

Greenvale Town Board  
Solar Public Hearing Minutes  
January 10 2017

Present: Chair Gregory Langer, Supervisor David Roehl, Supervisor Duane Fredrickson, Treasurer Wayne Peterson, Clerk Linus Langer.

Guests: Town Attorney Ryan Blumhoefer, Town Planner Dean Johnson, Applicant Robert Winter, Lila Winter, Martin Gavin, Erv Ulrich, Nancy Peterson, Eric Christianson, Matt Rohn, Chad Bolton, Jerry Bolton, Bobbi Bolton, Kathleen Edwards, Tony Rowan, David Legvold, Brian Evenson, Doug Grove, Carolyn Fott, George Fink, Dean Odette, Maynard Bolton, Tim McNearney, Brent Berghuis, Dallas Berg, Jennifer Welbaum, Mary Langer, James Reisinger, JB Dudley, Mathew Langer, Jason Flaa, Ken Malecha.

Public Hearing opened at 6 pm with the Pledge of Allegiance. (silence devices...)

Chair Langer read the public notice that was published in the Northfield News, posted at the Town Hall and posted on the Township website.

Board agreed to speaking rules and participation guidelines for the Hearing.

Langer mentioned guests Blumhoefer and Johnson... said copies of sample ordinance can be requested from Clerk...

Board discussed engaging Dean Johnson with introductions and other information for the Hearing. Mr. Johnson began with some background history and information:

Legislature passed provisions for energy and PUC to announce so many mega watts would be available... 450 mega watts were eaten up in about a day... in 2015 Empire Township had a request but did not have any zoning in place at the time... in the course of about 12 ordinances in the last few years... some of what is involved. Two types of facilities in these ordinances: wholesale, and retail by local property owner. How do we want to permit a personal use type system, and how would we want to permit a commercial type system... we would recommend retail would be "accessory type structures" under current zoning language... for commercial we'd recommend an IUP... Xcel's contract is 25 years... we recommend at least 27 yrs as it may take time to get things in order. Like site plans, storm water plans... we would recommend performance standards... most are 7,8, 9 ft tall... ominous... termination language is a handshake arrangement... existing three phase lines are one determining factor...

This sample language today is for pretty much anyplace in ag district... one of original concerns is how does this proliferate? doesn't know what capacity is of infrastructure... there is no federal law that protects the solar business... there is no one putting a gun to your head to do this...

A couple things have happened. Chisago county... is not part of this program... right now any size to 5mw and future will be 1 mw... there's a lot of money being spent on these... there's a

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production tax and systems are centrally accessed by state 80% county and 20% township... \$1800/year estimated... some legislators are trying to change 80/20... some are very passionate about losing agricultural land, some are passionate about carbon emissions...

Health Care Law... most communities object as most applications are for manufactured units and exempt from the building code... most communities don't like that there is no regard to water and septic.

Fredrickson asked about when is state subsidy for Solar end-dates?

Mr. Johnson: Now min/max contract arrangement is 25 yr contract... we don't put that in ordinance...

Fredrickson inquired when is change from 5 mw to 1 mw... when did that change? Johnson referred to Martin Gavin: Sep 1<sup>st</sup> 2016... Mr. Johnson: as I understand, you can have one in the hopper...

Langer asked to say a few things: please feel free to ask speaker to speak up... Also, want to ask for correction if I'm wrong. This is a public hearing... board will vote at our regular monthly meeting next Tuesday. Supervisors are going to be respectful of state Open Meeting Laws (OML.) We can't get together ourselves, but any citizen can be in touch with any supervisor. Fredrickson asked if Ryan Blumhoefer had anything to add. Ryan recapped stages of application to date.... In November, we extended an additional 60 days... tonight's hearing is required, that's the purpose... why we are here tonight.

Mr. Johnson asked if he could offer that we first field questions? Board agreed good idea...

Jerry Bolton: asked what happens in 2 years if there is need for cleanup? Is there a place to set funds aside?

Mr. Johnson: A good question. There is a range of estimates out there... we do require a decommissioning plan... technology is now such that many are adding warranties to match 25 year permitting... as part of proposal we would require "decommissioning plan." Letter of credit or bond... some attorneys say it's none of your business... we do write in our permits "BOND required"... we are talking very sizable investment... I like to see bond in middle of project vs end of project... some propose annual cash payments... it's a very good question...

Tim McNearney: what percentage of these projects have failed?

Mr. Johnson: only one or two have been started... this is a little different subsidized program looking to reduce power requirements compared to other projects in other areas of country.

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National company's line up financing partnerships with companies like Berkshire Hathaway... when Mr. Gavin gets a permit you are not likely to see him again...

Brian Evenson: asked in proposed ordinance are there any limits overall for the township? Or do we rely on Xcel limits?

Mr. Johnson: said language is not nailed down geographically. But right now it is "self-limiting" ... in Chisago County there are a lot of unhappy people there... setbacks are locally determined. There are three primary standards in Greenvale, which are not dictated by state...

We have had 5 letters sent to town board. Langer has permission from respondents to share their letters. Doug Grove read his letter... To Supervisors...

6:45 Chair Langer opened discussion up to comments:

Langer had a couple questions for other supervisors. As we know we do not have a Planning Commission. Have we given any thought to how we would study applications? Within our committee who would be the person? Fredrickson asked if it would be something MNSPECT would look at. Roehl asked Dean if he knew? Dean said city planner and city engineers would be the front-line people for these... in any case the majority have Planning Commissions... Fredrickson asked if it would be the building inspector? Johnson said Building Inspector does building code not engineering... in all cases we make them subject to a final site plan inspection. Summer time lawn care, no weeds, intense summer construction with lots of deliveries... suv's and pickup trucks.

Langer: So, my question is between now and next Tuesday... we would need to hire a team of people that we don't currently have... storm water... it's not like a house or a shed... Fredrickson said that should be part of a fee structure... second question is "How?" Most other communities have a Planning Commission to do that....

Fredrickson asked Mr. Johnson if he does plan reviews? Dean said typically it would be done between an engineer and the building official. In Northfield engineers did not talk to neighbors.

Chad Bolton: asked who's paying for this? Fredrickson said part of fee structure. They haven't committed to building it yet... is there a portion that can be used for this (of \$5000?). Langer trusts panels will work... the rest of it regarding design, etc... who will be the person... Fredrickson said those costs should not be on the township... Langer said that would be for the cost part... but how do we know this would be what we want? We would have to hire our people to determine what's good for the township, and we'd have to partner up with engineers... Fredrickson said alternative is we could deny the permit and they could re-apply in 6 months. Blumhoefer asked is question about covering fees?

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Bob Winter: Greg you are kind of jumping the gun... you are kind of talking about future not present...

Wayne Peterson: how would this affect the tax base?

Mr. Johnson: I can't get the County Assessor to go on record... they say to re-classify property from agricultural to commercial tax... no structural value associated with that... generally about a 3x taxes for local and then state production tax 80/20 which range is looking at about \$1800. Community benefit is not same here as with an industry with lots of employees...

Mr. Johnson: Back to fees... not only out of pocket but also including legal enforcement... they are going to pay all their bills... Empire township project had a gate issue. Blocked road during maintenance? Utility had to pay...

Doug Grove: haven't heard anything about towers that hold above ground wires?

Mr. Johnson: capx we are seeing 30 to 60 ft poles... "point of interconnection" sometimes 80 ft... there would be a handful of poles. Doug asked where would they go? Martin said basically extension of existing... Fredrickson said same as what we see now... Johnson: there are people that can't accept view...

David Legvold: it seems we are taking agricultural land and designating it for commercial use. Does that now open the door to other commercial development?

Mr. Johnson: Spot zoning is illegal by state law. No connection with other industrial/commercial zoning. When we did Wind zoning, State said they took over 5mw plus permitting. By itself this should not cause problem...

Irv Ulrich: spoke against any change to our zoning away from agricultural land... lots of areas like roof tops would be better which would not take out food production.

Legvold: St Olaf used to be prime farm land... land was taken from Sorems and taken out of agriculture. The 1<sup>st</sup> location that looks great is good level farm land... I speak against changing as this would lead to the loss of our identity as an agricultural community...

Tim McNearney: what are setbacks? 300 feet? Fredrickson said if we changed ordinance we could specify another setback. Tim: before changing ordinance or after vote to change ordinance?

Mr. Johnson: those questions and concerns should be ironed out at time of adoption...

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Kathleen Edwards: at least 1000 ft from a home... I see tech really booming... this could really take off and go to many properties... so could properties be excluded? Langer referred to Johnson. Mr. Johnson: if you allow it, it is district wide... sometimes you can pick a boundary..., I've not seen a solar district... there can be an overlay district like in Empire township... it's possible to use a devise like specifying a restricted corridor (3 phase)... Fredrickson has seen that elsewhere... if they built 3 phase on other site that would not be part of overlay district...

Martin Gavin: there's nothing about changing agricultural zoning...

James Reisinger: I came late, what happens if this all falls on its face... Fredrickson: we did talk about that already.

Ken Malacha: I would support the change. It diversifies tax base... we are not going to be like 50's 60's... how many are working farms... ag is changing, we gave up land to FNAP, Northfield wants a new High School and a new Grade School, we have to plan... do we need a common corridor... we have to change with the world or the world will change us... then we can put restrictions on project...

Legvold: costs coverages very well taken... but there are lots of unknowns... I see a planning group being an important step... there needs to be something to make sure all moving pieces are in place.

Eric Christianson: township does not have the staffing like a city. This is the layer of professionals...

Wayne Peterson: would you three be comfortable determining all setbacks? would you be ready to say yes or no on this Tuesday? Fredrickson mentioned some of issues... if we choose, also why 5 acres on retail, etc... Wayne: so there are a lot of questions...

Roehl says there is a lot to do. 1000 ft sounds better to me...

Langer said "I'm not ready... I have many concerns" if we adopt this as an ordinance, it's an ordinance.

Wayne expressed timing is important to Lila and Bob.

Bobbi Bolton: if you don't have skills.. you could go to other resources... you would have to invest a lot of extra time.

JB: I live in Waterford Township. 1<sup>st</sup> good to see all people here. Dad was on Waterford Board. Initial project was Holden farms... great location... portion of energy to selves, ok... everyone was lured into it and ordinance was adopted... it seemed great. Now there is another one that we

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don't want... neighbors are very against it... whole thing of precedent should be considered... retail is residential power... supplying own farms is great, but commercial is not being used by local it is going to apartments in St Paul... potentially you could be sending to Chicago... a lot of us have regretted our decision... Fredrickson thanked JB.

Doug Grove: Wayne's vs Bob's questions? Is it a burden next week? Am I wrong? What are we deciding here? Langer believes what we adopt would be it. Wayne said it would include set-backs, drainage... Fredrickson said in future we'd have to redo with the same procedures...

Fredrickson explained with OML can't call Langer for example and agree on setbacks...

Langer expressed one option is to deny. If we amend, we'd have to state what it includes...

Martin Gavin: what I see in industrial ordinances allows solar in certain districts... individual conditions can be negotiated with permit vs ordinance... Langer: I've attended public hearings in neighboring communities. It's common to hear "you can't turn me away," I'm doing everything that you said...

Mr. Johnson: disagrees on negotiability of terms. The only thing that is missing is setback standards. The real debate is you can't negotiate... township can't negotiate after the fact... if in ordinance, it is in ordinance. As JB said ... by second project people were not enamored...

Fredrickson: that's exactly what I see too... you have to see it as township wide ...

Brian Evenson: HealthCare? Anything in current standards... if we opt out of it? Dean said you'd need to establish standards. Most communities don't want to get blindsided. Lots of communities create a laundry list; we can create own rules... we don't currently have any.

Mary Langer: as transplant here I have grown to love and appreciate what we have. There are other alternative projects like University of St. Thomas' solar roof on top of their new student center... filling Xcel's quota is not a good reason to change our zoning... not in my back yard...

Irv Ulrich: speaking on Senior Health Care opt-out... would be good so we are not under state regulations. One other comment: do we actually need industrial revenue? It should only come with jobs... not just taking farms out of agricultural production.

Langer: next Tuesday at regular meeting... we'll try to get agenda posted. Amend or preserve. Please contact supervisors write letters... we need to know what you think. Lila?

JB: what happened to Waterford... Xcel is doing this... concentrated on Xcel area, but who knows if Dakota Electric will do these in the future?

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7:45 meeting adjourned.

Respectfully submitted,

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Linus Langer | Clerk

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Attest