values of the surrounding properties.

Harry Tolzman voiced his concern that there are people living in the immediate vicinity and that this is located to proposed location for a future school. There is only a fence proposed, no other screening. He stated that the property that was leased for the other solar gardens was later sold to the solar company once construction was completed. He then went over the health concerns sited in the letter he submitted that was already read into the record. He also voiced his concern about the use of herbicide and cleaning chemicals contaminating ground water and Lake Sakatah. Stated his recommendation that the County place a moratorium on solar gardens until it can enact more standards.

Doug Krenik asked if the field was already being used for farming and stated that if so there was already herbicide being applied to the field.

Dean Stauffer regarding his concerns with removing land from agricultural production. When he came before the board to obtain a CUP to construct his house, the concern of the board was removing two acres of land from crop production. These two solar projects are much larger and are removing much more land from production.

David Watts responded that the panels do not give off sound. The properties surrounding the proposed site all already have screening from the field. The pesticide use will be below the amount already being applied on the field for crop production. This is a use similar to CRP.

The Board held some discussion about the process of cleaning the solar panels and that most of the time, only water is used.

Margaret Stauffer questioned the planting of pollinator mix on the site and where it would be planted. Don Reak explained that the area under the panels will be planted in a pollinator seed mix.

Jerry Mason regarding the contents of the seed mix and where he could find it. Don Reak explained that there are standard seed mixes. MnDOT, for example has a pollinator mix. Jerry Mason questioned how long the seed mix will take to become established. Don Reak replied that the seed mix takes about one year to become established.

Don Reak commented on the tendency for solar gardens to be installed on parcels further away from the property owner's home but near other people's houses. David Watts went on to explain some of the conditions that need to be met in order to install a solar garden including proximity of adequate powerlines and capacity. The property owner did inquire about installing the garden closer to their house but the site was not appropriate for a solar garden.

Harry Tolzman asked if a new Conditional Use Permit will be needed to expand on the solar garden if approved. Don Reak replied that a new Conditional Use Permit would be required to expand an existing solar garden.

Findings by majority roll call vote:

- 1. The conditional use will 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. **Solar farms not the same as***



*agriculture or residential, they are more of a commercial use.*

2. *The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impact neighboring properties.***
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 not been or will not 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. **Solar farms are more of a commercial venture and will disturb the area.***
6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **This use is more of a commercial venture in an Agriculture/Residential District. Should work to preserve good agricultural land in the Agriculture District.***
7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan? **Solar is not referenced in the Comprehensive Land Use Plan.***

Motion was made by Al Gehrke to deny the application.

Second by Scott Vonlehe. Motion approved. Motion carried.

**ITEM #2: USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATERVILLE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture "A" District. Property is located in the West half of the SW quarter, Section 27, Waterville Township.

Joshua Mankowski presented power point presentation. David Watts and Cullen Kobayoshi were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Peter Coudin regarding his concern on the impact on property values. Believes the County should put a moratorium on solar until more rules for solar can be established in the Ordinance. He is concerned about chemical sprays used on the solar panels. He also stated his belief that if the City of Waterville wanted to install solar it would be easier to deal with then a private company.

Dan & Sheri Girolamo regarding their belief that installing solar will negatively impact property values in the area. The section of land has been shifting towards residential development and the proposed use would not be compatible with residential development. They also think that solar is an industrial use and should be located in an industrial park or away from population centers. They also stated that traffic in the area will increase and expose the surrounding neighborhood to traffic hazards and toxic compounds used in solar energy generation. Dan & Sheri Girolamo also stated that solar panels would increase the runoff from the site by increasing

the impervious surface to 40 percent. And that the runoff would be contaminated with industrial compounds and pesticides the will impact the surface and ground water of the immediate area. The solar garden also is proposing a security fence that will disrupt wildlife corridors and lead to an increase in car-deer accidents on the adjacent road.

**PUBLIC COMMENT & DISCUSSION:** Margate Stauffer stated her concern regarding the change in view that would result from installing a solar garden at this location. She currently looks out the window at work and watches wildlife in the field. David Watts retorted that screening could be required as a condition for approval. Don Reak voiced his concern with allowing this use next to homes where people have been living for 40-50 yrs. Discussion about the type of power lines that are needed and the other conditions that must be met in order to qualify for a solar garden.

Discussion was held regarding: About site selection and why this location was chosen over others. David Watts stated that being located next to residents is not a good reason to deny the application. This use may seem like industrial but it is more closely related to ag practices. Continued discussion about why this site was chosen over others. Discussion was held about the tile in the field in if installing the panels would impact the current drainage. David Watts reiterated that a solar garden is not an industrial use but is more closely related to ag. If the need for capacity is so important, there was a discussion about why Xcel didn't just install more lines. Cost effectiveness of installation and working within current grant restriction was discussed. David Watts cited the study conducted by Kirkland Appraisal about there being no impact on property values from the installation of solar gardens.

Findings by majority roll call vote:

1. *The conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and may substantially diminishes and impairs property values within the immediate vicinity. **The proposed site is too close to residential properties.***
2. *The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Will impeded future development of 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 not been or will not 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. **The proposed site is too close to residential properties.***
6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. **Solar is not listed in the Comprehensive Land Use Plan.***

Motion was made by Done Reak to Deny the application.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: Joshua Mankowski informed the Board that the County Board accepted the proposed Zoning Ordinance Amendment with the exception of those changes that pertain to Short-Term Private Lodging Rental. Staff has a work session scheduled with the County Board to discuss their concerns and will bring it back to the Planning Commission at a future date.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Doug Krenik. Second by Scott Vonlehe. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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