

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

**Eureka Planning Commission Public Hearing of October 19, 2015:
Conditional Use Permit for Ground Mounted Residential Solar Energy
Merlin Leine and Karla Schrader -24698 Cedar Avenue**

Call to Order

Planning Commission Chair Sauber called the Public Hearing to order at 7:00 PM. Planning Commission members present: Chair Nancy Sauber, Vice Chair Lu Barfknecht, Commissioner Fritz Frana and Commissioner Donovan Palmquist. Attorney Representative Kevin Beck was also present. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Chair Sauber stated the Public Hearing is for a Conditional Use Permit for residential ground-mounted solar energy, which is allowed in Eureka Township, with the possibility of conditions being applied. One of the possible conditions of a CUP is an annual review and another would be visible improvement to the property within six months.

Merlin Leine and Karla Schrader, 24698 Cedar Avenue. Brian Allen representing All Energy Solar, 857 Manomin Avenue, St. Paul, MN

Ms. Schrader stated the main reason for putting in solar energy is to control their monthly expenditures and solar will pay for itself and enhance their property values. Mr. Allen wanted it stated for the record that he has owned his business for the last five years and the procedures that were required for the CUP, in his opinion, have been too cumbersome. Mr. Allen stated he understands a moratorium was placed on commercial solar energy. Chair Sauber stated that this is not a building permit issue, it is a zoning issue. Mr. Allen stated he has never experienced this much difficulty in all of Minnesota and would suggest that Eureka Township review the ordinance and make changes to it. Mr. Allen also commented that this whole process has been very time-consuming and is the most expensive process he has had in Minnesota to date. He also stated he does not believe the moratorium was put in place properly and based on large solar arrays. Chair Sauber stated the interim ordinance was amended so that eight or fewer kilowatts would be considered residential and would be exempt from the moratorium. That change was made so that the application could go ahead. It does require a CUP under the Ordinance. Mr. Allen stated he would be interested in being a resource for Eureka Township for giving advice regarding residential and commercial solar energy. Chair Sauber stated that on November 10, 2015, the Planning Commission will be working on the comprehensive plan

and have hired Sherri Buss from TKDA to work on the solar ordinance for the Township as well. Chair Sauber indicated that Mr. Allen would be welcome to attend that open meeting as a member of the public.

Gary Smith – 4628 235th Street West. Mr. Smith stated he would like more information regarding solar energy. He stated he would like to see a schematic of what the solar panels look like on the ground. Chair Sauber stated there is a public packet available that shows the plans. Mr. Smith stated he is wondering why this has taken so long and why the moratorium was placed. Chair Sauber explained that less than 8 kilowatts would be considered residential and exempt from the moratorium, but does require a CUP. Mr. Smith also wanted to know if this would be tied in to Dakota Electric.

Chair Sauber had a few questions for Derek Meyers, also representing All Energy Solar. Chair Sauber asked about placement of the solar panels. Mr. Meyers stated that the panels are stationary and do not move with the angle of the sun. There is very little glare as the panels have an anti-reflective coating. There are trees and shrubbery, but no additional screening is proposed.

Commissioner Palmquist stated he does not have any issues with the requested CUP.

Discussion was held regarding the height of the panels, trees on the property and possible screening of the solar panels. Commissioner Frana questioned if there is going to be any traffic safety issues. Mr. Meyers stated that the panels have an anti-reflective coating and matte-finished aluminum frames that will not cause any glare.

Gary Smith stated that there are large solar panels on Highway 50 and Denmark in Farmington that are run by Dakota Electric. When you drive by there are no problems with glare, and there is no screening at all at that location.

Chair Sauber asked three times if anyone would like to speak before the public testimony part of the hearing was closed. There were no further comments.

Commissioner Palmquist stated that his only concern was what the neighbors could see. He stated that he had driven by the property and it appears to be isolated. Commissioner Frana agreed with Commissioner Palmquist. Vice Chair Barfknecht stated she was concerned with the glare, but felt that the question was answered. She also stated she did not feel it would be an eyesore.

Chair Sauber read from Ordinance 3 Chapter 4, Section 14a – Criteria for Granting a Conditional Use Permit. In each instance the criterion is met by the application. Chair Sauber also noted that a statement was received from Brian Watson saying there are no wetlands. Chair Sauber indicated that the attorney will draw up the findings of fact.

Currently the trees and shrubbery in place function as screening. However the trees and shrubbery would need to be maintained. If any of the trees were to become diseased or died, they would need to be replaced. Annual review is not applicable.

Commissioner Frana stated that the CUP stays with the land – if the solar panel system is not used within a year, it needs to be removed, but could be reinstated because the CUP would still be there.

Attorney representative Kevin Beck stated the system would need to comply with all applicable state statutes.

Commissioner Frana made a motion that the Planning Commission recommend to the Board to approve this Conditional Use Permit based on the findings of fact and the following conditions:

1. Any screening in place today must remain in place and be maintained. If it becomes diseased or dies, it will have to be replaced.
2. The structure will have to meet all State, Federal and County requirements.
3. If the structure is not used for a period of one year, it would need to be removed as a public nuisance. The CUP stays with the land and the structures could be reinstated.

Vice Chair Barfknecht seconded the motion. Motion carried unanimously.

Chair Sauber moved to adjourn the meeting. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk
Eureka Township

Planning Commission Public Hearing Meeting Minutes approved November 2, 2015.