

MINUTES

Blue Earth County Planning Commission

Regular Meeting

Wednesday June 6, 2018

7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Lyle Femrite. Planning Commission members present were Bill Anderson, Kurt Anderson, Kip Bruender, Lyle Femrite, Barry Jacques, Michael Riley, and Joe Smentek. County staff members Garrett Rohlfing, Aaron Stubbs, George Leary, and Jaclyn Essandoh were also present.

2. APPROVAL OF MINUTES

Mr. Kurt Anderson made a motion to approve the minutes for the May 2nd, 2018 regular Planning Commission meeting. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

3. APPROVAL OF AGENDA

Mr. Leary indicated there was no change to the agenda.

4. NEW BUSINESS

PC 14-18

Justin Bauer - Request for review and approval of a Conditional Use Permit to Transfer the Residential Development Right from the Northwest Quarter of the Southwest Quarter to the Southwest Quarter of the Southwest Quarter, all located in Section 20, LeRay Township. The property is zoned Agricultural.

Ms. Essandoh presented the staff report.

The applicant was present and made no further comment. There was no public comment.

Mr. Femrite commented that staff had done an excellent job of preparing this report and mentioned that he had no issues with the request. There were no comments or questions from members of the Planning Commission.

Mr. Smentek continued with a motion to approve the request with the findings and conditions proposed by staff. Mr. Bruender seconded the motion and the motion carried unanimously.

PC 16-18

FastSun 14, LLC - Request for review and amendment of a previously approved Conditional Use Permit to operate a Large Solar Energy System. The proposed project will span approximately 8 acres and will have a power capacity of up to 1 Megawatt (MW), which by Blue Earth County standards, classifies it as a Large Energy System. The proposed amendments include changing the layout and configuration of the project, changing the access point, and relocating the project approximately 740 feet closer to CSAH 27. The property is zoned Agricultural and is located in the Southwest Quarter of the Southwest Quarter of Section 5, LeRay Township

Mr. Stubbs presented the staff report.

The applicants who were represented by Mr. Chuck Beisner made no initial comments.

Two members of the public, Mr. Lyle Groskreutz and Ms. Shannon Lundgren who are neighbors to the property owner were present, and provided comments relating to the proposal.

Mr. Lyle Groskreutz indicated the following:

- That there was an intrusion on his property rights since the applicants had previously installed solar panels behind his property and are now proposing to install new ones 250 feet from the frontage of his property.
- That the site of the proposal is accessed by a road which is occasionally closed due to flooding.
- That during the previous construction projects, semis drove across his property which is 125 feet from the centerline of the road and this resulted in: Noise issues 24 hours, 7 days a week; Destruction to his lawn and; Interference of his TV and AM radio reception. After complaining to the contactor, they decided to use his backyard instead.
- That the new solar panels should be installed to the North, in the middle of the field which was the initial plan while considering its impacts to the county tile system.
- That Mr. Bill Blackmore, who initially worked on the neighboring solar installation indicated to him that landscaping would have been planted along the fence.
- That during the construction of the previous installation, County Road 27 was blocked because the semis were packed on it.
- That his neighbor, who could not make it to the meeting due to a family matter, was also opposed to the project.

Ms. Shannon Lundgren indicated the following:

- That she was not against solar or renewable energy. However, there should be proper planning and laws to ensure that neighbors have proper enjoyment of their land.
- That based on her research in Minnesota and in other states, other similar projects have much larger setbacks and also required trees or shrubs around the perimeter.
- That she acknowledges that there are no environmental concerns. However, panels should not be placed close to residential property.
- That she was concerned with access of emergency vehicles and mail delivery due to vehicles (semis) which will be parked on the road during the project.

Mr. Femrite commented that concerns from the public were valid and added that solar farms should not encroach on others' rights. Mr. Bruender mentioned that he will work with the County Ditch Manager on the tile and driveway issues. Mr. Stubbs added that the tile line is further north than shown on the map. Mr. Bill Anderson also added that the enlargement of the tile on watershed 34 may have been due to other replacement plans.

Mr. Jacques asked if the proposed location is not in Excel Energy service area. Mr. Groskreutz also asked why the service lines were placed in the field. Mr. Jacques responded by saying that the service lines can be placed anywhere.

Mr. Smentek mentioned that the Planning Commission was tasked with the duty of ensuring that the proposal conforms to the required criteria. He added that he understood that there are property rights and that the applicants also have a right to construct the solar panels. He also added that the construction must be on site and that the road should not be used for parking and therefore not block traffic.

Mr. Kurt Anderson also mentioned that Minnesota State Legislation has imposed renewable energy requirements on energy producing companies in the state. He added that he had sympathy on affected residents, however, the Planning Commission had the task of identifying if the criteria had been met and that if they were to take contrary action, they will open up the county to litigation. Mr. Anderson stated that if additional conditions are added, he will support the proposal.

Mr. Femrite mentioned that he was concerned with construction getting out of hand. Mr. Kurt Anderson proposed that the applicants could have a staging area. Mr. Smentek added that the applicants have enough space for a staging area. Mr. Femrite asked further about if other sites on the property had been considered. Mr. Kurt Anderson responded by saying that, if the proposed site met the criteria, the Planning Commission should not get involved in selecting other sites. Mr. Smentek agreed with Mr. Kurt Anderson’s statement.

Mr. Bruender asked Mr. Stubbs about the reason why this proposal was not added to the previous one on the west. Mr. Stubbs responded by saying that the panels on the west belong to a different company. In response to Mr. Groskreutz about Mr. Blackmore’s landscaping promise, Mr. Stubbs mentioned that Mr. Blackmore worked with a previous developer and that developer changed prior to the installation of the project. The landscaping aspect was not a County imposed condition on that Conditional Use Permit.

Mr. Bruender again mentioned if the applicants could be asked to move the proposed project back to the north and to add landscaping to the conditions. Mr. Kurt Anderson mentioned that the applicants have the option to voluntarily move the project and provide screening, however, the Planning Commission could recommend these conditions to the County Board.

Mr. Beisner mentioned that moving to the east is a possibility but he would have to check with the landowner. He added that there could be two options: To move to the east or to stay in the proposed location and provide screening. Mr. Kurt Anderson proposed that screening would be the best option. Mr. Femrite disagreed and mentioned that moving will be a better option. Mr. Bruender proposed that there could be a hybrid of the two options.

Mr. Kurt Anderson continued with a motion to approve the request with the findings and conditions proposed by staff with a recommendation that the applicants work with staff to address the concerns expressed by the neighboring property owners. Mr. Smentek seconded the motion and the motion carried unanimously.

6. ADJOURNMENT

Mr. Smentek made a motion to adjourn the meeting. Mr. Jacques seconded the motion and the meeting was adjourned at 8:25 p.m.

Planning Commission Chair

Date

Planning Commission Secretary

Date