

McLEOD COUNTY PLANNING ADVISORY COMMITTEE SPECIAL MEETING
Environmental Services Facility, Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
May 19, 2021 9:00 a.m.

MINUTES

CALL TO ORDER:

Chairman Larry Phillips called the McLeod County Planning Advisory special meeting to order at 9:30 a.m. in the McLeod County Environmental Services Facility, Large Conference Room, located at 1065 5th Avenue SE, Hutchinson, Minnesota.

Members present: Chairman Larry Phillips, Charles Hausladen, Paul Merkins, Commissioner Daryl Luthens and David Hoernemann.

Staff present: Marc Telecky, Environmental Services Director, Sandra Posusta, Administrative Assistant.

Others Present: Dean Engelmann, Tangletown Gardens, David Bergh, Sunshare Community Solar LLC, Roger Engelmann, Donald Engelmann and John Mueller, McLeod County Chronicle.

ACTION ON MINUTES: April 28, 2021

David Hoernemann made a motion to approve the April 28, 2021 meeting minutes.

Charles Hausladen questioned the March 24, 2021 minute correction date to ensure it was indeed the date of the necessary correction. It was confirmed it was correct.

Paul Merkins seconded the motion, which carried unanimously.

UNFINISHED BUSINESS:

- 1) CONDITIONAL USE PERMIT 21-02: SunShare Community Solar LLC, Helen Township
Director Telecky opened the hearing sharing that the County Board heard this request at their May 4, 2021 regular meeting at which time it was sent back to the Planning Commission because of an addendum that SunShare had submitted, along with Tangletown Gardens, at the County Board meeting.

As a recap, SunShare Community Solar LLC, Denver, Colorado, requests approval of a one-megawatt solar garden. This property is 86.81 acres and is owned by Donald Engelmann. It's located in Section one (1) of Helen Township. This project is would be known as "BuffaloSun LLC" and located within eight (8) acres of a twenty (20) acre lease agreement. Per the project submittal, the life time of this solar garden is estimated at thirty-five (35) plus years, if approved.

The physical characteristic is gently rolling tillable acreage with soils described as prime farm land per the McLeod County Soil Survey. Mr. Telecky explained the soil characteristics and Crop Productivity Index (CPI).

Mr. David Bergh, SunShare Community Solar representative, is requesting a conditional use permit to construct a one-megawatt solar garden for the purpose of distribution. The wetland impacts are identified.

Mr. Telecky read aloud possible conditions from the Staff Report, including a surety in the amount of \$125,000 based on 3,100 panels for the duration of the project or until the land is reclaimed.

The Helen Township Board recommended approval at the February 11, 2021 regular meeting.

Mr. David Bergh handed out copies of the new addendum to each of the Board members and the public.

Mr. Bergh noted the understanding the County concerns about agriculture preservation and want to adhere to it. Mr. Bergh spoke with Mr. Dean Engelmann with Tangletown Gardens to use this site for Agriculture. In this new plan, the fence line would be used for planting climbing vegetation and use the space between the arrays to plant. In doing so, Mr. Bergh feels they have aligned with the Ag preservation goal of the County. The panels create some shade to also cool down and protect the plants. The panels do operate best at cool temperatures, such as Fall days with clear blue skies. There is a pollinator crisis so working together is a neat opportunity to do this.

Board member Hausladen asked what type of panels are used. The panels are a single axis tracking system.

Commissioner Luthens asked if these panels are spaced further apart more so than regular solar gardens. David Bergh said everyone has something a bit different. SunShare will have a fifteen (15) foot gap in between the two. Fixed panels are spaced differently.

Board member Hoernemann questioned how much ground surface area could be used. There is six (6) feet between each array, so 1.3 acres of ground can be used. There's more ground between can be used, too. If not crops, pollinator friendly will be used.

Board member Hausladen questioned the height of the posts that will be installed. They will be from five (5) to seven (7) feet in height.

Board member Hoernemann asked if there would be chickens.

Mr. Bergh introduced Dean Engelmann, owner of Tangletown Gardens, a garden center and restaurant in Minneapolis and gardens in Plato. Mr. Engelmann has looked at these solar gardens and sees all the room / space available to plant vegetables. There is a real opportunity for dual use. Energy can be produced. A benefit of the solar panels provides necessary shade for chickens. Shade is a challenge for their chickens. They go through nearly 6,000 broiler chicken per year. The solar panels offer shelter, shade, protection and there are lots of different opportunities. The fence will eventually be covered with greenery which will screen the project from the public. This is a "prototype" so to say. Keep money here, not in California.

Mr. Bergh commented that Dean Engelmann also has a real potential and a unique opportunity as this would be the first one in Minnesota.

Board member Hausladen commented that this sounds rather labor intensive.

Dean Engelmann explained that this one (1) array is 5,120 labor hours per year with the potential of producing over \$100,000 worth of product on that small of a place. We're keeping dollars and jobs local.

Chairman Phillips asked about liability issues while working in and around the array system.

David Bergh said they have discussed liability concerns. The systems are very safe. There are many

precautions put in place to protect people. The components that could be of danger are under ground and locked up. If one runs into a panel, it will trip the panel immediately.

Dean Engelmann said they wouldn't be pushing in big equipment. He prefers the smallest equipment to do the job. "From a design standpoint, for someone else looking to replicate this idea, I would design most of it in a way that uses small equipment," said Mr. Engelmann.

Commissioner Luthens asked if this would add value to Tangletown Gardens' product. Dean Engelmann feels it will be on the front page of the New York Times. "Once this takes off, others will want to do this too. It will be huge. We will be able to grow spinach, arugula, greens and it would be very good. We will plant every day and harvest every day. There will be high intensity rotation. We may have as many as four (4) different rounds of crops on the same piece of ground in one year. That has the potential to produce sixty-four million calories per acre."

Mr. Engelmann commented there will be a need for water. For this area, we can just drive in or drip line can go in. We are able to be efficient with water. Minnesota weather also provides moisture.

Board member Merkins said it's more labor intensive. Mr. Engelmann said the disadvantage would be getting product in and out while walking to pick fruit. We'll just skip some hard spaces.

Commissioner Luthens asked if the liability is between the three (3) of us. County, SunShare and Tangletown Gardens. Mr. Telecky said it is between SunShare and Tangletown Gardens.

Mr. Telecky said to Dean Engelmann that he has a sustainable business that is not dying and asked how many years he's been doing this business. It's been twenty (20) years.

Mr. Bergh said if this project is approved, it would be tough to construct this year, but next summer for sure. Mr. Engelmann said the soil will be determined. There will be a roll of black plastic (bale) bunkers. Its bio-degradable, made with cornstarch.

This site is on high ground therefore tiling is not necessary, said Dean Engelmann.

Roger Engelmann said he is all for this but is concerned with stray voltage and testing be performed.

A brief discussion of the solar garden in Wabasha was discussed and the cycle of testing. All agreed it was a good plan. And, this permit, if approved, can be conditioned with this testing plan.

Mr. Telecky said no solar farms have had issues to date in McLeod County.

Director Telecky confirmed the minutes from the last meeting do reflect what Roger Engelmann stated. Mr. Engelmann wasn't opposed. If approved, he just wanted that component of stray voltage.

Mr. Phillips asked if there was any other discussion.

Director Telecky discussed the bond/surety component and the reclamation piece. We don't know what inflation is going to be, either.

Director Telecky explained that the Board is in place to protect the public interest so placing a bond on the project is doing just that, protecting. The County Board also has the right to call them back in if they are not meeting the conditions on the permit.

Commissioner Luthens asked if this agreement is three (3) ways. Mr. Telecky said the lease agreement is between SunShare and the lease applicant. The Boards' relationship is strictly with the applicant, SunShare Community Solar, LLC. SunShare has their own lease with the property owner.

A brief discussion took place about tile lines and the possibility of any use that could disrupt tile lines. Mr. Bergh said he's hired local companies, Rickert Excavating, as they know what they're doing.

Board member Hausladen questioned screening. The Board has the right to mitigate for appearance. Each site is different.

David Bergh said trees may be more conducive verses an ag fence with what they're trying to do.

Mr. Telecky explained how the tree process of screening came into place including that each site is unique. A brief discussion ensued about the possibility of reporting back in a year.

A discussion regarding the Zoning Ordinance Amendment that will be brought before County Board in July, ensued. Commissioner Luthens felt this permit should possibly be put on hold until then.

Director Telecky said the ordinance amendment prepared for next month doesn't necessarily change this. It just defines that hard to farm ground is a potential for projects such as this.

Board member Merkins feels this concept is good.

Mr. Telecky said each one of these requests are unique and the Board shall look at them independently.

With no further business to discuss, Board member Hoernemann motioned to close the public hearing. Board member Hausladen seconded the motion. The motion carried.

Board member Hoernemann requested a stray voltage plan be submitted and questioned if the surety bond of \$125,000 could possibly be lowered in five (5) years from now, if the applicant returns before the Board and requests that it be lowered. Director Telecky said they could.

Probable conditions were discussed including removing the buffer, the type of fencing that is more conducive for planting purposes and a stray voltage testing plan.

Board member Hausladen made a motion to approve with fencing to meet standards, tree screening to be elimination and the bond to be set and reviewed on an annual basis set forth by the Environmental Services Director as well as a stray voltage plan. Board member Merkins seconded the motion.

Director Telecky read aloud the possible conditions to be approved, for the record. They are as follows:

- 1) A surety in the amount of \$125,000 (based on 3,100 panels) for the duration of the project or until the land is reclaimed to original state shall be provided to McLeod County Environmental Services Office prior to any permits being issued.**
- 2) Applicant shall restore the site to its original and natural state once the solar facility is no longer in use.**
- 3) Contractor's Proof of Insurance, shall be submitted to McLeod County Environmental Services, during the construction of the facility.**

- 4) Contact person and phone number for weed control and site concerns will be filed with the McLeod County Environmental Services Office and a placard shall be posted at the entrance visible from County Road 3 naming a contact person with a current phone number.
- 5) An approved landscape buffer plan and vegetative management plan shall be provided to the McLeod County Environmental Services Office. This buffer shall be planted and maintained to remain healthy and live. The land inside the perimeter of the project area will be used for agriculture production.
- 6) A vertical ten (10) foot fence with 24" kick plate shall be installed for site security and safety around the perimeter of the project area.
- 7) Applicant shall meet all NPDES Permit requirements if required.
- 8) Applicant shall preserve the existing drainage tile and repair if any tile is broken. Repairs shall be performed by a drainage contractor.
- 9) Applicant shall obtain a change of use permit for the access off of County Road 3 from the McLeod County Highway Department.
- 10) Applicant shall test for stray voltage prior to electrification, three (3) months after electrification, once per year for three (3) years and once every five (5) years thereafter.

Chairman Phillips called for all in favor. Conditional Use Permit 21-02 was approved with a 4-1 vote.

OTHER BUSINESS:

Mr. Telecky shared one application to date for the May 26, 2021 meeting.

MOTION TO RECESS:

With no further business to be brought before the Planning Commission, Board member Merkins made a motion to recess until May 26, 2021. Board member Hoernemann seconded the motion. The motion carried.

Larry Phillips, Chairman

Sandra Posusta, Secretary