

## **Minutes for the Planning Commission Meeting of Thursday, April 11, 2024**

Acting Chair Derr called the meeting to order at 7:00 pm.

PRESENT: Andress, Arcand, Derr, Granger, Kelly, Lessard

ABSENT: Kleissler, Petty

STAFF: Rachel Juba, Community Development Director  
Max Gort, Associate Planner

Pledge of Allegiance.

## **Approval of Minutes for the Planning Commission Meeting of December 14, 2023**

Commissioner Lessard made a motion, seconded by Commissioner Andress, to approve the minutes for the Planning Commission meeting of December 14, 2023.

All ayes.

Motion carried.

## **Public Hearing: Enterprise Energy, LLC – Site Plan and Interim Use Permit requests for a Solar Farm located east of Everton Avenue North and north of 149<sup>th</sup> Street North**

Associate Planner Gort presented background on the City's process relating to the solar energy systems ordinance, and the request to construct a solar farm from Enterprise Energy. The City Council adopted an ordinance allowing solar farms in certain areas of the City in 2016, and approved the first and thus far only solar farm project in 2018. In 2023, the Planning Commission and City Council wanted to review the ordinance due to an increasing interest in solar farm development, and related feedback from the community. The City Council enacted a moratorium on solar farm applications in order to study the ordinance. The Ordinance Review Committee (ORC) recommended revisions to the performance standards for solar farms, which were approved by the City Council on July 24<sup>th</sup>, 2023, which repealed the moratorium.

Enterprise Energy submitted applications for a site plan and interim use permit (IUP) to construct a solar farm on unaddressed property on Everton Avenue North. The parcel is approximately 12 acres in size, is zoned Agricultural (AG) and guided in the 2040 Comprehensive Plan as Large Lot Residential (LL). The property is located in an area of western Hugo that requested to remain agricultural in the zoning code and not be included in the Metropolitan Urban Service Area (MUSA), making the properties ineligible for municipal sewer and water services. The applicant provided a letter from a septic designer stating that there were no suitable soils on site to construct a septic system, making the property unavailable for a single-family home without sewer and water services. The properties to the east consist of townhomes.

The request is to construct a 5-acre, 1 megawatt solar farm in the center of the property. Staff reviewed the proposal and found that it met the performance standards in the ordinance, including requirements for zoning, setbacks, building height, vegetative screening, a vegetation establishment and management plan (VMP), and decommissioning plan. The landscape plan includes a row of six-foot tall Balsam Firs closer to the array, with four-foot tall Dogwood shrubs in front of the trees. The ordinance requires that areas within the solar array that are not occupied by equipment be planted with native, deep-rooted, pollinator-friendly plantings. Staff also found that the proposal met the criteria of approval for a solar farm, including criteria for the spirit and intent of the ordinance, not impeding the city's ability to implement its comprehensive plan, and not disrupting the essential character of the surrounding area. The proposal uses a small pond in the northwest corner of the property to manage stormwater runoff from the proposed driveway and mechanical pad, but the property will continue to drain as it currently drains. There are approximately 3.6 acres of wetlands on site, and a portion of the solar farm is proposed to be constructed within the wetland boundary as permitted by ordinance. The Technical Evaluation Panel (TEP) has reviewed and approved the solar panel locations within the wetlands.

It is in staff's opinion that the requests meet the City Code requirements and criteria of approval. Staff recommended approval of the solar farm site plan and IUP subject to conditions in the draft resolution.

Evan Carlson, president of Enterprise Energy, LLC, addressed the Planning Commission. Carlson stated that he started the company about two years ago, and that he had been working on this specific project since before the moratorium had been enacted. Carlson stated that he had been very careful designing the project and stated that the ordinance revisions added additional constraints that made the design more challenging. Carlson described the concept of community solar gardens at the 1 megawatt, 5-acre scale as being a way to provide solar energy to users who don't have the ability to construct an accessory solar energy system on their property. Carlson stated that he invited neighbors to an open house, but nobody attended. Carlson stated that he believes that the proposed setbacks are very significant and that the existing vegetation will provide a robust screen from view. Carlson stated that the stormwater plan has been intensely scrutinized by engineers on his team and from the City.

Commissioner Andress asked how the interconnection to Xcel Energy's grid will look. Carlson stated that there will be a total of three utility poles near the street, two of which will belong to Enterprise and one will belong to Xcel. Acting Chair Derr asks how high the poles will be, Carlson says they will be comparable to existing utility poles in the neighborhood.

#### **Acting Chair Derr opened the Public Hearing at 7:29 PM**

John Udstuen, 15190 Everton Ave N, stated that he's been involved with the City for 32 years, likes giving speeches, and enjoys public involvement. Udstuen asked that the Planning Commission table the application in order to allow him and his neighbors to form legal representation. Udstuen stated that the neighbors did not receive adequate notice of the proposal and that they should have been more involved in the project planning process.

Jimmie Gregoire, 16720 Henna Ave N, stated that he was contacted by a few different people before this meeting after his involvement with the previous solar farm project on 165<sup>th</sup> St N, which is adjacent to his property. Gregoire stated that he was concerned about the solar array's ability to withstand a high wind event such as a tornado, and potential impacts to adjacent property and livestock. Gregoire stated that he feels that the loss of a potential home site would subtract from the value of the neighborhood.

Laura Syring, 15149 Everton Ave N, stated that she lives on the property to the south of the property where the proposed solar farm would be located. Syring stated that she believed there was some discrepancy in information between maps, stating that the land use classification in the 2030 and 2040 Land Use maps of Large Lot Residential means they are not zoned Agricultural. Syring played a voicemail she received from Evan Carlson in 2022 asking to lease the rear acreage of her property to construct a solar farm. Syring listed health and environmental concerns, especially pertaining to livestock, such as carcinogens and electromagnetic fields (EMF). Syring asked that the Planning Commission deny the request.

Levi Shepherd, 15216 Fanning Dr N, stated that he lives in one of the townhomes to the east of the site and that his significant other owns several of the townhomes. Shepherd shared a photo that he describes as the view from his bedroom, looking over the vacant property, and that trees will not be able to adequately screen the solar farm from view. Shepherd stated that his neighbors did not receive notice of the public hearing in the mail. Shepherd stated that the solar panels will cause health issues for surrounding neighbors, and that some solar panels from China have mercury in them.

Arnie Triemert, 15220 Everton Ave N, stated that he was totally against the solar farm, describing it as an eyesore. Triemert stated that they are taxed as residential and not commercial land. Triemert stated he believed the City used to care about residents but that it does not anymore. Triemert stated that the proposed fence will make the solar farm look like a prison.

Mike Happ, 15292 Everton Ave N, stated that he wants the proposal to be done tonight. Happ stated that he wants a written guarantee that their property values won't go down as a result of the solar farm. Happ stated that he believes that the stormwater plan doesn't make sense.

Ben Krull, 15350 Everton Ave N, stated that he came to figure out what the project was about. Krull stated that he was frustrated that the neighbors weren't involved earlier. Krull stated that Everton Avenue is a cart path, and that the whole project is wrong. Krull stated that here wasn't time for his questions to be asked.

Leroy Peltier, 15257 Everton Ave N, stated that he has lived in Hugo for 82 years, and has lived on his current property since 1970. Peltier spoke on the history of how his family farm was sold off over time to develop the adjacent neighborhood. Peltier brings up the issue of sheer factor, and talked about the 1975 and 2008 storms that damaged surrounding farms and livestock. Peltier stated that the health issues and EMF aren't being discussed. Peltier stated that he's concerned about property value decrease and an effect on the character of the surrounding area. Peltier stated that he was concerned

about the drainage and impacts to Clearwater Creek and Bald Eagle Lake. Peltier stated that he was concerned about the apparent discrepancy in zoning.

Nathan Dull, 18370 English Ave, Farmington MN, representing the Minnesota Land and Liberty Coalition, says that the group advocated for property rights and green energy. Dull stated that technological advancements have decreased the overall size of 1 megawatt systems, and that this project is much smaller than the 320-megawatt systems that are seen in counties further north. Dull stated that concerns about EMF can be compared to cell phone radiation and lithium ion batteries. Dull stated that there are larger forces that can disrupt property values than a solar farm. Mike Happ approached the podium stating he wanted to know who Dull is and why he was there, and ultimately asked if Dull was there to support the project. Dull said yes.

Levi Shepherd asked if anyone on the Planning Commission has been a realtor or has a real estate background, Commissioner Kelly raised his hand. Shepherd stated that cell phones are heavily regulated and that their materials are more controlled. Shepherd restated his points about health concerns and protecting his view.

John Udsteun restated that he wanted the proposal to be tabled to give him time to develop a legal case against the project.

Laura Syring restated previous points and stated that she wants the Commissioners to view the proposal from her property. Syring asked the question if the Commissioners would want a solar farm next to their property.

Jimmie Gregoire also invited the Commissioners to view the solar farm adjacent to his property. Gregoire asked if any of the Commissioners had questions for him, and stated that he prefers that the questions be asked directly to him and not directed at staff. Acting Chair Derr said the Planning Commission will continue to take comments and if they have any questions of Gregoire they'll ask him.

Arnie Triemert stated that other solar farms are not near houses or large developments.

Community Development Director Juba suggested that the Planning Commission take some time to address questions. Juba stated that there can be confusion between zoning, land use designation, and what appears on property taxes. Juba stated that the property is zoned Agricultural, meaning that everything allowed in the AG district is allowed on that property, including solar farms. Juba stated that the City doesn't use the 2030 Comprehensive Plan anymore, but that the 2040 Comprehensive Plan designates many properties in eastern Hugo as large lot residential. Juba stated that Washington County determines the use for property taxes based on how it's actively being used, not the zoning classification. Juba stated that this application has gone through the same process that the City uses for every development project, and that there's a lot of time between when a project is first proposed and when the application is complete and the public is notified. Juba pointed to the section in the ordinance that allows for the Planning Commission to recommend additional conditions to the IUP, which can be used to mitigate concerns about the fence or screening if they so choose. Juba stated that the applicant would be the best to answer questions about health concerns or sheer factor.

Evan Carlson approached the podium to respond to questions. Carlson stated that he submitted valuation studies that concluded that solar farms do not negatively affect property values, that much more disruptive uses are permitted on AG zoned property, and that the racking materials are engineered to sustain winds up to 170 miles per hour. Carlson stated that the solar panels are made of standard silicon, and that all of the materials are recyclable and nontoxic. Carlson stated that the fence materials could be changed to address visual concerns.

Acting Chair Derr asked about glare, Carlson stated that glare issues typically arise from tracker systems where the panels track the position of the sun, but that this proposal uses a fixed tilt system where the panels don't move. Carlson stated that his company has projects that are at or near airports, and that they have not received complaints of glare.

Commissioner Lessard asks if the stated 10 foot height was the panel's height off of the ground, Carlson says yes.

Acting Chair Derr asked if there were any further public comments.

Levi Shepherd returned to the podium and said that every townhome has a bedroom window pointed at the property and that use and enjoyment affects property values.

John Udsteun returned to the podium and said that the City failed to adequately notify the residents within 350 feet of the property, and that should be enough to stop the public hearing.

Mike Happ returned to the podium and asked who was the expert that approved the proposal. Juba said that the City does not have a specific expert on solar farms, but explained the application review process as well as the public meetings held during the ordinance review process. Happ said that the City needs an expert to verify the health and safety claims.

Ben Krull returned to the podium and stated that the road is not being improved, and that solar panels are not being recycled.

No one else spoke.

**Acting Chair Derr closed the Public Hearing at 9:23 PM.**

Juba restated that the City Engineer and Public Works Director participate in the development review process and had no concerns about the effects on Everton Avenue due to the low anticipated traffic volume.

Commissioner Andress asked if any of the proposed plantings will be conducive to the wildlife habitat, and if the reestablishment will only occur within the fenced in area. Carlson said that native plantings within the fenced-in area will have a positive environmental benefit, and that outside the fence landscaping will only be planted with nothing removed.

Acting Chair Derr asked about the timeline for construction. Carlson said that they would likely break ground in the spring of 2025, with construction lasting about three months.

Commissioner Lessard asked about potential reflection affecting the neighbor to the south, and whether extra shielding can be added to mitigate the impact. Carlson said that the reflectivity of the material cannot change, but suggests adding mesh or making a taller fence could block some glare.

Commissioner Lessard asked if electricity generated would be stored in a battery or transferred into the grid. Carlson said the electricity would be immediately distributed into the grid.

Commissioner Granger asked about the voicemail Laura Syring played where Carlson says he's interested in connecting to the power line on her property, asking to clarify if that was referring to the large power line that runs overhead diagonally throughout the area. Carlson said that it was the utility lines on the street that he was referring to, which he can connect to from the subject property.

Acting Chair Derr asks about the public notification process and whether this project followed the same process as previous applications. Juba said that certain applications require public hearings, and that the City uses GIS software to determine which properties are within a 350-foot radius of the subject parcel. Commissioner Arcand asked if the City has a duty to ensure that the mail is delivered, Juba said no.

Commissioner Lessard asked about the applicant's open house meeting, and whether the lack of attendance was on the City's behalf. Juba said that the City is not involved in the developer's decision to hold a neighborhood meeting.

Juba restated that the role of staff is to evaluate the proposal against ordinance and make appropriate recommendations, and if the Planning Commission believes that the approval criteria have not been met that they can go in a different direction from staff's recommendation.

Commissioner Arcand stated that he believes that the approval criteria have been met, that adjacent property owners don't own their view. Commissioner Granger states that he empathizes with the concerns of neighbors, but that he believes a property owner is not obligated to keep their property looking as it is.

Commissioner Lessard asked if the only additional condition the Planning Commission could recommend was something like additional screening. Juba said that it's up the Planning Commission to determine if the approval criteria have been met, and that they can recommend additional or modified conditions prior to making their recommendation to the City Council. Acting Chair Derr said that he doesn't see a lot of basis to change or deny the plan, Juba said that the Planning Commission has a lot more discretion with an IUP than other applications.

Commissioner Arcand asked how tall the vegetation is planned to be. Gort stated that the balsam fir trees are to be six feet tall at the time of planting, and that the dogwood shrubs are to be four feet tall.

Commissioner Kelly asked how the reflectivity of the solar panels may differ from accessory solar energy systems seen on the roofs of buildings. Carlson invites a business partner, Eric Pasi, to speak. Pasi stated that the surface is made of tempered glass similar to a windshield, and that there is minimal reflectivity similar to accessory solar panels.

Commissioner Andress asked if the City benefits from having the solar farm from a financial or utility billing standpoint. Juba stated that the City does not get any money from having a solar farm.

Commissioner Arcand suggested that the visual screen on the south side of the solar array could be increased to 10 feet to mitigate impacts to the neighbor to the south.

Commissioner Lessard stated that the proposed barbed wire on the fence won't deter security threats. Acting Chair Derr asked Carlson if they've had any issues with people trying to steal materials from the system, Carlson said no. Carlson said that they would prefer the barbed wire, but are willing to concede if the Planning Commission recommends the removal of barbed wire as a condition.

Commissioner Lessard said that the fence should be vinyl coated in a black color.

No more discussion.

Commissioner Arcand made a motion, seconded by Commissioner Andress, to approve the requests with additional recommended conditions of increasing the minimum height of trees on the south side to 10 feet and that the fence should be black.

All ayes.  
Motion carried.

The requests will be heard at the City Council meeting on May 6, 2024.

### **New Business**

None.

### **Old Business – Review and approve 2024 Planning Commission Goals**

Juba stated that the City received a letter requesting that the Planning Commission evaluate allowing chickens in the R-1 zoning district, but that there are already several ordinance revisions in the queue for review, which is why this topic was not added to the 2024 goals.

Commissioner Arcand made a motion, seconded by Commissioner Granger, to approve the 2024 Planning Commission Goals as presented.

All ayes.

Motion carried.

**Adjournment**

Commissioner Andress made a motion, seconded by Commissioner Arcand, to adjourn at 9:53 PM.

All ayes.  
Motion Carried.

Respectfully Submitted,  
Max Gort, Associate Planner

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