

## **MEMO**

**To:** Mayor, City Council Members & Interested Parties

**From:** Robert Barbian, Administrator

**Date:** July 19, 2016

**RE: Solar Garden Hwy 23 & 4**

**Background:**

Benton County is considering the issuance of a Interim Conditional Use permit for the development of a solar garden at the intersection of Hwy 23 and 4. This is a key intersection in the development of the Foley area. The interim use permit issuance process administered by the County requires those impacted to be noticed to provide opportunity for comment. Please see notice attached.

**Analysis:**

The development of this area into a solar garden will tie the land area up for a stated 27 year lease period. In addition the company undertaking the project has indicated in meetings that there is a 25 year lease which is renewable, at the lessors option. This then appears to tie the property up for an extended period of time. In preliminary review of an extension of City utilities, sewer and water it does not appear the City would be able to obtain a proportional amount of the cost of the extension from this property owner or lessor. Thus extending utilities along this property for between 27 and 50 year will be a burden on other property owners and on the City utilities.

Discussions amongst have been limited yet a basis for stating objections to the issuance follow:

1. It will create extra cost if the city has to acquire a portion of the property for a public purpose (utility extension)
2. It is an impediment to the orderly development and growth of the City of Foley by creating a road block (physical and assessment) for utility extension
3. It is not the highest and best use for the property
4. It is not appropriate from an aesthetic perspective—it is industrial in nature.

**Recommendation:**

The City Council direct staff to submit to Benton County objection to the issuance of the permit on the basis above listed concerns.



**BENTON  
COUNTY**  
DEPARTMENT OF DEVELOPMENT

July 12, 2016

ECONOMIC DEVELOPMENT

LAND USE

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RE: Caelum Community Solar Garden

Mr. Barbian,

Benton County Department of Development has received an Interim Use Permit (IUP) application from Caelum Community Solar Gardens, LLC. Enclosed you will find the application that was submitted by them.

The proposed project is located at 11010 65<sup>th</sup> St. NE Foley, MN 56329 (PID 02.00497.01).

Some highlights of the application include:

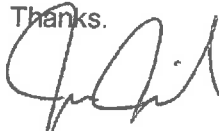
- The request is for 27 years.
- The request is for a 2 megawatt (MW) solar garden consisting of two 1 MW solar gardens.
- The project footprint will be approximately 13 acres.

Please review the application and provide comments or concerns prior to the scheduled public hearing of July 28, 2016 Planning Commission. Benton County sends out the Planning Commission Packet about a week prior to the meeting, if comments are received prior to the mailing date, those comments will be sent with the packet to the Planning Commissioners.

The criteria that the Planning Commission will evaluate the request is also enclosed.

If you should have any questions related to this process, please feel free to contact me at any time.

Thanks.



Joe Janish  
Director, Department of Development



### 11.6.3

#### Interim Uses

##### A) Criteria for Interim Use

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

1. The interim use conforms to the zoning regulations of the County;
2. There will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
3. The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
4. The interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.
5. The interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
6. The interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.
7. The interim use is consistent with the Comprehensive Plan of the County.
8. The interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.
9. The interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

##### B. Conditions

1. The use shall be limited to a specific time or event as identified by the Planning Commission.
2. Any interim use may be terminated by a change in zoning regulations.
3. As a condition of approval of the IUP, the Planning Commission may require an additional annual inspection fee as adopted by the Board.
4. Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.