

Carver County Planning Commission

Regular Meeting - **Tuesday, April 19, 2022**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of March 15, 2022, regular meeting
Pages 1-1 through 1-14
- 2.) **File #PZ20220003** – Public hearing (continued) on application by Luke Gildemeister, representing US Solar for a Conditional Use Permit.
(Large SES – Solar Array)
Watertown Township Pages 2-1 through 2-51
- 3.) **File #PZ20220012** – Public hearing on application by Zach & Emily Stover for a Conditional Use Permit.
(Additional Density-One Lot Incentive-Conservation)
Watertown Township Pages 3-1 through 3-11
- 4.) **File #PZ20220011** – Public hearing on application by Tamie Schmitz for a Conditional Use Permit.
(Farm-Related Business-Tree Farm)
Watertown Township Pages 4-1 through 4-9

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – March 15, 2022
Minutes

Members Present: Scott Wakefield, Scott Hoese, Matt Kerber, Greg Grazzini, Roger Storms, John P Fahey

Members Late: None

Members Absent: Frank Mendez

Staff Present: Jason Mielke, Donovan Hart, Jennifer Tichey

Pursuant to due call and published notice thereof, the March 15, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Agenda – Chairman Wakefield asked if there were any additions or deletions on the agenda. Hearing none, the agenda was accepted as printed.

Minutes – A motion was made by Storms and seconded by Hoese to approve the minutes from the February 15, 2022 regular meeting. All voted aye. Motion carried.

File #PZ20220003 – US Solar – Chairman Wakefield called the continued public hearing to order at 7:02 p.m. to consider a request by Luke Gildemeister, representing US Solar. The purpose of the public hearing was to consider a request for a large solar energy system pursuant to Chapter 152 of the County Code. The property is located in Section 33 of Watertown Township.

The following were present: David Watts, Robert Dressen, Brenda Dressen, Gerald Bruner

The following items were entered into the record:

Exhibit G –Staff Report addressed to the Planning Commission and Watertown Township dated March 8, 2022, and all attachments.

Hart noted this request was continued from the February meeting and he pointed out a few items about the request which have changed. An amended site plan was submitted to indicate a reconfiguration to the type of solar panels used. This change of materials is due to a supply chain issue but will not alter the area for the project site or the fence line. Hart noted that this item was continued due to a lack of a recommendation from the township and the Planning Commission's desire to receive that information prior to their decision. It was anticipated that the town board would make a recommendation at their March 7th meeting concerning the County's CUP application, after reviewing their interim use permit as required by the Watertown Township solar garden ordinance. The Watertown Town Board and their Planning Commission did not make a decision at that

meeting and continued the item until their April meeting because a resolution for approval was not prepared. The Town Board did not make a decision at that meeting and their recommendation for the County's CUP has not been made. It was mentioned that a variance would be needed for this request according to the Watertown Township ordinance. Hart noted the proposed conditions for consideration have not changed if the request is approved.

David Watts, Director of Development for US Solar, reiterated that there had been no recommendation from the Town Board regarding this request and they will meet with them again in April. He stated there was good discussion about the project at the last township meeting. He noted there has been no objection to this request to date and strong neighborhood support. He was hopeful to receive approval at the County level but did not want to rush the Planning Commission's decision due to the lack of a recommendation from the Town Board.

Scott Hoese, speaking as a Watertown Town Board supervisor, stated the township will conduct a special meeting scheduled for March 23rd. He stated they wanted to get questions from their attorney answered before making a recommendation.

Gerald Bruner, Watertown Township supervisor, reiterated they didn't make a recommendation at their last meeting because the Township ordinance clearly states a landowner must live on the property for an IUP to be granted. They will be meeting again this month with their attorney and the applicant to try and work out a resolution to this issue. He asked the Planning Commission to continue this request until the Town Board is able to make a recommendation.

Fahey made a motion to continue this public hearing to the April 19, 2022, Planning Commission meeting. Kerber seconded the motion for continuance. All voted aye. Motion carried. The public hearing was continued at 7:10 to the April 19, 2022 Planning Commission meeting.

File #PZ20220008 – CEF Watertown Solar – Chairman Wakefield called the public hearing to order at 7:11 p.m. to consider a request by Kate Larkin, representing CEF Watertown Solar. The purpose of the public hearing was to consider a request for a large solar energy system pursuant to Chapter 152 of the County Code. The property is in Section 3 of Watertown Township.

The following were present: Dan Grantier, Gerald Bruner, Jack McCann, Mary Ann O'Reilly, Stuart Alser, Jean Mahler, Chrissy Johnson, Todd Johnson, Suzanne Merchant, Seth Eggert, Craig Forcier, Luke Burris

The following items were entered into the record:
Exhibit A – Legal Description
Exhibit B – Proof of Publication of the Hearing Notice
Exhibit C – Proof of Mailing of the Hearing Notice
Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 4, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated February 28, 2022, and all attachments

Exhibit G – Letter of support from property owner, Calvin Ladd

Hart noted a correction for the record, naming Kate Larkin as the applicant. Dan Grantier is the applicant representing CEF Watertown Community Solar, LLC. Kate Larkin had been the consultant from OneEnergy Development, LLC.

Hart explained the proposed 1 Mega-Watt solar garden project will utilize approximately 7.7 acres of a 49-acre parcel which consists of naturally vegetated land with some wetlands. Hart used an aerial photo of the property for illustration and location of the project area. The Comprehensive Plan recognizes the importance of providing access to solar resources. The access will be in the southeast corner of the parcel off County Rd 20. The access road will be constructed and will impact approximately .1-acre of wetland area. A wetland delineation has been conducted and the applicant is in communication with the County Planning and Water Management Department regarding the regulations and permitting for that. The project will consist of solar modules on single-axis trackers with a maximum height of 9 feet, depending on the tilt, inverters, and racking. No permanent structures or external signage will be constructed. The energy produced on site would be transferred by underground, medium-voltage cable to the interconnection point near the road access. There are approximately 14 homesteads within a half-mile of the project site, the nearest one being approximately 1,000 feet south of the proposed project operational area. In consideration for the view from the residence to the south, the applicant is proposing landscape screening along the southern project fence line, which meets the intent of the standards set forth in the Zoning Code Section 152.041. The screening will consist of approximately 450 feet of forsythia, nannyberry, and current bushes. The Zoning Code requires a surety must be submitted by the applicant to the County which will be held until the screening is established. The applicant conducted a glare analysis which resulted in no prediction of glare to any of the 22 adjacent and nearby parcels. Proposed construction of the site would take approximately four to six months with the hours being 7:00 a.m. to 7:00 p.m. After construction is completed, the site would operate 24 hours a day, 365 days a year, with the site operations being monitored remotely. Any pile driving of posts to support the single-axis tracker racking system will be done using noise mitigating equipment. The applicant will submit the Interconnection Agreement to the County when it is obtained from Xcel Energy. A letter of credit in the amount of \$38,000 will be established as surety for the decommissioning of the project at the end of the operational life of the solar array. Decommissioning will commence at the site after 12 months of non-operation. Carver County Planning & Water Management Department along with the Soil and Water Conservation District will be reviewing the project with respect to the County Water Rules and site stabilization regulations and requirements. Pollinator-friendly and native grasses sourced from within 175 miles of the project site will be planted underneath the solar panels and in the surrounding areas and will be subject to review/recommendations by the CCWMO and Carver County SWCD. The project request was sent to the DNR for review and comment. To date, no comments have been received. This request is subject to the

Watertown Solar Garden Ordinance and at the township's January 3, 2022, meeting, it was recommended for denial, for the reasons of neighborhood concern and non-compliance with the Watertown Ordinance requiring the landowner to reside on the property. Hart clarified that the residency requirement only pertains to the Township Ordinance and is not a requirement for the County CUP standards. Hart read the proposed conditions for consideration if the request is approved.

Dan Grantier, CEF Watertown Solar, stated his company will be developing the solar garden site and has been working with OneEnergy Development and Kate Larkin. He stated CEF (Cooperative Energy Futures) is a Minneapolis based community solar garden developer with a seven-member staff. It is a 900-member-owned, and growing, cooperative with solar gardens in surrounding counties. Their core mission is to provide solar access, through subscription, to persons who may not have another solar opportunity to save money on their energy bills. CEF plans to finance, own, and operate this solar project for the life of the garden. This will be local renewable energy and will be available for residents of Carver County to subscribe. The amount of energy produced in a year will provide power for approximately 200 average Minnesota houses. Development is planned to begin in September 2022. The site is not currently being used for agriculture production and is in close proximity to Xcel Energy infrastructure connections. He reiterated many of the details already described in the staff report. He noted one concern voiced by neighboring residents was about property values. He stated that studies in Chisago County have indicated no negative effects to property values from solar gardens. He highlighted the community benefit of subscription to Xcel Energy customers to save money on their energy bills with locally produced energy and becoming a cooperative owner with CEF on all of their gardens. He stated the pollinator-friendly vegetation will enhance the wildlife habitat and benefit the surrounding area.

Chairman Wakefield asked the applicant if he agreed with the proposed conditions concerning the project.

Mr. Grantier stated he understood and agreed with the proposed conditions for the project.

Scott Hoese, speaking as Watertown Town Board supervisor, stated the township has an ordinance in place requiring the landowner to reside on the land, which is not the case for this request. He stated he would abstain from the vote since he had already voted against the request at the township meeting.

Gerald Bruner, Watertown Town Board supervisor, stated townships have the right to pass ordinances which are more restrictive than the County ordinance. Watertown Township has an ordinance which requires the land to be homesteaded and the property owner residing on the property. He asked the Board to consider this and stated this is an issue which needs to be resolved. The Watertown Town Board voted unanimously to deny this request because they have an ordinance in place which requires residency by

the landowner. He asked the Board to acknowledge and uphold the Township's ordinance and vote to deny this request.

Jean Mahler, 11560 County Rd 20, stated she is absolutely against this request and reiterated that if the Township's ordinance prohibits this activity, then the ordinance should be followed. She stated their alfalfa field is directly adjacent to the proposed solar garden site and when dirt at the site is disturbed for development, it will explode with noxious weeds which will migrate into their alfalfa field. She felt that the solar garden will disrupt any wildlife in the area. She has passed by many solar gardens and feels the landscaping or pollinator-friendly vegetation does not help to enhance their looks. Pollinators do not grow in weeds and she has never seen a weed-free solar garden. She expressed concern with the impact to the wetland area. She reiterated the negative impact to their alfalfa field. She disagreed that there would be no effect on property values. She mentioned the environmental impact of the solar panels and stated they will need to be replaced and are not able to be recycled. She stated the Township meeting was filled with neighbors who are against the request and asked the Board to consider their opinion.

Stuart Alger, attorney on behalf of CEF Watertown Solar, clarified a statement made by Mr. Grantier concerning the proposed conditions. He stated the language in condition #2, *'Permittee shall operate in accordance with any/all Watertown Township conditions.'* will be problematic. If this means that this application would comply with all of the conditions of the Township solar ordinance, then he would ask that this particular phrase be stricken, or that it be made clear that the language does not refer to the Watertown Township solar ordinance. The decision must be based on the standards of a Large Solar Energy System, which were clearly defined in the staff report. He stated that the application proposal meets all the standards and criteria of the County ordinance and sets out the conditions which would become a part of or further the approval of the CUP request. The County process requires requesting a recommendation from the Town Board; however, it does not require the concurrence of the Town Board. He stated the recommendations of the Town Board are incompatible and inconsistent with the County's ordinance and are outside the scope of the criteria that are in the County's ordinance and are not a lawful basis to condition the approval or denial at the County level. A Large Solar Energy System is considered an essential service and is allowed by CUP in the framework of the County ordinance and the 2040 Comprehensive Plan if the siting requirements are met. He reiterated that all the County standards for a CUP have been met in this request. He noted that it is the Township ordinance that requires the landowner live on the property. If that concern reflects having better maintenance on the property, he stated the site requirements have been thoroughly addressed in the permit conditions. He stated the Township ordinance is inconsistent with the County's 2040 Comprehensive Plan. He asked the Board to consider this request based on the County ordinance requirements and not dependent upon any regulations imposed by the Township.

Mr. Bruner reiterated the Watertown Town Board, with the direction from their attorney, is acting within their rights to impose an ordinance with stricter guidelines and

requirements than the County's ordinance. He again asked the Planning Commission to continue this public hearing until the issues have been rectified between the applicant and the Township concerning the township ordinance.

Hoese, speaking as a Town Board supervisor, supported Mr. Bruner's comment and in consulting with the Township attorney, they have been told their ordinance is valid.

Christine Johnson, 11315 County Rd 20, stated she is not in favor of this request. She felt the project benefit for 200 houses was not a benefit for the area. She stated the Township ordinance should be upheld. She stated that the scenery and country views should not be obstructed with an unappealing solar garden. She did not think that any amount of screening would remove it from view. She disagreed with the statement about property values not being affected and felt that was inaccurate.

Luke Burris, 11470 County Rd 20, resides in the house nearest the project. He stated the local citizens have elected the Town Board to represent the people of the township and was pleased that they have an ordinance in place and voted to deny this request. He does not support the request for the same reasons that have been stated by other neighbors. He stated the Township ordinance is logical and makes good sense for the Township.

Jack McCann, 2710 Sylvan Rd S, explained he is familiar with the power industry after spending approximately 10 years in consulting. He is also a landowner in Carver County who lives in Wright County and has had a good relationship with the Watertown Town Board concerning noxious weeds and remedying the issue. He is sympathetic to the concern expressed but felt there are conditions in place to control the situation and feels the Town Board would react accordingly from his experience. He also shared some facts about basic solar energy production and use and the effects on energy costs to the consumer. He considered the solar garden to be a direct benefit to the County for all energy consumers. He does not agree with the Township ordinance requiring the landowner to reside on the land because he would consider a solar garden on his property and it would be the same situation. He stated there are areas of his land that are not suited for farming but could support a solar garden, which would be a benefit to many people in the area.

MaryAnn O'Reilly, 516 E 2nd St Waconia MN, stated she is a lifelong Carver County resident and an owner/subscriber to a solar energy garden at her church. She was eager to subscribe to a community solar garden because she is not able to install solar panels at her residence. She believes in harvesting energy from the sun and feels it is a safe way to save money on her energy bills.

Craig Forcier, 11325 County Rd 20, stated he is opposed to this project. He feels it will negatively affect the surrounding properties. He would like to see how the wetlands will be crossed during construction of the solar site. He was surprised there were no comments from the DNR about the wetlands because he lives on Oak Lake and is not able to touch his shoreline because it is considered wetland. He understands that the tax base will increase because of the solar garden but noted that if there was a house on the property, that would also increase the tax base. The landowner will be making better

money leasing the land to the solar company than could be rented for agricultural use. He does not agree with the proposal and thinks it should not be allowed.

Mr. Grantier thanked everyone for expressing their concerns about the request. He stated they intend to meet the requirements of all the jurisdictions. He addressed the wetlands mitigation concern and stated there are very specific guidelines on how this can be done, and they will be following them according to the laws and their actions will be monitored for compliance throughout the process. He noted the concern of weeds and stated they are obligated to maintain the vegetation at the site, and they are dedicated to creating a good pollinator habitat, which they have at their other ground mount sites. It takes a few years for the pollinator native species to be healthy and to self-propagate but managing that is part of their obligation when developing a site. He stated the distance from the site to the nearest residence is over twice the distance as required by the ordinance and they will provide screening to be a good neighbor. The screening is at their option and not a requirement of the County ordinance. He stated the solar panels will not be visible from any other residence according to their analysis. Mr. Grantier clarified the solar panels can be recycled through a company in Illinois. He felt it was important to note they began working to develop this project in September of 2020 and the Township passed their ordinance in July of 2021. His company has been working to comply with the County ordinance requirements.

A motion was made by Grazzini to close the public hearing.

Fahey stated the Board may want to have some discussion before closing the public hearing and making a decision if additional information would be requested.

Wakefield acknowledged the motion on the floor and asked for a second. Hearing none, the motion to close the public hearing died for lack of a second.

Fahey asked the applicant about the statement of meeting the requirements of all the jurisdictions and how that would relate to the Watertown Township ordinance.

Mr. Grantier stated it was a misunderstanding that following all of the conditions set out in the staff report would not pertain to the Township, but only the County regulations. He was referring to all of the County offices relating to working with the wetlands.

Hoese asked about the Planning Commission options concerning this request, acknowledging that the applicant and the Township have not resolved their issue with the Township ordinance.

Hart replied that the Planning Commission reviews and regulates application requests according to the standards of the County Zoning Code.

Mielke agreed with that statement and added the County is the land use authority for land in the townships. The townships have the right to create their own ordinances which can be more restrictive than the County zoning code. In this case, the township ordinance is

more restrictive for specific reasons, but the township has chosen to not take on the full responsibility as the land use authority. The additional restrictions of the township are not reflected in the County zoning code for regulation and enforcement. The County is not a party to the residency requirement and the IUP process established by the township.

Jennifer Tichey, Carver County Attorney's Office, concurred with Mr. Hoese's statement that the County Attorney's Office recognizes Watertown Township has an ordinance in place regarding solar gardens. She clarified that the township has the authority to adopt more restrictive ordinance conditions than those in the County zoning code. The County Attorney's interpretation is that the Township's position does not occupy the field or preempt the County's process. This request appears to be running a parallel process with Watertown Township and the County. It is not the County's position to determine if the township has a legal and enforceable ordinance in place. The Planning Commission's position is to decide on the application information with respect to the guidelines and requirements of the County zoning code. She reminded the Planning Commission that on all applications for CUP's or IUP's presented to them, if the request meets all of the standards and criteria detailed in the County zoning code, they shall issue the permit.

Mielke expanded further stating the County, as the land use authority for the township, has amended the guidelines for solar gardens making them more restrictive, adding screening standards and the 75% requirement to better manage use of the agricultural land and still allow renewable energy production within the County.

Hoese asked if the Planning Commission had the legal authority to override the Township's ordinance requirement, referring to the language in proposed Condition #2.

Ms. Tichey cautioned the use of the term 'override' stating this is an unusual application which is running dual or parallel issuance with the Township and the County. The County may be in a position where it could recommend approval of the CUP, and would acknowledge that the applicant would need to follow any other regulations that might be applicable, whether that be federal, state, or township. They would potentially need to meet with the township to determine whether the more restrictive regulations apply to this request or not.

Mr. Alger reiterated that the language in Condition #2 should be stricken or further clarified that it is not the County's intent to regulate that the applicant comply with the township ordinance.

Ms. Tichey stated it is not the County staff or attorney's position that it should be a condition and the language should be modified to clarify that. The intent is that the County is not making an opinion or legality of the township's ordinance which may or may not be currently effective. The County CUP is not based on a condition of the township's IUP. She agreed with Mr. Alger's position about the condition.

Mr. Burris asked to have the Mn Statute read again concerning the ordinance.

Mr. Alger read Mn Statute 394.33, Subd. 1, provides that *upon the adoption of official controls for a County or portion thereof by the board of county commissioners, no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the board.*

Mr. Burris stated that the township is being more restrictive with their ordinance. He stated the language in the County ordinance is thorough and applicable. He stated the language in the township ordinance is well thought out and pertains to the township residents.

Ms. O'Reilly questioned whether a solar garden is good use for agricultural land. She was pleased to hear the concerns for the wetlands on the property and how that will be mitigated.

Mr. Bruner stated their township attorney quoted a different statute from Mr. Alger's reference. He did not recall the statute number but stated it clearly allows for townships to enact ordinances which are more restrictive than the County ordinance. He stated the township followed the advice of their attorney. He again asked the Planning Commission to continue the meeting and hold off making a decision until the applicant and the township can resolve their issues.

Mielke interjected and stated that County government must follow Chapter 394. Cities and townships follow other statutes that regulate their activity. When a local unit of government tries to establish an ordinance but doesn't want to take on the full responsibility of the land use authority, it can become messy and creates a dual process for the applicant. This has been discussed at the County level for a few months and the result is the township wants to be more restrictive on certain aspects of the solar garden regulations with the County being authority to enforce the regulations. The County can only enforce the regulations of the County ordinance.

Ms. Tichey added the language in M.S. 394.33 states the general principal that one cannot adopt something that is inconsistent with official controls, which includes the County ordinances and the Comprehensive Plan for which the townships all have chapters. She reiterated that it is not anyone's intention or position to decide if the township ordinance is compliant or not. The Planning Commission is here to decide on the application before them with respect to the County ordinance as the official control. The township attorney has indicated that the township does not intend to have full zoning authority over solar gardens. They have aspects that they want to have more restrictive, but not exclusivity with the land use authority.

Mr. Forcier stated the applicant's reference to the timing of when they began developing this request and the adoption of the township ordinance should not allow him to be 'grandfathered' under previous rules because the process was not completed before the ordinance was adopted. He felt this project does not fall under the 'grandfather' clause.

Mr. Grantier responded that his intent was to indicate that they had begun to do their due diligence before any ordinance was passed at the township level. He also noted that the critical word in M.S. Chapter 394 is 'inconsistent', not whether the guidelines or more or less restrictive.

Ms. Mahler felt the Town Board should be the members who are looking out for the well-being of its residents. She didn't think it was right for the County to make a decision and going above the township ordinance. She also agreed with the prior statements that a 'grandfather' clause should not apply to this application.

A motion was made by Fahey to close the public hearing. Grazzini seconded the motion. All voted aye. The public hearing was closed at 8:36 p.m.

Storms stated there are two applications which are in limbo because of the township ordinance. He asked if the Planning Commission makes a decision on one, how might it affect the status of the township's position to support their ordinance.

Hart confirmed both solar applications are on parcels within Watertown Township and are at different steps within the review process. The US Solar request does not have a recommendation from the township for the County request or on the township variance or IUP request. The CEF Watertown request has received the township's recommendation for denial at the County level and a denial of the township IUP. The CEF Watertown request has all the information for the Planning Commission to make a decision.

Fahey stated hearing from the staff and the County Attorney, the information which has been presented should be sufficient for the Planning Commission to make a decision according to the County ordinance.

Hoese agreed with Fahey's statement and believed a decision should be made on this request. He stated the decision wouldn't be an issue with the township if the property owner lived on the land, but that fact isn't going to change. He stated that requirement is something the township has created. He also agreed that this request is different from the previous one because the landowner lives across the road on a separate parcel and the township has not given a recommendation at this time.

A motion was made by Storms to **approve and adopt Resolution #PZ20220008** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a 1 MW Large Solar Energy System. Fahey asked if the motion included the proposed change in the language of Condition #2 concerning Watertown Township. Storms confirmed his motion to include the conditions with the proposed amended language to strike the reference to Watertown Township in Condition #2. Wakefield restated the motion and called for a second. Grazzini seconded the motion. Fahey, Kerber, Grazzini, Storms, and Wakefield voted aye. Hoese voted nay. Motion carried.

File #PZ20220009 – Roger Falkenstein – Chairman Wakefield called the public hearing to order at 8:45 p.m. to consider a request by Roger Falkenstein. The purpose of the public hearing was to consider a request for additional density (High Amenity & Conservation) development pursuant to Chapter 152 of the County Code. The property is in Section 36 of San Francisco Township.

The following were present: Roger Falkenstein, Julie Falkenstein, Larry Schmidt, Kellen Schmidt

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 14, 2022

Exhibit F – Staff Report addressed to the Planning Commission and San Francisco Township dated March 2, 2022, and all attachments.

Mielke stated the applicant owns an approximate 75-acre parcel improved with a house with an attached garage and two detached accessory structures. The parcel includes agricultural land, small pocket wetlands, woods, and has an existing gas pipeline easement. He used an aerial map for illustration. The applicant is proposing to develop three residential parcels and one agricultural parcel, resulting in five single-family dwellings and approximately 30.2 acres of conservation area. With the approval of this CUP, the applicant would be allowed to continue the development and apply for a preliminary plat process. This development would be done according to the provisions of the additional density options in the County zoning code. The zoning code allows for the Conservation Incentive and High Amenity options to be incorporated together into one platting process. The property does have bluffs, steep slopes, wetlands, and area for prairie restoration which is eligible land under the conservation incentive. The areas of wooded pasture, not in agricultural production is considered eligible land under the high amenity option. The proposed development complies with the limitation of 4 homes per 40 acres, and the parcel has not previously been issued a CUP for additional density. The 1 per 40 building eligibilities on the parcel have already been used. The three proposed conservation incentive lots range in size from approximately 3.41 acres to 58.88 acres and the one high amenity option lot is approximately 5.45 acres. The entire 76.72-acre parcel would be platted with approximately 30.2 acres enrolled in two separate conservation easements, the four new buildable lots, and the reconfiguration of the existing 1 per 40 residential parcel. Each of the building sites has been chosen to be outside of an established 500-foot setback from the operational area of an existing gravel mine. This setback does not apply and is not required for this development but is stated to show a reasonable distance if maintained from the mining operation. In order to develop lots under the Conservation Incentive option, the applicant needed to identify the establishment of a preservation, restoration, or enhancement consisting of a minimum of 10 acres to be granted one building eligibility. The 30.2-acre conservation area easement allowed for the 3 conservation lots to be created. The conservation easement language

and maintenance plan would need to be submitted to the Land Management Department for review and approval by the Planning & Water Management Department and Soil & Water Department prior to preliminary plat approval. Identification of a 1-acre building site, soil borings for septic locations, and wetlands delineation must be verified as required for the preliminary plat. The Planning & Water Department will be actively involved with the development of the plat regarding wetland impacts in accordance with the Wetland Conservation Act and the Stormwater Pollution Prevention Plan. Each of the lots meets the road frontage requirement so there is need for construction of a new road with the plat. The proposed request appears to meet the requirements of the County zoning code. The complete layout for the proposed plat will be addressed during the preliminary plat process. The San Francisco Town Board reviewed and recommended approval of the request at their February 14, 2022, meeting without any additional conditions. Mielke read the proposed conditions if the request is approved.

Roger Falkenstein, 15255 Halsey Av, expressed his thanks to Mielke for his patience in working over a period of time to develop this plan request according to the zoning code. He was also grateful for the support of the township board and felt that his request is in line with what the direction the township would like to see with the conservation incentive development option. He wants to set an example in developing the easement agreement and establishing and maintaining appropriate vegetation and plantings for future developments. He stated this proposal is compliant with the surrounding neighborhood.

Mielke added to the comments about the conservation easement. The conservation practice is a fairly new option, having been established for approximately 10 years. Not many landowners have used this option for development which has been adopted by a number of townships. He acknowledged the first development in San Francisco that consisted of a large acreage tract of treed area which led to a protected waterway. This proposed development will create the amenity area by establishing a prairie restoration. Working with the Planning & Water Management Department and Soil & Water Conservation District on this project could be a model for other townships to observe and recognize how limited density and the conservation area can be used and maintain the rural/agricultural character of Carver County.

Chairman Wakefield asked the applicant if he agrees to the proposed conditions of the permit.

Mr. Falkenstein stated he agrees with the proposed conditions.

Larry Schmidt, San Francisco Town Board supervisor, also thanked County staff who have been good to work with on this project. The San Francisco Town Board has been supportive of this development option since it was adopted. He stated this proposal is different from the first project in the township because of the development of the prairie restoration area and he also hoped it would be a good example for future developments. He stated the township board voted unanimously to recommend approval of this request.

They feel it fits the community very well and there is a lot of land in the township for which this type of development would be appropriate.

Seth Eggert, 15585 Halsey Av, expressed support for the project stating it should be a good thing.

Mr. Falkenstein stated the conservation incentive development is ideal for San Francisco Township. There is a lot of marginal land that isn't great for agricultural production but is good for limited development and the benefit of the conservation area.

Hoese asked the applicant if he has talked to the operators of the gravel mine about the proposed development.

Mr. Falkenstein stated he reached out to the president and explained the layout of the lots and locations of the houses and received an email from the company president who acknowledged the 500- foot boundary and had no issues with the request.

Hoese asked how long the mine plans to operate.

Mr. Falkenstein stated their IUP is for a 30-year period, but he guessed it may be mined out in closer to 20 years for as active as the mine has been. He stated the proposed house location on lots 4 and 5 is to the very east side of the lots, which will increase the distance from the mine. Mr. Falkenstein also stated they purchased over 400 trees which will be planted along the roadway to create a visual and sound barrier to isolate from the mining activity.

Mielke used the aerial map to further illustrate the proposed house locations and the mining operational area. He explained this is a very active mining operation considering the proximity to the Metro area and the need for the gravel resource. He felt both parties are working to be good neighbors and respectful of each other's plans.

A motion was made by Hoese to close the public hearing. The motion was seconded by Kerber. All voted aye. Motion carried.

Fahey also noted Mr. Falkenstein's patience in working through this process to design a practical solution to develop his land with additional density options that meet the County zoning code requirements.

A motion was made by Fahey to **approve and adopt Resolution PZ20220009** incorporating the findings of fact and staff recommendations for approving the Conditional Use Permit for additional density (High Amenity & Conservation) lots. Kerber seconded the motion recommending approval. All voted aye. Motion carried.

Other Business

Fahey asked to clarify when a public hearing is considered opened. Does it open with the announcement of the file number and the request, or is it only the segment when the public has the opportunity to make their comments?

Mielke noted the work session discussion and felt the entire presentation should be a part of the public hearing. He suggested a change in the terms used when allowing the public to speak might be better suited.

Tichey agreed that all of the information presented should be considered a part of the public hearing.

Adjournment

A motion was made by Hoese and seconded by Storms to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:16 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2022

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Energy Production – Large SES)

FILE #: PZ20220003

APPLICANT: Luke Gildemeister (USS Dressen Family Solar LLC)

OWNER: Bob & Brenda Dressen

SITE ADDRESS: 58XX Polk Avenue Mayer, MN 55360

PERMIT TYPE: Energy Production – Large SES

PURSUANT TO: County Code, Sections 152.057 (A), (C)(1), (C)(2)(b); 152.041

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-033-0400

STAFF ANALYSIS:

1. The subject property (approximately 158.1 acres) is owned by Bob & Brenda Dressen and is located in the East Half (E½) of the South (S½) of Section 33, Watertown Township. The proposed energy production area is located on approximately 6.4 acres of the property, consisting of some production land, wetlands, and uncultivated fields. The property is located in the Agricultural Zoning District, the Shoreland Overlay District of Goose Lake, and the CCWMO (Carver Creek & Crow River Watersheds). The project site itself; however, is not located in the Shoreland Overlay District.
2. The applicant, Luke Gildemeister of USS Dressen Family Solar LLC, a subsidiary of US Solar Corporation, is requesting to construct, operate (by lease), and maintain up to a one (1) Mega-Watt (MW) Community Solar Garden (CSG) as an energy production (Large – Solar Energy System) – Conditional Use Permit (CUP) on the subject property. 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. The Energy contract with Xcel Energy for this program is for a minimum of 25 years.
3. The Large SES application was reviewed by the Planning Commission at their February 15, 2022 meeting, at which a public hearing was conducted. Members of the public who spoke during the public hearing spoke in support of the project. Prior to the meeting the applicant submitted a Statement of Support signed by ten residents. Wanting to receive a full recommendation and a decision from the Watertown Township Board on the recently submitted Interim Use Permit (IUP) application, the County Planning Commission passed a motion to continue the request to the March 15, 2022 PLC Meeting. The continuance would allow the Town Board the opportunity to review the IUP application at their March 7th meeting. The Planning Commission's public hearing was not closed. A "60 Day Law" letter (attached) was sent to the applicant on February 18, 2022, extending the deadline for a final decision until May 26, 2022.
4. The Watertown Town Board continued US Solar's IUP and variance application at their March 7, 2022 meeting due to the desire of the Town Board to have additional discussion with their legal counsel and prepare proper resolution for the Board to consider.

5. Since the Town Board had not rendered their decision on the Watertown Solar Ordinance IUP, the Carver County Planning Commission at their March 15, 2022 meeting again continued the CUP application until the April 19, 2022 meeting.
6. At their March 23, 2022 meeting the Watertown Town Board passed a resolution to approve “the requested variance to allow a solar garden without the requirement that the owner of the property reside on site as the owner’s primary residence”. They also passed a separate resolution to approve the Watertown Town Board IUP application.
7. The proposal is considered a Large Solar Energy System (LSES) 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 and development standards pursuant to Sections 152.057 (A), (C)(1), and (C)(2)(b) of the Zoning Code, as follows:

§ 152.010 DEFINITIONS.

SOLAR ENERGY SYSTEM (SES). A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy. (See also: **LARGE SOLAR ENERGY SYSTEM** and **SMALL SOLAR ENERGY SYSTEM**).

SOLAR ENERGY SYSTEM, LARGE. Composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts.

§ 152.057 ENERGY PRODUCTION.

(A) General provisions.

- (1) *Pre-application meeting required.* A pre-application meeting with county land management staff is required prior to application for a land development permit that requires a public hearing. The following items shall be reviewed and approved prior to the submittal of an application for a large energy production system:
 - (a) Existing conditions site plan;
 - (b) Proposed conditions site plan;
 - (c) Site plan showing the proposed operational area, access road(s), any accessory uses, and their dimensions in relation to the agricultural production land and/or environmentally sensitive land, as defined by this chapter, on the subject parcel;
 - (d) Written approval for road access from the applicable road authority (township, county, state, etc.);
 - (e) Proposed grading plan;
 - (f) Location for all permanent and temporary stormwater control measures, when applicable;
 - (g) Wetland delineation report, if required;
 - (h) Preliminary vegetation and seeding plan for all perennial vegetation; and
 - (i) Preliminary decommissioning plan.
- (2) No energy production system requiring a CUP is permitted on land enrolled in the Metropolitan Agricultural Preserve Program (M.S. Chapter 473H).
- (3) The conversion of existing wooded areas for the placement of an energy production system is prohibited.
- (4) No more than 75% of the operational area for any large energy production system shall be existing agricultural production land and/or environmentally sensitive areas. This standard applies to the operational area, all access roads, and any accessory uses/structures.
- (5) Operational area(s) of any large energy production system, including fencing, the base of a WECS, solar arrays, and any accessory uses shall be located a minimum of one mile from the operational area(s) of any other permitted large energy production system or wireless communication tower in the county.
- (6) All energy production systems and accessory equipment shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the Minnesota State Electric Code, as amended.
- (7) All energy production systems and accessory equipment shall be in compliance with Carver County Water Management Organization, Chapter 153.
- (8) *Application.* An application to the county for a conditional use permit under this section is not complete unless it contains the following:

- (a) Site plan of existing conditions;
- (b) Site plan of proposed conditions;
- (c) Site plan showing the proposed operational area, access road(s), any accessory uses, and their dimensions, in relation to the agricultural production land and/or environmentally sensitive land, as defined by this chapter, on the subject parcel.
 - 1. Site plan shall include area calculations for agricultural production land and/or environmentally sensitive land, shown as a percentage of the overall project area.
- (d) Manufacturer's specifications and recommended installation methods for all major equipment;
- (e) A description of the method of connecting the array to a building or substation;
- (f) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary; and
- (g) A decommissioning plan to ensure that facilities are properly removed after their useful life. Decommissioning of an energy production system must occur within 180 days in the event the system is not in use for 12 consecutive months. All items associated with the discontinued use shall be defined as solid waste, in accordance with Chapter 50 of the Carver County Code of Ordinances. The decommissioning plan shall include a bond, letter of credit, or the establishment of an escrow account in the name of the landowner, to ensure proper decommissioning. Any cost incurred by the county for the decommissioning of a discontinued system, as a result of an inadequate financial surety, shall be assessed back to the landowner under M.S. § 375.18, subd. 14, as amended. The plan shall consist of the following:
 - 1. The removal of all structures and foundations.
 - 2. The removal of all power poles, cables/wiring and electrical devices associated with the project.
 - 3. The removal of all access roads and parking areas.
 - 4. The disposal of all power poles, cable/wiring, electrical devices, structures and/or foundations shall meet the provisions of the Carver County Solid Waste Ordinance or successor ordinance.
 - 5. The permanent restoration of the site including the following:
 - i. Site cleanup followed by general surface grading and, if necessary, restoration or surface drainage swales, ditches, and tile drains (if present).
 - ii. Any excavation and/or trenching caused by the removal of building or equipment foundations, rack supports, and underground electrical cables will be backfilled with the appropriate material and leveled to match the ground surface.
 - iii. The roads and parking areas will be removed completely, filled with suitable sub-grade material, and leveled.
 - 6. Further restoration of soil and vegetation of the site as necessary to minimize erosion.

(C) Solar energy system (SES).

(1) General provisions.

- (a) *Setbacks*. SES shall meet the structure setback requirements.
- (b) *Approved solar components*. Electric solar system components shall have an Underwriters Laboratory (UL) listing.
- (c) *Utility notification*. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer owned generator. Off-grid systems are exempt from this requirement.
- (d) *Application*. An application to the county for a conditional use permit under this section is not complete unless it contains the following additional information:
 - 1. The number of panels to be installed;
 - 2. A landscaping/screening plan, including a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site and blend into the surrounding environment, shall be prepared by a licensed landscape architect for submittal with the application. Applicants may also be asked to submit renderings of the landscape plan at year one, year three and year five.

(2) *Activities*.

- (b) *Large SES*.

1. *Conditional use.* Large SES shall be no more than one megawatt (MW) alternating current (AC) rated capacity and shall be permitted with the issuance of a CUP pursuant to § 152.052.
2. *Standards.*
 - i. *Foundations.* The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
 - ii. *Power and communication lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exceptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - iii. Foundation posts shall 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.
 - iv. Operational areas(s), including fencing and solar array, shall be located a minimum of 50 feet from adjacent property lines and/or public rights-of-way and 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 - v. *Vegetation maintenance required.* All approved large SES shall be required to complete maintenance of all screening and vegetative cover no less than four times per calendar year for the duration of the permit. Written documentation of completed maintenance shall be provided to the county on a quarterly basis.
 - vi. *Screening.* Screening consisting of a berm (2:1 maximum slope with supplemental plant materials including trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces: (1) public road right-of-way within 500 feet of the operational area; (2) an existing residence or farmstead within 750 feet of the operational area not on the subject parcel; or (3) residentially zoned or platted property within 750 feet of the operational area. When required, these distances shall be reviewed and possibly amended by the Planning Commission or County Board of Commissioners.
 - vii. Financial surety shall be provided to insure the establishment and maintenance of any required screening pursuant to the Carver County Fee Schedule. Financial surety shall be held for at least two consecutive growing seasons or until such time where staff has deemed the screening vegetation to be established.
 - viii. *Beneficial habitat.* The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with M.S. § 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.
 - ix. *Annual inspection required.*

§ 152.041 SCREENING STANDARDS.

- (A) *Purpose.* The screening of activities conducted under a conditional use permit, interim use permit or variance issued under this chapter may be required as a condition of a permit or variance to break up the visual profile in an aesthetically pleasing manner.
- (B) If screening is required as a condition, the following standards shall be complied with:
 - (1) A planting strip shall consist of evergreens, deciduous trees, shrubs and/or plants of a sufficient density to compose a substantially opaque visual screen and reasonable buffer viewed at a 90 degree angle from the planting strip.
 - (2) A planting strip shall be designed to provide visual screening to a minimum height of six feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Land Management Department. An earth berm may be used but shall not be used to achieve more than eight feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.
 - (3) Plant material centers shall not be located closer than three feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Planning Department.

- (4) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four feet on center or closer, and/or, evergreen shrubs shall be planted eight feet on center or closer.
- (5) Trees and shrubs shall not be planted in the right-of-way.
- (6) Trees and shrubs shall not be planted in or across any recorded easement.
- (7) All plants required as part of an approved screening plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved screening plan.
- (8) All new plants shall be guaranteed for a full growing season from the time planting has been completed. All plants shall be alive, of good quality, and diseases free at the end of the warranty period or be replaced. Any replacements shall be warranted for a full growing season from the time of planting. The growing season is herein defined as the period from June 1 to September 30.
- (9) Planting operations shall be conducted under favorable weather conditions during one of the following planting seasons as specified herein. For deciduous plant materials, spring planting should occur from April 1 to June 1; and fall planting from September 30 to November 15. For coniferous plant materials, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.
- (10) Any proposed modifications to these landscape requirements must consider a site-specific design solution if site conditions are deemed appropriate and other functional requirements (screening, etc.) are met.
- (11) Financial surety pursuant to the Carver County Fee Schedule may be required to insure the establishment of the required screening. If required, the following standards shall apply:
 - (a) The responsible party shall provide surety for the performance of the work described and delineated on the approved landscape plan and any related remedial work.
 - (b) The form and conditions of the surety shall be as follows:
 1. Deposit, either with the county or a responsible escrow agent, cash escrow. The financial assurance must be in a form acceptable to the county and from a surety licensed to do business in the State of Minnesota.
 2. The financial assurance shall be in favor of the county and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including this chapter, and the payment when due of any fees or other charges authorized or required by the permit and this chapter. The financial assurance shall state that in the event the conditions of the financial assurance are not met, the county may make a claim against it. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or these rules.
 3. If at any time during the course of the work or the initial two growing seasons the financial surety amount falls below 50% of the required deposit, the responsible party shall make another deposit in the amount necessary to restore the cash deposit to the required amount.
 4. If the responsible party does not bring the financial surety back up to the required amount within seven days after notification by the county that the amount has fallen below 50% of the required amount the county may take such legal action as specified in § 152.999 of this chapter.
 5. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or this chapter.
 6. The county may use funds from this surety to finance remedial work undertaken by the county or a private contractor and to reimburse the county for all costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees under the following circumstances:
 - i. The responsible party ceases land altering activities and abandons the work site prior to completion of the screening plan;
 - ii. The responsible party fails to conform to the screening plan as approved by the county;
 - iii. The screening techniques utilized under the screening plan are not maintained during site construction, for the initial two growing seasons after being planted; or
 - iv. The responsible party fails to reimburse the county for corrective action.
 7. The surety deposited with the county for faithful performance of the screening plan and any related remedial work to finance necessary remedial work shall be released after the practices identified in the screening plan have been installed, two full growing seasons have elapsed from the time of planting, and a final inspection has been completed by the county.
 8. The county may return a portion of the financial surety submitted to assure performance if the county determines that the entire amount is no longer required to ensure compliance with permit conditions and rules.

(Ord. 97-2021, passed 7-20-21)

8. The 2040 Carver County Comprehensive Plan recognizes the importance of providing access to solar resources. The County looks to ensure development of solar is in a manner which is efficient and follows all land use control. The development of solar energy systems is guided by Policy LU-20 Essential Services, Public and Quasi-Public, and Limited Private Uses that Serve a Community Purpose. This policy states that energy production is deemed essential to the public health and safety, welfare, or serves a public good of the community. In addition, Policy LU-37 under Solar Resources Policies states that “the County will avoid any undue restrictions on solar access”. The use of agricultural land is temporary in nature and the impervious areas would be minimal. The amount of long-term agriculture land utilized for the Large SES is small in relation to the total acreage of the Xcel Energy service area. These factors are compatible with the 2040 Comprehensive Plan.
9. Luke Gildemeister, has submitted a complete CUP application (dated: January 26, 2022) on behalf of US Solar, a business that coordinates solar projects including site acquisition, development, interconnection, permitting, finance, construction, operations, and maintenance. Property owners Bob & Brenda Dressen have entered into a minimum 25-year lease agreement with US Solar.
10. As shown in the submitted site plan (dated: April 4, 2022), the applicant is proposing to construct and operate up to a one (1) Mega-Watt (MW) solar garden on the 6.4-acre site. The major equipment components of the solar array include the solar modules, inverters, and racking. The panels would be on single-axis trackers, which rotate from east to west and will be approximately 6-8 feet in height depending on the tilt angle and do not require concrete foundations. There will be no permanent structures or external signage. The energy produced on the site would be transferred to the network interconnection location through underground, medium-voltage cable, to the existing utility pole within an Xcel Energy easement area adjacent to Polk Avenue on the northwest corner of the Dressen property. The project meets required setbacks from property lines. Consistent with Code, there is not a Large SES within 1-mile of the proposed project site.
11. The surrounding land uses consist of agriculture, a large wildlife management area, and approximately 8 homesteads within a half mile of the project. It appears that the closest residence is approximately 1,500 feet southwest of the proposed operational area. US Solar proposes a security fence, of “farm-field” style composed of wood and wire and not to exceed 8-feet in height, around the entire perimeter of the project site. Any fences over 7-feet in height require a building permit. With the exception of the graveled vehicle access area, the site will be planted with a “mix of native grasses and pollinator-friendly habitat.” Citing Watertown Township’s, the owner’s, and tenant farmer’s stated preference, no landscaping screening is proposed. Due to the remoteness of the nearest residence and public road, the applicant is not proposing any landscape screening. As part of the comprehensive zoning update that the County Board adopted in July 2021, new screening standards for energy production facilities were adopted. Site screening may be required as a condition of the CUP to “break up the visual profile in an aesthetically pleasing manner.” If the Planning Commission determines screening should be installed, conditions shall be placed on the permit pursuant to Section 152.041 “Screening Standards” of the County Zoning Code.
12. The project site consists of approximately 34.3% production land, which complies with the requirement that no more than 75% of a SES operation area be existing land under till. There are wetlands within and adjacent to the project site. US Solar has completed a wetland delineation, with some proposed wetland impacts. About .1-acre of the operations area is environmentally sensitive land. US Solar will be required to comply with all Wetland Conservation Act rules.
13. The submitted preliminary grading plan shows the amount of cut and fill proposed for the site to accommodate the rows of 2,700 solar panels. The proposed solar racking is noted to accommodate the existing terrain allowing for maintenance of the existing drainage and runoff patterns, minimizing the impact to surrounding lands. Any/all grading would be pursuant to Chapter 153 – Water Resource Management guidelines.
14. During the estimated four-month construction period the hours of construction activity are proposed to be 7:00 a.m. – 7:00 p.m. Monday through Saturday (no work is permitted on Sundays or nationally observed holidays). After construction, the solar project would operate 24 hours a day, 365 days a year. Site operations (energy productivity) would be monitored remotely. There would be no daily traffic after completion of construction. Approximately four times per year workers will visit the site to perform routine maintenance on equipment.

15. US Solar is proposing to drive piles (metal posts) into the ground to support the single-axis tracker racking system, a process they estimate will take two days or less. The Carver County Zoning Code includes a standard which requires foundation posts to be installed using noise mitigating equipment such as a vibrating post driver or any other noise reduction method.
16. US Solar submitted documentation of an Xcel Energy Interconnection Agreement (dated January 5, 2022). US Solar states their intention was to fund the Agreement by February 18, 2022.
17. US Solar or its successors would take on the responsibility and costs of the decommissioning of the site at the end of the operational life of the solar array as noted in the Project Narrative. Decommissioning would commence after twelve (12) months of non-operation. The project site would be restored to pre-construction conditions after removal of the structures, foundations, and restoration of soil and vegetation. Fencing would be removed and recycled, the access will be reclaimed, and soils replaced where needed. USS Dressen Family Solar LLC, the entity that will control the project once construction begins, "will establish a bond, letter of credit, or an escrow account in the name of the landowner to ensure proper decommissioning. Carver County will also be listed on this surety." The applicant has referenced the decommissioning process in their operations plan (dated: January 12, 2022) which appears to satisfy the decommissioning standard for an application submittal.
18. The applicant's project narrative references the public's concerns regarding stray voltage and property values. A condition of this permit should be that any stray voltage would be remediated within 30 days of detection and verification, and all test results would be sent to Carver County for reference and made publicly available.
19. The applicant has provided contact information for any maintenance and operation questions or concerns. The applicant would be required to submit (to the Carver County Land Management Department) the list of emergency contacts (during the construction phase) with an emergency plan prior to the issuance of any building permits. Updated contacts for post construction would be required to be submitted within 30 days of the issuance of the Building Permit Certificate of Occupancy (C.O.). The applicant would be required to provide signage with referenced contact information to be placed on the security fencing at this entrance to the operational area. All signage posted on site would be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide safety and support good practices.
20. The applicant has completed a preliminary drainage plan although, a full drainage report would be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit to be reviewed by the CCWMO as part of their stormwater management standards.
21. The Carver County Planning and Water Management Department (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 (BMP's). The applicant would be required to comply with any/all permitting requirements. As part of their formal review, they will 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 has been identified and will be avoided during construction. Or, if any changes to the site's existing natural and subsurface drainage system are proposed, review changes to ensure that the proposed drainage system has the same capacity as the existing system;
 - c. Review proposed erosion and sediment control BMP's to ensure the site will be managed in a way that prevents offsite erosion or deposit of sediment during construction and is 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 for 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.

22. The applicant has committed to using pollinator-friendly and native grasses underneath the solar panels and in the surrounding areas. The vegetation would be chosen to reduce stormwater runoff, expand habitat for pollinators, and preserve and improve soils to enhance the surrounding agricultural activity. US Solar would control weeds and maintenance throughout the life of the project. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO and Carver County SWCD to ensure the vegetative cover will meet or exceed the statewide standard for pollinator-friendly solar by scoring at least 70 points on the *BWSR Solar Site Pollinator Habitat Assessment*. US Solar would ensure ground cover at the site is maintained and mowed for the duration of the permit.
23. The applicant has indicated that they have a liability insurance policy which will meet the applicable insurance coverage requirements. Minnesota state 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.
24. This project proposal has been sent to Taylor Huinker, Area Hydrologist for the Minnesota Department of Natural Resources, for review. The DNR has stated they have no comments on the project.
25. In July 2021 the Watertown Town Board adopted a Watertown Solar Garden Ordinance regulating large scale solar array projects within Township boundaries. The Ordinance defines solar gardens as an interim use requiring the issuance of an Interim Use Permit from the Township. In addition to the County standards for solar gardens the Town Board added an additional condition: The owner of the property must reside and establish as their primary residence the property on the solar garden is located. Further, the IUP “shall expire at such time as the owner of such property no longer maintains such property as the owner’s primary residence.” Currently, the owners live in a house on a parcel adjacent to the subject property (i.e. across the road to the west on Polk Ave). It is the sole responsibility of the applicant to comply with all state and local regulations.
26. Proposed site access is through the existing field access near the utility pole at the northwest corner of the parcel. Watertown Township has provided written approval for this access onto Polk Ave. in a letter dated December 22, 2021.
27. At their March 23rd meeting the Watertown Town Board passed a resolution to approve “the requested variance to allow a solar garden on the property without the requirement that the owner of the property reside on the property as the owner’s primary residence” and to approve the Watertown Town Board IUP application.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Large – Solar Energy System (LSES) Conditional Use Permit application, the following conditions should be considered part of the permit:

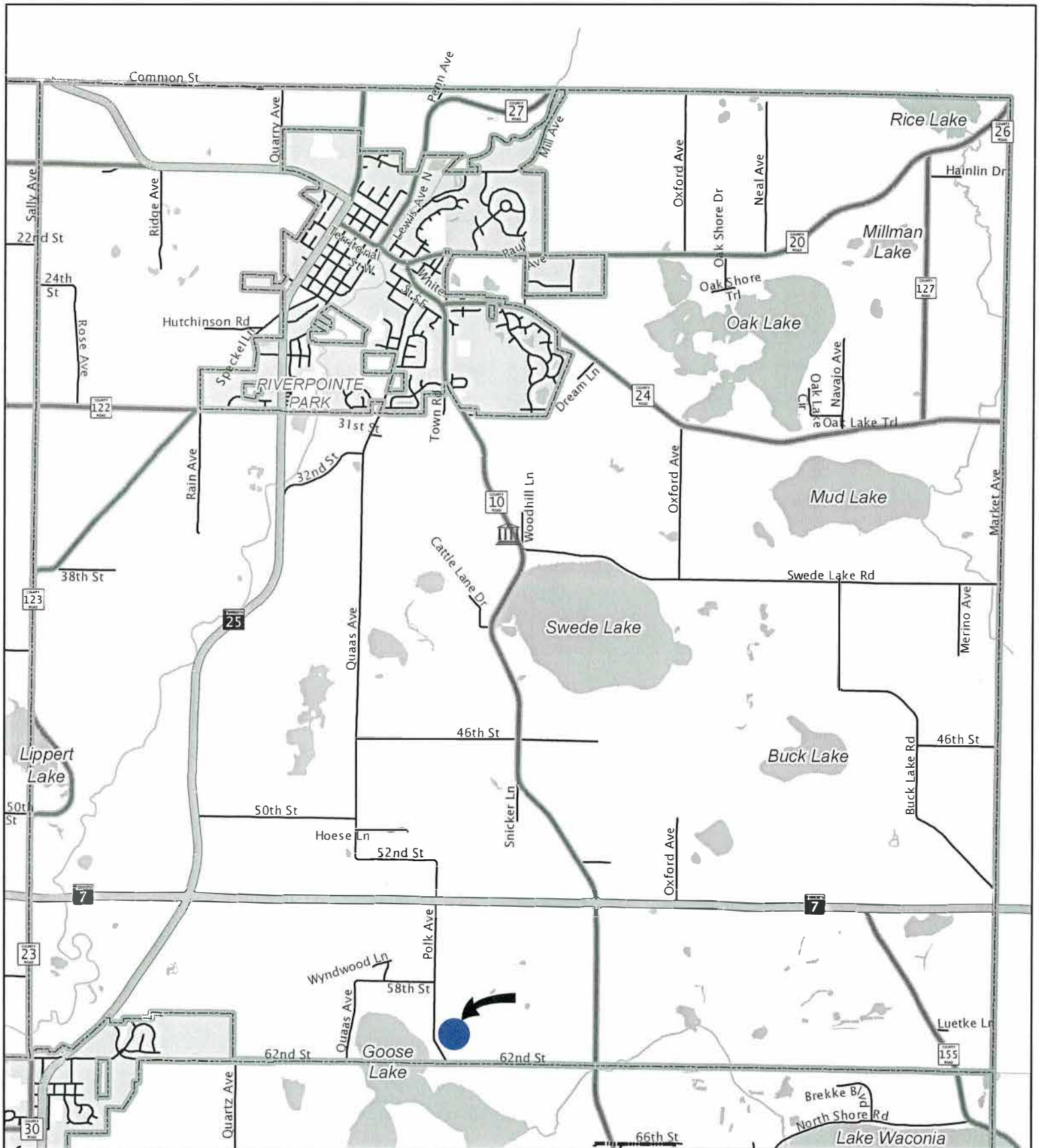
1. The permit is subject to Compliance Review. The permit allows for a community solar garden on the subject 158± acre property (approx. 6.4-acre lease area) and it is not transferable to another parcel and/or another area of the parcel subject to the permit. Upon notice to the Carver County Land Management 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 CUP Application operations plan (dated: January 12, 2022) and site plan (dated: April 4, 2022) and any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation). These plans shall be considered a requirement of this permit. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The CSG shall be installed and maintained in accordance with Section 152.057, including noise mitigation and decommissioning. Construction activity may occur 7am-7pm Monday through Saturday (no work is permitted on Sundays or nationally observed holidays).
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. The north property line of the subject parcel shall be surveyed to determine the operational area meets the minimum setback of 50 feet. The survey information shall be submitted to the Carver County Land Management Department with the building permit application.
4. The permit is subject to any/all Watertown Township standards pertaining to access requirements.
5. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO 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, replacement, and/or abandonment of any/all drain tile services this solar array area for the duration of the CUP. The Permittee shall work with the landowner to determine if replacement or abandonment is necessary for any drain tile (if problems occur).
7. The vegetative cover shall be implemented in accordance with the operational plan (dated: January 12, 2022), and site plan (dated: April 4, 2022), which shall be considered a requirement of this permit. The project shall be planned and developed in a way that is beneficial to pollinators – the vegetative cover will meet or exceed the statewide standard for pollinator-friendly solar by scoring at least 70 points on the *BWSR Solar Site Pollinator Habitat Assessment*. The Permittee shall be responsible for maintaining any/all vegetative ground cover for the duration of the CUP and complying with MN Statutes Noxious Weeds Control and Management rules. Final implementation of the plan(s) shall be subject to the CCWMO review and approval. If screening is required, the permittee shall submit a screening escrow in the amount specified in the Fee Schedule.
8. Pursuant to the operational plan (dated: January 12, 2022), US Solar shall construct the facility according to the National Electrical Safety Code standards. The permittee shall conduct pre-construction and post-construction stray voltage testing. Results of any stray voltage data collection shall be submitted to the Carver County Land Management Department. Any stray voltage identified shall be remediated within 30 days of detection and verification.
9. Decommissioning of the solar facility shall be implemented in accordance with the Decommissioning Plan process (dated: January 12, 2022), at the end of the life of the community solar garden. The Permittee and property owner shall be responsible for all of the decommissioning costs and shall list Carver County as having access to the security, escrow, or letter of credit in the event decommissioning is required. The Carver County Land Management department shall receive a copy of the security document from the Permittee or property owner prior to issuance of the required building permit(s). 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 Land Management Department for the decommissioning and reclamation once the essential service is no longer in use.
10. The Permittee shall provide the Carver County Land Management Department with the Operation & Maintenance agreement documenting the emergency/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/or identified by a placard sign at the site with the contact name(s), addresses, and telephone number(s). The completed (construction) emergency/response plan shall be submitted to the

Land Management Department prior to the issuance of any building permit(s), and/or prior to beginning any construction activities on the subject parcel, as well as an emergency plan (post-construction) listing contacts for the ongoing maintenance/operations after construction is completed. This plan shall be submitted within 30-days of receiving the Building Permit Certificate of Occupancy (C.O.).

11. No later than the date that construction of the solar facility begins, 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.
12. No later than the date that construction of the solar facility begins, the Permittee (including all Permittee affiliates) shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department.
13. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.

WATERTOWN TOWNSHIP



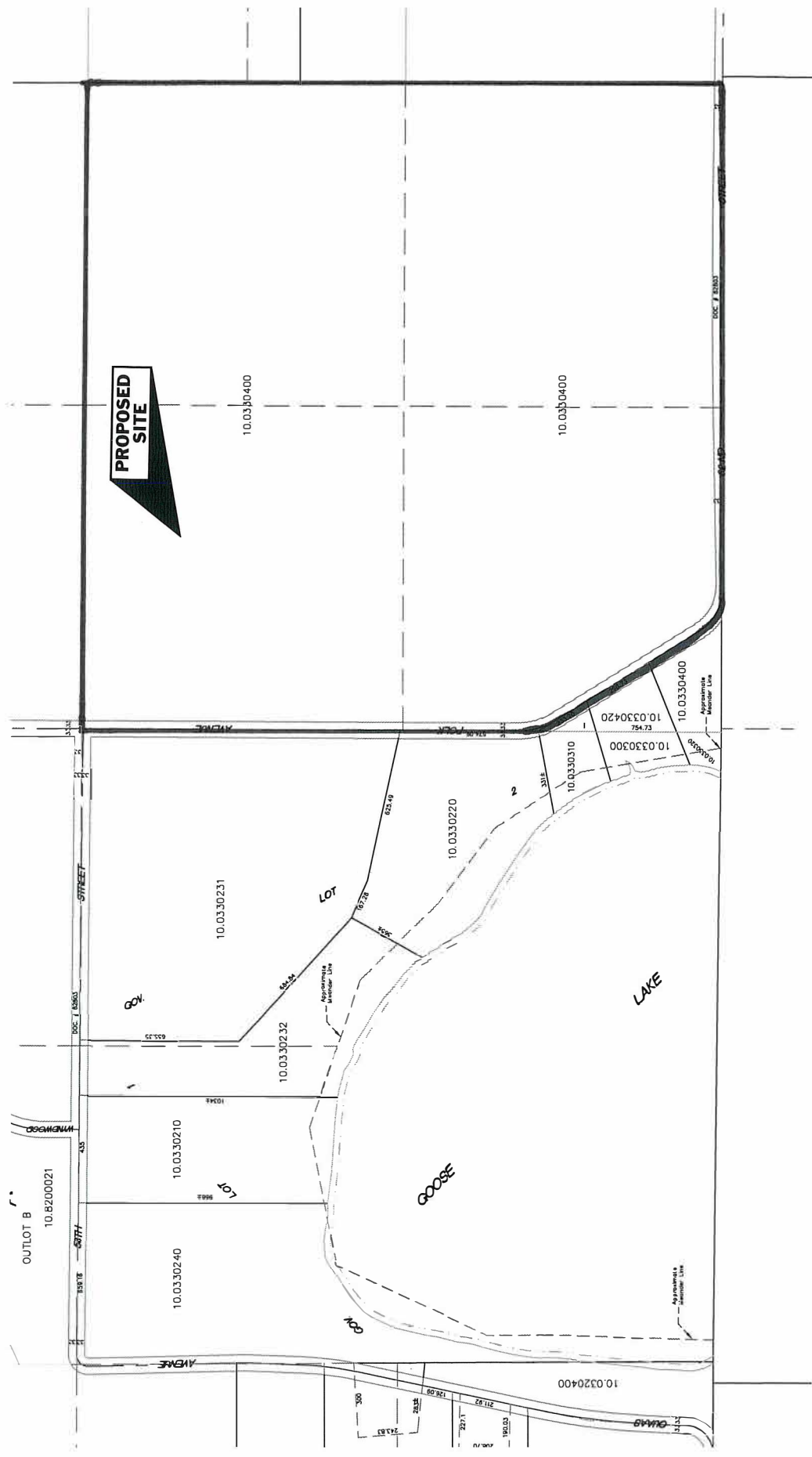
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 AS THEY APPEAR IN THE CARVER COUNTY
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S 1/2 SEC. 33, T.117, R.25





Public Services Division
Department of Land Management
Carver County Government Center
600 East 4th Street
Chaska, Minnesota
(952) 361-1820

February 18, 2022

Bob & Brenda Dressen
6150 Polk Avenue
Mayer, MN 55360

Luke Gildemeister
US Solar Corporation
100 N 6th Street, Ste 410B
Minneapolis, MN 55403

RE: Conditional Use Permit (CUP) Application #PZ20220003
USS Dressen Family Solar LLC Project
PID# 10-033-0400

Dear Mr. & Mrs. Dressen & Mr. Gildemeister:

I'm writing in reference to the requirement that the County Board of Commissioners must make decisions on planning & zoning requests within 60 days of the application, as dictated by State Statute (MS. 15.99). The law states that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60-days (i.e. 120 days total) unless approved by the applicant.

I want to take this opportunity to inform you of a 60-day extension for the decision on your request (File #PZ20220003) for a Conditional Use Permit for a Large Solar Energy System. This extension is based on the date your application was considered complete (January 26, 2022). The initial 60-day deadline for a final decision on your request would be March 27, 2022.

During the February 15, 2022 Carver County Planning Commission meeting, the Commissioners approved a motion to continue deliberation and extend the public hearing until March 15, 2022, which is a date certain. The reason stated for the motion was that the Commissioners wanted to receive a full recommendation and a Watertown Solar Ordinance decision from the Watertown Township Board on the application.

This letter shall serve as the written notice of a 60-day extension (120 days), reflecting a May 26, 2022, County Board deadline for a final decision on your request. The 120-day time period will not be extended in the future without your approval.

Thanks for your time. If you have any questions, please feel free to contact me at 952-361-1815.

Sincerely,

Donovan Hart
Senior Planner



**USS DRESSEN FAMILY SOLAR LLC
CONDITIONAL USE PERMIT APPLICATION**



COVER LETTER

1/12/2022

Carver County Planning Commission
600 E. 4th Street
Chaska, MN 55318

RE: Application by USS Dressen Family Solar LLC for a Conditional Use Permit to Construct and Operate a Community Solar Garden

Dear Carver County Planning Commission,

Attached, please find an application for a Conditional Use Permit ("CUP") to construct and operate a community solar garden within Carver County. The request is being made by USS Dressen Family Solar LLC, a subsidiary of United States Solar Corporation ("US Solar"). US Solar, a developer/owner/operator based in Minnesota, seeks to make the benefits of solar more accessible. We coordinate all project details — site acquisition, development, interconnection, permitting, finance, construction, operations, and maintenance.

USS Dressen Family Solar LLC plans to develop and construct a 1-megawatt (MW) community solar garden (the "Solar Garden") in Carver County on approximately 6.11 acres of parcel 100330400 in Watertown Township at 6190 Polk Avenue (the "Property") through Carver County's Conditional Use Permit process. Our application includes information about the site and provides detailed analysis of the applicable land use permitting considerations. You will also find information about the residents, schools, cities, and businesses who subscribe to these solar gardens and the local benefits to the economy and environment.

The US Solar team appreciates the coordination and insights already provided by the staff of both Watertown Township and Carver County and looks forward to working with the county. Together, we will ensure that this solar garden will operate safely and efficiently over its lifespan, while providing environmental, financial, and social benefits to the surrounding area.

Please contact us with any questions, comments, or points for clarification. We look forward to working with Carver County staff and the planning commission on this community solar garden.

Sincerely,

Luke Gildemeister

Luke Gildemeister – Project Developer

USS Dressen Family Solar LLC
100 N 6th St., Suite 410B
Minneapolis, MN 55403
W: (612) 230.0172
E: luke.gildemeister@us-solar.com

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SOLAR GARDEN SUMMARY

USS Dressen Family Solar LLC respectfully submits this CUP application to construct, own, and operate a community solar garden (the "Solar Garden").

Parcel Identification Number	100330400
Site Address	6190 Polk Avenue, Mayer, MN 55360
Project Capacity	1 MWac
Project Acreage	6.11 acres
Site Control Status	Memorandum recorded, see Appendix III
Landowner	Bob & Brenda Dressen
City	Mayer
Current Use of Property	Agriculture

SELECTING THIS PROPERTY

The Property was selected because of its solar resources, physical characteristics, proximity to sufficient distribution facilities, ability to meet all local permitting requirements, and of course, landowner support.

- Solar Resource
 - Relatively large, flat, and open to provide unobstructed access to natural sunlight
- Physical Characteristics
 - Limited grading, if any, maintaining natural topsoil and existing drainage patterns
 - Not in Agricultural Preserve
 - No impact to wetlands or neighboring properties
 - Adequate space for setbacks or landscape screening
 - Soils capable of supporting facility and equipment
 - No water or other infrastructure improvements needed
- Proximity to Sufficient Distribution Facilities
 - Existing distribution line on Polk Avenue
 - Adequate capacity for the Solar Garden on existing distribution line and other infrastructure
 - Supplies electricity throughout the local community
 - Existing substation in relatively close proximity with adequate available capacity for the Solar Garden, according to capacity screens provided by Xcel Energy
- Ability to meet all local permitting requirements
- Landowner support

LOCAL IMPACT

ENVIRONMENTAL

The area underneath the modules and between rows will be transformed into a diverse mix of pollinator-friendly, low-lying, deep-rooted plants. This enhances soil, water, and air quality. A study has shown that these seed mixes reduce stormwater runoff by 23 percent for the 2-year storm event (2.9 inches of rain) and 8 percent for the 100-year storm event (7.8 inches of rain)¹. These native plantings also expand habitat for pollinators and other species that increase crop yields and improve the local environment.

Beyond the local environment, there is also a measurable impact to the global environment by producing clean energy. The Solar Garden would provide decades of pollution-free and greenhouse-gas-free electrical generation.

ECONOMIC

US Solar is a leading provider of community solar solutions to residents, businesses, and public entities across Minnesota. We are proud to work with over 70 commercial customers and 1,500 residential customers in Minnesota. Our subscribers get the opportunity to save money on their monthly electric bill through Xcel Energy's community solar program. Xcel Energy customers in Carver County, Watertown Township, and the city of Mayer may subscribe to a portion of the electricity generated and receive bill credits on their Xcel Energy bills. In this way, local residents and businesses receive a direct economic benefit from the Solar Garden.

In addition to the subscriptions, here are some local economic impacts:

Already Spent

- oLocal engineering, environmental, and permitting consulting services
- oLegal fees, county recordings, travel, and meals

During Construction

- oPrivate capital infrastructure investment
- oLocal spending
- oConstruction and related labor jobs

During Operation

- oIncreased property tax payments throughout operation
- oPermanent, part-time work to monitor and maintain

¹ (Jeffrey Broberg, "Utility & Community Solar Should Use Native Landscaping," <http://cleantechnica.com/2016/03/15/utility-and-community-solar-should-use-native-landscaping/>)

ELECTRICAL

The Solar Garden will generate enough clean electricity to power approximately 225 homes annually. Because the Solar Garden will interconnect to the existing distribution system of Xcel Energy, the clean energy will be used by nearby electric customers. This Solar Garden will also contribute to energy independence, decreasing our reliance on importing energy. USS Dressen Family Solar LLC is contracted to deliver electricity for a period of 25 years, commencing on the date of commercial operation.

VISUAL IMPACT

OVERVIEW

The surrounding land use is primarily agricultural, with several residences and farmsteads within a mile of the Solar Garden. Currently, the relevant area of the parcel consists of hay/pasture lands. The Solar Garden is composed of single-axis trackers, which means the panels rotate from east to west as the sun rises and sets. The panels are about 6'-8' tall, depending on the tilt angle, which varies throughout the day. Each row of solar panels is approximately 20' apart, and the entire Solar Garden area is planted in a mix of native grasses and pollinator-friendly habitat. There are no permanent structures or buildings.

PHOTOS OF THE SITE



- See Updated Plan
Dated 4-4-2022
Sheet C.200



FENCE

Our Solar Garden will include a security fence around the entire perimeter, as required by National Electric Code. The security fencing will be located entirely on the Property. The fence will not exceed 8 feet in height, and it will be a farm-field style fence without barbwire. See the image below for a representative photo taken of a Solar Garden that was constructed in Minnesota in 2020.



LANDSCAPE SCREENING

We appreciate that many communities would like to see landscape screening that provides an effective visual buffer from neighboring residences and public roads. In addition to meeting those needs, our landscape screening is designed to fit with the neighborhood and benefit the local environment. Watertown Township has expressed to US Solar that they would prefer our Solar Garden without landscape screening on the west side of the project. This is also the preference of the tenant farmer and landowner, to facilitate continued farming of the remaining land. Additionally, the project will be located approximately 650 feet from the nearest public road and 1,500 feet from the nearest residence.

VEGETATIVE SEEDING PLAN

As mentioned in the LOCAL IMPACT section, the area underneath the modules and between rows will be transformed into a diverse mix of pollinator-friendly, low-lying, deep-rooted plants. USS Dressen Family Solar LLC will control for noxious weeds throughout the life of the Solar Garden.

SITE PLAN

The proposed site plan is enclosed as Appendix I to describe our design of the Solar Garden. You will also find a screenshot of the site plan below for your convenience. Appendix I shows the parcel, Solar Garden dimensions and specifications, zoning setbacks, and more. The amount of agricultural production land, as a percentage of the overall project area, is $1.9 \text{ acres} / 6.11 \text{ acres} =$ approximately 31%. The amount of environmentally-sensitive land, as a percentage of the overall project area, is $0.1 \text{ acres} / 6.11 \text{ acres} =$ approximately .0163%.

SOLAR ON AGRICULTURAL LAND

Harvesting solar to generate energy is widely viewed as an agricultural business opportunity for farmers across the United States, including those in Minnesota. This is evidenced by many agricultural groups that have gone on record to support the expansion of community solar. For example, the President of the Minnesota Farm Bureau has stated publicly that the **"Minnesota Farm Bureau statewide policy supports the development and use of alternative energy sources such as solar farms and gardens, as long as the drainage is maintained and serviced."** Other groups that have voiced their support for community solar include the American Farm Bureau Federation, MN Farmers Union, and National Farmers Union.

There are three primary reasons why community solar gardens contribute to the preservation and improvement of agricultural land:

1. The Solar Garden area is converted to native grasses and pollinator-friendly habitat. As mentioned in the *LOCAL IMPACT* section, this makes a tremendous impact on the local environment, including but not limited to soil quality, water quality, and crop yields.
2. Decommissioning of community solar gardens is simple and does not disrupt the land. We remove the solar panels, racking, concrete inverter pads, and any other equipment and restore the land. Because we use piles as foundation, system removal involves almost no disruption to the land. After the Solar Garden's life, what is left is an undisturbed field of native grasses atop immaculate soils. This is one of the only ways for a landowner to increase and diversify income while preserving and protecting farmland for future generations, when crop prices and agricultural practices may be more viable than they are today.
3. Landowners can convert a small portion of farmland to a community solar garden, which provides them with guaranteed, increased, and diversified income. This financial stability allows landowners to keep their remaining land in farming and in the family. This sort of financial stability is traditionally only offered by residential, commercial, or industrial development. Of these options, the community solar garden will be the best steward of the soils and natural resources of the agricultural land.

CONSTRUCTION

OVERVIEW

The construction of a Solar Garden is simpler than many people realize. Galvanized steel I-beams are driven into the ground to the appropriate depth to ensure long-term stability, according to detailed structural and geotechnical analysis. Racking sits on top of the steel I-beams. Solar panels clip into the racks. Inverters are set up in between sections of solar panels. Electrical line is buried 4' deep in an electrical conduit. There are no concrete footings and no permanent structures or buildings, which makes the eventual decommissioning process easy at the end of the Solar Garden life. The Solar Garden will comply with Minnesota Rules 7030 governing noise. We use Tier 1 solar panels to achieve high efficiency and conform to high quality-control and safety standards. As mentioned in our pre-application meeting, our project will comply with applicable state electrical code and building code requirements.

The bulk of the construction will occur in approximately 7 weeks, followed by testing, inspections, and commissioning work. The most noticeable phase of the construction is the pile driving, which is often completed in 2 days or less. In total, the construction period is expected to last about 4 months. Hours of construction will be 7:00am to 7:00pm Monday-Saturday. No work will be done on Sundays and nationally-observed holidays.

PARKING

During our construction phase, a temporary parking area, adjacent to the Project, will be used for installation crews, delivery trucks (as needed), and construction and supervision personnel.

VEHICLES/CONSTRUCTION TRIPS

Trucks for maintenance activities will be standard, with minimal tooling and parts for activities as described above.

- Most deliveries will be in the first month and most electrical testing will be in the later stages of construction.
- Modules will come on 40-foot flatbed trucks or in 40-foot containers.
- We expect no more than 8 deliveries for all solar modules.
- We expect no more than 5 container trucks to deliver racking material
- We expect no more than 2 deliveries for inverters, switchgears, and transformer
- We expect 4 trips for Balance of Plant equipment in containers that are 40 feet or smaller.
- Note: We expect no more than 4 deliveries per day.

STRUCTURES

All monitoring is done remotely. No permanent structures will be built onsite.

STORAGE DURING OPERATION

As referenced above, there will be no equipment or materials storage onsite.

SIGNAGE

There will be no external signage of the facility. To provide safety and support good practices, labeling of electrical equipment requires internal signage. All signage will be in compliance with Chapter 154 – Sign Regulations.

WATER, SEWAGE, AND WASTE

No water, sewage, or waste management services are required onsite. Portable waste facilities will be provided during the construction period. Delivery routes will be designed to pose the smallest traffic impact in the local community. We will coordinate with local authorities as to preferred times and routes prior to construction mobilization. Construction employees will park within the Project premises. There will be no permanent storage on-site. Employees will be provided with mobile waste management options sourced from the local area. USS Dressen Family Solar LLC takes responsibility for maintenance or replacement or new installation of any drain tile servicing this site if USS Dressen Family Solar LLC and the landowner determine it necessary.

SITE ACCESS

The site will be accessed via the existing access (old Hwy 7) off of the township road (Polk Ave). The Township has already provided written approval for the road use and access. This provides necessary access for construction, regular mowing and maintenance activities, and decommissioning of the Project, while minimizing impact to adjacent land uses. The road also provides access in the unlikely event that emergency crews are needed onsite. We utilize the following simple process for construction of the access road:

- (1) Remove topsoil from a 15-foot wide area and spread it thinly in adjacent areas,
- (2) Lay down geotextile fabric over compacted subgrades, if necessary, to prevent vegetative growth, and
- (3) Install and compact approximately 8-10" of aggregate material/gravel to level with surrounding grade.

See the Site Plan in Appendix I for a depiction of the access road.

OPERATIONS AND MAINTENANCE

As a long-term owner and operator, US Solar's operations team analyzes Solar Garden performance remotely 24/7 through our data acquisition system. This real-time monitoring aids in detecting and diagnosing any production anomalies, identifying, and addressing under-performance issues, managing service teams and technicians, and contacting landowners and the utility if necessary.

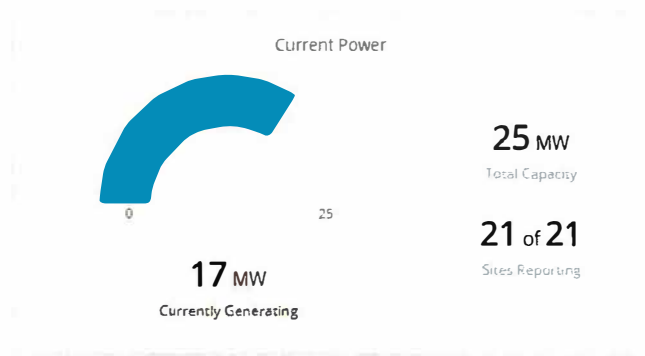


Figure: Snapshot of instantaneous generation for an operating portfolio

Approximately four (4) times per year, authorized and insured technicians will be sent out to perform routine maintenance on the site, in addition to any unplanned maintenance. During the first few years, maintenance personnel will visit the site a few extra times per year to ensure the health of vegetation and landscaping.

Maintenance and Operations questions can be directed to the USS Dressen Family LLC Operations Team at 612-260-2230. The Operations Team will be able to address any issues related to drainage, weed control, screening, general maintenance, and operation. Emergency contact details to be provided prior to construction.

In addition, Xcel Energy personnel will have an easement and will perform any maintenance activities of their interconnection facilities, if needed.

PARKING

After construction is completed, there will be approximately two parking spots within the boundaries of the perimeter fence. Our vehicles will park there to avoid disrupting traffic or adjacent land use.

OTHER

There will be:

- No daily traffic
- No equipment or materials storage onsite
- No marketing/advertising signage
- No water/sewer/trash utilities required onsite

GRADING AND STORMWATER POLLUTION PREVENTION

GRADING

Grading, filling, removal of soils, and addition of soils will be limited to the extent practical. Our solar racking can accommodate various terrain.

We will maintain the existing drainage patterns of this parcel, minimizing impact to surrounding land. A preliminary drainage plan has been included in Appendix I. A full drainage report is forthcoming and will be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit. Volume control (infiltration) will be provided through infiltration basins and the newly established perennial vegetation.

As described in the Minnesota Stormwater Manual, best management practices have been incorporated to ensure a site maintains good drainage. All impervious surfaces are fully disconnected and routed over low-maintenance grass. The MPCA's spreadsheet tool has been used to calculate the volume of stormwater that must be treated on site from solar installations to meet the requirement of 1.0 inch of runoff from new impervious surfaces. A small basin may be provided to make up the remainder of the volume required. The basin design will allow for a 48-hour draw down time. Pretreatment is provided throughout the site by fully vegetative land cover that will be utilized as buffer. Carver County WMO requirements are met throughout.

The SWPPP will include the following:

- Storm water mitigation and management resources
- Wetland impacts (if any)
- Temporary erosion prevention measures
- Temporary sediment control measures
- Permanent erosion and sediment control measures, if needed
- Best management practices (BMPs) regarding erosion control
- Inspection and maintenance
- Pollution prevention measures
- Final stabilization plan for long-term soil stability

EROSION AND SEDIMENT CONTROL PLAN

USS Dressen Family Solar LLC will comply with the requirements outlined above, including obtaining a stormwater permit prior to construction. Our racking equipment is very accommodating of various terrain types and topography. Please refer to [Appendix I](#) for the erosion and sediment control site plan. In addition to the silt fence, we propose a wet sedimentation basin within the Solar Garden and permanent erosion control at the outlet.

NO HAZARDOUS MATERIALS INVOLVED

We exclusively use Tier 1 solar panels. The materials that comprise Tier 1 solar panels are the same materials that comprise a cell phone: glass, silicon, silver, aluminum. All the materials used in the Solar Garden are stable and fully contained. There is no pollution of the air, groundwater, or surface area of the site on which they sit.

TOWNSHIP RECOMMENDATION

USS Dressen Family Solar LLC met with Watertown Township on December 6, 2021. We received feedback, answered questions, and alleviated concerns. There were no members of the public who opposed the project at the meeting. Scott Hoese, tenant farmer of the subject property and Township Board Member, was able to answer some questions on the background of the property and access. Wayne Hubin, Watertown Township Clerk, provided formal road access approval to use the field road off of Polk Avenue. Mr. Hubin signed the "Land Use Application" page of the Carver County form, which signals the township's acknowledgement of our application.

PROPERTY VALUES

According to a widely circulated independent study conducted by researchers at the [LBJ School of Public Affairs at the University of Texas](#), the results from the survey of residential home assessors show that the majority of respondents believe that proximity to a solar installation has either no impact or a positive impact on home values. Data comes from a survey of 37 different appraisers across the U.S. and represents 23 states of the 42 to have utility scale solar facilities. Responses that indicated negative impact were primarily from properties with closer proximity to larger facilities i.e. homes studied within 100 feet of a larger facility (25MW -100MW in size). It is also important to note that assessors with experience assessing homes near solar installations perceived considerably smaller impacts than those without experience.

[Kirkland Appraisals, LLC](#) conducted a matched pair analysis of the property value of homes and agricultural land adjoining existing solar farms in North Carolina, South Carolina, Tennessee, Virginia, Mississippi, Texas, Oregon, New York and Maryland. The conclusion of this study was no indication of any impact on property values, positive or negative, of homes or vacant residential or agricultural land due to adjacency to a solar farm. Note that the average distance from a residential home to solar panels in this study was 150'.

Locally, [Chisago County](#) decided to study this independently. They released a report conducted by the County Assessor reviewing property value impacts due to the 100MW North Star solar project which covers approximately 1,000 acres. Note that North Star is approximately 100x the size of this project. Between January 2016 and October of 2017 fifteen (15) properties sold adjacent or near the solar array. After analyzing sales prices, they concluded no adverse impact due to the solar array was found.

In summary, all available data finds no negative impacts to property values of residential homes or agricultural land adjacent or near a solar array. This fact has been confirmed in decisions by the Minnesota Court of Appeals.

DECOMMISSIONING PLAN

The Solar Garden consists of many recyclable materials, including glass, semiconductor material, steel, aluminum, copper, and plastics. When the Solar Garden reaches the end of its operational life, the component parts will be dismantled and recycled as described below. We have a lease contract with the property owner, which requires us to decommission and restore the site at our expense. The decommissioning plan would commence at the end of the lease term or in the event of twelve (12) months of non-operation. At the time of decommissioning, the Solar Garden components will be dismantled and removed using minimal impact construction equipment, and materials will be safely recycled or disposed. USS Dressen Family Solar LLC will be responsible for all the decommissioning costs. USS Dressen Family Solar LLC will establish a bond, letter of credit, or an escrow account in the name of the landowner to ensure proper decommissioning. Carver County will also be listed on this surety.

REMOVAL PROCESS

The decommissioning of the Solar Garden proceeds in the following reverse order of the installation:

1. The solar system will be disconnected from the utility power grid
2. PV modules will be disconnected and removed
3. Electrical cables will be removed and recycled off-site
4. PV module racking will be removed and recycled off-site
5. PV module support posts will be removed and recycled off-site
6. Electrical devices, including transformers and inverters, will be removed and recycled off-site
7. Concrete pads will be removed and recycled off-site
8. Fencing will be removed and recycled off-site
9. Reclaim soils in the access driveway and equipment pad areas by removing imported aggregate material and concrete foundations; replace with soils as needed

The Solar Garden site may be converted to other uses in accordance with applicable land use regulations at the time of decommissioning. There are no permanent changes to the site, and it will be returned in terrific condition. This is one of the many great things about community solar gardens - if desired, the site can return to productive farmland after the system is removed.

DECOMMISSIONING CONSIDERATIONS

We ask that Carver County take note of 3 important considerations: 1) a community solar garden is not a public nuisance, 2) the resale and recycle value are expected to exceed the cost of decommissioning, and 3) Carver County and taxpayers are not at risk.

1) Our modules do not contain hazardous materials, and the Solar Garden is not connected to government utilities (water, sewer, etc.). The Solar Garden will be fenced. Additionally, almost all the land is permanent vegetation which improves erosion control, soil quality, and water quality. For these reasons, the Solar Garden, whether operational or non-operational, is not a public nuisance threat that would require government involvement in decommissioning or removal of the Solar Garden. Compare this to an abandoned home, barn, etc. that may regularly include hazardous materials and/or become a public nuisance.

2) Upon the end of the Solar Garden's life, the component parts may be resold and recycled. The aggregate value of the equipment is expected to exceed the cost of decommissioning and removal. Solar modules, for example, have power output warranties guaranteeing a minimum power output in Year 25 of at least 80% of Year 1. Since the value of solar panels is measured by their production of watts and the value of electricity, it is easy to calculate expected resale value. Even using extremely conservative assumptions, the value of the solar modules alone greatly exceeds the cost of decommissioning. This does not factor in the recycle value of other raw materials like steel, copper, etc. So, decommissioning is seen as a process that results in a net profit, incentivizing the Solar Garden owner to do it.

3) In the extremely unlikely, "worst-case" scenario where (1) the Solar Garden owner fails to decommission and neither our lender nor any power generation entities want the assets, and then (2) the landowner fails to decommission the Solar Garden (which the landowner would have the right to do under the Property lease), Carver County would have its standard police powers to enforce decommissioning. If that process ultimately resulted in Carver County gaining ownership of the property, Carver County could sell the parcel which would absolutely exceed the decommissioning cost.

DECOMMISSIONING CONSIDERATIONS

Despite the considerations of 1) the Solar Garden is not a public nuisance, 2) the resale and recycle value is expected to exceed the cost of decommissioning, and 3) Carver County and taxpayers are not at risk, we propose posting with Carver County a decommissioning financial surety of \$25,000, in line with all recent projects. The surety would be in the form of a cash deposit, a letter of credit, or some other form approved by Carver County.

This financial surety will provide an extra layer of security that the Solar Garden site will be returned to the appropriate condition at the end of the Solar Garden's useful life or earlier, should the Solar Garden cease operations for a twelve-month period. Carver County will be the designated beneficiary of the fund, and the landowner will be provided a copy of the document, thereby establishing the obligation before construction commences.

STRAY VOLTAGE

There is one dairy farm, owned by Scott Hoese, within a mile of the facility. To ensure Scott's peace of mind, US Solar is willing to test before and after construction of the solar facility to prove that our facility does not create any stray voltage.

That said, according to industry experts, public and co-op utilities, and Minnesota Licensed Electrical Engineers, there is absolutely no relationship between stray voltage and solar. In fact:

"Any new facility that could be built near a dairy farm, whether it was a storage warehouse, pole barn, manufacturing facility, residential development, another dairy operation, etc. would be more likely to have the potential to create stray voltage than a solar PV plant, given that they are more prone to exhibiting many of the common causes of stray voltage such as unbalanced or single phase loads, while often lacking the same attention to detail...It is the firm opinion of Westwood Professional Services that any concerns associating solar PV plants with increased risk of stray voltage are baseless.

It is true that there is a relationship between dairy operations and stray voltage. According to the Heartland Power Cooperative, who supplies electricity to numerous dairy operations, in their published

stray voltage guide, “because of high electrical usage, higher humidity, corrosive silage acids, urine, and manure, a dairy barn is not an ideal environment for electrical wiring and equipment.”

Dairy operations exhibit many of the common causes of stray voltage, and solar arrays do not. According to Heartland Power, “stray voltage is the common term used to describe neutral-to-earth voltage in a cow or livestock cow area, usually in the barn. Neutral-to-earth voltage is a low-level voltage (usually 10 volts AC) present on metal equipment that has been either grounded to the electrical system or connected to the grounded neutral conductor. Stray voltage occurs when the cow or livestock touches a contact point and the voltage drives a current through the cow, which causes a behavioral response for the cow or livestock.”

A solar array does not contain higher humidity, corrosive silage acids, urine, or manure. Moreover, a solar array does not contain low-level alternating current (AC). In short, none of the common causes of stray voltage are present on or within a solar array.

The applicant is required to follow the National Electric Code and the state electrical permit process. The state, Xcel Energy, and the applicant all perform many extensive tests to ensure the equipment was installed and grounded properly.

MINNESOTA STATE COURT OF APPEALS – STRAY VOLTAGE

The Minnesota State Court of Appeals has ruled twice on false claims over stray voltage and community solar gardens. The court found that most of the concerns over stray voltage directly contradicted scientific evidence and relied on a generalized concern about stray voltage from non-solar sources. In both cases, the court ruled that generalized concerns are insufficient to find that solar gardens pose any real possibility of causing stray voltage. After reviewing the scientific evidence and expert testimony, the court overturned a county’s denial of the use permit based on fear of a relationship between stray voltage and solar.

Upon request, we can provide the applicable rulings by the Minnesota State Court of Appeals.

INSURANCE INFORMATION

USS Dressen Family Solar LLC will be required to meet insurance requirements under long-term contracts with several parties, including the site landowner, Xcel Energy and its Solar Garden lenders and investors. USS Dressen Family Solar LLC will be listed on a policy that includes:

- Liability coverage that will include \$1,000,000 in coverage against damage to rented property
- Excess liability coverage of an additional \$1,000,000 per occurrence
- Property coverage in an amount necessary to cover the value of the Solar Garden and up to one year of lost revenue in the event the project is destroyed and needs to be rebuilt

PROJECT OWNERSHIP

The applicant of the CUP, USS Dressen Family Solar LLC, is a subsidiary of US Solar. USS Dressen Family Solar is the owner of the Project. Please find more information about US Solar at www.us-solar.com.

INTERCONNECTION WITH XCEL ENERGY

We received an Interconnection Agreement on January 5, 2022. Both public and private data shows that there is available capacity for this Solar Garden on this distribution infrastructure. We expect to have our Interconnection Application funded by February 18, 2022. Refer to Appendix II for more information.

Case #: 04328350

Status: Interconnection Agreement

Step: Submitted

Sub-Step:

App Owner: Your application is pending your signature on the interconnection agreement. Please sign the Interconnection Agreement within 30 business days.

Submit

Actions Finalized Actions Milestones Completed Milestones Application Details

TITLE	DESCRIPTION	RESPONSIBLE PARTY	START DATE	DUE DATE
Sign the Interconnection Agreement	App Owner: Please sign your interconnection agreement within 30 business days.	Applicant		2/18/2022 04:30 PM CST

MANUFACTURER'S SPECIFICATIONS

USS Dressen Family Solar LLC uses only Tier 1 solar modules. Tier 1 solar modules are manufactured to the highest quality, performance, and lifespan, produced by companies that have at least a five-year history in manufacturing them. Countless banks and financiers have vetted these modules. They are designed to absorb light and reflect less than 2% of the incoming sunlight, which is less than many natural features, including water, snow, crops, and grass. There will be no material impact from glare.

We are using Tier 1 string inverters for this Solar Garden installed throughout the site. The inverters and electrical cabinets are enclosed and will meet all applicable codes and requirements.

CONCLUSION

USS Dressen Family Solar LLC has complied with all criteria and requirements of the Carver County renewable energy ordinance, and we respectfully request that the Carver County Planning Commission recommends approval of this application.

APPENDIX I – SITE PLANS AND PROJECT MAPS

The attached site plans and project maps display the specifications of USS Dressen Family Solar LLC. The site plan includes project dimensions. The project maps provide detail into key environmental characteristics of the site.



VICINITY MAP
(NOT TO SCALE)



LEGEND:

- CLUTTER
- SIGN
- FRANCE LINE
- RECORD BEARING AND DISTANCE
- UTILITY WIRE
- POWER POLE
- TELEPHONE BOX
- FIBER OPTIC
- POWER OVERHEAD
- FOUND MONUMENT (SEE LABEL)
- SET MONUMENT (SEE LABEL)
- BOUNDARY LINE
- RIGHT OF WAY LINE
- SECTION LINE
- EASEMENT LINE
- EASEMENT CENTER LINE

LEGAL DESCRIPTION

The following description is shown per Schedule A, as described in the ALTA Commitment for Title Insurance, Title Commitment No MCS-89998-121-CAST prepared by First American Title Insurance Company having a commitment date of April 11, 2021 at 7:30 am.

Real property in the City of, County of Carver, State of Minnesota, described as follows:

The Southeast Quarter of Section 33, Township 117, Range 25 and that part of Government Lot 2, Section 33, Township 117, Range 25, Carver County, Minnesota, lying southerly of the following described line and its westerly extension: Commencing at the Southeast corner of said Government Lot 2, thence on an assumed bearing of North along the East line of said Government Lot 2 a distance of 754.73 feet to the point of beginning of the line to be described: thence South 79 degrees West a distance of 356 feet to the easterly shoreline of Goose Lake and said line there terminating

EXCEPTING therefrom the following two tracts:

Tract 1: That part of the Southeast Quarter and Government lot 2 of Section 33, Township 117, Range 25 described as follows: Commencing at the Southeast corner of said Government Lot 2, thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West along the east line of said Government Lot 2, a distance of 754.73 feet to the point of beginning; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet thence South 72 degrees 48 minutes 38 seconds West to the shoreline of Goose Lake; thence northwesterly along said shoreline to the intersection of a line which bears South 78 degrees 54 minutes 57 seconds West from the point of beginning; thence North 78 degrees 54 minutes 57 seconds East to the point of beginning.

Tract 2: That part of the Southeast Quarter and Government Lot 2 of Section 33, Township 117, Range 25, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said Government Lot 2, thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West, along the east line of said Government Lot 2, a distance of 754.73 feet; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet to the point of beginning; thence continue South 31 degrees 57 minutes 35 seconds East, a distance of 298.73 feet thence South 67 degrees 08 minutes 26 seconds West to the shoreline of Goose Lake; thence northwesterly along said shoreline to the intersection of a line which bears South 72 degrees 48 minutes 38 seconds West from the point of beginning; thence North 72 degrees 48 minutes 38 seconds East to the point of beginning.

Abstract Property

EXCEPTIONS

The following notes correspond to the numbering system of Schedule B, Section II of the above mentioned title commitment.

Item No. 9 Easement in favor of Minnesota Valley Electric Cooperative as contained in Easement for Right of Way dated May 9, 1939, recorded October 21, 1940, in Book 43 Deeds, Page 406, as Document No. 62838.

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 10 Easement in favor of Minnesota Valley Electric Cooperative as contained in Easement dated May 9, 1939, recorded October 21, 1940, in Book 43 Deeds, Page 406, as Document No. 62839.

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 11 Easement in favor of Interstate Power Company dated March 18, 1955, recorded July 1, 1955, in Book 61 Deeds, Page 16, as Document No. 88129 Assigned to Northern States Power Company by Assignment dated October 31, 1956, recorded November 7, 1956, in Book 1 of Misc., page 449 AS SHOWN

Item No. 12 Terms and conditions of Agreement dated January 22, 1987, recorded January 27, 1987, as Document No. 84197

NOT PLOTTABLE

Item No. 13 Resolution # 98-26, Conditional Use Permit, dated August 3, 1998, recorded September 22, 1998, as Document No. A234984

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 14 Notice of Building Eligibility Transfer for Zoning Purposes, recorded June 6, 2008, as Document No. A484720

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 15 Minnesota Mortgage dated May 25, 1995, recorded May 25, 1995, as Document No. 180520, executed by Robert F. Dressen and Brenda L. Dressen, husband and wife, Mortgagee, in favor of Farm Credit Services of St. Cloud, ACA Mortgagee, in the amount of \$156,800.00 As amended by Agreement for Extension or Reamortization dated September 1, 2002, recorded August 23, 2002, as Document No. A223123

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 16 Mortgage dated February 4, 2005, recorded February 16, 2005, as Document No. A408082, executed by Brenda L. Dressen and Robert F. Dressen, husband and wife, Mortgagee, in favor of Chase Manhattan Bank USA, N.A., Lender, in the amount of \$97,600.00. Assigned to JP Morgan Chase Bank, National Association, by Minnesota Assignment of Mortgage dated January 16, 2014, recorded January 24, 2014, as Document No. A590098

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING ALL OF THE SUBJECT PROPERTY

Item No. 17 Minnesota Mortgage dated May 2, 2006, recorded May 18, 2006, as Document No. A441459, executed by Robert F. Dressen and Brenda L. Dressen, husband and wife, Mortgagee, in favor of AgStar Financial Services, FLCA Mortgagee, in the amount of \$86,000.00

THE DOCUMENT DESCRIPTION IS BLANKET IN NATURE, CONFINING THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER

GENERAL NOTES

- The horizontal datum is NAD83 Minnesota State Plane Coordinate System, South Zone (US Survey Feet) (2011 Ad). All bearings and distances shown hereon are based on the NAD83 Minnesota State Plane Coordinate System.
- Vertical relief was sourced from MNTopo on July 20, 2021, and verified by survey field observations. Contours are shown at 2 foot intervals.
- Subject property appears to be classified as "Zone X" (area of minimal flood hazard) when scaled from Flood Insurance Rate Map Community - Panel Number 27019C0064D, dated December 20, 2018. A portion of the property appears to be "Zone A" by the lake (Table A, Item 3).
- Subject property contains 6,894,664 Sq. Ft. or 158.28 acres (Table A, Item 4).
- Substantial features observed in the process of conducting the field work are shown on the survey (Table A, Item 5).
- The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities (Gopher State One Call ticket number: 212084019, 212084020) (Table A, Item 11).
- Adjoining deeds were not provided by the client or title company. Adjacent Owner names are shown per Carver County GIS (Table A, Item 13).
- Based on the information contained within the title commitment listed above and a physical inspection of the subject property, the surveyor is not aware of any off site easements or servitudes other than shown hereon. (Table A, Item 19)
- Right of Way width of 66 feet is shown for Polk Avenue and 62nd Street per Carver County Surveyor.

POSSIBLE ENCROACHMENTS

- Gravel driveway on the north side of property
- Fence line on the north side of property
- Power line on south side of property not confined within an easement

CERTIFICATION

To First American Title Insurance Company, United States Solar Corporation and USS Dressen Solar, LLC:

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 (controlling section corners only), 2, 3, 4, 5, 6(a)(b), 7(a), 8, 11, 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on August 4, 2021.

Michael Kern, PS
MN License No. 54448
Mike.Kern@westwoodps.com

08/12/21
Date



Westwood

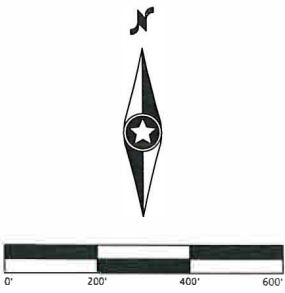
Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56303
Toll Free (800) 279-9455 westwoodps.com
Westwood Professional Services, Inc.

PREPARED FOR:



100 N 6th St, Suite 218 C
Minneapolis, MN 55403

REVISIONS:		
#	DATE	COMMENT



USS Dressen
Solar LLC
Carver County, MN

ALTA/NSPS
Land Title Survey

NOT FOR CONSTRUCTION

DATE: 08/12/2021

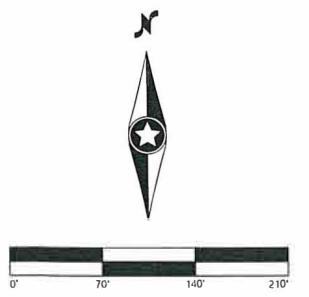
SHEET: 1 OF 1

PREPARED FOR: _____

100 N 6th St. #410b
Minneapolis, MN 55403

REVISIONS:

#	DATE	COMMENT
A	03/11/22	Preliminary Site Plan
B	04/04/22	Preliminary Site Plan



USS Dressen Solar LLC

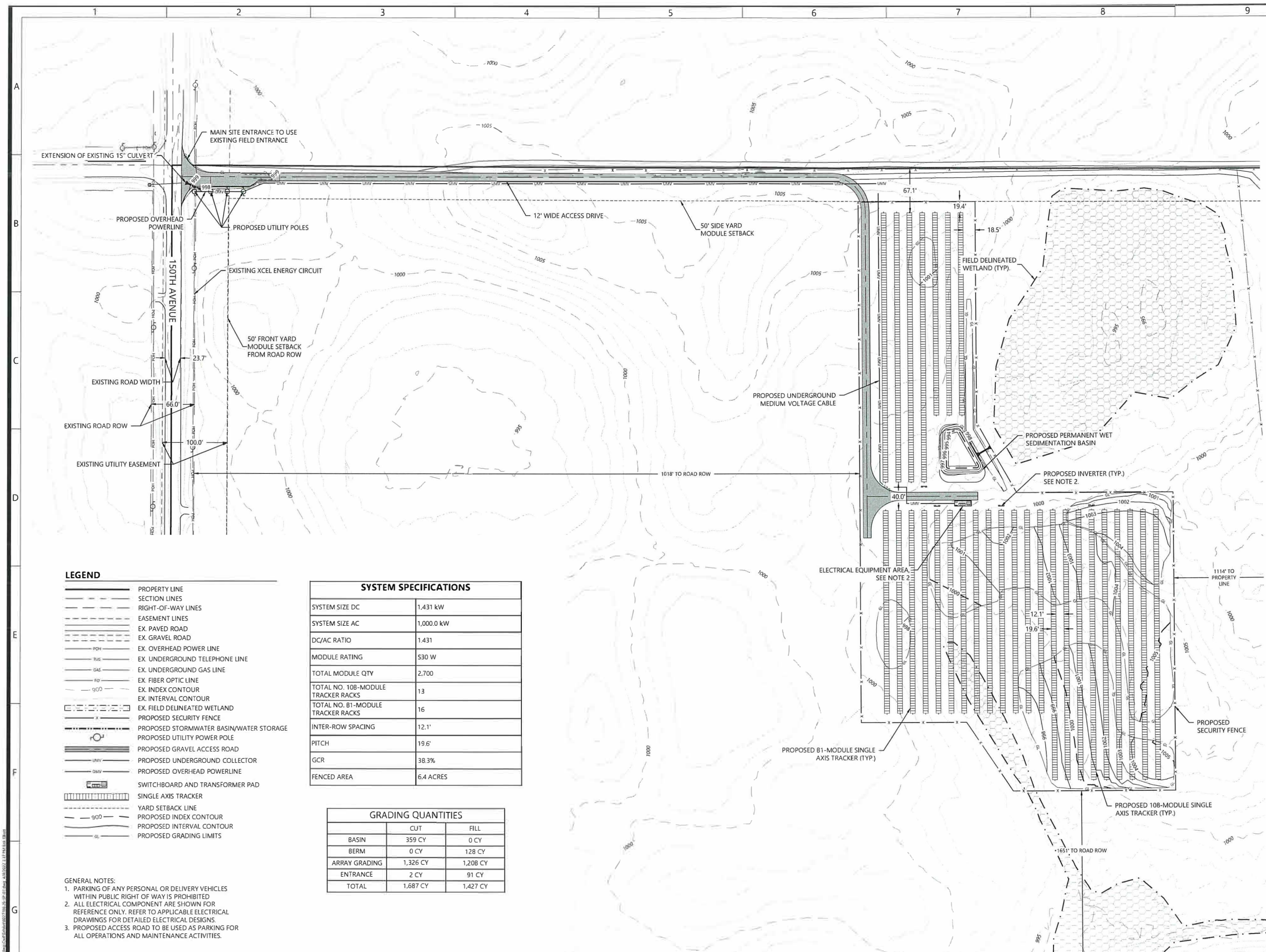
Carver County, MN

PV Site Plan

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 04/04/2022

SHEET: C 200



APPENDIX II – INTERCONNECTION AGREEMENT DETAILS

We received our Interconnection Agreement from Xcel Energy on January 5, 2022. We will fund our Interconnection Agreement by February 18, 2022.

System Impact Study Results Date: September 29, 2021

Facilities Study Results Date: December 29, 2021

Interconnection Agreement Date: January 5, 2022

Case #: 04328350
Status: Interconnection Agreement
Step: Submitted
Sub-Step:
App Owner: Your application is pending your signature on the interconnection agreement. Please sign the Interconnection Agreement within 30 business days.

Submit

Actions

Finalized Actions

Milestones

Completed Milestones

Application Details

TITLE	DESCRIPTION	RESPONSIBLE PARTY	START DATE	DUE DATE
Sign the Interconnection Agreement	App Owner: Please sign your interconnection agreement within 30 business days.	Applicant		2/18/2022 04:30 PM CST

To request a one-time milestone extension, please send an email to the Program.

APPENDIX III – MEMORANDUM OF LEASE AGREEMENT

Lessor: Bob & Brenda Dressen

Lessee: US Solar Development LLC

Note: US Solar Development LLC is a wholly owned subsidiary of United States Solar Corporation. Prior to construction, US Solar Development LLC will assign the lease to USS Dressen Family Solar LLC, the CUP applicant and project company.

Filed and/or Recorded on
Sep 2, 2021 12:08 PM

Office of the County Recorder/Registrar of Titles
Carver County, Minnesota
Kaaren Lewis, County Recorder

Deputy DL
Document Recording Fees \$ 46.00

Document Total \$ 46.00

Requesting Party: USS Minnesota LLC
Pages: 8

_____(Top 3 inches Reserved for Recording Data)_____

MEMORANDUM OF LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF OPTION TO LEASE, LEASE AND SOLAR EASEMENT (this "**Memorandum**"), dated as of February 12, 2021 (the "**Effective Date**"), is made by and between, Robert F. Dressen and Brenda L. Dressen, husband and wife, whose address is 6150 Polk Ave, Mayer, MN 55360 ("**Lessor**") and **US SOLAR DEVELOPMENT LLC**, a Delaware limited liability company, whose address is 100 N 6th St., Suite 410B, Minneapolis, MN 55403 ("**Lessee**").

A. Lessor is the owner of real property located in Carver County, Minnesota, that is commonly referenced as parcel identification number 10.033.0400 and is inclusive of the entirety of the Southeast Quarter of Section 33, Township 117, Range 25, less and except any portion thereof located south and west of Polk Avenue (the "**Lessor Property**").

B. Lessor and Lessee have entered into that certain Option to Lease, Lease and Solar Easement (the "**Lease**"), having an effective date of February 12, 2021, whereby Lessor leases to Lessee and Lessee leases from Lessor a portion of the Lessor Property depicted on Exhibit A with stripes (the "**Premises**") for the purposes of the Facility (as defined below).

C. Lessor and Lessee wish to give record notice of the existence of the Lease.

NOW THEREFORE, in consideration sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

PURPOSE OF LEASE. THE LEASE IS SOLELY FOR SOLAR PHOTOVOLTAIC ENERGY GENERATION AND RELATED PURPOSES, AND THROUGHOUT THE TERM OF THE LEASE, LESSEE SHALL HAVE THE SOLE AND EXCLUSIVE RIGHT TO USE THE PREMISES FOR SUCH PURPOSES. FOR

IN WITNESS WHEREOF, each of the parties hereto has executed and delivered this Memorandum as of the day and year first above written.

LESSEE: US SOLAR DEVELOPMENT LLC,
a Delaware limited liability company

By:



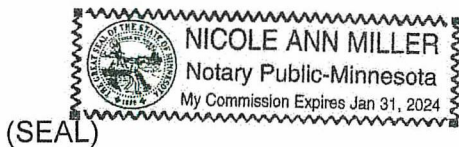
Name: Reed Richerson

Title: COO

STATE OF MINNESOTA

COUNTY OF Hennepin

This instrument was acknowledged before me on 2/12/21 by Reed Richerson, the COO of US Solar Development LLC, a Delaware limited liability company, on behalf of the company

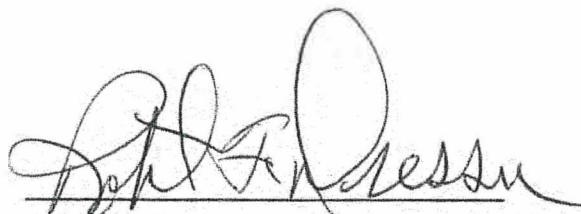


Name Printed:

LANDOWNER:

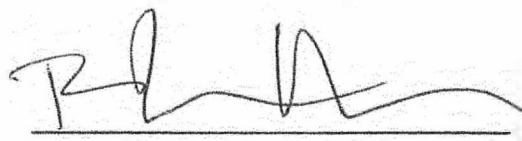
By:

Name:


Robert F. Dressen

By:

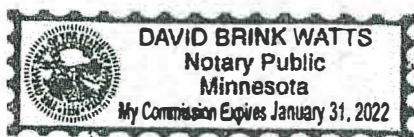
Name:


Brenda L. Dressen

STATE OF Minnesota

COUNTY OF Carver

This instrument was acknowledged before me on Feb 12, 2021 by Robert F. Dressen and Brenda L. Dressen, husband and wife.




Name Printed: David Watts

(SEAL)

THIS INSTRUMENT DRAFTED BY:

Bruce Bedwell
United States Solar Corporation
100 N. 6th St, Suite 410B
Minneapolis, MN 55403
612.260.2230

EXHIBIT A TO
MEMORANDUM OF LEASE AND SOLAR EASEMENT

Description of Premises, Lessor Property, and Access Premises

Lessor Property

One tract(s) in Carver County, Minnesota described as follows:

Property ID: 100330400

Deeded Acreage: 158.13

Legal Description: Real property in the City of , County of Carver, State of Minnesota, described as follows: The Southeast Quarter of Section 33, Township 117, Range 25 and that part of Government Lot 2, Section 33, Township 117, Range 25, Carver County, Minnesota, lying southerly of the following described line and its westerly extension: Commencing at the Southeast corner of said Government Lot 2; thence on an assumed bearing of North along the East line of said Government Lot 2 a distance of 754.73 feet to the point of beginning of the line to be described; thence South 79 degrees West a distance of 356 feet to the easterly shoreline of Goose Lake and said line there terminating.

EXCEPTING therefrom the following two tracts: Tract 1: That part of the Southeast Quarter and Government Lot 2 of Section 33, Township 117, Range 25 described as follows: Commencing at the Southeast corner of said Government Lot 2; thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West along the east line of said Government Lot 2 a distance of 754.73 feet to the point of beginning; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet; thence South 72 degrees 48 minutes 38 seconds West to the shoreline of Goose Lake; thence northwesterly along said shore line to the intersection of a line which bears South 78 degrees 54 minutes 57 seconds West from the point of beginning; thence North 78 degrees 54 minutes 57 seconds East to the point of beginning. Tract 2: That part of the Southeast Quarter and Government Lot 2 of Section 33, Township 117, Range 25, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said Government Lot 2; thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West, along the east line of said Government Lot 2, a distance of 754.73 feet; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet to the point of beginning; thence continue South 31 degrees 57 minutes 35 seconds East, a distance of 298.73 feet; thence South 67 degrees 08 minutes 26 seconds West to the shoreline of Goose Lake; thence northwesterly along said shoreline to the intersection of a line which bears South 72 degrees 48 minutes 38 seconds West from the point of beginning; thence North 72 degrees 48 minutes 38 seconds East to the point of beginning.

From: Mike Sorensen
Sent: Wednesday, February 2, 2022 1:04 PM
To: Land Management
Subject: Dressen property

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To whom it may concern:

Mike & Jeanne Sorensen do not oppose the conditional use permit for solar garden on their property.

Mike & Jeanne

From: Jane Heimerl
Sent: Sunday, February 6, 2022 1:51 PM
To: Land Management
Subject: RE: US Solar Conditional Use permit

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Carver County Planning Commission

Attn: Jason Mielke
Land Use Manger

Jason,

We are writing to you today regarding the notice we received for US Solar's conditional use permit application, which would like to construct a solar garden located on the Bob & Brenda Dressen property. We would like it known that we do not have an issue with this project or it's location, therefore, we do not have any objections.

The site location is a good distance from any of the neighbor's homes and, we feel, would not be an eyesore to anyone.

Sincerely,

Craig and Jane Heimerl

Statement of Support

There is a proposed community solar garden at 6190 Polk Ave, in the northeast corner of the field owned by Bob and Brenda Dressen. The signers below are residents of Watertown Township who are showing their support for the solar garden and asking the Watertown Township Board to approve the permit.

Sign Name	Print Name	Address
<i>Ruthy Schwendinger</i>	Ruthy Schwendinger	6010 Polk Ave Mayer, MN 55360
<i>C. A. Heimur</i>	Craig & Jane Heimur	12255 62nd St. Waconia, MN 55387
<i>Jon Zieroth</i>	Jon Zieroth	6080 Co. Rd 10 N Waconia, MN 55387
<i>William & Barbara</i>	WILLIAM-D. AROCKINSKY	6040 Polk Ave Mayer, MN 55360
<i>Mia M. Waldera</i>	Mia M. Waldera	12125 62nd St Waconia, MN 55387
<i>Eva J. Waldera</i> (Mia - POA)	Eva J. Waldera	12125 62nd St Waconia, MN 55387
<i>Shauna & Aaron Ingenito</i>	Shauna and Aaron Ingenito	12195 62nd St Waconia, MN 55387
<i>Mark Stargrett</i>	Mark Stargrett	5680 Co. Rd 10 N. Waconia, MN 55387
	Prime Four LLC	

2-11-2022



Carver County Planning Commission
Attn: Carver County Land Management
600 East Fourth Street
Chaska, MN 55318

Dear Carver County Planning Commission,

The Minnesota Land & Liberty Coalition (L&LC) would like to express our support for USS Dresden Solar, LLC. As an organization currently operating in 32 Minnesota counties, we are regrettably unable to participate in tonight's Planning Commission meeting due to prior engagements.

The L&LC is a grassroots organization of farmers, landowners, taxpayers, and good stewards of the land. We are united by our support for property rights, investment opportunities that strengthen family farms and main street businesses, and good stewardship of the land as a matter of individual responsibility. These principles support our natural rights as free people and help us pass down our farms, property, and land to our children and grandchildren. Solar developments provide valuable and diverse revenue streams to property owners that spur a stable local economy and provide benefits to all the community.

With the current state of the economy under the current administration's disastrous handling of the economy, it is necessary for residents to seek out additional streams of revenue to maintain and preserve their livelihood. Solar developments offer landowners the ability to supplement their income by utilizing their land to invest in energy. Our country was founded on the ideals of property rights, and it remains a defining characteristic of the American Dream to this day.

Solar development is a tool for citizens to secure financial security for their family and for future generations. These decisions should be made at the kitchen table by families and not be hindered by government regulations.

We hope the Planning Commission upholds the right of property rights in Carver County and recommends USS Dresden Solar, LLC to the County Board for approval.

Respectfully,

Alex Pouliot
Field Director
Minnesota Land & Liberty Coalition

Nathan Dull
Field Representative
Minnesota Land & Liberty Coalition

February 14, 2022

Mr. Jason Mielke
Land Use Manager
Carver County Government Center
600 East 4th Street
Chaska, MN 55318

Re: Dressen Property Solar Garden

Dear Mr. Mielke:

We are sorry, we will not be able to attend tomorrow's meeting on this subject. One of our kids is arriving at the airport during the time of the meeting and we need to go and get them.

We do not have any objection for the Dressens' leasing a part their property to US Solar for a solar garden. We believe it is their right as owners to drive the benefit of their ownership. Further, we support green energy projects to save the earth for our descendants.

At this point we do not have a good idea about the actual location of this Solar Garden other than that it will be located along the eastern boundary of the property. As far as the view from Polk Ave, it appears that we will have the direct view from the front of our house. We would appreciate it very much if the garden is located in the northern part of the east boundary of the property. There is a raised mound in the land which would be in the sight line between the front of our house and this part of the Dressen property.

I am sure you folks will establish the legal responsibilities for the security and maintenance of the Garden during its useful life and removal of the same at the end of its useful life. In addition, depending on the volume of traffic, the maintenance of the streets which provide access to this garden must be considered. At present, the 62nd street from County Road 10 is unbearably dusty under normal use(may be because of the material used). Currently, Polk Ave is reasonably good. We would like to keep it that way. Wear and tear from commercial use might be significantly higher and hence consideration must be given to this issue and relevant responsibility.

Thank you.



Sincerely

William and Dorothy Arockiasamy
6040 Polk Ave.
Mayer, MN 55360.
952 240 7121

Watertown Township

3580 Co. Rd. 10 N.
Watertown, MN 55388
952-955-2446

For: U. S. Solar Corp

Dec 22, 2021

To: Luke Gildemeister, Project Developer

Please consider this document upon signature, as formal township approval of the use the field road approach off of Polk Avenue servicing the NW corner of Parcel ID 100330400, for solar garden const, with the following requirements:

- Access to the above field road approach shall be from the north only via State Highway 7
- Speed limit shall be 30 mph
- The road shall be kept clear of any debris, i.e. wheeled traffic mud, const debris etc.
- There shall be no parking of any project related vehicles along Polk Ave at any time.
- Extra road surface maintenance (grading/dust coating) resulting from solar garden project related construction traffic shall be at the expense of U.S. Solar.

Signed by:

Wayne Hubin



Watertown Township Clerk

Luke Gildemeister



Project Developer, U. S. Solar Corp

**Watertown Board of Adjustment
Findings of Fact
USS Dressen Family Solar, LLC Variance Request**

RESOLUTION APPROVING VARIANCE 3-23-2022

Whereas, USS Dressen Family Solar, LLC ("Applicant") has applied for a variance from Watertown Township's Zoning Ordinance No. 6-2021-1 to allow a solar farm to be located on property legally described as (hereafter "Property"):

The West half of the Southeast Quarter EXCEPT the West 450 feet thereof; ALSO EXCEPT the South 355 feet of the East 370 feet of the West 820 feet thereof, Section 3, Township 117 North, Range 25 West, according to the United States Government Survey thereof, Carver County, Minnesota.

Whereas, the Watertown Township Zoning Ordinance requires that the owner of the property reside on the property on which the solar garden is located as the owner's primary residence; and

Whereas, Applicant has applied for a variance and an Interim Use Permit to construct a solar garden on the Property without any requirement for the property owner to maintain their primary residence on the same parcel or adjacent parcel; and

Whereas, the Owner of the Property maintains his primary residence on a separate adjacent parcel across the street from the Property; and

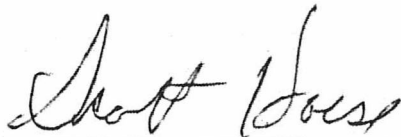
Whereas, the applicable decision standards for the issuance of a variance are stated in Minn. Stat. 462.357, Subd. 6, as follows:

- 1) The variance is in harmony with the intent of the comprehensive plan, and zoning ordinance; and
- 2) The owner has established that there are practical difficulties in complying with the zoning ordinance and that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; and
- 3) The alleged practical difficulty is due to circumstances unique to this property not created by the landowner; and
- 4) The issuance of the variance will maintain the essential character of the locality; and

DECISION

Based on the foregoing findings of fact, the Watertown Township Board of Adjustment approves the requested variance to allow a solar garden on the Property without the requirement that the owner of the Property reside on the Property as the owner's primary residence.

Dated: March 23, 2022



Board Chair



Town Clerk

**Watertown Township Board
Findings of Fact
USS Dressen Family Solar, LLC Interim Use Permit Request**

RESOLUTION APPROVING INTERIM USE PERMIT 3-23-2022

Whereas, USS Dressen Family Solar, LLC ("Applicant") has applied for a variance from Watertown Township's Zoning Ordinance No. 6-2021-1 to allow a solar farm to be located on property legally described as (hereafter "Property"):

The West half of the Southeast Quarter EXCEPT the West 450 feet thereof; ALSO EXCEPT the South 355 feet of the East 370 feet of the West 820 feet thereof, Section 3, Township 117 North, Range 25 West, according to the United States Government Survey thereof, Carver County, Minnesota.

Whereas, the Watertown Township Zoning Ordinance requires that the owner of the property reside on the property on which the solar garden is located as the owner's primary residence; and

Whereas, Applicant has applied for a variance and an Interim Use Permit to construct a solar garden on the Property without any requirement for the property owner to maintain their primary residence on the same parcel or adjacent parcel; and

Whereas, the owner of the Property maintains his primary residence on a separate adjacent parcel across the street from the Property; and

Whereas, the Watertown Township Planning and Zoning Commission held a public hearing on this issue on March 7, 2022, has heard from all interested parties, and has tabled this issue to the Town Board without recommendation; and

Whereas, the Watertown Township Board, acting as the Board of Adjustment, has approved a variance from the requirement that the owner of the Property reside on the Property containing the solar garden.

FINDINGS OF FACT

The Watertown Town Board makes the following findings of fact:

1. The Whereas clauses set forth above are incorporated herein as findings of fact.

2. Because a variance has been issued removing the requirement that the owner of the Property maintain his primary residence on the same property that the solar garden is located, the applicant now meets the requirements of the Watertown Township Zoning Ordinance No. 6-2021-1 and qualifies for the issuance of an interim use permit.

DECISION

Based on the foregoing findings of fact, the Watertown Township Board hereby approves the issuance of the Interim Use Permit with the following condition:

1. This permit shall expire on December 31, 2052.

Dated: March 23, 2022



Town Board Chair



Town Clerk

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-033-0400

File# PZ20220003

APPLICANT: Luke Gildemeister, representing US Solar

OWNER: Robert F Dressen

* * * * *

The Southeast Quarter of Section 33, Township 117, Range 25, and that part of Government Lot 2, Section 33, Township 117, Range 25, Carver County, Minnesota, lying southerly of the following described line and its westerly extension: Commencing at the southeast corner of said Government Lot 2; thence on an assumed bearing of north along the east line of said Government Lot 2, a distance of 754.73 feet to the point of beginning of the line to be described; thence South 79 degrees West, a distance of 356 feet to the easterly shoreline of Goose Lake and said line there terminating.

EXCEPTING THEREFROM the following two tracts:

Tract 1: That part of the Southeast Quarter and Government Lot 2 of Section 33, Township 117, Range 25, described as follows: Commencing at the southeast corner of said Government Lot 2; thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West along the east line of said Government Lot 2, a distance of 754.73 feet to the point of beginning; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet; thence South 72 degrees 48 minutes 38 seconds West to the shoreline of Goose Lake; thence northwesterly along said shore line to the intersection of a line which bears South 78 degrees 54 minutes 57 seconds West from the point of beginning; thence North 78 degrees 54 minutes 57 seconds East to the point of beginning.

Tract 2: That part of the Southeast Quarter and Government Lot 2 of Section 33, Township 117, Range 25, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said Government Lot 2; thence on an assumed bearing of North 00 degrees 05 minutes 03 seconds West, along the east line of said Government Lot 2, a distance of 754 .73 feet; thence South 31 degrees 57 minutes 35 seconds East, a distance of 233.70 feet to the point of beginning; thence continue South 31 degrees 57 minutes 35 seconds East, a distance of 298.73 feet; thence South 67 degrees 08 minutes 26 seconds West to the shoreline of Goose Lake; thence northwesterly along said shoreline to the intersection of a line which bears South 72 degrees 48 minutes 38 seconds West from the point of beginning; thence North 72 degrees 48 minutes 38 seconds East to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2022

TO: Carver County Planning Commission & Watertown Town Board
FROM: The Land Management Department
SUBJECT: Application for a Conditional Use Permit (One Lot Incentive - Conservation)

FILE #: PZ20220012

APPLICANTS: Zach and Emily Stover

PROPERTY OWNER: The Sasanfar Family Trust

SITE ADDRESS: 36XX Market Ave, Watertown 55388

PERMIT TYPE: Additional Density (One Lot Incentive - Conservation)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.078(D) & (E)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-013-1310

STAFF ANALYSIS:

1. Guy and Gail Sasanfar own approximately 70 acres located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 13, Watertown Township. The property has one unused 1 per 40 building eligibility remaining on the site. The property is currently unimproved, but includes agricultural production land, small pocket wetlands, and woods. It is located within the Agricultural Zoning District, Shoreland Overlay District of a Protect Creek and the CCWMO (Crow River Watershed).
2. The applicants, Zach and Emily Stover, have a purchase agreement in place with Guy and Gail Sasanfar. The Stovers are requesting to create and develop one (1) Conservation Incentive lot (under the one lot incentive option) which would include a minimum of a 10-acre conservation easement area. Conservation Incentive lots are allowed as a Conditional Use Permit (CUP) pursuant to the "Additional Density Option" under Section 152.78 of the Carver County Zoning Code, which reads as follows:

§ 152.078 CONDITIONAL USES – ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

- (1) Effect on 1/40 or lot of record building eligibility. Residential building eligibilities pursuant to this provision are in addition to and shall have no impact on residential building eligibilities available as a permitted use. This provision shall not prohibit the transfer of 1/40 building eligibilities pursuant to the provisions of this chapter.
- (2) Limitation on density. No more than four homes shall be located on a quarter-quarter section (40-acre parcel) based on the configuration of the parcel on July 1, 1974; homes subdivided from a parcel prior to July 1, 1974 shall not be considered in this calculation. In cases where the land does not follow the quarter-quarter section configuration, the shape most nearly approximating a quarter- quarter section containing 40 acres shall be used.
- (3) Limitation on use of density options. The issuance of a conditional use permit pursuant to "wooded and lakeshore lots" or "high amenity" provisions is prohibited on any parcel that was of record as of July 1, 1974 or any parcels derived therefrom, if at any time since December 7, 1982 a conditional use permit was issued or a rezoning occurred which provided residential density greater than that provided by the basic one per 40 or one per quarter-quarter section provisions of this chapter.

- (4) Compliance with township chapter of the comprehensive plan. The additional density options provided in this section shall be available only in townships which specifically provide for the option in their township chapter of the comprehensive plan. Residential development pursuant to these options shall be subject to and limited by any additional criteria or standards contained in the township plan chapter. Applications for conditional use permits pursuant to this section shall not be considered complete unless a written statement is received from the affected township stating that the application complies with the township comprehensive plan chapter.
- (5) Road access requirement. All lots created under the additional density options shall have frontage on: a public road existing at the time of application; or the applicant must submit evidence that the township will accept the road as a township road at some point after it is constructed in accordance with township standards; or a road will be constructed that is privately maintained but with the right-of-way dedicated to the township. All roads shall be constructed to meet the standards in the comprehensive plan, the subdivision regulations, the standards manual, and the water plan.
- (6) Notice pertaining to agricultural uses. A notice or acknowledgment will be required regarding the “odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities.

C) Conservation incentive

- (1) A This section provides an opportunity for landowners to protect, preserve, enhance, or restore natural resources on their property in exchange for one or more additional building eligibilities. Density shall be a maximum of four homes per 40 acre parcel as defined by the CUP with the intent to provide flexibility with the configuration of the quarter-quarter or 40 acres. However, it is not the intent of this provision alone or in combination with the other density options, to provide for the development of the land generally at a 4/40 density; nor is it in the intent of the provision to generate exclusively large lot subdivisions, such as dividing a 40 acre parcel into four, ten-acre lots.
- (2) Eligible land:
 - (a) A minimum of 30 acres that can support the proposed conservation activity, ag land preservation and clustering of homes as defined by the CUP:
 - (b) Land that has received another permanent incentive is not eligible for the conservation incentive. Land that is receiving a temporary incentive is not eligible until the temporary incentive period has ended: and
 - (c) The conservation incentive is available only in townships that provide for it in their chapter of the comprehensive plan.
- (3) General criteria:
 - (a) The minimum lot size shall be 1½ acres.
 - (b) Lots should be either small and clustered or 20 plus acres to support a farming activity.
 - (c) Conservation activity shall generally require ten acres for a building eligibility and may consist of a combination of one or more of the following: permanent preservation, restoration, or enhancement of: wetlands, forest or woodlands, prairie, bluffs, or shoreline. In determining the number of additional building eligibility(s) to be granted, the proposed conservation activity shall be evaluated using a guide developed by the Department which may include, but is not limited to, the following criteria: natural resource assessment priority, size of easement/area preserved, public use value, value of restoration proposed by landowner, restoration plan submitted by landowner, adjacent to other protected land, adjacent to protected water or wetland, adjacent to impaired water, and unique characteristics. The guide will be provided at the time of application or upon request.
 - (d) Preference will be given to subdivision plats that include the natural area to be protected with a conservation easement as a separate platted outlot, rather than covering portions of individual lots.
 - (e) If at all possible, long term agricultural land should remain in large, farmable parcels.
- (4) Additional criteria:
 - (a) A conservation easement proposal shall be submitted for review to the Department, SWCD, affected township and any other agency deemed appropriate. The proposal shall identify the qualified conservation easement holder, easement terms and restrictions, any land management, monitoring and enforcement responsibilities, and maintenance plans which shall include, but are not limited to: a description (inventory) of baseline conditions, a schedule of maintenance activities, identification of roles and responsibilities as well as funding sources. The schedule of maintenance activities shall be appropriate to sustaining the type and quality of the plant community existing at the time of dedication or pertaining to the establishment and maintenance of the target plant community determined by the restoration assessment.

- (b) Conservation easement areas must be shown on the preliminary plat. Easement documents must be recorded simultaneously with the final plat.

(E) One building eligibility incentive.

- (1) This section provides for flexibility under the conservation incentive, wooded and lakeshore, or high amenity area provisions of this chapter, to those landowners who are willing to pursue only one building eligibility as a conditional use. A maximum of one building eligibility may be granted under this provision.
 - (2) Building eligibility flexible standard. A building eligibility may be assigned to the qualifying wooded, lakeshore or amenity area, without a subdivision requirement or it may be subdivided as a single lot, primarily for mortgage purposes. The configuration and specific standards for the lot shall be evaluated and stipulated during the conditional use permit process. The criteria for issuance are as follows:
 - (a) The qualifying land could support two or more building site eligibilities. The applicant must demonstrate that he/she is proposing to eliminate at least one potential building site.
 - (b) There would not be a need to construct a new township road.
 - (c) The building site may be utilized without subdividing the subject property, or via a single lot split principally for mortgage purposes.
 - (d) The applicant submits an acceptable plan for preserving long-term agricultural land. An acceptable plan may include, but would not be limited to, the agricultural preserves covenant and/or a conservation easement.
3. Watertown Township has provided for Conservation Incentive option in its chapter of the Comprehensive Plan. The property having wetlands and area for prairie restoration (for permanent preservation) is considered to be eligible land under the conservation incentive. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼). In addition, a CUP has not been previously issued for additional density on the subject property; therefore, allowing the site to be considered eligible for the additional density provision.
4. The subject property has been owned by the Sasanfar Family Trust since 1995, following a Minor Subdivision (File #9802) to split the existing home site at 3650 Market Avenue. Based on historic GIS aerial photography, the use of the land over the years has not changed from how it is currently being utilized. The areas that are in agricultural production have remained in production, and the areas not in agricultural production may be due to topographic limitations such as wetlands, slopes, or low-lying drainage swales not suitable for farming.
5. The applicants stated in their letter, dated March 7, 2022, they are proposing one (1) additional density parcel on approximately 50 acres, which would meet the standards for a conservation incentive lot. The 70-acre parcel would have the potential for additional amenity lots; however, the applicant would like to have one conservation incentive lot without platting or building a township road. The driveway and building site have been chosen to reduce the number of trees to be removed, as well as maintaining an appropriate setback from the wetlands within the site. The remnant piece of land, approximately 20 acres to the north, would use the remaining 1 per 40 building eligibility available. The subject property is not enrolled in the Ag Preserve program, nor has a Conditional Use Permit for additional density been issued previously on this parcel.
6. As a requirement for the creation of the one (1) conservation lot, the applicant needed to identify the establishment of a preservation, restoration, or enhancement are consisting of a minimum of ten (10) acres in order to be granted one (1) additional building eligibility. The easement language would need to be submitted to the Land Management Department for review and approval prior to minor subdivision approval. The applicant shall provide a plan for restoration to native plant community, including method of restoration (seeding, planting, etc.), a list of establishment and maintenance activities detailing how the plant community will be established over the next 2-3 years, and how the community will be maintained in the future.
7. Each lot would meet the requirements for public road frontage; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the Watertown Town Board, as the road authority.

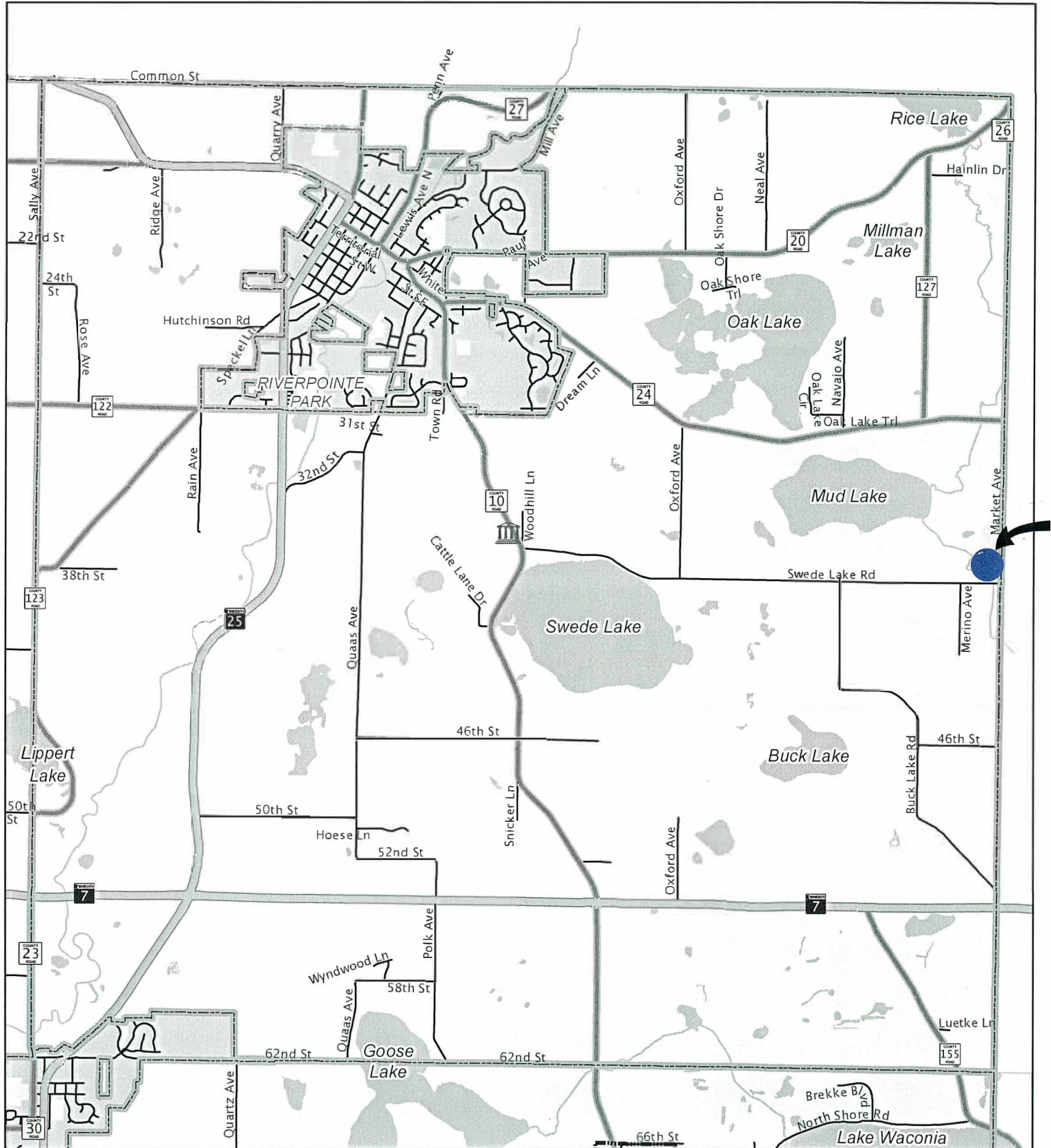
8. On March 11, 2022, this request was reviewed by Kristen Larson, Water Resources Program Specialist, who stated that the development falls under the CCWMO Water Rules provision, which is required to be reviewed and approved by the Carver County Planning & Water Management Department. The property includes a number of wetlands, including on the lots proposed for development. The applicant must complete a wetland delineation and address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA) and also submit a Stormwater Pollution Prevention Plan (SWPPP). A pre-application meeting is recommended with Water Rules permit review staff to discuss concept plans and permit review requirements.
9. The applicants' request would meet the intent of the 2040 Comprehensive Plan. The proposed lot contains wetland and upland areas which could support two building sites. Both parcels would be conforming lot after the subdivision. The proposed conservation incentive lot would not need to be platted, but an administrative Minor Subdivision application and approval would be required.
10. The applicant and current property owners have acknowledged that no additional amenity eligibilities would be permitted in the future. Section 152.078 states that the CUP provision may be exercised only once for each parcel that was of record as of July 1, 1974.
11. The Watertown Town Board reviewed and recommended approval of the request during their March 7, 2022, Town Board meeting, without any additional conditions.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the One Lot Incentive - Conservation application request, the following conditions should be considered part of the permit:

1. One (1) conservation incentive building eligibility shall be available, pursuant to the approved site plan. Additional lots (eligibilities) shall not be granted as a conditional use. The proposed lot shall be subdivided in accordance with the Minor Subdivision requirements including but not limited to, a survey and primary and alternate SSTS locations, and deeds.
2. Access permits must be approved by Watertown Township (road authority) prior to any work occurring within the road right-of-way.
3. A minimum of a 10-acre conservation easement proposal must be drafted for review and submitted with the minor subdivision application. Easement documents must be recorded simultaneously with the deeds for the new lots.
4. Prior to any construction activities, appropriate building permits shall be obtained for the single-family house and any accessory buildings, garage, or other structures.
5. Notice pursuant to Section 152.078 (C) (5) is hereby provided stating the following:
 - (a) The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any residential lot.
 - (b) All conditional use permit activities shall be prohibited on any residential lot. Agricultural parcels (i.e., 20 acres or more) and/or lots shall be subject to the "A" District regulations.
 - (c) The area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notice should be provided regarding the odors, dirt, dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities. Complaints relating to these activities shall be considered unwarranted so long as the activities are being conducted in accordance with existing standards.
 - (d) The protection of environmentally sensitive land shall be enforced. The protections shall include restrictions on clear cutting or vegetation removal; erosion control plan to control erosion during and after building construction; and designation of specific building sites or areas with buildings prohibited.
6. A completed CCWMO Water Rules application with required attachments, shall be submitted with the building permit application(s). A drainage plan, erosion control plan, and storm water management plan shall be submitted with the building permit. If a wetland delineation is needed, it shall be completed prior to the application for a building permit.

WATERTOWN TOWNSHIP



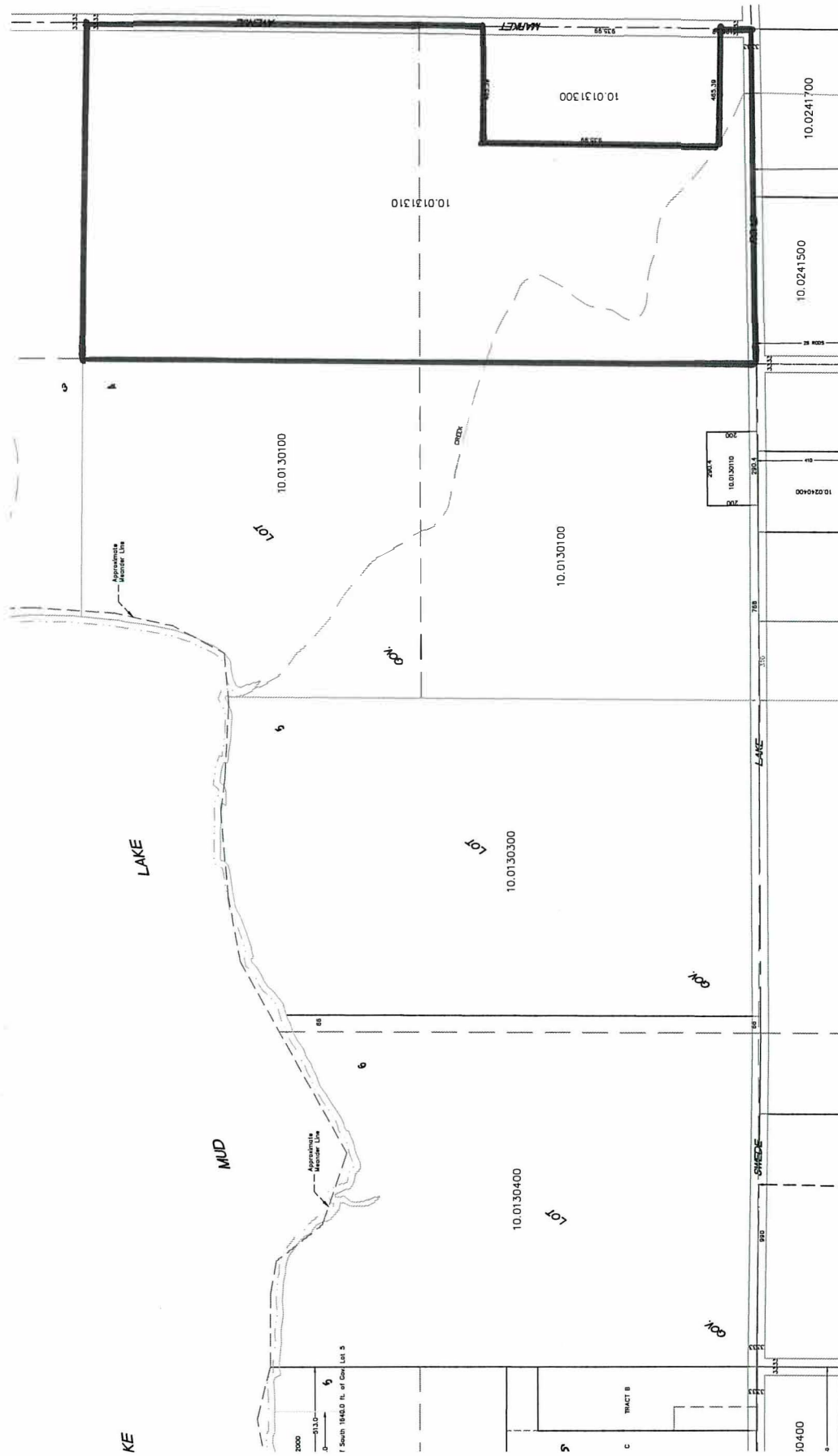
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 13, T.117, R.25

THIS MAP IS A LEGAL RECORD OF A SURVEY MADE BY THE CARVER COUNTY ASSESSOR AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CARVER COUNTY ASSESSOR IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED THEREIN.



Attn: Carver County Planning Commission

We are applying for a conservation lot pursuant to the land use ordinance 152.078 Section E: One building eligibility incentive. We are pursuing the one lot incentive to protect and conserve wetland in exchange for one additional building density. The qualifying land could support more than one building site eligibility, and we are willing to forgo that option. The location of the proposed conservation lot will leave wetland, trees, multiple acres of tillable ag land, and wildlife with minimal impact. This request for a single residential density will have no business activity on the premise. The remaining 1 per 40 building eligibility shall be retained on 20 acres of land on the north edge of the property via a single lot split. The wetland and additional density will be roughly 50 acres on the south remaining portion of the parcel.

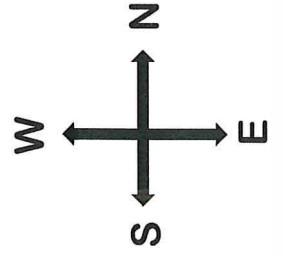
Sincerely,


Zach and Emily Stover

3-7-2022

STOVER PROPOSAL + DENSITY

2666.85'



Stover Additional Density Site Map





Township Presentation & Recommendation Form

PARCEL #	10 013 1310	Permit #	P2 2022 0012
Owner's Name: Sasanfar Family Trust		Owner's Mailing Address:	
GUY AND GAIL SASANFAR		3076 SAINT ANDREWS WAY	
City:	TALLAHASSE	Owner State:	Owner Zip:
		FL	32312
Applicant (if other than owner):		Site Address:	
ZACH AND EMILY STOVER		XXX MARKET AVE, WATERTOWN, MN	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:						
APPROVAL FOR ONE ADDITIONAL BUILDING DENSITY THROUGH THE CONSERVATION INCENTIVE UNDER ORDINANCE 152.078.						
Date of County Public Hearing:			April 19, 2022	Date of Township Meeting:		
				March 7, 2022		

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

as per desc of request

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

		Date	3/7/2022
Signature of Applicant			
		Date	3-7-22
Signature of Township Official			

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-013-1310

File# PZ20220012

APPLICANTS: Zach Stover & Emily Stover

OWNERS: The Sasanfar Family Trust

* * * * *

The East Half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 13, Township 117, Range 25, according to the Government Survey thereof, EXCEPTING THEREFROM all that part of the Southeast Quarter of Section 13, Township 117, Range 25, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 13; thence on an assumed bearing of North along the East line of the Southeast Quarter of said Section 13, a distance of 128.52 feet to the point of beginning of the tract to be described; thence continuing on a bearing of North along said East line, a distance of 935.99 feet; thence on a bearing of West, a distance of 465.39 feet; thence on a bearing of South, a distance of 935.99 feet; thence on a bearing of East, a distance of 465.39 feet to the point of beginning and there terminating.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2022

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Farm-Related Business).

FILE #: PZ20220011

APPLICANTS/OWNER: Tamie Schmitz/Tamie & Robert Schmitz

SITE ADDRESS: 3950 Merino Avenue, Watertown

PERMIT TYPE: Farm-Related Business

PURSUANT TO: County Code, Chapter 152, Sections 152.079 (C)(2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-024-1300

STAFF ANALYSIS:

1. Tamie and Robert Schmitz own an approximate 8-acre parcel located in the West Half (W½) of the Northeast Quarter (NE¼) of Section 24, Watertown Township. The property is improved with a house (w/an attached garage), several accessory structures, and includes mowed field areas. The property is located in the Agriculture Zoning District and the CCWMO (Crow River watershed).
2. The applicant is requesting a Conditional Use Permit (CUP) to operate a Farm-Related Business (i.e. tree farm) pursuant to Section 152.079 (C)(2) of the Carver County Zoning Code, which reads as follows:

§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(2) Farm-related businesses.

- (a) A business directly related to the conduct of agriculture that involves: retail sales beyond the scope of a roadside stand or yard sale, including "pick your own" sales; or operational limits exceeding that of a home occupation; or a commercial structure that would be constructed according to State Building Code.
- (b) The following specific standard must be met: the business is 70% farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations;
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities; or
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.

(Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

3. Tamie Schmitz is requesting to operate a Christmas tree farm as a farm-related business from her property, utilizing roughly three (3) acres of the northern portion of the approximately eight-acre parcel for the staged planting of trees. The applicant's business would consist of growing Christmas trees to maturity and conducting retail sales on the property during the year-end holiday period, "mostly weekends from Thanksgiving to mid-December." The proposal is for customers to come to the property, select a tree, and transport the tree home. The first tree sales are not expected for five or six years, as the field is currently grass and the trees must grow to maturity.
4. The applicant's narrative (dated: April 12, 2022) describes an existing gravel area for customer parking and measures approximately 175' x 90', which is estimated to accommodate 10 vehicles at any given time. The site plan shows parking between the accessory structures and overflow parking between the eastern accessory structure and Merino Avenue. The narrative estimates 30-40 customer vehicles per day during the holiday retail period to purchase an estimated 350-400 trees per year. The letter states that customers will not park along Merino Avenue. The business hours of operation would be "dawn to dusk, mostly weekends."
5. The site plan shows three (3) accessory structures that surround the main parking area. The narrative states that the "needed machinery/gardening tools currently have space inside our sheds." No outdoor storage of business-related equipment or material is proposed. No public use is proposed for the accessory structures for the immediate future. Ms. Schmitz intends to use the southernmost building, identified as a 40' x 70' building in the site plan, as a future "warming place, snack shack and an area for customers to pay." Any public use of buildings requires building code compliance, and septic compliance, if necessary. At this time, a handicap-accessible portable bathroom will be available for customers' use.
6. The applicant and the applicant's husband would be the only long-term employees. During the seasonal retail tree sales period the applicant anticipates having up to four employees on site.

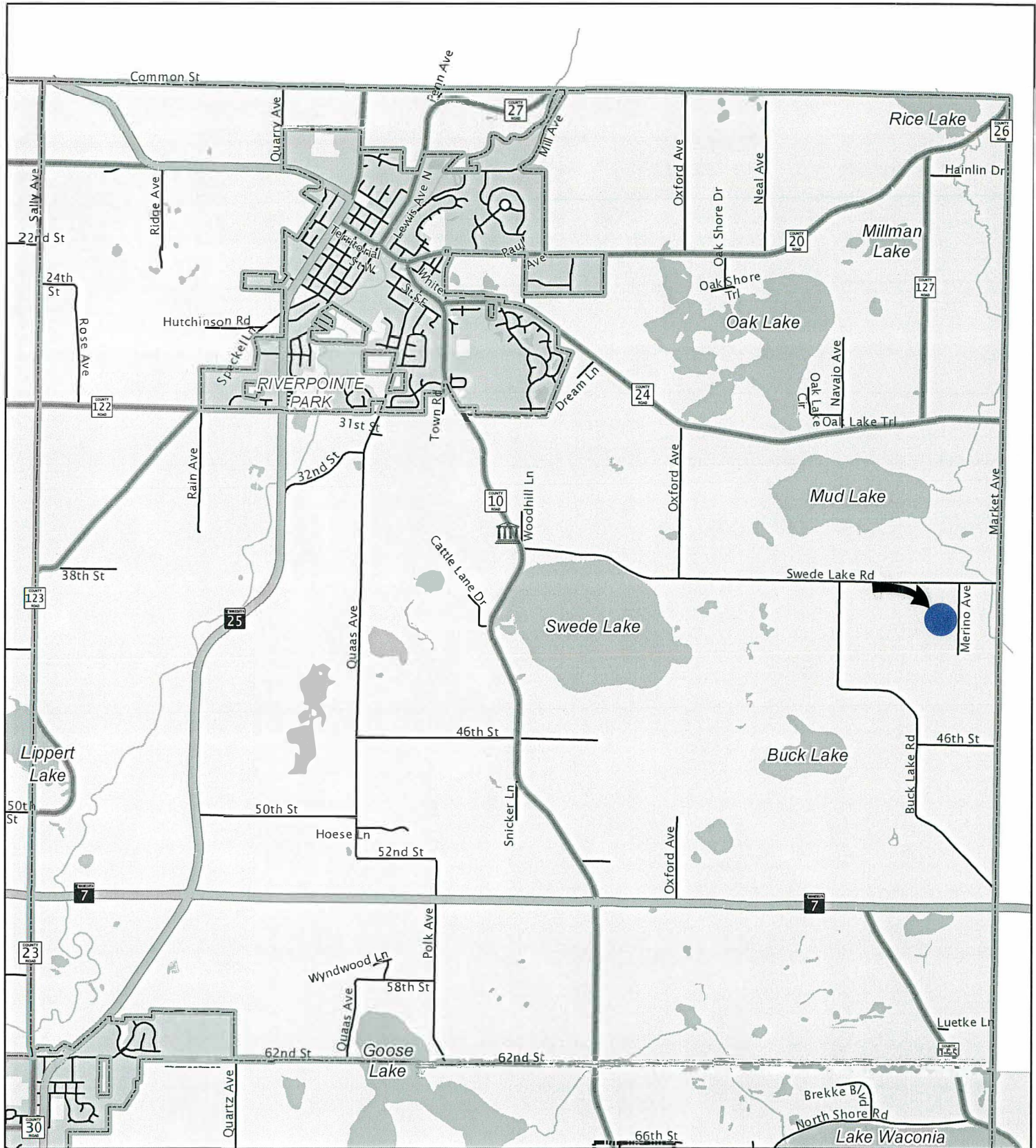
7. The applicant is proposing an approximate 20 square foot sign, shown on the site plan near the Merino Avenue public right-of-way. The signage proposed would be required to meet the standards of Chapter 154 of the County Code; not to exceed a total of 32 square feet of surface area and be located at least three feet from the Merino Avenue right-of-way.
8. The Watertown Town Board reviewed and recommended approval of the request during their February 7, 2022 meeting, commenting "Township approves of applicant plans."

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application for a Farm-Related Business, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status and occupancy on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Farm-Related Business (Tree Farm) shall operate in accordance with the operational letter (dated: 4/12/22) and site plan (dated: 3/11/22). These plans shall be considered requirements of this permit.
3. The existing structure(s) will be utilized for the business-related storage of equipment and material and not open to the public. There shall be no outdoor storage of business-related equipment or material. Any proposed future public use of a building will require the structure to adhere to applicable building and SSTS code requirements prior to public use of the structure.
4. There shall be no more than four employees working on-site at a time.
5. Portable bathroom must be maintained by a licensed company and a copy of the contract agreement submitted annually to Carver County Environmental Services.
6. Any future remodeling or improvements structures shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
7. The Permittee shall be allowed to conduct retail sales from the facility; however, no wholesaling of any processed products is allowed.
8. Permittee shall comply with all road authority (Watertown Township) access requirements. There shall be no customer parking on Merino Avenue.
9. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property.
10. The property including the structure and grounds shall be maintained in a neat and orderly manner.
11. The Permittee shall submit proof of liability insurance and Workers Compensation insurance to the Land Management Department annually when there is active retail sales and/or employees.

WATERTOWN TOWNSHIP



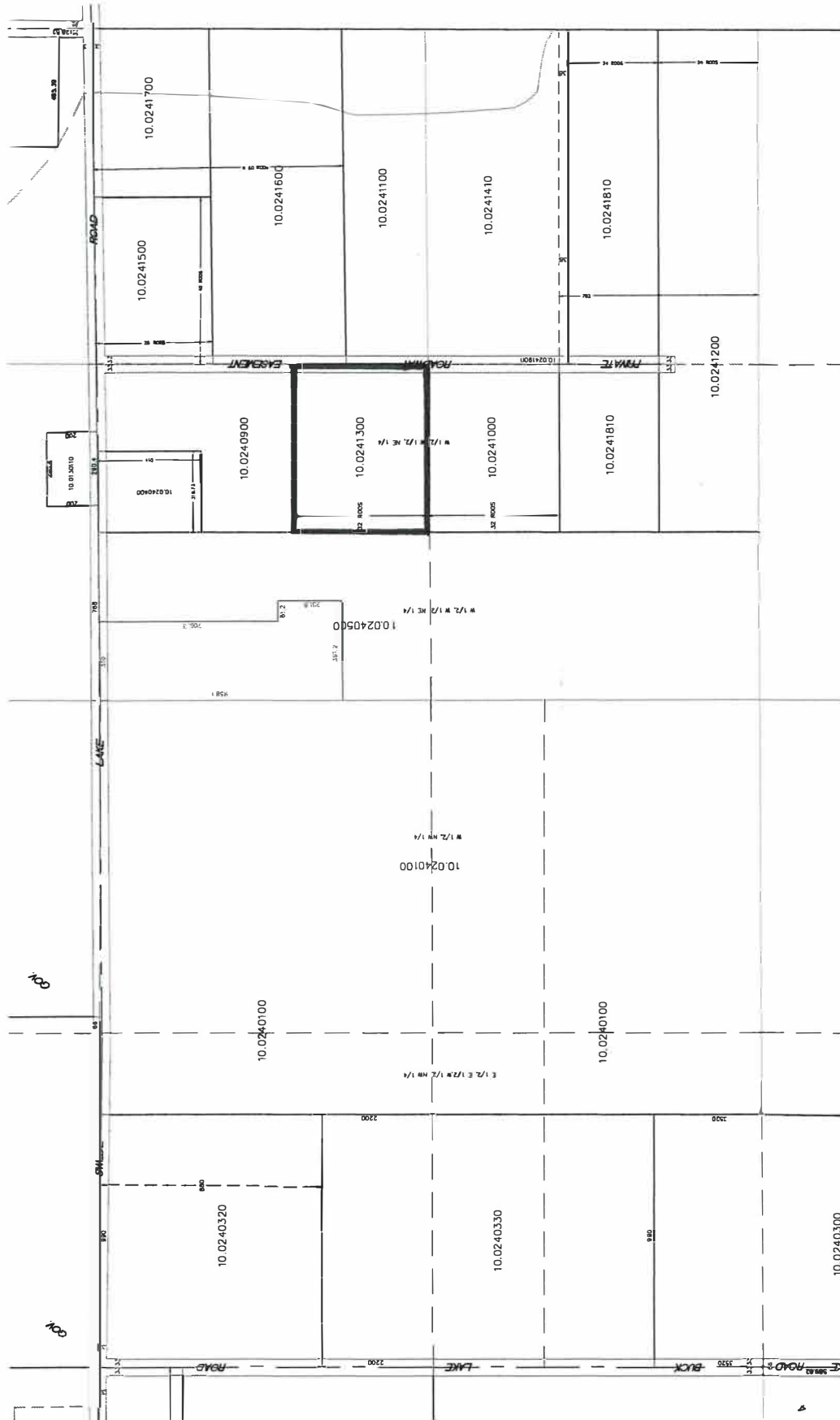
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

N 1/2 SEC. 24, T.117, R.25

THIS IS NOT A LEGALLY RECORDED PLAT.
 AS THEY APPEAR IN THE CARVER COUNTY
 RECORDS, THESE PLATS ARE NOT TO BE USED FOR REFERENCE
 PURPOSES. THE INFORMATION CONTAINED HEREIN
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 INACCURACIES CONTAINED THEREIN.



4-12-2022

To: Planning Commission
From: Tamie Schmitz - T's Trees

T's Trees LLC will be a "choose and cut" Christmas tree farm located on the northern 3 acres (approx) of our property at 3950 Merino Ave in Watertown. We are requesting a conditional use permit for this tree farm.

The hours of operation in which we will be open to the public will be dawn to dusk, mostly weekends from Thanksgiving through mid December. However, the first trees will not be ready for harvest until 5-6 years from planting. The trees will be planted in phases over the next 3 years. During the first 5-6 years the trees will require care and maintenance throughout the spring, summer and fall months. This will consist of mostly planting, mowing, shearing and general tree care. My husband and I will be responsible for most of the work and will be the only employees. In 5-6 years when the trees are ready for harvest, we will likely have more employees family/friends - anticipating up to 4 at any one time.

Our goal is to produce 350-400 sellable trees each year. We estimate 700-800 trips in total - this would mean about 70-80 trips per day for roughly 10 days.

Farm maintenance will require the use of our 2 John Deere tractors as well as our John Deere gator, all of which we currently own and operate to maintain our property as it is today.

We have ample parking space (approx 175' X 90') near our existing out buildings. The space can easily accommodate 10 vehicles at one time. There is also space (approx 60' X 60') east of the shed that could be made available for overflow parking if needed. These parking areas allow for efficient traffic flow and easy access from Merino Ave - customers will not park on Merino Ave.

We will use the 3 existing buildings, which are located near the road, for storage. Our storage needs will be minimal. All of the needed machinery/gardening tools currently have space inside our sheds. I don't anticipate needing more indoor or outdoor storage. Christmas trees will be bundled and loaded in the parking area.

Although there is a well and mound system on the property which function as a water source and sewage disposal for 2 of the 4 structures (house and shop) we will provide a handicap accessible portable bathroom for our customers. In the future, 6-10 years from now, and after compliance checks, we would possibly use the southern most building (40' x 70'-shop) as a warming place, snack shack and an area for costumers to pay.

We will install 1 sign on our property which will be approximately 4' x 5' and constructed from wood. We will also install intermittent split rail fencing (4 feet high) along 3 sides of the tree farm following required set backs.

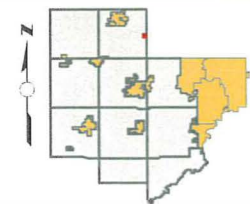
T's tress will be open to the public as a choose and cut Christmas tree farm. Most of our customers will be families with young children. Each family will wonder the tree farm choosing the perfect Christmas tree. They will have the opportunity to hand saw their own tree or have one of our employees do it for them.

3950 MERINO AVENUE




 Date: 2/15/2022
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0 25 50 100 150 200 ft



4-7
received 3/11/2022



Township Presentation & Recommendation Form

PARCEL # 100241300	Permit # #PZ20220011
Owner's Name: Tarnie Schmitz	Owner's Mailing Address: 3950 Merino Ave
City: Watertown	Owner State: MN
	Owner Zip: 55388
Applicant (if other than owner):	Site Address:

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:

choose and cut Christmas tree farm

Date of County Public Hearing: 4/19/2022 **Date of Township Meeting:** 2/7/2022

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Townships approves
of applicant plans

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Tarnie Schmitz
Signature of Applicant

Scott Hulse
Signature of Township Official

Date 2/2/2022

Date 2-7-2022

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-024-1300

File# PZ20220011

APPLICANTS/OWNERS: Robert Schmitz & Tamie Schmitz

* * * * *

The North 32 rods of the South 112 rods of the East Half of the West Half of the Northeast Quarter, Section 24, Township 117 North, Range 25 West, Carver County, Minnesota.

Together with an easement for roadway purposes only over and across the East 2 rods of the East Half of the West Half of the Northeast Quarter, except the South 112 rods thereof, and over and across the West 2 rods of the East Half of the said Northeast Quarter, except the South 80 rods thereof.