

Greenvale Public Hearing Minutes  
Commercial Solar Zoning Request  
November 1 2016

Pledge was recited at 7PM to open the Hearing.

Board Members Present: Chair Gregory Langer, Supervisor David Roehl, Supervisor Duane Fredrickson and Clerk Linus Langer were in attendance.

Guests Present: Applicant Robert Winter and Lila Winter, Martin Gavin of SunEdison, Township Attorney Ryan Blumhoefer, Mark Meili and Scott Lyons from Dakota County Assessing Services, Charles Muckey, Marv & Helen Tuma, Maynard Bolton, Tony Rowan, Jerry Bolton, George T. Fischer, Jeff Bohlen, Candy Gillard, Dick Moore, Chuck Tennessen, Roger Janak, Doug & Mary Jo Grove, Carolyn Fott, Michael Viola, Victor Volkert, Joe Kalina, Mary Langer, Mat Langer, Matt Rohn, George A. Fischer, Don & Kerry Malecha, Chad Bolton, Wendy Bolton, Eric Christianson

Some rules were offered: Silence devices, 1 person speak at a time, 2 minutes, raise hand, don't repeat... Fredrickson moved to accept rules and Roehl made the second. Motion passed.

Langer read the public notice as published and posted. Highlighted we have 3 zoning districts. Tonight's gathering is to hear comments and get a feel to how we would like to consider the request for a change to our Zoning Ordinance.

Langer read from zoning map on how to change zoning by planning commission... requiring a formal public hearing on a proposed amendment. All amendments will be submitted to Met Council as required by state law. We can do this, we don't have to, but it would take some time.

Fredrickson asked for guests to introduce themselves: Bob Winter (Applicant), Lila Winter, Martin Gavin (Sun Edison), Ryan Blumhoefer (Greenvale Attorney), Mark Meili and Scott Lyon (Dakota Co. Assessing Services) each guest gave an introduction.

Board opened floor to comments and questions. Fredrickson suggested it would help to ask Martin and Bob to make a brief overview. Martin had a hand out available. Would propose a 5mw commercial solar project on Winter farm... DC power that gets converted to AC power and ties/interconnects with Xcel Energy company. Drawings are available... 6 ft. chain link fence so project would have limited visibility to neighbors.

Doug Grove: does this mean for any commercial use or just solar commercial use? Fredrickson: power is meant to be sold to power company, not for the home owner. Langer: new zoning would be available township wide.

Marvin Tuma: what would happen to the taxes? Mark Emili (County) guessed roughly three to four times higher.

Matt Rohn: Waterford has commercial/ag zoning and did a Conditional Use Permit (CUP)... at the moment though community solar cannot apply for more than 1 MW.

Chad Bolton: curious on setbacks... if my neighbor wanted to put one in where would the borders be? Fredrickson: we would look at those questions and would like to know opinions and concerns, especially if one was proposed next to your property

Roger Janak: my concern is what would happen to my property value if a neighbor had one of these? How about the one on Hwy 3 by Farmington? If we do this for the township it's for everybody, we really want to look at that.

Martin Gavin: we are connecting to Northfield substation and they are near capacity. Langer: added most of Greenvale is served by Dakota Electric. Gavin: In terms of restoring property there is a restore agreement in contract.

Irwin Ulrich: I have reservation on taking farm land out of use and am pretty concerned about run-off. Sometimes there is too much run-off. also other places like airport would be good use...

Jeff Bohlen: do we have samples of a template to draft up? Can we take a look at other areas requirements in their zoning?

Langer: yes, we have legal and planners available that have samples to work with. many communities have them posted on their websites. would be wise to look. Fredrickson: agreed and has looked at some of them. MAT has strongly advised not using other township's work.

Bob Winter: did Waterford change their zoning?

Langer: Waterford allows commercial (buses, tractors). added if we do add commercial we could do something like this as an IUP that has a start time and an end time. CUP's are permanent. Siota Township doesn't allow or permit commercial, just agricultural and residential.

Jeff Bohlen: would this be doable as IUP with time limit? Langer: spoke about scenarios where conditions could be helpful. enforcement is open question if things go wrong.

Can we study other zoning? Yes of course. St Olaf plan did not address heavy rain water run off to neighbor's property.

Could we write in acres? Or just setbacks? Fredrickson explained we could do that with the wording. Winter mentioned how we did the wind zoning. two public hearings were held.

Mrs. Grove: how do we address that our property values would be affected? how is it assessed? Mark/Scott: we don't have market values yet to establish that...

Carolyn Fott: wouldn't the cap show tax effect? Grove: already we can see to St Olaf site and we are looking at a mess. Mark/Scott: as assessors we have to act on actual market evidence, not speculations. Fott: if you put it back to original, can you require guarantees to restore... Martin Gavin: spoke about reconditioning "surety". Langer: SunEdison is in bankruptcy. would bond still exist? Blumhoefer: probably, adding what would likely happen... trustee would step in and purchase project from bankrupt estate...

Rohn: Waterford was careful on the water issues.

Fredrickson: asked clarification on performance bond? Blumhoefer: thought payable to property holder, but second bond payable to township.

Bolton: thinking many people don't realize this could affect everybody... we would get chaos, so if you put out a vote the majority would say no...

Jerry Bolton: the one at St Olaf is tunneling all the water to one point... it goes into Sorems and makes a mess. it is not being managed well...

Doug Grove: if they are in bankruptcy why are we even hearing this?

Fredrickson: there are lots of types of bankruptcy. Martin: Sept 23 court okayed sale to SoCore Energy a subsidiary of Edison International. now in process of closing on two systems in Stearns County, and one in another county. Grove asked again on ownership of company...

Janak: did we have bankruptcy with the wind project? Fredrickson: the Medin project had some issues. Janak: I'm from Colorado... we used to have 300 days per year sun... why this size solar farm here, as payback would take many years... do we have to build these so huge to make them worth it?

Gavin: these projects pencil out in Minnesota. it's light that matters not heat and photovoltaic modules work better in cold... investors have done due diligence over and over.

Victor Volkert: do they need to do environmental impact statement? Blumhoefer: not sure if required. Volkert: asked if county SWCD would be involved? Gavin: has been some site study.

Grove: where would Winter's proposal be located? Winter: north of buildings, north side of hayfield.

Fredrickson: how far to St Olaf site viewed from Langer farm? setbacks could be by "view" vs by footage. sometimes the feet can be irrelevant.

Bohlen: overhead power or underground power? how can I put extension cord to that?

Langer: who would do the inspections? Fredrickson: maybe we'd want two inspections? Gavin: Xcel does their own inspections. SunEdison has their own QA. It would depend on how we'd set it up in IUP.

Fredrickson: it would be could to go over how we would take next steps. Langer checked with Blucher on 60 day period. Blumhoefer: we could extend with written notice to applicant. Oct 4<sup>th</sup> payment was received and that starts the clock.

Marv Tuma: it could be good to do this as a pilot project. ended up giving my farm away. Erwin Ulrich: no picking winners and losers. Langer: would we want show of hands on this?

Fredrickson: time question on 60 day rule... would like to have something hard and fast (document?). Show of hands would not help unless there was a sample.

Lila Winter: are we asking people to vote here?

Candice Gillard: asked about wind ordinance existing.

Gavin asked Blumhoefer about section in ordinance using wind and they'd like to go that way.

Doug Grove: section in zoning refers to public utilities, not private.

Langer checked with Roehl and Fredrickson on show of hands from attendees such as "do we want to see a change?" Fredrickson: not sure this is the forum right now to get show of hands. Roehl agreed. Grove: make sure extension happens...

Fredrickson: we should have a plan to show people and then ask them if they are in favor.

Chad Bolton: how many spots would it work with these setbacks really... there might only be a few spots...

Lila Winter: I'm not going to raise my hand unless I see an outline... I agree with Mr. Fredrickson you have to have something to think about.

Fredrickson: I think we should have something concrete or an outline. Langer: how would we gauge the thoughts without a survey? Fredrickson: one way would be to contact supervisors. I don't want people blindsided.

Roger Janak: do we know how you guys feel? Roehl: at this point we don't have anything to say. i don't have a view right now. I want to hear what the people think. (or by personal interaction)

Fott: our township has always said we were established as an agricultural community. you should also talk to county about other installs like dakota electric. i'm hearing hear it is cracking the door, do we want to go commercial or stay agricultural?

Langer: not getting support from the rest of board on show of hands. who will vote on question will be three of us – we need to hear from you. invites residents to do that.

Gavin: respect your opinions... this can be permitted in ag areas.

Maynard Bolton: is there a way to ask supervisors position on matter?

Volker: will this come up at next meeting? next meeting is November 15<sup>th</sup>.

Tuma: do we know what it would take to build a prototype ordinance?

Langer: special meetings are one way. Fredrickson: that's not a bad idea. if I collected 30 ordinances and passed it around would that be doable? Blumhoefer: yes, though not to discuss because of open meeting laws.

Fredrickson: residents think they can't ask unless they come to a meeting. i would hope people would do that.

MG: wright co had a session and ordinance was just passed and approved by planning commission.

Lots of input from different parties. Moratorium was lifted in WC.

Volkert: do you have an active project? Gavin: Stearns county, Wakefield twp. running? yes, project in Shakopee. Fredrickson: saw that 8 months ago.

Langer ended with if you feel strongly one way or another please be in touch as we will discuss this at our regular November meeting.

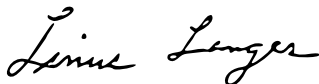
Fredrickson observed people are quiet... why are you so damn mad now why didn't you say something before... I wish people would speak up.

Martin Gavin: would be willing to stay after...

Ryan Blumhoefer: at November meeting Board should decide to extend.

8:45 Langer moved to adjourn Roehl made second and motion passed.

Respectfully submitted,



Linus Langer | Clerk