

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
September 22, 2014**

A joint meeting of the County and City Planning Commissions was held on September 22, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Becky Randall, Bonnie Duffy, Jeff Barth, Mike Cypher, Bill Even, and Mark Rogen.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Jessie Schmidt, Sean Ervin, Denny Pierson, Andi Anderson, and Kurt Johnson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, David Heinold, and Sara Show - County Planning  
Diane de Koeyer – City Planning

The County Planning Commission Chair Mike Cypher presided over the meeting. The City Planning Commission was chaired by Andi Anderson.

**CONSENT AGENDA**

**ITEM 1. Approval of Minutes – July 28, 2014**

A motion was made for the City by Commissioner Schmidt and seconded by Commissioner Johnson to **approve** the meeting minutes for July 28, 2014. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Rogen to **approve** the meeting minutes for July 28, 2014. The motion passed unanimously.

**REGULAR AGENDA**

A motion was made for the City by Commissioner Gaspar and seconded by Commissioner Schmidt to **approve** the regular agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Barth to **approve** the regular agenda and seconded by Commissioner Rogen.

**ITEM 2. CONDITIONAL USE PERMIT #14-44 to allow a Solar Energy Conversion System on the property legally described as SE1/4 (Ex. Hein Addn. and Klein's Tracts No. 1 and 2), Section 32-T-101N-R50W.**

Petitioner: Cherry Creek Solar, LLC

Property Owner: Klein Properties, LTD

Location: approximately one mile west of Sioux Falls on 268th St.

Staff Report: David Heinold

To allow a Solar Energy Conversion System (SECS).

**General Information:**

Legal Description – SE1/4 (Ex. Hein Addn. & Ex. Klein's Tracts No. 1 & 2), Section 32-T101N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 140.77 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

Cherry Creek Solar, LLC (“Cherry Creek” or “Applicant”), a subsidiary of Geronimo Wind Energy, LLC d/b/a Geronimo Energy, LLC (“Geronimo”), submitted a conditional use permit application for the Cherry Creek Solar Farm (“Commercial Solar Energy Conversion System (SECS)”). The applicant is requesting approval of a two-year conditional use permit for a SECS in order to accommodate the anticipated project timeline. Due to the lengthy development process and need to have assurance of the permitting for the marketability of a solar site, it is essential for Cherry Creek to receive a two year CUP.

The proposed project covers approximately 99 acres of the subject land parcel. The site was selected based on significant landowner interest, interconnection suitability with utility lines, optimal solar resource potential, and minimal environmental impact. The planned output for the project is up to 10 megawatts (MW) of solar capacity, which would generate enough energy to power 2,000 homes annually. The solar farm is proposed to utilize typical 300 watt photovoltaic (PV) panels, centralized inverters and a linear axis tracking system or a fixed-tilt racking system for the site. The PV panels will be approximately 4 to 6.5 feet long by 2 to 3.5 feet wide, 1 to 2 inches thick, and to the extent practical the foundations will likely be a steel driven pier.

Additional geotechnical soil tests may need to be completed to determine whether concrete foundations will be required for the solar panel arrays. The areas of bare ground at this facility will be revegetated with a low-growing plant seed mix (e.g. clover, short grasses or flowers, low-growing forbs, low-growing wetland seed mixes, or some other low-growing perennial cover). Internally, the panels will be connected electrically to meet at a centralized inverter, which will convert the DC power to AC power. An on-site transformer will step up the voltage to meet the interconnection voltage of 34.5 kV.

The project plans to interconnect with Xcel Energy's existing 34.5 kilovolt (kV) distribution system near the project via an approximately 1.5 mile 34.5 kV underground collection line. As shown on the map, the 34.5 kV line will be buried underground from the project site to the Point of Interconnection (POI) at the southwest corner of the intersection of 267th Street (County Highway 148) and Ellis Road (County Highway 139) to interconnect with the transmission grid.

The applicant has attached detailed information in the form of a preliminary site plan, which shows the general footprint and layout of the project including proposed locations of facilities. A timeline that indicates the estimated completion date of December 2016 is attached.

**1) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

Other than a slight visual impact of the panels themselves, the proposed solar farm should not have a detrimental effect on adjacent properties. It should be assumed that a majority of the impact will be during the setup and commissioning process; however, solar energy conversion systems typically have a much lighter effect on surrounding properties as well as the land itself. During operations, few acts or disturbances of peace should be expected due to the minimal maintenance required for a solar farm project of this scale. The applicant plans to use panels that are specifically designed to capture the maximum amount of solar energy; therefore, there will be no reflection of any kind on adjacent properties.

**2) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

The general character of the area is primarily agricultural with approximately ten single family dwellings and three farmstead sites within a one mile radius. The project site is located exactly halfway between Sioux Falls suburban residential development and the Country Acres subdivision, which makes this an ideal area for a solar farm of this scale while providing all residents in the vicinity with the peace of mind concerning this type of development.

**3) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.**

There should be little or no negative effects because the site was selected based on significant landowner interest, interconnection suitability, optimal solar resource, and minimal environmental impact. At a minimum, the petitioner should be held accountable for any damage to public or private lands and roads. The applicant indicated in their request that they are willing to work with the necessary parties to ensure that the effects of the project are minimal, if any. Although not completely necessary, screening could be a possible requirement to help ease residents' concerns about the visual impact from their homes. While it may be difficult to determine the amount of noise generated from the transmission lines and/or transformers, it should not be at a level that would otherwise constitute a nuisance for surrounding properties.

**4) The proposed use shall not adversely affect the public.**

The applicant sent out a courtesy letter to inform nearby residents about the proposed solar farm project and what to expect from this innovative development in their area. Cherry Creek plans to utilize either fixed-tilt solar panel modules facing south or a linear axis tracking system that would face east in the morning, perpendicular to the ground during mid-day, and west in the afternoon. In either case there is potential for a slight visual impairment of the view from residents' homes, but should not adversely affect the health, safety, and welfare of the general public.

**Recommendation:**

Staff found that the proposed project meets the goals and policies of the 1998 Comprehensive Development Plan. Staff recommended **approval** of Conditional Use Permit #14-44 with the following conditions:

- 1.) That the Solar Energy Conversion System (SECS) be entirely enclosed in a six (6) foot high fence, gated, and locked.
- 2.) That if dust, mud/dirt, or other debris causes a nuisance to adjacent properties or is brought onto 268th St. and 468th Ave. all driving and parking areas will need to be hard surfaced.
- 3.) That a Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan be submitted to the Planning Director prior to construction.
- 4.) That a landscaping plan be submitted prior to construction and all landscaping shall be maintained in a live state and all noxious weeds be controlled.
- 4.) That the applicant shall follow the proposed construction phases of the SECS as submitted to the Planning Director.
- 5.) That a building permit is required prior to construction of the SECS and installation of any signage.
- 6.) That all signage be in conformance with Article 17.00 and 17A.00 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.

**PUBLIC TESTIMONY**

Staff presented an overview of the conditional use permit request for the Solar Energy Conversion System (SECS). Commissioner Barth asked if there are any water or drainage issues on the subject property. Staff clarified that this area seems to be primarily an agricultural area with a few areas that may be heavily wet at times. Staff continued to mention that there might be a slough or wetland area in the low spot to the west of site.

Commissioner Barth asked how far north the beginning of the project would be from 268th St. Staff added that the southern setback is a little over 500 feet and the eastern setback range from approximately 100 to 200 feet, so one of the neighbors could have solar panels in their backyard.

Commissioner Schmidt asked if there have been any concerns from neighbors. Staff indicated that concerns have been brought up were the effect on property values for neighboring property owners, the addition of a screening requirement other than a security fence (i.e. grasses, shrubs,

trees) that would not have an impact on effectiveness of the solar panels, the change in use of the land, the visual appeal of the security fence, and the unreasonableness that the proposed location is so close to residences.

Commissioner Cypher asked for clarification that the three residences to the south of the site actually have a significant buffer setback between the solar panels and their homes. Staff explained that this distance would approximately be 600 feet.

Commissioner Gaspar asked how close the closest residence would be from the proposed project and staff noted that the closest home would be 94 feet. Commissioner Even stated that the county allows the construction of wind towers, but staff added that a conditional use permit would be required prior to construction.

Jordan Burmeister, on behalf of Cherry Creek and Geronimo, mentioned that Cherry Creek is a subsidiary of Geronimo Energy and is a general developer of renewable energy (most notably wind and solar). Geronimo has developed 239 MW of wind energy and has just started working on solar projects since 2005. They have a development pipeline of 1,000 MW of wind energy projects with Power Purchase Agreements with local utilities and are working in Minnesota on a large solar farm project with Xcel Energy.

Mr. Burmeister explained the siting of the proposed location is based on the proximity to the distribution electrical grid with Xcel; whereas, as you move further away from the local demand for electricity the project becomes more unfeasible. He added that the power generated from solar panels will be used in the local Xcel Energy distribution system at the point of interconnection. He mentioned that the preliminary site plan was developed in a way that would allow them to reorganize the location of the solar panels to the northwest corner of the parcel if necessary to give neighbors the peace of mind concerning the proximity of the panels to their houses.

Tena Rytel, Geronimo Energy, explained that they are capturing the maximum amount of solar energy and creating electricity. She mentioned that the two of the ways solar energy can be used is by distributing it to the electrical transmission grid or powering batteries (i.e. boats, cell phones, etc.). Tena indicated that the solar farm complex will utilize either a fixed-tilt racking system or a linear-axis tracking system. She proceeded to mention that there will be access roads, transformers, cable wires (transmission lines), security fencing, operations and maintenance sheds, and stormwater retention areas.

Ms. Rytel clarified that the St. Johns University project is 400 kW and the proposed site would generate 10 MW (1,000 kW = 1 MW), so the 10 MW project will be significantly larger. She mentioned that there will be a centralized inverter in the middle of the complex with a transformer next to it and the solar panels would be spaced evenly about twenty feet apart with a re-vegetated ground cover such as clover, short grasses, or other low-growing seed mix.

Ms. Rytel explained that the centralized inverter, often referred to as the brains of the system, converts AC to DC power. She indicated that there are two types of solar panel modules, thin-film and polycrystalline, of which the latter is more common. Typically, the panels are 6 feet by 3 feet and create about 300 to 310 W each. She added that the panels are equipped with an anti-reflective coating to absorb as much solar energy as possible. She provided an example that the Denver airport has a similar solar array and the Minneapolis airport is currently planning on building one there. She continued to mention that in the Bahamas there are solar panels along the airport runway, which is a good example of the non-glare issue. The panels can handle 1 inch hail at 50 miles per hour, which makes them breakable (similar to a car windshield). The panels are affixed with tempered glass so they are shatterproof except if there was a lot of power behind an object that would otherwise break the surface.

She discussed that the final design has not been approved between the two options, fixed-tilt and linear-axis tracking, because Geronimo would like to keep the option open for the off taker. She added that the construction phase usually involves a semi-tractor and trailer along with a couple pickup trucks delivering building materials to the site.

Commissioner Schmidt asked what the expected construction timeline for this project. Ms. Rytel indicated that it would take from 4 to 9 months during typical workday hours, in some cases 3 to 5 months, and that the length of time depends on the need for on-site grading of the land. She noted that there will gravel access roads throughout a portion of the site for construction and maintenance as well as a 6 foot tall chain link fence with a foot of barbed wire on top for insurance purposes. She explained the technical and foundation process for installing the panels and inverter. Tena added that there will approximately 170 construction jobs, at least 3 full-time jobs post construction, professionally-managed landscape maintenance and snow removal, and of course electricians as needed.

Ms. Rytel discussed the low impact of this project in terms of the essentially noiseless and odorless inverters that dissipate by 100 feet; and the solar panels are low to the ground so when the corn is up you actually cannot see them. She clarified that the usual height, depending on the topography of the land, for tracking panels is up to 10 feet and 12 feet for fixed-tilt. Specifically, the grading is meant to aid the development of the fixed-tilt racking system because they can only handle small differences in grade. She added that the 500-foot buffer to the southern property boundary is a best mitigated measure to reduce visual impact and that it is about 400 feet from the eastern property boundary. The closest residence would be 94 feet from the panels because the adjacent property has an established grove of trees that would otherwise screen the facility from view.

Tena explained that they will complete a comprehensive environmental impact mitigation analysis in order to present the electricity buyer with the most attractive land as possible, which is why the entire process could take up to two years to complete.

Commissioner Pierson asked what the impact of the St. Johns University project in Minnesota had on property values in the area. Tena responded that it is unlikely to do anything and gave an

example of 100 MW projects in Minnesota where people were wanting to purchase houses next to the project sites without having any issues.

Commissioner Pierson asked for clarification that their general assessment would be that similar projects would have little to no impact on property values of surrounding land and Tena said yes because the results go beyond the one example project site.

Commissioner Even asked if the subject property is owned, leased, or have an option on the land and Tena stated that they have a contract for option on this parcel assuming they obtain the necessary permitting. Commissioner Even asked if they have a purchase agreement with Xcel and Tena noted that they have submitted an application to them for interconnection studies. Commissioner Even asked for clarification that they currently provide electricity to Xcel in Minnesota. Tena explained that 100 MW project will provide electricity to Xcel, but has not been constructed yet. Commissioner Even asked for clarification that they have a purchase agreement with Xcel on that project and Tena stated that they do have a Power Purchase Agreement that has been submitted to the Minnesota Public Utilities Commission.

Commissioner Even asked if the lifespan of a typical project similar to this would be 25 years as staff mentioned. Tena indicated that the contract would be 20 years and the actual production lifespan would be about 30 years; the panels may continue producing for longer.

Commissioner Even asked about the decommissioning process. Tena mentioned that they realize that decommissioning is a part of the conditional use permit process and that the nice thing about a low impact project like this is that most of the time the piers can be pulled from the ground with much of soil left intact. She added that the property has usually been in a solid state and the property can be easily converted back to agricultural land or the best and highest use of the land at that time. She stated that there is a lot of salvage value with piers when they are pulled out of the ground and there are possible economic benefits.

Commissioner Even asked if Geronimo has considered any upgrades to the facility with upgrades to solar technology or more efficient solutions for solar panels of the future. Tena noted that Cherry Creek would eventually own the property and would consider improvements to the solar panel technology beyond the lifespan of the facility.

Commissioner Even asked if there would be a requirement to post a surety bond for the decommissioning process. Tena indicated that an agreement would have to worked out with the county on if a bond is needed to be filed as a part of the conditional use permit process. Commissioner Even asked if there are any Federal Tax incentive deadlines and Tena said that December 2016 is when there will be a tax credit change. She indicated that this is the intended date for completion of the project.

Commissioner Cypher asked about security lights on the project site. Tena noted that there will be no lights on, but only on the inverter. These lights would be for maintenance or motion sensor lighting for security purposes.

Commissioner Johnson noted that the panels are affixed with an anti-reflective coating and asked if the framing would cause any glare or reflection. Tena confirmed that the framing is metal and that everything has some type of reflectivity, but there are no issues in terms of glare. She reiterated the example with airports installing solar panels on roofs, runways, etc. that glare is not an issue with similar solar farm projects.

Commissioner Ervin asked if Geronimo has explored any other options besides a chain link security fence around the perimeter. Tena responded that it is based on insurance requirements for this type of security fence and indicated that since this is primarily an agricultural area there is no other way around the required fence. She continued to mention that the St. John's project site is located on a university campus that has security so they were able to utilize a wooden agricultural fence.

Commissioner Ervin asked if there are other options for a security fence. Tena stated that she would look into finding an alternative option for a security fence, but she is not sure if there is another method that would be less impactful than the proposed fence material. She proceeded to mention that the setback was specifically designed as a best mitigated measure with the understanding that neighbors have concerns about the visual appeal of the security fence and the facility in general. Commissioner Ervin asked if the fence would be on the property line and Tena noted that the fence will be on the setback line 50 feet from the panel structures. Commissioner Ervin asked if there is going to be any trees, shrubs, or other plant material between the fence and the property boundary. Tena stated that the setback area would continue to be cropland. She added that they believe crops will be the best option and will provide adequate visual screening from the solar panel facility.

Kent Braunesreither, 46765 268th St., shared a picture from his deck that overlooks the project area all the way to 267th St. Mr. Braunesreither explained that the picture shows full-grown corn and he questions whether the solar panels will be visible from his deck. He also questioned the statement about the 8 foot tall panels that would be barely over the height of the corn. Tena stated the panel sizes would be up to 12 feet and 10 feet tall. Mr. Braunesreither asked for clarification that the panels would be twice the size of the corn. Both Tena and Commissioner Cypher confirmed that the panels would potentially be twice the size of the corn in height.

Mr. Braunesreither mentioned the fact that Geronimo boasted the 500 foot setback, but he when spoke to Jordan and discovered in conversation that the reasoning for the setback is that there is a drainage ditch that runs through the south portion of the subject parcel. He stated that there are flooding issues in this area so much that the road ditches are full of water to the point where portions of 268th St. have been blocked or closed for periods of time.

Mr. Braunesreither indicated that the depth of his lot is 600 feet, which may seem like a lot to a city dweller but it really is not that far. He continued to mention that this project is a very large footprint on the landscape and we have seen nothing like this in the area. He is concerned about how close the project is to the Sioux Falls city limits. He added that this project will be within a

quarter mile of the 2035 Sioux Falls municipal growth area during its lifespan. He stated that he is concerned about land values, but; more importantly, he is concerned about the everyday visual impact of a solar panel facility this size.

Mr. Braunesreither indicated that Geronimo seems reluctant to provide any visual screening material other than corn, then mentioned that corn is only at its full height for 3 months out of the year. He added that when the corn is harvested the prison fence with barbed wire on top with the panels behind it is perfectly visible from the south because the topography slopes upward to the north from 268th St. He pointed out the fact that corn is rotated with beans, so every other year the fence and panels will be in plain sight.

Mr. Braunesreither asked how much it would take for the petitioner and the landowner to get together for the expansion onto another parcel and affect the nearest landowners. Commissioner Cypher noted that that would be an entirely separate issue and needs to be brought up to the planning commission at that time. Mr. Braunesreither questions why the property owner did not choose the property kitty-corner to the northeast, but he owns a house over there so the visual impact may have been a consideration.

Mr. Braunesreither asked where the energy was going to be sold. As he understands, Xcel sells energy over 13 states. While the energy may be delivered to Sioux Falls residents, he doesn't doubt that it would be sold elsewhere for profit. He stated concerns about the severity of hail in this region and wonders how it will be dealt with since the last hail storm here three months ago broke a lot windshields.

Commissioner Pierson asked if Mr. Braunesreither would be less concerned if the joint planning commissions included a condition to plant a row of trees that grow to be 8 to 10 feet tall all the way around the security fence. Mr. Braunesreither explained that this type of screening has been brought by all parties and it is his understanding that Geronimo seems reluctant to provide any visual screening. He thinks that it would take trees taller than 8-10 feet to fully screen the solar panel facility from the view off his 3-4 foot high deck on the north side of his house, but he believes this type of screening would be on the right track.

Commissioner Pierson added that the planning commission could include a condition about planting trees along the perimeter of the entire fence and the petitioner would have to comply with stipulation to be in conformance with the conditional use permit. Mr. Braunesreither noted that his only concern with that is that it takes quite awhile to grow a tree. Commissioner Pierson added trees can be transplanted as well. Mr. Braunesreither agreed that that would be a potential option as well. Commissioner Cypher pointed out that Australian Willows would be tall enough in 3 years; and Commissioner Pierson indicated that some grow faster than that.

David Dangel, 26723 468th Ave., lives a quarter mile north of the subject parcel. He mentioned that he was notified of the meeting last Friday night when someone knocked on his door. Mr. Dangel provided an example of a good neighbor that the representatives for the Dakota Access Pipeline have already been around speaking with residents and he just received a notice on

Monday that they are setting up 4-5 meetings to communicate with people as well as to give some information on the project along with take residents' concerns.

Mr. Dangel is concerned about the fact that only the bare minimum was completed in terms of the notification procedure for this kind of project. He stated that he is most concerned about the north boundary because he looks out his door and from what he sees it would be a chain link fence with no setback on the north side of the property or at least 500 feet like on the south side of the property. He believes that his concerns may be addressed with the addition of a condition like the one Commissioner Pierson mentioned earlier. He stated they bought their property to avoid having to look at things like this and he hopes that the planning commission will strongly take these concerns into consideration.

Mr. Dangel and neighbors realize they live out in the country and they are used to seeing corn, beans, and deer, but solar panels are a whole new thing; and we shouldn't have to look at solar panels without the addition of an adequate visual screening requirement. He explained that there is a waterway that drains from the proposed site into a slough, across his property and turns to continue to the west of his property into a man-made ditch. He is concerned that if the petitioner is going to be moving dirt, then he might end up with more water. He stated that there is already substantial flooding concerns along the road in this area and believes that drainage is somewhat of an issue in this quarter section.

Mr. Dangel indicated that he doesn't believe that anyone knows what will happen to value of surrounding properties. His biggest concerns are aesthetics and drainage. He explained that the petitioner should be required to provide visual screening because the surrounding property owners should not have to look at solar panels. Commissioner Schmidt explained that staff has recommended that the petitioner submit a Stormwater Pollution Prevention Plan and Erosion Control Plan as well as the low impact mitigation practice of no hard surfaced areas means that there shall be no additional drainage from the site is to be expected. Commissioner Schmidt indicated that the petitioner will have a study completed, but the drainage from the site should remain as it is presently if not better.

Mr. Dangel stated that he has lived there his whole life and the rainfall has been coming from north and heading south across his property into the drainage ditch. Commissioner Schmidt noted that the petitioner may have the opportunity to take additional water than the subject property does right now. Mr. Dangel reiterated that drainage is a concern for him and the surrounding area.

Daniel Hein, 26771 468th Ave., has lived at this property since 1979 and he purchased the property with the assumption that he would only have 3 neighbors (4 residences per quarter section). He concurred that he does have a grove of trees, but there is a portion of the property where the subject parcel would be visible. Mr. Hein is concerned that he may potentially have about 3,600 neighbors, including every solar panel. He stated his biggest concern is aesthetics. He stated that he enjoys being out in the country and takes his kids to shoot clay pigeons on the west side of his property, which may not be good for solar panels less than 100 feet away.

Mr. Hein is concerned about the aesthetics, traffic, dust control, proximity to his property, pretty close neighbor when you are not expecting any neighbors for a long time, and that there has not been a single public meeting or proper notification.

Patrick Lee, 26761 Country Acre Dr., stated that 268th St. will never be able to handle the construction traffic without additional improvements. Mr. Lee suggested a possible site for this solar farm would be behind the landfill.

Wayne Larsen, 26865 468th Ave., stated that he also lives to the south of the site and support everything that has already been said. Mr. Larsen indicated that traffic will be a big issue with maintenance of the township road due to 170 construction workers and truckloads going to-and-from the site every day. He asked who will maintain the dust and conditions of the road during setup and maintenance.

Dean Scherr, 26861 467th Ave., has lived about a mile to the southwest of the project site for 8 years. Mr. Scherr mentioned that a stop sign near his house was recently replaced, then two weeks later there were gunshots all over the sign. He explained that nobody to west has heard any gunshots and there is uncertainty as to what is going on. He added that he is curious as to the effect that this might have on the solar panels. He asked if the solar panels would be replaced during the 25-year lifespan if maintenance was needed.

Tena Rytel stated that it would be an economic decision that needs to be calculated where if the panels were at a price where the company could afford, then they could potentially replace them.

Nathan Earl, 7810 W. 67th St., mentioned that someone said that this project would be the first of its' kind in the area. He stated that it will be difficult to create a path and that the planning commission has a tough decision to make with the attractiveness of solar power that might make us feel better if we are helping the environment. Mr. Earl explained that Europe has been mobilizing and researching solar energy a lot longer than we have. He pointed out the fact that the energy administrator of Great Britain recently decided to stop the construction of large solar farms on agricultural land for aesthetic reasons and start placing them on rooftops. He doesn't believe that agricultural fields are the best place for solar panels; they should be on rooftops.

Tena Rytel stated that she would like answer some of the questions; particularly with drainage, dust control, screening, and traffic. She explained that the typical construction of a facility would not have a significant impact on gravel roads because there are no heavy weights or oversized loads, but Geronimo would be happy to sign a haul road agreement with the township if needed. She discussed that they typically do not use trees because of shading concerns and the effect on the panels productivity, but they would consider planting some switchgrass or something more dense that grows tall enough to visually screen the facility if they decided not to plant corn. Tena stated that they would be happy to work with planning staff to find a screening option that is best suited for this project. She added that there will be traffic during construction, but after there would be only a couple pickup trucks for maintenance.

Ms. Rytel explained that Geronimo chose this site because it is so close to the load where they will be able to economically provide electricity for the increasing energy demand in Sioux Falls and the surrounding area without impacting the growth potential of the city. She added that it would not be economically feasible to provide electricity to the city five to ten miles away. The land was chosen because the landowner was significantly interested in selling their land for this project to be located upon. She noted that this is not the first time someone has mentioned the possibility of the panels being shot at but they do have insurance, a security fence, and on-site surveillance.

Jordan Burmeister stated that Geronimo sent out a courtesy letter to landowners within 500 feet a couple months ago that explained the project and to contact them with any questions. He indicated they received a couple phone calls, but there are a lot more people and concerns than they received prior to the conditional use permit request.

Commissioner Anderson asked for clarification that no neighborhood meeting was held, only a courtesy letter was sent out to neighbors. Mr. Burmeister concurred and added that the letter included pictures of solar panels as well as background information on the project.

Tena explained that the purpose of the courtesy letter was to gauge what the next step for community discussion would be and that if there were any major concerns presented, then that should be an ideal time to hold a neighborhood meeting.

Commissioner Cypher closed the floor to public testimony.

### **DISCUSSION**

Commissioner Anderson asked staff for clarification on the notification requirement. Staff indicated that six property owners and all of the landowners within 500 feet of the subject property were notified of the meeting as well as a green sign was placed on the property at least one week prior to the meeting. Staff indicated that we received a phone call and went out last Friday to replace the sign because it had been torn in the wind.

Commissioner Schmidt asked if Mr. Braunesreither, who lives to the south of 268th St. within 500 feet of the subject property, received a notice of the meeting. Staff indicated that he probably did not receive a notice since he lives in Lincoln County. Staff pointed out that the only residents that were notified were Minnehaha County residents.

Commissioner Schmidt asked if the petitioner was given the names and addresses of the property owners south of 268th St. Staff noted that the petitioner did not receive the names for the property owners south of 268th St.

Commissioner Cypher explained that when we had a request for a 3,500 dairy operation on the Minnesota border, we didn't notify people in Rock County because it was in another jurisdiction. Commissioner Cypher indicated that this is a similar situation and that residents south of 268th

St. are present so let's move on to discuss this issue because they are stating their concerns about the project.

Commissioner Schmidt stated that the requirement is to notify all property owners within 500 feet should be notified of the meeting. Commissioner Cypher pointed out that it was interpreted only for residents in Minnehaha County.

Commissioner Anderson concurred with Commissioner Schmidt and believes that the petitioner should request a deferral to allow residents to be more aware of the project or provide them with additional information.

Commissioner Pierson agrees with Commissioner Anderson and believes that the planning commission should proceed cautiously with this request.

Commissioner Schmidt noted that both the city and the county have approved electrical substations and a project like this would be a significant step from what people are used to seeing, but the reality is that our electricity demands are higher than they have been. She understands that people choose to live in the country for the lifestyle it provides and there are substations in some areas, but the city has approved substations in the city with far less screening than the petitioner plans to provide.

Staff mentioned that the planning commission has continued items to allow the petitioner to organize a neighborhood meeting with surrounding property owners.

Commissioner Randall asked if there was anyone from Wayne Township to address the concerns related to the township road in question.

Commissioner Barth indicated that the petitioner has stated that they would be willing work with the township on maintenance of haul roads and that he would appreciate a meeting with neighbors, but he believes that there is definitely room for more intergovernmental cooperation. For instance, Commissioner Barth provided an example about the involvement between various governmental bodies that we are not notified about drainage in Rock County or Moody County. Commission Barth believes that there definitely needs to be additional cooperation between the various governmental entities.

Commissioner Even asked if there are any future improvements to 268th St., or 57th St. Staff mentioned that there are no improvements past 57th St. & Ellis Rd. in the Long Range Transportation Plan or Transportation Improvement Plan for the Sioux Falls Metropolitan Planning Organization. Commissioner Barth added that he hasn't heard of any major expansion projects in this area.

Commissioner Barth stated that he would like to ask to staff or the petitioner if they would like a deferral to have a neighborhood meeting before taking action on this item.

Tena Rytel stated that they sent out a courtesy letter on August 1, 2014 to all of the adjacent property owners, regardless of which county. She explained that the first letter was sent out by Cherry Creek on their own and the conditional use permit notification letter was sent per directions from planning staff.

Commissioner Barth asked what the content was of the courtesy letter. Tena explained that courtesy letter contained general information about the project, pictures of solar panels, and that they would submitting a conditional use permit to the county.

Commissioner Gaspar asked if we just had a neighborhood meeting tonight and is curious if anything else can be resolved other than what was presented at this meeting. Commissioner Gaspar stated that the residents voiced their concerns and Geronimo presented what they could do along with what they plan to do to help mitigate some of the concerns residents have with the proposal. Commissioner Gaspar indicated that most of what they plan to do is already stated in the conditions recommended by staff. While Commissioner Gaspar doesn't doubt that residents will be able to have some more time to think about more concerns, but he is unsure whether a neighborhood meeting will accomplish any more than we have tonight regarding this proposal.

Both of the planning commissions discussed amongst themselves concerning the conditional use permit request.

### **ACTION**

A motion was made to **approve** Conditional Use Permit #14-44 for the City by Commissioner Gaspar and seconded by Commissioner Pierson. The motion passed unanimously. Same motion was made to **approve** Conditional Use Permit #14-44 for the County by Commissioner Rogen and seconded by Commissioner Randall. The motion passed unanimously.

### **Old Business**

None.

### **New Business**

None.

### **Adjourn**

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Pierson to **adjourn**. The motion passed unanimously.