

## **Minutes of the Todd County Board of Adjustment Meeting**

**December 18, 2025**

Completed by: Sue Bertrand P&Z Staff

Site visit for USS Eagle Bend Solar completed by Ken Hovet and Adam Ossefoort on 12/15/2025

Meeting was attended by board members: Chair Russ VanDenheuvel, Vice Chair Bill Berscheit, Dan Peyton, alternate Larry Bebus and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Sue Bertrand

Other members of the public: Sign-in Sheet is available for viewing upon request.

Russ called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. Each board member introduced themselves and Russ explained the process for those attending.

Danny motioned to have the agenda approved as presented. Bill seconded the motion. Voice vote, no dissent heard. Motion carried.

Bill motioned to have the November 20, 2025, meeting minutes approved. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

### **AGENDA ITEM 1: USS Eagle Bend Solar LLC: – PID– 28-0001100 – Wykeham Township**

Request(s):

1. Request to remove the prime farmland solar restriction from Section 9.20 to allow for the submission of a CUP application for a 10-megawatt solar energy system in AF-1 Zoning District.

Luke Gildemeister, Project Developer and Tina Munson, Senior Vice President Project Developer at US/Solar, were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

#### **Proposed Conditions, if approved:**

1. Proposed project must be constructed in compliance with Section 9.20 of the Todd County Planning and Zoning Ordinance.
2. Variance shall lapse and be void if not substantially completed within 36 months from the granting of this variance in compliance with Section 5.03G of the Todd County Planning and Zoning Ordinance.
3. Applicant shall abide by all other applicable federal, state, and local standards.

Luke stated the staff report was accurate.

Luke stated, he works as a project developer for US Solar and is representing US Solar and Jean Greenwaldt. US Solar is a Minnesota based medium sized business of about 90 employees. They develop, own and operate Solar Farms. Jean Greenwaldt is the owner of the 122-acre parcel, located at 14910 380<sup>th</sup> Street in Eagle Bend. US Solar and Jean signed a lease agreement in the Spring of

2025. In the Summer of 2025 MN Power issued a request for proposal asking for developers like US Solar to propose additional Solar resources within MN Power's territory. US Solar proposed this project, and the project has since been shortlisted by MN Power, meaning the utility has interest in adding electricity at this location. The proposed project is currently being studied by MN Power. US Solar is requesting a variance from Todd County's prohibition of Solar Farms on land identified as prime farmland, as defined by the USDA. (Section 9.20 Todd County Ordinance) Solar farms are allowed in Agricultural and Commercial Zoning Districts within Todd County via a Conditional Use Permit, however not currently permitted on prime farmland. Luke stated US Solar believes they should be allowed to submit a Conditional Use Permit on behalf of Jean. USS Eagle Bend Solar LLC would be a 10-megawatt Solar Farm located on approximately 54 acres of Jean's 122-acre parcel. The proposed project would interconnect to MN Power's Eagle Valley electrical substation, which is located to the NE of Eagle Bend. Within the fenced acreage of the project, there would be rows of solar panels, spaced about 16' apart, panels 6' to 8' tall, depending on the time of day. The panels would attract the sun daily and reset at night. Pollinator habitats would be planted underneath and in between the rows of modules. The project would be fenced in by a farm field style wire fence with wooden posts. The fence would be about 7' tall with a small gap at the bottom. No proposed lighting. Todd County requires vegetative tree screening along all public roadways; therefore, US Solar would plant one row of Eastern Red Cedar or something similar outside of the projects eastern fence line. Other than Jean's residence, there are no households located in the immediate vicinity of the proposed project. USS Eagle Bend Solar would make for a quiet neighbor, there would be no noticeable odor, light or sound as a result of the project. According to the lease agreement between Jean and US Solar, and according to section 9.20 of the Todd County Ordinance, US Solar would be required to decommission the project within 12 months of the end of the project's life span. According to section 9.20 of the Todd County Ordinance, US Solar would also be required to post a bond, letter of credit or escrow of \$125,000 per mega-watt to ensure their decommissioning of the project. According to the USDA's web soils survey, there are five distinct soil types within the 54-acre proposed project area. Approximately 58% or approx. 31 acres is considered prime farmland. This is the reason for the request for our variance. The criteria for granting a variance are set forth in Section 5.03 of the Todd County Planning and Zoning Ordinance. He stated he will quickly demonstrate how their project meets the criteria, and Luke read through his answers to criteria questions.

1. Is the variance in harmony with the general purposes and intent of the official control?

Yes, Todd County's ordinance in section 5.03 Variances: states that variances may only be granted when there are practical difficulties in complying with the official controls. The same section of the ordinance also states that the Board of Adjustment may consider the inability to use solar systems a practical difficulty in the granting of variances.

2. Is the variance request consistent with the goals and policies of the comprehensive plan?

Yes, the allowance of a solar farm on Prime Farmland is within the Utilities, Energy and Communications section, Todd County states that, to be a good neighbor to nearby counties and to the world, "the County needs to help businesses and individuals reduce their environmental

impacts.” When referring to renewable energy generation methods, the comp plan states that “Todd County should explore and encourage individuals to install and use these technologies”. The comp plan also states within its’ “Goals and action Plan” that Todd County should “adopt ordinances that encourage reasonable usage and deployment of individual renewable energy creation methods”.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes, the proposed solar farm use is reasonable. Solar farms are allowed in Todd County’s Ag and Commercial districts as a conditional use.

4. Is the need for a variance due to the circumstances unique to the property not created by the landowner?

Yes, the problem was not caused by Jean Greenwaldt, as soil classification is determined by the USDA. Due to the citing requirements of solar facilities, including willing landowners, acreage, proximity to existing electrical infrastructure, and location within MN Power’s service territory, this Solar Facility is in a unique location where the factors come together.

5. Will the variance maintain the essential character of the locality?

Yes. Solar is an allowed conditional use in the Ag-1 district, and will maintain the agricultural characteristics of the area, with farm field page wire fencing, with wooden posts and pollinator friendly habitat underneath and in between solar modules, which has the additional benefit of reducing soil erosion, and storm water run-off uses.

6. Does the need for the variance involve more than just economic considerations?

Yes, the primary consideration is MN Power’s need for additional energy capacity to meet state law. The law requires MN Power to have at least 3% of its’ retail electric sales to come from small solar energy systems by the end of 2030. Projects must be sited in their service territory, and near existing electrical infrastructure which ultimately requires the facilities to be in the ag district.

7. Have safety and environmental concerns been adequately addressed?

Yes, the project would not cause any safety concerns. The solar farm would be fully fenced. It would also have security cameras and be remotely monitored by US Solar. USS Eagle Bend Solar, LLC would also not cause any environmental concerns. There are no hazardous materials involved in our solar farms. A wetland delineation was also conducted on the project site, and the project would be cited to minimize said impact to wetlands. US Solar regularly coordinates with emergency service providers, to ensure access and knowledge of this site should there be any concerns.

Luke added, Jean is a responsible steward of her land. She’s a tax paying resident with property rights and she’s lived on this parcel for decades. The requested variance is the minimum variance that would alleviate the practical difficulties she is experiencing. Jean’s situation meets all criteria within section 5.03 of Todd County’s ordinance, which allows for the granting of the requested variance. Jean and US Solar would greatly appreciate the opportunity to submit an application to

Todd County in the coming months. Together with Jean and the elected officials of Todd County, we believe US Solar can ensure that USS Eagle Bend Solar, LLC operates in a responsible manner. We respectfully request that the Board of Adjustment grant US Solar and Jean a variance.

Ken went over his site visit report. This report may be viewed fully upon request at the Planning and Zoning Office. He stated he knows a portion of the land is prime farmland.

Correspondence received: None.

Public comment: None.

Board discussion:

Bill mentioned the reclamation was covered in your presentation, in a couple of different ways. Adam, this board and the board of Commissioners have known this issue would be coming before them, for some time. Was hoping to add it in the list of conditions that reclamation be covered either through monies in escrow, as Luke mentioned, or in some way shape or form.

Adam stated we certainly could, if the board wishes. It's already required in the ordinance, and even if this is granted tonight, they still have to go through that CUP process, where they will review, more specifically, the aspects in more detail, of the reclamation plan.

Bill also mentioned the 7' fence, however, he stated, we do have height limits to the fence already, and wondered if the board would like to address that now instead of having that come back at us?

Ken mentioned, Planning and Zoning will address that too.

Bill stated his final question in regards to this specific project, he has seen in other projects throughout the country, what is underneath is grazed, and is that something you folks look at, as part of these projects? Thinks, although the renting is quite expensive, it gives it more of a public appeal, adds more to the value and keeps it in touch with what is around it, if there is grazing underneath it. Please consider that as you come into rural Minnesota.

Adam read from the ordinance on fences, in residential, fences shall not exceed 6' in height, and not more than 10' in height for commercial and industrial districts. Higher than these shall require a variance. This is also from our public nuisance section, for disguising public nuisance situations and for screening purposes. Not a lot of language specifics to agricultural areas.

Bill asked if they should include the 7' fence in a condition so it is covered, as part of this variance?

Adam, that is entirely appropriate, as it is in line with what they are proposing.

Larry asked how much of the solar project is actually on prime farmland, out of the 54 acres?

Luke stated approx. 31 acres in the proposed fenced area.

Bill asked what criteria they are using to deem prime farmland? Soil types? CPI?

Luke stated USDA's own web soil survey. So, it's their own soil type classifications.

Tina answered she didn't think they gave her specific soil types in front of them...

Adam clarified it is not CPI, it is what our GIS system uses to describe "Prime Farmland" or "All areas are prime farmland if drained" and he demonstrated 720B area on Greenwaldt's land is prime farmland.

Bill asked if we are basing that on CPI?

Adam stated he wasn't sure if the USDA uses some part of that in their definition, we just use what they describe.

Bill explained CPI is a standard if you were to auction this real estate off. An auctioneer is going to list this piece of real estate a certain CPI and advertise it as a certain CPI. That's what they are going to use to promote it. In Todd County, CPI is a deceptive number, it does not work well, as Danny can attest to that, adding, Bill and his wife farm acres and the absolute highest CPI rating is his absolute worst field. So, when you pull out USDA information and put it before us, as something that should or should not determine this as prime farmland, it creates a hurdle that is somewhat difficult to cross, but it is not really based in reality. That is part of his point and the point he has made to the commissioners, if we are not addressing this prime farmland thing cleanly, we are setting ourselves up to push these solar projects into wetlands, forests and other areas and not opening up the acres that really are generating the revenue off of these projects, where they should be.

Adam pointed out the different soil categories on Greenwaldt's property according to our GIS soil map.

Tina stated the ordinance states "prime farmland" so they are working their best within that definition, and understands it's never quite that easy, however, it is consistent data that everyone can use, throughout the different areas, that is readily available to the public. MN Power's service territory is here, in Todd County, and now, they are looking for smaller solar projects. They must provide electrical infrastructure, and the demand factors will lead to a very narrow number of parcels being available, where you could put a facility that would be efficient. On top of that, you must have a willing landowner. Virtually nowhere in Todd County you could put a solar facility that would be efficiently located that would not have prime farmland issues. If Todd County is interested in having or allowing solar facilities here, in the sense their utility is looking for it, there is a demand for it, you will continue to have this prime farmland piece come across your bench, because this is where they go and what they look like. Excel has had a larger demand than MN Power, until recently. They did research all the places Todd County has power lines, substations, where they go and what does that look like, and they are pretty well aware of the options available in Todd County.

Russ asked if the Greenwaldt farm is on MN Power?

Luke, yes. Explained the facility would generate electricity and it would go to the point of inter-connection poles, and that would be MN Power's infrastructure, which would then run to and from the electrical sub-station.

Russ asked why the lease agreement was filed in Hennepin and Wadena Counties both, and not in Todd County?

Luke, it is where the notary was located when signed. The memorandum of the lease was recorded here, at Todd County.

Russ, how high are the panels?

Luke, generally 6' to 8' tall and it will depend on the time of day. They are called single axis trackers. So, you are going to track the sun from East to West every day. Explained at noon they would be parallel to the ground, then go to the West, then reset at night.

Russ asked for clarification on the Decommission, understands in 25 – 35 years, you guys pay for that?

Luke stated that is correct. According to a CUP that is granted by the commissioners, there is the condition they would have to pay \$125,000 per mega-wat, so, do the math, and that comes to \$1.25 million, either a letter of credit, escrow, or performance bond, and additionally there is a lease agreement with Jean that requires US Solar to take it out.

Russ, to be clear, Todd County, at the end of that 25 years will not be stuck with getting rid of those solar panels?

Luke, that is correct, that is the reason for that financial surety.

Adam explained, if US Solar went away, the County can still access those funds to still decommission the site if they didn't take care of it.

Danny stated commissioners voted not to allow solar farms on prime farmland, struggling with this whole deal, did not give us a percentage or leeway onto that. He is looking at 57% and all of a sudden, we are overriding the county commissioners after we very recently proposed not on prime farmland.

Bill stated he and his bride have been approached numerous times with solar plans and they have come up with these exact issues. The commissioners stated they were going to have discussions and we are invited, and that has not happened. What Bill gathers from the commissioners is, they want to see it here before they overreact to it. His impression is he doesn't see any resistance from the commissioners in looking at Prime farmland as a hurdle but looked at it as a criterion to be put in place to be addressed so we didn't end up with what happened in the 80's and 90's with the Poplar trees disaster. Case by case basis comes to mind and at some point, we must get past case by case, as that is working with bad law. Bill stated for himself, he is thrilled they are here, he is impressed with the application and wanted to see some type of solar go forward in Todd County. Solar and Wind represent a lot of dollars that are going out of Todd County by tax payors and bringing

absolutely nothing back into Todd County, at this point. At some level, we have to observe that, we have to embrace this and we have to figure out how we are moving forward. Is this the perfect case? He doesn't know that it is, but knows enough about what the young lady presented as far as the very limited places it can actually go because of our electrical grid, because of what is available out there, that we are not talking about a lot of real estate County wide, it is a very rare, cherry picked, piece of geography that we are ever going to be discussing as far as solar. Wind? Maybe slightly different, but solar, it's very limited.

Luke reminded all that the ordinance states "the Board of Adjustment may consider the inability to use solar energy systems a practical difficulty, in the granting of variances". He also mentioned the financial portion, just an estimate based on the proposed project size, it is a "Solar energy production tax" so, when it comes to revenue, we are looking at 25-year initial term for the project, and within the lease there are extension's up to 40 years, you are looking at approximately \$605,000 production tax revenue (25-year). So, about \$484,000 would go to Todd County throughout that 25-year term and about \$121,000 give or take would go to the township, whom we have already met with, for this application.

Danny asked what that was per year?

Tina stated this is a production estimate and Luke continued, of approximately year 1: 80% is \$20,500.00 to Todd County and 20% to the township would be about \$5,100.00.

Russ asked what they say is the practical difficulty?

Tina stated it is specifically laid out in our Todd County code the "Board of Adjustment may consider the inability to use solar energy systems a practical difficulty". Pretty unique.

Adam added, what they are referring to is in the Variance Section of the ordinance, part B, Variance Criteria, subpart 7, it says, "no variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located. The Board of Adjustments may consider the inability to use solar energy systems as a practical difficulty, in the granting of variances"

Ken stated he has purposely not said anything tonight, because, you know ordinances like this start at the Planning Commission, and he remembers when we did this one. There was a lot of concern from our own commission people and other people from the public, on putting these on farmland. Nobody liked it. We didn't think we could prohibit them from putting it on farm ground entirely, so we used prime farm ground as a compromise. We know that agriculture is our biggest industry, by receipts and by employment, anyway you want to measure it, it is the biggest ear in Todd County. We didn't feel we wanted to inhibit that, by taking away its most valuable asset. So that is where he is at on it, and that is how he is going to vote and the commissioners agreed.

Danny stated he felt the commissioners put it back on the Board of Adjustment and he feels the commissioners are the ones who should figure it out if Todd County wants these or not.

Ken told Danny the commissioners did tell us, and that is how their answer is worded in the ordinance.

Bill stated he doesn't struggle with it as much as he sees Solar Farms as farming. There are limited geographies where we put potatoes, limited geographies for sugar beets, and very limited geographies for Solar. He remembers a lot of public push back from the public at the time and not necessarily educated pushback, but it still needs to be recognized.

Ken stated all of the reasons we had for what we did, are still valid.

Larry, you talked about planting trees and was wondering how tall and will they reach that height by the time the panels are decommissioned?

Luke, no, 151<sup>st</sup> will be screened by ordinance and typically Eastern Red Cedar tend to work best in weather like today, at 4' to 6' to start, of course it takes a few years, and they also work with a contracted grower to maintain good screening.

Tina stated it is not uncommon to see the protection of farmland and that is always wise from an elected official position with good intention. The reality is you are a rural economy. She is from rural Minnesota and understands the agricultural economy and how a County and a town can function. She stated she is not a farmer. Where the challenge comes is that it is completely prohibiting solar. This part of the ordinance is prohibiting solar and we aren't going to cover your whole County in Solar. It is a very small piece in terms of having to be able to load and infrastructure. She stated they do have a lot of sheep grazing on a lot of their sites, so if that is a condition that would make the Board of Adjustment feel more comfortable with maintaining a deeper concept of agricultural use on the prime farmland here, we are more than happy to do that. They have also grazed cattle, but usually the cattle come from the farmer with the panels. She offered they could do sheep along with the pollinator mix, as well.

Russ was concerned about the land taken out of the rotational planting, this land may not come back after 25-years as prime farmland, very easily.

Tina explained, typically the soil is much more healthy, due to deep rooted pollinator mix, you give the soil a rest and you don't need to fertilize. It actually improves the top soil, compared to farming it year after year. When you go back and farm it, should it be removed after so many years, it is actually one of the positive effects, after the soil has rested and re-built for decades.

Russ asked, curious, do we have a maximum on how many acres of farmland we can use for solar?

Larry gave an example of this farmer has a solar farm and the next farmer says "I have prime farmland, I want solar panels too" how much of this prime farmland, in Todd County, can we afford to lose?

Ken stated there will never be more acres of prime farmland than what we have now.

Larry, and there will be less after solar.

Bill stated he didn't think there could be too many solar farms as Todd County does not have the electrical infrastructure to reach it. This comes down to geography located near the electrical infrastructure and it is a

very minimal percentage. In his area with both MN Power and REA there is very little geographically that meets the criteria the solar project needs to have that is available. That involves the ability of the substation to take that and/or they need to upgrade the substation and the ability of the transmission line needs to take the power back to the substation which a very small percentage of transmission lines in Todd County that are actually capable of doing that. So, this isn't something that is going to become wide spread over night just because there are dollars available for the land owner, if they sign this lease. It's not going to be a flood gate that we open up, and also as far as solar funding, there is only one more window letting in the spring, and after that the window somewhat closes on Solar.

Tina stated MN Power only has so many mega-watts that they need. So, they did this RFP and they may do another one if they don't get enough mega-watts here, and that will pretty much reach their needs. MN Power's service territory is much bigger than Todd County. She stated they have two other projects they are working on that are also shortlisted. Just to add on to it, you may sign the land but you may not win the contract with the utility, and therefore it never happens. Which is another hurdle there. She stated she wished she had a visual for the board if you think about your County and you think about your towns. Your towns are more or less the place that has the infrastructure for these smaller projects. They, more or less, have one line that exits the city in some capacity, and that is it. So, if you think about it, you are very rural, a lot of space between your towns. If you go all the way up to Staples, Mottley is part way in another County and it has one line, and it is all wet up there. You are talking Long Prairie, Eagle Bend, Browerville they are all so small and have one line. The concern of solar stealing the farmland in your County in a way you are talking, practically, it just can't happen. There is no place to put them and not enough capacity in Todd County. A big town like Monticello, we would have a different conversation.

Russ asked Tina if she represented MN Power?

Tina, no, she just knows a lot about their electrical infrastructure because she has to find it for her projects.

Russ, now Bertha and in Hewitt, the area where he is from, they just rebuilt the substation in Hewitt and are still in the process of it and in Bertha because of solar power. Addressed Bill, you say that there is not a lot of options out there but it only takes them to build a substation to make it available. Right? If this Solar farm goes up, are they ready to hook up now or would they have to build a better line to get to MN Power?

Luke answered, there would be some, they call it, an extension to the three-phase distribution line, to the site. This project is an inactive study with MN Power right now. It is going through the electrical engineering study process as we speak.

Russ, so it could go a lot more places than if...

Luke, you are limited by the distance to the electrical infrastructure. Meaning, you must be, like we are with Jean's parcel, within, give or take, one to two miles, at most, from the existing three phase distribution grid. Additionally, you would like to have an electrical substation like this Eagle Valley substation, that has the capacity to host these kinds of projects.

Danny, the infrastructure you need, is that just a three-phase line?

Luke, yes.

Bill explained, but only a limited distance to the substation. You can't have a three-phase line that's ten miles to town and say you want to put up solar and be able to do it. The projects they were working on, some fell out at two miles. You take the substations, if they're updated, then they are eligible for solar, then you can draw your two-mile circle, then you look at what three-phase power goes within that circle, that is all that's available for solar, that's it.

Danny stated it makes some sense, but asked why the two miles, when you have the three-phase line that can carry that much power?

Tina, a lot of it is more than just capacity, you have thermal loading, you must understand electrical engineering, but the further you get away from the load, the more problems you have. Too expensive to build it out.

Danny stated the three-phase line going past his house supplies about 600 homes and asked about the ten mega-watt number and how many homes could that support?

Luke explained the capacity ratings for solar farms are usually provided in mega-watts, so 10 mega-watts is equal to 10 million watts. So that is how much energy the solar garden can produce at any one time. So, the solar panels direct the energy, there's inverters, so generally speaking about 300 homes per mega-watt, is the general rule of thumb. Times ten is 3,000 homes.

Tina explained what happens is, it will come down to the town and will disperse through the town to where it needs to go. This is why MN Power studies it. How much is it going to take? Where does it go? Do we have any issues with the size or what it looks like? Sometimes the study comes back and says you can only fit  $\frac{3}{4}$  of your facility. Sometimes the study comes back, and they must adjust the size of the project. Tina added, they are waiting for confirmation if that is part of this or not.

Russ, potentially, we could grant this 54-acres, and you may only use twenty-some?

Tina explained we wouldn't go down that small before we get hit economically. It's possible but the way the farmland lays out, like, we are going to be on prime farmland, no-matter what, even if it shrunk to dramatically half, which we don't anticipate.

Danny asked if the panels must be on flat ground to oscillate.

Tina explained, it's better to be flat, up to about 5% or 6% grade before you must grade anything.

Ken noticed this property is a gentle slope about 5%-6% grade to the South. He asked if there are any plans for battery storage.

Luke, solar only, no battery storage.

Tina, not doing storage, it is really expensive and there must be a value coming out on the backside, which this doesn't have, although they did bid both.

Russ called for Criteria Questions individually by request.

| <b>Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?</b> |  |
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| <b>Board Member</b>   | <b>Vote and Comments</b>   |
| Larry Bebus   | Yes.   |
| Dan Peyton  | Yes, but struggles considerably, as the Ordinance gives us a reason not to, as it's prime farmland, and over 50%, but he will still say yes. |
| Bill Berscheit  | Yes, the Ordinance provides us with a practical difficulty.  |
| Ken Hovet   | Yes, in the process we went through when establishing the Ordinance.   |
| Russell Vandenheuvel  | Yes.   |

Majority response- Yes

| <b>Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?</b> |  |
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| <b>Board Member</b>  | <b>Vote and Comments</b>   |
| Larry Bebus  | Yes.   |
| Dan Peyton   | No, because the official rules state not on Prime farmland.  |
| Bill Berscheit   | Yes, the commissioners and Planning and Zoning clearly understood there are significant limitations regarding the placement of solar in regards to wetlands and forestation, and at some point you have to choose a piece of real estate in which to work. |
| Ken Hovet  | No, it does not preserve prime farmland  |
| Russell Vandenheuvel   | Yes, agreed with Bill.   |

Majority response- Yes

| <b>Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?</b> |  |
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| <b>Board Member</b>   | <b>Vote and Comments</b>   |
| Larry Bebus   | Yes, reasonable manner, hate to see Prime farmland given up to non-farmable land, but under these circumstances, says yes. |
| Dan Peyton  | No, due to the percentage of prime farmland.   |
| Bill Berscheit  | Yes, agreed with Ken.  |
| Ken Hovet   | Yes, a solar farm is a reasonable use.   |
| Russell Vandenheuvel  | No, because it is Prime farmland, and the official control says not to use it on Prime farmland.                           |

Majority response- Yes

| <b>Criteria Question #4: Is the need for a variance due to the circumstances unique to the property not created by the landowner?</b> |  |
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| <b>Board Member</b>   | <b>Vote and Comments</b>   |
| Larry Bebus   | Yes.   |
| Dan Peyton  | No. The landowner is creating the use of this prime farmland.  |
| Bill Berscheit  | Yes, agreed with Ken, prime farmland is unique to this property, just like topography is unique to a lake lot. |
| Ken Hovet   | Yes, it is unique to the property and not created by the landowner.  |
| Russell Vandenheuvel  | No, it is unique to the property as it is Prime farmland.  |

Majority response- Yes

| <b>Criteria Question #5: Will the variance maintain the essential character of the locality?</b> |   |
|--|---|
| <b>Board Member</b>  | <b>Vote and Comments</b>  |
| Larry Bebus  | Yes, he sees this as farm. Is there anything around there to compare this too? Absolutely not. Quite possible it may never, but right now, we don't know. Hopefully the trees will grow and block all these solar panels out of sight, which is the big thing people have against it is, they want to look out there and see corn fields instead of solar panel fields. Like Bill says, it's still farming. |
| Dan Peyton   | No, the locality is farmland and changing it to solar.  |
| Bill Berscheit   | Yes, there is not another solar farm around it, not even a similar windmill to create a locality. These are called solar farms for a reason and sees them as an opportunity for rural America, so, he sees them as part of farming and farming is what's there. Finds the Nexus to say yes, but there is nothing to compare it to.  |
| Ken Hovet  | No, significant change in appearance and it is not going to look like a cornfield anymore.  |
| Russell Vandenheuvel   | No.   |

Majority response- No.

| <b>Criteria Question #6: Does the need for the variance involve more than just economic considerations?</b> |  |
|---|--|
| <b>Board Member</b>   | <b>Vote and Comments</b>   |
| Larry Bebus   | Yes, there is more to it than the economic piece to this, have to look at this as something more than that.  |
| Dan Peyton  | No, if these structures were taller, that adds a lot more money to the infrastructure, you could do grazing underneath this, in a reasonable manner, so you could say they were still farming some type of agriculture procedure going on in the same location and not wasting 100% of the land, might put you in a better category. Looks more like economics.  |
| Bill Berscheit  | Yes. Awful lot of economics, what you can draw from MN Power and with the landowner. At the end of the day, he clearly understands there is definitely more than economics to this thing. He regrets that you do not have more support from MN Power here, tonight, and you did not have a map that geographically shows the layout of what actually is eligible for power in Todd County. There is a pile more to this than economics, unless we are going to say that infrastructure is irrelevant, but infrastructure is the primary driver of what is going on here, and at this point of the stage, the infrastructure is not the "economics". If we could back up and build an infrastructure, then economics enter in on that level also, but at this point it is about the infrastructure is what brings this piece of geography to the table and sees that as being about an awful lot of things. |
| Ken Hovet   | No, it does not.   |
| Russell Vandenheuvel  | No.  |

Majority response- No.

| <b>Criteria Question #7: Have safety and environmental concerns been adequately addressed?</b> |  |
|--|--|
| <b>Board Member</b>  | <b>Vote and Comments</b>   |
| Larry Bebus  | Yes, with the deep-rooted grasses, pollinators, storm water run-off and you will be maintaining and updating panels as required. |

|                      |  |
|----------------------|--|
| Dan Peyton           | Safety yes, environmental: you could put this in a big debate all by itself between solar panels and nuclear energy, you could go off the deep end and go down that rabbit hole for hours, but to focus on safety, yes.  |
| Bill Berscheit       | Yes, environmental concerns, we are doing a lot of this because it is green energy. It would be difficult to bump up against this, he thinks. Yes, the physical part, where the product hits the field, that must be addressed as environmental concerns down the road, and with the conditions proposed, they have been addressed. We have criteria in place. |
| Ken Hovet            | Yes  |
| Russell Vandenheuvel | Yes, he liked their paragraph addressing safety concerns.  |

Majority response- Yes

Russ asked Tina if they would like to put this application on hold.

Tina stated they are open to table for two things to come back with.

1. They would present a formal grazing plan where they would formally show the board how they would do sheep and talk a little about how they do that on their other projects.
2. They would come with a map showing the infrastructure in the Minnesota territory to help better define the other practical difficulties other than the economic considerations.

She stated they would be very happy to table if the board feels that information would help enable them to obtain a CUP.

Danny asked for a map showing two miles from current substations and what is even available in Todd County that could meet your category of solar fields.

Tina, yes, that will be included and they will also have an overlay of how much of that is Prime farmland.

Ken stated on that map you bring, could it show alternative sites, as he has a hard time believing there are not alternative sites, even if it is only one or two. That this is the only place it would fit on MN Power's grid, primarily.

Tina stated they will show the available land for them to consider based on infrastructure location. Of course, you have to have a willing land owner, and in this case they have already bid this project to MN Power, they liked their price, as it was one of the cheapest, that's how they get there, as it is important for repairs, so they are not allowed to move it as they have the project MN Power has selected. She can't give an alternative, but she will show the land and what generally they already considered before they even worked with this landowner. What they will bring back is this substation can hold this many mega-watts, this substation can hold this many mega-watts, and here is the land around it. As much information from MN Power as they can.

Ken stated his concern was weed control. He's seen sights like this (industrial) and they are nothing but a damn mess of weed

Luke, stated US Solar uses natural resource services that go out during the growing season and mow and maintain and additionally, you would have sheep out there grazing.

Tina added they spot treat for weed control and this industry has gotten "very good" at establishing pollinator mix and at first, to be totally honest, they had some problems, because it takes about three years to establish, but these service providers have gotten very good, over the last thirteen years, at controlling the weeds and

knowing when to go out and making sure we are spot treating, and that's on top of the sheep grazing. She will maybe bring some information on exactly how they will do it.

Ken stated this isn't the place to debate horticulture, but his experience is, you either get to have pollinators, or you get to have weeds. Because you can't spray it.

Tina stated they can spot spray it, and they do. She can bring back more information on how that is managed.

Russ confirmed Tina is willing to table for another month.

Adam, Jan 22<sup>nd</sup> is our next meeting, so we can send the notice that we will be extending this another 60 days.

Bill made a motion to table until the next meeting and Ken seconded.

Voice vote, no dissent heard.

Russ called for a short recess at 7:34 and reconvened at 7:39.

## **AGENDA ITEM 2: E.A.R.T.H. Program discussion**

Correspondence received: None.

Public comment: None.

Board discussion:

Adam stated he had spoken with Jason, our attorney, and he was informed we would have to make it a part of our application criteria in the ordinance (amendment). We could not use it as a pass/fail type situation; to grant or deny a variance, we would still have to go through the criteria and meet the statutory and ordinance requirements. Adam asked about using it in the conditions, the documents could be used as evidence to support the statutory and ordinance criteria but not used "instead". Essentially it creates additional talking points as you go through the criteria. You could use the score to identify areas to create conditions. You couldn't just say we need to raise your score up, but you could look at the score sheet and see where you are lacking in an area and create a condition specific to that. Jason said it did look very interesting in a good way. Adam added, the process to move forward with this would be a commissioner's work session, speak with them about it, then put it on the Planning Commission agenda so we could actually include it in the ordinance. We could have BOA board members be a part of that conversation at the commissioners' work session as well, as we have done that in the past and could figure that out, down the line.

Bill wondered how burdensome it is going to be for future new board members to become familiar with this.

Adam stated he doesn't think there would be a problem, at all, and they would see it is a good tool to have in your toolbox, when assessing properties.

Larry, isn't this a good way to answer the safety and environmental concerns? We won't flunk them or anything, but it will give them a list of things they need to do to add to the property and use for the conditions.

Adam, absolutely.

Dan, agrees it is a good tool, but who's scoring this and who's doing the scoring?

Adam, we have not had that in-depth discussion yet, but it is something the Planning Commission can come up with, as we make it a part of the applications and put this in the ordinance. If we make it part of the application process, it would be the applicant's responsibility to submit and fill that out appropriately. Now, if they invite a county staff person to come out and help them, that is fairly commonplace, also.

Danny stated again, it is an excellent tool if we have a half-way accurate and consistent scoring process.

Russ agreed.

Adam stated he could look at Soil and Water staff to do these assessments but would have to make sure we have the capacity to do that.

Larry asked if we could condense this at all.

Adam stated he would have to have a discussion with Deja on that, however, if you look at what it was designed for in the first place, it meets that goal.

Ken, the commissioners haven't seen this yet.

Adam stated Deja has presented it to them briefly.

Ken, so you've only taken it to the attorney, so far.

Adam, correct, and back here for discussion and then go from there.

The board all agreed to keep moving forward and get this utilized for our variance process.

Ken moved to adjourn, seconded by Bill, voice vote, no dissent heard, motion carried to adjourn at 7:46 pm.