1. Roll Call –
   - Grack  O
   - Gasow  O
   - Boerner O
   - Schulte O
   - Strobel O
   - Muchow O
   - Padilla O

2. Call Meeting to Order

3. Consider 10/28/2020 Agenda

4. Approval of Minutes – September 9th, 2020  P. 2

5. Public Hearing – CUP – Titlow Garden, LLC/Nokomis Energy, LLC/ Pinkske Property P. 4


7. Open Forum - Comments from citizens (5-minute time limit)

8. Adjournment
Planning and Zoning Meeting
Wednesday September 9th 2020
5:30 p.m., City Hall

1. Roll Call –

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grack</td>
<td>Yes</td>
</tr>
<tr>
<td>Gasow</td>
<td>Yes</td>
</tr>
<tr>
<td>Boerner</td>
<td>Yes</td>
</tr>
<tr>
<td>Schulte</td>
<td>Yes</td>
</tr>
<tr>
<td>Strobel</td>
<td>No</td>
</tr>
<tr>
<td>Muchow</td>
<td>Yes</td>
</tr>
<tr>
<td>Padilla</td>
<td>No</td>
</tr>
</tbody>
</table>

2. Call Meeting to Order
Meeting called to order by Chairperson Orlin Grack at 5:30

3. Consider 9/9/20 Agenda
Motion by Gasow, seconded by Boerner, to approve agenda. Motion passed.

4. Approval of Minutes – August 12th, 2020 - Grack said that in paragraph number five, the word concert, there should be a spelling correction. The correct word should be concrete. A motion by Gasow and seconded by Muchow to approve the August 12th, 2020 minutes with the spelling correction. With all members voting in favor, the motion passed.

5. Public Hearing – Variance – Roger Kistner/Sibley Truck Lines – PID # R32.0723.060 amending ordinance Section 153.119 (1)(B) stating “There shall be a front yard setback of not less than 50 feet from the Service Road Right-Of-Way line”. Mr. Kistner would like to add an 80 x 20 proposed addition on the south side of his building. Because he is on a corner lot, he has two fronts. A 5-foot variance to a setback of 45 feet is needed. No comments from any neighbors, verbal or written were received. Motion by Schulte to approve requested variance was seconded by Boerner. With all members voting in favor, the motion passed.

   Mr. Kistner asked the board if there would be a problem if he took a trailer, removed the wheels and placed in the back of his building on the west side to use for storage. After some discussion, the consensus was there was nothing in the ordinance preventing him from doing it as long as he keeps the weeds/tress down around the trailer and keep the area neat and clean.

   Mr. Kistner also stated he is interested in purchasing a lot from the city in the back of his lot which is currently zoned residential. He asked what the process would be to turn it back to commercial. He was told yes; he would have to come back to Planning and Zoning and a Re-Zone Hearing would have to be done.

6. Public Hearing – CUP – Solar Club MN CSG 19 – Austin Huffman – PID # 22.0516.000. The Applicant is requesting a conditional use permit in the currently zoned (A) Agricultural/Rural Residence District, with the intent to construct and operate a 1MW Community Solar Garden on approximately 8.0 acres of leased land to generate electricity that will be purchased by Xcel Energy. The contract life is 25 years, with a useful life of 25 to 30 years. Phil Carlson was here to represent the Solar Company. Things will be very similar to the other two solar gardens that were approved earlier this year. This garden will be east
of the garden that was approved for James Huffman. It meets all the conditions and setback requirements. There will be a screening of trees on the north side of the garden. A motion by Muchow to recommend approval of the Conditional Use Permit for the proposed solar garden was seconded by Boerner. With all members voting in favor, the motion passed.

7. Other Items of Discussion –

A. Boerner asked if we have room for a Pond Extension. Young and Muchow replied we have room for growth yet, depending on how fast we grow. Restrictions keep getting tighter all the time.

B. Grack asked Young how many have moved into the Apartments. Young thought 19 have moved in so far and there is a total of 38 units. Young will be meeting soon to discuss the second phase to begin next year.

C. Grack asked who is dealing with all of the Cares Act money for the businesses. Young reported that the EDA will review all the applications at their next meeting and make recommendations to the council for final approval.

D. Young informed the board that Maria Jquez is interested in building a garage on the lot where the trailer used to be. Young asked if she can operate her store in the garage. Consensus was they did not believe she could operate her business out of the garage. Young stated then the one across the street should not be operating either. Maria would like to have a driveway from the highway but MnDot will not allow it. It was asked if they both will need a solicitor permit to operate. More research would be needed.

8. Open Forum – Comments by Citizens – None

9. Adjournment - Motion by Gasow and seconded by Muchow to adjourn meeting. Motion passed. The time was 6:20 p.m.

__________________________
Lori Doering, Deputy Clerk
Notice is hereby given that on Wednesday, the 28th day of October, 2020, at the hour of 5:30 P.M. in the Gaylord City Hall the Board of Adjustment will hold a public hearing on the application of Titlow Garden, LLC/Nokomis Energy LLC for a Conditional Use Permit for the property located at 47592 280th Street. The property is legally described as:

32.0799.00 and 12.3211.010 SEE ATTACHED

The applicant is requesting a conditional use permit in the currently zoned (A) Agricultural/Rural Residence District, with the intent to construct and operate a 1MWac community solar garden on approximately 5 acres of leased land as part of Xcel Energy’s Solar Rewards Community Program. The contract life is 25 years, with a useful life of 35 years.

All persons wishing to be heard regarding this conditional use permit shall be allowed an opportunity at said public hearing at the time and place set forth. Written comments may be submitted to the City Administrator prior to and at the public hearing.

Lory Young  
City Administrator

PUBLISHED: October 15th, 2020  
POSTED: October 8th, 2020
Dear Property Owner:

An application for a conditional use permit to the Zoning Ordinance has been filed with the Board of Adjustment by Titlow Garden, LLC/Nokomis Energy, LLC. The property at issue is currently situated in a (A) Agricultural/Rural Residence District, with the intent to construct and operate a 1MWac community solar garden on approximately 5 acres of leased land as part of Xcel Energy’s Solar Rewards Community Program. The contract life is 25 years, with a useful life of 25 years and is located at 47592 280th Street. See map below.

If the conditional use permit is approved as requested the applicant will be allowed to construct and operate a 1MWac community Solar garden, which requires a conditional use permit within the A - Agricultural/Rural Residence District.

A public hearing will be held by the Board of Adjustment on Wednesday, October 28th, 2020 at 5:30 p.m. in the Gaylord City Hall, at which time you may submit your views on the matter in person, by writing or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing. If you have any questions please contact city hall at (507) 237-2338

Posted: October 8th, 2020
Published: October 15th, 2020

Lory Young
City Administrator
CERTIFICATE OF SURVEY

~for~ NOKOMIS ENERGY
~of~ SW 1/4 - SE 1/4 SEC. 31, TWP. 113, R. 28, DRYDEN TWP., SIBLEY COUNTY, MN.

PROP. SOLAR ARRAY AREA DESCRIPTION

That part of the Southwest Quarter of the Southeast Quarter of Section 32, Township 113, Range 28, Sibley County, Minnesota described as follows:

Commencing at the Southwest corner of said Southeast Quarter, thence on an assumed bearing of North 00 degrees 06 minutes 22 seconds West along the West line of said Southeast Quarter a distance of 619.49 feet, thence North 90 degrees 00 minutes 00 seconds East a distance of 109.08 feet to the point of beginning of the tract to be described;

Thence continuing North 00 degrees 00 minutes 00 seconds East 562.17 feet; thence North 00 degrees 00 minutes 00 seconds East 381.19 feet; thence South 00 degrees 00 minutes 00 seconds West 562.17 feet, thence South 00 degrees 00 minutes 00 seconds West 381.19 feet to the point of beginning.

This tract contains 6.02 acres and is subject to any and all easements of record.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON
Date: 10/23/2020 License No. 65355

E.G. RUD & SONS, INC.
Professional Land Surveyors
990 - 5th Avenue SE, Suite 2
HUTCHINSON, MN 55350
TEL. HUTCHINSON: (320) 567-2025
Application Fee $500.00

CITY OF GAYLORD
APPLICATION FOR CONDITIONAL USE PERMIT

Street Location of Property  47592 - 280th Street, Gaylord, MN 55334

Legal Description of Property Please see attached full legal description

Sect-32 Twp-113 Range-028

Owner  Georgia Pinske  P.O Box 64, Gaylord, MN 55334  507.479.0637
Name  Address  Telephone

Applicant  Tito Low Garden LLC  2639 Nicollé Avenue, Suite 200, MPLS, MN 55408  612/470-3223
Name  Address  Telephone

Description of Request: To build and operate a 1 MWac community solar garden on approximately 5 acres of leased land as part of Xcel Energy's Solar Rewards Community Program. The contract life is 25 years, with a useful life of 35 years.

Reason for Request: The parcel is zoned as A Agricultural/Rural Residence and accessory structures are a permitted use.

I further state that if this request is granted, I will proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within 3 year(s) from said date; and that I am able from a financial, legal, and physical basis to do so.

NOTE: Site plan showing property lines and location of buildings attached.

Date: 09/21/20  Signature of Applicant

PLACE #: 48298
Conditional Use Permit
Titlow Garden LLC
Section 32 Township 113 Range 028

OVERVIEW
This request is for a conditional use permit (CUP) for a Photovoltaic Ground 1MWac Solar Energy System, as allowed for agricultural zoned parcels under Chapter 153 of the City of Gaylord Zoning Code. As part of Xcel Energy’s Solar*Rewards Community Program, Titlow Garden LLC will consist of approximately 3100-3350 panels on roughly 5 acres of land. The Community Solar Garden (CSG) will have a useful life of 35+ years. Once operating, this project will deliver ~1,850 MWh of clean, local energy annually to the surrounding community with only the sun as feedstock. The project site plan as well as renderings off Highway 22/4th Street are attached.

The CSG consists of steel driven posts embedded in the ground, with solar modules attached to the top of the posts at a fixed angle, sitting approximately 9.5-ft off the ground at the highest point. This project utilizes silicon based solar panels which have an anti-glare coating. There are no moving parts or hazardous materials in the system, and no noise other than typical transformer humming would be present onsite. We are planning to enclose the system with a 7-foot-tall agricultural fence to not only minimize the visual impact but also restrict access to the system from unqualified personnel. The cover crop inside the footprint of the system will be a combination of low growth native crops and a seed mix that promotes pollinator friendly habitats. The cover crop mix blend is attached.

Community Solar Garden - Waseca County

Tetra Tech Engineering has been commissioned to perform wetland, hydrology, historical, ecological and an environmental survey to ensure the site is suitable for development. Construction is targeted for the late spring of 2021 and will conclude in the same year. Proposed working times would be between the hours of 7am-7pm on Monday thru Friday. Weekend work may take place if there are significant project delays due to weather. These hours are flexible and we intend to work with the community to control noise and disturbance.

PID 32.0799.000 and 12.3211.010
Sibley County
Conditional Use Permit
Titlow Garden LLC

LOCATION
The CSG is positioned favorably for interconnection and to accommodate the land owner. Titlow lays on the parcel due north of Mud Garden LLC, a 1 MW community solar garden commissioned in 2020. The CSG access road will run east of Mud Garden LLC to the township road and connect to existing Xcel overhead distribution lines and poles. The 1 MW system will connect to the GAY_FDR02 feeder line of the Gaylord Substation.

O&M
Once constructed, Operations and Maintenance will be performed by Titlow Garden LLC utilizing internal personnel and third-party contractors. This team would consist of an electrician, as well as, a groundskeeper to ensure the system is operating safely and the landscaping is properly maintained. Each would independently visit 3-6 visits a year depending on necessity. While onsite, the technician mows, manages vegetation, and verifies storm water management is properly working. A Maintenance Plan is included for more detail.

MAINTENANCE PLAN
Titlow Garden LLC will have a long-term maintenance plan to ensure safety, reliable operation, and production of the system. Typical activities are listed in table 1. Monitoring and metering equipment installed on site will alert the maintenance team in real time of a system performance issue. Maintenance teams are required to have proper safety plans and equipment in place to perform all work. Details of the plan are finalized at construction once final system design is complete. The final plan for the site can be requested at any time after construction. Maintenance of systems can be broadly defined in two buckets: Preventative Maintenance
The following items are performed on a routine basis. • Mechanical verification – one to two times per year a technician visits the site. While on site the technician checks bolts and piers for any loosening or corrosion. When an
issue is discovered a set of corrective actions is defined, executed and a full report is logged.

- **Electrical** - one to two times per year a technician visits the site. While on site the technician checks the major electrical components (panels, inverters, safety switches) and connections to ensure proper working order. When an issue is discovered a set of corrective actions is defined, executed and a full report is logged.

- **Grounds keeping** – three to six times per year a technician visits the site. While onsite, the technician mows, manages vegetation, and verifies storm water management is properly working. The native pollinator mix will be mowed to ensure a maximum height of 40”.

**Reactive Maintenance**

Monitoring equipment and preventative maintenance are used to identify potential system safety and performance issues. Once an issue is identified a technician is assigned to the issue and corrective actions are executed.

Community Solar Garden - Dodge County
Table 1 - List of Commonly Performed Operations and Maintenance Activities

<table>
<thead>
<tr>
<th>Item</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring</td>
<td>On-going tracking and verification of system performance, weather and equipment alerts.</td>
</tr>
<tr>
<td>Grounds Keeping</td>
<td>Manage all vegetation including mowing. Maintain all vegetative screening.</td>
</tr>
<tr>
<td>Solar Module Inspection</td>
<td>Inspect for cracks and general damage. Inspect for dirt, vegetation and other potential shading issues. Perform electrical checks for proper performance characteristics. Cleaning will utilize only water from a sprinkler/hose head.</td>
</tr>
<tr>
<td>Racking &amp; Mounting Inspection</td>
<td>Inspect for damage, corrosion and loose connections.</td>
</tr>
<tr>
<td>Inverter Inspection &amp; Maintenance</td>
<td>Inspect for corrosion and general damage. Confirm proper ventilation and environmental seals. Inspect all electrical connections and wires coming into and out of the units. Complete manufacturer recommended maintenance activities.</td>
</tr>
<tr>
<td>DC Electrical Inspection</td>
<td>Inspect DC runs from solar panels to inverters for damaged/loose wires and debris.</td>
</tr>
<tr>
<td>AC Electrical Inspection</td>
<td>Inspect AC runs from inverter to switchgear for damage/loose wires and debris.</td>
</tr>
<tr>
<td>Switchgear Inspection</td>
<td>Inspect switches for proper functionality. Inspect connections for appropriate torque. Inspect latches and environmental seals.</td>
</tr>
<tr>
<td>Monitoring Inspection</td>
<td>Inspect existing monitoring systems for functionality. Complete manufacturer recommended maintenance activities.</td>
</tr>
<tr>
<td>System Repair</td>
<td>Perform all necessary work as determined by inspections.</td>
</tr>
<tr>
<td>Warranty Administration</td>
<td>Administer defective components and file warranty claims.</td>
</tr>
</tbody>
</table>
DECOMMISSIONING & SITE RESTORATION
Titlow Garden LLC commits to both our land owners and permitting authorities that we will decommission and restore the site at the end of the system’s serviceable life or if the system becomes a discontinued use. The project owner will be responsible for all costs associated with decommissioning.

All equipment will be removed within one (1) year from the day the system is no longer in service or discontinued. Once initiated, decommissioning will occur within a period of sixty (60) days. Removal of modules, inverters, wiring, electrical equipment, racking and foundations, fencing, underground wires and conduit and concrete pads will be removed and recycled or disposed of in a suitable manner. After all equipment is removed, the Project site will be restored to a condition comparable to its pre-construction use if the Project site will once again be used for agricultural. If holes are created when infrastructure is removed, they will be back-filled and covered with topsoil. Unless requested otherwise, permanent access roads constructed on the Project will be removed.

Thank you for your consideration!

PID 32.0799.000 and 12.3211.010
<table>
<thead>
<tr>
<th>Proposed Array Mix</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass Mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td></td>
</tr>
<tr>
<td>Little bluestem</td>
<td>Schizachyrium scoparium</td>
<td></td>
</tr>
<tr>
<td>Side oats grama</td>
<td>Bouteloua curtipendula</td>
<td></td>
</tr>
<tr>
<td>Blue grama</td>
<td>Bouteloua gracilis</td>
<td></td>
</tr>
<tr>
<td>Revenue Slender wheatgrass</td>
<td>Elymus trachycaulus</td>
<td></td>
</tr>
<tr>
<td>Silky wild rye</td>
<td>Elymus villosus</td>
<td></td>
</tr>
<tr>
<td>Kalm's brome</td>
<td>Bromus kalmii</td>
<td></td>
</tr>
<tr>
<td>Poverty oatgrass</td>
<td>Danthonia spicata</td>
<td></td>
</tr>
<tr>
<td>June grass</td>
<td>Koeleria macrantha</td>
<td></td>
</tr>
<tr>
<td>Plains oval sedge</td>
<td>Carex brevior</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildflower Mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
<td></td>
</tr>
<tr>
<td>Purple prairie clover</td>
<td>Dalea purpurea</td>
<td></td>
</tr>
<tr>
<td>Black-eyed Susan</td>
<td>Rudbeckia hirta</td>
<td></td>
</tr>
<tr>
<td>Golden Alexander</td>
<td>Zizia aurea</td>
<td></td>
</tr>
<tr>
<td>Leadplant</td>
<td>Anorpha canescens</td>
<td></td>
</tr>
<tr>
<td>Partridge pea</td>
<td>Chamaecrista fasciculata</td>
<td></td>
</tr>
<tr>
<td>Hoary vervain</td>
<td>Verbena stricta</td>
<td></td>
</tr>
<tr>
<td>Thimbleweed</td>
<td>Anemone cylindrica</td>
<td></td>
</tr>
<tr>
<td>White prairie clover</td>
<td>Dalea candida</td>
<td></td>
</tr>
<tr>
<td>Wild lupine</td>
<td>Lupinus perennis</td>
<td></td>
</tr>
<tr>
<td>Long-headed coneflower</td>
<td>Ratibida columnifera</td>
<td></td>
</tr>
<tr>
<td>Columbine</td>
<td>Aquilegia canadensis</td>
<td></td>
</tr>
<tr>
<td>Prairie rose</td>
<td>Rosa arkansana</td>
<td></td>
</tr>
<tr>
<td>Yarrow</td>
<td>Achillea millefolium</td>
<td></td>
</tr>
<tr>
<td>Butterfly milkweed</td>
<td>Asclepias tuberosa</td>
<td></td>
</tr>
<tr>
<td>Prairie onion</td>
<td>Allium stellatum</td>
<td></td>
</tr>
<tr>
<td>Calico aster</td>
<td>Symphyotrichum lateriflorum</td>
<td></td>
</tr>
<tr>
<td>Stiff tickseed</td>
<td>Coreopsis palmata</td>
<td></td>
</tr>
<tr>
<td>Gray goldenrod</td>
<td>Solidago nemoralis</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT "A"
Legal Description

Issuing Office File No.: 40852-18-24038  Commitment No.: 40852-18-24038

Government Lot No. 3, and the South Half of the Southwest Quarter of the Southeast Quarter, Section 32, Township 113, Range 28, Sibley County, Minnesota, EXCEPTING the parcels described as follows:

Beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section Number Thirty-two, (32), Township Number One Hundred Thirteen (113), North of Range Number Twenty-eight (28) West, Sibley County, Minnesota, thence North to the Northwest corner of Government Lot Number Three (3), Section 29, thence East to the meander line of Lake Titloe, thence in a southeasterly direction following the meander line of said Lake Titloe to the Northeast corner of Government Lot Number Five (5), Section 28, thence South to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, thence in a southwesterly direction along the North line of the Minneapolis and St. Louis Railway Company right-of-way to the East line of Section 32, thence South to the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 32, thence West to the Northeast corner of the West Half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter, thence West to the point of beginning.

Also EXCEPTING a part of the Southeast Quarter of Section 32, Township 113 North, Range 28 West, described as follows:

Commencing at the point of intersection of the South line of said Section 32 and the center line of State Highway No. 22, which said point is distant 1646.8 feet west of the Southeast corner of said Section 32, said point being the point of beginning of the tract to be described; and from said point proceeding thence east along the South line of said Section 32 a distance of 262 feet, and thence North at right angles a distance of 326 feet, and thence West at right angles a distance of 337 feet more or less to the center line of said State Highway No. 22 and thence south and southeasterly along the center line of said State Highway No. 22, 474 feet more or less to the point of beginning.

Also EXCEPTING therefrom the following: Part of the Southwest Quarter of the Southeast Quarter of Section 32, Township 113, Range 28, Sibley County, Minnesota, described as follows:

Commencing at the Southwest corner of said Southwest Quarter of Section 32; thence Easterly along the South line of said Southeast Quarter 474.00 feet to the point of beginning of the tract to be described; thence continuing Easterly along said South line 410.00 feet; thence Northerly deflecting left 90 degrees 00 minutes 00 seconds 375.00 feet; thence Westerly deflecting left 90 degrees 00 minutes 00 seconds 410.00 feet; thence Southerly deflecting left 90 degrees 00 minutes 00 seconds 375.00 feet to the point of beginning.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.
EXHIBIT "A"
(Continued)

Beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section Number Thirty-two (32), Township Number One Hundred Thirteen (113) North of Range Number Twenty-eight (28) West, Sibley County, Minnesota; thence North to the Northwest corner of Government Lot Number Three (3), Section 29; thence East to the meander line of Lake Titloe; thence in a southeasterly direction following the meander line of said Lake Titloe to the Northeast corner of Government Lot Number Five (5), Section 28; thence South to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 33; thence in a southwesterly direction along the North line of the Minneapolis and St. Louis Railway Company right-of-way to the East line of Section 32; thence South to the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 32; thence West to the Northeast corner of the West Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 32; thence South to the Southeast corner of the West Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter; thence West to point of beginning.
I hereby certify that this document was filed in this office and duly recorded on
November 27, 2019 1:00 PM
Kathy Dietz, Registrar of Titles by RS
Well Certificate: Req'd ( ) Not Req'd X

Pages: 5
Certs: 6031

T25827
Office of County Recorder/Registrar
SIBLEY COUNTY, MN
RECEIVED COMPLIANCE 93: $11.00
RECORD TECHNOLOGY FUND 20: $10.00
STATE TREASURY GENERAL 21: $10.50
TORRENS ASSURANCE 22: $1.50
GENERAL TORRENS 19: $13.00

$46.00

Received by:
GAYLORD CITY OF
332 MAIN AVE
PO BOX 987
GAYLORD, MN 55334
RESOLUTION NO. 2019-80  
(Amending Resolution No. 2019-14)

A RESOLUTION OF THE CITY OF GAYLORD, MINNESOTA APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT (CUP) #C2019-01 TO ALLOW THE CONSTRUCTION OF SOLAR GARDEN ON MUD LAKE FIRST ADDITION, OUT LOT A

WHEREAS, Engineering Concepts, Inc., applicant, has requested approval of a conditional use permit to construct a large solar energy garden on Mud Lake, First Addition, out lot A, in the Shoreland Overlay District, using the standards set forth in the City Ordinances of the City of Gaylord, in Chapter 153 of the City of Gaylord Zoning Regulations in the City of Gaylord with the following legal description:

Mud Lake First Addition, Out Lot A

WHEREAS, the Planning and Zoning Commission held a public hearing on February 6th, 2019 on the request and considered the requirements of the Zoning Ordinance and the effects of the proposal on the health, safety, and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, and the effect on the values of the properties in the surrounding area and consistency with the Comprehensive Plan, and hereby recommends approval of the request; and

WHEREAS, the City Council has considered the recommendation and findings of the Planning and Zoning Commission with a recommendation of approval of the Conditional Use Permit submitted by Engineering Concepts Inc.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GAYLORD, MINNESOTA: that it adopts the following findings of fact related to the requested CUP:

Criteria #1 That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the immediate vicinity.
Finding #1 This has been found to be true based on the previous use of the facility.

Criteria #2 That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
Finding #2 Engineering Concepts, Inc. has agreed to provide further setbacks than required.
Criteria #3  those adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
Finding #3  This has been found to be true. The storm water management is in accordance with the Shoreland Overlay District requirements.

Criteria #4  That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
Finding #4  This has been found to be true.

Criteria #5  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, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will occur.
Finding #5  This has been found to be true. A low-light safety will be installed for safety reasons.

Criteria #6  That soil conditions are adequate to accommodate the proposed use.
Finding #6  N/A

Criteria #7  That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
Finding #7  This has been found to be true.

Criteria #8  That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.
Finding #8  N/A

Criteria #9  That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding area or not greater than the intensity characteristic of the applicable Zoning District.
Finding #9  N/A
Criteria #10  That the proposed use is compatible with the City Land Use Plan.
Finding #10  This has been a demonstrated land use according to the City's comprehensive plan.

Criteria #11  That there is a demonstrated need for the proposed use.
Finding #11  There is a need for renewable energy sources in the City of Gaylord.

Zoning Commission is recommending approval of the CUP with the following conditions:

1. No more than 75% of the land shall be covered with impervious surface (buildings, gravel, parking, etc.)
2. A screen of trees or bushes, not more than 15 feet high, will be maintained on the west edge of the property.
3. Wetland Delineations Study must be completed.
4. Must complete and sign a lease or purchase agreement.
5. Must meet the 75-foot set back from Mud Lake high water mark.
6. The solar panels are limited to no more than 25 feet in height.
7. The solar garden plan must meet all the Shoreland Overlay District Guidelines.
8. These are the following amendments made to the setbacks; The front (North) to 50-feet and the side (West) to 80-feet the length of the property. The other side (East) would stay the same at 100-feet.

ROLL CALL: Homme, Muchow, Uecker, Padilla, Grochow

MOVED BY Councilperson Padilla, seconded by Councilperson Uecker, to approve the forgoing resolution.

APPROVED by the City Council of the City of GAYLORD, Minnesota on this 4th day of September, 2019 with the following changes:

AYES: Grochow, Homme, Padilla, Uecker,

ABSTAIN:

ABSENT: Muchow
Signed: [Signature]

Don Boeder, Mayor

Attest: [Signature]

Lory Young, City Administrator

[Seal]
(2) Lighting;

(3) Hours of operation;

(4) Increased setbacks, including those from ordinary high water levels;

(5) Limitations on the natural vegetation to be removed or a requirement that additional vegetation be planted;

(6) Provisions for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas or vehicle parking areas; and

(7) Other performance characteristics.

(D) Restrictive covenants may be entered into regarding the matters, when appropriate.
(Ord. 209.5, passed 12-14-1994)

§ 153.221 RECONSIDERATION.

An application for a conditional use permit which has been denied shall not be resubmitted less than six months from the date of its denial.
(Ord. 209.5, passed 12-14-1994)

§ 153.222 COMPLIANCE.

(A) Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of the permit and of any condition designated in connection therewith.

(B) All conditional use permits may be reviewed on an annual basis or when it is brought to the attention of the Planning and Zoning Commission that the applicant is deviating from any conditions or uses approved for the conditional use permit. Any deviation from the conditions or uses approved shall be considered reasons for cancellation of the conditional use permit.
(Ord. 209.5, passed 12-14-1994)

§ 153.223 FEES.

(A) A conditional use permit application fee shall be as established annually by the City Council payable when the application is filed.

(B) Any outside costs for consulting services to aid the Planning and Zoning Commission and/or City Council in making a decision on the conditional use permit application shall be paid by the applicant. The fee shall be as determined by the City Council.
(Ord. 209.5, passed 12-14-1994)

§ 153.224 LAPSE OF A CONDITIONAL USE PERMIT BY NON-USE.

Whenever within one year after granting the conditional use permit the work permitted has not been started, then the permit shall become null and void unless a petition for an extension has been approved by the City Council.
(Ord. 209.5, passed 12-14-1994)

VARIANCE AND APPEALS

§ 153.235 GENERAL PROVISIONS.

(A) Board of Appeals and Adjustments. The Planning Commission shall be the Board of Appeals and Adjustments for this city, and as provided by M.S. § 462.354, Subd. 2, shall have the powers granted under M.S. § 462.357, Subd. 6, as they may be amended from time to time.

(B) Variances.

(1) Pursuant to M.S. § 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this Zoning Code. A VARIANCE is a modification or variation of the provisions of this Zoning Code as applied to a specific piece of property.