

May 12<sup>th</sup>, 2016

City of Independence  
1920 County Road 90  
Independence, MN 55359

**RE: COMMUNITY SOLAR GARDEN ZONING ORDINANCE AMENDMENT**

Dear Planning Commissioners, City Council Members, and Residents of Independence:

As you may know, in December of 2015, Ecoplexus submitted an application to the City of Independence (the "City") for a text amendment to the City's Zoning Ordinance (the "Ordinance") to allow community solar gardens ("Solar Gardens") as a permitted use within City limits. Ecoplexus appreciates the efforts of the Planning Commission, City Council, and others in addressing our request. However, the Planning Commission is not directing staff to include the Solar Garden amendment language in its proposed ordinance for review and discussion amongst the City Council. Ecoplexus believes that this decision is based in part on misinformation provided in the public record. We therefore respectfully request that the City Council consider the text amendment attached and to supplement the public record with the information contained herein.

**Solar Gardens Produce Broad Public Benefits**

Solar Gardens provide public benefits to the residents of Independence. First, a 5 MW Solar Garden produces enough clean, renewable electricity to power approximately 850 homes. The US EPA estimates that 5 megawatts (MW) of solar generation provides the equivalent reduction of 5,362 tons of CO<sub>2</sub> annually. Second, Solar Gardens produce tax revenue for the City. A 5 MW solar garden will provide production tax revenues of about \$10,000 annually plus additional property tax revenue. Third, Solar Gardens will allow local subscribers to save about ten percent on their electricity costs. Fourth, landowners receive additional rental income. Fifth, Solar Gardens can support the City of Independence's sustainability objectives. Many cities in Minnesota are participating in the Green Steps Program, and a solar garden can showcase the City's sustainability commitment. Finally, during the construction phase, local business can provide local goods and services for the solar garden. All these items provide public benefits to the citizens of Independence.

**Solar Gardens Do Not Harm Property Values**

There has been information introduced into the record by Mr. Cal Haasken, Certified General Resident Appraiser with Chestnut Realty, stating that solar, in his opinion, will result in a 2% to 15% diminishment of values for those properties "in close proximity" to



the CSG. However, Mr. Haasken's letter is rife with factual inaccuracies, makes numerous false comparisons, and is entirely based on opinion. Mr. Haasken mentions "studies" showing that buyers of residential properties are reluctant to purchase property close to proposed solar farms. However, no studies were provided for review or even cited as references. Mr. Haasken then implicitly compares solar farms to "toxic Brownfields," without providing any rationale for such a comparison, other than concern over "soil contamination caused by toxic chemicals" in the solar panels. Ecoplexus plans on using crystalline silicon panels, which do not contain toxic chemicals.

Ecoplexus, on the other hand, has provided significant evidence to substantiate that Solar Gardens do not have any adverse effect on property values. The Solar Impact Study by Mr. Richard C. Kirkland, Jr., MAI, dated April 17, 2016, discusses the conclusions Mr. Kirkland derived from multiple matched pair analyses that used real-world data in order to evaluate the impact of both proposed and operational solar farms on median sales prices of nearby and adjoining homes. None of his analyses showed any negative impacts.

Ecoplexus believes that Mr. Haasken's concerns might be well intentioned, but are simply wrong.

### **Solar Gardens Fit With the Rural Character of Independence**

Independence is both proud and protective of its rural, bucolic character – and rightfully so. Ecoplexus is mindful of charm of the City of Independence, and will take great efforts when seeking a conditional use permit to address site-specific concerns, including proposing landscaping buffers and property line setbacks to limit visibility from the road. However, these are items more appropriately discussed under the context of a Conditional Use Permit application, not at the ordinance stage, and Ecoplexus is committed to address the concerns of its neighbors during the CUP process.

### **Recommended Text Amendment Language Addressing Solar Gardens**

Appended to this letter is Ecoplexus' recommended text amendment language addressing CSGs and solar farms, along with a suggested use table summarizing in which districts CSGs and solar farms should be allowed and under which permitting mechanisms. In light of the fact that the Planning Commission is not directing staff to include such language for review and discussion amongst the City Council, Ecoplexus believes it is imperative to proffer this language itself in order to ensure that the City acts in good faith and the application for a text amendment receives due process under applicable law.

In conclusion, Ecoplexus greatly appreciates this opportunity to address the various stakeholders in Independence and correct the record with regard to matters of fact, and



looks forward to continuing to work collectively with the Staff, the Planning Commission, the City Council, and the general public in adopting ordinance language that protects the interests of the City and its residents while allowing for reasonable and responsible solar development in Independence.

With best regards,

A handwritten signature in black ink, appearing to read "N. Rogers", with a long horizontal line extending to the right.

Nathan Rogers  
Project Development Manager  
Ecoplexus, Inc.



**Zoning Districts**

<b>Type of Use</b>	<b>AG- Agriculture</b>	<b>RR-Rural Residential</b>	<b>UR-Urban Residential</b>	<b>CLI-Commercial - Light Industrial</b>	<b>UC-Urban Commercial</b>
Community Solar Garden	C	C	C	C	C
Building Integrated Solar Energy System	P	P	P	P	P
Ground Mounted Solar Energy System	P	P	P	P	P
Solar Farm	C	C	C	C	C

P - Permitted
A - Accessory
C - Conditional
I - Interim

**PROPOSED TEXT  
COMMUNITY SOLAR GARDENS**

Community Solar Gardens are permitted by CUP in all zoning districts and shall be subject to the following provisions:

- a. Shall be located on a parcel of at least 10 acres.
- b. Shall comply with the setbacks in the underlying zoning district.
- c. Shall not exceed 15 feet in height.
- d. Shall be screened from view from the public right of way or adjacent residential structure. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- e. Shall be subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain requisite permits from the MPCA, local watershed district, City and other regulatory agencies.
- f. Shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- g. Shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.
- h. Power and communication lines that are not defined in this ordinance as essential services and running between banks of solar panels to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground.
- i. Shall be designed and located in order to prevent reflective glare toward inhabited buildings on adjacent properties and adjacent right of ways.
- j. The limitation on the number of cumulative generating capacity of community solar garden facilities is regulated by Minnesota Statutes 216B.164 and related regulations.
- k. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.