



Staff Report:

Issue: Interim Use Permit- Solar Electric Generating Facility – Nokomis Energy/Kraemer Garden LLC, Tom and Susie Ardolf – 2992 County Road 137

BACKGROUND:

The request has been submitted by Brendan Dillon, Kraemer Garden LLC on behalf and with permission of Tom & Susie Ardolf (property owners) to allow an Interim Use Permit for a 4 MW standalone solar electric generating facility in an A-1, Agricultural/Rural Residential District. The proposed use would be located primarily eastern/central area of property owned by the Ardolfs and located at 2992 County Road 137, on the eastern side of the road and to the north of their home.

Per the A-1, Agricultural/Rural Residential District standards, solar electric generating facilities (“solar gardens”) are considered an Interim Use and may be permitted, with conditions, for a set period of time upon review by Planning Commission and approval of City Council.

The proposal received approval for several setback variances from the applicable solar facility ordinance to allow the proposed footprint in late 2023. At that time the applicants took feedback received over the course of multiple Planning Commission meetings, from both neighboring property owners and Planning Commission, in establishing a project footprint that was ultimately approved by the City Council. The current proposed site plan falls within the approved established footprint for the solar panels, and the setbacks to neighboring properties have been reduced in several areas throughout the site. A comparison of the footprint approved by variances is attached, with the current proposed footprint overlaid in blue.

Staff would note that the approved setback variances pertain only to the actual solar panels; fencing and landscaping are exempted from setback requirements as they would generally be permissible in any area of the property without any special approval required from the City.

The proposed solar array is intended to serve as a “community solar garden” as per an Xcel Energy program approved and supported by the State of Minnesota to provide for ongoing supply of renewable energy. The intent of such community solar garden is to offer subscription-based solar power options to homes and businesses which are unable to install solar facilities upon their own property. This proposed site would generate 4MW of power and the land would continue to be owned by the Ardolf family, with a lease to Nokomis Energy for the project duration.



The requested project duration and Interim Use Permit request is for an active project duration, from beginning of solar operations once construction is completed, for a term of 35 years. Staff has held discussion with the applicants in advising that the requested term may be exceptionally long as an initial approval, as the area is in a delineated growth corridor for the City and the intent of Interim Use Permits is to allow for some limited uses for the property until they are more realistically ready for development. Staff is recommending an initial term of 25 years, after which an extension of the Interim Use Permit could be considered by future Planning Commission and City Council if the surrounding area has not yet been developed to a significant degree at their determination. The solar arrays and associated equipment have a useful life of approximately 35 years. If the project would receive City approval, construction would be expected to start in early 2026. The Planning Commission concurred with the staff recommended timeline and 25-year term after hearing testimony requesting longer 35 year timeline from applicants and upon discussion with staff.

The total proposed array is outlined on the attached site plan. The array would consist of 9,075 total solar panels, with a total footprint of 19.7 acres of property. The racking system and panels are of a single-axis tracking variety have an average overall height of approximately 10 feet, with the bottom of panels approximately four feet from grade. The proposed layout is subject to engineering and final Xcel program approval and may change slightly prior to construction, but would be subject to review/approval by both City of Waite Park staff and potentially Sauk River Watershed District, as well as Stearns County for any wetland aspects.

The entirety of the property would be fenced and landscaping consisting of arborvitae tree plantings and New Jersey Tea shrubs is proposed for areas nearest adjacent properties and along identified viewshed area of visibility from County Road 137. Much of the site is surrounded by existing old-growth wooded areas in which plantings would be redundant and unnecessary; ordinance allows for omission of additional landscaping in such areas at City discretion. Primary site access and maintenance would be done via proposed gravel road with access from existing 12th St S/23rd Ave S.

Staff has had contact with a neighboring property on the southern area of the project regarding landscaping in that area, along the southwest portion of the project. Staff has inspected the property and in staff's opinion the existing vegetation, including existing larger trees along the Ardolf driveway and trees/additional vegetation running north/south along the outer edge of the proposed southwestern side of the proposed footprint, makes additional plantings in this area unnecessary. Additionally, the orientation of residential property and associated large pole shed would most likely prohibit visibility from residence in this vicinity of any portion of the proposed solar array.



The equipment pad is proposed to be at the southern and central portion of the array, furthest away from any neighboring properties as possible.

The ground area underneath the array is proposed to have pollinator-friendly low-growth native grasses, forbs and flowers. A maintenance plan has been submitted as part of the application and is acceptable to the City.

The applicants have supplied all necessary data and documentation related to the proposal as per applicable City ordinance related to solar electric-generating facilities. No concerns related to glare or environmental impacts have been identified, and the applicants have exceeded City standards in consideration of any possible wildlife impacts (no concerns were identified). The applicants have coordinated with Stearns County staff regarding wetland aspects and the project is deemed feasible but continued coordination and potential permitting will be required. Upon review, other pertinent City staff members have not identified any concerns with the technical/structural aspects of request at this time, although if the project moves forward standard review and permitting processes will be required.

Initial Interim Use Permit approval is typically valid for one year from date of issuance per City ordinance. However, given the substantial timelines associated with interconnection agreements with Xcel Energy and manufacturing/delivery of major components, the applicants are requesting an allowance 2.5 years to begin construction. Staff is supportive of this request as the factors impacting the applicants are outside their control or influence and it would save unnecessary expenditure of City resources and staff time to further review, provided no major changes are proposed.

The Planning Commission reviewed the request at their October 8th, 2024 meeting and held public hearing. Several comments/questions were received and responded to by staff and the applicants during the meeting. The Planning Commission recommended approval of the request with conditions as proposed by staff and included within the approving resolution being recommended for adoption.



REQUIRED ACTION:

The City Council's action could be any of the following regarding the request:

1. Approval of the interim use permit with conditions as presented.
2. Approval of the interim use permit with modified conditions.
3. Denial of the interim permit with findings of fact.
4. The City Council may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a decision. An extension of the 60-day request review period as noted by State Statutes may be required.

RECOMMENDED ACTION

Staff recommends approval of the Interim Use Permit to allow a 4MW solar array in an A-1, Agricultural/Rural Residential District with the following conditions:

1. Site and landscape plans (including plantings of noted arborvitae trees at minimum 6' height planting size) shall be implement as submitted and reviewed unless otherwise approved by City of Waite Park Planning & Community Development Director. Modifications or deviations deemed minor may be approved administratively provided they are still within the overall allowable footprint as approved with previous variances. Modifications deemed major may require additional review/approval by Planning Commission and City Council at discretion of Planning & Community Development Director.
2. A financial decommissioning guarantee shall be furnished to the City of Waite Park in the amount of \$383,000.00 in form of bond, letter of credit, or other financial mechanism as may be deemed acceptable by the City of Waite Park Finance Director. Such financial guarantee shall be kept current throughout duration of Interim Use Permit term, shall reflect any change or ownership/operator and any future heirs/assigns, and shall not be released by City of Waite Park unless an acceptable replacement is supplied or until decommissioning is performed to City satisfaction.
3. All necessary building, land disturbance, and electrical permits shall be obtained prior to project commencement.
4. Approval of Sauk River Watershed District for finalized project configuration shall be submitted at time of building permit application.



5. Application for building permit shall demonstrate compliance with applicable Stearns County and Wetland Conservation Act aspects.
6. Initial Interim Use Permit approval is deemed to not lapse provided construction commences by June 1, 2027 . If construction is not commenced by that time additional review/consideration of Interim Use Permit may be required by Planning Commission and City Council.
7. Use of facility shall cease by January 1, 2053, or 25 years from completion of facility and commencement of operations, whichever comes first.
8. Unless an extension to Interim Use Permit is approved by City of Waite Park, site shall be fully decommissioned and returned to vacant property by June 1, 2054. If decommissioning is not performed in accordance with City-approved plans or authorizations by applicants/owners or their future heirs/assigns, City reserves right to draw on financial guarantee to ensure completion of decommissioning. City will release financial guarantee(s) only upon confirmation of full decommissioning to City satisfaction.
9. Existing trees and vegetation around perimeter of property and not part of approved project footprint shall not be removed or otherwise disturbed unless explicitly approved by Planning & Community Development Director.
10. Any removal of existing vegetation, either by purposeful action or accident/natural cause, may necessitate replacement as per discretion of Planning & Community Development Director to satisfy applicable screening requirements.



MOTION

Council member _____ moved to *approve* or *deny* the attached resolution approving interim use permit for period of 25 years and per adopted conditions, with additional or modified conditions of approval (if any): _____

Council member _____ seconded the motion.

ROLL CALL

Councilmember Michael Linquist _____
Councilmember Shawn Blackburn _____
Councilmember Frank Theisen _____
Councilmember Ken Schmitt _____
Mayor Richard Miller _____

Motion (Approved) (Denied)