



Carver County Board of Commissioners  
November 10, 2016  
Carver County Government Center  
Human Services Building  
Chaska, Minnesota

PAGE

## SPECIAL MEETING

### Please Note Start Time

- 5:00 p.m. 1. a) **CONVENE**  
b) **Pledge of allegiance**  
c) **Agenda review and adoption**
- 5:00 p.m. 2. **Public comments (limited to five minutes)** - *Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.*
3. Approve minutes of November 1, 2016 ..... 1-2
4. Community Announcements
- 5:05 p.m. 5. **GROWTH: Manage the challenges and opportunities resulting from growth and development**
- 5.1 DG Minnesota CSG 2, LLC (Nextera & TruNorth) - Community Solar Garden ..... 3-15
- 6:15 p.m. **ADJOURN SPECIAL MEETING**
- 6:15 p.m. **BOARD REPORTS**
1. Chair  
2. Board Members  
3. Administrator  
4. Adjourn

David Hemze  
County Administrator

### UPCOMING MEETINGS

November 15, 2016	4:00 p.m. Board Meeting
November 22, 2016	9:00 a.m. Special Meeting DG Minnesota CSG 2, LLC (Nextera & TruNorth) – Community Solar Garden Request to be immediately followed by Board Work Session
November 29, 2016	No Board Meeting
December 1, 2016	6:00 p.m. 2017 Budget Public Meeting
December 6, 2016	AMC Conference-No Board Meeting
December 13, 2016	9:00 a.m. Board Meeting
December 20, 2016	4:00 p.m. Board Meeting
December 27, 2016	No Board Work Session

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on November 1, 2016. Chair James Ische convened the session at 9:00 a.m.

Members present: James Ische, Chair, Gayle Degler, Vice Chair, Tim Lynch, Randy Maluchnik and Tom Workman.

Members absent: None.

Under public comments, Karen Johnson Leuthner, 15735 38<sup>th</sup> Street, Mayer, expressed her concern on additional information that becomes available at meetings that is not emailed or posted on the website prior to the meeting. She suggested this information could be emailed out in advance. Johnson Leuthner referenced the information available at the last meeting that related to the paving bid. She questioned the budget for the work to be done at the Public Works site in Hollywood Township and the decision to put emergency communications equipment on the Hollywood Tower site.

The following amendment was made to the agenda:

5.13 Approval of Memoranda of Agreement with Teamsters Local 320 Regarding 2017 Insurance Contributions

Degler moved, Lynch seconded, to approve the agenda as amended. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the October 18, 2016, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Maluchnik moved, Degler seconded, to approve the following consent agenda items:

Professional services agreement with SRF Consulting Group, Inc., for \$47,156 pending finalization of the contract review process.

Professional services agreement with Bolton and Menk, Inc., in the amount of \$879,536 for detailed design of the CSAH 10 construction project in Waconia.

Professional services agreement the Matrix Communications pending completion of the contract review process.

Approved application of an on-sale liquor license including Sunday for Vandy's Grille LLC dba Vandy's Grille.

Resolution #66-16, Authorizing and Directing Condemnation of Easements Required for the CSAH 61 (between Trunk Highway 101 and Hennepin County Border) Reconstruction Project.

Adopted the Findings of Fact and issue Order #PZ20160049 for the issuance of Conditional Use

Permit #20160049, Jeffrey Meuwissen, Laketown Township.

Adopted the Findings of Fact and issue Order #PZ20160053 for the issuance of Conditional Use Permit #20160053, Matt Margl/Lars Akerberg, Dahlgren Township.

Contract with Avtex Solutions for IT Service Management system pending completion of the contract review process.

Approved the special retiree contributions toward health insurance at the cafeteria rates, not to exceed the premium for the coverage elected in 2017.

Approved 2016 County wide vacancy savings to fund hiring an accountant position in December, 2016, in lieu of waiting until January of 2017 and related budget amendment.

Approved the Memorandum of Agreement for phased retirement option with SMACC.

Approved the Memoranda of Agreement with the Teamsters Sheriff's Office Detention Deputies/911 Dispatchers/TAC Officer Bargaining Unit and the Teamsters Detention Sergeants Bargaining Unit for 2017 cafeteria contributions.

Reviewed October 25, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$426,492.30 and reviewed November 1, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$323,886.58.

Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board approve a phase retirement option for William Weckman in Public Works. He stated Mr. Weckmann was a long standing employee and has been with the County for 36 years. Robjent pointed out Weckman has a vast amount of knowledge and wants to keep working in a reduced capacity.

He explained it was difficult to recruit seasoned employees and highlighted work that would be performed. He indicated this would allow them to recruit for Weckman's replacement and Weckman will be able to pass on his knowledge. Robjent acknowledged the workforce in his area was shrinking and consultants are having a difficult time recruiting as well.

Workman moved, Maluchnik seconded, to approve the phased retirement option for William Weckman in the Public Works Division. Motion carried unanimously.

Degler moved, Lynch seconded, to adjourn the Regular Session at 9:20 a.m. Motion carried unanimously.

David Hemze  
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**DG Minnesota CSG 2, LLC (NextEra & TruNorth) - Community Solar Garden Request**

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="11/10/2016"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Senior Planner"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="60"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Senior Planner"/>	
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

**BACKGROUND/JUSTIFICATION:**

File #PZ20160033. DG Minnesota CSG 2, LLC (NextEra & TruNorth Solar) originally requested a Conditional Use Permit (CUP) for a Community Solar Garden (CSG) of up to 5 megawatts (MW). The proposed site is owned by Bruce Lenzen (10930 Hwy 7) and is located in Section 26 of Watertown Township. The request is a part of Xcel Energy's CSG program, which was established by the State of Minnesota in 2013.

In August, the Planning Commission's consideration ended in a split vote (3-3). Therefore, the Planning Commission did not make a recommendation. The County Board's most recent consideration was at the September 20, 2016 regular session, when the Board continued (or extended) the schedule for a final decision to a date not to exceed 60 days. The continuance was based, in part, on the applicant's voluntary extension of the so-called "60-Day Law" and its willingness to reconsider details of the proposal.

The solar facility would be considered a Large Solar Energy System (LSES) under the Renewable Energy section of the Carver County Zoning Code - Chapter 152. The solar development would be located on approximately 22 acres (currently crop production and pasture area) of the 64.5-acre parcel.

The applicant has submitted revised plans in an effort to address questions and concerns. The updated site plan(s) and applicant's letter (attached) include, but are not limited to, the following 5 modifications:

1. The CSG has been reduced from 4.9 MW (megawatts) to 4.4 MW.
2. The easterly setback has been increased from approximately 30 feet to approximately 216 feet.
3. The distance from the equestrian facility has been increased from approximately 1300 feet to approximately 1500 feet.
4. Additional screening has been proposed for the easterly and northeasterly portions of the operational area.
5. An escrow (for additional screening) has been proposed for adjacent property owners.

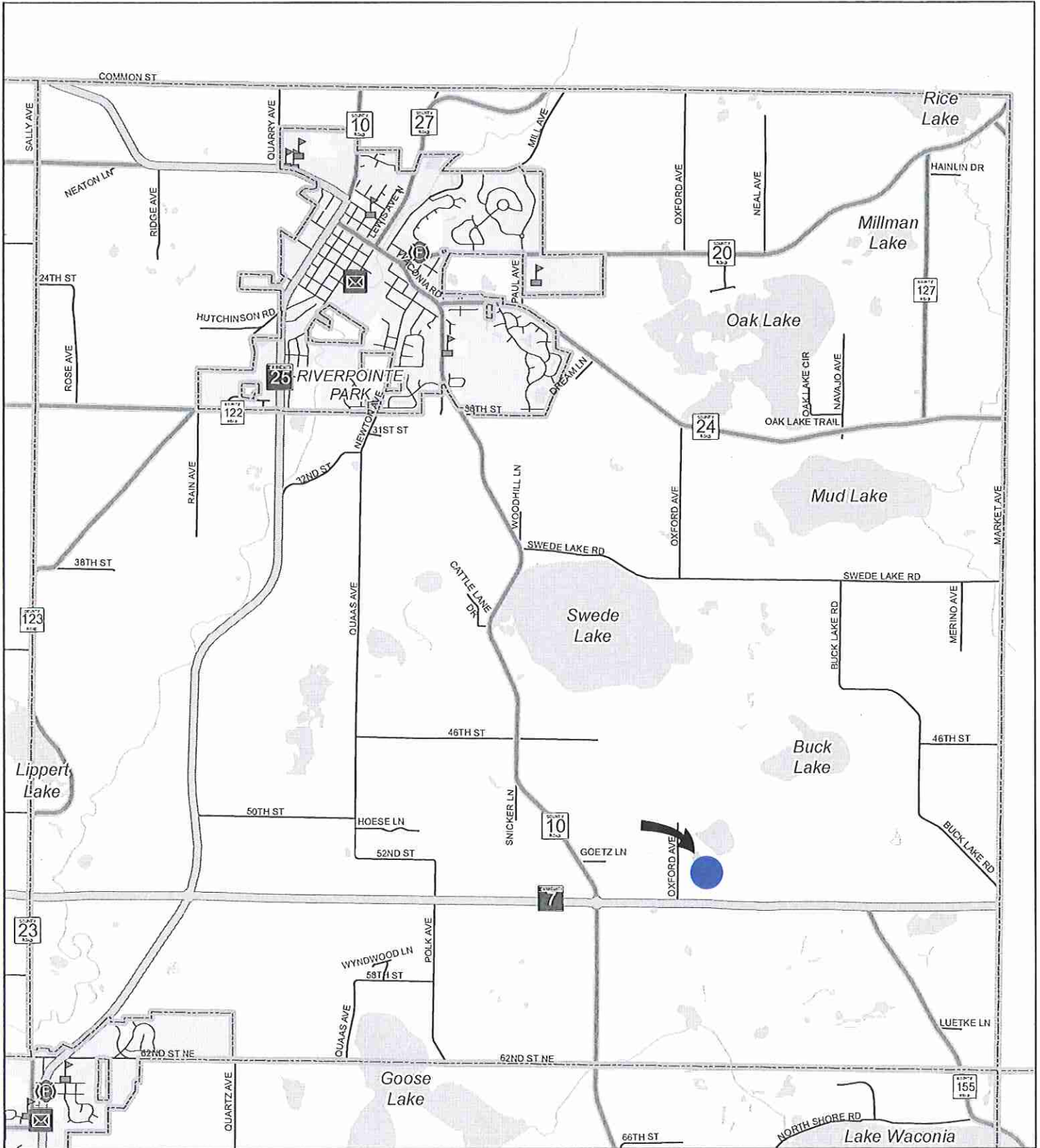
A staff report is attached, addressing the application, items in the record, and the recent revisions.

**ACTION REQUESTED:**

A motion to direct the staff to prepare an Order for the Board's consideration in the November 22, 2016 Special Board Meeting. The staff asks that the Board's motion indicate whether the Order should approve or deny the application for a CUP.

<b>FISCAL IMPACT:</b> <input type="text" value="None"/>	<b>FUNDING</b>
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	
Related Financial/FTE Comments:	

# WATERTOWN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

**COUNTY OF CARVER**  
**PUBLIC SERVICES DIVISION**  
*Department of Land Management*

November 2, 2016

**TO:** Carver County Board of Commissioners  
**FROM:** The Land Management Department  
**SUBJECT:** Application for a Conditional Use Permit (Renewable Energy – Large SES).

**FILE #:** PZ20160033

**APPLICANT:** Heather Eberhardt - Nextera Energy,  
AND Mike Kampmeyer - TruNorth Solar  
(on behalf of DG Minnesota CSG 2, LLC)

**OWNER:** Bruce Lenzen

**SITE ADDRESS:** 10930 Highway 7, Watertown 55388

**PERMIT TYPE:** Renewable Energy – Large SES

**PURSUANT TO:** County Code, Sections 152.039 (B)(2)(b)  
and 152.052

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 10-026-0800

**STAFF ANALYSIS:**

1. The subject property (approximately 64.5 acres) is owned by Bruce Lenzen and is located in the Southwest Quarter (SW¼) of Section 26, Watertown Township. The proposed request (Large Solar Energy System) is located on approximately 22± acres of the 64.5 acre parcel, which consists of agricultural production land and pasture areas. It is located in the Agricultural Zoning District, Shoreland Overlay District of a DNR Natural Environment Lake (10-99P), and the CCWMO (Crow River watershed).
2. The applicant, DG Minnesota CSG 2, LLC, is requesting to construct, operate (by lease), and maintain up to a 4.4 megawatt (MW) Community Solar Garden (CSG) as a Renewable Energy (Large – Solar Energy System) – Conditional Use Permit (CUP) on the subject parcel. The request is being proposed as part of Xcel Energy's Community Solar Garden program, which was established by the State of Minnesota in 2013 and is pertinent to every county within Xcel's service area. The Xcel Energy program allows contracts for a minimum of 25 years.
3. The Planning Commission has not provided a recommendation for the proposed land use. It continued the public hearing from the June 21, 2016 meeting to the July 19, 2016 meeting, and again from the July 19, 2016 meeting to the August 16, 2016 meeting, to allow for additional review and discussion regarding, but not limited to, stray voltage, landscaping, decommissioning, drainage, maintenance, and MnDOT access authorization. During the August 16, 2016 Planning Commission meeting, the commissioners made a motion to deny the application. The vote ended in a 3-3 tie (failed vote). A second motion was made to recommend approval of the request; however, a 3-3 tie (failed vote) resulted again. By email (dated: September 30, 2016), the applicant consented to extend the September 24, 2016, "60-day law" deadline an additional 60 days. Therefore, the deadline was extended for a final decision by the Carver County Board of Commissioners no later than November 23, 2016.
4. The proposed request is considered a Large Solar Energy System (SES) based on the fact that the current (DC) rate capacity exceeds 100 kilowatts and would produce energy that would be added to Xcel Energy's existing grid system. A Large SES requires a CUP pursuant to Section 152.039 and 152.052 of the Zoning Code.
5. According to Ms. Eberhardt's letter (dated: May 26, 2016), DG Minnesota CSG 2, LLC, a wholly owned subsidiary of

NextEra Energy Resources, LLC is working in partnership with TruNorth Solar, LLC (collectively, the “Proponents”) to develop and operate a 35-year term for a CUP, the anticipated operational life of the Lenzen project. She further explains that Nextera Energy Resources has specialized in clean energy generation for more than 25 years and is the largest owner and operator of solar and wind power in North America.

6. The applicant is proposing to construct and operate up to a 4.4 MW solar energy site. This project would consist of approximately 17,604 solar modules (panels), each approximately 3¼ x 6½ feet in size. The modules would be mounted on a fixed (steel and aluminum) racking system, which would not exceed a height of eight (8) feet above grade. The site would have 5 concrete inverter pads to support interconnection and metering equipment. According to the applicant, the existing topography is suitable for the project and minimal grading would occur; however, any/all grading would be pursuant to the final engineering design and building permit submittal. The energy produced from the site would be fed to the inverters which have been relocated to the north end of each 1 MW array of panels. From the inverters, energy would be transferred to the interconnection location and then transferred to an existing Xcel Energy distribution line located on the south side of Highway 7. There would be utility construction (utility power lines) installed in the general area of the proposed interconnection location(s) within the operational area. These utility upgrades are to help connect the CSG to the existing Xcel distribution line. The exact panel array, inverter, and electrical interconnection configuration and dimensions may change based on the actual equipment and manufacturer selection. However, the ultimate panel/fencing locations must remain within the approved site plan.
7. The applicant has indicated that it selected the site for its solar resource, physical characteristics, proximity to existing Xcel Energy electrical infrastructure and distribution lines, applicable zoning and permitting requirements, and landowner participation. The landowner has signed a long-term lease agreement with TruNorth Community Solar, LLC, which will be assigned to DG Minnesota CSG 2, LLC prior to groundbreaking. This project has been submitted to Xcel Energy’s Community Solar garden program for formal review.
8. The 2030 Carver County Comprehensive Plan (Agricultural Policy Area) identifies a land use summary table (similar to all township land use tables), which was required by the Metropolitan Council. It is for informational purposes only and it is not a land use policy. Under County Policy LU-19, the “Other Uses” – (Non-Agricultural, Non-Residential Land Use) language states, in part, that “certain other uses of land may be necessary or appropriate in the policy area.” Policy LU-19A further addresses Essential Services and Public Services, which would include quasi-public uses such as utilities. Policy LU-16 (Service Development Standards) identifies standards to ensure that land uses in the unincorporated area are compatible with a rural, agricultural area and the level of services available. One of the standards states that “undue restrictions on solar access and renewable energy should be avoided.” The use of agricultural land is temporary in nature, and the impervious areas would be minimal. The amount of long-term agricultural land used for the large SES is small in relation to the total acreage of the Xcel Energy service area. These factors are compatible with the 2030 Comprehensive Plan.
9. According to the applicant, site operations (energy productivity) would be designed, approved, maintained, and monitored remotely using either radio transmission, satellite or some other means to be determined and approved by Xcel Energy. The CSG would operate 24 hours a day, 365 days a year once construction was completed. Traffic to the site would generally be for maintenance activities and would be expected to be one (1) visit per month for the first year, and every other month in subsequent years. Most site maintenance would occur during the summer months to maintain vegetation as well as allow technician crews, as needed, to complete cleaning of the panels, equipment checks, and inspections to ensure safety, reliability, and security. However, during construction, operating hours are proposed to be from sunrise to sunset, during which time multiple trips to and from the site would occur including truckloads of equipment and delivery of materials. Construction was proposed to begin in September 2016 and completed in November 2016. However, based on the CUP approval process the applicant has indicated that this project would be pushed into 2017.
10. The Carver County Zoning Code includes a standard that requires foundation posts to be installed using noise mitigating equipment such as a vibrating post driver or any other noise reduction method as may be stipulated by the CUP, with which the applicant would need to comply. The applicant has stated that a vibrating post driver method would be used for the installation of the steel posts for this project.

11. The applicant has voluntarily participated in the Pollination Pledge and has agreed to seed the site with native pollinator friendly vegetation around the periphery of the fenced area. The seed mix would be designed with goals to minimize maintenance costs, withstand harsh climate, minimize erosion, improve water quality, and infiltrate storm water runoff. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO. Nextera would contract with a local company to ensure that ground cover at the site was maintained at a height not to exceed 30 inches. The Carver County Planning & Water Management Department (with the assistance of the State's Carver County Soil and Water Conservation District) has identified a variety of vegetative seed mixes (native grasses) to help with pollination, as well as to help with reducing stormwater runoff on the site.
12. The applicant has indicated that the proponents for the project would be responsible for maintaining existing tile lines (identified prior to construction) and would be responsible for repairing any damaged lines during construction and decommissioning. Any existing drain tile servicing the site would need to be identified and avoided during construction to ensure that drainage would not be negatively affected. The proponents would coordinate with the landowner to undertake appropriate mitigation to ensure continuous functioning of the site drainage. A condition should be placed on the permit request that states, "The permittee shall be responsible for the maintenance and/or replacement of any and all drain tile servicing this site (if problems occur) for the duration of the CUP."
13. An eight (8) foot high slatted fence would enclose the operational area for security and safety reasons. The fencing along the entire southern side of the operational area would include slats in order to help with the visual appearance. The western edge of the proposed solar array has been moved 490 feet to the east of Oxford Avenue. (The applicant's previous request was 185 feet.) The applicant is also proposing to install approximately 60 plantings (on an approximately 200-foot long landscaping plan) to include coniferous and deciduous varieties as screening along the westerly side of the project area. The eastern side of the solar array has been modified from prior plans to eliminate approximately 2.75 acres of solar panels, creating a 216+ foot setback (buffer) from the property line. The applicant has proposed to add approximately 0.7 acre of panels on the site; however, the panels would be located in an area that is tucked in a corner and surrounded by solar panels and an existing tree line to the west. The applicant has also proposed to provide additional screening along the east side of the solar array. A vegetative (evergreen) screening would be installed along the northeastern/eastern side of the project and extend south to the wetland area (approximately 1,000 linear feet). The screening would be composed of Black Hills Spruce and be allowed to grow to 15 feet in height. The screening would meet the County's 50% opacity design specification. The surrounding properties consist of agricultural farm fields, residential homes and farmsteads. It appears the closest neighboring residence is approximately 500 feet from the solar array. In addition to the screening on the site, the applicant would offer a maximum \$1,000.00 landscaping reimbursement for every landowner within 1,500 feet of the project. The 1,500-foot distance would be measured from the Lenzen fence line to the neighboring residences.
14. A copy of the interconnection agreement (dated: December 18, 2015) has been provided as part of the application. The interconnection study for the Lenzen property project has been completed by Xcel Energy, and the allowable system capacity is 5MW AC (five 1MW projects). Xcel Energy provides the study results to inform the applicant of the engineering indicative cost estimate, where they sit in the interconnection queue, and to identify the maximum generation capacity (in MW) which can be accommodated at the site location. The next step in the interconnection process is for Xcel Energy to assign a design/construction engineer for the project and to move into detailed design, procurement, and construction for the interconnection work. The applicant states that once the project receives its land use permit through the county, the project would be fully ready for pre-construction. The applicant has indicated that the point of interconnection would include construction of a maximum of five (5) utility poles. The original request identified the need for fifteen (15) utility poles at the interconnection point. A condition should be placed on the permit requiring the interconnection infrastructure to be installed underground as much as allowed by Xcel Energy.
15. A lease agreement between the solar company and Mr. Lenzen has been put into effect (signed). DG Minnesota CSG 2, LLC would take on the responsibility and costs of the decommissioning of the site at the end of life of the CSG. The project site would be restored to pre-construction conditions after removal of the structures, foundations, and restoration of soil and vegetation. All equipment would be removed from the site within 180 days of termination of the lease agreement, or within six (6) months of the conclusion of the useful life of the project, or twelve (12) consecutive months of the cessation of electrical generation. The applicant has described the decommissioning plan in the submitted Exhibit



J, which provides guidelines and details on the removal of equipment, restoration of the site, and a financial plan to ensure that funds are available for removal. The applicant has indicated that the CSG consists of recyclable materials and that the scrap value of the system would exceed the removal cost. They have also offered to set aside a surety in the amount of \$50,000 available to Mr. Lenzen and Carver County if DG Minnesota CSG 2, LLC is unwilling to commence with decommissioning activities within a reasonable period of time. The operational plan appears to satisfy the decommissioning standard.

16. There are no animal agricultural operations (dairy) adjacent to the site; however, pursuant to the applicant's Operational Plan "Stray Voltage Mitigation", it is proposing to use industry best practices at all times to minimize the risk of stray voltage and ensure that the project is built and maintained according to National Electrical Safety (NES) code and within acceptable levels as prescribed by the local safety code. The applicant has indicated in its operational plan (dated: May 26, 2016) that it would conduct tests by a third party electrical company. Tests would be conducted prior to construction and again within 90 days of commencement of commercial operation. Those tests would verify whether or not stray voltage was occurring according to the threshold defined by the *MN Stray Voltage Guide*. The applicant has stated that because the site will be properly inspected, it will not cause any stray voltage. However, if a problem were to occur, any stray voltage would be remediated within 90 days of detection and verification.
17. The applicant has provided an emergency/response plan in its Operational Plan (dated: May 26, 2016) – Exhibit M: Emergency Response Plan. If the Board were to approve the CUP, the applicant would need to provide a more detailed emergency and response plan, which would list local and qualified contractors by contact name and number for the responsible party as it pertained to drainage, weed maintenance, screening, site maintenance, and the like. It is the County's understanding that many of the site subcontractor details are not addressed until a solar company and Xcel Energy have reached the final design plan phase for a project. Therefore, a requirement of the conditional use permit would be that the applicant submit (to the Carver County Land Management Department) the list of emergency contacts with an emergency plan prior to the issuance of any building permits for the project, and/or prior to beginning any construction activities on the subject parcel. The Operational Plan provides the contact information for any maintenance and emergency issues, which would need to be submitted to the Carver County Land Management Department and posted at the entrance to the site. The signage could be placed on the security fencing at this location. All signage posted on site shall be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide for safety and to support good practices.
18. The Carver County Water Management Organization (CCWMO) and Carver Soil & Water Conservation District (SWCD) would be reviewing the project with respect to the County Water Rules (Chapter 153), and for site stabilization requirements and Best Management Practices (BMPs). The applicant would be required to comply with any and all permitting requirements. As part of their formal review, they would also:
  - a. Review project plans to ensure that there are no upstream or downstream impacts caused by the project;
  - b. Review project plans to ensure that existing drain tile servicing the site had been identified and would be avoided during construction. Or, if any changes to the site's existing natural and subsurface drainage system were proposed, review changes to ensure that the proposed drainage system had the same capacity as the existing system;
  - c. Review proposed erosion and sediment control BMP's to ensure the site would be managed in a way that prevented offsite erosion or deposit of sediment during construction and was permanently stabilized following construction;
  - d. Review other items as needed to demonstrate compliance with County Water Rules (Chapter 153);
  - e. Collect a surety of \$1,000 per acre up to a maximum of \$50,000 to ensure faithful performance of the approved plans and to finance any necessary remedial work. The surety shall be held until the following conditions are met (additional conditions may be added during review):
    - i. The project is complete;
    - ii. The site has been re-vegetated (90% vegetative cover across the site, 100% vegetative cover with no signs of erosion in areas of concentrated flows);
    - iii. All erosion and sediment control measures have been removed.

19. The applicant has submitted a letter dated August 4, 2016, from the Minnesota Department of Transportation (MnDOT) with regard to allowing an access from MN Hwy 7. Pursuant to the letter, MnDOT is willing to allow the solar site to use the Lenzen driveway to Hwy 7, if a right turn lane is constructed in accordance with MnDOT's Design Manual standards. During construction, all traffic for the solar project that is exiting the solar site (right turn out), would be required to use the turnaround located at the intersection of MN 7/Highway 10 in order to change direction and travel east.
20. Ms. Eberhardt has provided information regarding the Certificate of Liability Insurance. In her May 26, 2016 letter, Ms. Eberhardt states, "The project will carry Nextera's standard liability insurance." "...Carver County would be an additional insured on the Commercial General Liability policy." The guidelines require the Permittee to maintain a comprehensive public liability insurance policy, which is written by an insurance carrier and must be authorized by law.
21. Public testimony was received at every Planning Commission meeting (June 21<sup>st</sup>, July 19<sup>th</sup> and August 16<sup>th</sup>), and any written documentation presented prior to the meeting or during the public hearing(s), has been entered into the public record. Approximately seventeen (17) letters and/or documents in opposition, and one (1) petition in opposition to the request, were entered in the record. All information in opposition to the request has been submitted by neighbors, the Town Board, and legal counsel representing a group of neighbors. There have also been approximately nine (9) letters and/or supporting documents (in support) and one (1) resolution of support, which have been entered into the record. All information in support of the request has been submitted from neighbors, interest group(s) such as pollinator advocates and a conservative energy policy group, and legal counsel for the applicant.
22. The Watertown Town Board has reviewed the request during several town board meetings; during a special meeting held on June 15, 2016, the Board voted to recommend denial for the following reasons:
  - A. Township residents' negative vote;
  - B. Failure to meet the requirements of Section 152.050 Essential Services (County Zoning Code).
  - C. The Comprehensive Plan should remain agricultural.
  - D. The Township Chapter land use plan (LU4) has an economic development target area for commercial use.
23. During the August 16, 2016, Planning Commission meeting, a motion was made to recommend denial (3-3 vote) of the solar request. The reasons for denial included the following:
  - A. The belief that Township approval should be required.
  - B. The belief that the proposed use does not fit as an Essential Service.
  - C. The location is not compatible with the neighborhood.
  - D. The proposal utilizes too much agricultural land.
  - E. The unknown impact the solar facility would have on property values in the area.

A second motion was made to recommend approval of the request; however, a 3-3 (failed) vote resulted. The reasons indicated for approval included the following:

- A. The request meets all standards for a Conditional Use Permit (including):
  - MnDOT will approve access at Hwy 7.
  - The applicant has provided additional screening and improved the interconnection by eliminating many of the utility poles.
- B. The landowner's commitment, property rights, and/or involvement in the process.

**COUNTY BOARD CONSIDERATION(S):**

- If the County Board directs the staff to prepare an Order for denial, the deficiencies found in section 152.251 (Required Findings) should be referenced.

- If the County Board directs the staff to prepare an Order for approval, based on compliance with the Required Findings, the following conditions should be included and/or considered:

1. The permit is subject to Compliance Review. The permit allows for a community solar garden on the subject property (approx. 22± acres) and it is not transferable to another parcel and/or another area of the parcel subject to the permit. Upon notice to the Carver County Land Management Department, the permit, including all rights and obligations therein, may be assigned, in whole or in part, to any Permittee affiliate and any party with experience owning and operating energy generation facilities. Any other proposed change in facility ownership shall be cause for the permit to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary, and any such proposed owners and/or operators of the solar site are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Permittee shall operate in accordance with the submitted CSG Application and Supporting Documentation (submittal date: May 26, 2016) and all subsequent modifications presented during the June 21, 2016, July 19, 2016 and August 16, 2016 Planning Commission meetings, as well as any modifications presented during the November 10, 2016 County Board meeting. These plans and any new revisions shall supersede previously submitted versions and shall be considered requirements of this permit. The CSG shall be installed and maintained in accordance with Section 152.039.
3. All structures used in conjunction with the facility shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits must be obtained prior to construction.
4. The permit is subject to any and all MN Hwy 7 – MnDOT standards pertaining to access requirements. The appropriate permit(s) shall be obtained before any work commences within the road right-of-way.
5. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Rules and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
6. The Permittee shall be responsible for the maintenance and/or replacement of any and all drain tile servicing this site (if problems were to occur) for the duration of the CSG.
7. The screening plan shall be implemented in accordance with the landscaping plan (dated: June 9, 2016) and final site plan (dated: 10/28/2016). These plans shall be considered a requirement of this permit. The Permittee shall be responsible for maintaining any and all vegetative screening as well as the slats in the fencing for the duration of the CUP.
8. The vegetative cover shall be implemented in accordance with the operational plan (May 26, 2016), landscaping plan (dated: June 9, 2016) and final site plan (dated: 10/28/2016) and shall be considered a requirement of this permit. The project shall be planned and developed in a way that is beneficial to pollinators – meeting or exceeding the statewide standard for pollinator-friendly solar gardens for the areas specified in the operational/site plan(s). The Permittee shall be responsible for maintaining any and all vegetative ground cover for the duration of the CSG. Final implementation of the plan(s) shall be subject to the CCWMO review and approval.
9. The Permittee shall provide every landowner within 1,500 feet, measured from the Lenzen fence line to the neighboring residences, a \$1,000 reimbursement for any landscaping they purchase within the first twelve months following commercial operations.
10. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
11. The interconnection infrastructure shall be installed underground, as much as possible, as allowed by Xcel energy.

12. Pursuant to the operational plan (dated: May 26, 2016) and summary update (dated: July 18, 2016), DG Minnesota CSG 2, LLC shall construct the facility according to the National Electrical Safety Code standards. The Permittee shall also provide stray voltage testing (according to the Minnesota Stray Voltage Guide) by an experienced third party electrical company prior to construction (to establish a baseline) and also within 90 days of commercial operation. Any stray voltage would be remediated within 90 days of detection and verification.
13. Decommissioning of the solar PV system shall be implemented in accordance with the Decommission Plan process (date: May 26, 2016) at the end of the life of the community solar garden. The Carver County Land Management Department shall receive a copy of the security document. The Permittee shall be responsible for all of the decommission costs and would list Carver County as having access to the security in the event that decommissioning was required. The Permittee & Property Owner shall maintain this agreement for the duration of the solar energy array. The Permittee shall also provide the list of contractors, including name(s), addresses and telephone numbers to the Land Management Department for the decommissioning, once the Renewable Energy – Large Solar Energy System was being staged for reclamation/restoration.
14. The Permittee shall provide the Carver Country Land Management Department with the Operation & Maintenance agreement documenting the emergency and response plan, containing contact name(s), addresses, and telephone number(s) for the responsible party(s) as it pertains to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. The list of contacts shall also be posted and identified by a placard sign at the site with the contact name(s), addresses, and telephone number(s). The completed emergency and response plan shall be submitted to the Carver County Land Management Department prior to the issuance of any building permit(s), and/or prior to beginning any construction activities on the subject parcel. Any change in the emergency contact information shall be submitted to the Land Management Department as well as posted at the site.
15. No later than the date that construction of the solar facility began, the Permittee (including all Permittee affiliates) shall name Carver County as an additional insured on all policies of liability insurance. The Permittee shall annually file with the Carver County Land Management Department a certificate evidencing coverage. The certificate shall provide that the County must be given thirty (30) days' written notice of the cancellation of insurance.
16. No later than the date that construction of the solar facility began, the Permittee (including all Permittee affiliates) shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department.

October 31, 2016

*Via Email Only*

Carver County Board of Commissioners  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318

**Re: Lenzen Large Energy Solar System Conditional Use Permit  
County File No. FZ2016003**

Dear Carver County Board of Commissioners:

DG Minnesota CSG 2, LLC is pleased to submit this letter and accompanying materials in support of its Conditional Use Permit Application for permission to construct a Large Solar Energy System (LSES) pursuant to Section 152.039 and 152.052 of Carver County's Zoning Code. In advance of the November 10, 2016 public hearing, we thank the planning commission and staff for its time and attention devoted to this project, which we look forward to bringing to Carver County.

Following the September 6, 2016 public hearing, DG Minnesota CSG 2, LLC is proposing to make the following adjustments to the project in order to address view shed concerns addressed by adjacent property owners.

First, we will reduce the project from 4.9 MW to 4.4 MW in order to reduce the project footprint on the northeast section and set it back farther from the property lines. The project will now have more than a 150 foot setback from the landowners to the east. The revised project layout will be 22.12 acres and will be comprised for 17,604 photovoltaic modules.

Second, we will add evergreen screening along the northeastern portion of the array and fence line. This screening will meet the County's 50% opacity design specification. Screening will be comprised of Black Hills Spruce which will be allowed to grow to fifteen foot in height. This landscaping will be in addition to the landscaping previously proposed along the west fence line and also in addition to the slats that will be installed along the southern fence line.

Third, we will reimburse each landowner whose residence is located within 1,500 feet of the project fence line for up to \$1,000.00 in landscaping expenses as demonstrated by verifiable, 3<sup>rd</sup> party invoices. In other words, each property owner living within 1,500 of the project fence may elect to purchase trees and other vegetative screening for their property and submit the 3<sup>rd</sup> party invoice to DG Minnesota CSG 2, LLC, in which case DG Minnesota CSG 2, LLC will reimburse the property owner up to \$1,000.00.

Carver County Board of Commissioners  
October 31, 2016  
Page 2

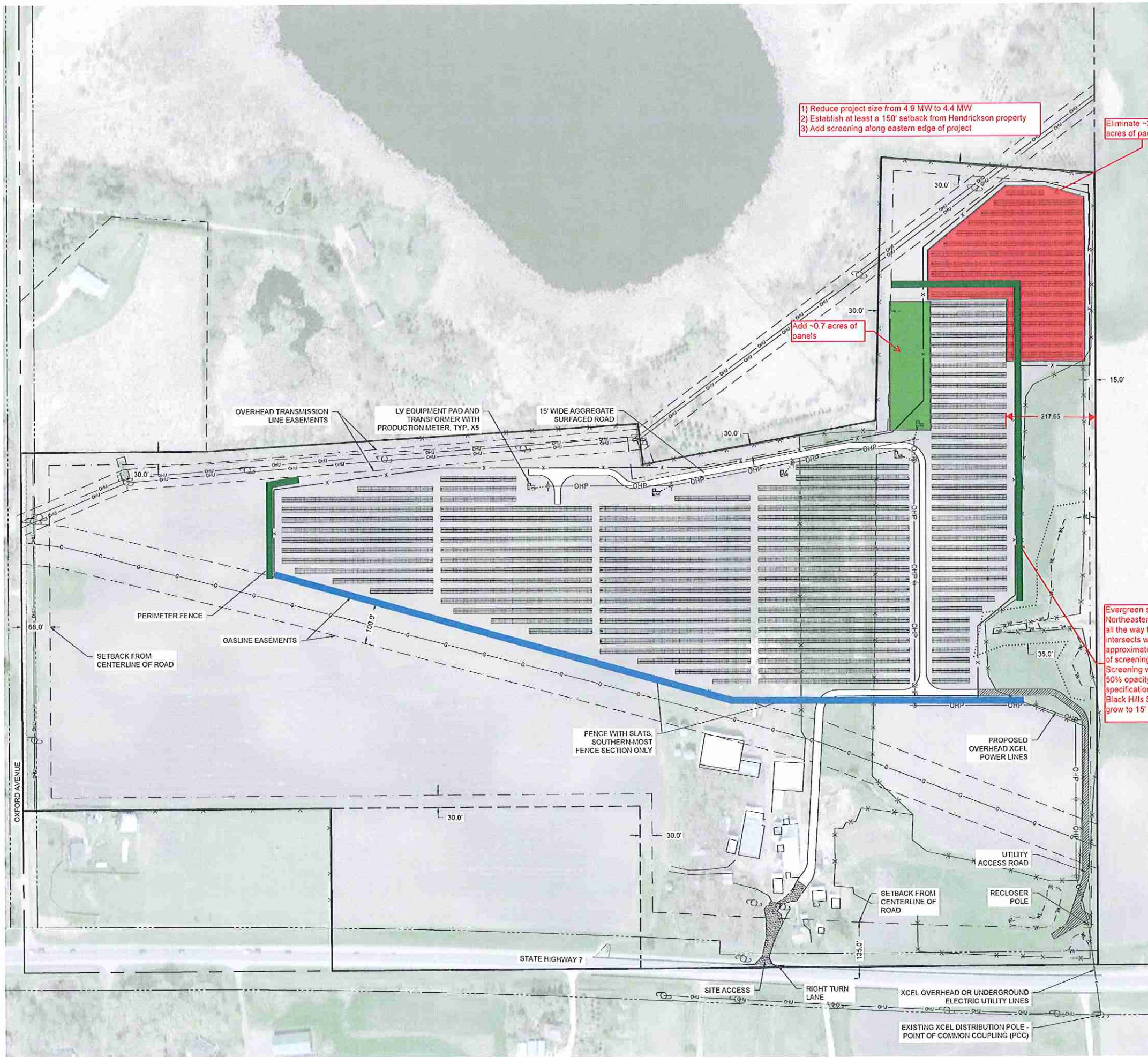
Finally, to clarify earlier conversations with County staff, we would like to confirm that we will put in place \$50,000.00 in security to cover the decommissioning costs at the end of the project life, and we will name Carver County as a beneficiary of that security.

Thank you for your consideration and we look forward to answering any questions you may have at the November 10, 2016 public meeting to consider the application.

Very truly yours,

*/s/ Heather Eberhardt*

Heather Eberhardt, Director Project Development



1) Reduce project size from 4.9 MW to 4.4 MW  
 2) Establish at least a 150' setback from Hendrickson property  
 3) Add screening along eastern edge of project

Eliminate ~2.75 acres of panels

Add ~0.7 acres of panels

Evergreen screening from Northeastern corner of project all the way to where fence intersects wetland setbacks - approximately 700 linear feet of screening. Screening will meet County's 50% opacity design specification, and comprise Black Hills Spruce allowed to grow to 15' in height.

**NOTES:**

1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY!

**PV SYSTEM:**

AZIMUTH: 180°  
 TILT ANGLE: 25°  
 PITCH (ROW SPACING): 24.5°  
 PV MODULES: HANWHA Q CELLS USA Q.PLUS L-G4.2 340W, 72 CELL POLYCRYSTALLINE 340W  
 MODULES PER STRING: 18

**RACK CONFIGURATION:**

EACH RACK CONSISTS OF (6) ROWS OF 2 MODULES IN PORTAIT

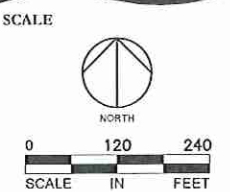
**INVERTER INFORMATION:**

(75) 30KW HUAWEI 1000V STRING INVERTERS  
 (105) 25KW HUAWEI 1000V STRING INVERTERS

**LEGEND:**

- SITE BOUNDARY
- EXISTING UTILITY LINES
- X-X EXISTING CHAIN FENCE
- o SOLAR MODULE (19,548)
- - - SITE SETBACKS
- x PERIMETER FENCE
- OHP NEW OVERHEAD POWER LINES
- STRING INVERTER (181)
- SITE ROAD (15')
- ▨ UTILITY ACCESS ROAD (15')
- ▨ EXISTING GRAVEL ROAD
- - - EASEMENT
- - - WETLAND
- - - WETLAND BUFFER
- o NEW UTILITY POLE
- o MV FEEDER
- o EXISTING POWER POLE
- o LV EQUIPMENT PAD, TRANSFORMER AND PRODUCTION METER (5)
- o OVERHEAD OR UNDERGROUND ELECTRIC UTILITY LINE - TBD BY XCEL
- o EXISTING NATURAL GAS LINE

**NOT FOR CONSTRUCTION**



PROJECT  
**LENZEN SOLAR PROJECT**  
 CARVER COUNTY  
 LOCATION  
 10930 HIGHWAY 7  
 WATERTOWN, MN

SHEET  
**PV SITE LAYOUT**

*Modifications 10/28/16*

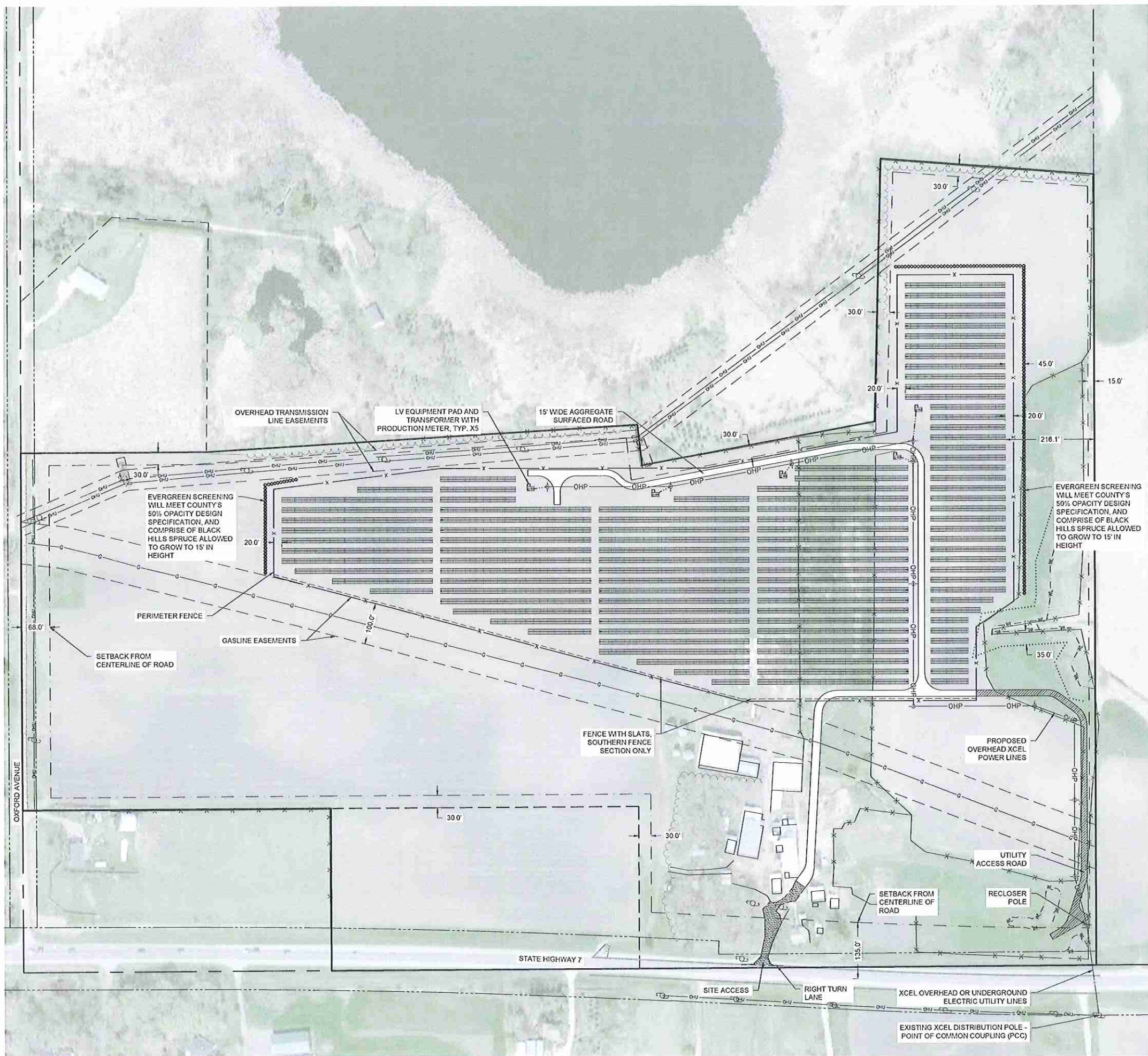
SUBMITTAL  
**CUP SUBMITTAL**

#	DATE	REVISION
Rev1	06.17.2016	Revised Site Layout
Rev2	06.20.2016	Revised Setbacks
Rev3	07.11.2016	Revised Utility Poles and Added Utility Access Road
Rev4	08.10.2016	Revised Utility Poles
Rev5	08.24.2016	String Inverters
Rev6	08.26.2016	Site Road Relocation
Rev7	08.30.2016	PCC Change

DRAWN BY: K HAAB  
 CHECKED BY: B NEWSTEAD  
 DATE: 07.18.16  
 PROJECT #: 2016-030.2

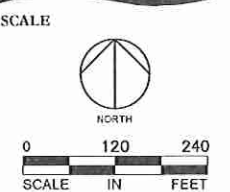
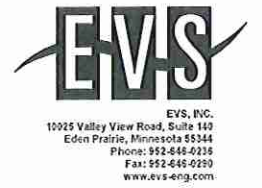
**SYSTEM SIZE**  
 4.90 MW AC / 6.65 MW DC

SHEET NUMBER  
**E-101-01** (B)



**NOTES:**

- 1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY!
- PV SYSTEM:**  
 AZIMUTH: 180°  
 TILT ANGLE: 25°  
 PITCH (ROW SPACING): 24.5°  
 PV MODULES: HANWHA Q CELLS USA  
 Q.PLUS L-G4 2 340W, 72 CELL POLYCRYSTALLINE 340W  
 MODULES PER STRING: 18
- RACK CONFIGURATION:**  
 EACH RACK CONSISTS OF (9) ROWS OF 2 MODULES IN PORTAIT
- INVERTER INFORMATION:**  
 (75) 30KW HUAWEI 1000V STRING INVERTERS  
 (86) 25KW HUAWEI 1000V STRING INVERTERS



PROJECT  
**LENZEN SOLAR PROJECT**  
 CARVER COUNTY  
 LOCATION  
**10930 HIGHWAY 7**  
**WATERTOWN, MN**

SHEET  
**PV SITE LAYOUT**

*Final Plan 10/28/16*

SUBMITTAL  
**CUP SUBMITTAL**

**LEGEND:**

—	SITE BOUNDARY
— O —	EXISTING UTILITY LINES
X X	EXISTING CHAIN FENCE
•	SOLAR MODULE (17,604)
—	SITE SETBACKS
X	PERIMETER FENCE
— OHP —	NEW OVERHEAD POWER LINES
•	STRING INVERTER (161)
—	SITE ROAD (15')
▨	UTILITY ACCESS ROAD (15')
▨	EXISTING GRAVEL ROAD
---	EASEMENT
— WL — WL —	WETLAND
.....	WETLAND BUFFER
— O —	NEW UTILITY POLE
—	MV FEEDER
— O —	EXISTING POWER POLE
—	LV EQUIPMENT PAD, TRANSFORMER AND PRODUCTION METER (5)
—	OVERHEAD OR UNDERGROUND ELECTRIC UTILITY LINE - TBD BY XCEL
— G —	EXISTING NATURAL GAS LINE
---	FENCE SLATS
.....	PROPOSED TREES / SCREENING

#	DATE	REVISION
Rev1	06.17.2016	Revised Site Layout
Rev2	06.20.2016	Revised Setbacks
Rev3	07.11.2016	Revised Utility Poles and Added Utility Access Road
Rev4	08.10.2016	Revised Utility Poles
Rev5	08.24.2016	String Inverters
Rev6	08.26.2016	Site Road Relocation
Rev7	08.30.2016	PCC Change
Rev8	10.26.2016	Reduced System Size

**NOT FOR CONSTRUCTION**

DRAWN BY: **K HAAB**  
 CHECKED BY: **B NEWSTEAD**  
 DATE: **07.18.16**  
 PROJECT #: **2016-030.2**

**SYSTEM SIZE**  
**4.4 MW AC / 5.98 MW DC**

SHEET NUMBER  
**E-101-01** A