

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1504**

In the Matter of the Application of
USS Great River Solar LLC for an Interim Use Permit.

**Filed September 19, 2022
Affirmed
Wheelock, Judge**

Stearns County Board of Commissioners

Timothy M. Kelley, Joshua K. Poertner, Stinson LLP, Minneapolis, Minnesota (for relator
USS Great River Solar LLC)

Jay T. Squires, Michael J. Ervin, Rupp, Anderson, Squires & Waldspurger, P.A.,
Minneapolis, Minnesota (for respondent Stearns County)

Considered and decided by Wheelock, Presiding Judge; Reyes, Judge; and Jesson,
Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Relator challenges the decision of a county board of commissioners to deny an application for an interim-use permit for a solar farm. We affirm for three reasons. First, the application was not automatically approved by operation of law under Minn. Stat. § 15.99 (2020). Second, the reasons cited by the county board of commissioners for denying the permit are legally sufficient reasons that are supported by evidence in the record. Third, the county board of commissioners did not act arbitrarily, capriciously, or unreasonably.

FACTS

In July 2021, relator USS Great River Solar LLC applied for an interim-use permit (IUP)¹ for a one-megawatt solar farm (the project) from respondent Stearns County. The proposed project site was on farmland next to an existing solar farm on the same property. The project site is zoned as part of the “Agricultural 40” zoning district (the A-40 district). Although the purpose of the A-40 district is “to preserve the agricultural and rural character of land,” a solar farm is an allowable use when a project meets certain conditions.

Stearns County, Minn., Land Use and Zoning Ordinance 439 § 6.54.1(A) (2022), directs that the project requires an IUP because the county had previously approved a solar farm on the same property. Section 4.8.2 of the zoning ordinance contains the approval criteria for an IUP, the same criteria as for a conditional-use permit (CUP).² Stearns County, Minn., Land Use and Zoning Ordinance 439 § 4.8.2 (2022).

Great River Solar’s application detailed why the site was optimal for the project, described measures to minimize the visual impact of the project and plans to vegetate the site with pollinator-friendly native plantings, and requested that the permit last for 41 years.

¹ Stearns County, Minn., Land Use and Zoning Ordinance 439 § 3.2 (2022), defines an interim-use permit as “[a] permit that allows a use that is neither a permitted, provisional or conditional use, for a limited period of time,” subject to the conditions of the ordinance.

² Section 4.8 of the zoning ordinance provides that conditional-use permits may be granted in certain circumstances when uses generally not suitable in a particular zoning district may be allowed if conditions are attached. Stearns County, Minn., Land Use and Zoning Ordinance 439 § 4.8. (2022).

The application specified that the Land Evaluation Site Assessment (LESA)³ score for the project site was 72.8 but noted the site is not designated “prime farmland.” A property’s LESA score represents how valuable the land is for farming. And the Stearns County Comprehensive Plan (the comprehensive plan) advises that land with a LESA score exceeding 65 “is considered to be a site that is better suited for agricultural use,” that “[h]istorically, the LESA score has highly influenced land use decisions,” and that “[p]rojects have been denied if [the project site] has received a score of 65 points or greater.”

The Stearns County Planning Commission (planning commission) reviewed Great River Solar’s application at a public hearing, during which a representative of Great River Solar summarized the project and noted that the township favored the project and that neighbors raised no opposition to the project. Planning-commission members discussed the duration of the project, the LESA score of the property, and the number of existing and pending solar farms in the county. Forty solar projects already had permits, and more applications were in process.

The planning commission made several findings of fact that addressed specific provisions of the zoning ordinance and the comprehensive plan. The planning commission found consistencies and inconsistencies between the proposal and applicable ordinances,

³ Stearns County utilizes a 100-point-factor numeric rating scale to evaluate characteristics of the land and soils as well as the site’s other attributes affecting its relative importance for agricultural use. The county uses these LESA scores to “provide[] an objective and consistent tool for evaluating the relative importance of specific sites for continued agricultural use” and “as a tool to help set policy or to make land-use or other decisions.” Stearns County, Minn., Land Use and Zoning Ordinance 439, App. A (2022).

the comprehensive plan, and adjacent land uses. Although it acknowledged that “the application [was] well put together,” the planning commission recommended that the Stearns County Board of Commissioners (board) deny the application.

The board held a public hearing on Great River Solar’s application. Great River Solar’s representative spoke again about the project and asserted that the request met all requirements for approval. County staff informed the board about receiving correspondence from the property’s farmer owners supporting the project. A local business representative also sent a letter supporting the project and emphasizing the importance of diversifying farming operations. The owner of a honey-production operation appeared at the hearing and explained plans to install beehives at the project site.

The board discussed the relevance of LESA scores to solar-project IUPs, the decommissioning fee,⁴ and the requested length of the IUP. Specifically, the board considered that the 41-year duration of the proposed project was far longer than that of other solar projects that the board had approved in the past. County staff explained that while CUPs do not have timeframe requirements, solar developers applying for CUPs typically present a projected duration of 25 to 30 years based on the duration of the lease for the underlying property. Great River Solar’s representative added that because IUPs specify an end date for the permit, the requested duration was intended to provide for a

⁴ Under the zoning ordinance’s performance standards for solar-energy systems, solar farms are required to provide a decommissioning plan to ensure removal of facilities and equipment after the solar farm’s useful life, and permit applicants must submit a financial guarantee to the county in an amount determined by the board to ensure proper decommissioning. Stearns County, Minn., Land Use and Zoning Ordinance 439 § 6.54.1K(1) (2022).

possible option to renew the lease or extend the program. The board chair noted that where CUPs could have longer or shorter durations determined by the lease or lease renewals, IUPs have termination dates and have previously been used for other types of land-conversion projects, such as gravel mining.

A board member moved to approve the IUP request, and the motion failed, with two members voting in favor, and two members voting against.⁵ The board sent a letter notifying Great River Solar that it denied the permit request. The letter stated that the members voting against the motion concurred with the planning commission's findings of fact.

Great River Solar seeks review of the denial of its application by writ of certiorari.

DECISION

A county's ruling on an IUP, as on a conditional use permit, is a quasi-judicial act that is reviewable by writ of certiorari. *Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 574 (Minn. 2000). Certiorari review of a decision is limited to an inspection of the record developed by the decision-maker and, regarding the merits of the dispute here, whether the decision was arbitrary, unreasonable, or lacking evidence to support it. *Stephens v. Bd. of Regents of Univ. of Minn.*, 614 N.W.2d 764, 769 (Minn. App. 2000). "Our standard of review is a deferential one, as counties have wide latitude in making decisions about special use permits." *Schwardt v. County of Watonwan*, 656 N.W.2d 383, 386 (Minn. 2003); *see also Big Lake Ass'n v. St. Louis Cnty. Plan.*

⁵ Only four out of five commissioners were present for the hearing and voted on the motion to approve the request, with a split vote resulting in denial.

Comm’n, 761 N.W.2d 487, 491 (Minn. 2009) (“Our limited and deferential review of a quasi-judicial decision is rooted in separation of powers principles.”).

I. Great River Solar’s IUP application was not automatically approved by operation of law pursuant to Minn. Stat. § 15.99, subd. 2(b).

The law requires government agencies, including counties, to act on zoning applications within statutorily prescribed deadlines; the agency must approve or deny written zoning requests within 60 days, or within 120 days if the agency provides the applicant with written notice of the reason for the extension. Minn. Stat. § 15.99, subds. 2(a), 3(f); *Johnson v. Cook County*, 786 N.W.2d 291, 294 (Minn. 2010). “Failure of an agency to deny a request within [the deadline] is approval of the request.” Minn. Stat. § 15.99, subd. 2(a).

Minnesota law states that “[w]hen a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request *provided that those voting against the motion state on the record the reasons why they oppose the request.*” *Id.*, subd. 2(b) (emphasis added). The Minnesota Supreme Court has referred to the failure to timely deny a request due to a lack of compliance with Minn. Stat. § 15.99, subd. 2, as the “automatic approval penalty.” *Hans Hagen Homes, Inc. v. City of Minnetrista*, 728 N.W.2d 536, 537-38 (Minn. 2007). Because “statutes that are penal in nature are construed narrowly against the penalty,” and “the legislature intends to favor the public interest as against any private interest,” the automatic approval penalty of Minn. Stat. § 15.99 should be construed narrowly. *Motokazie! Inc. v. Rice County*, 824 N.W.2d 341, 350 (Minn. App. 2012) (quoting *Hans Hagen Homes*, 728 N.W.2d at 543). In

addition, because the penalty is a “harsh, extraordinary remedy,” we narrowly construe the automatic approval provision. *Harstad v. City of Woodbury*, 902 N.W.2d 64, 77 (Minn. App. 2017) (quotation omitted), *aff’d*, 916 N.W.2d 540 (Minn. 2018).

Our court has interpreted Minn. Stat. § 15.99, subd. 2(b), to mean that “when a vote is taken on a resolution to approve a request, two conditions must be met before action on the resolution constitutes a denial; the vote must fail, and those who voted against the resolution must state on the record why they opposed the request.” *Perschbacher v. Freeborn Cnty. Bd. of Comm’rs*, 883 N.W.2d 637, 643 (Minn. App. 2016). Further, “[i]f opponents of the resolution do not state the reasons for their opposition on the record, there is no denial, and the agency continues to risk automatic approval of the request for failing to take action before the deadline.” *Id.* Great River Solar argues that the IUP application was approved by operation of law based on its claim that one board member voting against the motion to approve the IUP did not state his reasons for opposition on the record.⁶ We disagree.

⁶ The county initially argued that Great River Solar waived the right to assert this issue on appeal, having failed to raise the issue to the board. We generally will not consider an issue not addressed below, but we may decide an issue not determined below when there is no possible advantage or disadvantage to the parties from not having a prior ruling. *In re the Expulsion of A.D.*, 883 N.W.2d 251, 261 (Minn. 2016) (applying *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1998), to an issue on certiorari review). We also note that this is not a question of a party failing to raise a substantive issue, but a matter of the board’s statutory compliance. We observe that the board discussed on the record the question of automatic approval if it failed to reach a decision within the statutory timeframe. As a result, we do not agree that the duty to make the board aware of its statutory-compliance requirement falls to Great River Solar.

Great River Solar contends that, while one board member stated that the planning commission's findings were the reason for his vote denying approval of the application, the other board member voting against approval did not state a reason for his vote. Great River Solar points to the following transcript section:

COMMISSIONER 1: I'm just going to have to follow the directions and the finding of fact of the planning commission on this. Just have that on the record.

CHAIRPERSON: I hear you. And I have to admit part of the reason why I don't support what the planning commission did is that it's not consistent with our comprehensive plan. I mean, that's part of our challenge right now is when they're coming up with findings of fact, even if we would deny this, I would personally say we need to come up with different reasons. So I'm telling you, [Commissioner 1], that's an issue I have. I totally respect your desire to follow their lead. I get that.

COMMISSIONER 1: And I believe they did follow our comprehensive plan.

CHAIRPERSON: Okay. [Commissioner 2], any further comments. I half thought you were going to make a motion to table.

COMMISSIONER 2: The horse is dead.

Both commissioners involved in that exchange with the chairperson then cast "nay" votes during roll-call voting.

Looking beyond this exchange, however, the record shows that the second commissioner stated his reasons for opposing the request on the record before the board's vote on the motion to approve the request. While those reasons may not have been expressed in as clear or succinct a fashion as the first commissioner's reasons for voting against approval, they can be understood in the context of the full discussion on the record.

During the discussion, the second commissioner made several statements, including, “I want to see us take a long view end-of-life considerations,” and

[M]ost of what I’m concerned with is the long term, you know, what’s happening in the future. On one end you hear about how these things have a 30-year life. Well, effectively, they have about half of that before the efficiency deteriorates to the point where, perhaps, the panels need to be replaced or should be replaced. But I don’t envision them being replaced without another subsidy, so.

He also addressed the similarities between the IUP for this project and other types of interim-use-permitted projects, such as gravel pits, and contrasted them with solar projects that have typically received much shorter 25-year permits.

Before the chairperson called for a vote on Great River Solar’s request, he asked the second commissioner whether he had “any *further* comments.” (Emphasis added.) Thus, a full review of the transcript shows that the second commissioner made statements on the record expressing his concerns about the length of the project, the long-term implications of the project, and the outcome and impact when the project reached the end of its useful life.

The county argues that the denial was adequately supported by reasons for opposition on the record and notes that Minn. Stat. § 15.99, subd. 2(b), does not require “magic language” to justify a vote for denial. We agree and further observe that the statute does not specify that in order to satisfy its requirements, a statement of reasons for opposing a permit must have a particular level of detail. Nor does the statute specify that the statement of reasons must occur immediately before the vote against the motion. The statute merely requires that “those voting against the motion state on the record the reasons

why they deny the request.” Minn. Stat. § 15.99, subd. 2(b). Based on the record, we conclude that requirement was met.

Great River Solar argues that our opinion in *Perschbacher* establishes a standard for the sufficiency of the reasons for opposition on the record:

[W]hen a vote is taken on a resolution to approve a request, two conditions must be met before action on the resolution constitutes a denial; the vote must fail, and those who voted against the resolution must state on the record why they opposed the request. This second condition removes the uncertainty about the meaning of the vote.[⁷]

883 N.W.2d at 643 (citation omitted). Great River Solar asserts that identifying the reasons for opposition behind each vote to deny the request “provides an applicant with the information necessary to evaluate the merits of an appeal of the legal and factual reasons for denial.” Applying that logic, the record here contains adequate information about the reasons for denial and provides certainty about the meaning of the vote. Thus, we conclude that the requirements and purpose of Minn. Stat. § 15.99, subd. 2(b), are met.⁸

⁷ *Perschbacher* also states that “the statute does not restrict when the reasons may be stated on the record.” *Id.*

⁸ The county also argued that the board met the requirement to state its reasons for denying the request on the record by adopting the planning commission’s findings of fact at the hearing by including the findings in the board’s packet on Great River Solar’s IUP application. Because we conclude that the requirements of Minn. Stat. § 15.99, subd. 2(b), were met by the commissioners’ stated reasons on the record, we need not reach this argument.

II. The board’s decision to deny Great River Solar’s IUP application was not unreasonable, arbitrary, or capricious.

“We will reverse a governing body’s decision regarding [an IUP] application if the governing body acted unreasonably, arbitrarily, or capriciously.” *RDNT, LLC v. City of Bloomington*, 861 N.W.2d 71, 75 (Minn. 2015). In determining whether a denial was unreasonable, arbitrary, or capricious, our court must determine first if the reasons that the governing body gave are legally sufficient and second if the reasons had a factual basis in the record. *Id.* at 75-76. “The permit applicant has the burden of persuading this court that the reasons for the denial either are legally insufficient or had no factual basis in the record.” *Yang v. County of Carver*, 660 N.W.2d 828, 832 (Minn. App. 2003). We turn first to whether the county articulated a legal basis for its decision to deny the requested IUP.

A. The board’s decision to deny Great River Solar’s IUP application was based on legally sufficient reasons.

In a letter confirming the board’s action denying the IUP, the county stated that the members voting against the motion concurred with the planning commission’s findings of fact. The planning commission found that the permit application conflicted with section 1.2(A)-(D), (F) and section 9.3.1 of the zoning ordinance. Stearns County, Minn., Land Use and Zoning Ordinance 439 §§ 1.2(A)-(D), (F) (2022), 9.3.1 (2021). The planning commission also found that the application did not conform with some goals and policies of the comprehensive plan and that the proposed use conflicted with some of the adjacent parcels.

First, Great River Solar argues that a lack of consistency with other sections of the zoning ordinance, specifically sections 1.2 and 9.3.1, is not a sufficient legal basis for denial of the permit because compliance with those sections is not a criterion for issuing a permit. Section 1.2(A)-(D), (F) reads:

1.2 Statement of Purpose

This Ordinance is adopted for the purposes of:

A. Protecting and promoting the public health, safety, welfare and morals.

B. Promoting and providing for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses.

C. Preserving agricultural land and animal agriculture.

D. Conserving natural and scenic areas of the County.

....

F. Providing official controls to implement the goals and policies included in the Stearns County Comprehensive Plan.

Section 9.3.1 states the purpose of the A-40 district, reading in pertinent part:

The purpose of this District is to preserve the agricultural and rural character of land within the A-40 District. This district is applicable in areas where agriculture is the predominant and preferred land use, as described in the Comprehensive Plan, and agricultural protection, including crops and animal agriculture, is the foremost goal. However, the A-40 district has a secondary goal of providing flexibility not allowed in the A-80 and A-160 districts by allowing for development where agriculture has limited viability.

While the section of the zoning ordinance listing the criteria for considering the permit, section 4.8.2, does not specify consistency with section 1.2 and section 9.3.1 as a requirement, it does state that the board “[i]n determining whether the proposed use is *in harmony with the general purpose and intent of this Ordinance* . . . shall consider, *but not be limited to*” the specific criteria enumerated when granting a permit. Stearns County,

Minn., Land Use and Zoning Ordinance 439 § 4.8.2 (emphasis added). As a result, the board may look to the overall purposes of the zoning ordinance and the zoning district as legal bases for determining whether Great River Solar's proposed use is in harmony with the zoning ordinance's general purpose and intent. Thus, the planning commission's finding that the application is inconsistent with section 1.2(A)-(D), (F) and section 9.3.1 is a legally sufficient reason for denial on which the board may base its decision.

Second, Great River Solar argues that the planning commission's finding that the IUP does not conform to the comprehensive plan cannot serve as a legal reason for denial, claiming that section 4.8.2 contains only a single criterion related to the comprehensive plan, with which its application substantially complies. Section 4.8.2 lists criteria the board shall consider in determining whether to grant a permit. Section 4.8.2(A) provides that the board shall consider "[t]he effect of the proposed use on the Comprehensive Plan including but not limited to, consistency with the relevant Comprehensive Plan Policy Area." Stearns County, Minn., Land Use and Zoning Ordinance 439 § 4.8.2(A). Great River Solar seems to argue that because the comprehensive plan's policy area for agriculture includes a provision for clean energy, including solar energy, the comprehensive plan cannot serve as a legal basis for denial.

The county contends that nonconformity with the comprehensive plan is a legally sufficient basis for denying the IUP, noting that only one legally sufficient reason for the board's decision is needed. *See Trisko v. City of Waite Park*, 566 N.W.2d 349, 352 (Minn. App. 1997) ("Not all reasons for the denial of a conditional use permit need be legally

sufficient and supported by facts in the record.” (quotation omitted)), *rev. denied* (Minn. Sept. 25, 1997).

Section 4.8.2 states that the board may grant a permit upon a showing by the applicant that “the use conforms to the comprehensive plan.” Subsection 4.8.2(A) further requires that the board consider the effect of the proposed use on the comprehensive plan and its consistency with the relevant comprehensive-plan policy area. The supreme court has held that inconsistency with a comprehensive land-use plan is a legally sufficient reason to deny a use permit. *Barton Contracting Co. v. City of Afton*, 268 N.W.2d 712, 718 (Minn. 1978). Comprehensive-plan language that is unreasonably vague or subjective, however, does not furnish grounds for denial of a use permit. *C. R. Invs., Inc. v. Village of Shoreview*, 304 N.W.2d 320, 328 (Minn. 1981).

Here, the board pointed to certain goals and policies within the comprehensive plan with which the application conformed and others with which it did not. In pertinent part, the board found that the application conformed with the comprehensive plan’s clean energy policies of siting solar-energy systems to reduce conflict with adjacent land uses, requiring beneficial habitat ground cover on solar sites, and encouraging development and use of renewable energy. But it also found that the application did not conform with the agricultural goal of retaining areas with highly valued agricultural land or with the agricultural-use policy of following the comprehensive plan’s Future Land Use Factors when locating non-agriculturally oriented projects in an agricultural area, among others. Thus, the comprehensive-plan language is not unreasonably vague or subjective, and

nonconformity with the comprehensive plan can serve as a legal basis for denial.⁹ Therefore, inconsistency between the proposal and the comprehensive plan’s policy area for agriculture and its provision for solar energy is a legally sufficient basis for denying the IUP.

Third, Great River Solar argues that the county’s finding that the application is not consistent with the farmland next to it is legally insufficient because section 4.8.2 has no criterion requiring the proposed use to align with the use of an adjacent property. Section 4.8.2(C) requires, however, that compatibility with adjacent land be considered, as does the comprehensive plan, which contains a clean-energy policy stating that solar-energy systems should be sited in a way that reduces conflict with adjacent land uses. We thus conclude that inconsistency with adjacent land use is also a legally sufficient reason for denial of the IUP.

In sum, section 4.8.2 requires that the proposed use be in harmony with the general purpose and intent of the zoning ordinance as a whole and requires consideration of the effect of the use on the comprehensive plan. We conclude that the board’s determinations that the permit application (1) was not consistent with the general purpose and intent of the

⁹ In fact, in our recent nonprecedential opinion *In re the Application of Impact Power Sols., LLC for a Conditional Use Permit*, we reviewed the legal sufficiency of nonconformity with respondent Stearns County’s comprehensive plan as a reason for denial of a CUP for a solar project. No. A21-0925, 2022 WL 1448223, at *2 (Minn. App. May 9, 2022). We concluded that the zoning ordinance authorizes the board to consider specific elements of the comprehensive plan as legally sufficient reasons for denial. *Id.* While it is not binding on our decision, we find that analysis persuasive. See Minn. R. Civ. App. P. 136.01(c) (“Nonprecedential opinions . . . are not binding authority . . . , but nonprecedential opinions may be cited as persuasive authority.”).

zoning ordinance, (2) did not conform with certain goals and policies of the comprehensive plan, and (3) was inconsistent with the adjacent farmland are each a legally sufficient reason for denial. We now turn to whether the board's reasons for denial are supported by a factual basis in the record. *Trisko*, 566 N.W.2d at 352 (stating that when governing body gives its reasons for denying permit, reviewing court looks to legal sufficiency of and factual bases for its reasons).

B. The board's legally sufficient reasons for denying Great River Solar's IUP application are factually supported in the record.

Great River Solar argues that finding (D) in the planning commission's findings of fact, which states that "[t]he applicant has demonstrated the standards and criteria state[d] in the Ordinance will be satisfied," shows that the county's denial was arbitrary because by adopting this finding, the board conceded that all criteria in the zoning ordinance were satisfied. "A denial of [an IUP] is arbitrary where the applicant establishes that all of the standards specified by the zoning ordinance as conditions of granting the permit are satisfied." *August v. Chisago Cnty. Bd. of Comm'rs*, 868 N.W.2d 741, 745 (Minn. App. 2015) (citing *Yang*, 660 N.W.2d at 832).

The county does not directly address this seemingly contradictory finding, and without the other findings the board adopted in denying the IUP, this finding may have been dispositive. Still, conformity to the comprehensive plan is a criterion for consideration, and the planning commission expressly found that the IUP application does not conform to certain goals and policies of the comprehensive plan, thereby showing that according to the planning commission's findings, not *all* the standards specified were

satisfied. Thus, we review the facts in the record showing that Great River Solar’s IUP did not conform to the comprehensive plan.

- 1. The comprehensive plan provides goals for aligning projects, including clean energy, with agricultural land use.*

The parties point to the Agriculture Pillar of the comprehensive plan, which includes clean energy as a “focus area,” as the portion most relevant to the proposed IUP. The Agriculture Pillar identifies six agricultural-use policies, three of which are implicated here. They read:

- a. Primary land uses in the “Agricultural” areas should be agriculturally oriented, including animal agriculture, crop production and specialized agricultural enterprise, in combination with limited agricultural related business, solar and wind, recreational, institutional, and open space uses.

....

- d. Encourage sustainable agricultural practices that protect prime farmland and water resources for future generations.

- e. Projects that are located in an “Agricultural” area and are not agriculturally oriented should follow the Comprehensive Plan’s Future Land Use Factors to minimize conflicts with adjacent land uses and natural resources.

“Solar and wind” are among the uses to be considered along with agriculturally oriented uses in agricultural-use policy (a), and because solar and wind are not agriculturally oriented uses, they “should follow the Comprehensive Plan’s Future Land

Use Factors,” according to agricultural-use policy (e).¹⁰ The Future Land Use Factors referenced in policy item (e) contain goals for determining how projects align with the comprehensive plan for the clean-energy and other focus areas. Relevant goals include “[r]etain areas with highly valued agricultural land” and “[s]trengthen and retain areas with highly valued agricultural land.” The county argues that facts in the record that conflict with these goals support the denial of the proposed IUP.

2. *The land Great River Solar proposed to use is “highly valued agricultural land,” as indicated by its LESA score.*

The county first points to a property’s LESA score as one of the Future Land Use Factors to be considered and notes that a property with a LESA score of 65 or greater is considered “a site that is better suited to agricultural use.” Great River Solar’s application included the LESA-score information for the site—a LESA score of 72.8. The record shows that the board considered the LESA score during the hearing, noting that it was higher than the average LESA score of 68 for sites where similar projects were located.

Great River Solar argues that, assuming the Future Land Use Factors of the comprehensive plan apply here, a LESA score is not relevant to the project and should not be outcome-determinative. In so arguing, Great River Solar points to language in the comprehensive plan that discusses LESA-score factors. The comprehensive plan states

¹⁰ Great River Solar contends that policy item (a) includes “solar” as an “agriculturally oriented” use or that because the project is located on farmland, it is itself an agriculturally oriented use for purposes of the comprehensive plan, and therefore the Future Land Use Factors should not apply. Because in policy item (a), “solar” is set off from “agriculturally oriented” with the phrase “in combination with,” we disagree with this reading of the policy item.

that the LESA score is mainly used for “manag[ing] non-farm rural residential development.” And that while “[h]istorically, the LESA score has highly influenced land use decisions,” going forward it should be used to educate property owners about the potential significance of the land in long-term agricultural activities.

We observe, however, that one reason the board denied the IUP was that it found that the project did not conform to the comprehensive plan’s agricultural goal to “strengthen and retain *highly valued agricultural land*.” (Emphasis added.) The board and county staff acknowledged on the record that the role of the LESA score in evaluating the project was somewhat unclear. But to the extent that the board is tasked with determining whether the project would help retain highly valued agricultural land, we conclude that use of the LESA score is a legitimate consideration in making that determination. Therefore, we conclude that the agricultural value of the project site as shown by the site’s LESA score is a fact in the record supporting denial.

3. *The duration of the project and the proliferation of solar projects in the county may be inconsistent with the comprehensive plan and “limited” use of solar.*

The county also points to the 41-year duration of the IUP as a fact in the record that favors denial. Great River Solar’s application requested a 41-year permit for the project. The record shows the board questioned the duration because previous CUPs, while not specifying an end date, were tied to the lease agreement for the project site, which typically lasted 25 years. We conclude that a factual basis exists in the record for the board’s concern that taking the project site out of agricultural production for several years longer than similar projects poses a conflict with one of the goals of the land-use decision factors for

comprehensive-plan alignment—the goal of “[s]upport[ing] agriculture as a desirable land use for the long term.”

In addition, the planning commission and the board expressed concern about the number of existing solar farms in the county and the impact of a recent zoning-ordinance amendment. The amendment streamlined the process of permitting the first solar project on a landowner’s property. The board’s concern is that the change in the zoning ordinance may lead to fewer opportunities for it to review new solar projects. The number of existing solar projects, the number of pending permit applications, and the likelihood that additional projects will be permitted via an alternative process provide a factual basis for a finding that the application did not conform with the comprehensive plan. Specifically, a factual basis exists for the finding that the application conflicted with the comprehensive plan’s goal to “[s]trengthen and retain areas with highly valued agricultural land or economically viable animal agriculture operations.”¹¹

Great River Solar points to many facts in the record that support findings that the project conforms to some of the comprehensive plan’s goals and policies. Great River

¹¹ Along with the arguments discussed, the parties dispute whether agricultural-use policy (a) in the comprehensive plan intends that solar use be “limited” compared to agriculturally oriented land uses. The policy reads: “Primary land uses in the ‘Agricultural’ areas should be agriculturally oriented, including animal agriculture, crop production and specialized agricultural enterprise, in combination with *limited* agricultural related business, solar and wind, recreational, institutional, and open space uses.” (Emphasis added.) Because the planning commission’s findings of fact do not include agricultural-use policy (a) as a comprehensive-plan goal or policy with which the application does not conform, we do not reach this question. We observe, however, that this court recently concluded that this particular language in Stearns County’s comprehensive plan means that only limited space should be devoted to solar uses. *Impact Power Sols., LLC*, 2022 WL 1448223, at *2.

Solar asserts that the record includes findings that the project would preserve and protect the land for future agricultural use, diversify crops and products, and use sustainable practices to maintain farming resources for future generations. These facts and findings, however, do not mandate that the board approve the IUP application. *See Barton Contracting Co.*, 268 N.W.2d at 717 (“A municipality may weigh whether the proposed use is consistent with its land-use plan . . .”). The county identified more than one legally sufficient basis for denial of the IUP that is supported by facts in the record. “County zoning authorities have wide latitude” in granting or denying use permits, and the judiciary’s role in reviewing zoning decisions is limited because “the court’s authority to interfere in these matters should be sparingly invoked.” *Big Lake Ass’n*, 761 N.W.2d at 491 (quotations omitted). “[T]his court may not substitute its judgment, if there is a legally sufficient reason for the [use permit] decision, even if it would have reached a different conclusion.” *BECA of Alexandria, L.L.P. v. County of Douglas ex rel. Bd. of Comm’rs*, 607 N.W.2d 459, 463 (Minn. App. 2000). We conclude that Great River Solar, as the permit applicant, has not shown that the reasons for the board’s denial of its IUP are either legally insufficient or without a factual basis in the record. *See Yang*, 660 N.W.2d at 832. In light of our deferential standard of review, we affirm the board’s decision.

Affirmed.