



COTTAGE GROVE PLANNING COMMISSION

12800 Ravine Parkway South
Cottage Grove, MN 55016

May 20, 2024

COUNCIL CHAMBER - 7:00 P.M.

The Regular Meeting of the Planning Commission was held in the Council Chamber and telecast on Local Government Cable Channel 16.

1. CALL TO ORDER

Brittain called the Planning Commission meeting to order at 7:00 p.m.

2. ROLL CALL

Pradeep Bhat-Here; Ken Brittain-Here; Jessica Fisher-Here; Evan Frazier-Absent; Eric Knable-Here; Derek Rasmussen-Here; Emily Stephens-Absent

Members Absent: Evan Frazier, Emily Stephens

Staff Present: Emily Schmitz, Community Development Director; Conner Jakes, Associate Planner; Crystal Raleigh, Assistant City Engineer; Tony Khambata, City Council Liaison.

3. APPROVAL OF AGENDA

Knable made a motion to approve the agenda. Rasmussen seconded. The motion was approved unanimously (5-to-0 vote).

4. OPEN FORUM

Brittain opened the open forum and asked if anyone wished to address the Planning Commission on any non-agenda item. No one spoke. Brittain closed the open forum.

5. CHAIR'S EXPLANATION OF THE PUBLIC HEARING PROCESS

Brittain explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and that the City Council makes all final decisions. In addition, he explained the process of conducting a public hearing and requested that any person wishing to speak should go to the microphone and state their full name and address for the public record.

6. PUBLIC HEARINGS AND APPLICATIONS

6.1 SOLAR GARDEN (ENTERPRISE ENERGY) - CASE IUP2024-007

Enterprise Energy, LLC for EESolar28, LLC, on behalf of property owners Ryan and Karen Finnegan, has applied for an interim conditional use permit to allow a 5 MW Community

Solar Garden to be located on property west of Lehigh Road and south of 100th Street (PIN 25.027.21.22.0001).

Jakes summarized the staff report, Raleigh summarized stormwater management on the site, and both recommended approval subject to the conditions stipulated in the staff report.

Brittain asked if the commissioners had any questions; none were asked.

Brittain asked the applicant if he wished to speak. Evan Carlson stated he owns Enterprise Energy, 2925 Dean Parkway, Minneapolis, Minnesota, and started the company about two years ago. We've got about six people working for us now. We're all local people, we're all from here, and we're not going anywhere when the project is done. We're all solar industry veterans; I've been in the business for about eight years. We also do deals out of state, but this is our home state. I'm a Minnesota attorney. I came up in the solar industry in this state. I've done hundreds of community solar gardens in Minnesota for my former employer; two years ago, I left and I started this company and I started working on my own projects using my own money. This is one of the best deals that I've got. Not long after starting my own company, Minnesota law changed and increased the system size of Community Solar Gardens from 1 MW to 5 MW, which is what made this deal possible. I've been wanting to do a deal here for almost ten years; I've been in contact with this landowner for a very long time about wanting to do a deal here, but it never made sense because of the setbacks, the 300-foot setback to put a 1 MW deal in the middle of a field. But when you start talking big numbers, 5 MW, you get better economies of scale; not only does it make sense to use a full 40 for that use, but you can afford longer lines to interconnect. It takes a longer line to get to that road, meaning you can hide it better, you can get it out into a more rural area. So, that's why we like the site. It also just had good characteristics for lack of visibility, there's a nice hill on one side of it, really big setbacks in any direction. Continued agricultural use to the east is common ownership. To the north, we were able to get about a 800-foot setback; it's 300 feet under normal circumstances, but there's another 400 or so feet on top of that. The last is agricultural, there are neighbors in the area, and we're aware of that; that's why we proposed screening on the south end. I suppose it's been a while since you've had one of these; should I just describe Community Solar generally, would that be helpful? Just kind of the economics of it.

He explained that you see three types of solar being installed: 1) Rooftop deals, which are pretty self explanatory. 2) Utility scale deals, and they are big projects that are in much more rural areas that sell power directly to Xcel; they interconnect into the transmission level of the electric grid, so the high lines. They get out far away, they go really big, they go into the high lines, and they sell power at the rate that the utility buys power. 3) Community Solar really has a direct benefit to actual people; it is a program for people who don't have a good spot for solar panels, and we aggregate those people and we put them all on a single site. So, when we put power into the grid, we generate a bill credit, which is a right to remove that amount of power from the grid somewhere else in the grid. We sell that bill credit to the subscriber, who then offsets their power bill using that bill credit, but the economics of doing that are better because we're selling bill credits at or near the price that a consumer would pay for electricity. So, it's a little more profitable than the big one, but they can be smaller. This is a highly-regulated program, it's not just like selling power, you have to be within the Community Solar program, which has certain rules by how it operates. One of those is that you need to be in Xcel Energy's territory, you need to be on a line that has the capability of handling the electric load. Under this new 5 MW program, after you receive your interconnection agreement, you apply to the Department of Commerce for approval, and it's on a first come, first served basis. The reason that's really important is some communities have a lot of 1 MG projects that are cur-

rently in study with Xcel. Xcel studies them sequentially, one at a time. But here it never made sense to do a 1 MG deal and it hasn't made sense for a very long time to do a 1 MG deal. So, there's nothing in queue on this line except for our deal. So, we are in study with the utility, we're likely to come out of study very soon, and it makes it far more likely to actually get built. So, it's a really awesome deal from that standpoint. It's one of our best deals; I hope this gets approved, and I'll be very proud of it.

Carlson said it's not an accident why it's a good-looking parcel for solar arrays because the City did it; there was a Comprehensive Ordinance Amendment, it had to be in this very narrow area, Resolution 985 identifies those areas that don't have utilities and infrastructure. It's got to be a big parcel that can meet that 300-foot setback, and it can't be in AG Preserve; most of those are enrolled in AG Preserve. So, finding that is a real needle in a haystack, and this one came out of AG Preserve more recently so it opened up the ability to do it.

Staff talked about the Vegetative Management Program (VMP) and Decommissioning Plan. For the VMP, they contracted with Natural Resource Services to prepare a VMP; that's a new thing under the new ordinance. It's got a lot of traction in the solar industry and it's common. What is a little bit unique about our VMP and our proposal is that we actually cite Minnesota Statute that says what you need to do to hold yourself out to be a pollinator-friendly seed mix. You can put together a plan, a plan is just a plan, but here, we're actually saying there are guidelines to follow to say what are you actually planting and does it meet the State standard. There are actually guidelines for how do you maintain it, and how do you know that it's actually working and not turning it into weeds; we have stipulated all of that right off the bat. So, you can inspect it, it takes a while to get it established and do it really well. The contractor we have is really good at this, they're very experienced, and we've just come right out and said we intend to satisfy the statute; so, there's something there that actually has some teeth.

For the Decommissioning Plan, the whole thing is planned for removal, which is a nice planning tool for cities because it's a temporary use. So, there are concrete equipment pads at the points of interconnection. That's about it for concrete, though, it's driven I-beams, so that all can be yanked out of the ground.

He explained that they use a tracker system, you've seen that before on one of your deals, but that's newer as they used to be fixed more often. We've seen the tracker actually performs really well here; there was a little concern early on that maybe they wouldn't be up to the winter, but they've shown to be pretty durable so that's why we're doing that.

Regarding Utility Poles, we talked about a couple different options at the Neighborhood Meeting. The poles are where we interconnect with Xcel's equipment; that's where it stops being our stuff and starts being their stuff. There are two ways we can do this: There's a set of poles here, four poles per MW, and some of those are Xcel's poles and some of those are our poles. That's where it connects and we're handing off our power to them. If we take all our stuff and we move it all to the road, then we control what happens between us and the road, and we can bury that line. We know we can do that, and we're okay with that. If we have Xcel's poles come to us, we're getting the poles away from the road, but now there may be poles along the road coming to us because those are no longer our poles, they're Xcel's poles. We can ask them to bury it, they probably will, but we can't order them to do it. So, that's why that condition came out the way it did, they have to be buried unless Xcel tells me I've got to give you something in writing that says they won't do it, which is fine; we're perfectly okay with that. So, I own the company, and if there is anything I can

do to improve the project, if there's more feedback you have, I can make promises on the fly and I don't have to ask permission. So, I'm happy to improve in any way that we can. Thank you.

Brittain asked if there were any questions for the applicant.

Rasmussen asked can you tell me a little bit more about the tracker panels? How do they work, are they electric motor driven? Carlson replied yes, there's a motor on each, they call it a string; on each row, there's one motor at the end. So, the fixed panels are organized into rows to go from east to west, and they face the south, and they don't move because the sun is generally a southern exposure. The trackers, on the other hand, are in rows that go from north to south, and they pivot on a single access, following the sun from east to west. So, we need a flat surface to do that because you need a straight tracker. The trackers come in certain fixed lengths, so there are some orientations that you can't work; it's hard to work on kind of irregular fields with a tracker because you can't do short ones because they each need a motor, and that gets to be expensive. This is a pretty flat site, so, it actually works really well. They're a little smaller, a little lower profile generally. Normally, the fixed ones are two panels, end on end, and these are more like one, it kind of depends on how it gets done, but they're usually smaller. Because they flatten out throughout the day, they're a little lower profile, they aren't as visible. They do need maintenance, things happen; sometimes they need a motor replaced or something like that, but it can be done. Rasmussen said they're pretty reliable in general, though? We're not going to have solar panels facing every which direction after a few years. Carlson stated right, and they do have warranties, they have factory warranties. We have a strong interest in keeping that equipment working because those poles, that's us measuring our power and Xcel measuring our power, and we're always making sure it matches up. So, if one of those isn't working right and we can get more power of it, there's a strong incentive to fix it and get it working again, and there's a warranty in place.

Bhat stated you mentioned screening on the south side of the installation; why only on that side? Carlson replied we thought it had the most potential for visibility from the road to the south, you could see it in that way. To the east, there is no way of seeing it over that hill. The homes, there's a neighborhood in the southeast direction; frankly, all of the homes have very good setbacks, they're all very well set back from it in all directions. To be honest with you, in most circumstances with those setbacks, it wouldn't get proposed at all, even with that hill there. But there is a neighborhood to the southeast, and we wanted to do something for them, so that's why we did it. Bhat stated my follow-up question to that is since you have sun mostly on the south side, would that screening affect your sunlight on the panels? Carlson replied no, we design that into; so, the setback is big enough so that they will not cast a shadow on the project. Bhat stated you mentioned in the fire prevention section that you will be monitoring the power emission continuously. Is that remote or on site? Carlson replied yes, a satellite monitoring system 24 hours a day. Bhat stated one other thing I wanted to know is you mentioned community solar going from 1 MW to 5 MW and then the fact that this is 5 MW installation, that's economically more reliable. So, how does that scale? Does that mean that 1 MW installations are smaller in size, or? Carlson replied yes, it does, because it's five times bigger. In fact, this one is five 1 MG projects that are located adjacent to one another, in one area. So, back in 2016 and before, there was a 5 MW cap on co-located 1 MW community solar gardens. So, you saw projects that looked like this, you saw five 1 MW projects right next to each other, one fence around them, one kind of general area where they all interconnect, and this will look like those; however, we submitted this a while ago as 1 MW deals because that's the only way we could, that was the only way we were allowed to do it. But now you're going to start seeing 5 MW deals, which are actually one larger 5 MW deal without 1 MW deals. Practically speaking, it's just semantics; the electricity's the same, the footprint's the same, the equipment's

the same. But the economics of it are way better; mobilizing is better, you get better pricing on equipment, it's like you only have to build it once. When you build these things, it kind of happens in stages, so you get your field work, your environmental work, we've done all that. You get your permitting, and then when we break ground on it, first thing they go out and they do the pole driving, and there is like one contractor that does that. Then, there are deliveries, they do the racking system, that takes a while once the poles are like halfway through, they start putting on the racks; then, once that's about halfway through, they put on the panels, and then they wire it all up. But the point is those are separate crews, and the contractor mobilizing somebody out to do those deliveries and do it once, the economies of scale on it are pretty huge, they're pretty significant to do a 5 MW as opposed to a 1 MW. So, it's quite a bit more profitable. And this is a nice site; it's got a flat area so we're able to get a tractor, there's no shading on it, it's just a real beauty.

Knable said I was just curious about how your two or your five electrical panels are connected. Do they all run to one system, and then that goes into the line to get out? Or how are they all connected? Carlson replied well, under this current site plan, Xcel brings their line out to us, whether it be above ground or buried; and then they each have a separate point of interconnection on that line, which Xcel brought to us. Knable said so, there's five different lines coming out of? Carlson stated but only in a very short area, it's just like they all come out of the same part of the fence, and then they all interconnect into Xcel's line right there.

Fisher stated I appreciate all of the information that you're giving. I think solar is just kind of fascinating to me, but so I want to know about the chain-link fencing and kind of the security of the site itself. Do you have people at other, I mean, have people bugged these big solar gardens? Do people mess with the property? I mean, how do you keep track of trespassers and unsavory people? Carlson replied I've heard of things in other states, like I've heard of things outside of St. Louis and Illinois, sometimes they have things like that, but I've never heard of there being an issue with it in Minnesota. And this one is so well hidden that you'd have to be looking for it to be getting there. I have heard of deer; I mean, you wouldn't think a deer could jump a six-foot fence, but it can happen. So, sometimes you've got to go in there and let deer out, I've heard of that happening. The fence is selected by electrical code, that's why it's a chain-link fence; so, it is, in essence, the fence that we propose. Sometimes you see barbed wire on the top of it, but we didn't do that, as it's not necessary. Fisher stated I was just more curious. Carlson replied it hasn't come up. Sometimes they'll bring sheep in there to graze; there's a lot of talk about what else could be done in there, the area of farming in there, they call that agri-able tax; and there's a lot of exciting stuff being done about what kind of crops you can get out of there and how to really make it profitable. And there's kind of this debate; like, okay, is this a vanity project that is still keeping it in AG production, or is it actually productive? Or, you know, does it even matter? But what if we just get hay off of it, and the farmer's using the hay? You know, they've got to get it from somewhere, so it's a really interesting area of the industry, but also because it's at odds with the free pollinator mix, which is a really good thing for the environment, you know? The pollinators need a place to go, that's what CRP mix is, and the government pays for that, and here we're giving it away for free. So, I'm not sure why, that's some interesting context for you there.

Bhat stated so this is just out of curiosity, so, do you know if you're going to have the required number of subscribers for this community solar? Carlson replied well, we don't have the subscribers for this one already selected. There are companies that only do subscriber acquisition for this type of project. This area is unusually desirable for solar under the older programs because the subscriber needs to be located in the county where the garden is located or in an adjacent county, and, so, you've got so many options for subscribers here. Under the new program, though, that's not a

requirement. However, there are other potential incentives to being located here; you can maybe gain some tax credits by demonstrating that you have low-or-moderate income subscribers. Maybe having some sort of direct community benefit, like actually having local subscribers, there may be tax credit incentives under that, under the Inflation Reduction Act, but that's to be determined. But in this area, we're not going to have any problem. Well, really, under the new program, there shouldn't be any problems with anybody getting new subscribers; demand is through the roof in the Twin Cities, and getting rid of that contiguous county rule really frees up a lot of people to do this.

Brittain opened the public hearing.

Gene Smallidge, 10992 Point Douglas Drive, Cottage Grove, stated I own 205 acres of farmland immediately adjacent, on the south side of this project. I have a few concerns: The last solar project I believe was the John Meyer solar garden, which is on the east side of my property. At that time, in order to hook up to the three-phase power of Xcel, they had to cross a half mile of my property. John Burbank, who was the head Planner for the City at that time, informed me any new lines in Cottage Grove will be buried; there will be no new poles, end of discussion. So, I have a quarter mile of buried lines on my farm, and I think if it was good enough for me then, it's good enough for this project also. And at our Neighborhood Meeting, we discussed that with Evan; he got on the phone, and at the end of his phone conversation, I thought he assured us it was going to be buried. Now, tonight, what I hear him saying it might be buried or it might be on poles. I guess poles on my property line are just another place for weeds to grow because you never get clean mowing adjacent to poles or fences. That property is part of a drainageway that extends from Old Cottage Grove through that property, through my property, through Gertens. It passes under massive culverts under Highway 61, goes through Pine Coulee to the Mississippi River. There's 2,000 acres of drainageway that goes through that property. The current use of farming that operators there for the last 50 years that I've been there have done a clean job, so when the water comes through, I don't get somebody else's weed seed. But my concern has been for the vegetation on these solar farms. All of the ones I've seen in the past, whether they be in Cottage Grove, in Washington County, or in Dakota County, the vegetation is a joke. There appears to be no management of the vegetation, most of the time it's weeds; and when they tell me it's going to be a pollinator-friendly mix, some people at the State of Minnesota consider dandelions pollinator friendly, I don't. I don't want weed seed that might be growing in this solar garden flowing onto my property and contaminating my fields. So, I want some assurance that there's going to be reasonable plantings and they're going to be reasonably maintained on a regular basis. As far as this access road that goes out to Lehigh, my understanding is there needs to be a 10-foot setback, is that correct, Conner? Conner replied it's 25. Mr. Smallidge confirmed that's from the property line. That of course is too narrow to be farmed, so somebody needs to maintain it and mow it periodically, not once a year. Otherwise, that's a weed haven also. I'd like to tell you a little story about that water run that goes through there. The last year here, we didn't have much snow, there was no water at all; but when we have a normal snowfall, the water that comes from Old Cottage Grove, through that property and through mine, represents a small river in the spring for maybe three days to a week. And one time, within the 50 years that I've been on that property, we had a two-inch rain during the summer in probably 15 minutes; that's a flood. The water was so intense it took out all of my fences with crop residue flowing and the water flowed over top of Highway 61. Most of you haven't probably been in the community long enough to have seen that, but that happened on one occasion with the water coming through this property. So, I have a concern on the road setback, which has just been clarified, and a concern for the setback for the buried line that will be adjacent to my property also. And

the biggest concern, of course, will be the plantings and the maintenance of it to eliminate weeds. Thank you.

Mike Mingo, 10940 Manning Avenue South, stated you've heard all of this story here today, and I've heard it before, okay? I happen to live 75 feet from the solar garden that Gene was talking about, okay? So, it's right there. He's talking about weeds, yes, it's an issue. At the time we talked before this project went in, and we talked with you people and the City Council, we were going to have weed control, we were going to have all the pollinator plants and everything in there, and it never happened, okay? So, for you people today, what I'm looking at is the people and the property owner, okay, they've got a vested interest in getting this solar panel put in, okay? And that's great, that's the way our country runs; we have people that invest in stuff and make money at it, all right? My question is that's great for them, what does Cottage Grove get out of this solar field? Okay, we know where that is. Now, besides that, the other question is do we need another solar field? Do we need it? They're talking about the subscribers to the solar field; okay, if they subscribe to it, are they going to wind up cutting off their power lines from Xcel? Are we going to wind up shutting down a power plant someplace because of this? That's not going to happen, okay? Prairie Island is going to be there long after we're gone, okay? You've got a cogen plant out here at Chemolite; that's going to be there. So, the question is do we need another solar field in the City? And like I say, these people have a vested interest in this thing already. Now everybody's saying that solar is going to happen; the thing is that I've been living with this solar field for over five years now. I can tell you that there have been weeks where they're covered with snow, okay? The other thing is that when this solar field was going in next to my property, I wound up talking to some of the people that are in the solar business. These people are all in the southwest United States, okay? They're sitting in a desert. You talk to them and then they look at you and they ask you, where are you going to put this? And you tell them it's in Minnesota, and they just kind of shake their head and go, good luck. So, that's my thing is that alternative energy, we're going to have it, and we've got the wind turbines, they're going to be here. I mean, even though they're out in the ocean killing whales, it doesn't make any difference, they're going to be here. And we're going to have solar fields, all right? No matter what. Charlie Koch, he put in a solar field. I don't know if you people know about his solar field out there, but he's got a huge solar field out there. All I can think of is if Charlie's putting in this solar field out there, he's not doing it because he thinks it's a good idea; he's doing it because he's got a cash interest in it, and that's where we have an issue. If you take all the government money out of these solar fields, what do we have? We don't have people interested in putting solar fields in. That's just solar fields, and like I say, these gentlemen have worked on it and they've got a plan, and it's a good plan. Like I say, I've heard plans before, but it's up to you people. The question before you is do we need another solar field in Cottage Grove? Thank you.

Ryan Finnegan stated I'm the property owner, I live at 24410 Emery Avenue, Hampton, Minnesota. He had mentioned that we have a vested interest; we do. I come from a farm background, I fed cattle this morning. Just so you know, we own all the contiguous acres around there, so we don't have a vested interest to have a bunch of weeds going into our crops that would hit it five feet from the facility. I don't believe weeds are going to be a problem. If they are, I'm going to be the first one to know about it, being that our tenant, the Pineys, they've farmed for generations closer to where we live, the Hastings area. They're very well known, and they would be the first call that I would get. They're also very good weed mitigators as well, they do a nice job farming it. If you farm next to them, I'm sure you can see they do a top-notch job. Living by it, I actually signed on a 100 acres we have south of our property; I signed up to put one by my house. If there's a devil's advocate, hey, not in your back yard, I can show you a contract where I do have one in my back yard. So, I don't think these are the end of the world, I think they're a good mixture, they're the highest and

best use of the land; you know, some areas have different soil qualities. This one is suspect. The last time I was here was actually when you did your Comprehensive Plan; we were talking about could this ever be developable? Not really, because all I heard was water contamination with the soil through 3M. Would that help? I don't know. But I do think pollen mix vs. that vs. what could already be there, we don't know. So, that's why without City sewer and water, I know you guys weren't looking to put wells there, as far as existing. I have wanted to do something from the get go, I took it out of AG Preserve right away; I mean, that takes eight years to get out. So, this isn't like, you know, I just thought of this yesterday. So, it's pretty committed. I just wanted to let you know where we're coming from as well. I appreciate you considering this.

No one else spoke. Brittain closed the public hearing.

Brittain asked if there were questions or comments from the commission.

Fisher stated I appreciated everybody speaking and giving us kind of a full perspective from all sides, so thank you for that. I'm just wondering, it sounds like maybe with the current solar garden there's some noncompliance going on with some of the weed issues and things. What is the City's process for dealing with noncompliant applications? Because, really, if they're going to be moving in for 25 years, and if they start causing issues, there really should be a way that citizens can come to the City, and there should be some checks and balances. So, can you go through how that works here? Jakes stated those were great questions and good points from the residents as well. Just to touch on a newer program we're rolling out is annual review of Interim Conditional Use Permits (ICUPs), and ensuring compliance with those permits. We are starting with community solar gardens; hearing the residents' complaints at the Neighborhood Meeting was the first complaints we've received from the Planning Department, City perspective. So, we're working to address those. Again, I noted in the ordinance when those were approved, there wasn't a VMP that was provided with those. So, it's somewhat difficult to work through that and go back and require that the seed mix is followed, things like that. However, we do have our eight-inch tall Nuisance Weed ordinance that we will be enforcing for this site; generally, if a resident complaint comes in, then we would go out, verify it, and then address it through letters with the property owner. However, with this, there's another layer, and that would be doing annual reviews of our ICUPs to ensure compliance with all the City Code ordinances, but then specifically the approvals for that as well. This is a site that's adjacent to the residents, it's something that's on our radar, and something that we will be addressing very timely here in the summer.

Fisher stated they talked about the buried lines, too, versus the poles. I guess I'm confused. So, the poles were originally supposed to go south, but now they're going on the north side of the property. So, it sounds like some of that concern has been at least considered, and from what he was saying, it's hard to get Xcel to give us a 100 percent answer of what that looks like. It sounds like in the past it was assured; what was the difference then? I mean, maybe you can't speak to that because none of us were here then, but you know, that seems interesting to know what the difference was, now versus then. Jakes stated those are great questions. Just to talk through the poles from the Neighborhood Meeting and just to provide this background to that discussion: Originally, the poles were proposed on the south side of that access road, and then there's a pole farm proposed right here; so, that's where all those interconnections happen with Xcel, the applicant's poles, and then run to Lehigh Road South. At the Neighborhood Meeting, the applicant discussed with his engineer moving some of these poles from the pole farm directly adjacent to Lehigh Road. From a City perspective, our desire is to have that pole farm interior to the site to preserve the view from Lehigh Road, and to really negate any visual impacts of the poles. So, from a City perspective,

if there was going to be poles, that those be interior to the site, which is why the condition requires that those lines be buried, unless there's evidence from Xcel Energy. Just to provide the background on above ground, underground: When the previous solar gardens were installed, all of them were required to be underground. At that time, Xcel Energy's requirements weren't finalized at the time, so then undergrounding was allowed. However, over the years, I believe it was 2016, 2017, those regulations and requirements were finalized by Xcel Energy. A lot of the modern day standard practice is to have above ground for ease of access, Xcel can get directly to their poles, their wires, they can see the AC disconnect, and various other factors of the solar farm. So, that's why more recently we're seeing more above-ground applications throughout the State. That's where that condition comes into play is to require them to be buried underground. However, if Xcel requires them to be above ground, we would entertain that, but try to keep those poles interior to the site, too, to kind of retain that view from Lehigh Road.

Brittain asked did you have any more feedback on the questions from the citizens? Jakes replied yes, I'll just touch on the other ones. There was talk about the road setback and then the maintenance around the pole; so, that was mitigated by moving those poles, if they are required to be in place, to the north side of the access road. The required setback of that access road to the southern property line is 25 feet; the applicant is proposing, I believe it's 27.5 feet at the closest point to that property line. So, room to mow within there and maintain that without going onto the property owner's property to the south. Touching on planting and weeds, so, with our previously-approved solar projects, the ordinance didn't require a VMP, which is in essence the reasons that we see a lot of complaints and concerns with the weeds that are on those properties, in those projects. However, Code now requires this VMP, and we further put a condition that maintenance crews are visiting the site once per month to maintain that. They would be required to maintain the area between the access road and the southern property line to ensure that's mowed and maintained and any weed removal in there, as well as the site. I just wanted to note the current property owner talked about it, but they are still proposing to farm around the solar area, so it again provides that the visual stays the same, but then also it controls the weeds to the solar array area and not washing out onto adjacent properties.

Bhat stated this is for my understanding; when you said poles being above the ground at the point of connection, it's only like a stand-alone structure without any cables hanging out of it, and then it interconnects at that location? Or are there going to be power lines connected to those? Jakes replied to answer your question, there would be lines running on those poles, so I believe the poles are estimated to be about 40 feet in height, 3 wires on the poles, very similar to what we see along 90th Street and various streets within the City. So, in this area, the green box here would have about 15-to-20 poles standing with wires connecting them at those connection points. Those wires and poles would run, if they are required to be above ground, the length of that access road, out to Lehigh Road. On Lehigh Road, there's existing above-ground poles that run along that road to the south, eventually down to Manning Avenue. So, the applicant would have their interconnection from the solar site to Xcel's, right interior to the site, where that green box is. Then that line would run all the way to Lehigh Road, and then eventually down to Manning Avenue. So, new poles would be constructed interior to the site, up to Lehigh Road. Bhat asked so if the connections were already underground, then you don't need a pole there or you still need a pole there just for the interconnect, and then the power lines would go underground? Is that what it is? Jakes replied yes, so if those lines are undergrounded, generally it's a cabinet that sits on the equipment pad, and then Xcel or whoever needs to access that would go with a cabinet, and then there would be no poles at all. So, that would get rid of the poles all the way from Lehigh Road to the applicant's site and then be a cabinet-style box, more or less.

Rasmussen said from a planning perspective, it seems like it checks most of the boxes; it's in the right area, correct setbacks, screening, fencing. I do understand the citizens' concerns about some of the weeds, especially not within the area, but around that access road and some of the other connection points; I see that on some of our other projects. It sounds like the City's going to help maintain and enforce that, and do regular inspections, and there's additional things in place with plantings and whatnot that should help out there. I think I'd generally be in favor of it.

Brittain said I would also agree. Back when we started all of this and they started putting solar farms in, nobody knew what it was going to look like. So, I see growth within the rules that we have, so that we can do things better. We're not going to always get it right, but we can grow from it. So, I agree, and I think we're headed in the right direction, and at least we have some teeth in our ordinances now that can, not that the applicant wouldn't want to do it, not all applicants are the same, but it gives us the ability to maintain and monitor what's going on.

Rasmussen made a motion to approve the interim use permit for the proposed solar garden subject to the conditions stipulated in the staff report. Fisher seconded. Motion passed unanimously (5-to-0 vote).

Brittain stated this will be on the agenda for the June 5, 2024, City Council meeting.

7. APPROVAL OF PLANNING COMMISSION MINUTES OF APRIL 22, 2024

Rasmussen made a motion to approve the minutes of the April 22, 2024, Planning Commission meeting. Bhat seconded. Motion passed unanimously (5-to-0 vote).

8. REPORTS

8.1 RECAP OF MAY CITY COUNCIL MEETINGS

Schmitz provided a summary of actions taken at the May 1 and May 15, 2024, City Council meetings, stated there were a couple items that will sound familiar to you from our April meeting.

Schmitz stated Council Member Khambata is here and if he has anything to add, he certainly will. Khambata stated Mayor Bailey and Council Member Olsen may just be coming back from Las Vegas; they were at the ICSC, the international commercial real estate symposium. They were there marketing our City to potential businesses. We always have constituents who are asking when are we going to get different dining options or different amenities here in town. So, they are trying to help raise the level of awareness about Cottage Grove. So, who knows, there may be new and exciting applications coming before you in the next few months as a result of that.

Khambata stated I'm here for any questions from you, but none were asked.

8.2 RESPONSE TO PLANNING COMMISSION INQUIRIES

Brittain asked if there were any responses to inquiries.

Schmitz replied Mr. Chair and Commissioners, you found in your packet a written response to the Public Hearing from our April meeting. We verbally responded at the meeting, but I just wanted you

to be aware that we also responded in writing to those questions and comments as a part of that Public Hearing.

8.3 PLANNING COMMISSION REQUESTS

Brittain asked so, this weed ordinance on the old solar farms, I know that it was mentioned that we've changed the ordinance so that we have some control over that. What can we do with the older farms to bring them into compliance? And if we can't explicitly do something, what can we ask them to do? Because there's a chance that they might just do it, because I can't believe that it would be that hard to plant the right things in there if we don't have the right things planted. Schmitz replied we'll have to look back at each of those approvals for each of the gardens at the time. If they did propose a native or pollinator mix, we can certainly use our resources to find someone who's proficient to evaluate. What should those established areas truly contain at this point. To your point, we'll reach out to each of those solar garden owners or even property owner, ultimately, and have those conversations and see what we can do to perhaps implement or follow a maintenance plan now and moving forward.

Rasmussen stated on the same subject, I guess I'd just comment that I believe Mr. Smallidge hit it right on the head. The solar field right next to my house, within the fence and boundaries they do a great job maintaining it. It's the access road and the 20 feet on each side, it's literally terrible. And then we have a couple of screens, berms with trees to screen it, and there's maybe about an acre in between, and that just completely gets neglected, buckthorn is neck high. It was a problem, thankfully, I've got some pretty good neighbors who have all kind of chipped in and helped, but I do understand his concerns there. So, I'd appreciate it if we could keep our options open and keep looking into that.

Rasmussen said my other question is I know these solar farms are all private businesses and that, but do we have visibility on any of the performance reports? We know what it's supposed to generate under great conditions, but do we have any reports; like, I think we've got three or four solar fields here in town now, like what they actually are generating year after year. I think it would just be kind of curious to see how they're performing. If they're performing well, it could be a good sales tool and something to brag about or something to learn from. Schmitz replied we can look into that and see what kind of information we can gather.

Brittain said this is just more of a comment. I know that the citizen mentioned that they're not going to shut down a power plant because we're doing this; however, this doesn't generate any active pollution, and I think the intent, and I may be wrong here, but my impression is the intent is that we don't want to build more power plants. So, even though we're not shutting power plants down in order to implement these solar fields, they're not going to implement them unless they're making some money, which is fine. They have to be able to sustain it, but also, they're not throwing another nuclear power plant up if we can generate this energy another way. So, I do see benefits in that.

Bhat stated so the request that I have is one of the issues raised during the discussion today was not knowing whether Xcel would go for undergrounded cabling or overground cabling, right? Does the City have any jurisdiction on that? Could we ask Xcel to do one or the other? Schmitz replied Xcel has their standards that ultimately we can't override, per se, but the condition of approval did include Xcel would have to verify that that is a part of their standard as it relates to the connectivity for solar gardens. Bhat asked are they guided by the State? Or, I mean, is there a target for Xcel, asking them to enforce some requirements. So, my question is, if the City can't enforce it, is it the

State that could tell Xcel, okay, you cannot have overground cabling here, in this City, or in that area? Schmitz replied I don't have an answer for that. I would have to investigate that further.

9. ADJOURNMENT

Rasmussen made a motion to adjourn the meeting. Bhat seconded. Motion passed unanimously (5-to-0 vote). The meeting was adjourned at 8:12 p.m.