

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 TUESDAY, JULY 20, 2021
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Bill Davis, Ezra Baer, Jenny Mongeau, Mark Klevgaard, Joel Hildebrandt, Kurt Skjerven, Steve Mortensen, Steve Lindaas, Laura Johnson

Members Absent: Curt Stubstad, Andrea Koczur

Others Present: Bobbi Singleton, Brian Olek, Matt Jacobson, Erika Franck, Caitlin Hurlock, Dennis Berg, Dan Jacobsen, Dan Moore, Travis Schmidt, Marc Pritchard, Scott Tempel, James Lee

ROLL CALL: Roll call was taken, and the meeting was called to order at PM by Chair Bill Davis.

APPROVAL OF AGENDA:

Matt Jacobson requested that the Schmidt hearing be moved in front of the first Novel hearing. On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission approved the Agenda as amended.

APPROVAL OF MINUTES FROM JUNE 22, 2021 MEETING:

On motion by Ezra Baer, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved the June 22, 2021 Minutes.

CITIZENS TO BE HEARD:

There were no citizens wanting to speak on any items not on the Agenda.

PUBLIC HEARINGS:

JOHN & BOBBI SINGLETON – REQUEST FOR INTERIM USE HOME OCCUPATION PERMIT

The applicant is seeking approval of a conditional use permit for an electrical contractor business at 16478 90th Ave S, Barnesville, MN 56514 on parcel 05.014.3401, part of the SE1/4 of the SW1/4 Section 14, Township 138N, Range 46W, Elkton Township.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, states that this is a Home Occupation IUP request for an electrical business. Policy Considerations from the Comprehensive Plan include:

General Goal #1: Maximize the potential of Clay County as a thriving center for agriculture, business, and recreation, while maintaining and enhancing its livability.

Land Use Goal #1: Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the county's rural character.

Land Use Goal #4: Plan for the orderly, efficient growth of commercial and industrial development in the County through the application of appropriate zoning districts and regulation.

- Policy #3: Allow for home occupations in agricultural areas and small, community-based retail in the County's unincorporated rural communities.

The subject property and all adjacent properties are zoned Agricultural General (AG). A Home Occupation – Conditional is an allowed use with an Interim Use Permit in this zoning district.

This parcel is approximately 13-acres and fronts on County Road 10. There is a residential structure and 2 outbuildings currently located on the site. The proposed use meets or exceeds the setback requirements. Director Jacobson feels that this is a very low-impact business. All services are performed on the job sites. They won't be using any floor space for the business. Their employees are not family members, hence the need for an interim use home occupation permit as opposed to an administrative home occupation permit. No agriculture land will be taken out of production. He feels that having a secured permit will allow them to legally grow their business at that location in the future.

Bobbi Singleton confirmed Matt Jacobson's narrative. She states that they are currently down to only one employee but are looking to hire more in the future. She confirmed that none of the work is done at their home residence. Ezra Baer asked if the sign was a conforming sign and Mr. Jacobson confirmed the sign size was a conforming size.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Ezra Baer, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission GRANTED to include the following conditions:

1. Signage shall conform to Clay County Land Development Ordinance 8-3-9C-8, maximum 32 square feet allowed;
2. Permit ceases upon ownership change.

STRATA CORPORATION – REQUEST FOR INTERIM USE PERMIT

The applicant is seeking approval of an interim use permit to continue use of an established ready-mix concrete plant at 999 82nd Ave S, Moorhead, MN 56560 on parcel 19.055.0020, Lot 2 of Block 1 in the M.I.G. South Subdivision, Section 17, Township 138N, Range 48W, Kurtz Township.

On motion by Ezra Baer, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, states that the request is for a continuation of a redi-mix plant for Strata on a parcel previously operated by Knife River. Policy Considerations include:

Clay County Comprehensive Plan

Land Use Goal #1: Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.

Land Use Goal #5: Plan land uses and implement standards to minimize land use conflicts.

- Policy #1: Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
- Policy #6: Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.
- Policy #7: Locate and design industrial and commercial developments to avoid truck traffic through residential or other potentially adversely affected areas.

This property is approximately 5-acres located south of Moorhead off of US Highway 75 and includes a ready-mix concrete batch plant and facilities associated to that use. The parcels to the north and to the west are vacant lots. The original use was established by Knife River in 2011. Strata recently purchased the property and wish to continue the same operations. There is an existing Variance on the property allowing placement of the ready-mix plant as close as 50 feet from adjoining property line and road right of way rather than required 300 feet from property line and 500 feet from roadway. The parcel is zoned Highway Commercial (HC); adjacent properties are also HC and Agricultural General (AG). Estimate truck traffic of 4-5 trucks hauling materials per day and an estimated 10 cement trucks hauling out daily. General hours of operation are 7AM-6PM Monday through Saturday. Access to the parcel is from 82nd Avenue directly off of Highway 75. Applicant recognizes the need for dust control.

There are 6 residents located within one-half mile of the proposed site, with the closest being approximately 1200 feet away. This residence is owned by the neighbor commercial property Paradigm. The applicant currently operates under MPCA Industrial Stormwater Permit.

Staff recommends the following conditions if the request is approved:

1. Operate within provisions of the Clay County Land Development Ordinance;
2. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all other regulating agencies prior to commencing plant operations;
3. A maximum of 5 acres be approved for plant site and its associated activities including material storage and stockpile areas;
4. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department;
5. Permit for a 20-year term with expiration date of December 31, 2041;
6. Hours of operation shall be from 7AM to 6PM Monday through Saturday;
7. Applicant shall control dust and provide necessary maintenance on any/all gravel haul roads; and
8. Other conditions as the Planning Commission deems necessary.

Applicant Dennis Berg representing Strata Corporation stated that the details discussed are as they are intending and that they look to continue operations as a satellite operation in the summer months and closed in the winter months.

Dan Moore of 8046 14th Street South, Moorhead, stated concerns about gravel trucks staying on the paved roads. He feels that 80th Avenue has a lot of dust and is concerned about the impact to his property. Jenny Mongeau felt that they would desire the trucks to be using Roads 2 and 8 to Highway 75; Matt Jacobson advised that this could be included as a condition, if needed. Mr. Moore was concerned about the dust from numerous trucks. Dennis Berg confirmed that using the paved roads would not be a problem.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission *GRANTED* with the following conditions:

- 1. Operate within provisions of the Clay County Land Development Ordinance;**
- 2. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all other regulating agencies prior to commencing plant operations;**
- 3. A maximum of 5 acres be approved for plant site and its associated activities including material storage and stockpile areas;**
- 4. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department;**
- 5. Permit for a 20-year term with expiration date of December 31, 2041;**
- 6. Hours of operation shall be from 7AM to 6PM Monday through Saturday;**
- 7. Applicant shall control dust on the property and provide necessary maintenance on any/all gravel haul roads; and**
- 8. Other conditions as the Planning Commission deems necessary.**

DANIEL JACOBSEN – REQUEST FOR A CONDITIONAL USE PERMIT

The applicant is seeking approval of a conditional use permit to build a personal storage building in the Special Protection – Shoreland Zoning District on parcel 10.009.2201, part of the NW1/4 of the NW1/4, Section 9, Township 139N, Range 47W, Glyndon Township.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised that the request is for a private storage building within the Shoreland Zoning District.

Comprehensive Plan Policy considerations include:

Natural Resources Goal #1: Identify, protect, and preserve the County's high quality natural, scenic, cultural and open space areas.

- Policy #13: Continue to enforce shoreland regulations on the County's lakes, rivers and streams.
- Policy #18: Discourage inappropriate development in flood-prone areas.

The subject property and all immediately adjacent properties are zoned Shoreland-Special Protection (Shoreland-SP), Floodway and Floodplain Fringe. The land is currently rural vacant land and there are no buildings on that site.

The property is approximately 2.4 acres and is located between Dilworth and Glyndon on the south side of Highway 10. The property fronts on Highway 10 and the County Ordinance does allow placement of storage buildings within the Shoreland Zoning District with a Conditional Use Permit. A map was shown which identified the placement of the building structure and also all applied zoning districts. This parcel does front on Highway 10; it does have access by easement from Highway 10. Applicant wishes to store automobiles within this building.

One private storage building may be allowed on a parcel which was legally created and which conforms to the lot standards and provisions of the zoning district in which it is located. Standards for private storage buildings are as follows:

1. The structure shall not be used as a residence.
2. The structure shall not be serviced with sewer and/or water.
3. The structure may be placed on either a temporary or permanent foundation.
4. The structure's maximum square footage (footprint) is 5% of the total lot area or 1,500 square feet, whichever is less.
5. The structure must meet all applicable setbacks for the zoning district in which it is located.
6. The structure may not be used to house or support animals of any type.
7. The structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles, or other items used for commercial or business purposes.
8. May be located in Shoreland districts only.
9. The private storage building must be of a design and workmanship consistent with the surrounding area.
10. A Conditional use Permit is required.

This property is almost entirely within the flood fringe; building is not allowed within the floodway. There is an old house basement foundation on the property. The floor would need to be at about 918.4 feet, which would need to be determined by an engineer, to be at the regulatory flood protection elevation for the finished floor. The fill can be at 917.4 feet.

Comments have been received from Moorhead Public Service. The drinking water supply management area for Moorhead is on the other side of the river and they recommend that the structure have a non-porous floor.

Staff recommends approval of this CUP with the following conditions:

1. Building must not be used for commercial storage.
2. Building must have a concrete floor.
3. Building must be constructed to the regulatory flood protection elevation. An elevation certificate is required.

Applicant Dan Jacobsen states they have unlimited fill available to bring the structure to the required height. He has farmed in this area his entire life and is familiar with the water patterns of this parcel.

Marc Pritchard, Water Plant Supervisor of Moorhead Public Service, states that he wants to reiterate the request for impervious surface of the building floor. He feels this would take care of their concerns for impacts to the wellhead drinking water source as long as the building purpose is for personal use only. Mr. Jacobsen states that he was already planning for the building to have a concrete floor.

On motion by Ezra Baer, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Ezra Baer, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission GRANTED the Conditional Use Permit with the following conditions:

1. Building must not be used for commercial storage.
2. Building must have a concrete floor.
3. Building must be constructed to the regulatory flood protection elevation. An elevation certificate is required.

SCHMIDT & SONS BUILDING MOVERS, INC. – REQUEST FOR AN AFTER-THE-FACT INTERIM USE PERMIT

The applicant is seeking approval of an after-the-fact interim use permit to temporarily store three houses on parcel 23.007.3100, part of the NE1/4 of the SW1/4, Section 7, Township 140N, Range 48W, Oakport Township.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director stated this request is just north of Moorhead in Oakport Township. The property parcel is zoned Ag General, Floodplain Fringe and Floodway; however, all of these zoning districts do not cover the entire 27.44 acres of the parcel. The adjacent properties are similarly zoned. This property is currently used for agriculture; there are no buildings onsite other than the 3 that are currently on blocks. The Applicant is looking for an after-the-fact permit to allow temporary storage of the 3 flood buyout homes on the property. These homes were moved from flood-prone sites north of County Route 20 in Fargo, North Dakota. The Planning Office staff were made aware of the homes sitting on this property on Thursday, June 17, 2021. The Applicant has had previous permits for this type of use. There are 9 homes within the area of the site.

Policy Considerations from the Comprehensive Plan include:

Land Use Goal #2: Support the long-term protection of agriculture in the county.

- Policy 1: Recognize and support the agricultural character of the County in all planning efforts.

Land Use Goal #5: Plan land uses and implement standards to minimize land use conflicts.

- Policy #1: Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
- Policy #2: Require adequate transitions between different land uses through appropriate land use

- planning and zoning standards.
- Policy #7: Locate and design industrial and commercial developments to avoid truck traffic through residential or other potentially adversely affected areas.
- Policy #18: Discourage inappropriate development in flood-prone areas.

If the Planning Commission approves the request, staff recommends the following conditions be considered:

1. All homes stored on the site shall be removed and this permit shall expire at midnight September 28, 2021.
2. The site and homes thereon shall be kept and maintained in good condition, order and repair at all times so they will not endanger life or property of any person.
3. No more than three (3) homes shall be stored on the site.
4. A \$100 administrative penalty per house per day (to a maximum of \$,2500) will be issued for any house that is on the premises after the permit has expired.
5. Other conditions as the Planning Commission deems necessary.

These conditions are similar to the conditions for a similar Interim Use Permit issued for the Applicant in 2012.

Steve Lindaas asked the ramifications of not having a permit for allowing the houses to be stored. Mr. Jacobson stated that if the permit was not granted, the houses would need to be moved as soon as possible. Kurt Skjerven asked if the Applicant had received previous permits, why the permit was not secured for this event. Mr. Jacobson stated that the previous permits were obtained by the landowners and not the Applicant.

Steve Mortensen asked how these buildings would be moved if the weather became wet and they would not be able to get these buildings moved. He questioned if the deadline could be moved later so that the ground would be frozen. Mr. Jacobson advised that an interim use permit can only be granted for 3 months.

Bob Schmidt of Schmidt and Sons advised that he was aware of the requirement needing a permit. He states he made an attempt to secure a permit but with Covid and the previous Director retirement, he was unable to get the answers he needed. One of the houses already is scheduled for placement near Georgetown and they are waiting for permitting and the power company to accommodate lines. Another is also going to be placed in Clay County. The third one is going into Becker County at Lake Ida and the basements for these last 2 are being poured. There were extending circumstances involved in moving these houses that put an urgency on this situation.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

Jenny Mongeau advised that back in 2012 there were many houses were rushed to be removed. She states that the Diversion work will create more need for home storage and there is a possibility we will see more of this type of request. She emphasized that the rules need to be clear from the Planning Department and is shared with Townships in case they receive inquiries.

On motion by Steve Lindaas, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission *GRANTED* with the following conditions:

- 1. All homes stored on the site shall be removed and this permit shall expire at midnight on September 28th, 2021.**
- 2. The site and homes thereon shall be kept and maintained in good condition, order, and repair at all times so they will not endanger life or property of any person.**
- 3. No more than three (3) homes shall be stored on the site.**
- 4. A \$100 administrative penalty per house per day (maximum \$2500) will be issued for any house that is on the premises after the permit has expired.**

NOVEL ENERGY SOLUTIONS (OLEK) – REQUEST FOR A CONDITIONAL USE PERMIT

The applicant is seeking approval of a conditional use permit for a 1-megawatt community solar garden on parcel 08.009.1500, part of the N1/2 of the NE1/4, Section 9, Township 141N, Range 46W, Flowing Township.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, stated that all 4 of the Novel Energy Solutions hearings are for similar projects except their location.

The following Comprehensive Plan policy considerations were reviewed:

Land Use Goal #2: Support the long-term protection of agriculture in the County.

- Policy #1: Recognize and support the agricultural character of the County in all planning efforts.

Land Use Goal #4: Plan for the orderly, efficient growth of commercial and industrial development in the County through the application of appropriate zoning districts and regulation.

- Policy #4: Provide appropriate access management for commercial and industrial development along Highways 10, 336, 9, 32, 34 and Interstate 94 at areas preferably near major intersections with County Roads and each other.
- Policy #5: Avoid environmentally sensitive areas and/or ensure mitigative measures are taken when siting commercial and industrial development within the County.

Land Use Goal #5: Plan land uses and implement standards to minimize land use conflicts.

- Policy #1: Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
- Policy #2: Require adequate transitions between different land uses through appropriate land use planning and zoning standards.
- Policy #6: Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.
- Policy #7: Locate and design industrial and commercial developments to avoid truck traffic through residential or other potentially adversely affected areas.

Natural Resources Goal #1: Identify, protect, and preserve the county's high quality natural, scenic, cultural and open space areas.

- Policy #9: Require all new development to comply with applicable storm water management plans and policies.

- Policy #10: Promote the property enforcement of wetland mitigation legislation and support individual landowners efforts in the re-establishment of pre-existing wetlands by utilizing the wetland banking system. Replacement wetlands should be located outside of the same watershed only as a last resort.

The subject property and all immediately adjacent properties are zoned Agricultural General (AG) Community Solar Gardens may be allowed by Conditional Use Permit.

This parcel is approximately 78.5 acres, just south of Felton on State Highway 9 and contains no structures. Request is for a 1 megawatt, 30-year use. There will need to be an access road installed.

- Site will cover approximately 9.83 acres.
- No water, sewage, or waste management services are required.
- Signage will be located onsite.
- An unpaved 16-foot access road will be built from the public road (US Highway 9) to the project.
- Low maintenance turf seed mix or similar seed mix is utilized. Native grasses or specific pollinator plantings will be utilized in accordance with the attached landscaping plan.
- Novel Olek Solar LLC will control noxious weeds throughout the life of the project.
- The project will include a 6' security fence around the entire perimeter.
- A full drainage report will be completed as part of the Stormwater and Pollution prevent Plan (SWPPP) permit.
- No substantial grading, filling, removal of soils or additional of soils are proposed.
- Novel Olek Solar LLC will comply with the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Permit requirements, including obtaining a National Pollutant Discharge Elimination System (NPDES) stormwater permit prior to construction.
- No temporary sediment basins are required.
- No permanent structures or buildings are proposed.
- Panels will feed inverters which ultimately connect to the electric grid at a point of interconnection.
- A signed Interconnection Agreement with Xcel Energy will be provided prior to construction activities.

Clay County solar development code requires that native grasses or pollinator plantings be utilized for solar community gardens.

Decommissioning will be within 180 days of the project useful life. Applicant will need to work with Minnesota Department of Transportation for site access. A decommissioning bond will be required for \$1000 per year for years 6-25 of the project; and surety bond will be required for establishing pollinator habitat under the solar panels. The farmland is of prime quality if drained. There are no wetlands in the area. Clay County has seen a lot of solar development along this State Highway 9 corridor. Excel Energy is active in this area. A map was reviewed showing previously commissioned solar projects along the same corridor and their location relative to the solar requests being heard at this evening's meeting.

Proposed conditions, if approved:

1. Construction meets all county, state and township permit requirements.
2. Decommissioning bond payable at \$1000 for years 6-25 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Approved site access permit through MNDOT; and
5. Any conditions the Planning Commission deem necessary.

Director Jacobson advised that he has reached out to the state regarding proximity of these community solar gardens and they advised that location is within their allowed limits.

Scott Tempel of Novel Energy shared this is a Minnesota-based company started by a farmer. Community solar gardens are subscription based. They plan to own and operate these for long-term. Each one of the substations has a certain amount of capacity and you need to get into the queue with Excel Energy, which explains why these requests all came at the same time. Requirements/limitations are 1 megawatt per mile. They have not sold all of the approved permitted subscriptions at this time. Subscribers have to be in the county or in an adjacent county.

Brian Olek, owner, advised that he had nothing to add to the narrative given by Director Jacobson.

James Lee is a neighboring landowner and asked what the minimum setback is from the property line; Director Jacobson advised setback is 100 feet from property line.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission *GRANTED* the request for Conditional Use Permit, with the following conditions:

- 1. Construction must meet all county, state and township building permit requirements;**
- 2. Decommissioning bond required payable at \$1000 for years 6-25 of the project;**
- 3. Surety bond required at 125% of the cost of establishing native plant cover on the project site;**
- 4. Approved site access permit through Minnesota Department of Transportation (MNDOT) is required.**

NOVEL ENERGY SOLUTIONS (HILDE) – REQUEST FOR A CONDITIONAL USE PERMIT
The applicant is seeking approval of a conditional use permit for a 1-megawatt community solar garden on parcel 07.034.4600, part of the W1/2 of the SE1/4, S1/2 of the SW1/4, NE1/4 of the SW1/4 Section 34, Township 142N, Range 46W, Felton Township.

On motion by Steve Lindaas, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised this request is for the east side of State Highway 9 near Felton. This parcel is a little over 200 acres. The solar site will cover a little over 12 acres of this parcel. Staff Review has all of the same characteristics as the previous hearing. They will not need an access permit as there is an access to the site; however, they may need to improve that access. This is all prime farmland and can be returned to farmland at the end of the project life. There are no wetlands. Proposed Conditions are the same as previous hearing and include:

The Comprehensive Plan policy considerations reviewed were the same as the Novel-Olek hearing.

1. Construction meets all county, state and township permit requirements;
2. Decommissioning bond payable at \$10000 for years 6-25 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Any conditions the Planning Commission deem necessary.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Ezra Baer, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission GRANTED the request for a Conditional Use Permit with the following conditions:

1. Construction must meet all county, state and township building permit requirements;
2. Decommissioning bond required payable at \$1000 for years 6-25 of the project;
3. Surety bond required at 125% of the cost of establishing native plant cover on the project site.

NOVEL ENERGY SOLUTIONS (D MENHOLT)– REQUEST FOR A CONDITIONAL USE PERMIT

The applicant is seeking approval of a conditional use permit for a 1-megawatt community solar garden on parcel 08.022.2000, part of the NW1/4 Section 22, Township 141N, Range 46W, Flowing Township.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, states this request is in Flowing Township, zoned Agricultural General (AG) and is adjacent to a parcel zoned Resource Protection – Biological (RP-Bio) Prairie Wetland Complex. There are wetlands on this site and close to this site. Applicant is working with the Army Corp of Engineers to get a Section 404 Permit-Clean Water Act to construct the road to the site as they will need that. They may also want to check with our Soil and Water Conservation District Wetland Conservation Act (WCA) specialist to see if there are any other permits required for this project. There is an established access to the site.

The Comprehensive Plan policy considerations reviewed were the same as the Novel-Olek hearing.

Proposed Conditions include:

1. Construction meets all county, state and township permit requirements;
2. Decommissioning bond payable at \$10000 for years 6-25 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Any conditions the Planning Commission deem necessary.

Steve Lindaas asked if the Applicant was unable to get permitted for this part of the parcel, are they able to move to another part of the parcel. Director Jacobson advised that this would be a question for the Applicant.

Applicant Scott Tempel states they were aware of the wetlands issue and that they may have to buy wetlands credits. They would be unable to move the array of the solar gardens. If there are major wetland issues they may have to shrink the size of the array but would be unable to relocate to another area on the parcel.

On motion by Jenny Mongeau, seconded by Steve Lindaas, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Joel Hildebrandt, seconded by Steve Lindaas, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:

- 1. Construction must meet all county, state and township building permit requirements;**
- 2. Decommissioning bond required payable at \$1000 for years 6-25 of the project;**
- 3. Surety bond required at 125% of the cost of establishing native plant cover on the project site.**

NOVEL ENERGY SOLUTIONS (R MENHOLT) – REQUEST FOR A CONDITIONAL USE PERMIT

The applicant is seeking approval of a conditional use permit for a 1-megawatt community solar garden on parcel 27.004.3002, part of the S1/2 of the NW1/4 Section 4, Township 140N, Range 46W, Spring Prairie Township.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, this proposed project is about a 54.5-acre parcel. Project would cover about 13.9 acres on the east side of County 9 and the southside of Highway 46. There are solar gardens to the north and south of this parcel. With this proposal, similar to the previous one, everything else is the same as the earlier hearings. A proposed site plan was reviewed. There is one potential wetland on the site but would need to be better determined, so the applicant may need to obtain Clean Water Act (CWA) Section 404 and/or Minnesota Wetland Conservation Act (WCA) permits. They would also need an access permit from MNDOT.

The Comprehensive Plan policy considerations reviewed were the same as the Novel-Olek hearing. There is a 100-foot setback from the side property line.

Proposed Conditions include:

1. Construction meets all county, state and township permit requirements;
2. Decommissioning bond payable at \$1000 for years 6-25 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Receive an approved access permit from the MNDOT; and
5. Obtain Section 404 and Wetland Conservation Act Permits.
6. Any conditions the Planning Commission deems necessary.

Kurt Skjerven asked how often they are maintained and/or monitored. Scott Tempel advised they try to get to each site once a month to maintain and check on each site, although all sites are continually monitored. Laura Johnson asked why all sites are 1-megawatt but are various sizes; Mr. Tempel advised that they sometimes have to work with the landowner for property that may otherwise not be useable or accessible. He states that they currently have about 12 locations within the state with another several dozen in the permitting stage, and they are the largest solar energy company in the State of Minnesota.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission **GRANTED** the Conditional Use Permit with the following conditions:

1. Construction meets all county, state and township permit requirements;
2. Decommissioning bond payable at \$1000 for years 6-25 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Receive an approved access permit from the MNDOT; and
5. Obtain Section 404 and Wetland Conservation Act Permits as required.

UNFINISHED BUSINESS:

- **Matt Jacobson – Clay County Comprehensive Plan Update**

There will be additional Public Engagement Meetings on Monday, July 26th at Hitterdal Community Hall from 6:30-8:00 and on Tuesday, July 27th at the Watershed District Office in Barnesville from 6:30-8:00. All present were encouraged to attend and to also spread the message regarding these meetings.

NEW BUSINESS:

No new business.

ADJOURNMENT:

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously approved, the meeting adjourned at 9:15 PM.


Steve Mortensen, Planning Commission Secretary