



**LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: FEBRUARY 18, 2016

TIME: 3:00 PM

PLACE: ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER MN

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

ITEM #1 Board of Adjustment Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Theis/Lyra Community Solar Gardens

ITEM #4 Approved February 18, 2016 Minutes

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT
APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT February 18, 2016.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, February 18, 2016

Regular Session

Item 1

Board of Adjustment Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: FEBRUARY 18, 2016

TIME: 3:00 PM

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **FEBRUARY 9, 2016**.

ITEM #1: LARRY & SOLVEIG THEIS, SHAKOPEE, MN (APPLICANT); LYRA COMMUNITY SOLAR GARDENS, EDINA, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct solar panels 100 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on a Natural Environment Lake, Quiram's Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township. **VARIANCE IS FOR OHWL SETBACK.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT February 18, 2016.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, February 18, 2016

Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

MEETING AGENDA

Meeting Date: February 18, 2016

Meeting Time: 3:00 pm

Onsite Date: February 18, 2016

Onsite Time: 2:00 pm

ITEM #1: Theis/Lyra Community Solar Gardens

Discussion Items: Minutes

ADJOURN

Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed to the board, not the applicant. After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, February 18, 2016

Regular Session

Item 1

Theis/Lyra Community Solar Gardens

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: LYRA COMMUNITY SOLAR GARDENS

OWNER: LARRY & SOLVEIG THEIS

911 ADDRESS: NEW, State Highway 13, Waterville MN

VARIANCE REQUEST: To allow the applicant to construct solar panels 100 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 16006

PARCEL NUMBER: 14.010.7500

SITE INFORMATION

LOCATION: SW 1/4 SW 1/4 Section 10, Waterville Townshp

ZONING & PURPOSE: Special Protection, Shoreland District

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GENERAL SITE DESCRIPTION: Rural, Shoreland

ACCESS: New off State Highway 13

LAKE: Quiram's Slough, Natural Environment Lake

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

RFPE: Regulatory Flood Protection Elevation: Lowest floor must meet RFPE, to be determined.

ATTACHMENTS

Application, Written Detail of Request from Geronimo Energy, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Impervious Surface calculation

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to OHWL:	100 feet	250 feet	Section 13.1 Subdiv. 5.E.1.	13-31
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9

Page 1 of 2

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 1/20/2016
60 DAY RULING DATE: 3/21/2016

PERMIT NUMBER 16006

FEE: \$646.00

APPLICANT: LARRY & SOLVEIG THEIS
ADDRESS: 3412 WESTBRIDGE DRIVE
CITY: SHAKOPEE'
STATE: MN ZIP: 55379
PHONE: 952-445-7249

PROPERTY OWNER: LYRA COMMUNITY SOLAR GARDE
ADDRESS: 7650 EDINBOUROUGH WAY SUIT
CITY: EDINA
STATE: MN ZIP: 55435
PHONE: 952-988-9000

PARCEL NO: 14.010.7500 TOWNSHIP: WATERVILLE 911: NEW
SEC: 10 SUBDIV: NA
TWP: 109 LOT: NA ZONE: SP
RANGE: 23 BLOCK: NA FEMA PANEL #: 27079C0325D
Q/Q: SWSW ROAD: STATE HWY 13 & FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

TO ALLOW THE APPLICANTS TO CONSTRUCT SOLAR PANELS 100' FROM THE OHWL OF A
NATURAL ENV. LAKE, QUERUMS SLOUGH . + Create Impervious Surface in Shome Impact
Zone,

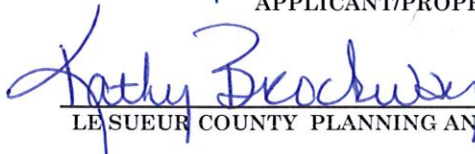
2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO
ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN
RECORD:

X 
APPLICANT/PROPERTY OWNER

1/21/16
DATE


LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

1/20/2016
DATE

**** FEES ARE NON-REFUNDABLE****

ON-SITE TOUR DATE: 2/18/2016	
PUBLIC HEARING DATE: 2/18/2016	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING
OR THE APPLICATION WILL BE TABLED.

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 1/20/2016
60 DAY RULING DATE: 3/21/2016

PERMIT NUMBER 16006

FEE: \$646.00

APPLICANT: LARRY & SOLVEIG THEIS
ADDRESS: 3412 WESTBRIDGE DRIVE
CITY: SHAKOPEE
STATE: MN ZIP: 55379
PHONE: 952-445-7249

PROPERTY OWNER: LYRA COMMUNITY SOLAR GARDE
ADDRESS: 7650 EDINBOUROUGH WAY SUIT
CITY: EDINA
STATE: MN ZIP: 55435
PHONE: 952-988-9000

PARCEL NO: 14.010.7500 TOWNSHIP: WATERVILLE 911: NEW
SEC: 10 SUBDIV: NA
TWP: 109 LOT: NA ZONE: SP
RANGE: 23 BLOCK: NA FEMA PANEL #: 27079C0325D
Q/Q: SWSW ROAD: STATE HWY 13 & FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

TO ALLOW THE APPLICANTS TO CONSTRUCT SOLAR PANELS 100' FROM THE OHWL OF A
NATURAL ENV. LAKE, QUERUMS SLOUGH + Create Impervious Surface in Shore Impact
Zone -
m Rm

2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO
ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN
RECORD:

x Larry & Solveig Theis
APPLICANT/PROPERTY OWNER

1-20-16
DATE

Kathy Brochu
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

1/20/2016
DATE

** FEES ARE NON-REFUNDABLE **

ON-SITE TOUR DATE: <u>2/18/2016</u>	
PUBLIC HEARING DATE: <u>2/18/2016</u>	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING
OR THE APPLICATION WILL BE TABLED.

VARIANCE FINDINGS OF FACT

Name of Applicant: LARRY & SOLVEIG THEIS

Variance # 16006

Variance Request: TO ALLOW THE APPLICANTS TO CONSTRUCT SOLAR PANELS 100' FROM THE OHWL OF A NATURAL ENV. LAKE, QUERUMS SLOUGH

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Is the alleged practical difficulty unique to the property?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 5. Does the alleged practical difficulty involve more than economic considerations?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 7. Is the Variance consistent with the Comprehensive Plan?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

() APPROVED

() DENIED

CONDITIONS: _____

Applicant response to conditions:

Agree ()

Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600**

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

February, 9 2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Lyra Community Solar Gardens, LLC

Property owner: Larry & Solveig Theis

Property: 04.010.7500

Description: Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct solar panels 100 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on a Natural Environment Lake, Quiram's Slough.

Recommendation: I recommend denying the application for a variance from the Le Sueur County Zoning Ordinance for setback from the OHWL. The current proposed project doesn't demonstrate a practical difficulty. The variance request is for new construction and allows for the placement of additional solar panels on the parcel that would not fit if all setbacks were met. Site plans should be drawn to either fit the lot with the required setbacks or a new site should be chosen that better fits the proposed plans.

Conditions if approved: If the Board does approve the variance as proposed, a condition should be placed on approval that requires the applicant to work with Environmental Services Department to establish and maintain a native buffer between the proposed solar garden and the OHWL of Quiram's Slough. This buffer will help replace the protection lost by the reduced setback.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Le Sueur County

Variance Application

I. Applicant:
Name Lyra Community Solar Gardens, LLC
Mailing Address 7650 Edinburgh Way, STE 725
City Edina State MN Zip 55435
Phone # 952-988-9000 Phone # _____

II. Land Owner (s), if different from above:
Name Larry & Solveig Theis
Property Address 3412 Westbridge Drive
City Shakopee State MN Zip 55379
Phone # 952-445-7249 Phone # _____

III. Parcel Information:
Parcel Number 14.010.7500 Parcel Acreage 39.45
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:
See attached.

V. Township Notification: Township must be notified of proposed request prior to application.

Waterville Township notified on 12/16/2015 (via phone) & 12/18/2015 (via letter sent) & 1/19/2016 (via phone)
(Township Name) (Date)
Board Member Judy Hering regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. Appointment is necessary.
- All required information must be correct and submitted at the time of application, or the application will not be accepted.
- Applications will not be accepted by mail.

VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- ☒ a. Site Plan-survey
- ☒ b. Full legal description
- ☒ c. Access approval
- ☒ d. Surveyor Certification
- ☐ e. Floor plans and/or blue prints *(For structures)*
- ☐ f. Septic System Compliance Inspection
- ☐ g. Erosion control plan
- ☒ h. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
Filing Fee: \$ 46

Additional Fees:

Special Meeting: \$1,200
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.
See attached.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
See attached.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
See attached.
4. How will the request maintain the essential character of the locality?
See attached.
5. Does the alleged practical difficulty involve more than economic considerations?
See attached.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
See attached.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
See attached.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
See attached.
9. Explain why this request is the minimum variance amount to afford relief.
See attached.

XII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

NR
Applicant signature

1/19/16
Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

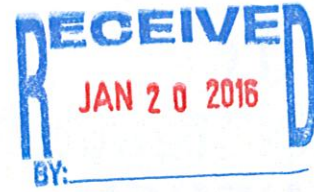
Shawn Davis
Land Owner signature

1-7-16
Date

OFFICE USE ONLY

Date received 1/20/16 Present Zoning Classification SP Feedlot within 500' 1000' (N)
Meeting date 2/18/16 Lake Classification NE Erosion Control Plan (Y) N
60 Day 3/2/16 Lake Quorum's Slough Water courses (Y) N
FEMA Panel # 270700032SD Flood Zone X outside Bluff Y (N)
☐ Surveyor Certificate ☐ Ordinance ☐ Septic N/A CI / DESIGN
☒ Site Plan -survey ☒ Access approval ☐ Fee \$ 646 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints ☐ Other _____
☐ Application complete ☒ Written Detail of Var
K Brockmeyer 1/20/16 16004
Planning & Zoning Department Signature Date Permit #

04-15-13



January 20, 2016

Kathy Brockway, Zoning Administrator
Le Sueur County Environmental Services
88 South Park Ave
Le Center, MN 56057

RE: Lyra Community Solar Gardens, LLC Variance Request

Dear Ms. Brockway:

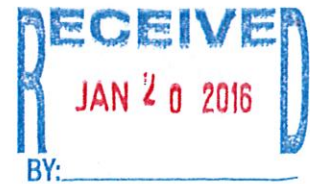
Lyra Community Solar Gardens, LLC ("The Project" or "Lyra") respectfully submits this variance request to the Le Sueur County's Board of Adjustment. Lyra is a solar garden to be permitted, constructed, owned, and operated by Lyra Community Solar Gardens, LLC.

The Project will be located in Waterville Township in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, Township 109 North, Range 23 West, Le Sueur County, Minnesota. The Project will consist of up to 3, 1 megawatt (MW) solar gardens that will generate enough energy to power 600 homes annually and avoid the emission of 3,635 metric tons of carbon annually. The Project plans to interconnect to Xcel Energy's existing distribution system near the Project.

The Project will be marketed as a host for Xcel Energy's Solar Rewards Community program. Under the program, Xcel Energy customers may subscribe to a solar garden and receive a credit on their monthly Xcel Energy bill based upon the production of their garden subscription.

Lyra is being developed by Geronimo Energy, a renewable energy developer based in Edina, Minnesota. Geronimo Energy is a North American utility-scale renewable energy development company headquartered in Edina, Minnesota. Geronimo has developed multiple operating wind farms and solar projects throughout the United States. Approximately 1,300 MW of wind projects and 200 MW of solar projects developed by Geronimo are either operational or are expected to be constructed by the end of 2016. Geronimo has a multi-gigawatt development pipeline of wind and solar projects in various stages of development throughout the United States. Geronimo provides custom renewable energy development solutions for utilities, independent power purchasers and corporations looking to harness renewable energy for business growth. With deep roots in agriculture, Geronimo prides itself on developing wind farms that are farmer-friendly, community-driven, and beneficial for rural communities.

GERONIMO ENERGY
7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001
www.geronimoenergy.com



Detail of Variance Request:

Lyra is requesting a variance from the Shoreland Ordinance to allow the installation of solar facilities within the Ordinary High Water Level (OHWL) 250 foot setback area but not within the OHWL zone. Lyra is requesting that the OHWL setback be reduced from 250 feet to 100 feet. Among other details included in Lyra's responses to the practical difficulty criteria, due to solar facilities being installed in square or rectangular blocks and the available parcel in this situation having a curved setback from Quiram's Slough that covers a large portion of the site, a unique circumstance is preventing Lyra from compliance with the zoning ordinance. While Lyra has made all efforts to avoid this setback the differences in shape between the blocks of solar panels and the shape of this setback would otherwise make installation of the panels impossible.

Contents of Application Enclosed:

- Variance Application Form
- Evidence Responses to Practical Difficulty Criteria
- Site Plan
- Full Legal Description
- Access Approval Application
- Parcel ALTA Survey

Respectfully,

A handwritten signature in black ink, appearing to read "Nathan Franzen".

Nathan Franzen
Vice President of Solar

GERONIMO ENERGY
7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001
www.geronimoenergy.com



Lyra Community Solar Garden's, LLC
Variance Application
Evidence Responses to Practical Difficulty Criteria

- 1) Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

The request for a variance of Le Sueur's shoreland ordinance is reasonable because it still meets the intent of the ordinance being varied, is the result of a practical difficulty of meeting the requirements of equipment to be installed at the site while still meeting the tariff Lyra will be operating under.

- 2) What are the unique circumstances of this property that prevent compliance with the zoning ordinance that will result in a practical difficulty?

Solar facilities are installed in square or rectangular blocks; the available parcel in this situation has a curved setback from Quiram's Slough that covers a large portion of the site. While Lyra has made all efforts to avoid this setback the differences in shape between the blocks of solar panels and the shape of this setback would otherwise make installation of the panels impossible. The project is being installed as part of Xcel Energy's Solar*Rewards program which has specific design and interconnection standards that must be complied with, these standards create cost limitations on Xcel's end with regards to what interconnection facilities will be installed for a given project. Lyra has been selected because of its ability to meet these standards. Variation of location would likely result in not meeting Xcel's tariff requirements.

- 3) Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

As discussed in Lyra's response to item 2 the circumstances are a product of the parcel of land, the equipment proposed to be installed, and the utility tariff under which the facility must operate. None of these situations were caused by Lyra or the underlying landowner.

- 4) How will the request maintain the essential character of the locality?

The area is primarily agricultural. The facility will be primarily natural in visual appearance with its prairie plantings and setback from the road. Solar panels will be visible but won't conflict with the existing area around it. The natural vegetation will provide a more natural appearance around Quiram's Slough when compared with the intensive agriculture use currently in place.

GERONIMO ENERGY
7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001
www.geronimoenergy.com



5) Does the alleged practical difficulty involve more than economic considerations?

Yes, the practical difficulty is related to the shape of developable land and the need to conform to Xcel's Solar*Rewards tariff which dictates interconnection standards and

6) Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the ordinance?

The purpose of Le Sueur's shoreland ordinance is to preserve the water quality in the adjacent parcels as well as their natural characteristics. The proposed solar facility will meet these standards by converting the existing agricultural land to a solar facility surrounded by natural, pollinator friendly prairie plantings. The change in land cover will result in a reduction of runoff from farm chemicals and greater infiltration of stormwater. The project is reserving the shore impact zone and will not be siting facilities in it.

7) Describe how the request is consistent with the Comprehensive Land Use Plan.

The primary benefit to installation of Lyra's proposed project will be to water quality; however it will also provide agricultural preservation with the site being reclaimed once its useful life has been completed. Goal 2, Objective 3 pertains to this proposal in that Lyra, by revegetating the site in natural prairie, will preserve shoreland, it will also provide habitat for grassland birds, shore birds, and other insects, reptiles and mammals that will use the site. Le Sueur Co. maintains a Water Management Plan which is incorporated, either directly through quotes or by reference into the Le Sueur land use plan. Pertinent to this request the Water Management Plan prioritizes stormwater management, protection of undeveloped shoreline, prevention of agricultural run-off and reduction of contamination from agricultural uses. The proposed conversion will be consistent with these goals.

After reclamation Lyra's site will have rejuvenated soils because of the nitrogen and mineral replacing nature of the plantings allowing it to be restored to high production agricultural uses. The solar site will preclude other, nonagricultural development on its parcel that may otherwise occur. This is consistent with Goal 1 Objective 1 of Le Sueur's land use plan.

Goal 2 Objective 3 and Goal 1 Objective 1 are provided below for reference.

Goal 2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

GERONIMO ENERGY
7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001
www.geronimoenergy.com



Objective 3: Preserve shorelands on Natural Environment Lakes (NE) and Tributary Rivers as open space or wildlife areas.

Le Sueur maintains a Water Management Plan which is incorporated, either directly through quotes or by reference into the Le Sueur land use plan. Pertinent to this request the Water Management Plan prioritizes stormwater management, protection of undeveloped shoreline, prevention of agricultural run-off and reduction of contamination from agricultural uses. The proposed conversion will be consistent with these goals.

Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

Objective 1: The County will protect the best of its agricultural land as a resource for long term agricultural use.

- 8) Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

Currently there is no sewage treatment, water wells, or storm water treatment facilities at the site. There will not be a sanitary sewer or water well on site, the project will meet all MPCA stormwater requirements and requirements of any other watershed authority that may have jurisdiction over it.

- 9) Explain why this request is the minimum variance amount to afford relief.

Lyra has run a number of design scenarios and has found the proposed design to be the minimum for which a project could be built and still meet market conditions, the requirements of the tariffs it will operated under and still comply with the spirit of Le Sueur's shoreland ordinance.

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3 MW-AC Solar Array Project Le Sueur County, Minnesota Civil Permitting Plans

Data Set Information			
Name File	File Name	Provider	Date
PV Array	0007452PV21TL.dwg	Westwood	01/19/2016
Topo	000745202M.dwg	MH Lidor	11/02/2015

01/19/2016 7.100

Westwood

Westwood Professional Services, Inc.
1000 Westwood Drive, Suite 200
Le Sueur, MN 56051
Phone: (507) 435-1100
Fax: (507) 435-1101
www.westwoodinc.com

Designed	1999
Checked	1999
Drawn	1999
Revised Drawing	1999
Project	1999
By	1999
For	1999
Project	1999
By	1999
For	1999
Project	1999
By	1999
For	1999

GERONIMO ENERGY
7600 Midborough Way, Suite 725
Minneapolis, MN 55425

Lyra Community Solar Garden

Le Sueur County, Minnesota

Overall Site Plan

Project Address:
47957 State Highway 13
Waverly, MN 56096

Preliminary
Not For Construction

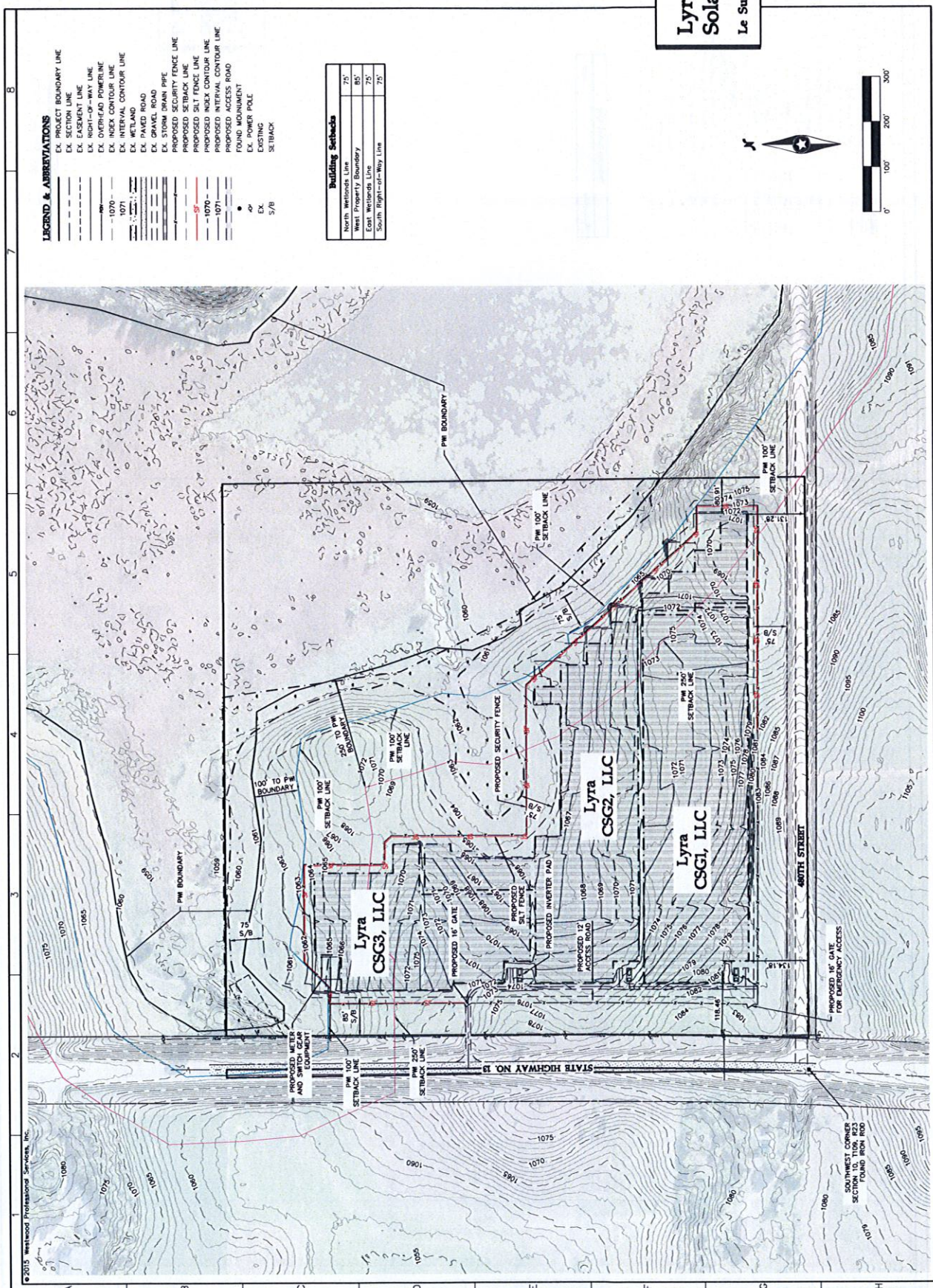
Date: 01/19/2016
Drawing No: C100

00016229901.dwg

LEGEND & ABBREVIATIONS

EX PROJECT BOUNDARY LINE
EX SECTION LINE
EX EASEMENT LINE
EX RIGHT-OF-WAY LINE
EX INTERVAL CONTOUR LINE
EX INTERVAL CONTOUR LINE
EX WETLAND
EX PAVED ROAD
EX GRAVEL ROAD
EX STORM DRAIN PIPE
PROPOSED SECURITY FENCE LINE
PROPOSED SETBACK LINE
PROPOSED SILT FENCE LINE
PROPOSED UTILITY CONTOUR LINE
PROPOSED ACCESS ROAD
FOUND MONUMENT
EX POWER POLE
EX EXISTING
EX 5/8"

Building Setbacks	
North Wetlands Line	75'
West Property Boundary	85'
East Wetlands Line	75'
South Right-of-Way Line	75'



Designation	WFO
Chief Clerk	WFO
Director	WFO

Record Keeping Machine	
Machine #	Description

Prepared for:



**Gerontino Energy,
7650 Edinborough Way, Suite 725
Edina, MN 55435**

**Lyra Community
Solar Garden**
Le Sueur County, Minnesota

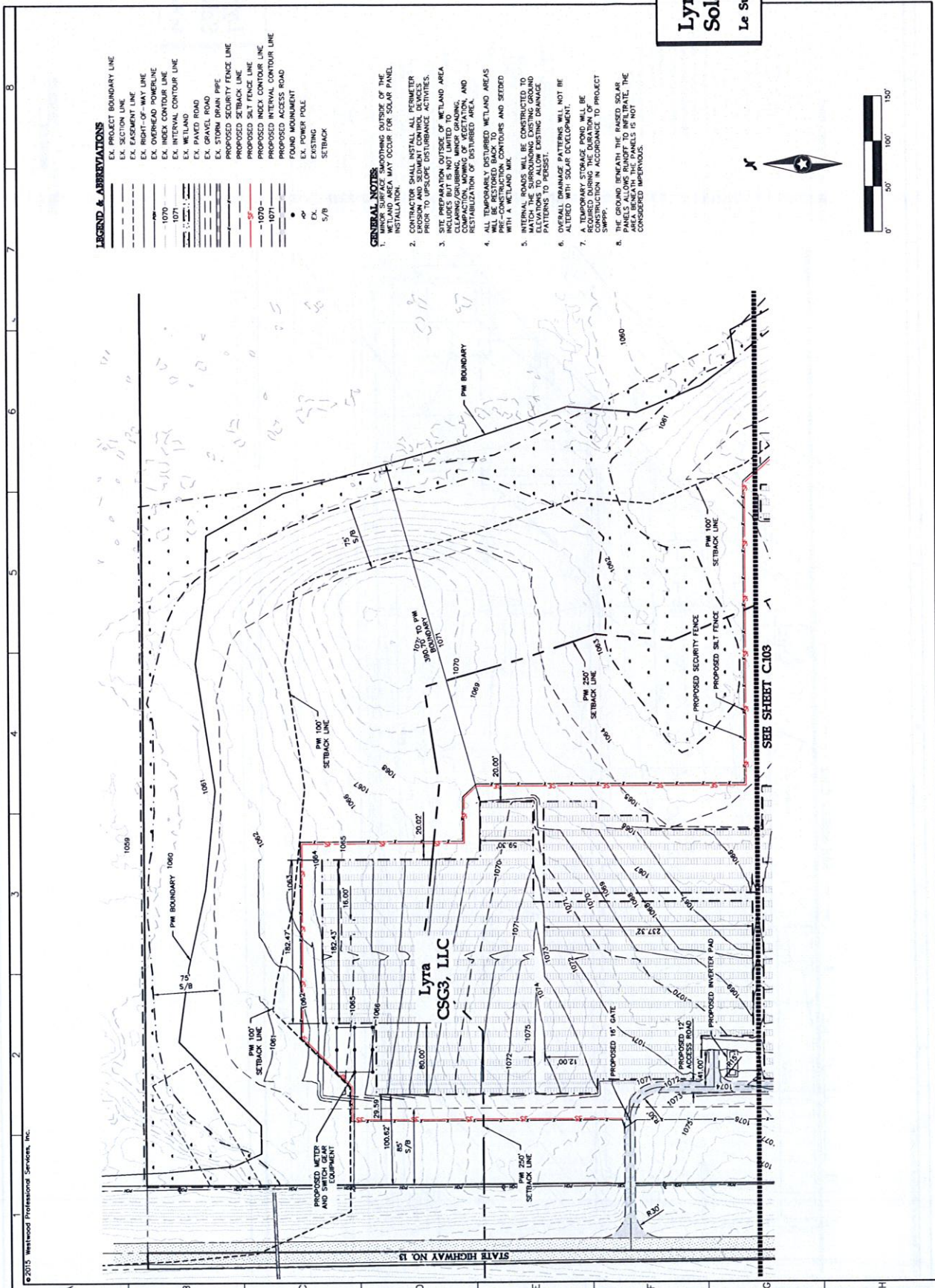
Civil Plan

Project Address:
47857 State Highway 13
Waterville, MN 56096

**Preliminary
Not For Construction**

Date: 01/19/2016
Drawing No: C102

00074520PP01.6mg



LYRA COMMUNITY SOLAR GARDENS

DESCRIPTION OF PROPERTY

Tax Parcel Identification No.: 14.010.7500

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, Township 109, Range 23, Le Sueur County, Minnesota.

The Premises contains approximately 39.45 acres.

**MINNESOTA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR ACCESS (DRIVEWAY) PERMIT**

 Document Management System # _____
 District _____ Permit # _____
 C.S. _____ T.H. _____
 R.P. _____
 (THIS SECTION FOR MnDOT OFFICE USE ONLY.)

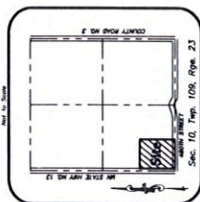
**ATTACH A SKETCH OF THE PROPOSED WORK AREA AND RELATION TO TRUNK HIGHWAY.
SUBMIT TO DISTRICT OFFICE OF MINNESOTA DEPARTMENT OF TRANSPORTATION.**

APPLICANT Lyra Community Solar Gardens, LLC	TELEPHONE 952-988-9000	ADDRESS (Street, City, State, Zip) 7650 Edinborough Way, STE 725, Edina, MN 55435
PROPERTY OWNER Larry & Solveig Theis	TELEPHONE 952-445-7249	ADDRESS (Street, City, State, Zip) 3412 Westbridge Drive, Shakopee, MN 55379
LOCATION OF PROPOSED WORK (City/Township) (County) (Distance) (N-S-E-W)		SPECIFIC ROAD INTERSECTION OR LANDMARK
Highway 13 in Waterville Township Le Sueur .14 Miles North of		480th Street
WILL THIS ACCESS BE WITHIN TRIBAL LANDS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, WHICH ONE?		
PURPOSE OF DRIVEWAY <input type="checkbox"/> Temporary <input type="checkbox"/> Field Entrance <input type="checkbox"/> Residential <input type="checkbox"/> Proposed Public Street <input checked="" type="checkbox"/> Commercial (Specify Type)	REQUESTED ENTRANCE WIDTH 20 Feet	PROPERTY IS IN <input type="checkbox"/> Platted Area <input checked="" type="checkbox"/> Unplatted Area
IS BUILDING TO BE CONSTRUCTED <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Specify Type) Solar Farm	WILL BUILDING BE <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent	NUMBER OF PRESENT DRIVEWAYS TO PROPERTY 1
EXACT LOCATION OF PRESENT DRIVEWAY(S) 47857 State Highway 13, 44°15'22.36"N, 93°35'7.29"W		EXACT LOCATION OF PROPOSED DRIVEWAY(S) 47857 State Highway 13, 44°15'22.36"N, 93°35'7.29"W
LEGAL DESCRIPTION OF PROPERTY SW1/4 of the SW1/4 of Section 10, Township 109, Range 23, Le Sueur County, Minnesota.		
WORK TO START ON OR AFTER April 1, 2016		WORK TO BE COMPLETED BY December 31, 2016
<p align="center">APPLICANT'S ACCEPTANCE, WAIVER AND INDEMNIFICATION</p> <p>The undersigned applicant hereby agrees to comply with applicable statutes, rules, and all the standard conditions and special provisions of this permit. The applicant understands and agrees that no work in connection with this application will be started until the application has been approved and the permit issued.</p> <p>The applicant also understands that this permit may also be subject to the approval of local road authorities having joint supervision over said street or highway, and may be subject to applicant's compliance with the rules and regulations of the Minnesota Environmental Quality Board and/or any other affected governmental agencies.</p> <p>The applicant is aware of circumstances or hazards that may arise while performing the work associated with this application that could result in injury, loss, damage or death, and the applicant assumes the risk of such circumstances, dangers or hazards, whether reasonably foreseeable or not.</p> <p>The undersigned applicant expressly agrees that except for negligent acts of the State, its agents and employees, the applicant or his/her agents or contractor shall assume all liability for, and save the State, its agents and employees, harmless from any and all claims for damages, actions or causes of action arising out of the work to be done in connection with this application and permit.</p>		
NAME AND TITLE Nathan Franzen, Vice President, Solar Development	EMAIL ADDRESS nathan@geronimoenergy.com	
DATE 1/19/2016	SIGNATURE	
DO NOT WRITE BELOW THIS LINE		
PERMIT NOT VALID UNLESS BEARING SIGNATURE AND NUMBER		
AUTHORIZATION OF PERMIT		
In consideration of the applicant's agreement to comply in all respects with the applicable laws and the conditions of the Commissioner of Transportation pertaining to this permit, permission is hereby granted for the work to be performed as described in the above application, said work to be performed in accordance with the following standard conditions and special provisions:		
SEE ATTACHED STANDARD CONDITIONS AND SPECIAL PROVISIONS		
DISTRIBUTION Original to Area Maintenance Engineer Applicant Subarea Supervisor Roadway Regulations Supervisor	DEPOSIT REQUIREMENTS <input type="checkbox"/> No Deposit Required <input type="checkbox"/> Deposit Required in the Amount of \$ _____ Date Deposit Received _____ <i>Deposit to be returned upon satisfactory completion of all work</i>	DEPOSIT TYPE Cashier's Check # _____ Certified Check # _____ Money Order # _____ Bond # _____
DATE WORK COMPLETED _____ (The date when the work is completed must be reported to the MnDOT District Permits Office)		





Vicinity Map



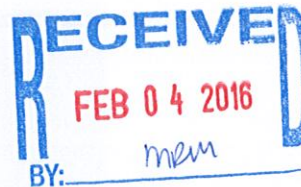
MEMORANDUM

Date: February 4, 2016

Re: Lyra Community Solar Garden
File 0007452

To: File, Le Sueur County

From: Jim Campbell, PE, Project Manager
Clint Bills, PE, Civil Engineer



This memo addresses the proposed impervious improvements for the Lyra CSG site. Four (4) comparative analyses are shown below for this site. To find the impervious area of the PV modules the area was calculated by using a typical 310 W PV module with dimensions of 6.47' (L) x 3.26' (W). The area of one module was then multiplied by the number of modules that fall within the different scenarios shown below.

1. Total parcel area per ALTA, comparison of proposed impervious improvements to total site.

Total Parcel Area Per ALTA	1,637,271.3	SF	37.59	AC		
Type of Improvement						% of Area
Access Roads	11,650	SF	0.267	AC		0.71%
Inverter Skids	1,080	SF	0.025	AC		0.07%
Switchgear	0	SF	0.000	AC	Pole Mounted	0.00%
PV Modules (9,756 Modules)	205,461	SF	4.717	AC		12.55%
Racking	20,546	SF	0.472	AC	10% of PV Module Area	1.25%
Existing Impervious Area	44,136	SF	1.013	AC		2.70%
Total Impervious Area	282,873	SF	6.494	AC		17.28%

2. Total lease area, comparison of proposed impervious improvements to total lease area.

Total Lease Area			30.80	AC		
Type of Improvement						% of Area
Access Roads	11,650	SF	0.267	AC		0.87%
Inverter Skids	1,080	SF	0.025	AC		0.08%
Switchgear	0	SF	0.000	AC	Pole Mounted	0.00%
PV Modules (9,756 Modules)	205,461	SF	4.717	AC		15.31%
Racking	20,546	SF	0.472	AC	10% of PV Module Area	1.53%
Existing Impervious Area	32,845	SF	0.754	AC		2.45%
Total Impervious Area	271,583	SF	6.235	AC		20.24%

3. Total parcel area within Shoreland (1000' off PWI), comparison of proposed impervious improvements versus total Shoreland area.

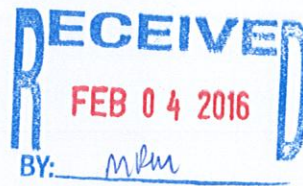
Total Parcel Area within Shoreland (1000' of PWI)	1,234,336.4	SF	28.34	AC		
Type of Improvement						% of Area
Access Roads	11650	SF	0.267	AC		0.94%
Inverter Skids	1080	SF	0.025	AC		0.09%
Switchgear	0	SF	0.000	AC	Pole Mounted	0.00%
PV Modules (9,756 Modules)	205,461	SF	4.717	AC		16.65%
Racking	20,546	SF	0.472	AC	10% of PV Module Area	1.66%
Existing Impervious Area	27,294	SF	0.627	AC		2.21%
Total Impervious Area	266,031	SF	6.107	AC		21.55%

4. Area within a 100' setback from PWI and 250' setback from PWI. Comparison of proposed impervious improvements versus the area between the 100' setback and 250' setback from the PWI.

Area Between 100 and 250' s/b	280,952.8	SF	6.45	AC		
Type of Improvement						% of Area
Access Roads	0	SF	0.000	AC		0.00%
Inverter Skids	0	SF	0.000	AC		0.00%
Switchgear	0	SF	0.000	AC	Pole Mounted	0.00%
PV Modules (1,760 Modules)	37066	SF	0.851	AC		13.19%
Racking	3707	SF	0.085		10% of PV Module Area	1.32%
Existing Impervious Area	75	SF	0.002	AC		0.03%
Total Impervious Area	40,848	SF	0.938	AC		14.54%

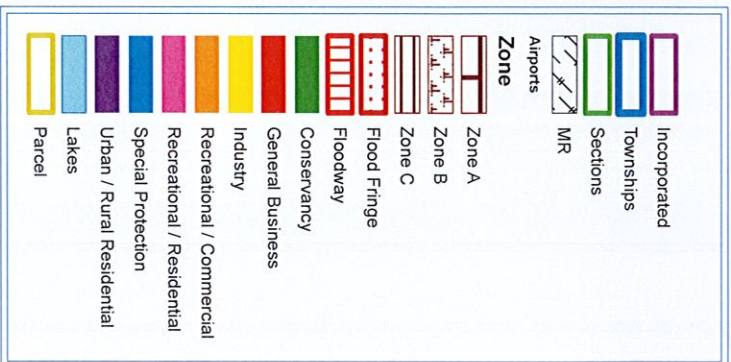
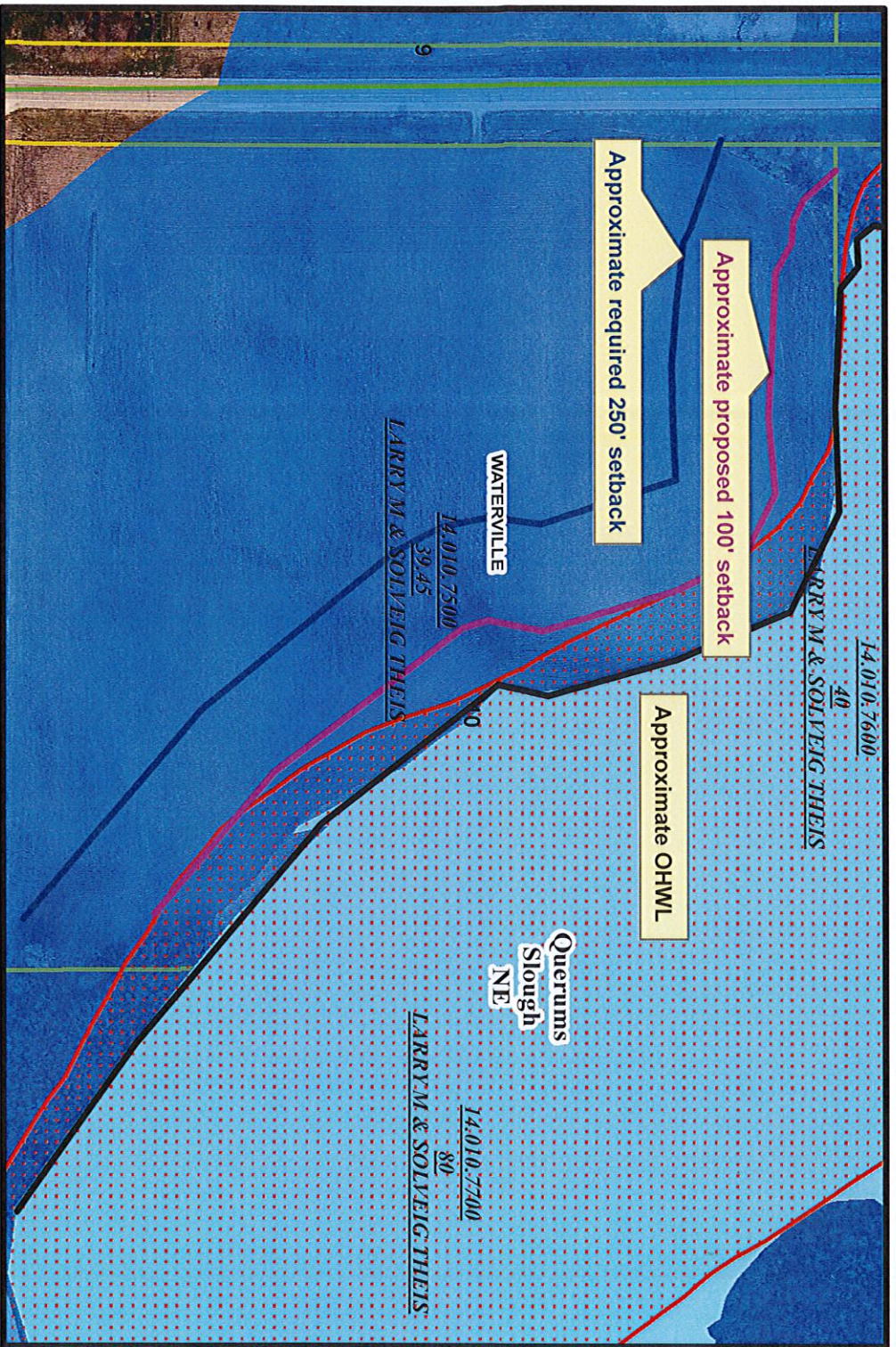
Conclusion

As shown in these comparisons the proposed impervious improvements on the site do not exceed the maximum allowable impervious area of 25%, per Le Sueur County Zoning Ordinance Section 13.1.Subdivision 5.J.4.



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Theis
 PID: 14.010.7500
 DATE: 02-08-16
 FIRM #: 27079C0325D
 F-Zone: X-Outside
 RFPE: TBD
 District: Special Protection
 Natural Environment
 Lake



CORNOY	6	5	4	3	2	36
1	6	5	4	3	2	1
12	7	8	9	10	11	12
13	18	17	16	15	14	13
24	19	20	21	22	23	24
25	30	29	28	27	26	25
ELEVANS	31	32	33	34	35	36
36	31	32	33	34	35	36

Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation, however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, February 18, 2016

Regular Session

Item 1

Approved February 18, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
February 18, 2016**

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, Jim Mladek, John Wolf, Francis Cummins
OTHERS PRESENT: Kathy Brockway, Commissioner Connolly, List on file

The meeting was called to order at 3:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: LARRY & SOLVEIG THEIS, SHAKOPEE, MN (APPLICANT); LYRA COMMUNITY SOLAR GARDENS, EDINA, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct solar panels 100 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on a Natural Environment Lake, Quiram's Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township. **VARIANCE IS FOR OHWL SETBACK.**

Patrick Smith, Lyra Solar Gardens, and Jordan Burmeister, Geronimo were present for application. Township: Al Gehrke, Township has no objections to the proposal. DNR: Project to stay out of shore impact zone. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: variance is to deviate from the Original High Water Level, 3 MW project, working with Xcel Energy, best site available per Xcel criteria for location, service territory, topography, looked at a handful of properties, racking system, square sheets, property values, location of wetland, fencing around the area, seeding and vegetation plan, prairie grasses, lower growing plants, erosion control methods, water quality of slough, PUC requirements, conditional use permit required and will address these issues if a variance is approved, 1/4 of County has Xcel Energy, size of project, low impact of land use, preserves open space, natural vegetation around it, no longer a corn field a prairie, least environmental impact, help improve the water quality, reduce runoff due to elimination of farm chemicals, new site should be able to meet the setbacks, downsize project to fit within the setbacks, no practical difficulty, tax base, focus on setback not on the land use, if project met setbacks you would still be allowed to have a solar site, unable to downsize project due to Xcel requirements, time restraints, interconnection agreements.

Motion was made by Jim Mladek to deny the application, as there is no practical difficulty found as it is a new site. Lack of second. Therefore, motion failed.

Motion by Jim Mladek motioned to table the application in order for the applicant to adjust the project to meet the requirements and submit the data to support it or find a site that does meet the County requirements. John Wolf seconded the motion. Motion carried 4-1. Fritz Cummins does not make sense.

Minutes: Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

Motion to adjourn meeting by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
February 18, 2016

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*