



LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
507-357-8538

**NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.**

**DATE:** NOVEMBER 9, 2017

**TIME:** 7:00 PM

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

**PURPOSE:** To hear testimony from interested parties and consider Rezoning and Conditional Use Permit Applications and other questions pertaining to and as provided by the Zoning Ordinance of Le Sueur County as described below. *Information regarding the applications is available for review at the Environmental Services Building during normal business hours.*

- ITEM #1** Planning and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning and Zoning Commission Agenda
- ITEM #3** Arcturus Community Solar Garden LLC, Lundin LLC
- ITEM #4** Ledvina
- ITEM #5** Approved November 9, 2017 Minutes

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**





# **Le Sueur County, MN**

**Thursday, November 9, 2017**

**Regular session**

## **Item 1**

### **Planning and Zoning Commission Notice of Public Hearing**

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
507-357-8538  
[www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us)

**NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.**

**DATE:** NOVEMBER 9, 2017

**TIME:** 7:00 P.M.

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

**PURPOSE:** To hear testimony from interested parties and consider Rezoning, Amendments and Conditional Use Permit 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 **October 30, 2017**.

**ITEM #1:** **ARCURUS COMMUNITY SOLAR GARDEN LLC, EDINA, MN, (APPLICANT); LUNDIN LLC (LUNDIN FAMILY LLC), MADISON LAKE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW solar garden in an Agriculture "A" District and Mineral Resources "MR" Overlay District. Property is located in the SE quarter of Section 33, Kasota Township.

**ITEM #2:** **DERRICK LEDVINA, CLEVELAND, MN, (APPLICANT); RICHARD LEDVINA, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 44 cubic yards of material in the shore impact zone, 76 cubic yards outside the shore impact zone, 40 cubic yards in the bluff, 80 cubic yards in the bluff impact zone; construct 2 retaining walls in the bluff for the construction of a septic system located in the bluff in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**

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





# **Le Sueur County, MN**

**Thursday, November 9, 2017**

**Regular session**

## **Item 1**

### **Planning and Zoning Commission Agenda**

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
MEETING AGENDA**

**ORGANIZATION:** LE SUEUR COUNTY PLANNING/ZONING COMMISSION

**MEETING DATE:** Thursday, November 9, 2017

**MEETING PLACE:** Le Sueur County Environmental Service

**Beginning Time:** 7:00 P.M.      **Ending Time:** Approx. 8:15 P.M.

**If you CANNOT be at the meeting, contact MINDY at 357-8538**

**AGENDA:**

Meeting Called  
to Order.

**ITEM #1:      ARCURUS COMMUNITY SOLAR GARDEN LLC, EDINA, MN, (APPLICANT); LUNDIN LLC (LUNDIN FAMILY LLC), MADISON LAKE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW solar garden in an Agriculture "A" District and Mineral Resources "MR" Overlay District. Property is located in the SE quarter of Section 33, Kasota Township.

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**MINUTES-WARRANTS**

**ADJOURN      8:15 P.M.**

**Planning & Zoning Commission Public 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 Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



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# **Le Sueur County, MN**

**Thursday, November 9, 2017**

**Regular session**

## **Item 1**

**Arcturus Community Solar Garden LLC, Lundin LLC**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Arcurus Community Solar Garden LLC  
**OWNER:** Lundin LLC (Lundin Family LLC)

**911 ADDRESS:** New

**PROJECT DESCRIPTION:** Construct a 1 MW solar garden.

**ZONING ORDINANCE SECTIONS:** Sections 6 and 8

**DISTRICT PURPOSE:** The *Agriculture (A) District* is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

The *Mineral Resources Overlay District* is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007, does not make reference to the use of solar energy or any other type of renewable energy in Le Sueur County.

## SITE INFORMATION

**LOCATION:** 9 acres located in the SE quarter of Section 33, Kasota Township.

**ZONING:** Agriculture "A" District and Mineral Resources "MR" Overlay District.

**GENERAL SITE DESCRIPTION:** Ag

**ACCESS:** Existing

**EXISTING LAND USE WITHIN ¼ MILE:**

North:	Business/Ag	South:	Ag
East:	Ag	West:	Mining/City of Kasota

## TOWNSHIP BOARD NOTIFICATION

The applicant attended the Kasota Township Board meeting on September 11, 2017 and mailed a packet of information to Daren Barfknecht on September 22, 2017.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.

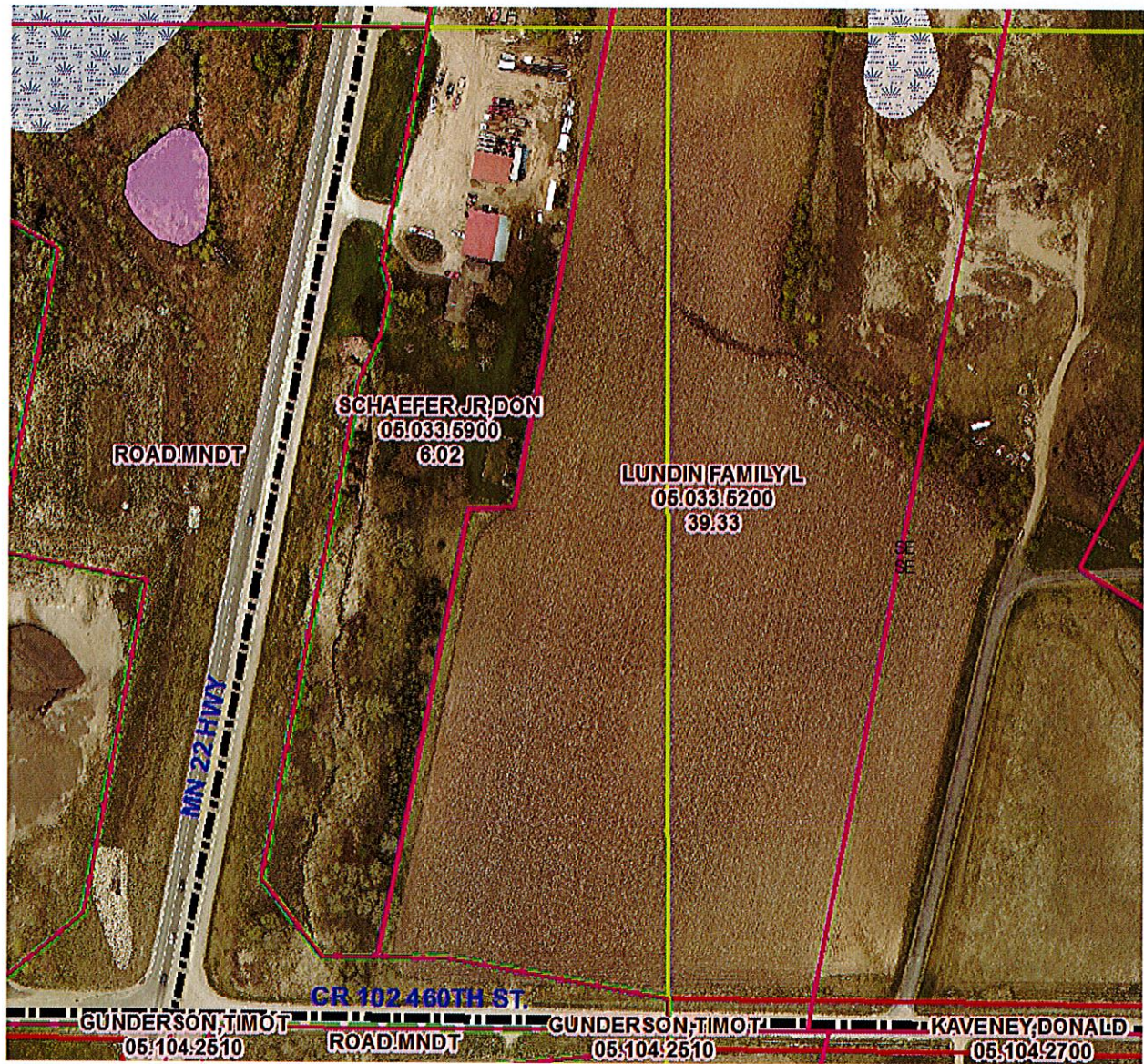
**WETLANDS:** According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

Application, Criteria Form, Narrative, Land Lease and Solar Easement, Legal Description, Solar Array Plans, Drainage, Seeding Plans.



## AERIAL PHOTO



## CONSTRUCTION PLANS/SURVEY

SEE ATTACHMENTS.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.



9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

### PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

### PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*

***Recommend (circle one) approval / denial / table / of Conditional Use Permit.***

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17386

**Applicant:** ARCTURUS COMMUNITY SOLAR GARDE **Land Owner:** LUNDIN, LLC % LUNDIN FAMILY LLC

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO ESTABLISH A 1MW SOLAR GARDEN

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Arcturus Community Solar Garden, LLC  
Mailing Address 7150 Edinburgh Way Ste. # 725  
City Edina State MN Zip 55435  
Phone # 952-988-9000 Phone # \_\_\_\_\_

### II. Landowner:

Name Lundin, LLC c/o Lundin family LLC  
Mailing Address 4460 Washington Blvd  
City Madison Lake State MN Zip 56063  
Property Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 05.033.5200 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Kasota - 110N, Range-26W Section 33  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Kasota Township Township notified on in person at public mtg on 9/11/2017  
(Township Name) (Date) & via mail on 9/22/2017  
Board Member Daren Bartknecht regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are 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.
- Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



**VII. Type of Request:**

- Self Service Storage
- School/Church/Cemetery
- Retail Nursery/Greenhouse
- School/Church/Cemetery

- Value Added Agriculture
- Antique Sales/Service/Repair
- Substation/Transmission Lines etc.

Other Community Edan Garden

**VIII. Description of Request:**

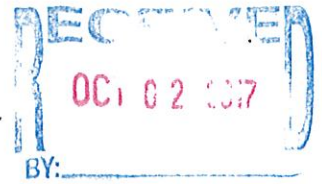
- a. A full description of request with detailed information must be attached. *see attached narrative*
- b. Complete the following in relationship to the proposed Conditional Use Permit. *see attached narrative*
1. PROPOSED DAYS AND HOURS OF OPERATION: \_\_\_\_\_
  2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: \_\_\_\_\_
  3. LIST OF PUBLIC HEALTH PLANS:
    - i. Water Supply: \_\_\_\_\_
    - ii. Toilet facilities: \_\_\_\_\_
    - iii. Solid Waste Collection: \_\_\_\_\_
  4. FIRE PREVENTION: \_\_\_\_\_
  5. SECURITY PLANS: \_\_\_\_\_
  6. RETAIL SALES: \_\_\_\_\_
  7. FOOD OR ALCOHOL SERVED OR FOR SALE: \_\_\_\_\_
  8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)  
\_\_\_\_\_
  9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:  
\_\_\_\_\_
  10. EXTERIOR LIGHTING: \_\_\_\_\_
  11. PARKING AND LOADING: \_\_\_\_\_
  12. SIGNAGE: \_\_\_\_\_
  13. ROAD ACCESS: (Approved by the road authority) \_\_\_\_\_
  14. CERTIFICATE OF INSURANCE: \_\_\_\_\_
  15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) \_\_\_\_\_

**IX. Site Plan:** Shall include but not limited to the following:

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

**X. Attachments: shall include but not limited to:**

- a. **Description of Request**-See Part VIII for full details and requirements.
- b. **Site Plan**-See Part IX for full details and requirements.
- c. **Full legal description**-Not abbreviated description from tax statement.
- d. **Access approval**-Attach approval in writing from proper road authority.
- e. **Township Notification**-See Part IV for details and requirements.
- f. **Septic System Compliance Inspection** *NIA*
- g. **Erosion control plan**-Attach completed and signed plan including map.
- h. **Floor plans and/or blue prints** *NIA*



**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**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.*

[Signature]  
Applicant signature

Sep 27<sup>th</sup> 2017  
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.*

[Signature] *LUNDIN FAMILY LLC*  
Property Owner signature

9/11/17  
Date

**OFFICE USE ONLY**

**Request:** \_\_\_\_\_

Pre-App Date <u>10.3</u>	Lake Classification <u>                    </u>	Feedlot <u>                    </u>	<b>500'</b>	<b>1000'</b>	<input type="radio"/> N
Meeting Date <u>11.9</u>	Lake <u>                    </u>	Wetland Type <u>                    </u>	<b>1-2</b>	<b>3-8</b>	<input type="radio"/> N
60 Day <u>12.4</u>	FEMA Panel # <u>27079C0 237</u>	Water courses <u>                    </u>			<input type="radio"/> Y
Zoning District <u>ATMC</u>	Flood Zone <u>X Outside</u>	Bluff <u>                    </u>			<input type="radio"/> N

- |   |  |                                  |   |
|---|--|----------------------------------|---|
| <input checked="" type="checkbox"/> Request Description | <input checked="" type="checkbox"/> Access Approval        | <input type="checkbox"/> Septic  | <b>Comp Insp / Design</b><br><input checked="" type="checkbox"/> <b>Reg</b> / <b>ATF</b> / <b>Spec</b><br><input type="checkbox"/> Fee \$ <u>750.46 Rec.</u><br><input type="checkbox"/> Penalty \$ <u>                    </u> |
| <input checked="" type="checkbox"/> Site Plan           | <input checked="" type="checkbox"/> Erosion Control Plan   | <input type="checkbox"/> Meeting |   |
| <input checked="" type="checkbox"/> Full Legal          | <input checked="" type="checkbox"/> Blue Prints            | <input type="checkbox"/> Fee     |   |
| <input type="checkbox"/> Ordinance                      | <input type="checkbox"/> Other <u>                    </u> | <input type="checkbox"/> Penalty |   |
|   |  |                                  |   |

Application Complete Kathy Brockway 10.5.17 17381e  
 Planning & Zoning Department Signature Date Permit #

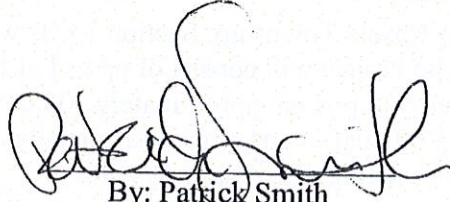


**Arcturus Community Solar Garden, LLC**

**Application for a Conditional Use Permit**

**Applicants:**

**Arcturus Community Solar Garden, LLC**



By: Patrick Smith

Senior Director of Environmental Planning

Property Owner: Lundin, LLC

Application Prepared by Geronimo Energy on behalf of Arcturus Community Solar Garden, LLC.

Application Fee & Filing Fee: \$796.00

Arcturus Community Solar Garden, LLC | 7650 Edinborough Way, Ste 725, Edina, MN 55435 | P 952.988.9000 | F 952.988.9001

# 1 Introduction

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## 1.1 SUMMARY

Arcturus Community Solar Garden, LLC (“The Project” or “Arcturus”) respectfully submits this application for a Conditional Use Permit (CUP) to Le Sueur County Planning and Zoning. Arcturus requests that Le Sueur Planning Commission motions for approval, and that Le Sueur County Board of Commissioners approves for the Project to be permitted, constructed, owned, and operated by Arcturus Community Solar Garden, LLC. For review, the Project’s detailed legal description is included in Appendix A and the site plan in Appendix B.

The Project will be located in Kasota Township, Section 33, Township 110-N, Range 26-W, Le Sueur County, Minnesota. The Project will consist of up to 1, 1 MW community solar garden that will generate enough energy to power approximately 200 homes annually and avoid the emission of approximately 1,200 metric tons of carbon annually.<sup>1</sup> The Project plans to interconnect to Xcel Energy’s existing distribution system.

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. The final size of the facility will be dependent upon final interconnection parameters, final equipment design and demand for garden subscriptions. The project as proposed in this application represents anticipated build-out. See Appendix C for additional information.

Arcturus is being developed by Geronimo Energy. Geronimo Energy is an experienced, full-service renewable energy company with a successful track record of executing renewable energy projects. Geronimo Energy is headquartered in Minneapolis, Minnesota, with satellite offices located in southwest Minnesota, North Dakota, South Dakota, Colorado, Illinois, New York and Michigan. Geronimo Energy has developed over 1,600 MWs of wind and solar projects that are either under construction or operational. With deep roots in agriculture, Geronimo prides itself on developing renewable energy projects that are farmer-friendly, community-driven, and beneficial for rural communities.

Geronimo has extensive experience and expertise in developing and bringing community solar garden (CSG) projects into operation. Geronimo previously developed and fully subscribed a 96 MW CSG portfolio that is part of Xcel Energy’s Solar\*Rewards Community Program. 32 MW of this portfolio reached commercial operation in the fourth quarter of 2016, with the remaining projects scheduled to be online by the end of 2017. Additionally, Geronimo’s Nordic Solar Portfolio represents a significant share of Minnesota CSGs with 2017-2018 Commercial Operation Dates (COD).

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<sup>1</sup> Based on EPA Greenhouse Gas Equivalencies Calculator and 1,700,000 kWh annual production PVSYST model

## **2 Project Description**

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### **2.1 SUMMARY AND LOCATION**

The Project will be located in Kasota Township, Section 33, Township 110-N Range 26-W, Le Sueur County, Minnesota. The Project area is zoned in Agriculture (A) District and Mineral Overlay; however, Mineral Overlay (MR) is not applicable to the project.

Planned project design will be up to a 1 MW solar facility owned as described in Section 2.2 of this application. It is proposed to utilize typical photovoltaic panels, inverters and either a fixed tilt or linear axis tracking system. The Project's footprint will be approximately 9 acres. The estimated start date will be spring of 2018.

### **2.2 PROJECT OWNERSHIP**

Arcturus Community Solar Garden, LLC (Arcturus or the Project) has a lease agreement for the Project site. Arcturus Community Solar Garden, LLC is the applicant.

### **2.3 PROJECT CONSULTANTS**

Surveying, Preliminary Solar Array Design & Engineering:

Westwood Professional Services

7699 Anagram Drive, Eden Prairie, MN 55344

### **2.4 SOLAR PROJECT FACILITY**

The Project's facilities will include:

- Solar modules, inverters and racking;
- Fencing;
- Access roads as required;
- On-site underground electrical collection lines;
- Up to one weather stations (up to 20 feet tall);
- Interconnection Poles, to connect the Project to Xcel Energy's distribution system.

The Project footprint is approximately 9 acres. Arcturus selected the specific development area based on available land use guidance, significant landowner interest, interconnection suitability, optimal solar resource, and minimal environmental impact.

Arcturus has provided a site plan of existing conditions and a site plan of proposed conditions for the solar Garden in Appendix B. This proposed site plan will denote the general footprint and layout of the Project including proposed locations of facilities.

The Project's final layout will optimize electrical generation and efficiency of the solar resource while avoiding and minimizing environmental, cultural, and economic impacts. The Project's facilities will be sited so as to comply with the county's setback requirements, where applicable, as well as other voluntarily-imposed setbacks. To the extent applicable, the Project will also comply with all other local, state, and federal regulatory standards.

The county structure setback and height regulations in for the Agricultural District and our proposed setbacks and heights are found below in Table 1:

**TABLE 1: SETBACK TABLE**

	<b>County Setback Requirements (minimum)</b>	<b>Proposed Setbacks</b>
Front Yard- County Road 102	75'	>75'
Side Yard	50'	50'
Rear Yard	50'	50'
Height	35'	<35'
Fence	Outside of ROW	Outside of ROW

The Project's proposed components include PV modules mounted on an either a fixed tilt or linear axis tracking system, with inverters. The modules vary in size, with approximate dimensions of 4 to 6.5 feet long by 2 to 3.5 feet wide, and 1 to 2 inches thick. The foundations of the racking system will likely be a driven steel pier and will unlikely require concrete, although some concrete foundations may be required. Geotechnical soil testing will determine final installation process. Foundations will be certified by a manufacturer's engineer or another qualified engineer to ensure professional standards are met given the local soil and climate conditions. Areas of bare ground at the facility will be re-vegetated with a low-growing seed mix.

The modules will be electrically strung together to inverters. The inverters will convert the DC power from the modules to AC power. Additionally, a transformer will step up the voltage of generated electricity to meet the local interconnection voltage of Xcel's distribution grid. From the inverters, electrical cable will be buried underground to the Point of Interconnection (POI). Here the system will interconnect to the existing distribution infrastructure. The POI is the electrical point at which the projects electrical equipment will meet Xcel Energy's infrastructure. The design standards for interconnection are the full responsibility of and defined by Xcel Energy. The project is required to comply with Xcel's specifications and will have riser poles in

order to meet Xcel Energy's infrastructure which is located above ground. Xcel will then own and operate their poles within the POI. Any permits and regulations related to these poles are Xcel's responsibility. Arcturus will secure all private easements for its facilities and will secure permits and other authorizations from the state, county and township governments as needed.

From the inverters, electrical cable will be buried underground to the Point of Interconnection. Here the system will interconnect to the existing distribution infrastructure. Arcturus will secure all private easements for its facilities and will secure permits and other authorizations from the state, county and township governments as needed.

An interconnection agreement with Xcel Energy will be provided prior to construction. The Interconnection Agreement process is built in with the Solar\*Rewards Community program.

The Project will use a Data Acquisition System (DAS), which allows for remote monitoring of the Project. The monitoring system provides status views of electrical and mechanical data, operation and fault status, meteorological data, and grid station data. For security, the Project will be fenced and have site security cameras. Access to the Project area is through lockable gates.

#### **2.4.1 Construction**

Construction of the solar Garden will begin starting as early as spring of 2018 with intended completion of the Project during 2018.

Traffic during construction is estimated to be 25-35 trucks daily. Traffic will include pickup trucks, semi-trailers for delivery of equipment, and other machinery. It is unexpected that any overweight or oversized loads will be used during construction.

#### **2.4.2 Grading, Excavating, and Filling**

Preliminary plans detail less than 500 cubic yards of material movement for the stormwater features. If under 500 cubic yards of material a Land Alteration Plan is required per Section 8, Subdivision 2.Q. The project understands that if final engineering details 500 cubic yards or more of movement, according to Section 8, Conditional Use Permits, Subdivision 3. EE (Parcels less than 20 acres), an application for a Conditional Use Permit will have to be submitted. This material movement excludes the road that is permitted under the conditional use permit for the solar garden facility access.

#### **2.4.3 Stormwater**

The Project will adhere to the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Permit Requirements, including obtaining a NPDES stormwater permit.

#### 2.4.4 Project Components

- Panel Type-
  - Photovoltaic panels
- Panel Size-
  - Varying in size approximately 4 to 6.5 feet long by 2 to 3.5 feet wide, and 1 to 2 inches thick
- Racking Type-
  - Linear axis tracking system or fixed-tilt racking system
  - Utilizes galvanized steel for foundations and frame
- Panel Height-
  - Fixed-tilt: up to 15 feet
  - Tracking: up to 15 feet
- Typical Panel Material-
  - Glass
  - Aluminum frame
  - Weatherized plastic backing
- Inverter Skid and electrical cabinets
  - Enclosed inverters and transformers
  - Overhead shade will be 10 to 12 feet tall and the equipment enclosure, if used, will be up to approximately 45 feet long by 10 feet wide by 10 feet tall.
- Metering and Switching Gear
  - Electrical equipment required to connect to Xcel's system
- Access roads
  - Gravel roads within the fenced area leading to the inverter skids for repair
- Rated Power & Performance-
  - 1000-1500 volt system that steps up to a local distribution voltage
- Safety-
  - Tempered glass, security fence (6-foot chain link, 1 foot barbed wire), security cameras, on-site cables buried underground.

Arcturus CSG is currently evaluating several systems for installation that include the following:

##### Linear Axis Tracking System:

A Linear axis tracking system tracks the solar resource throughout the day. The panels are generally aligned in rows north and south and face east in the morning, perpendicular to the ground during mid-day, and then west in the afternoon. The panels are adjusted by a small motor to slowly rotate throughout the day.

##### Fixed-tilt Racking System:

A fixed-tilt racking system does not rotate. It remains in a fixed position, facing a southerly direction.

Images 1-5 below visually show the general racking equipment and dimensions of both a fixed-tilt racking system and a linear axis tracking system.

October 6, 2017

Conditional Use Permit Application

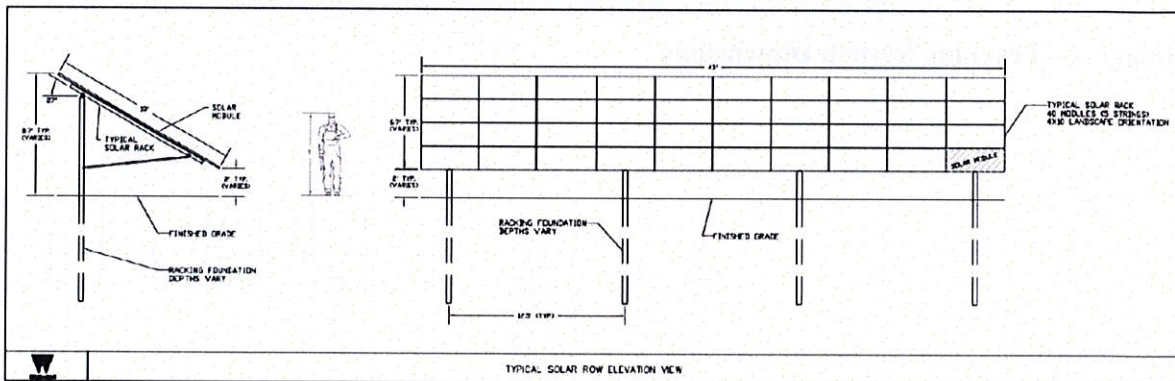
Page 6 of 22



**Image 1 – Fixed-Tilt System Racking**



**Image 2 – Fixed-Tilt System Dimensions**









**Image 5 – Standard Steel Pier Foundations**



#### **2.4.5 Aesthetics**

To limit reflection, solar PV panels are constructed of dark, light-absorbing materials. Today's panels reflect as little as two percent of the incoming sunlight depending on the angle of the sun and assuming use of anti-reflective coatings.

The solar array will occupy most of The Project site for the solar facilities. The electrical transformers and inverters, and access roads complete the solar project. Most of the facility, including the solar field, will be low-profile. Currently, the proposed generation tie line will be built underground to the point of interconnection with Xcel Energy infrastructure.

#### **2.4.6 Operations and Maintenance**

Arcturus will be professionally maintained and operated. Primary tasks include scheduled monthly and quarterly inspection(s) of electrical equipment, vegetation management as well as snow removal on access drives as needed

Sample seed mixes have been provided in Appendix D. Final seed mixes will be submitted prior to construction. Up to three different seed mixes will be utilized on site: vegetation within the

array, vegetation in open area-between the array and fence, and wetland/stormwater basin seed mix if applicable.

### 3 Compliance with Le Sueur County Solar Energy Systems

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#### 3.1 TABLE 2: COMPLIANCE WITH LE SUEUR COUNTY LAND USE AND ZONING ORDINANCE

#### 3.2

	<b>Requirements per Subdivision 2 of the Le Sueur County Ordinance for Conditional Use Applications</b>	<b>Arcturus response in fulfilling ordinance requirements</b>
1.	Include the name and address of the applicant and/or landowner of the site and any architect, professional engineer and contractor employed by the applicant.	See Cover Page and Appendix A (Conditional Use Application Form)
2.	Shall be accompanied by such plans, elevations and site plans as prescribed by the Planning Commission and shall be filed at least twenty (20) days prior to the hearing.	See Site Plan in Appendix B
3.	Include any copies of any necessary State and Federal Permits.	To the extent applicable, the Project will comply with all other local, state, and federal regulatory standards and obtain any necessary permits.
4.	Setbacks	See Table 1 for a list of setbacks.
6.	A certificate of insurance, if applicable, shall be filed with the department prior to the issuance of the conditional use permit.	See Certificate of Insurance in Appendix L

### 3.3 CONDITIONAL USE FINDINGS RESPONSES

Arcturus is providing proposed responses to the Ordinance requirement of Conditional Use Findings found in Le Sueur County Ordinance: Section 21, Subdivision 2, N (1)-(5).

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**

*Arcturus will not be injurious to the neighboring properties as permitted. Arcturus is low profile, does not create odors and virtually noiseless. Further, the nearby landscape contains numerous mining operations and the project blends well into that landscape. Arcturus is setback approximately 500 feet from the nearest resident, allowing substantial buffer to mitigate visual impacts. Additionally, the drainage of the property will be improved with the conversion of tillable acreage to a stable habitat*

- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

*Arcturus does not impede the development and improvement of surrounding vacant property for uses predominant in the area.*

- 3. The adequate utilities, access roads, drainage and other facilities have been or are being provided.**

*The Project does not require water or other utilities. All electrical connections will be completed by the Project and Xcel Energy to the standards that are required to connect into the grid. Gravel access roads will be required to access inverters for repair. Best Management Practices (BMPs) and industry standard practices will be implemented for drainage and soil erosion control. Permits for construction, including NPDES, and SWPPP plans will be completed prior to construction.*

*Drainage will be improved on site and soil erosion control measures are outlined in the Plan set provided, which includes the use of silt fences and composite matting. Management of stormwater during operations will occur on site.*

- 4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.**

*Arcturus will have a laydown area during construction that will provide off-street parking for employees on site and off-loading space for the delivery of equipment. During the operational phase of the project, parking is not needed outside of the fenced area due to the low traffic nature of the project. Vehicles servicing the area will be able to park inside the fence.*

- 5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

*During the operational phase of the project, Arcturus will not produce odor, fumes, dust, vibration and virtually no noise. Inverters will produce sound and on average, inverter sound will be reduced to 50 dB(a) at approximately 100 feet. The inverters, as proposed, will be located away from any neighboring residents. Arcturus may have security lighting at the entrance that will be down lit and manually controlled. There may be lights at each inverter that will be down lit and switch controlled for repair purposes. Lighting will be designed and constructed to meet or exceed the Outdoor Lighting Standards in Section 19 Subdivision 8 of the Le Sueur County Zoning Ordinance.*

Additional information on Arcturus for the application process:

**Site Plan of Existing and Proposed Conditions**

*See Appendix B.*

**Decommissioning**

*A decommissioning plan has been provided in Appendix H.*

**Compliance with MPCA Construction Stormwater Permits**

*The Project will adhere to any MPCA construction permit requirements, including a NPDES.*

**Compliance with State Electric Code**

*The Project will comply with all state electric code requirements.*

**Stormwater Management and Erosion Sediment Control**

*Arcturus will meet the requirements of the MPCA Construction Stormwater Permit Requirements.*

**Foundations**

*Construction plans signed by an engineer will be submitted prior to construction.*

**Other Standards and Codes**

*Arcturus will be in compliance with any applicable local, state, and federal regulatory standards.*

**Power and Communication Lines**

*Power lines within the fenced area will be underground to the extent practical.*

**Wetlands**

*A wetland delineation has been completed. Furthermore, all applicable local, state, and federal wetland approvals and permits will be completed prior to construction.*

**4 Conclusion**

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The Project as designed and planned complies with Le Sueur County's Conditional Use Permit process. Arcturus is working in close coordination with the landowner of the Project site, and will continue to engage the surrounding neighbors and the community as the Project develops. Arcturus Community Solar Garden, LLC respectfully requests that Le Sueur County's Board of Commissioners approve and permit the Project.



## Appendix A

### Legal Description & Lease Memorandum

#### Parcel 1:

All that part of the Southeast Quarter of Section 33, Township 110 North, Range 26 West, described as: commencing at the Southeast corner of said Section 33; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing), along the South line of the Southeast Quarter of Section 33, a distance of 1091.75 feet to the point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along said South line 588.65 feet; thence North 10 degrees 16 minutes 00 seconds East 1401.51 feet; thence South 86 degrees 34 minutes 00 seconds West and parallel, with the centerline of the C. M., St. P. & P. R.R., 184.96 feet to the Easterly right-of-way line of Highway 22; thence North 10 degrees 22 minutes 00 seconds East along said highway right of way line, 50.82 feet to the Southerly right of way line of the C. M., St. P. & P. R.R.; thence Easterly, Northerly, and Easterly along said Southerly railroad right of way line to a point which bears North 10 degrees 16 minutes 00 seconds East from the point of beginning; thence South 10 degrees 16 minutes 00 seconds West 1514.33 feet to the point of beginning, Le Sueur County, Minnesota.

Parcel 2: All that part of the Southeast Quarter of Section 33 lying North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, and that part of the West half of the West 60 acres of the Southwest Quarter of Section 34 lying South of the creek centerline and North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, all in Township 110 North, Range 26 West, more particularly described as: Commencing at the point of intersection of the Easterly right of way line of Minnesota Trunk Highway No. 22 with the East-West centerline of Section 33; thence Southerly along said Easterly Highway right of way line, 229.15 feet to a point on the South line of the North 225.00 feet of the Southeast Quarter of Section 33, said point being the point of beginning; thence Easterly along a line parallel with and distant 225.00 feet Southerly of the East-West centerline of Section 33, a distance of 860 feet, more or less, to a point on the West line of the East 570 feet of the Southeast Quarter of Section 33, thence Southerly along said west line 305.00 feet; thence Easterly along a line parallel with and distant 530.00 feet Southerly of the East-West centerline of Section 33, a distance of 300.00 feet; thence Northerly along a line parallel with and distant 270.00 feet Westerly of the East line of Section 33, a distance of 35.00 feet to a point on the South line of the North 495.00 feet of the Southeast Quarter of Section 33; thence Easterly along said South line, 65 feet, more or less, to a point on the centerline of Chankaska Creek as the same is now located; thence in a Southerly, Easterly, and Northeasterly direction, along said creek's centerline, 1140 feet, more or less, to the intersection with the East line of the West half of the West 60 acres of the Southwest Quarter of Section 34; thence Southerly along said East line, 500 feet, more or less, to the intersection with the Northerly right of way line of the Chicago, Milwaukee and St. Paul railroad; thence southwesterly along said railroad right of way line, 2125 feet, more or less, to the intersection with the Easterly right-of-way line of Highway 22; thence Northerly along said Easterly highway right-of-way line 880 feet, more or less, to the point of beginning, Le Sueur County, Minnesota,

October 6, 2017

Conditional Use Permit Application

Page 14 of 22



EXCEPT that part of the Southeast Quarter of Section 33, Township 110 North, Range 26 West, Le Sueur County Minnesota, described as: Commencing at the Northeast corner of the Southeast Quarter of Section 33; thence North 89 degrees 30 minutes 39 seconds West (assumed bearing) on the North line of the Southeast Quarter of Section 33, a distance of 570.00 feet; thence South 00 degrees 54 minutes 21 seconds West, parallel with the East line of the Southeast Quarter of Section 33, a distance of 225.00 feet to the point of beginning; thence North 89 degrees 30 minutes 39 seconds West, parallel with the North line of the Southeast Quarter of Section 33, a distance of 200.00 feet; then South 00 degrees 54 minutes 21 seconds West; parallel with the East line, 287 feet more or less to the centerline of a creek; thence Easterly along the centerline of said creek, 219 feet more or less to a point on a line which bears South 00 degrees 54 minutes 21 seconds West from the point of beginning; thence North 00 degrees 54 minutes 21 seconds East, parallel to said East line 301 feet more or less to the point of beginning, and,

EXCEPT that part of the West half of the West 60 acres of the Southwest Quarter of Section 34 lying South of the creek centerline and North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad.

Being Abstract Land.

Certified filed and or  
recorded on above date

SHARON J. BUDIN, RECORDER  
Le Sueur County, Minnesota

Pages 8 SAB

Well Cert Received  
Well Cert Not Required

Drafted by and return to:  
Arcturus Community Solar Gardens, LLC  
c/o Geronimo Energy, LLC  
7650 Edinborough Way, Suite 725  
Edina, MN 55435

#### MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT ("Memorandum of Lease") is entered into this 20<sup>th</sup> day of March, 2017 by and between Lundin Family, LLC, a Minnesota limited liability company ("Lessor") and Arcturus Community Solar Gardens, LLC, a Minnesota limited liability company, and its successors and assigns ("Lessee").

#### RECITALS:

A. Lessor is the owner of certain property in the County of Le Sueur, State of Minnesota, and being more particularly described in Schedule A attached hereto and made a part hereof (the "Property").

B. Lessor and Lessee have entered into a certain Land Lease and Solar Easement dated March 20, 2017 (the "Lease Agreement"), whereby Lessor has agreed to lease to Lessee a portion of the Property (as identified in Schedule A-1 and more fully described in the Lease Agreement, the "Premises"), together with access easement rights and a Solar Easement across said Property.

C. The initial term of the Lease Agreement is for a period of three (3) years, commencing on the Effective Date and ending on the 20<sup>th</sup> day of March,

2020 (the "Development Period"). The Lease Agreement shall automatically be extended for a Construction Period, as defined below, upon the earlier of (i) the date when construction of solar facilities on the Premises commences ("Construction Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee's election to extend the term of the Lease Agreement for the Construction Period ("Construction Period Notice Date"). The Construction Period of the Lease Agreement ("Construction Period") is two (2) years from the earlier of either of the Construction Date or the Extended Term Notice Date unless sooner terminated in accordance with the terms of the Lease Agreement. The Lease Agreement shall automatically be extended for an Extended Term, as defined below, upon the earlier of (i) the date when the Project begins commercial operation ("Commercial Operation Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee's election to extend the term of the Lease Agreement for the Extended Term ("Extended Term Notice Date"). The Extended Term of the Lease Agreement ("Extended Term") is twenty five (25) years from the commencement of the Extended Date unless sooner terminated in accordance with the terms of the Lease Agreement. Lessee has a right to renew the Extended Term for three (3) additional periods of five (5) years upon written notice to Lessor.

D. The parties wish to give notice of the existence of such Lease Agreement.

IN CONSIDERATION of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lessor and Lessee have entered into the Lease Agreement dated March 20<sup>th</sup>, 2017 (the "Effective Date") to lease and demise the Premises for solar energy purposes and to grant access and solar easements. Pursuant to the Lease Agreement, Lessee has the exclusive right to use the Premises for commercial solar energy purposes, together with certain related solar, access and other easement rights and other rights related to the Premises, all as more fully described in the Lease Agreement. Commercial solar energy purposes means converting solar energy into electrical energy and collecting and transmitting the electrical energy so converted, together with any and all activities related thereto.

2. Lessor shall have no ownership and other interest in any solar facilities installed on the Premises by Lessee, except as provided in Section 4.3 of the Lease and Lessee may remove any or all solar facilities at any time.

3. Lessee and any successor or assign of Lessee has the right under the Lease, without need for Lessor's consent, to do any of the following, conditionally or unconditionally, with respect to all or any portion of the Premises for solar energy purposes: grant co-leases, separate leases, subleases, easements, licenses or similar rights (however denominated) to one or more third parties; or sell, convey, lease, assign, mortgage, encumber or transfer to one or more third parties or to any affiliate of Lessee's this Lease, or any right or interest in this Lease, or any or all right or interest of Lessee in the Premises or in any or all of the solar power facilities that Lessee or any other party may now or hereafter install on the Premises provided that (i) any such assignment, transfer or conveyance shall not be for a period beyond the term of the Lease; (ii) the assignee or transferee shall be subject to all of the obligations, covenants and conditions applicable to the Lessee; and (iii) Lessee shall not be relieved from liability for any of its obligations under the

Lease by virtue of the assignment or conveyance unless Lessee assigns or conveys all of its interests under the Lease to the assignee or transferee, in which event Lessee shall have no continuing liability.

4. The Lease Agreement and the easement and rights granted Lessee therein shall burden the Property and shall run with the land. The Lease Agreement shall inure to the benefit of and be binding upon and Lessee and, to the extent provided in any assignment or other transfer under the Lease Agreement, any assignee or Lessee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.

5. This Memorandum of Lease has been executed and delivered by the parties for the purpose of recording and giving notice of the lease and easement rights in accordance with the terms, covenants and conditions of the Lease Agreement.

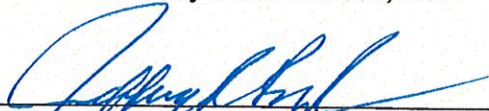
6. The terms and conditions of the Lease Agreement are incorporated by reference into this Memorandum of Lease as if set forth fully herein at length. In the event of any conflict between the terms and provisions of the Lease Agreement and this Memorandum of Lease, the Lease Agreement shall control.

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LESSEE SIGNATURE PAGE

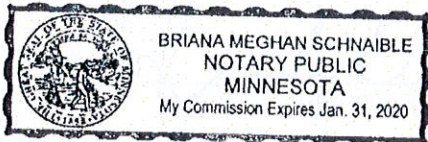
LESSEE

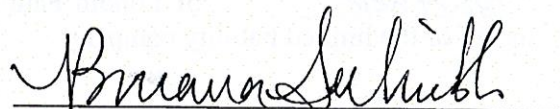
Arcturus Community Solar Gardens, LLC

By:   
Jeff Ringblom, Vice President

STATE OF Minnesota )  
COUNTY OF Hennepin ) ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of March, 2017, by Jeff Ringblom, the Vice President of Arcturus Community Solar Gardens, LLC, a Minnesota limited liability company, on behalf of the limited liability company.



  
Notary Public





**SCHEDULE A  
TO MEMORANDUM**

**DESCRIPTION OF PROPERTY**

**Tax Parcel No.:** 05.033.5200

All that part of the Southeast Quarter of Section 33, Township 110 North, Range 26 West, described as: commencing at the Southeast corner of said Section 33; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing), along the South line of the Southeast Quarter of Section 33, a distance of 1091.75 feet to the point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along said South line 588.65 feet; thence North 10 degrees 16 minutes 00 seconds East 1401.51 feet; thence South 86 degrees 34 minutes 00 seconds West and parallel with the centerline of the C. M., St. P. & P. R.R., 184.96 feet to the Easterly right-of-way line of Highway 22; thence North 10 degrees 22 minutes 00 seconds East along said highway right of way line, 50.82 feet to the Southerly right of way line of the C. M., St. P. & P. R.R.; thence Easterly, Northerly, and Easterly along said Southerly railroad right of way line to a point which bears North 10 degrees 16 minutes 00 seconds East from the point of beginning; thence South 10 degrees 16 minutes 00 seconds West 1514.33 feet to the point of beginning.

AND

All that part of the Southeast Quarter of Section 33 lying North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, and that part of the West Half of the West 60 acres of the Southwest Quarter of Section 34 lying South of the creek centerline and North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, all in Township 110 North, Range 26 West, more particularly described as: Commencing at the point of intersection of the Easterly right of way line of Minnesota Trunk Highway No. 22 with the East-West centerline of Section 33; thence Southerly along said Easterly Highway right of way line, 229.15 feet to a point on the South line of the North 225.00 feet of the Southeast Quarter of Section 33, said point being the point of beginning; thence Easterly along a line parallel with and distant 225.00 feet Southerly of the East-West centerline of Section 33, a distance of 860 feet, more or less, to a point on the West line of the East 570 feet of the Southeast Quarter of Section 33, thence Southerly along said west line 305.00 feet; thence Easterly along a line parallel with and distant 530.00 feet Southerly of the East-West centerline of Section 33, a distance of 300.00 feet; thence Northerly along a line parallel with and distant 270.00 feet Westerly of the East line of Section 33, a distance of 35.00 feet to a point on the South line of the North 495.00 feet of the Southeast Quarter of Section 33; thence Easterly along said South line, 65 feet, more or less, to a point on the centerline of Chankaska Creek as the same is now located; thence in a Southerly, Easterly, and Northeasterly direction, along said creek's centerline, 1140 feet, more  
(Continued on next page)

or less, to the intersection with the East line of the West half of the West 60 acres of the Southwest Quarter of Section 34; thence Southerly along said East line, 500 feet, more or less, to the intersection with the Northerly right of way line of the Chicago, Milwaukee and St. Paul railroad; thence southwesterly along said railroad right of way line, 2125 feet, more or less, to the intersection with the Easterly right-of-way line of Highway 22; thence Northerly along said Easterly highway right-of-way line 880 feet, more or less, to the point of beginning. EXCEPT that part of the Southeast Quarter of Section 33, Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as: Commencing at the Northeast corner of the Southeast Quarter of Section 33; thence North 89 degrees 30 minutes 39 seconds West (assumed bearing) on the North line of the Southeast Quarter of Section 33, a distance of 570.00 feet; thence South 00 degrees 54 minutes 21 seconds West, parallel with the East line of the Southeast Quarter of Section 33, a distance of 225.00 feet to the point of beginning; thence North 89 degrees 30 minutes 39 seconds West, parallel with the North line of the Southeast Quarter of Section 33, a distance of 200.00 feet; thence South 00 degrees 54 minutes 21 seconds West; parallel with said East line, 287 feet more or less to the centerline of a creek; thence easterly along the centerline of said creek, 219 feet more or less to a point on a line which bears South 00 degrees 54 minutes 21 seconds West from the point of beginning; thence North 00 degrees 54 minutes 21 seconds East, parallel to said East line 301 feet more or less to the point of beginning. Said exception contains 1.3 acres of land more or less .  
The parcel contains 42.74 acres.



**Appendix B**  
**Preliminary Site Plans**

October 6, 2017

Conditional Use Permit Application

Page 16 of 22





# Arcturus Community Solar Garden, LLC

## 1-MW AC Solar Array Le Sueur County, MN Conditional Use Permit Plan

**Westwood**

Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Print Name August Dean Christensen

Signature *[Signature]*

License No. 4723 Date: 10/03/2017

Designed: *[Signature]* PFS

Checked: MPG

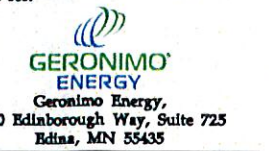
Drawn: PFS

Record Drawing by/date:

Revisions:

#	DATE	DESCRIPTION
A	10/03/17	Issued for Permit

Prepared for:



**Legal Description**

See ALTA Survey for Legal Description

**Project Zoning**

Zoning District- Agricultural & Mineral Overlay

**Project Description**

1 MW-AC Fixed Tilt Solar Array Project

**Basis of Elevation**

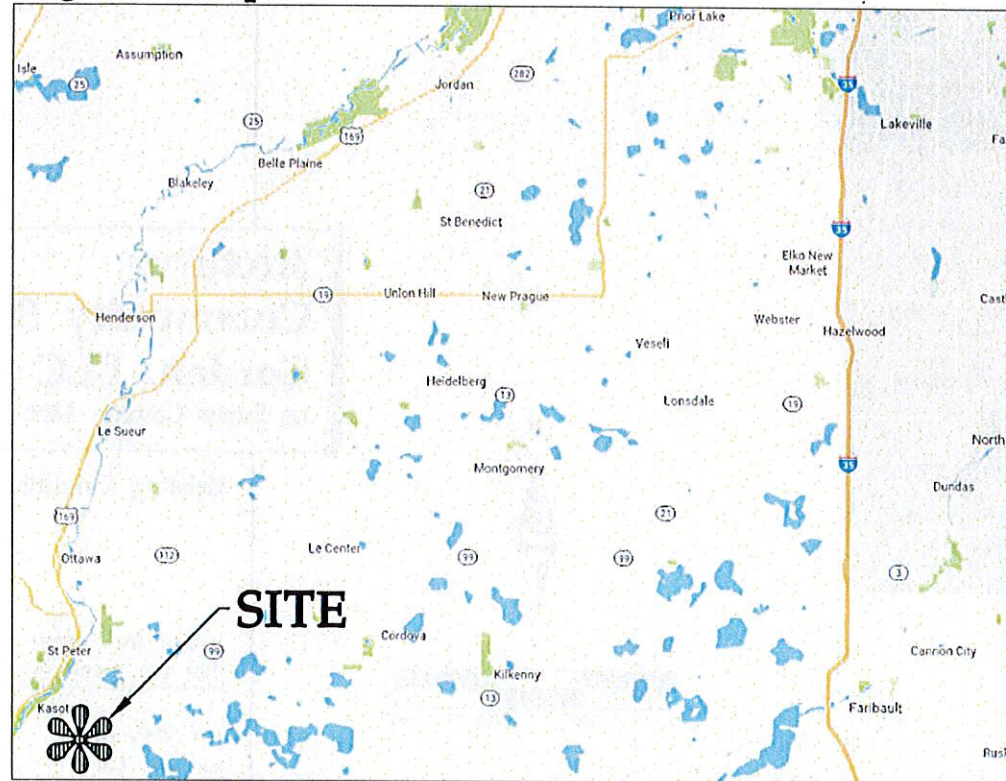
Contours shown were generated from publicly available LIDAR data from the state of Minnesota.

Sheet List Table	
Sheet Number	Sheet Title
T.100	COVER
C.100	EXISTING CONDITIONS
C.200	CIVIL SITE PLAN
C.201	DRAINAGE PLAN
C.202	SEEDING PLAN
C.300	CONSTRUCTION DETAILS
C.301	CONSTRUCTION DETAILS
C.302	CONSTRUCTION DETAILS

Project Contact Information			
Consultant	Company	Name	Phone No.
Developer	Geronimo Energy	Andy Catania	(952) 641-4038
Civil Engineer	Westwood	August Christensen	(952) 906-7430
Land Surveyor	Westwood	Chris Hoglund	(952) 906-7453

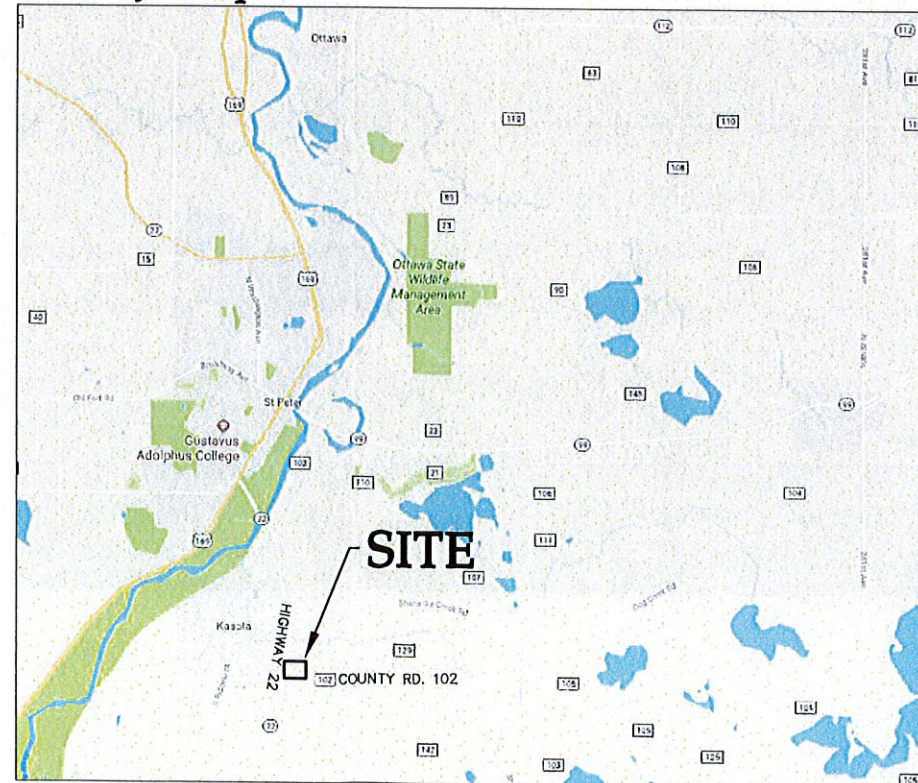
Data Set Information			
Base File	File Name	Provider	Date
PV Array	0011585PVSITE.dwg	Westwood	07/12/2017
ALTA	0011585SURV.dwg	Westwood	07/12/2017
Topo	0011585DTM.dwg	MN Lidar	07/11/2017

**Regional Map**



SOURCE: MAP DATA ©2017 GOOGLE (NOT TO SCALE)

**Vicinity Map**



SOURCE: MAP DATA ©2017 GOOLGE (NOT TO SCALE)

**Arcturus  
Community Solar  
Garden, LLC**  
Le Sueur County, MN

Cover

Issued for Permit  
Not For Construction

Date: 10/03/2017

Drawing No: T.100

0011585CVP01.dwg



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Print Name August Dean Christensen

Signature [Signature]

License No. 4773 Date 10/03/2017

Designed: RTB

Checked: MPG

Drawn: RTB

Record Drawing by/date:

Revision #	DATE	DESCRIPTION
A	10/03/17	Issued for Permit

Prepared for:

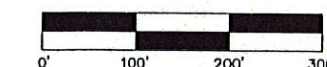


Geronimo Energy,  
 7650 Edinborough Way, Suite 725  
 Edina, MN 55435

**LEGEND:**

- EXISTING PROPERTY LINE
- EXISTING SECTION LINE
- EXISTING EASEMENT LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING OVERHEAD POWERLINE
- EXISTING FENCE
- 1070  
1072 EXISTING INDEX CONTOUR LINE
- EXISTING INTERVAL CONTOUR LINE
- EXISTING PAVED ROAD
- /// PROJECT LEASE AREA
- 1.01% SLOPE LINE
- EXISTING VEGETATION LINE

Existing Land Use		
Agricultural	8.8 acres	100%
Total Area	8.8 acres	100%



**Arcturus  
 Community Solar  
 Garden, LLC**  
 Le Sueur County, MN

Existing Conditions

Issued for Permit  
 Not For Construction

Date: 10/03/2017

Drawing No: C.100



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Print Name August Dean Christensen

Signature [Signature]

License No. 4773 Date: 10/05/2017

Designed: RTA

Checked: MPG

Drawn: RTA

Record Drawing by/date:

Revisions:

#	DATE	DESCRIPTION
A	10/05/17	Issued for Permit

Prepared for:



GERONIMO Energy,  
 7650 Edinborough Way, Suite 725  
 Edina, MN 55435

**LEGEND:**

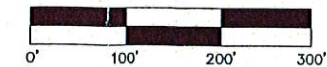
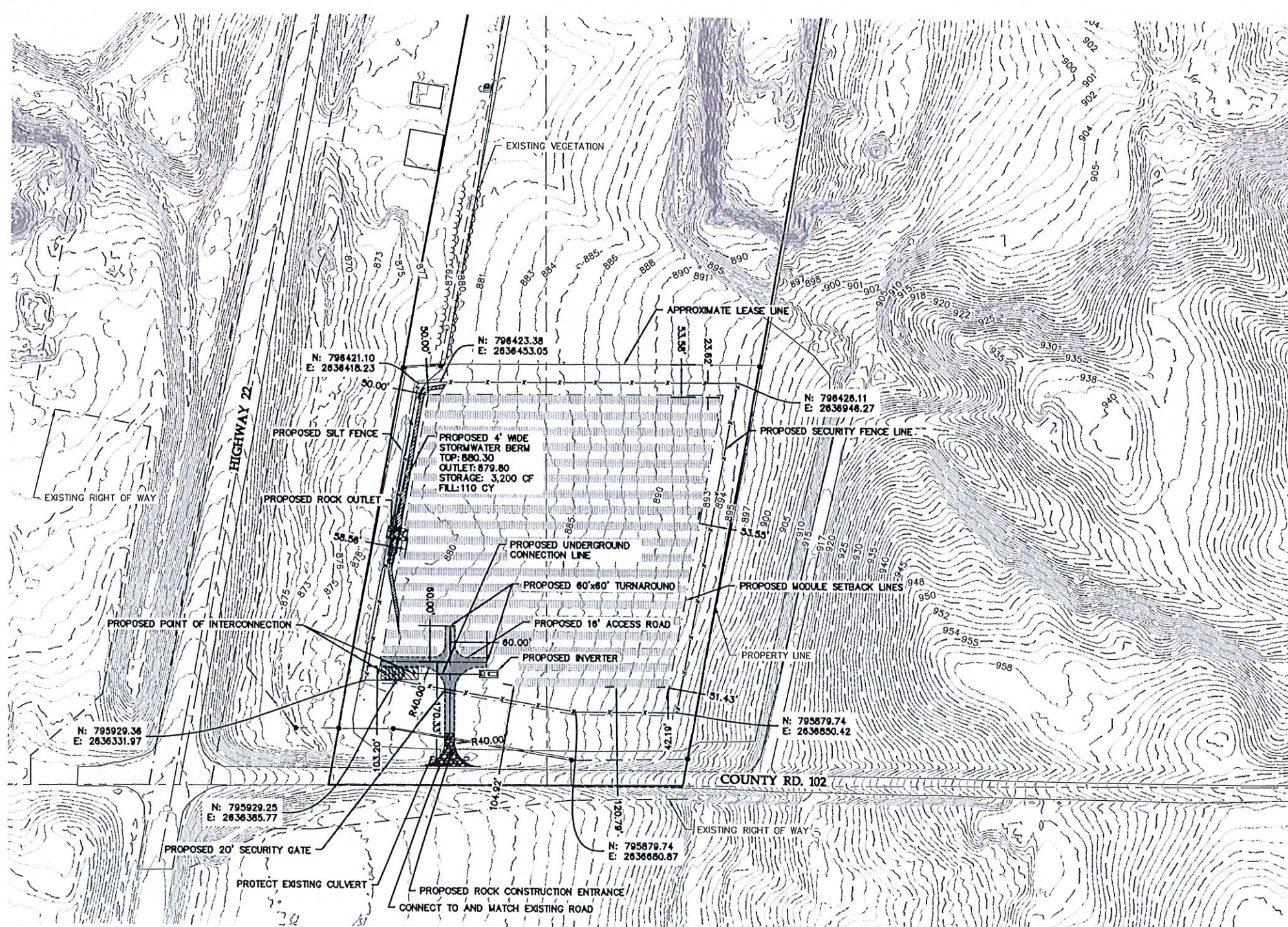
- EXISTING PROPERTY LINE
- EXISTING SECTION LINE
- EXISTING EASEMENT LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING OVERHEAD POWERLINE
- EXISTING FENCE
- 1070--- EXISTING INDEX CONTOUR LINE
- 1072--- EXISTING INTERVAL CONTOUR LINE
- EXISTING PAVED ROAD
- EXISTING VEGETATION LINE
- PROPOSED SECURITY FENCE LINE
- PROPOSED MODULE SETBACK LINE
- SF --- PROPOSED SILT FENCE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED ELECTRICAL EQUIPMENT
- PROPOSED ACCESS ROAD
- PROPOSED 5' CONTOURS
- PROPOSED 1' CONTOURS
- PK --- PROPOSED UNDERGROUND CONNECTION LINE
- STORM WATER BERM

**NOTES:**

COORDINATES SHOWN ARE NAD83  
 MINNESOTA STATE PLANES, SOUTH ZONE,  
 US FOOT.

**Project Module Setbacks**

Item	Required	Designed
FRONT-COUNTY RD. 102	75' FROM ROW	103.2' FROM ROW
SIDE	50'	50'
REAR	50'	50'
FENCE	OUTSIDE OF ROW	
HEIGHT	MAXIMUM OF 35'	



**Arcturus  
 Community Solar  
 Garden, LLC**  
 Le Sueur County, MN

Civil Site Plan

Issued for Permit  
 Not For Construction

Date: 10/03/2017

Drawing No: C.200



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Print Name August Dean Christensen

Signature *August Dean Christensen*

License No. 4773 Date: 10/03/2017

Designed: BTB

Checked: MPG

Drawn: BTB

Record Drawing by/date

Revision #	DATE	DESCRIPTION
A	10/03/17	Issued for Permit

Prepared for:



Geronimo Energy,  
 7630 Edinborough Way, Suite 725  
 Edina, MN 55435

**Arcturus  
 Community Solar  
 Garden, LLC**  
 Le Sueur County, MN

**Drainage Plan**

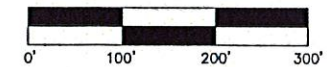
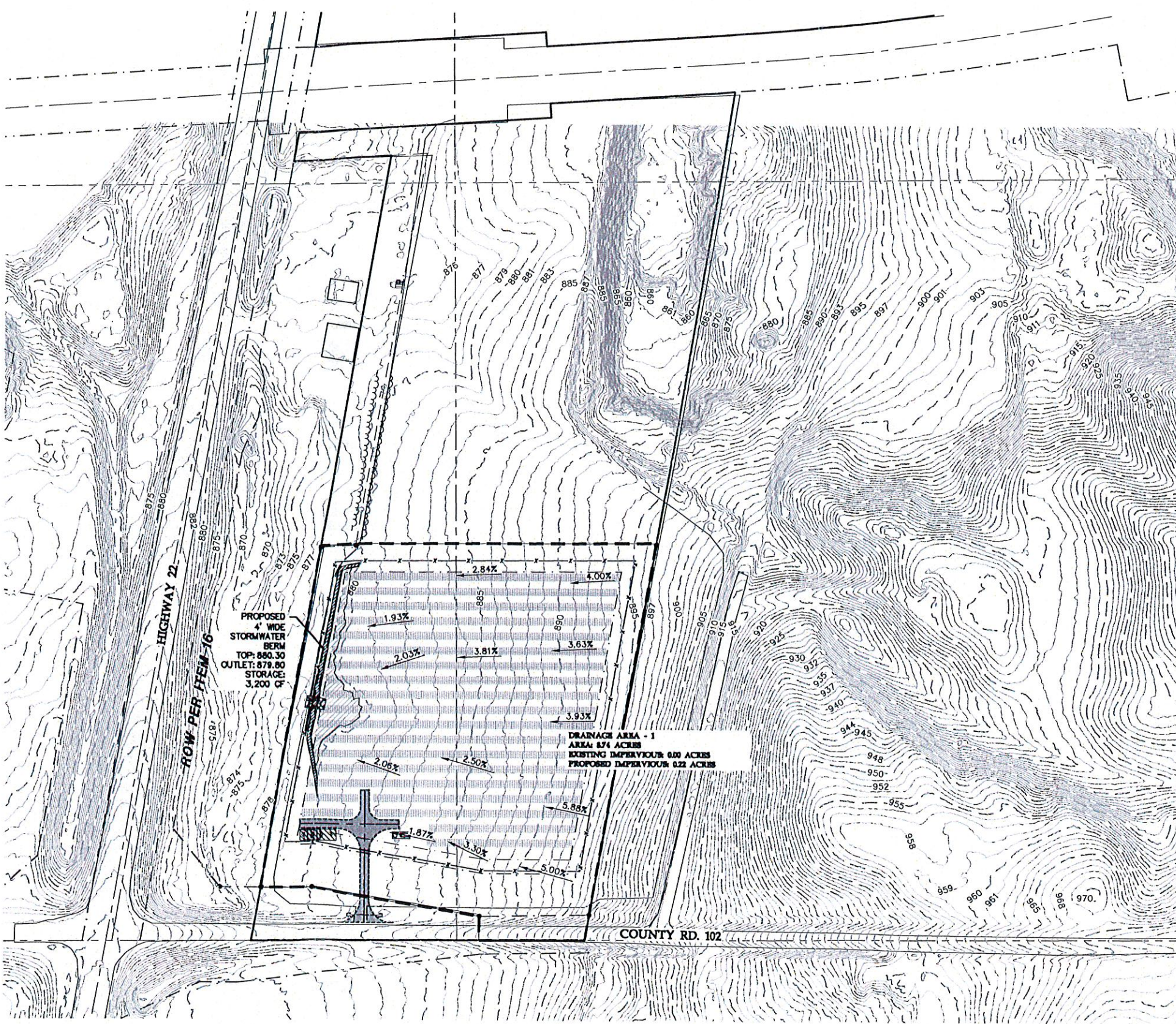
Issued for Permit  
 Not For Construction

Date: 10/03/2017

Drawing No: C.201

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- LEGEND:**
- EXISTING PROPERTY LINE
  - - - - - EXISTING INDEX CONTOUR LINE
  - 1072 EXISTING INTERVAL CONTOUR LINE
  - - - - - EXISTING RIGHT OF WAY LINE
  - - - - - EASMENT LINES
  - EXISTING OVERHEAD POWERLINE
  - ~ ~ ~ EXISTING VEGETATION LINE
  - ▭ EXISTING ROADWAY
  - x - x - PROPOSED SECURITY FENCE LINE
  - - - - - PROPOSED MODULE SETBACK LINE
  - ▨ PROPOSED SOLAR ARRAY
  - ▭ PROPOSED ELECTRICAL EQUIPMENT
  - - - - - PROPOSED ACCESS ROAD
  - - - - - DRAINAGE BOUNDARY
  - - - - - LEASE LINE
  - 1.01% SLOPE LINE
  - ▨ STORM WATER STORAGE AREA





**Vegetation Management**

ONGOING MAINTENANCE OF THE SITE VEGETATION SHALL BE IN ACCORDANCE WITH THE "SOLAR ARRAY VEGETATION MANAGEMENT PLAN"

**Legend**

- x- DENOTES PROPOSED SECURITY FENCE
- OPEN AREA NATIVE POLLINATOR MIX (3.32 AC)
- ARRAY AREA GRASS MIX (5.02 AC)

**Array Area Grass Mix**

GRASSES SPECIES	% OF MIX	PLS. (LBS/ACRE)
BOUTELOUA CURTIPENDULA	35.00	77.00
CAREX VULPINOIDEA	2.00	4.40
FESTUCA LONGIFOLIA	7.00	15.40
FESTUCA OVINA SSP. HIRTULA	10.00	22.00
FESTUCA RUBRA VAR. COMMUTATE	6.00	13.2
FESTUCA RUBRA VAR. COMMUTATE	9.00	19.8
FESTUCA RUBRA VAR. RUBRA	10.00	22.00
FESTUCA RUBRA VAR. RUBRA	12.00	26.40
KOELERIA MACRANTHA	1.00	2.20
SPOBOBOLUS HETEROLEPIS	1.00	2.20
SIDE OATS GRAMA		
FOX SEDGE		
AURORA 2 HARD FESCUE		
SHEEPS FESCUE		
SHADOWS 2 CHEWING FESCUE		
MONULEA CHEWINGS FESCUE		
WENDY JEAN RED FESCUE		
CREEPING RED FESCUE		
JUNEGRASS		
PRAIRIE DROPSEED		

**FORB SPECIES**

ASTER OOLENTANGIENSIS	1.00	2.2
DALEA PURPUREA	1.00	2.2
MONARDA FISTULOSA	1.00	2.2
POTENTILLA ARGUTA	0.50	1.1
RUDBECKIA HIRTA	2.00	4.4
VERBENA STRICTA	0.50	1.1
ZIZIA AUREA	1.00	2.2
SKY-BLUE ASTER		
PURPLE PRAIRIE CLOVER		
WILD BERGAMOT		
PRAIRIE CINQUEFOIL		
BLACK-EYED SUSAN		
HOARY VERVAIN		
GOLDEN ALEXANDER		

- \*NOTES
- \* SPECIAL SEED MIX REQUESTED BY CLIENT
- \* SEE IF CHANGES ARE NECESSARY FOR SPECIFIC LOCATION

**Open Area Native Pollinator Mix**

GRASS SPECIES	% OF MIX	PLS. (LBS/ACRE)
BOUTELOUA CURTIPENDULA	25.00	1.75
BOUTELOUA GRACILIS	10.00	0.70
BROMUS KALMI	2.50	0.18
ELYMUS VILLOSUS	10.00	0.70
KOELERIA MACRANTHA	1.50	0.11
SCHIZACHYRIUM SCOPARIUM	20.00	1.40
SPOBOBOLUS HETEROLEPIS	6.00	0.42
SIDE OATS GRAMA		
BLUE GRAMA		
PRAIRIE BROME		
SILKY WILD RYE		
JUNEGRASS		
LITTLE BLUESTEM		
PRAIRIE DROPSEED		

**FORB SPECIES**

ACHILLEA MILLEFOLIUM	0.50	0.04
AGASTACHE FOENICULUM	0.75	0.05
ALLIUM STELLATUM	0.50	0.04
ASCLEPIAS INCARNATA	1.00	0.07
ASCLEPIAS SYRIACA	1.00	0.07
ASCLEPIAS TUBEROSA	1.00	0.07
ASTER OOLENTANGIENSIS	1.25	0.09
ASTER LATIFLORUS	1.00	0.07
ASTER NOVAE-ANGLIAE	0.75	0.05
ASTRAGALUS CANADENSIS	1.00	0.07
DALEA CANDIDUM	2.00	0.14
DALEA PURPUREA	2.00	0.14
DESMODIUM CANADENSE	1.00	0.07
LIATRIS PYNOSTACHYA	1.00	0.07
MONARDA FISTULOSA	0.75	0.05
PENSTEMON GRACILIS	0.50	0.04
POTENTILLA ARGUTA	0.50	0.04
PTYCNANTHEMUM VIRGINIANUM	1.00	0.07
RATIBIDA PINNATA	0.75	0.05
RUDBECKIA HIRTA	1.50	0.11
SOLIDAGO RIGIDA	1.75	0.12
TRADESCANTIA BRACTEATA	0.50	0.04
VERBENA HASTATA	1.00	0.07
VERBENA STRICTA	1.00	0.07
ZIZIA AUREA	1.00	0.07
YARROW		
FRAGRANT HYSSOP		
PRAIRIE ONION		
MARSH MILKWEED		
COMMON MILKWEED		
BUTTERFLY MILKWEED		
SKY BLUE ASTER		
CALICO ASTER		
NEW ENGLAND ASTER		
CANADA WILK YETCH		
WHITE PRAIRIE CLOVER		
PURPLE PRAIRIE CLOVER		
CANADA TICK TREFOIL		
PRAIRIE BLAZING STAR		
WILD BERGAMOT		
SLENDER BEARDTONGUE		
PRAIRIE CINQUEFOIL		
MOUNTAIN MINT		
YELLOW CONEFLOWER		
BLACK-EYED SUSAN		
STIFF GOLDENROD		
PRAIRIE SPIDERWORT		
BLUE VERVAIN		
HOARY VERVAIN		
GOLDEN ALEXANDERS		

**COVER CROP**

TRITICUM AESTIVUM	WINTER WHEAT	---	10.0
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- \*NOTES
- \* SPECIAL SEED MIX DESIGNED BY MINNESOTA NATIVE LANDSCAPES
- \* SEE IF CHANGES ARE NECESSARY FOR SPECIFIC LOCATION
- \* MINNESOTA NATIVE LANDSCAPES  
8740 77TH STREET NE  
OTSEGO, MN 55362

**Westwood**

Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Print Name August Donn Christensen

Signature *[Signature]*

License No. 4773 Date: 10/03/2017

Designed: BTB

Checked: MPG

Drawn: BTB

Record Drawing by/date:

Revisions:

# DATE DESCRIPTION

A 10/03/17 Issued for Permit

Prepared for:



Geronimo Energy,  
7650 Edinborough Way, Suite 725  
Edina, MN 55435

**Arcturus  
Community Solar  
Garden, LLC**  
Le Sueur County, MN

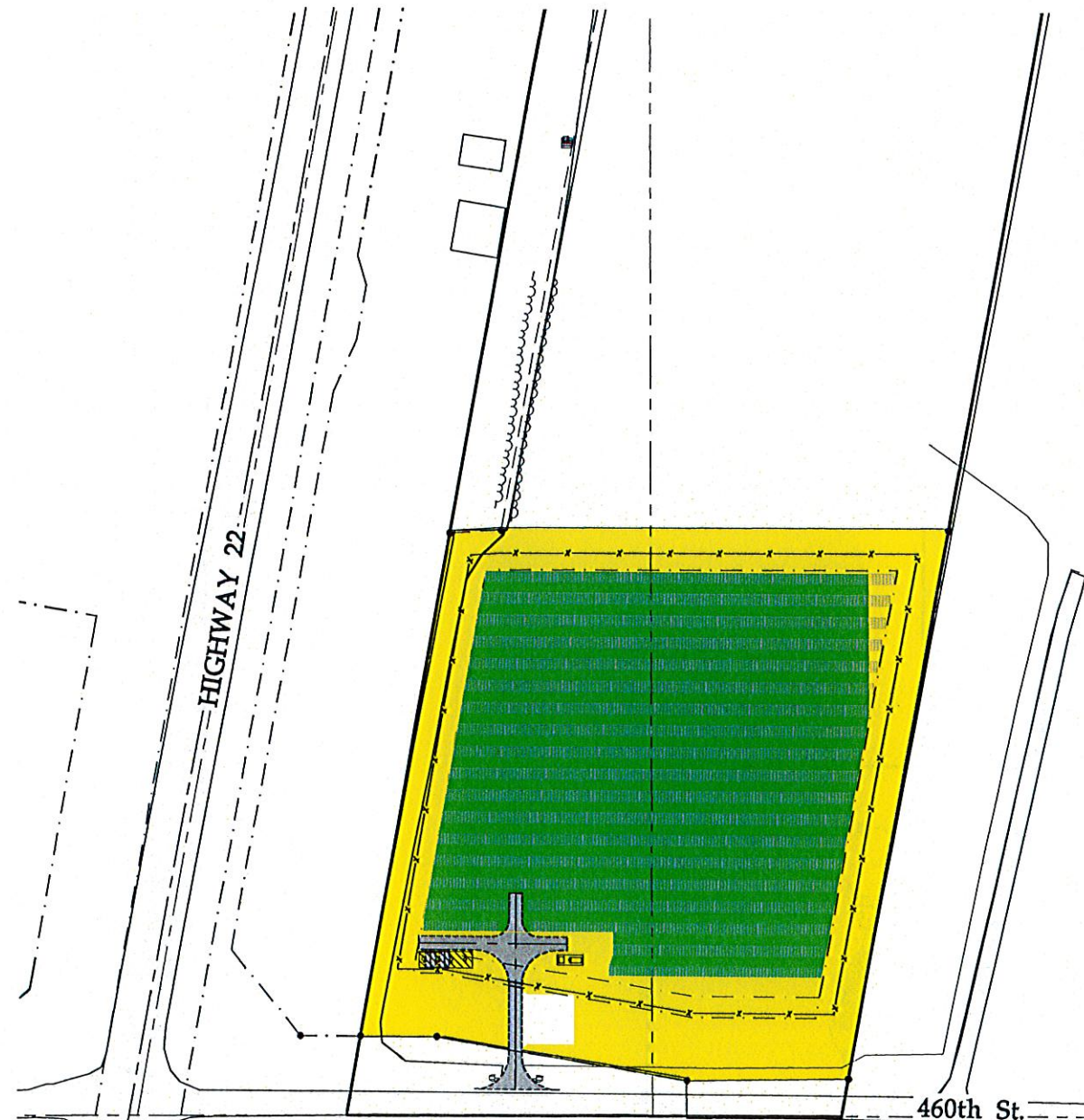
Seeding Plan

Issued for Permit  
Not For Construction

Date: 10/03/2017

Drawing No: C.202

0011585SEEDF01.dwg





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Print Name August Dean Christensen

Signature *[Signature]*

License No. 4773 Date 10/03/2017

Designed: BTB

Checked: MFG

Drawn: BTB

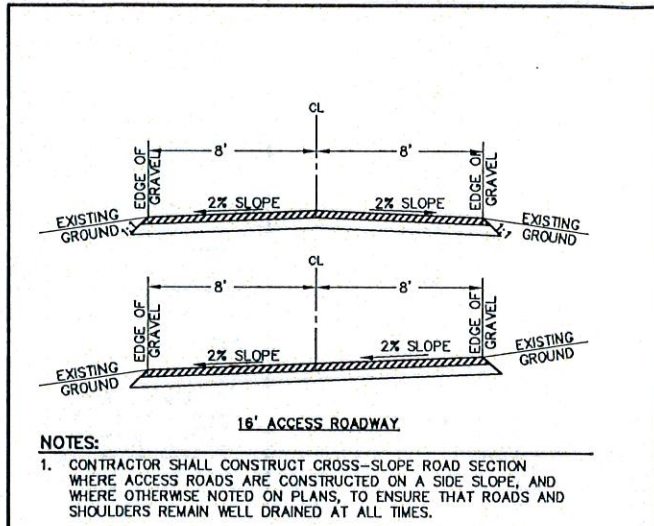
Record Drawing by/date:

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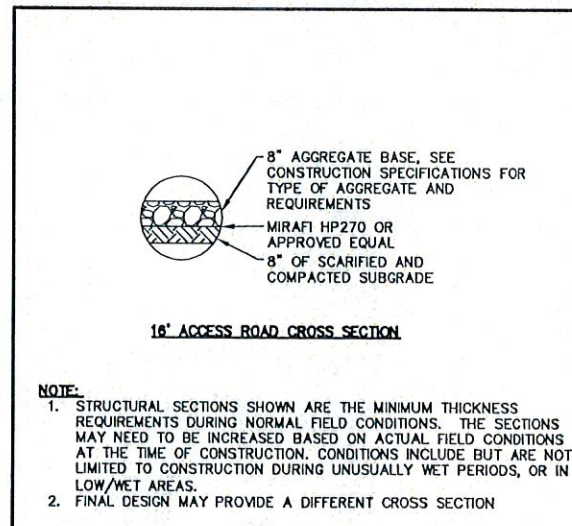


**16' ACCESS ROADWAY**

**NOTES:**

- CONTRACTOR SHALL CONSTRUCT CROSS-SLOPE ROAD SECTION WHERE ACCESS ROADS ARE CONSTRUCTED ON A SIDE SLOPE, AND WHERE OTHERWISE NOTED ON PLANS, TO ENSURE THAT ROADS AND SHOULDERS REMAIN WELL DRAINED AT ALL TIMES.

Westwood TYPICAL SOLAR ACCESS ROAD LAST REVISED: 11/27/14 RD01

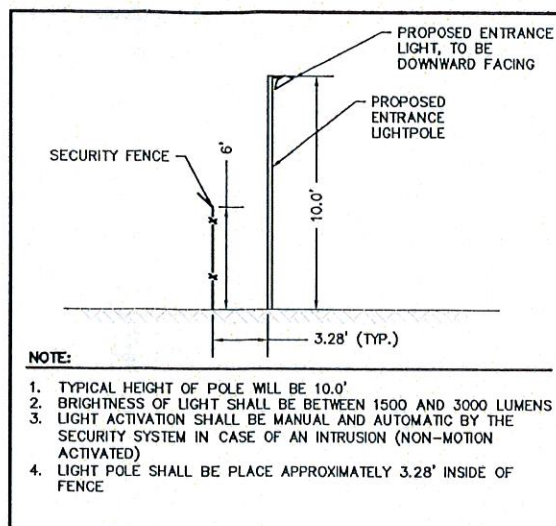


**16' ACCESS ROAD CROSS SECTION**

**NOTE:**

- STRUCTURAL SECTIONS SHOWN ARE THE MINIMUM THICKNESS REQUIREMENTS DURING NORMAL FIELD CONDITIONS. THE SECTIONS MAY NEED TO BE INCREASED BASED ON ACTUAL FIELD CONDITIONS AT THE TIME OF CONSTRUCTION. CONDITIONS INCLUDE BUT ARE NOT LIMITED TO CONSTRUCTION DURING UNUSUALLY WET PERIODS, OR IN LOW/WET AREAS.
- FINAL DESIGN MAY PROVIDE A DIFFERENT CROSS SECTION

Westwood TYPICAL STRUCTURAL CROSS SECTIONS LAST REVISED: 11/27/14 RD02

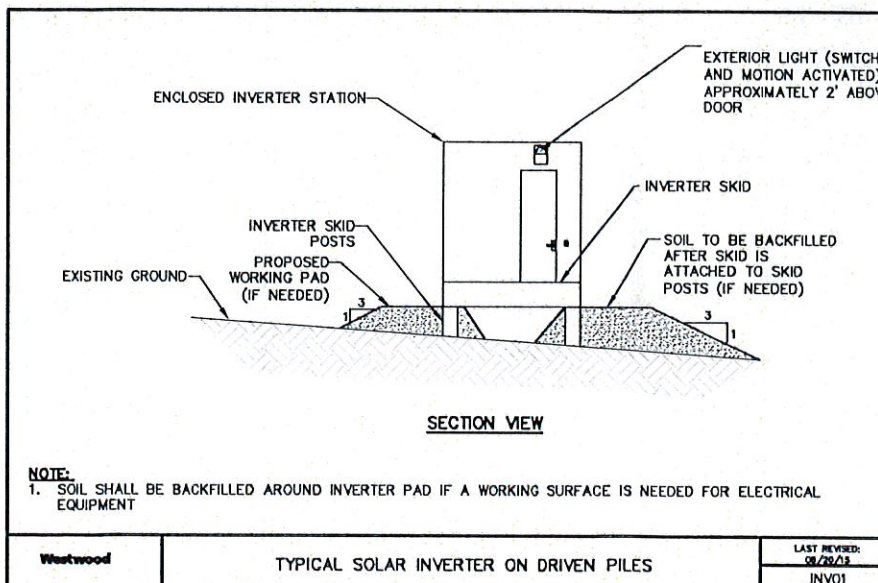


**TYPICAL ENTRANCE LIGHTING**

**NOTE:**

- TYPICAL HEIGHT OF POLE WILL BE 10.0'
- BRIGHTNESS OF LIGHT SHALL BE BETWEEN 1500 AND 3000 LUMENS
- LIGHT ACTIVATION SHALL BE MANUAL AND AUTOMATIC BY THE SECURITY SYSTEM IN CASE OF AN INTRUSION (NON-MOTION ACTIVATED)
- LIGHT POLE SHALL BE PLACED APPROXIMATELY 3.28' INSIDE OF FENCE

Westwood TYPICAL ENTRANCE LIGHTING LAST REVISED: 10/22/13 LPO1

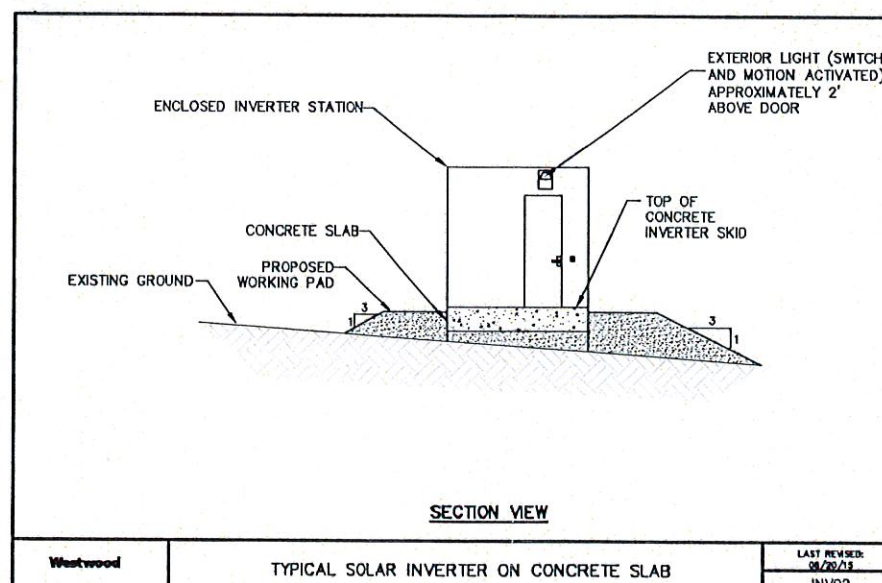


**SECTION VIEW**

**NOTE:**

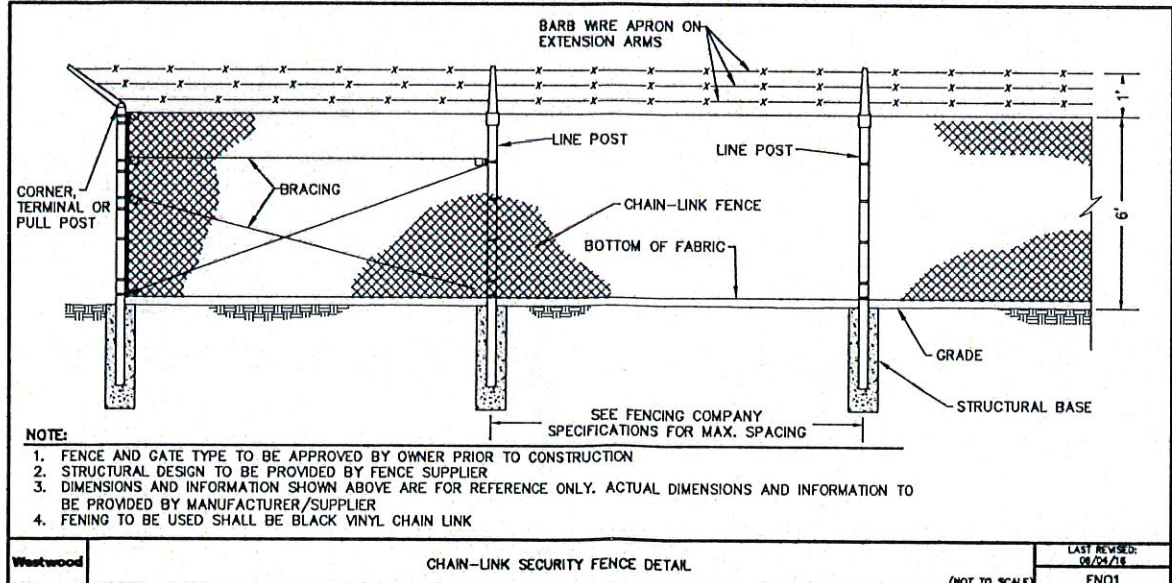
- SOIL SHALL BE BACKFILLED AROUND INVERTER PAD IF A WORKING SURFACE IS NEEDED FOR ELECTRICAL EQUIPMENT

Westwood TYPICAL SOLAR INVERTER ON DRIVEN PILES LAST REVISED: 08/28/13 INV01



**SECTION VIEW**

Westwood TYPICAL SOLAR INVERTER ON CONCRETE SLAB LAST REVISED: 08/28/13 INV02



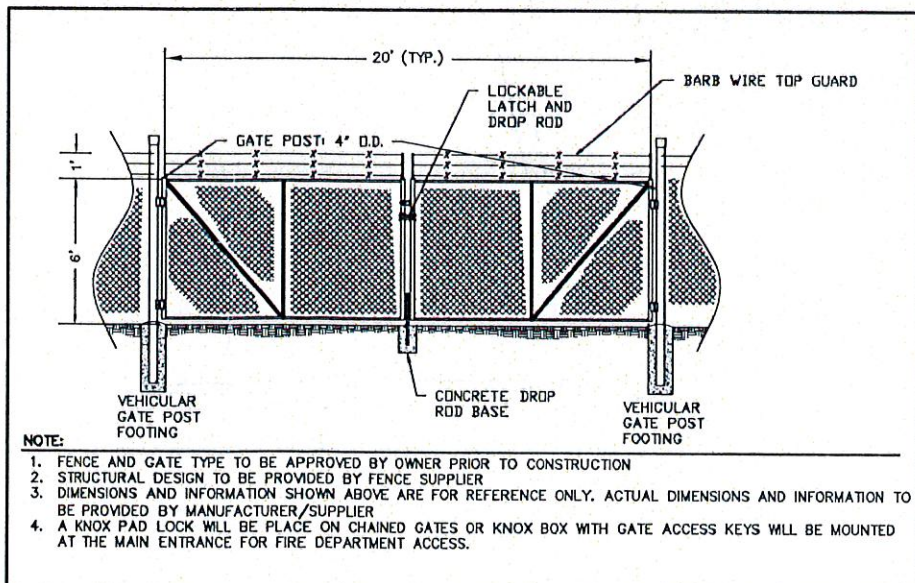
**CHAIN-LINK SECURITY FENCE DETAIL**

**NOTE:**

- FENCE AND GATE TYPE TO BE APPROVED BY OWNER PRIOR TO CONSTRUCTION
- STRUCTURAL DESIGN TO BE PROVIDED BY FENCE SUPPLIER
- DIMENSIONS AND INFORMATION SHOWN ABOVE ARE FOR REFERENCE ONLY. ACTUAL DIMENSIONS AND INFORMATION TO BE PROVIDED BY MANUFACTURER/SUPPLIER
- FENING TO BE USED SHALL BE BLACK VINYL CHAIN LINK

SEE FENCING COMPANY SPECIFICATIONS FOR MAX. SPACING

Westwood TYPICAL CHAIN-LINK SECURITY FENCE DETAIL (NOT TO SCALE) LAST REVISED: 09/25/13 FN01



**CHAIN-LINK SECURITY SWING GATE**

**NOTE:**

- FENCE AND GATE TYPE TO BE APPROVED BY OWNER PRIOR TO CONSTRUCTION
- STRUCTURAL DESIGN TO BE PROVIDED BY FENCE SUPPLIER
- DIMENSIONS AND INFORMATION SHOWN ABOVE ARE FOR REFERENCE ONLY. ACTUAL DIMENSIONS AND INFORMATION TO BE PROVIDED BY MANUFACTURER/SUPPLIER
- A KNOX PAD LOCK WILL BE PLACED ON CHAINED GATES OR KNOX BOX WITH GATE ACCESS KEYS WILL BE MOUNTED AT THE MAIN ENTRANCE FOR FIRE DEPARTMENT ACCESS.

Westwood TYPICAL CHAIN-LINK SECURITY SWING GATE LAST REVISED: 09/25/13 FN05

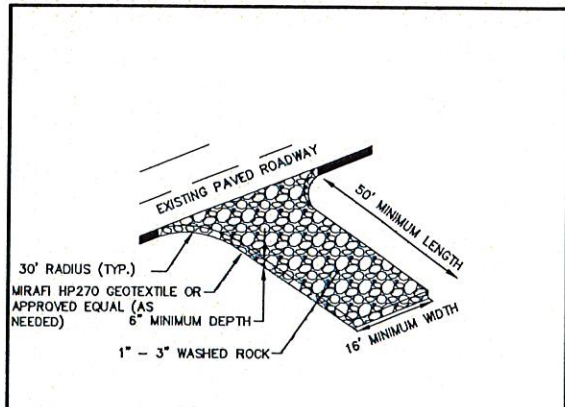
**Arcturus**  
**Community Solar**  
**Garden, LLC**  
 Le Sueur County, MN

Construction Details

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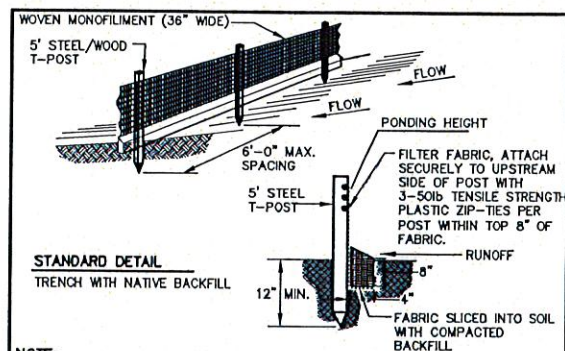
Date: 10/03/2017  
 Drawing No: C.300





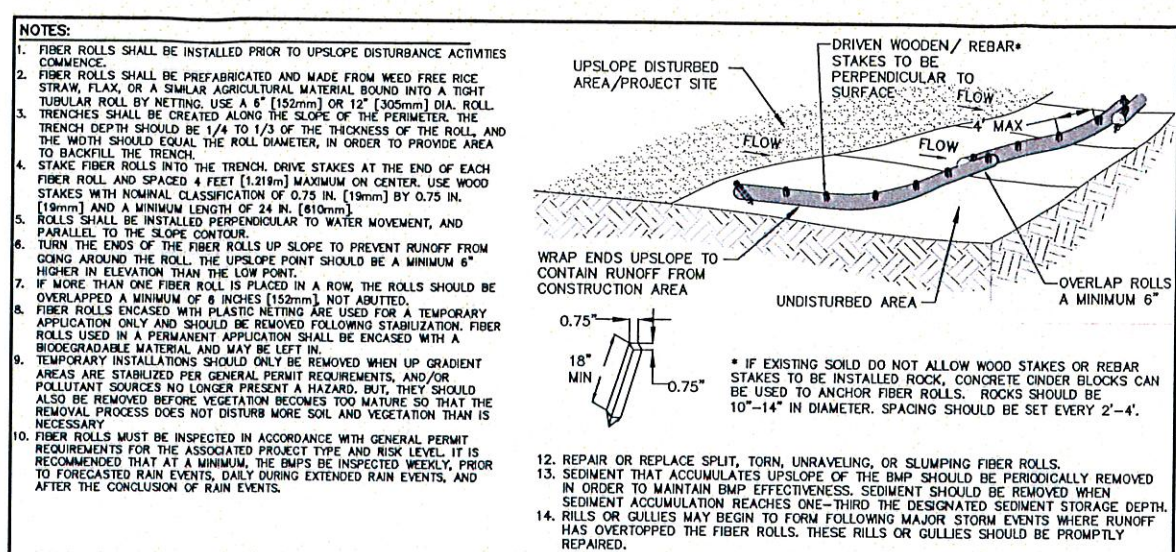
**NOTE:**  
ROCK CONSTRUCTION ENTRANCE SHOULD BE A MINIMUM THICKNESS OF 6" AND CONTAIN MAXIMUM SIDE SLOPES OF 4:1. ROCK ENTRANCE SHOULD BE INSPECTED AND MAINTAINED REGULARLY. ROCK ENTRANCE LENGTH MAY NEED TO BE EXTENDED IN CLAY SOILS.

Westwood	ROCK CONSTRUCTION ENTRANCE	LAST REVISED: 02/02/13 GD05
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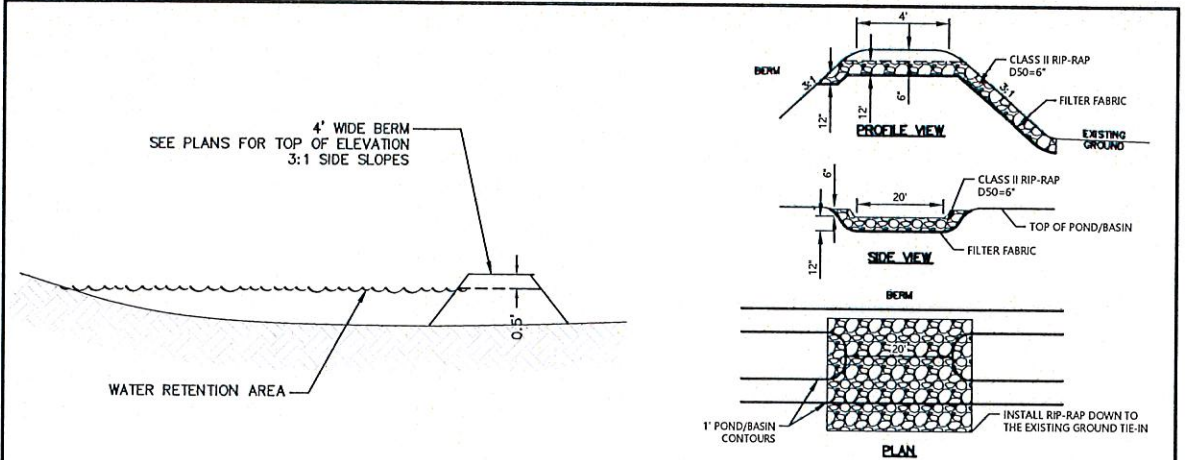
**NOTE:**  
1. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN ACCUMULATED TO 1/2 THE HEIGHT OF THE FABRIC OR MORE.  
2. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.  
3. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.  
4. ALL ENDS OF THE SILT FENCE SHALL BE WRAPPED UPSLOPE SO THE ELEVATION OF THE BOTTOM OF FABRIC IS HIGHER THAN "PONDING HEIGHT".

Westwood	SILT FENCE	LAST REVISED: 11/24/14
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**NOTE:**  
1. FIBER ROLLS SHALL BE INSTALLED PRIOR TO UPSLOPE DISTURBANCE ACTIVITIES COMMENCE.  
2. FIBER ROLLS SHALL BE PREFABRICATED AND MADE FROM WEED FREE RICE STRAW, FLAX, OR A SIMILAR AGRICULTURAL MATERIAL BOUND INTO A TIGHT TUBULAR ROLL BY NETTING. USE A 6" (152mm) OR 12" (305mm) DIA. ROLL.  
3. TRENCHES SHALL BE CREATED ALONG THE SLOPE OF THE PERIMETER. THE TRENCH DEPTH SHOULD BE 1/4 TO 1/3 OF THE THICKNESS OF THE ROLL, AND THE WIDTH SHOULD EQUAL THE ROLL DIAMETER, IN ORDER TO PROVIDE AREA TO BACKFILL THE TRENCH.  
4. STAKE FIBER ROLLS INTO THE TRENCH. DRIVE STAKES AT THE END OF EACH FIBER ROLL AND SPACED 4 FEET (1.219m) MAXIMUM ON CENTER. USE WOOD STAKES WITH NOMINAL CLASSIFICATION OF 0.75 IN. (19mm) BY 0.75 IN. (19mm) AND A MINIMUM LENGTH OF 24 IN. (610mm).  
5. ROLLS SHALL BE INSTALLED PERPENDICULAR TO WATER MOVEMENT, AND PARALLEL TO THE SLOPE CONTOUR.  
6. TURN THE ENDS OF THE FIBER ROLLS UP SLOPE TO PREVENT RUNOFF FROM GOING AROUND THE ROLL. THE UPSLOPE POINT SHOULD BE A MINIMUM 6" HIGHER IN ELEVATION THAN THE LOW POINT.  
7. IF MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHOULD BE OVERLAPPED A MINIMUM OF 6 INCHES (152mm) NOT ADJUTED.  
8. FIBER ROLLS ENCASED WITH PLASTIC NETTING ARE USED FOR A TEMPORARY APPLICATION ONLY AND SHOULD BE REMOVED FOLLOWING STABILIZATION. FIBER ROLLS USED IN A PERMANENT APPLICATION SHALL BE ENCASED WITH A BIODEGRADABLE MATERIAL AND MAY BE LEFT IN.  
9. TEMPORARY INSTALLATIONS SHOULD ONLY BE REMOVED WHEN UP GRADIENT AREAS ARE STABILIZED PER GENERAL PERMIT REQUIREMENTS, AND/OR POLLUTANT SOURCES NO LONGER PRESENT A HAZARD. BUT, THEY SHOULD ALSO BE REMOVED BEFORE VEGETATION BECOMES TOO MATURE SO THAT THE REMOVAL PROCESS DOES NOT DISTURB MORE SOIL AND VEGETATION THAN IS NECESSARY.  
10. FIBER ROLLS MUST BE INSPECTED IN ACCORDANCE WITH GENERAL PERMIT REQUIREMENTS FOR THE ASSOCIATED PROJECT TYPE AND RISK LEVEL. IT IS RECOMMENDED THAT AT A MINIMUM, THE BMPs BE INSPECTED WEEKLY, PRIOR TO FORECASTED RAIN EVENTS, DAILY DURING EXTENDED RAIN EVENTS, AND AFTER THE CONCLUSION OF RAIN EVENTS.  
11. REPAIR OR REPLACE SPLIT, TORN, UNRAVELING, OR SLUMPING FIBER ROLLS.  
12. SEDIMENT THAT ACCUMULATES UPSLOPE OF THE BMP SHOULD BE PERIODICALLY REMOVED IN ORDER TO MAINTAIN BMP EFFECTIVENESS. SEDIMENT SHOULD BE REMOVED WHEN SEDIMENT ACCUMULATION REACHES ONE-THIRD THE DESIGNATED SEDIMENT STORAGE DEPTH.  
13. RILLS OR GULLIES MAY BEGIN TO FORM FOLLOWING MAJOR STORM EVENTS WHERE RUNOFF HAS OVERTOPPED THE FIBER ROLLS. THESE RILLS OR GULLIES SHOULD BE PROMPTLY REPAIRED.

Westwood	TYPICAL FIBER ROLLS FOR PERIMETER CONTROL OF CONSTRUCTION AREA LIMIT	LAST REVISED: 02/02/13 GD42
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**NOTE:**  
1. INSTALL RIP-RAP PER MNDOT SPEC 3601  
2. RIP-RAP SHALL BE CLASS III PER MNDOT SPEC 3601

Westwood	STORMWATER RETENTION BERM	LAST REVISED: 11/02/14 GD03
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### Westwood

Phone (952) 937-5150 7699 Anagram Drive  
Fax (952) 937-5822 Eden Prairie, MN 55344  
Tel/Fax (888) 937-5150 westwoodps.com  
Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Print Name August Dean Christensen

Signature *[Signature]*  
License No. 4723 Date 10/03/2017

Designed: JTS

Checked: MPG

Drawn: JTS

Record Drawing by/date:

Revisions:  
# DATE DESCRIPTION

A 10/03/17 Issued for Permit

Prepared for:

GERONIMO ENERGY  
Geronimo Energy,  
7650 Edinborough Way, Suite 725  
Edina, MN 55435

**Arcturus  
Community Solar  
Garden, LLC**  
Le Sueur County, MN

Construction Details

Issued for Permit  
Not For Construction

Date: 10/03/2017

Drawing No: C.301



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Print Name August Dean Christensen

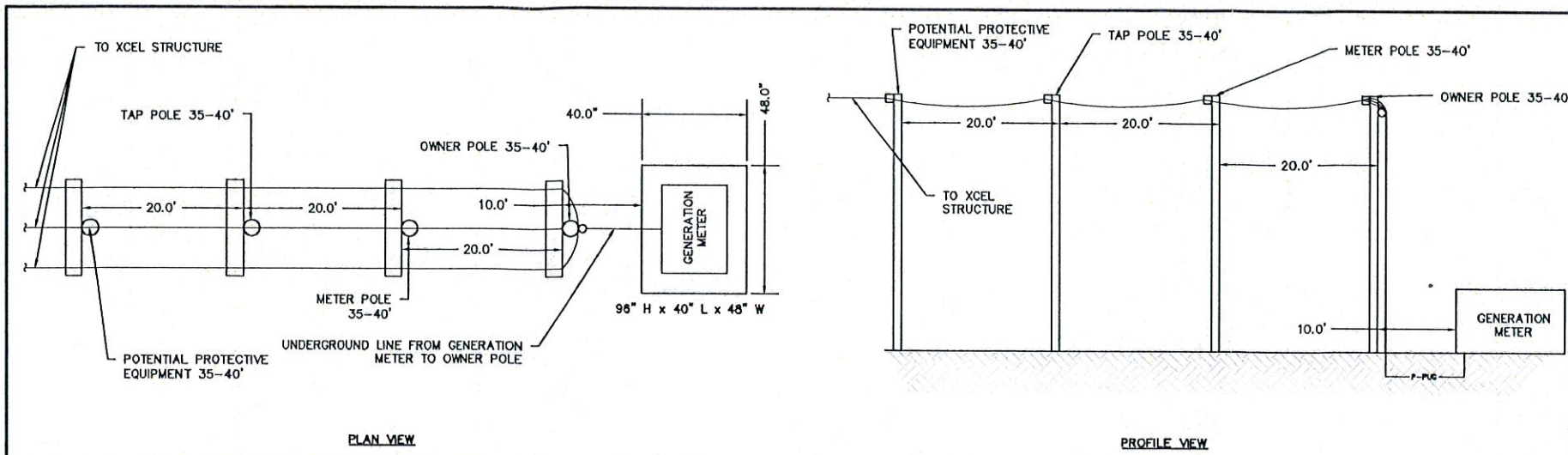
Signature *[Signature]*  
 License No. 4773 Date 10/03/2017

Designed: *[Signature]* FTS  
 Checked: MFC  
 Drawn: FTS

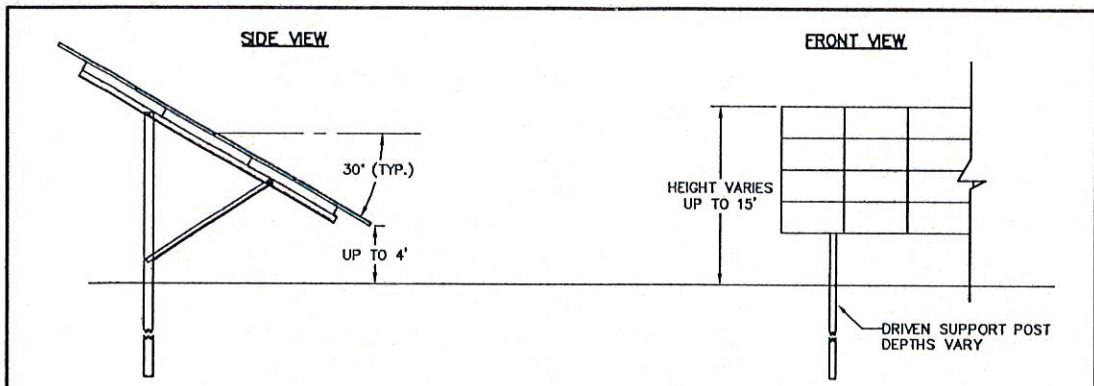
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Revision #	DATE	DESCRIPTION
A	10/03/17	Issued for Permit

Prepared for:



Westwood TYPICAL POI EQUIPMENT LAST REVISED: 02/23/15 POI02



Westwood TYPICAL SOLAR FIXED TILT RACK ELEVATION VIEW LAST REVISED: 06/25/16 ELEV02

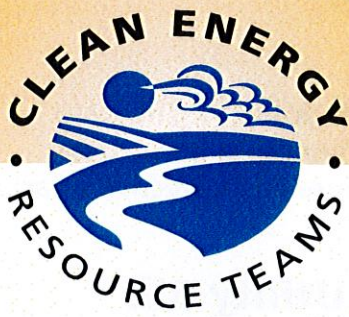
**Arcturus  
 Community Solar  
 Garden, LLC**  
 Le Sueur County, MN

Construction Details

Issued for Permit  
 Not For Construction

Date: 10/03/2017  
 Drawing No: C302





# WHAT IS A COMMUNITY SOLAR GARDEN?

**Community Solar Gardens are centrally-located solar photovoltaic (PV) systems that provide electricity to participating subscribers. Could it work for you?**

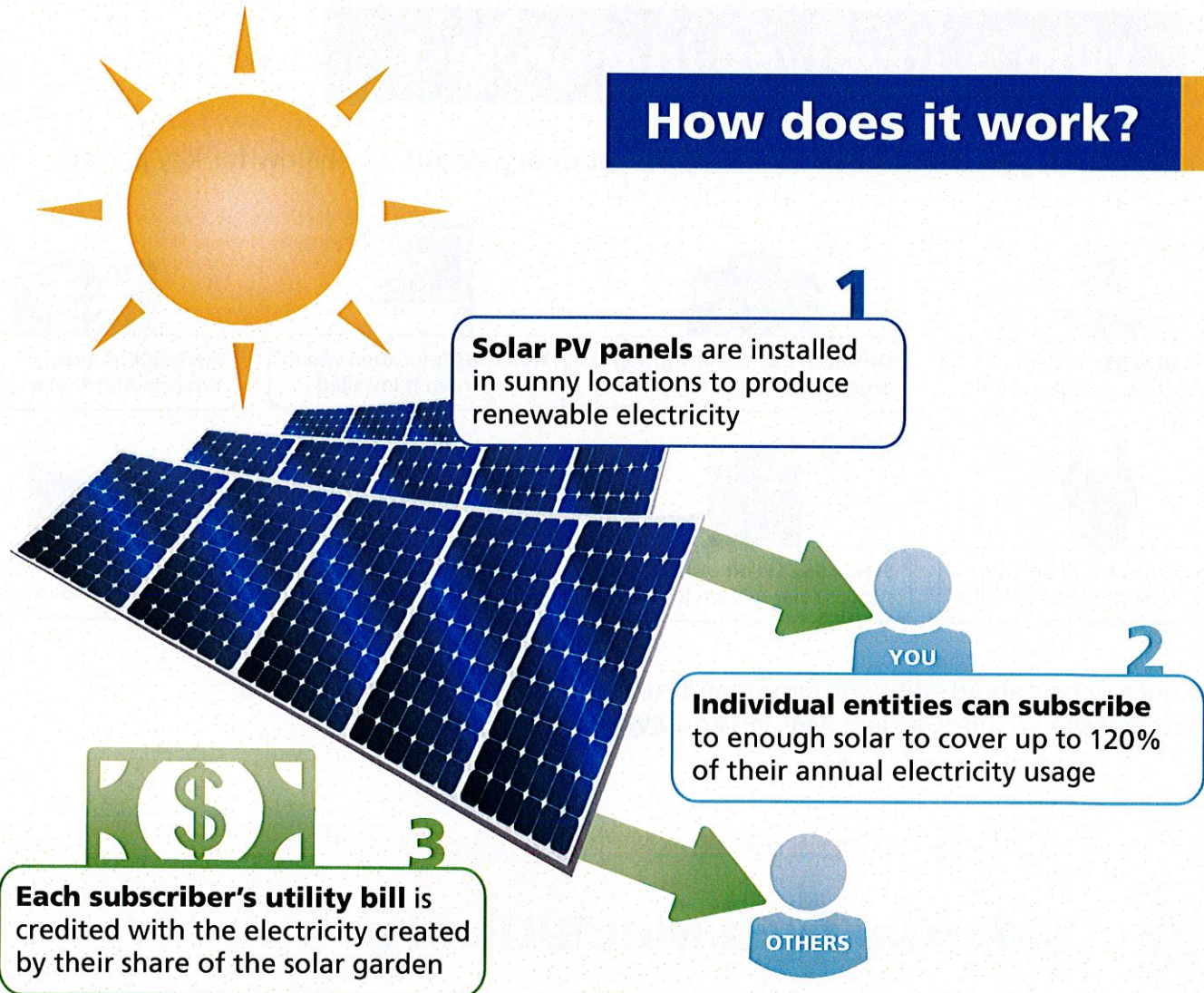
## Q Who is it for & why would I do it?

**Are you interested in going solar but unable to do so on your own?** Perhaps you live in an apartment, have a shaded roof at home, or don't have space at your organization. Now you can join a community solar garden installed near you!

**Community solar gardens are a simple way to go solar.** You purchase an up-front subscription, then soak in the rays (much of Minnesota is as sunny as places like Houston, TX and Tallahassee, FL).

## How does it work?

Q





Q

# How much solar should I get?

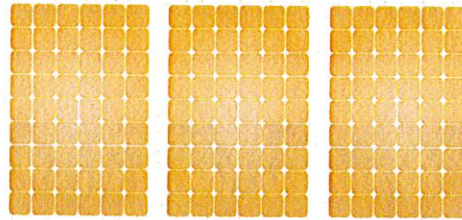
The amount of electricity you use each year helps you decide how much solar to get. Your solar garden subscription can cover up to 120% of your usage. A typical Minnesota home uses 800 kilowatt-hours (kWh) a month. Remember: a more efficient home means more cost-effective solar!

## Electricity Use



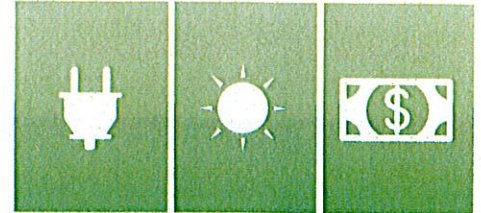
**A typical MN home** uses 800 kWh each month, or 9,600 kWh each year

## Solar Subscription



**4 kW of solar could provide half the electricity** used by the typical MN home

## Utility Bill



**Solar power production** is shown and credited on the subscriber's utility bill

Q

# Who is involved in a project?

As a subscriber, you don't have to worry about every detail. See below for key players.



**SUBSCRIBERS:** individual entities who get solar power



**DEVELOPER:** primary group organizing the solar garden



**HOST SITE:** location where solar garden is installed



**FINANCE:** sources of financing for the project



**UTILITY:** electricity provider\* where solar garden is installed



**SITE ASSESSOR:** expert that studies solar garden location

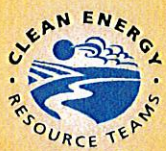


**INSTALLER:** expert that installs the solar garden



**OUTREACH PARTNERS:** groups that find subscribers

\* See more details about utility programs and rules for community solar gardens on our website at [SolarGardens.MnCERTs.org#Who](http://SolarGardens.MnCERTs.org#Who).



Learn more, ask questions & take action:

**SolarGardens.MnCERTs.org**

CERTs: Minnesotans building a clean energy future

**Appendix D**  
**Sample Seed Mixes**

SOLAR ARRAY SEED MIX			
Botanic Name	Common Name	Percent of Seed Mix	Pound Per Arce
<b>Grasses</b>			
<i>Bouteloua curtipendula</i>	Side oats grama	35	
<i>Carex vulpinoidea</i>	Fox sedge	2	
<i>Festuca longifolia</i>	Aurora 2 Hard Fescue	7	
<i>Festuca ovina ssp. Hirtula</i>	Sheeps Fescue	10	
<i>Festuca rubra var. commutata</i>	Shadows 2 Chewing Fescue	6	
<i>Festuca rubra var. commutata</i>	Monulea Chewings Fescue	9	
<i>Festuca rubra var. rubra</i>	Wendy Jean Red Fescue	10	
<i>Festuca rubra var. rubra</i>	Creeping Red Fescue	12	
<i>Koeleria macrantha</i>	Junegrass	1	
<i>Spobobolus heterolepis</i>	Prairie dropseed	1	
<b>Wildflowers</b>			
<i>Aster oolentangiensis</i>	Sky-blue aster	1	
<i>Dalea purpurea</i>	Purple prairie clover	1	
<i>Monarda fistulosa</i>	Wild bergamot	1	
<i>Potentilla argute</i>	Prairie cinquefoil	0.5	
<i>Rudbeckia hirta</i>	Black-eyed Susan	2	
<i>Verbena stricta</i>	Hoary vervain	0.5	
<i>Zizia aurea</i>	Golden Alexander	1	
<b>OPEN AREA SEED MIX</b>			
<b>Grasses</b>			
<i>Bouteloua curtipendula</i>	Side oats grama	25	1.75
<i>Bouteloua Gracilis</i>	Blue grama	10	.70
<i>Bromus kalmii</i>	Prairie Brome	2.5	.18
<i>Elymus villosus</i>	Silky Wild Rye	10	.70
<i>Koeleria macrantha</i>	Junegrass	1.5	.11
<i>Schizachyrium scoparium</i>	Little Bluestem	20	1.40
<i>Sporobolus heterolepis</i>	Prairie Dropseed	6	.42
<b>Forb Species</b>			
<i>Achillea millefolium</i>	Yarrow	0.5	.04
<i>Agastache foeniculum</i>	Fragrant hyssop	0.75	.05

Allium stellatum	Prairie onion	0.5	.04
Asclepias Incarnata	Marsh milkweed	1	.07
Ascepias syriaca	Common milkweed	1	.07
Asclepias tuberosa	Butterfly milkweed	1	.07
Aster oolentangiensis	Sky blue aster	1.25	.09
Aster lateriflorus	Calico aster	1	.07
Aster novae-angliae	New England aster	0.75	.05
Astragalus canadensis	Canada mile vetch	1	.07
Dalea candidum	White prairie clover	2	.14
Dalea purpurea	Purple prairie clover	2	.14
Desodium canadense	Canada tick trefoil	1	.07
Liatris pycnostachya	Prairie blazing star	1	.07
Monarda fistulosa	Wild bergamot	0.75	.05
Penstemon gracilis	Slender beardtongue	0.5	.04
Potentilla argute	Prairie cinquefoil	0.50	.04
Pycnanthemum virginianum	Mountain mint	1	.07
Ratibida pinnata	Yellow coneflower	0.75	.05
Rubbeckia hirta	Black-eyed susan	1.5	.11
Solidago rigida	Stiff goldenrod	1.75	.12
Tradescantia bracteate	Prairie spiderwort	0.50	.04
Verbena hastate	Blue vervian	1	.07
Verbena stricta	Hoary vervain	1	.07
Zizia aurea	Golden alexanders	1	.07
<b>Cover Crop</b>			
Triticum aestivum	Winter wheat	10	10
<b>LOW GROWING MOIST SOILS ARRAY MIX- BWSR PILOT SEED MIX—WETLANDS/STORMWATER BASINS</b>			
<b>Cover Crop</b>			
Avena sativa	Oats	10	
<b>Forb Species – 14.92% total</b>			
Allium stellatum	Prairie Wild Onion		
Anemone canadensis	Canada Anemone		
Asclepias incarnata	Marsh Milkweed		
Euthamia graminifolia	Grass-leaved Goldenrod		
Galium boreale	Northern Bedstraw		
Lobelia siphilitica	Great Lobelia		
Phlox pilosa	Prairie Phlox		
Potentilla arguta	Prairie Cinquefoil		
Pycnanthemum virginianum	Virginia Mountain Mint		



Ratibida columnifera	Prairie Coneflower		
Rudbeckia hirta	Black-eyed Susan		
Sisyrinchium campestre	Field Blue-eyed Grass		
Symphotrichum laeve	Smooth Aster		
Symphotrichum puniceum	Red-stemmed Aster		
Zizia aurea	Golden Alexanders		
<b>Graminoid—28.78% total</b>			
Calamagrostis canadensis	Bluejoint		
Glyceria striata	Fowl Manna Grass		
Leersia oryzoides	Rice Cut Grass		
Poa palustris	Fowl Bluegrass		
<b>Legume—1.92% total</b>			
Astragalus canadensis	Canada Milk Vetch		
Dalea candida	White Prairie Clover		
<b>Sedge—44.18% total</b>			
Carex scoparia	Lance-fruited Oval sedge		
Carex stipata	Common Fox Sedge		
Carex vulpinoidea	Brown Fox Sedge		
Scirpus cyperinus	Woolgrass		

**Appendix E**  
**Access Approval**

October 6, 2017

Conditional Use Permit Application

Page 19 of 22

MINNESOTA DEPARTMENT OF TRANSPORTATION  
APPLICATION FOR ACCESS (DRIVEWAY) PERMIT



Document Management System # 1910364  
 District 7A Permit # 77453  
 C.S. 4012 T.H. 22  
 R.P. MM 61-708  
 (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 <u>Archvus Community Solar Garden, LLC</u>	TELEPHONE <u>952-988-9000</u>	ADDRESS (Street, City, State, Zip) <u>7150 Edenborough Way Ste 725, Eden, MN 55935</u>
PROPERTY OWNER <u>Lundin, LLC</u>	TELEPHONE <u>612-616-7015</u>	ADDRESS (Street, City, State, Zip) <u>4460 Washington Blvd. Madison Lake, MN 56063</u>
LOCATION OF PROPOSED WORK (City/Township) (County) (Distance) (N-S-E-W)	SPECIFIC ROAD INTERSECTION OR LANDMARK	
<u>County RD Highway 102 in Kasota Twp, Le Sueur</u>	<u>0.08 Miles East of Highway 22 off 102</u>	

WILL THIS ACCESS BE WITHIN TRIBAL LANDS?  Yes  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 <u>20</u> Feet	PROPERTY IS IN <input type="checkbox"/> Platted Area <input checked="" type="checkbox"/> Unplatted Area	ZONING FOR PROPERTY IS <u>Ag1</u>
IS BUILDING TO BE CONSTRUCTED <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Specify Type) <u>Solar Farm</u>	WILL BUILDING BE <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent	NUMBER OF PRESENT DRIVEWAYS TO PROPERTY <u>2</u>	
EXACT LOCATION OF PRESENT DRIVEWAY(S) <u>0.08 miles East of Highway 22 off 102</u>	EXACT LOCATION OF PROPOSED DRIVEWAY(S) <u>0.08 miles East of Highway 22 off 102</u>		
LEGAL DESCRIPTION OF PROPERTY <u>Sec 33, TWP-110, Range 26 S4, 33 AC, 25 AC of that part of S4 1/4, 1/2 AC of Hwy 22 S N of RR, S 18.08 AC of SE 1/4 Hwy E of Hwy 22 of abandoned RR, L&amp;S 0.12 AC</u>	WORK TO START ON OR AFTER <u>MARCH 7, 2018</u>	WORK TO BE COMPLETED BY <u>December 31, 2018</u>	

APPLICANT'S ACCEPTANCE, WAIVER AND INDEMNIFICATION

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.

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.

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.

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.

NAME AND TITLE <u>Patrick Smith, Senior Director of Environmental Planning</u>	EMAIL ADDRESS <u>patrick@geronimoenergy.com</u> <u>kara@geronimoenergy.com</u>
DATE <u>8/7/2017</u>	SIGNATURE <i>[Signature]</i>

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

<u>Dec March 31 2018</u> Date All Work To Be Completed By	<i>[Signature]</i> Authorized MnDOT Signature	<u>Aug 23, 2017</u> Date of Authorized Signature
--	--	---

DISTRIBUTION Original to Area Maintenance Engineer Applicant Subarea Supervisor Roadway Regulations Supervisor	DEPOSIT REQUIREMENTS <input checked="" 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)

## ACCESS PERMIT GENERAL INFORMATION

To minimize site plan changes, a plat review shall be approved by the Minnesota Department of Transportation in accordance with Chapter 505 of the Minnesota Statutes and Minnesota Rule 8810 prior to the issuance of any access permit. By this means, construction and maintenance plans for the portion of the trunk highway under consideration may suggest alternate or improved methods or standards of construction or reconstruction to the property owner and/or lessee.

### REQUIREMENTS

- No work under this application shall be started until application is approved and the permit issued.
- Where work on or near the traveled roadway is necessary, proper signs, channelizing devices, warning lights, and barricades shall be erected to protect traffic, employees, and pedestrians. All traffic control devices and methods shall conform to the Minnesota Field Manual on Temporary Traffic Control Zone Layouts, Minnesota Manual on Uniform Traffic Control Devices (MMUTCD), Minnesota Standard Sign Manual, and the appropriate provisions of Standard Specification 1710.
- No foreign material such as dirt, gravel, or bituminous material shall be deposited or left on the road during the construction of driveway or installation of drainage facilities.
- Roadside shall be cleaned to original status upon completion of work.
- After driveway construction is completed the permittee shall notify the Area Maintenance Engineer or his authorized representative that the work has been completed and is ready for final inspection and approval by the Minnesota Department of Transportation.
- No changes or alterations in entrances may be made at any time without written permission from the Minnesota Department of Transportation.

Driveways shall be so constructed as to slope down away from the shoulder line of the trunk highway according to the most recent MnDOT Standard Plate No. 9000. Permission is hereby granted for the construction of the driveway as described in the above application, said driveway to be constructed in accordance with MINNESOTA RULES 8810.41 - 8810.56 and subject to the above requirements and the special provisions.

**SECURITY DEPOSIT** may be required to insure proper restoration of highway surfaces and to cover payment for any damage to highways or State property. Additionally, any expense incurred by the Minnesota Department of Transportation above the posted deposit will be assessed against the applicant. In the event construction has not been started by the "WORK TO BE COMPLETED BY" date, this permit becomes null and void and deposit refunded.

**Appendix F**  
**Township Notification**

October 6, 2017

Conditional Use Permit Application

Page 20 of 22





September 22, 2017

Mr. Daren Barfknecht  
33857 Skyview Ridge  
St. Peter, MN 56082

**Reference: Conditional Use Permit for Solar Project Development**

Dear Mr. Barfknecht,

We are writing to inform you of a conditional use permit (CUP) submittal for Arcturus Community Solar Garden, LLC. The project is located in Kasota Township, Section 33, Township 110-North, Range 26-West. This project is locally permitted through Le Sueur County and all official documentation related to the hearings are to come from the County. Per County requirements the Project is required to notify the Township of their submittal.

Geronimo Energy is headquartered in Minneapolis, Minnesota, with satellite offices located in southwest Minnesota, North Dakota, South Dakota, Colorado, Illinois, New York and Michigan. Geronimo Energy has developed over 1,600 MWs of wind and solar projects that are currently either under construction or operational. With deep roots in agriculture, Geronimo prides itself on developing renewable energy projects that are farmer-friendly, community-driven, and beneficial for rural communities.

We thank you for the opportunity to present the Project to the township board on September 11, 2017 at the regularly scheduled meeting. We continue to look forward to working with you and the community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kara Bakke", is written over a light blue horizontal line.

Kara Bakke  
Junior Permitting Specialist  
[kara@geronimoenergy.com](mailto:kara@geronimoenergy.com)  
952-358-5664

7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001  
[www.geronimoenergy.com](http://www.geronimoenergy.com)

**Appendix G**  
**Certification of Insurance**

October 6, 2017

Conditional Use Permit Application

Page 21 of 22



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
9/12/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

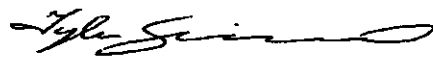
<b>PRODUCER</b> Christensen Group Insurance 11100 Bren Road West  Minnetonka MN 55343	<b>CONTACT NAME:</b> Kelly Preston <b>PHONE (A/C No, Ext):</b> (952) 653-1000 <b>FAX (A/C No):</b> (952) 653-1100 <b>E-MAIL ADDRESS:</b> kpreston@christensengroup.com																				
	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>Westchester Fire Ins. Co.</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td>ACE American Insurance Company</td> <td>123456</td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Westchester Fire Ins. Co.		INSURER B:	ACE American Insurance Company	123456	INSURER C:			INSURER D:			INSURER E:			INSURER F:	
INSURER(S) AFFORDING COVERAGE		NAIC #																			
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INSURER B:	ACE American Insurance Company	123456																			
INSURER C:																					
INSURER D:																					
INSURER E:																					
INSURER F:																					
<b>INSURED</b> Arcturus Community Solar Garden, LLC 7650 Edinborough Way Ste 725  Edina MN 55435																					

**COVERAGES**                      **CERTIFICATE NUMBER:** 17-18 - **LIABILITY** -                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			G27460628004	7/1/2017	7/1/2018	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							Employee Benefits	\$ 1,000,000
B	AUTOMOBILE LIABILITY  <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			PMUH0845727A	7/1/2017	7/1/2018	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			G281138477002	7/1/2017	7/1/2018	EACH OCCURRENCE	\$ 4,000,000
							AGGREGATE	\$ 4,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  Le Sueur County Attn: Kathy Brockway 88 South Park Avenue Le Center, MN 56057	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Tyler Simmons/KP 
---	--

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ACORD 25 (2014/01)  
INS025 (201401)

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**Appendix H**  
**Decommissioning Plan**

October 6, 2017

Conditional Use Permit Application

Page 22 of 22





## Arcturus Decommissioning Plan

### Timeline

The decommissioning will occur at the end of the photovoltaic system's useful life or when the system has not been in use for twelve (12) consecutive months. Decommissioning is estimated to take two to three months to complete and the decommissioning crew will ensure that all equipment is recycled or disposed of properly.

### Financial Resource Plan

Based on current recycling costs and salvage values, the cost of decommissioning the project will be \$25,000 per MW. Arcturus will establish an escrow or post a letter of credit prior to construction.

### Shutdown/Disconnection

Shut down system at all disconnect points (disconnect switch within fence and disconnect at switch gear). NOTE: Per contract, utility has the ability to disconnect solar array from the utility's power grid for emergency purposes.

### Removal and Disposal of Site Components

The removal and disposal details of the site components are found below. All removal and disposal of equipment shall meet the requirements of the Le Sueur County's Solid Waste Ordinance.

- **Modules:** Modules inspected for physical damage, tested for functionality, and removed from racking. Functioning modules packed and stored for reuse (functioning modules may produce power for another 25 years or more). Non-functioning modules packed and palletized and sent to the manufacturer or a third party for recycling.
- **Racking:** Racking uninstalled, sorted, and sent to metal recycling facility.
- **Poles:** Steel poles removed and sent to a recycling facility. Holes backfilled.
- **Wire:** All wire sent to facility for proper disposal and recycling.
- **Conduit:** Above-ground conduit disassembled onsite and sent to recycling facility.
- **Junction boxes, combiner boxes, external disconnect boxes, etc.:** Sent to electronics recycler.
- **Inverter:** Sent to manufacturer and/or electronics recycler. Functioning parts can be reused.
- **Concrete pad(s):** Sent to concrete recycler.
- **Fence:** Sent to metal recycling facility.
- **Computers, monitors, hard drives, and other components:** Sent to electronics recycler. Functioning parts can be reused.

7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001  
[www.geronimoenergy.com](http://www.geronimoenergy.com)





**Restoration/Reclamation of Site**

After all equipment is removed the site will be restored to its pre-installation status. Holes created by poles, concrete pads, and other equipment will be filled in with soil to existing conditions and seeded. This will include the re-vegetation of the site.

7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001  
[www.geronimoenergy.com](http://www.geronimoenergy.com)

# **Le Sueur County, MN**

**Thursday, November 9, 2017**

**Regular session**

## **Item 2**

**Ledvina**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Derrick Ledvina Owner: Richard Ledvina

**911 ADDRESS:** 46437 Cape Horn Road, Cleveland MN 56017

**PROJECT DESCRIPTION:** Allow grading, excavating and filling of approximately 44 cubic yards of material in the shore impact zone, 76 cubic yards outside the shore impact zone, 40 cubic yards in the bluff, 80 cubic yards in the bluff impact zone; construct 2 retaining walls in the bluff for the construction of a septic system located in the bluff.

**VARIANCE GRANTED 10-19-2017:** To install a septic tank 0 feet from the dwelling, and within the bluff; install a septic drainfield 2 feet from the dwelling, 0 feet from the property line, 50 feet from the Ordinary High Water Level (OHWL)

**ZONING ORDINANCE SECTIONS:** 13.2, 18

### DISTRICT PURPOSE:

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

**GOALS AND POLICIES:** The current Land Use Plan as adopted in 2007 references to bluff setbacks & water quality.

<b>GOAL #2:</b>	<b>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 resources areas.</b>
<b>Objective 1:</b>	The County should continue its preservation of significant bluff areas and river valleys through its use of Conservancy Zone.
<b>Action 3:</b>	Amend the County's Zoning controls to require all structures to meet a 30' setback from the top of a bluff.

<b>GOAL #3:</b>	<b>Improve water quality in Le Sueur County.</b>
<b>Objective 1:</b>	The County will undertake actions to help protect groundwater as well as surface water features.
<b>Action 2:</b>	The County will take leadership in initiating a wastewater or septic replacement program.
<b>Strategy #2:</b>	Septic replacement program in areas with space to accommodate this type of improvement program.

### DEFINITIONS:

**Bluff** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**Bluff, Toe** - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff, Top** - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

**Bluff Impact Zone (BIZ)** - Land located within 30 feet from the top or toe of a bluff.

**Shore Impact Zone (SIZ)** - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

**SITE INFORMATION**

**LOCATION:** Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township.

**ZONING:** Recreational Residential "RR"

**GENERAL SITE DESCRIPTION:** Shoreland, residential

**ACCESS:** Existing

**EXISTING LAND USE WITHIN ¼ MILE:**

North:	Residential	South:	Residential
East:	Lake Jefferson	West:	Residential

**TOWNSHIP BOARD NOTIFICATION**

The applicant notified John Kluntz, Cleveland Township Board member on September 11, 2017.

**NATURAL RESOURCES INFORMATION**

**SHORELAND:** The proposal is located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

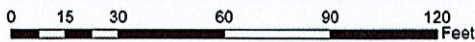
**ATTACHMENTS**

Application, Criteria Form, Narrative, Survey, Variance minutes, Erosion Control Plan, Letter from Joshua Mankowski, LSC Resource Specialist.

**AERIAL PHOTO/SITE PLANS**

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**

NAME: Richard Ledvina  
 PID: 01-500-0030  
 DATE: 08-04-17  
 FIRM #: 27079C0270D  
 F-Zone: X-Outside  
 RFPE: na  
 District: Recreational Residential

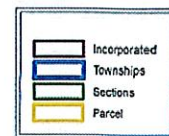


**Map Disclaimer**  
 "Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, 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

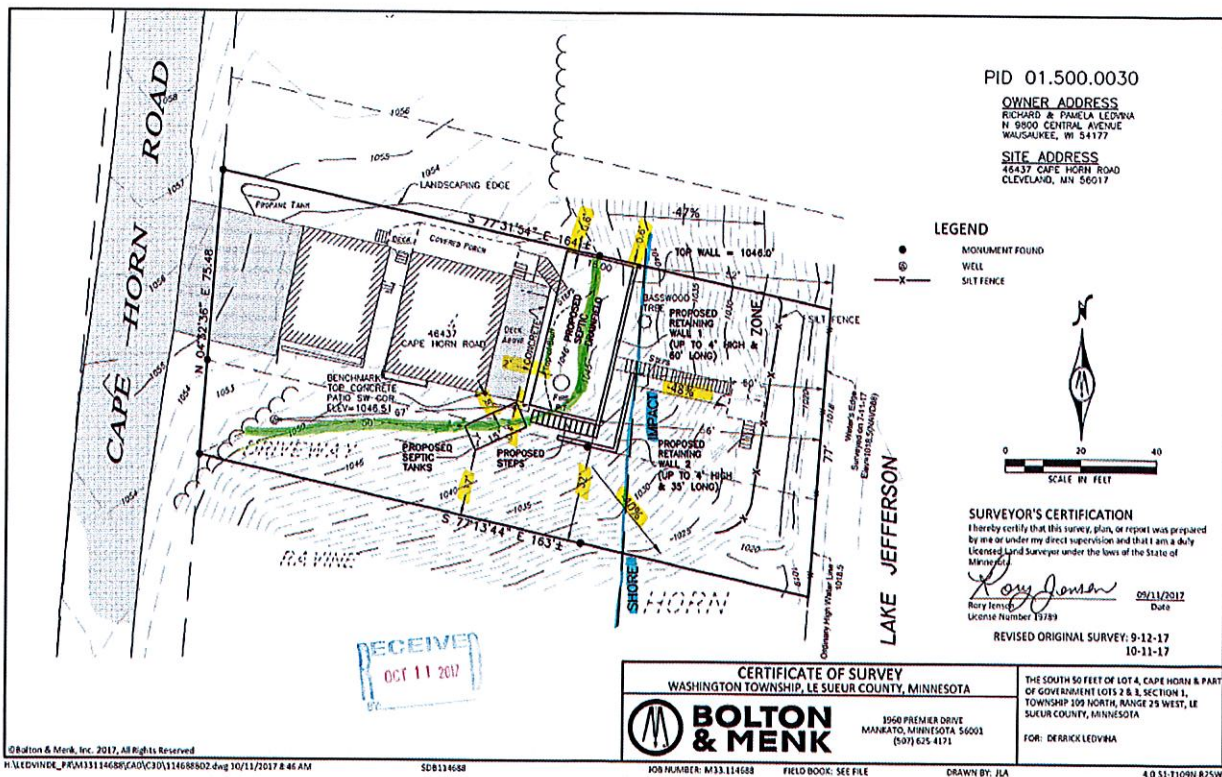
Photo dated April/May 2013

Created By: MRM



**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
507-357-8538





**PLANNING AND ZONING COMMISSION CONSIDERATIONS**

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

**PLANNING AND ZONING COMMISSION CONDITIONS**

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

**PLANNING AND ZONING COMMISSION FINDINGS**

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

***Recommend (circle one) approval / denial / table / of Conditional Use Permit.***

# Le Sueur County

## Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. **Applicant:**  
Name Derrick Ledvina  
Mailing Address 46437 Cape Horn Rd  
City Cleveland State MN Zip 56017  
Phone # 808-357-4276 Phone # Same

II. **Landowner:**  
Name Richard Ledvina  
Mailing Address 46437 Cape Horn Rd  
City Cleveland State MN Zip 56017  
  
Property Address "as above"  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. **Parcel Information:**  
Parcel Number 01.500.0030 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Cleveland Section 1  
Subdivision Cape Horn Lot 4 Block 1

IV. **Township Notification:** Township must be notified of proposed use prior to application.

Cleveland Township notified on 09/11/17  
(Township Name) (Date)

Board Member John Klentz regarding the proposed use.  
(Name)

V. **Quantities and Submittal Formats:**

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are 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.**
- Applications will not be accepted by mail.**



1



**VI. Fees: Must be paid at the time of application.**

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.  
Filing Fee \$ 46

**Additional Fees:**

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

**VII. Type of Request: Grading, Excavating or Filling.**

**Non-Shoreland** Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Cubic yards of material movement: \_\_\_\_\_  
**TOTAL cubic yards of material movement:** \_\_\_\_\_

**Shoreland- Outside Shore Impact Zone** Cubic yards of material movement: 76 yards  
 Within Shore Impact Zone Cubic yards of material movement: 44 yards  
 Within Bluff Impact Zone Cubic yards of material movement: 80 yards  
 Within Bluff Cubic yards of material movement: 40 yards  
**TOTAL cubic yards of material movement:** \_\_\_\_\_

Assurance security shall be required for projects that are >1500 cubic yards.

**VIII. Description of Request:**

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached. - *see attached sheet*
- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: \_\_\_\_\_
2. ADVERSE IMPACT ON SURROUNDING AREAS: \_\_\_\_\_
3. STORMWATER RUNOFF: \_\_\_\_\_
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: NO
5. WETLAND IMPACT: 0 -> no impact
6. SLOPE STABILITY: \_\_\_\_\_
7. CERTIFICATE OF INSURANCE: \_\_\_\_\_
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) \_\_\_\_\_

**IX. Site Plan: Shall include but not limited to the following:**

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.  
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- |                                      |           |                       |                            |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point                        | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks                           | • River   | • Proposed Structures | • Well                     |
| • Property Lines                     | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way                  | • Stream  | • Ponds               | • Easements                |
| • Landscape, screening and buffering |           |                       | • Drainage                 |

**Site plan & As-Built must be completed by a surveyor or professional engineer.**





See attached sheet

X. **Restoration Plan:** Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD))*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Distircts)*
  - Root zone of existing trees shall be preserved and protected during development.
  - Replace one tree for every tree that is removed.
  - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. **Attachments:** Shall include but not limited to:

- a. **Description of Request**-See Part VIII for full details and requirements.
- b. **Site Plan**-See Part IX for full details and requirements.
- c. **Full Legal Description**-Not abbreviated description from tax statement.
- d. **Access approval**-Attach approval in writing from proper road authority.
- e. **Township Notification**-See Part IV for details and requirements.
- f. **Septic System Compliance Inspection**
- g. **Erosion Control Plan**-Attach completed and signed plan including map.
- h. **Restoration Plan**-See Part X for full details and requirements.
- i. **Approved Stormwater Pollution Prevention Plan**  
-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII. **Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the finings and recommendations of the Planning Commission to the County Board for final decision.

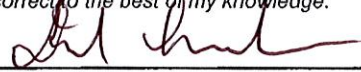
Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.


XIII. **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.*

  
Applicant signature

10/05/17  
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.*

  
Property Owner signature

10-05-17  
Date

RECEIVED  
OCT 09 2017  
BY: \_\_\_\_\_

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17404

**Applicant:** DERRICK LEDVINA

**Land Owner:** RICHARD LEDVINA

**Conditional Use Permit Request:** TO ALLOW GRADING, EXCAVATING, AND FILLING OF APPROXIMATELY 44 CY IN THE SIZ; 76 CY OUTSIDE THE SIZ, 40 CY IN THE BLUFF, 80 CYS IN THE BIZ; CONSTRUCT 2 RETAINING WALLS IN THE BLUFF FOR A SEPITC SYSTEM LOCATED WITH THE BLUFF.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

**Explain** \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

**Board of Adjustment minutes October 19, 2017**

**ITEM #3: DERRICK LEDVINA, CLEVELAND, MN, (APPLICANT); RICHARD LEDVINA, WAUSAUKE, WI, (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the dwelling, and within the bluff; install a septic drainfield 4 feet from the dwelling, 0 feet from the property line, 50 feet from the Ordinary High Water Level (OHWL) and within the bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson . Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, BLUFF, PROPERTY LINE & OHWL SETBACKS.**

Wayne James, James Brothers Construction, representing the applicant was present for application. Township: No comments. DNR: No comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: hired a new surveyor, changed location, neither option is the greatest, but this option is better, concerns with bluff stabilization, will go into more detail when applying for the Conditional Use Permit, working with an engineer, required to go through the conditional use permit process, well location, holding tank option, year round home, road restrictions, lots were meant for seasonal use, small lot, how to access the property, type of wall construction, block suppliers speculations, Joshua Mankowski commented on this variance but didn't comment on the last one, variance granted in August still valid, which is the best option.

Motion was made by Jim Mladek to approve the application. Seconded by Jeanne Doheny, understands where Fritz Cummins is coming from, but feels this is a better option than the previous request. Motion approved. Motion carried 2-1.



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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/26/2017

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

---

**Applicant:**

Derrick Ledvina

**Property owner:**

Richard Ledvina

**Property:**

01.500.0030

**Description:**

Request for a Conditional Use Permit to allow Grading, Excavating, and Filling of approximately 44 cubic yards in the Shore Impact Zone, 76 cubic yards outside the Shore Impact Zone, 40 cubic yards in the Bluff, 80 cubic yards in the Bluff Impact Zone, construct two retaining walls In the Bluff for a septic system located within the Bluff.

**Recommendation:**

It would be my recommendation to deny this application for the following reasons.

1. Retaining wall would not be able of have drain tile to provide for proper drainage, a leading reason why retaining walls fail. The drain tile would not be an option because this would allow untreated effluent from the system to drain directly to the lake.
2. There is a definite risk of hydraulic loading on the walls and the bluff. With all the rain the County received in 2016, we saw a number of bluffs sluff into the lake for no other apparent reason then hydraulic loading. This permit would allow for a drainfield to be installed in a bluff, supported by retaining walls.
3. If there was a failure of the bluff or the retaining wall, the hazardous material will be deposited in the lake.
4. Water doesn't just have vertical flow. Any possible horizontal flow of untreated effluent could seep out of the bluff into the lake.
5. There is an alternative option to installing a drainfield in the bluff, a holding tank. This is not an option favored by the applicant of the homeowner, but it is a fully viable option.

**If you decide to grant approval:**

1. If you do decide you want to approve this application, table the application until the applicant can obtain an engineering certificate to ensure that the design is sound and that wall and bluff stability will be maintained.

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist

## VIII. Description of request

a.) I am applying for a conditional use permit (CUP) for placement of a pressurized septic system at the property of 46437 Cape Horn Rd. Cleveland, MN 56017. The variance application for the septic system plan was approved in October 2017. The CUP is required for the following reasons. 1. Septic system partially placed in a bluff 2. Two-4ft tall retaining walls built into the bluff (for extra septic system stability) 3. Partial re-routing of current stairwell around retaining walls 4. Grading/excavation/fill (GEF) within the bluff.

The pressurized septic system will be placed on top of the bluff (where this is no slope) which is currently a flat partial backyard for the property free of vegetation/trees. Additionally, the pressurized system will extend slightly onto the bluff (where this is a slight slope). The slope angle in this area is only 3%. Where the pressurized system extends into the bluff, two-tiered retaining walls will be built to support the system and drain field. The first wall will measure 4' x 60' to support the septic system in bluff impact zone. This wall will be backfilled with tile rock. Specifically, the wall will consist of 12-18" of tile rock with 2' of fill over that and 12" of black dirt on top of the fill. Specific measurements for BIZ (also see sheet attached) = 12 yards tile rock, haul in 42 yards washed sand, 18 yards of fill dirt. Excavate 8 yards out of dirt for wall and use on site for septic placement. Total BIZ movement = 80 cubic yards. Within bluff, 40 cubic yards of dirt will be moved to support septic system placement.

For the second wall, which will measure 4' x 35', SIZ = 6 cubic yards tile rock, haul in 2 cubic yards of black dirt for flower bed, haul in 22 cubic yards of fill, move 14 yards of dirt already on-site. Total SIZ cubic yards of movement = 44 cubic yards. Total cubic yards of material movement outside SIZ = 76 cubic yards. The total movement of overall material will = 120 cubic yards. Overall, there will be no fill removed from the site. As previously stated walls will serve as flower beds once construction is complete. Due to the placement of the retaining walls, the existing stairwell leading from the top of the bluff to the shoreline (wood steps) will be slightly re-routed around the wall to the south side of the bluff. No significant vegetation impact will occur with the re-routing of a small section of the steps/stairwell. Finally, the following equipment will be utilized to bring in/remove fill for the project: Track equipment to prevent compaction on site and track skid loader and mini excavator will also be utilized.

b.)

1. Little to no significant environmental impact will occur to surrounding areas. A few small trees (dead) will be removed for the septic system and retaining wall(s) placement, however flowers will be planted within the walls to replace removed vegetation. Some ferns/weeds will be affected as well to create a path down the bluff for machinery to enter the property and perform GEF, however grass will be re-planted in such areas. Weeds will regrow naturally as well. No impact will occur to





- surrounding areas of the property.
2. See b) 1. Above
  3. Storm water run-off will be slowed down by the retaining wall and flower bed placement, and septic system install. Additionally, silt-fencing and wood chips will also be placed in the area of septic placement. Currently, dirt/sand occupies the backyard where the septic and retaining walls will be constructed. Grass and flowers will be planted in this area once the septic system is installed, thereby further reducing any potential of soil erosion from occurring.
  4. No/Not applicable
  5. No/Not applicable
  6. The septic system will be placed on a flat area on top of the bluff. A portion of septic system/drain field will extend slightly into the bluff where there is a minimal slope (only 3%). Due to the minimal slope gradient, extra stability will be created by the use of a tiered retaining wall system consisting of two-4ft tall walls. Furthermore, the septic will be built against a large existing tree, however the system will be stable on its own (the tree is just a bonus for extra stability). As stated above, silt fencing, wood chips, and plants will also be used to prevent erosion in this area.

**Restoration Plan:** As noted above, minimal impact to the construction area will occur. Where there is impact, as noted above in the description of request and VIII part b, grass, flowers, wood chips and wood fiber blankets will be placed in the area of construction to restore the natural aspects of the area. If the requirement is to replace already dead trees with new trees, then new trees will be planted for the possible few that will be removed.



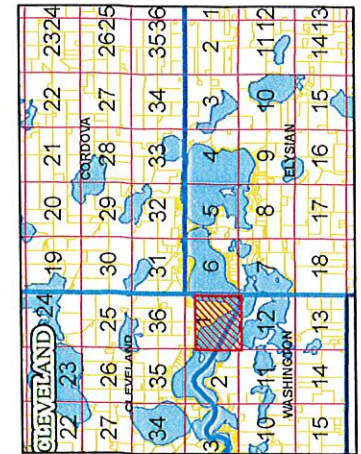






# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

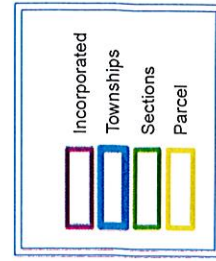
NAME: Richard Ledvina  
 PID: 01.500.0030  
 DATE: 08-04-17  
 FIRM #: 27079C0270D  
 F-Zone: X-Outside  
 RFPE: na  
 District: Recreational  
Residential



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.  
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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



PID 01.500.0030

OWNER ADDRESS  
RICHARD & PAMELA LEDVINA  
N 9800 CENTRAL AVENUE  
WAUSAUKEE, WI 54177

SITE ADDRESS  
46437 CAPE HORN ROAD  
CLEVELAND, MN 56017

LEGEND

- MONUMENT FOUND
- ⊙ WELL
- X— SILT FENCE



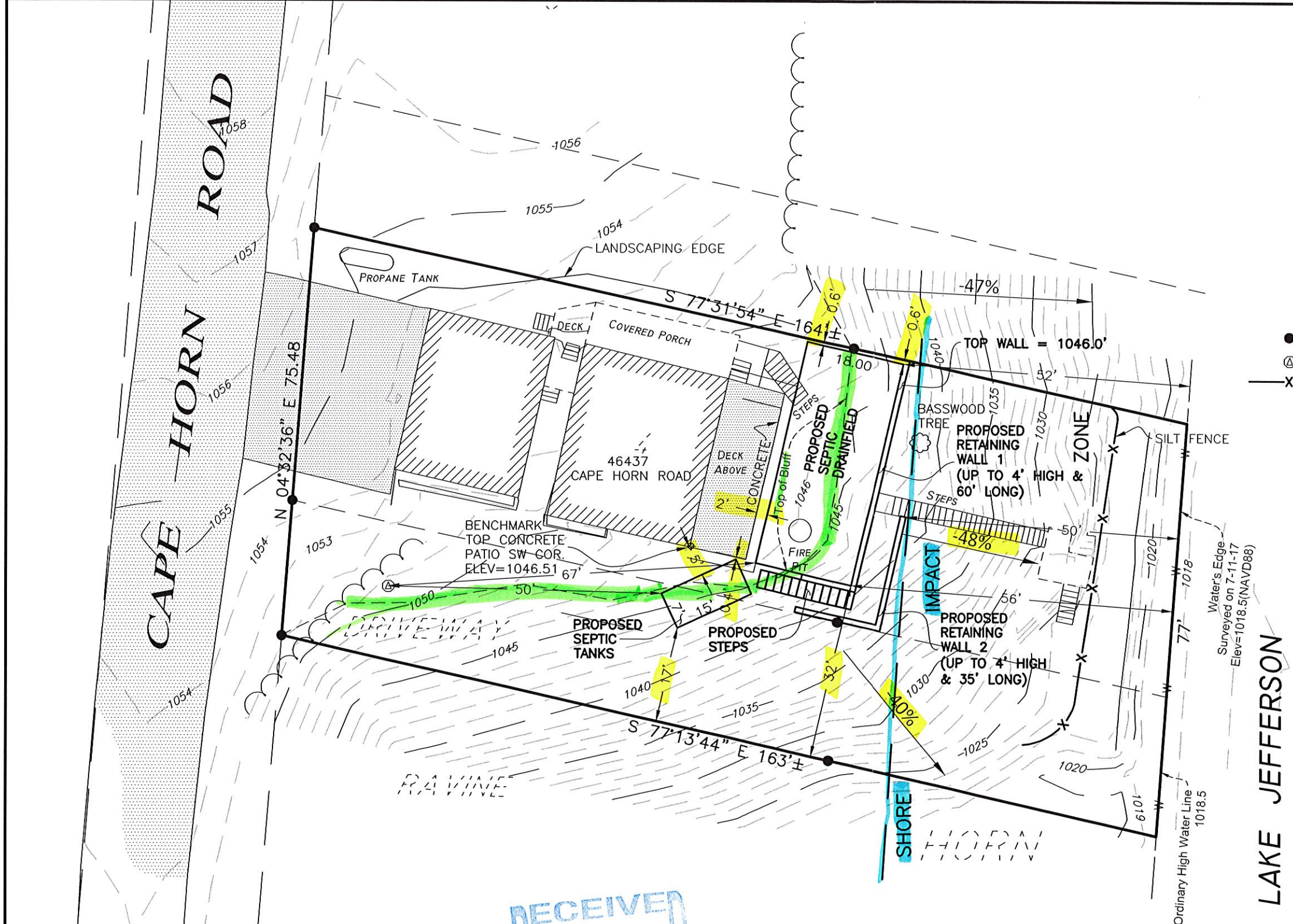
SURVEYOR'S CERTIFICATION

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

*Rory Jensen*  
Rory Jensen  
License Number 19789

09/11/2017  
Date

REVISED ORIGINAL SURVEY: 9-12-17  
10-11-17



RECEIVED  
OCT 11 2017  
BY: \_\_\_\_\_

<b>CERTIFICATE OF SURVEY</b> WASHINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		THE SOUTH 50 FEET OF LOT 4, CAPE HORN & PART OF GOVERNMENT LOTS 2 & 3, SECTION 1, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA  FOR: DERRICK LEDVINA
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	



LE SUEUR COUNTY ENVIRONMENTAL SERVICES  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057-1620  
(507) 357-2251  
FAX (507) 357-8541

Erosion and Sediment Control Plan

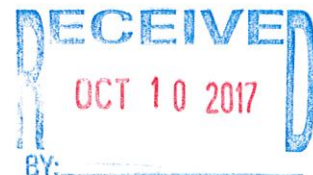
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Richard Ledvina PID: \_\_\_\_\_  
Mailing Address: 46437 Cape Horn Rd Cleveland, MN 56017  
Property Address: As above  
Phone: (808) 357-4276 Mobile/Cell: ( )

Responsible party for Implementation/Inspection: James Bos, Construction  
Address: PO Box 59  
Phone: (507) 267-4789 Mobile/Cell: (507) 380-6323

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.



11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

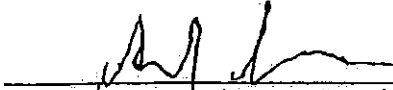
#### Inspection and Maintenance

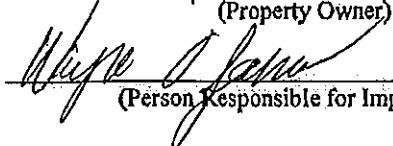
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

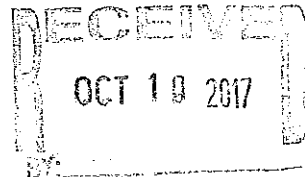
  
\_\_\_\_\_  
(Property Owner)

  
\_\_\_\_\_  
(Person Responsible for Implementation)

10/10/17  
(Date)

10/10/17  
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.





PID 01.500.0030

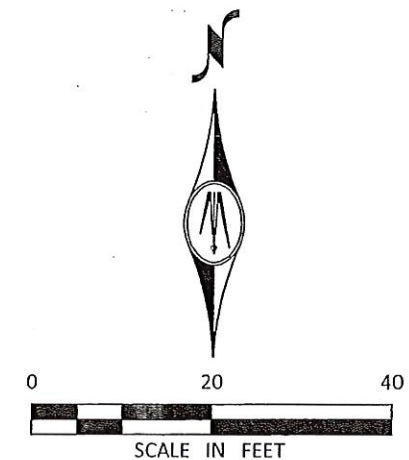
OWNER ADDRESS  
RICHARD & PAMELA LEDVINA  
N 9800 CENTRAL AVENUE  
WAUSAUKEE, WI 54177

SITE ADDRESS  
46437 CAPE HORN ROAD  
CLEVELAND, MN 56017

RECEIVED  
OCT 11 2017  
BY:

LEGEND

- MONUMENT FOUND
- ⊙ WELL



SURVEYOR'S CERTIFICATION

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

*Rory Jensen*  
Rory Jensen  
License Number 19789

09/11/2017  
Date

REVISED ORIGINAL SURVEY: 9-12-17

<b>CERTIFICATE OF SURVEY</b> WASHINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		THE SOUTH 50 FEET OF LOT 4, CAPE HORN & PART OF GOVERNMENT LOTS 2 & 3, SECTION 1, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA  FOR: DERRICK LEDVINA
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

*Good one*

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JOB NUMBER: M33.114688

FIELD BOOK: SEE FILE

DRAWN BY: JLA

4.0 S1-T109N-R25W



## Bluffs and Steep Slopes

Bluffs and steep slopes are topographic features of special concern in shoreland areas due to their fragile and sensitive natures. With respect to regulation by the Shoreland Management Program, topographic features lying wholly or partly within the shoreland area and having the following characteristics are defined and regulated as **bluffs**:

- The slope rises at least 25 feet above the ordinary high-water level of the water body;
- The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- The slope must drain toward the water.

An area with an average slope of less than 18 percent over a distance of 50 feet or more is not considered part of the bluff.



Figures 1 and 2. The pictures above and below show the potential for sedimentation in surface water when vegetation has been removed from a slope.



### Importance of Protecting Bluffs and Steep Slopes

Erosion associated with bluffs and steep slopes is a natural process, but even the simplest activities can accelerate erosion and threaten slope stability. People walking on the hillside or even the family dog running up and down the slope can create a bare soil path that concentrates water running down the slope and initiates cutting. Gully erosion can cut deeply into steep slopes during a single rainfall. Tons of soil can

**Steep slopes** are defined as land where agricultural activity or development is not recommended or considered poorly suited because of slope steepness and the site's soil characteristics. Where site-specific information is unavailable, steep slopes are defined as lands having average slopes of between 12 percent and 18 percent over a distance of 50 feet or more.

During the development of the 1989 shoreland standards, the Department of Natural Resources recognized that bluffs and steep slopes were sensitive areas and, therefore, developed performance standards to mitigate impacts that could result from activities on these areas.

### Protection of Shoreland Areas

Managing bluffs and slopes effectively requires local government controls. These include zoning for compatible land uses, implementing appropriate bluff setbacks for structures, and requiring modern erosion control and stormwater management measures that are necessary to preserve the integrity of steep slopes and bluffs and provide for the public safety. These preventative measures also preserve property values; minimize the visual impact of artificial features; and preserve native vegetation that stabilizes slopes, protects water quality, and provides habitat for wildlife.



flow rapidly into a lake or river below a steep slope. Property values and water quality can drop quickly from such impacts. In siting a house location, many property owners target the edge of a bluff since it can provide a striking view of a lake or stream. In that location, the weight of the home and runoff from the roof and driveway put more pressure on the steep slopes. This can lead to sudden slope failure. Property owners should also think about the amount of useable yard space before the slope drops off to the water. Removing natural vegetation, reshaping the slope to create level areas, terracing with retaining walls, and many other activities can destabilize the delicate balance that undisturbed soil and native vegetation provide.

### **Bluff Impact Zone**

The bluff impact zone is defined as the bluff and the land located within 20 feet of the top of the bluff and is considered to be the area most susceptible to degradation from activity. All structural development is excluded from this zone except for stairways, lifts, and landings. There should be little if any shoreland alteration needed or allowed. Native vegetation and undisturbed slopes help to avoid erosion and slumping.

Bluffs and steep slopes are sensitive resources that are susceptible to damage if not properly managed. Impacts can be measured in both physical and aesthetic terms. Physically, development can dramatically affect a previously stable slope with increased weight on the slope, increased runoff from impervious surfaces, and saturation from septic systems. Aesthetically, development on bluff tops can affect the natural character of this unique topographical feature. Setbacks from bluffs are needed in order to protect the bluff from adverse impacts of development, construction encroachment, and other activities. A bluff impact zone should be established for preservation and management of critical vegetation and soils. All structural development would be excluded from this zone except for essential stairways, lifts, and landings. Consequently, a well-managed bluff impact zone can minimize or prevent future erosion problems.

### **Stormwater Management Issues**

The importance of managing site drainage and precipitation runoff from natural and impervious surfaces cannot be overstated. The landowner, developer, and the contractors must plan for and manage runoff where bluffs or steep slopes are nearby. Developing a lake lot generates great amounts of runoff from the increase in impervious surfaces. Directing excess water to a lake or river may be a big mistake because water that flows over bluffs or steep slopes will cause erosion problems. Designing the site so infiltration is promoted and runoff is directed away from the steep areas is crucial to protecting our lakeshores. Restoration of failed bluffs and steep slopes can be extremely expensive; often the repaired hillside is not as stable, so recurrent erosion becomes more likely.

### **Alterations to Vegetation and Topography**

Local governments must control alterations to vegetation and topography since negligent decisions concerning soil and vegetation management will adversely affect natural resources, especially in bluff areas. Only where grading and filling are absolutely essential should local permits be issued. Many communities do not permit walkout home construction or "daylighting" structures in the shoreland setback zone or in the bluff impact zone.

Additionally, intensive vegetation clearing is not allowed in shore and bluff impact zones or in steep slope areas. Limited clearing of trees and shrubs or cutting, pruning, or trimming vegetation is allowed to accommodate the placement of stairways, picnic areas, access paths, beach and watercraft access areas, or water-oriented accessory structures. Pruning is also allowed to provide a view to the water from the home; in this circumstance, property owners should wait until their homes are built so they can look out their windows and see where views may be too obstructed.

Vegetation is important to bluff and steep slope stability in several ways:

- Vegetation directly removes water from the soil layers.
- Root systems, especially those of native vegetation, hold soil in place.
- Vegetation softens the impact of raindrops, which otherwise can jar loose soil particles.
- Vegetation slows runoff, filters suspended sediments, and encourages infiltration.
- Vegetation consumes nutrients in runoff water or in the soil profile, which would otherwise degrade the shoreland water quality.

Performance standards should be specified as a condition of permits allowing vegetation alterations in the bluff impact zone and on steep slopes.

Permits are not needed for the grading or filling of the topography in shore and bluff impact zones and on steep slopes that involve less than 10 cubic yards of material. Projects involving more than 10 cubic yards need permits.

#### **Recommendations**

The Department of Natural Resources strongly discourages any alteration of bluff and steep slope areas. This declaration is due to the sensitivity of these areas and the potential cumulative impacts on lakes, rivers, and streams from unnecessary or poorly planned and designed land alterations. Preserving natural, dense, and deep-rooted vegetation and preventing grading and site drainage activities that would destabilize these areas are important goals in properly protecting and managing these areas for the benefit of the property owner and our irreplaceable water resources. The purpose of a progressive shoreland management ordinance is to protect the beauty and value of the resources for all current and future residents. The desires of individuals to alter these highly sensitive areas need to be placed below the broader public need to protect the bluffs, steep slopes, and waters for present and future generations when requests will lead to direct or cumulative harm of the resource.



14



# **Le Sueur County, MN**

**Thursday, November 9, 2017**

**Regular session**

## **Item 1**

**Approved November 9, 2017 Minutes**

Staff Contact: Kathy Brockway or Michelle Mettler



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**November 9, 2017**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz

**MEMBERS ABSENT:** Commissioner Wetzel

**OTHERS PRESENT:** Kathy Brockway

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

**ITEM #1: ARCURUS COMMUNITY SOLAR GARDEN LLC, EDINA, MN, (APPLICANT); LUNDIN LLC (LUNDIN FAMILY LLC), MADISON LAKE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW solar garden in an Agriculture "A" District and Mineral Resources "MR" Overlay District. Property is located in the SE quarter of Section 33, Kasota Township.

Kathy Brockway presented power point presentation. Kara Bakke and Andrew Catania, Geronimo Energy were present for application.

TOWNSHIP: Notified through the application process. DNR:N/A LETTERS: none

PUBLIC COMMENT: **Josh Harbitz**, landowner, questioned screening of site, plantings, glare, noise, property values decreased, purchased property in an Agricultural area. **Jeff Gunderson**, adjacent landowner, mining vs. solar energy, glare, aesthetics of the area. **Terry Overn**, representing the Lundin Family and SMC, discussed the mining permitted in the area, land currently rented out as ag land alternate cropping, screening.

Discussion was held regarding: presentation by Geronimo Energy representatives explaining the solar energy projects throughout the State, several sites permitted and under construction in Le Sueur County, bonding required for decommissioning of the site, Xcel Energy will only allow 1MW sites due to an over load of applications, interconnection agreement with Xcel, driveway access, parking, 25 year lease with property owner, grading, filling and excavating, if over the permitted amount of material movement, are aware that an additional conditional use permit will be required, maintenance of property, truck traffic, time frame, approximately 3 months if granted dependent on weather.

Findings by majority roll call vote:

1. *With the imposition of the conditions, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of the conditions, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

6. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Doug Krenik to approve the application with the following conditions:

1. ***Project Manager to work with the landowner to provide adequate screening on the South and East side of the property and submit a copy to the department.***
2. ***All construction parking shall be provided within the project area (No parking on county road).***
3. ***Bond provided to the County prior to construction.***

Seconded by Al Gehrke. Motion approved 6-1. Pam Tietz, opposed the application due to relationship to county plan, land use goals and policies, preservation of ag land, the geographical area negative impacts on surrounding properties. Motion carried.

**ITEM #2: DERRICK LEDVINA, CLEVELAND, MN, (APPLICANT); RICHARD LEDVINA, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 44 cubic yards of material in the shore impact zone, 76 cubic yards outside the shore impact zone, 40 cubic yards in the bluff, 80 cubic yards in the bluff impact zone; construct 2 retaining walls in the bluff for the construction of a septic system located in the bluff in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township.

Kathy Brockway presented power point presentation. Wayne James, James Brothers Construction, representing the applicant was present for application.

TOWNSHIP: Notified through the application process DNR: No Comments. LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: none

Discussion was held regarding: variance granted in October to deviate from setbacks, retaining walls constructed to support the bluff, pea rock, mesh fabric proposed in order to support walls, difficult lot to put system on, if retaining walls are under 4' in height not required to have engineering design, warranty of walls, system (James Brothers), farmers required to follow new buffer law requirements, clean water act, no land available, cluster system was not an option, costs involved, time frame for engineered plans, ordinance requirements, holding tank vs. standard systems, year round residence, pumping requirements, lengthy discussion in regards to bank stabilization, contractor looked at all options.

Findings by majority roll call vote:

1. *With the imposition of the conditions, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of the conditions, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*



6. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Don Reak to deny the application as requested, as septic systems do not belong in the bluff, goes against the ordinance requirements. Seconded by Al Gehrke. Motion failed 3-4. Motion carried.

Motion was made by Doug Krenik to approve the application with the following conditions.

1. ***Retaining walls shall be designed by an engineer.***
2. ***Obtain an engineering certificate to ensure that the design is sound and that wall and bluff stability will be maintained.***

Seconded by Shirley Katzenmeyer. Motion approved 5-2. Don Reak and Al Gehrke, opposed as it is not a good idea to install a septic system within a bluff, no engineering plans to review, does not meet the ordinance requirements. Motion carried

Motion was made by Don Reak to approve the minutes from the October 12, 2017, meeting with the noted change of Krenik to Katzenmeyer. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

**DISCUSSION ITEM:** *Don Reak recommends that the Zoning Administrator request that the County Board increase the Per Diem in 2018 to \$75.00 for the Planning Commission members due to the amount of time/involvement it takes to serve on the committee.*

Motion to adjourn meeting by Don Reak. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway for  
Pam Tietz, Secretary

Approved December 12, 2017

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