

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
November 24, 2014**

A joint meeting of the County and City Planning Commissions was held on November 24, 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, Wayne Steinhauer, and Mark Rogen.

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

STAFF PRESENT:

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

NUMBER OF ATTENDEES: 42

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

CONSENT AGENDA

ITEM 1. Approval of Minutes – October 27, 2014

A motion was made for the City by Commissioner Johnson and seconded by Commissioner Pierson to **approve** the meeting minutes for October 27, 2014. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Duffy to **approve** the meeting minutes for October 27, 2014. The motion passed unanimously.

REGULAR AGENDA

A motion was made for the City by Commissioner Gaspar and seconded by Commissioner Johnson to **approve** the regular agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher 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:

INTRODUCTION

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 conditional use permit for a SECS in order to accommodate the anticipated project timeline, which is attached for your review. Due to the lengthy development process and need to have assurance of the permitting for the marketability of solar site, it is preferable for Cherry Creek to receive a longer timeframe for commencement of the proposed SECS. The estimated completion date is scheduled for December 2016.

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.

PROJECT SUMMARY

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.

TIMELINE

Dan Hein, 26771 468th Ave., and thirty members of public appealed the decision of the Joint Sioux Falls & Minnehaha County Planning Commission on Conditional Use Permit #14-44 to allow a Solar Energy Conversion System (SECS). Several property owners have submitted letters of concern about the impact the proposed project will have on aesthetics of the landscape, property values, roads, and visual sight. The letters also indicated concerns over whether this is the best use of the land, proximity to residential homes, unsightliness of a 6 foot high chain link fence around the perimeter, long-term maintenance, and the resale value of their property.

On October 3, 2014, staff discussed with Jordan Burmeister and Nathan Franzen of Geronimo Energy about an update that they are continuing to meet with landowners to address the concerns that members of the public have about the project.

On October 16, 2014, staff discussed with Mr. Burmeister about an update that they are working on developing a landscape plan with plant examples provided by Wayne Larsen's Tree Nursery. The plan would include rows of lilacs, maples, and red cedars encompassing approximately 8,282 linear feet on the outside edge of the security fence. He added that they are continuing to work with the landowner for the amount of land to be cropland and the visual buffer of trees on the subject parcel.

On October 24, 2014, Geronimo submitted a landscape plan and decommissioning plan that are included for your review.

Staff discussed the conditional use permit request with Pat Doyle, Wayne Township supervisor, and mailed notification of the joint planning commission meeting to him. Mr. Doyle stated concerns over the impact on the tax base, the roads during construction and the sighting of the Dakota Access pipeline.

On October 24, 2014, received the following comment about the impact on the tax base from the Director of Equalization: Since Cherry Creek (Geronimo) plans to sell the electricity generated

from the solar panels to Xcel to distribute locally, then the property would be centrally assessed at a rate yet to be determined.

CUP #14-44 was heard at the October 28, 2014 Joint Sioux Falls City Council and Minnehaha County Commission meeting, but remanded the item back to the Joint Planning Commissions.

Conditional Use Criteria:

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 the 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 than wind energy conversion systems. 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.

On November 4, 2014, staff received a written response from the Director of Equalization regarding the proposed impact on the value increase or decrease of lands if a solar farm was placed nearby. "To value properties you must have sales of equally affected properties, which there are none since this is a first for the state of South Dakota". This statement would indicate that without more information the value of these lands cannot be determined.

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 residents in the vicinity with the peace of mind concerning this type of development. Although the proposed location for this project is on approximately 80 acres of productive agricultural land, it is depicted in an area lying adjacent to the Sioux Falls municipal growth area. While this area is not likely to see a significant change in land use; however, it is expected that development will occur at some point during the approximately 25 year life of the SECS.

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. In addition, there may need to be a requirement included on

the permit for dust control on the portion of 468th Ave. that will be utilized during construction of the facility. 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. Screening could be a possible requirement to help ease residents' concerns about the visual impact from their homes.

The applicant has been working with neighboring landowners to develop an ideal screening method for the visual impact the proposed project may have on surrounding properties, which has been included for your review. 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 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 in conformance with Section 16.04 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 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.
- 5.) That the applicant shall follow the proposed construction phases of the SECS as submitted to the Planning Director.
- 6.) That a building permit is required prior to construction of the SECS and installation of any signage.
- 7.) 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 staff for clarification on the purpose of the public hearing on this conditional use permit request. Staff explained that all property owners within 500 feet of the subject property were notified by mail including the residents south of 268th St., who were not sent notification of the September 22nd Joint Planning Commission meeting.

Jordan Burmeister, Geronimo Energy, LLC, expressed gratitude for the opportunity to appear at this public hearing. Mr. Burmeister indicated that Geronimo has heard the concerns from landowners on the visual impact, decommissioning, among other issues and have been working to find a balance that all landowners can have assurance regarding the proposed project. He pointed out that Geronimo has been forthright with the submission of a decommissioning and landscape plan prior to this public hearing to help mitigate any concerns of neighboring landowners.

Commissioner Barth asked about setbacks from the south and the east of the proposed site of the project. Mr. Burmeister explained that the solar panels would be approximately 530 feet from the center of the road to the south, 464 feet from an existing house to the east, 90 feet from an existing shelterbelt of mature trees along the property line on the east side, and 300 feet from the house site to the north as shown on the site plan.

Commissioner Johnson commended the petitioner on submitting the decommission plan prior to construction and asked the petitioner how deep the feeder lines to the point of interconnection would be and Mr. Burmeister indicated that these lines would be about 4-5 feet deep below frost level, which is fairly standard among the industry.

Commissioner Johnson asked if the lines can be reversed and used for a different purpose. Mr. Burmeister explained that the repurposing of these lines would be dependent upon the need of the utility company with which the petitioner secures an interconnection agreement.

Michael Schaffer, Schaffer Law Office, Prof. LLC, noted that he represents 14 landowners and of that total 3 reside in Lincoln County. Mr. Schaffer indicated that Cherry Creek Solar, LLC was formed in Delaware a few days prior to submission of this conditional use permit application. He added that neither entities has ever built or operated a facility of this magnitude. He believes that there is additional uncertainty regarding the proposed project because Geronimo has had only limited experience in solar energy.

Mr. Schaffer noted that the Aurora Solar Project has been touted as a 100 MW project for Minnesota with Xcel Energy; however, he added that Xcel Energy recently requested of the Minnesota Public Utilities Commission that it no longer has the energy demand and that they have found other cheaper sources of solar energy. Commissioner Schmidt asked how this comment relates to the subject property. Mr. Schaffer explained that the joint zoning ordinance requires a completed interconnection agreement and questions the justification of the petitioner

meeting this requirement in light of the ongoing dispute with Xcel Energy before the Minnesota Public Utilities Commission. He believes that it should be in the joint planning commissions' best interest to impose a condition requiring the petitioner to complete an interconnection agreement.

Mr. Schaffer questioned the basis for approval of the proposed project on grounds that we don't know what the cost will be or how everything can be disposed of in a responsible manner. He believes that the petitioner should be required to submit a decommission plan that details the full cost of the project as well as include a provision to set up a performance bond or escrow account that funds are deposited into over the life of the project that the county has access to.

Mr. Schaffer also questioned the basis of the analysis on the amount of reflection and adequacy of screening on the subject property.

Commissioner Barth asked for clarification if this is the wrong land use for the area. Mr. Schaffer indicated that this area will be developed over time and thinks that the solar farm would be more compatible if placed by the landfill.

Daniel Hein, 26771 468th Ave., indicated that the last landscape plan that he viewed didn't show any screening or buffer from his property about 90 feet from the proposed solar panels. Mr. Hein believes that there needs to be an adequate buffer similar to that required of a gravel pit, telecommunications facility, and other intensive uses.

Commissioner Schmidt asked for clarification what kind of screening Mr. Hein has on the west edge of his property. Mr. Hein indicated that he does have a 100-year old grove of trees, but you can see right through them right now. Commissioner Randall asked for clarification where Mr. Hein lives and he pointed out that his property directly abuts on the east side of the subject property.

Commissioner Steinhauer asked staff an unrelated question on the restrictions for size, type, and height of fences on agricultural property and staff indicated there are none.

Vince Jones, Woods, Fuller, Shultz & Smith P.C., noted that he represents Seven Mountains Capital Management, LLC. Mr. Jones presented the joint planning commission with four of the following concerns: not compatible with the considerations of Article 19.07 in the Joint Zoning Ordinance, potential for a significant diminution in land value (clients' land in particular), better suited elsewhere, and applicant has not submitted adequate information about the impact of the proposed project.

Mr. Jones explained that his client is facing frustrations with the impact of the proposed project, which will no doubt affect surrounding properties. He believes that the applicant should prepare a glare study to determine that there will in fact be no glare. He gave an example of the St. Johns University solar farm in Minnesota that he used to live 200 yards from and noted that he believes there is a glare from the solar panels.

Mr. Jones discussed that they had a land analysis prepared for their client's property, which shows the approximate diminution of land value. He explained that this estimation is based off of the comparable sales of agricultural property in the area. As a result of this analysis, it is estimated that 40 to 60 acres may be considered undevelopable or less valuable. They recognize that the land is not quite ready for development, but it is to be expected that sewer infrastructure may be possible within the next 5-10 years. He added that people do not want to build residential next to solar farms of this scale. He believes that his client's property will be negatively affected by a conservative estimate of about a half million dollars.

Mr. Jones explained that the vast majority of the development in this area is residential and believes that out by the landfill is a better suited location for this type of development when there will be an Xcel Energy electrical substation built near Wall Lake. He added that there other negative factors than just noise, traffic, and air pollution such as the amount of screening. He continued to mention that his clients are not satisfied with the amount of screening. He stated that on behalf of his clients to urge the joint planning commission to disapprove of this request until questions are clearly answered or to reconsider the conditions imposed upon this permit to assure the public that the proposed project will not negatively affect them in any way.

Commissioner Gaspar questioned how they know there will be a loss of land value. Mr. Jones explained that they are speculating based on the evidence that they've been presented with, such as glare, existing solar farms, trouble with proposed solar farm installations in Minnesota, relationship with Xcel Energy is deteriorating, and this is not the best place for the proposed use.

Commissioner Schmidt added that while she appreciates Mr. Jones' clients view, but it is counterintuitive to the petitioner's case that the subject property is the best possible location for this project. She reiterated that this is a land use issue and Mr. Jones presented evidence asking the joint planning commission to make a decision based on speculation with the idea that Seven Mountains Capital Management, LLC may develop their property 5-10 years from now. Commissioner Schmidt noted that a SECS is allowed under agricultural land and that there are numerous substations in the city that are within residential areas that have far less screening than this proposal.

Commissioner Gaspar asked city staff for clarification about the capability of sewer in the area within 5 years as was noted in the land analysis study that was presented. Diane de Koeyer, City of Sioux Falls Planning, indicated that this is first she has heard of this and that the information that was presented came from Ryan Johnson in a Public Works study.

Randy Shaull, 46761 268th St., presented a summary of the concerns on behalf of about 30 other landowners. Mr. Shaull extended his gratitude for the planning commissioners devoting their time and energy. He recognized the 30 other landowners who have the same concerns about the proposed project as the issues that have been presented so far. He mentioned that he has had one ten minute meeting with Mr. Burmeister and called Geronimo after he received the informational letter to get a response on the proposal.

Mr. Shaull added that he and his neighbor told Mr. Burmeister their concerns about the visual impact of the solar panels. He explained that he believes that there shouldn't be any concerns with shading on the solar panels with a tree 500 feet away, the 600 foot buffer on the south side is due to a drainage issue, and that there is a general uncertainty Geronimo does not have the expertise to install a solar project of this scale.

Mr. Shaull reiterated the fact that the screening was proposed after the initial appeal of the joint planning commissions' decision to approve the request is disheartening considering Geronimo would not meet with neighboring landowners to determine what would be necessary to address their concerns. With a \$25 million estimated total project cost, there should be no hesitation that a 0.1% increase in the cost would cause any kind of financing concerns.

Mr. Shaull gave an example of the solar farm project in Slayton, Minnesota that is a much smaller project than this proposal. He added he talked with a neighboring landowner who lives to the south of this project and they mentioned that there is definitely some glare. He explained that they do not believe that there is one positive impact for building this project in this location. He continued to mention that the neighboring landowners would rather see this project not be an experiment within one mile of Sioux Falls and that only reasonable sized solar farms should be allowed. He noted that the landowners have been in this area for 12-15 years, enjoy the area, and would like the joint planning commissions to disapprove of the conditional use permit request.

Commissioner Barth pointed out that not every project will benefit neighbors and asked what the petitioner can do to help address the concerns of neighboring landowners. Mr. Shaull noted that they can scale down the project to a more reasonable size. He questions why we should trust them with 100 acres when it took so long for them to meet with neighbors to develop something that may be a 0.1% increase in project cost or to have judgment to repair the roads. In addition, he noted that he would like to see more adequate screening than 18-inch trees. Lastly, he mentioned that he would like the petitioner to work with us.

Commissioner Johnson asked how many meetings Geronimo refused. Mr. Shaull indicated that the neighboring landowners have had six meetings and Mr. Burmeister was invited to at least one of those but did not attend. Mr. Shaull noted that he had been working with staff on getting his questions answered because it was indicated by staff that questions directly from landowners must be provided answers through local government.

Kent Braunesreither, 46765 268th St., reiterated that we should caution the size of the project because of an article in the Argus Leader on July 23rd by Scott Anderson that says that the project will be 300 acres. Mr. Braunesreither mentioned for the record that the same property owner owns 2 adjacent properties nearby. He stated concerns over the potential for additional solar farms located on the adjacent properties and a massive amount of glare.

Dan Hein reiterated that the joint planning commission should proceed with caution because we are not experts on the subject matter. Mr. Hein continued to mention that we have not seen a glare test or any technical studies. He also noted that he would like to see a performance bond to

ensure that the complete effects of the proposed project are taken into account prior to taking action on this conditional use permit request.

Commissioner Steinhauer asked the petitioner for a rebuttal on the issues and concerns that have been presented from the opposition.

Tena Rytel, Geronimo Energy, LLC, addressed the comments on the decommission plan required by the zoning ordinance that they agree and left the requirement open because different financiers have different options in providing financial surety. Ms. Rytel explained that providing financial surety is not something that has been overlooked by either Geronimo or Cherry Creek Solar. She added for clarification that the 300-foot setback is from Mr. Hein's house, it is only about 100 feet from the property line, and there will be additional visual screening along his property line.

Ms. Rytel explained that the feeder lines are the same as wires connecting residences, which can be used for a different purpose but it depends upon the preferences of the company. She added that the transmission lines are virtually noiseless and the solar panels are designed to capture as much sunlight as possible but that is not say that there will some sort of reflection. She also noted that the reflectivity of solar panels is less than corn, but there may be some reflection on the metal hardware.

Ms. Rytel indicated that they are not in the industry to take this lightly because it is costly. She noted that they will not have a project without an interconnection agreement with a local utility company. She mentioned that official information with questions in regards to the ordinance must be filtered through the county because of potential legal implications that have arisen since the first public hearing. She continued to mention that the proposed location was chosen because it is outside of the long-term expansion plan for the city. She stated that they will not provide an answer about their relationship with Xcel Energy because it is not as simple as the evidence that was provided during the meeting tonight.

Jordan Burmeister addressed Mr. Shaull's concerns about the delay in providing information prior to submittal of the conditional use permit application. Mr. Burmeister indicated that he met with Kent Braunesreither, Randy Shaull, and Wayne Larsen to develop a screening plan for review by the planning commission. He added that a couple of rows of six foot tall trees around the perimeter of the project is a difficult undertaking and that they have already put together a plan to provide additional screening along Mr. Hein's property line as well as closer homes on the eastern and southern sides. He reiterated for clarification that he has been in contact with the landowners either via phone, email, or in person.

Commissioner Cypher questioned why Geronimo is not considering planting one row of Australian Willows in conjunction with the other trees, which grow about 4 feet per year. Mr. Burmeister stated concerns over height and shading of the solar panels. He indicated that the landscaping plan includes tree examples that were provided from Mr. Larsen's tree nursery, but does not have to be exactly these types of trees.

Commissioner Steinhauer asked for clarification that Geronimo would be amenable to provide more screening or faster growing tree cover. Mr. Burmeister explained that it may be a possibility within reason to plant a faster growing species provided that it is not cost prohibitive.

Commissioner Pierson asked if the petitioner can respond to the question about being new to the solar industry and not being ready to clean up a project of this size. Tena Rytel mentioned the fact that Geronimo has successfully done wind energy systems. Ms. Rytel indicated that their Director of Solar, who has also designed hundreds of solar farms in California and Arizona, was the designer of the Slayton, MN solar farm as well as owns and operates the St. John's University solar facility. She reiterated that they do not take these projects lightly because financiers look for every single risk and you don't get financed or built if those things are not addressed.

Commissioner Steinhauer closed the floor to public testimony.

DISCUSSION

A motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth for discussion. The motion passed unanimously. Same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke. The motion passed unanimously.

Commissioner Steinhauer reiterated that this is a land use issue and a conditional use permit gives the planning commission an opportunity to impose necessary conditions of approval, but pointed out that we may need to have a subsequent meeting to discuss the issues regarding the landscape plan and glare from the solar panels. Commissioner Randall concurred that we need more information regarding the glare concerns and the landscape plan.

Commissioner Schmidt asked Commissioner Ervin if he had any different comments regarding the landscaping for the project since the last time this application was heard before the joint planning commission.

Commissioner Ervin believes that we are moving in the right direction that they are increasing the amount of screening and landscaping. He pointed out the fact that while 18-inch bushes will evolve into trees over time there may need to be some additional mature trees included in the plan to ease some of the concerns about the visual impact of the proposed project.

Commissioner Johnson mentioned the fact of the eye sore nature and provided an example in the city that electrical infrastructure has very little effect on property values.

Commissioner Barth added that he believes that this won't look as bad as a substation, but he hasn't seen one quite as large as this request. Commissioner Barth agreed that neighbors need more assurance on screening among other issues and there should be better communication among the parties involved. He added that we also need to make adequate provisions available

for people to do business in this county. Commissioner Barth provided an example when they took a trip to an ethanol plant with neighbors and reiterated the need for better communication to alleviate the concerns of neighbors.

Commissioner Steinhauer explained that he is unsure on the true effect of the solar panels on surrounding properties and would like to see the plans and studies that the petitioner has mentioned in previous discussions.

Commissioner Schmidt questions whether the glare issue is within the purview of our decision. She understands the concerns of neighboring landowners that their view will change, but the reality is our electrical consumption is continually growing. Commissioner Schmidt added that we have had a significant number of substations that were not wanted, but they are needed due to the electricity demand. She concurs with Commissioner Johnson that she has never seen anything like this devalue a property and recognized the statement of the Director of Equalization on the reality of devaluation of surrounding properties in regards to projects like these.

Commissioner Gaspar concurred with Commissioner Schmidt and asked how we change condition number 4.

Commissioner Steinhauer believes that there is some justification for reviewing the landscape plan and glare issue in more detail. He mentioned that he would entertain a motion for adding a requirement to include landscaping on all sides that grow to a certain height.

Commissioner Gaspar asked how that would affect the solar panels and Commissioner Steinhauer indicated that may need to be determined by the location of the trees on the property.

Commissioner Cypher recommended that the petitioner could plant a row of Australian Willows along the property line setback about 75 feet from the center of the road and would reduce the potential for shading the solar panels.

The planning commissions discussed amongst themselves on the conditional use permit request.

ACTION

A motion was made to **approve** Conditional Use Permit #14-44 with a change to condition #4 that a landscaping plan with an additional row of fast-growing trees of a minimum height of six (6) feet within two (2) years be submitted and approved prior to construction. All landscaping shall be maintained in a live state and all noxious weeds be controlled for the City by Commissioner Ervin 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 Gaspar to **adjourn**. The motion passed unanimously.