

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 15, 2021

MINUTES – (Informational)

The Wright County Planning Commission met April 15, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 1:00 p.m. with the following Board members present: Mike Kaczmarek, Jan Thompson, Ken Felger, Dan Bravinder and Pat Mahlberg on WebEx. Absent was Corey Tanner. Sean Riley, Planning & Zoning Administrator, represented the Staff. Greg Kryzer, Assistant County Attorney, was legal counsel present.

NOTICE OF INTENT TO AMEND §155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS (Minimum Escrow Deposit and Surety Amount to be Considered)

The Wright County Planning Commission will be reviewing and discussing proposed amendment to the Wright County Code of Ordinances. Proposed is to amend 155.108(C)(14)(c), to add a minimum escrow deposit and surety amount.

- A. Riley stated a moratorium on solar and a Solar Work Group established. The discussion resulted in coming up with a minimal amount for the bond, (bottom line). The recommendation and language provided includes the table. The Commission makes a recommendation to the County Board.
- B. Mol stated he was part of the last workshop meeting. He questioned the reason for piecemeal changes? Riley the moratorium was very comprehensive, impacts not only new ones but also existing farms that had CUP's but don't have a developer's agreement yet and pending applications. This item was addressed for those that don't have so some of the ones further along could perhaps proceed if the County Board revised the moratorium. Over the next couple months, they will address the other issues and after that time the overall moratorium could be lifted.
- C. Riley opened the hearing to the public to comment on the amendment before the Commission. Terry Weese – Buffalo Township – they are in support of what the Commission has come up with. Would like to keep it as high as they can. Riley stated he has no one else online indicating they want to speak at this time.
- D. Felger – asked if anything been lifted from the moratorium? Riley – not yet.
- E. Kaczmarek – asked Kryzer to speak about the escrow deposit. He asked would it be noted in a developer's agreement or easier if these figures change over the next 25 years? Kryzer stated as far as the developer's agreement it was set at 150% of the estimated cost of removal. The table just represents what a minimum surety amount would be set at. Kryzer - There is no expiration of that time, inflation over time, they are just setting a floor and it can go up.
- F. Mol asked if at this time they are asking 1.5 times the cost of removal, but don't have a minimum? Riley confirmed there is no minimum and no estimate for the reclamation of the property.
- G. Felger – asked if they have seen a surety issued to Wright County in the amount of \$350,000 or \$400,000? Riley – did not think they have seen the number, but the amount has been based on size. In Wright County the majority have been 1 MW farms. Felger asked if there was a short time when they had 5 MW? Riley said we had some larger initially on and also ones handled at the State because it was at the utility level. Referred to the Aurora project. He has not seen any larger than 1 MW recently. Felger asked if at that level have they seen a \$100,000 surety amount. Riley stated they have seen that and over and was based on information from the developer. But it has left the Planning Commission and County Board struggling on what was the intent or requirement of the Ordinance. Explained the Ordinance language spells out the calculation, but the number comes from the developer. The developer's numbers were getting progressively less. Felger asked if this addresses a disagreement between the Developer and County on what the elements should be. Riley – not so much the element between the true cost. There are three developers on the Work Group that have some figures that reach that. Felger stated the concern is how they would know what it might cost in 25 years.

- H. Kaczmarek relayed what has come up at the Workshop Meetings are the amounts thrown around by the developers for \$75,000 in 25 years. The County brought an estimate for a 2 MW farm of \$214,000. Because these estimates were not close, the County cut that in half to come up with \$107,000. He personally contacted another company to get an estimate and he was given \$530,000 as a cost of cleanup with an additional \$203,000 to dispose of the items. The point is that no one will know for sure. The question, why the involvement and concern of Wright County? They look at what is the worst-case scenario. The Company puts up the surety and in 25 years they must remove it. Change fees higher figures for cleanup. The option is they could walk away from \$100,000 surety. The property owner is left with the solar farm and decides the land is not worth the cost of cleanup and walks away. Felger asked if they factor in the reselling the panels? Kaczmarek – noted how the efficiency and technology could change in 25 years and what would it be worth. Felger – it is his understanding that the surety is a bond or letter of credit? Kryzer - majority are cash. Felger asked who holds the surety and interest paid? Kryzer – it is a separate account the Auditor sets up with interest earned. Both are returned to the developer. Riley similar concept at the utility level scale.
- I. Lori Cocking– appreciated the Staff getting back quickly to their questions. The advantages are clear, clean energy and the farmers are excited about the solar farms and the potential income. Asked if the County has researched how other jurisdictions have done this, or are we trying to figure it out on our own. The State requires the funding over time, there are models on this. Using worse scenario is a guess. She feels panels are valuable and after 25 years they can be used somewhere else if they don't stay there. Riley noted like any Land Use issue, some counties and cities require different things and amounts. It has been discussed by the local community. The State has a schedule for the large ones. The money cannot be used elsewhere. Mol – what does the State require. He is aware of the very large ones going up across the river. Riley – he does not have that in front him. These are bigger with 40 MW being a utility scale. It is a similar concept and requirement. Cocking asked Kryzer if this is the second moratorium. Have the issues been researched and looked at extensively. Kryzer noted the proposal now is to put a minimum. Cocking is concerned they are not just pulling a number out of the air. Going from \$100,000 to \$500,000. There is a lot of information out there. She feels there is a lot of paranoia about solar and felt there is a lot of information they can learn from and is asking if there has been research. Kaczmarek stated he has spoken with the Counties to the north and south and they have some of the same concerns. Although they may have different figures, assured her he was not just pulling it out of the air.
- J. John Dietering – Supervisor for Rockford Township – feels these changes will force solar out of Wright County. He does not think the County has a dog in this fight. He feels this is between the property owner and the solar company. He does not think it likely both parties would just walk away. He noted where he has land in the County, and he has never had to removal of silo or dairy barn. These panels are not toxic. He is all for a set of rules; but does not want to see the solar farms discouraged from locating in the County.
- K. Terry Weese – they have a solar farm in his Township. The amount of material is astronomical and the very small price to clean it up is unbelievable. There are two Counties on the border that have put moratorium on them because of the metals in them were contaminants.
- L. Charlie Borrell – resident in Woodland Township – not speaking to the surety for reclaiming. Wants to encourage solar as long as they do not destroy the land or doing major land alteration and destroying the value of the land by removing the topsoil. Seeding into grass allows them to drive on the first year. These are put on some good farm fields and if the soil is left it can always be put back into farmland. Appreciates the solar farm across from his property. As discussed when he was on the Planning Commission, if they do a lot of earthmoving it would not be as valuable.
- M. Felger – indicated Dietering brought up a point, he also supports solar. Feels they do not want to drive them away because they have to come up with this amount of surety. He was surprised at the figures; feels they are astronomical. Solar is here to stay and don't want to drive it away. Although as Kaczmarek as pointed out this, is halfway, but seems excessive and does not want to drive it away.
- N. Bravinder – he has talked with Harlan Anderson who has two solar farms on his land. When it comes to removal, he questioned Kryzer. If the solar company walks away is that surety available to the landowner. Kryzer – it would not. If the County went in to clean up the property and they assess the

property owner for anything over. He would anticipate a situation that the County would work with the landowner, access the surety first. Bravinder in talking with Anderson who has indicated he is comfortable with the surety that was set up for his and thought \$100,000 is adequate. Bravinder noted the property owner is on the hook for it, these are put on large ag parcels and does not see those property owners walking away from the land. There are options such as recycling the panels. Bravinder stated they talked about it at his Town Board, and they thought \$300,000-400,00 for the 5 MW was ample. All these scenarios falling into place is unlikely. Wants to include the landowners in this decision and felt it would be unfair if they are discouraged from going in.

- O. Felger – in 25 years and the Company is still in business and clean it up, what happens to the surety? Kryzer stated the Company gets it back with interest.
- P. Mol – it sounds like we are trying to make it more difficult for solar in Wright County. Discussing the cleanup in the 25 years. In 25 years they will be shutting down the Sherco Plant converting to natural gas, putting in thousands of acres in solar panels to replace it. Several owners in Clearwater Township were trying to shut down the Sherco coal plant. Working on Ordinances, have had two moratoriums, making it more and more difficult. Where will the electricity come from? The coal is not being used cannot come in with nuclear plants. Had not thought much about it, until Anderson mentioned the CRP program came in the 1970's and people did not think land would go back into production, however, it has gone back into production. The land can go back into production if the land underneath is not destroyed. Felt they need to provide this for the County. The solar farm near Buffalo was to be provide electricity to the City utility. Need to look into the future.
- Q. Felger – noted there is discussion about putting land back into agricultural; but could be replaced in 25 years with more efficient or enhanced units. Agrees with Mol on most points.
- R. Kaczmarek moved to recommend approval of Ordinance Amendment 21-3 to the County Board. Thompson seconded the motion.

VOTE IN FAVOR: Kaczmarek, Thompson & Mahlberg NAY: Felger, Bravinder & Mol

- S. Mahlberg moved to forward Ordinance Amendment 21-3 to the County Board without a recommendation. Bravinder seconded the motion.

VOTE IN FAVOR: Mahlberg, Thompson, Bravinder, Kaczmarek & Mol NAY: Felger

- T. Thompson moved to close the public hearing. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY