

## STAFF REPORT

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<b>Application:</b>	Variance requests related to the proposed construction of a 14.74 acre 2.25 MW solar energy farm. Approvals requested include variance to construct a solar array structure with a setback from State Hwy 28 of 1000 feet (1,320 feet setback required).
<b>Applicant:</b>	Minnewaska Garden LLC (Nokomis Energy)
<b>Property Owner:</b>	James Irgens, Irgens Family Trust
<b>Agenda Item:</b>	5(a)

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### Background Information:

**Proposal:** The applicant is proposing to build a 2.25 MW AC solar energy array on about 15 acres on property owned by James Irgens according to the site plan design prepared by Nokomis Energy. This solar garden proposal meets the definition of a solar energy garden which requires an interim conditional use permit from Glenwood Township according to the requirements of the ordinance.

The applicant is not, however, applying for a permit at this time, rather they are first seeking Township approval for a variance that would allow them to build the solar structure at a distance of 1000 feet from the centerline of State Highway 28, an arterial roadway. The ordinance requires any new solar energy gardens or farms in the A-1 district to have a minimum setback of 1,320 feet from the centerline of arterial or collector roads.

Other applicable setback requirements from the Township ordinance include that a solar farm be at least 500 feet from residential homes and 1,320 feet from another solar garden or farm. The distance to the nearest home site is approximately 660 feet. There are several solar gardens in the vicinity of this site, though, according to information provided by the applicant they appear to be beyond the 1,320 feet required.

Though there is a conditional use provision of the zoning ordinance that limits the size of a solar garden in A-1 district to 1 MW, the ordinance requirements for a solar farm applied for as an interim use permit do not include this restriction. The application presented is for an interim use permit.

If the applicant receives approval from Glenwood Township allowing the setback variance, the intent is to later submit a full application for an interim use permit, which will need to fulfill all permitting requirements as identified in the ordinance. Consideration of an interim use permit application will have a separate public hearing and discussion.

The applicant will be present at the public hearing to respond to questions.

- **Location:**
  - Property address: 20239 State Hwy 28
  - Sec/Twp/Range: 08-125-37
  - Parcel number(s): 09-0256-000, 09-0251-001, 09-0251-000
- **Zoning:** Agricultural (A-1)

- **Lot size:** Total for all affected properties, approx. 150 acres.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
  - Wetlands: National Wetlands Inventory maps indicate potential wetlands that may impact this proposal.

**Planning Commission Direction:** The Planning Commission may approve the request(s), deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

**Staff Comments:**

- 1) In order to grant a variance, the Township needs to find that a property owner has met the criteria established in the zoning ordinance and/or State Law. In making its decision, the Township will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the variance request should be approved or denied.

**Staff Recommendation:** Based on the relevant findings of fact noted below, Staff recommends consideration of the requested variance only if the Township deems this variance to be necessary and reasonable.

**Applicable Statutes/Ordinances:** See Appendix A.

**Findings of Fact (Variance):** The following findings of fact that would support either approval or denial are presented by Staff for consideration:

**1) The proposed variance is in harmony with the general purposes and intent of the Ordinance.**

The general purpose and intent of the Township setback for solar energy farms is to protect the welfare and safety of properties and adjacent uses from the potential impacts of the usage.

Findings Supporting Approval

The proposed setback will not have a significant impact on the safety of nearby usage. Allowing the variance would appear to be in harmony with the intent of the ordinance.

Findings Supporting Denial

Locating the solar array as proposed goes against the intent of the ordinance for assuring considerable distance between the facility and the roadway.

**2) The owner proposes to use the property in a reasonable manner not permitted by the Ordinance..**

Findings Supporting Approval

The proposal allows for solar gardens to be property distanced and will maximize the usage and the benefit from solar energy farms. The location is a reasonable accommodation for the desired usage of the property.

Findings Supporting Denial

The proposal to disregard the setback from the roadway is not acceptable or reasonable.

**3) The plight of the owner is due to circumstances unique to the property that were not created by the owner.**

Findings Supporting Approval

The effective usage of the available property as a solar farm which the owners would utilize according to the requirements of an interim use permit would not be possible without the variance.

Findings Supporting Denial

Alternative sites could be found for this solar garden proposal that would meet the setback requirements.

**4) If granted, the variance will not alter the essential character of the locality.**

Findings Supporting Approval

The proposed solar farm with the requested variance will be built to Township performance standards and according to Township requirements which will include appropriate and adequate protections for adjacent properties. As such, it will not alter the basic character of the area or community.

Findings Supporting Denial

The proposal will significantly affect the character of this agricultural area.

**5) Economic considerations are not the sole basis for the requested variance.**

Findings Supporting Approval

The need for the variance is due to the lack of other available options and non-economic factors mentioned above.

Findings Supporting Denial

The variance is being sought due to the owner's desire for a usage that is not appropriate given that alternative sites may be found which meet the requirements of the ordinance.