



MEMORANDUM

DATE: October 10, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission, Interim Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.2 Underground Utility Variance Request and Interim Use Permit:

REQUEST SUMMARY

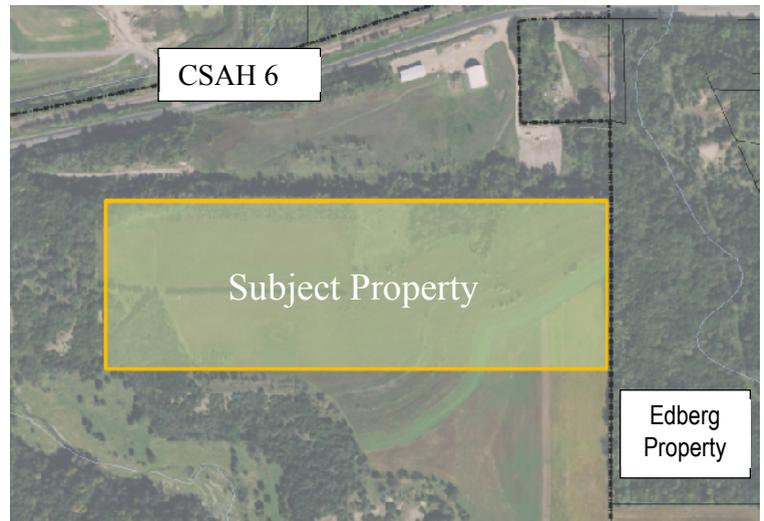
PZ Task: Public hearing and recommended action to City Council.

Overview: Toby Butterfield, Project Manager for DG Minnesota CSG 4, LLC (NextEra Energy) proposes installation of a 5MW utility scale solar energy system including a ground-mounted solar energy array and associated cabling, inverters, transformers, and other equipment for a portion of a 43.29-acre parcel owned by the Devine – Johnson Family to be accessed by private drive from South Street West.

Locale: Agricultural uses, open space, Scott County Highway shop

Land Use: Planned and zoned agriculture residential

Attachments to Report: (a) Staff analysis of request dated October 10, 2016;
(b) Draft Resolution No. 16-020 (variance);
(c) Draft Resolution No. 16-021 (IUP);
(d) Memo from City Engineer dated August 10, 2016;
(e) Memo from Scott County Natural Resources Department dated September 22, 2016;
(f) Application, site plans, and stormwater plan.



Action Options: Individually recommend approval or denial (specify) of variance request and IUP to City Council. Alternatively, the PC may postpone action pending receipt of additional information.

Staff Recommendation: (a) Approval of variance with conditions specified in Resolution 16-020.
(b) Approval of Interim Use Permit with conditions specified in Resolution 16-021

Notes: Mr. Butterfield is expected to be in attendance.

October 10, 2016

TO: Chairperson Hvidsten
Members of the Planning Commission
Interim Administrator Meyer

FROM: Cynthia Smith Strack, Community Development Director

SUBJECT: Interim Use Permit and Variance – Ground Mounted Utility Scale Solar Energy System
Devine – Johnson Property, DG Minnesota CSG 4, LLC.

1. Resolution PZ 16-020, Recommending the City Council Approve A Variance to § 1107.18, Subd. 12(8)(A)(iv) of the Code Relating to Placement of Transmission Line Components Underground.
2. Resolution PZ 16-021, Recommending the City Council Approve an Interim Use Permit with Conditions for a 5MW Solar Energy System.

The purpose of this memo is to provide the Commission with information regarding a 5MW, utility scale solar energy system including a ground-mounted solar energy array and associated cabling, inverters, transformers, and other equipment. The project is proposed for a portion of a 43.29-acre parcel owned by the Devine – Johnson Family to be accessed by private drive from South Street West. The Applicant is DG Minnesota CSG 4, LLC's its parent company is NextEra Energy, a publicly traded Fortune 200 company. Mr. Toby Butterfield is the project representative.

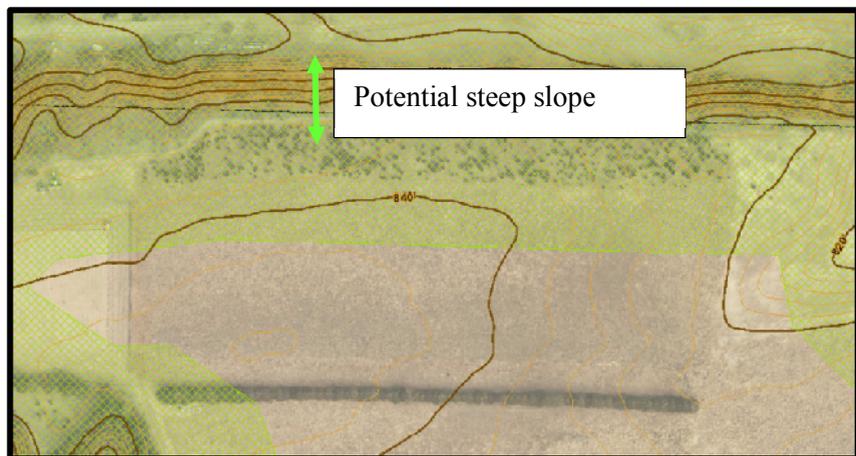
The proposed use is allowed in the A-2 Rural Residential District provided an interim use permit is issued and specific standards are achieved. § 1107.18, Subd. 12(8) of the Code itemizes required conditions for ground mounted solar energy systems. The Applicant/Owners have filed a concurrent variance request to allow above ground pole mounted transmission lines and poles. Under Section 1107.18, Subd, 12(8)(A)(iv) of the Code all off-site lines running between the SES and electric substations or interconnections are to be buried underground. The Applicant/Owners represent the presence of steep slopes necessitate a variance in favor of overhead lines as opposed to negatively impacting steep slopes.

VARIANCE REQUEST

Section 1107.18, Subd. 12(8)(A)(iv) of the City Code requires: *“All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections shall be buried underground”.*

The Applicants have applied for a variance to the requirement for off-site lines from the SES to the substation be buried underground. The Applicants represent the variance is necessary to prevent negative impacts to steep slopes, including clear cutting of vegetation, grading, and excavation. The Applicants propose overhead connection from the SES to the utility transmission line adjacent to Scott CSAH 6.

The proposed location of the connection lies within the Scott County WMO bluff overlay area and has a contour change of over 30 feet in elevation over an approximate 80-foot linear length.



Under variance review criteria, the Applicant must demonstrate there are 'practical difficulties' in complying with the zoning code. For such purposes, 'practical difficulties' means:

- A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
- B. The plight of the property owner is due to circumstances unique to the property not created by the landowner;
- C. The variance, if granted, will not alter the essential character of the locality.

Sample findings in favor of the variance request:

- In an effort to protect against erosion, sedimentation, and as a means of retaining the integrity of bluffs lands and steep slopes the City has approved certain standards. Section 1109.06 of the Code prohibits land disturbing activities in the bluff overlay district and Section 1109.01 of the Code requires development on steep slopes be carefully reviewed and limited. As such the requirements of Section 1107.18, Subd. 12(8)(A)(iv) conflict with those in Section 1109. In this instance the public benefit of protecting bluffs and steep slopes reasonably outpaces that of visual pollution of an overhead utility.
- The Developer did not create the bluff/steep slopes as they are natural topographical features.
- There is an existing overhead utility in the Scott CSAH 6 corridor on to which the power generated by the Project will be added. Connecting to the existing transmission line is an essential project component and consistent with the essential character of the surrounding locale.

Sample findings opposed to the variance request:

- In an effort to protect against erosion, sedimentation, and as a means of retaining the integrity of bluffs lands and steep slopes the City has approved certain standards. Section 1109.06 of the Code prohibits land disturbing activities in the bluff overlay district and Section 1109.01 of the Code requires development on steep slopes be carefully reviewed and limited. As such the requirements of Section 1107.18, Subd. 12(8)(A)(iv) conflict with those in Section 1109. In this instance the public benefit of reducing visual pollution by placing utility lines underground reasonably outpaces that of protecting bluffs and steep slopes.
- The Applicant chose the subject site for purposes of a ground mounted solar energy system knowing steep slopes/bluffs were a limiting factor in accessing existing overhead transmission lines. As such the Applicant created the problem by selecting the proposed site.

INTERIM USE PERMIT REQUEST

Ground mounted utility scale SES are allowed in the A-2 Rural Residential District under interim use permit provided required conditions are achieved. DG Minnesota CSG 4, LLC proposes a 5MW solar energy system for approximately 43 acres of property owned by Devine – Johnson. A solar array together with associated cabling, inverters, transformers, and other equipment will cover approximately 30 acres of the site. The solar field is proposed to be encompassed by a six-foot chain link fence topped with one foot of barbed wire. A site plan and supporting information is attached to this memo.

The SES site has been approved for annexation to the City by both the Blakeley Town Board and the City Council. An administrative lot split has been completed, deeds filed, and recording is pending. Upon recording of the lot split the subject property annexation will be submitted to the Mn. Office of Administrative Hearings for approval.

Lot setback, structure height, and lot size/width requirements are met. The property is not located within shoreland or flood plain. The subject parcel doesn't contain wetlands or easements. Steep slopes are located adjacent to the subject site including where proposed transmission lines would be located.

Staff has the following comments:

- A. Interim use permits differ from conditional use permits in that an expiration date may be assigned. The Applicant is proposing an IUP term of 35 years. The signed lease with the Devine's carries a 25-year term with an option to extend an additional ten years for a total of 35 years.

Staff recommends the term of the interim use permit be twenty-five (25) years from the date of the final building permit inspection for the Project. Staff further recommends that in the event evidence of a fully executed and valid land lease is filed with the City Administrator the term of the IUP be extended for an additional period of time commensurate with the land lease term. Staff recommends, however, that under no circumstances should the interim use permit term be allowed to exceed a total of thirty-five (35) years.

- B. Access to the proposed site is from South Street West. As noted in the City Engineer's memo dated August 10, 2016 the integrity of the existing roadway condition from which the site is accessed is diminished. City and Consulting Staff and NextEra Representatives discussed the condition of the rural segment of South Street West and construction traffic. An approximate 325-foot segment of South Street West will be impacted by construction traffic and is presently in fair condition. The Applicant expects a few hundred deliveries over a two to three-month period with construction start anticipated in May or June 2017. Typical daily construction traffic is estimated at three to four trucks per day, however, significantly heavier traffic is anticipated over a short period of time as a field access road is upgraded with gravel. After construction is complete the site will be monitored one or two times a month and perhaps decline thereafter. **Staff recommends the Applicant restore the 325-foot segment to a five-ton rural roadway upon project completion and file a performance bond to ensure the restoration is completed and acceptable to the City. In addition, staff recommends the Applicant identify provide a communications plan including, but not limited to: (a) a pre-construction effort to reach out to residents adjacent to construction traffic route (e.g. Oakwood Subdivision, Oakwood First Addition, Southern Oaks First & Second, Oak Village, Oak Village Court, Evers Addition, Soller Acres, etc) to inform residents of construction schedule, anticipated traffic volume, contact information for construction manager, etc. (b) signage, both directional and construction; and (c) action plan for compliant response (emergency road repair, dust control, timeline/process for responding to compliant).**

- C. Private driveway to lease property. **Staff finds the proposed private driveway acceptable provided evidence of filing of an access agreement or easement is provided prior to issuance of a building permit. Said access agreement or easement shall run with the property and not the lease so as to provide dedicated access to the subject parcel in perpetuity.**
- D. As illustrated in the site plan, the solar energy system is contained on the Devine property; however, Xcel Energy will extend transmission lines from existing transmission lines to the SES through property owned by Scott County. A variance request has been submitted to allow above ground transmission lines as part of the SES development project. **Staff recommends action on the variance prior to action on the IUP. In the event the variance is denied, the IUP should be as well.**
- E. Evidence of an interconnection agreement is required under code. Evidence of a signed interconnection agreement between DG Minnesota CSG 4, LLC and Xcel Energy is included with the application submittal.
- F. A decommissioning plan has been filed as a required IUP submittal document. The decommissioning plan includes a performance security pledge of \$153,589 (125% of estimated decommissioning costs). The plan requires all equipment be removed from the site within twelve months of the termination of the lease agreement or twelve consecutive months of the cessation of electric generation. **Staff recommends an agreement be required in conjunction with the development. Among other items its recommended the proposed agreement define 'cessation of electric generation' in quantitative terms and the method of security required.**
- G. A stormwater report is included in the application submittal. **The City Engineer's comments in a memo dated August 10, 2016 are hereby incorporated by reference.**
- H. Code requires a glare study be conducted prior to system construction. Applicants may use the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent. The purpose of the glare study is to identify potential impacts and mitigation strategies. SGHAT analysis is included in the application submittal. Six off-site observations points were included in the analysis. The observation points were selected to represent potential glare on surrounding homes and roadways. One point (observation point four) has a 'low potential for temporary after-image' glare during the month of June from 6:00 to 6:30 p.m. The study indicates the short term, low intensity glare should be entirely mitigated by trees along the eastern edge of the project.
- I. Code requires current emergency contact information for the system owner/operator be posted at the site. **Staff recommends posting of emergency contact information be required as a condition of permit issuance.**
- J. Code requires SES be enclosed with a fence; required fencing is to meet the standards contained in Section 1107.02. The Applicant's propose a six-foot chain link fence topped with a foot of barbed wire. Section 1107.02 allows for chain link fencing and is silent on whether or not barbed wire is permitted in commercial/industrial applications for security purposes. **Staff finds the proposed fencing appropriate but welcomes discussion. Staff recommends memorializing fence details in the proposed Agreement should they differ from that presented.**
- K. Code requires berming or a continuous evergreen vegetative buffer for areas facing a public right of way or abutting a residential use or district. The eastern property boundary abuts the R-1 Single Family Residential District. At this time the abutting property is a single parcel exceeding 40 acres in size which is kept in a natural state and features steep slopes/bluffs that are covered with vegetation. The Applicant has not proposed screening

adjacent to the eastern boundary. **Staff recommends requiring establishment of a vegetative buffer at the time of development (if/when) of the adjacent property, subject to change depending on public testimony.**

- L. Building and electrical permits are required prior to construction initiation. **Staff recommends interim use permit approval require issuance of building and electrical permits in conjunction with the proposed use.**

COMMENTS FROM OTHER STAFF/DEPARTMENTS

Public Works

The Public Works Superintendent Fahey has examined the development plan and concurs with comments submitted by the City Engineer.

EMS

Plans were forwarded to Fire Chief Stier and Police Chief Stolee for comment and input, especially as recommended by the City Engineer. Chief Stolee finds the proposed access road acceptable but requests a meeting on-site at the time of construction mobilization.

Engineering

The City Engineer Duncan has examined the development plan. Comments contained in the City Engineer’s project memo dated August 10, 2016 are attached hereto.

STAFF RECOMMENDATIONS

Sample resolution 16-020 recommending conditional approval of variance is provided for consideration.

Sample resolution 16-021 recommending conditional approval of an interim use permit is provided for consideration.

Staff recommends approval of the variance subject to the following conditions:

1. Approval of an interim use permit for a 5MW solar energy system.
2. Acceptance of the joint orderly annexation resolution by the Minnesota Office of Administrative Hearings Boundary Adjustment Unit.
3. The variance is applicable to property number 209020060 (as may be amended), legally described as:

The Southeast Quarter (SE ¼) of Section 2 and the West 88 feet of the South 200 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼), all in Section 2, Township 113 North, Range 25 West, Scott County, Minnesota, according to the U.S. Government Survey thereof.
4. Evidence of permit approval as may be required by Scott County for the Xcel Energy portion of the above ground utility extending from the subject property to the 69kV AC transmission line adjacent to Scott CSAH 6.
5. Placement of utility posts as specified in a memorandum from the Scott County Natural Resources Department dated September 22, 2016 and addressed to Brad Davis, Planning Manager for the Scott County.

Staff recommend approval of the IUP subject to the following conditions:

1. Acceptance of a variance related to above ground utility lines.
2. Acceptance of the joint orderly annexation resolution by the Minnesota Office of Administrative Hearings Boundary Adjustment Unit.
3. Payment of a tax reimbursement fee of two-hundred fifty (\$250) dollars per acre of property annexed to the City of Belle Plaine. The tax reimbursement fee shall be filed with the Blakeley Township Clerk.
4. The term of the interim use permit shall be twenty-five (25) years from the date final building permit inspection for the Project. In the event evidence of a fully executed and valid land lease is filed with the City Administrator of the City of Belle Plaine the interim use permit term may be extended for an additional period of time commensurate with the land lease term; however, under no circumstances shall the interim use permit term exceed a total of thirty-five (35) years.
5. The Developer shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number and information identifying the system owner at the site entrance and on each side (north, south, east, west) of the perimeter security fence.
6. The Developer shall establish a vegetative buffer on the eastern property boundary within six (6) months of either: (1) City Council approval of a final plat for subdivision of parcel number 209010050 (Harold and Ramona Edberg Property); or (2) upon written request by any person homesteading the same property. The required vegetative buffer shall provide eighty percent opaqueness throughout all times of the year as viewed from the shared property line in a reasonable manner.
7. The Developer shall ensure all structures, including power poles are set back from the top of any bluff a minimum of thirty-five (35) feet with a twenty-five (25) foot no-disturb area adjacent to the top of the bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is thirty (30) percent or greater and there is at least a 25-foot rise in elevation.
8. The Developer shall submit a revised set of plans illustrating compliance with recommendations contained in the project memo dated August 10, 2016 from the City Engineer prior to issuance of a building or electrical permit.
9. The Developer shall restore a 325-foot segment of South Street West (currently a 5-ton rural segment) to a five-ton rural roadway upon project completion and file a performance bond to ensure the restoration is completed and acceptable to the City.
10. The Developer shall file with the City a communications plan including, but not limited to: (a) a pre-construction effort to reach out to residents adjacent to construction traffic route (e.g. Oakwood Subdivision, Oakwood First Addition, Southern Oaks First & Second, Oak Village, Oak Village Court, Evers Addition, Soller Acres, etc) to inform residents of construction schedule, anticipated construction traffic volume, contact information for construction manager, etc. (b) signage for both directional and construction purposes; and (c) an action plan for compliant response (emergency road repair, dust control, traffic complaints).
11. The Developer shall provide the City evidence of the recording of an access agreement or easement over private property for purposes of accessing the subject property. The access agreement or easement shall run with the subject property and not the lease term.
12. The Developer shall provide the City evidence of permit approval as required by Scott County for the Xcel Energy portion of the above ground utility extending from the subject property to the transmission line adjacent to CSAH 6.
13. Building and electrical permits shall be obtained.

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-16-020**

RECOMMENDING THE CITY COUNCIL **APPROVE/DENY A VARIANCE TO § 1107.18, SUBD.
12(8)(A)(IV) OF THE CODE RELATING TO PLACEMENT OF TRANSMISSION
LINE COMPONENTS UNDERGROUND**

WHEREAS, the City Code §1107.18, Subd. 12(8) provides for ground-mounted solar energy systems as interim uses in the A-2 Rural Residential District; and,

WHEREAS, City Code §1107.18, Subd. 12(8)(A)(iv) requires all off-site utility lines running between the SES and electric substations or interconnections be buried underground; and,

WHEREAS, DG Minnesota CSG 4, LLC has submitted for consideration an application for a variance to the required underground utility line placement in favor or preservation of bluffs/steep slopes; and

WHEREAS, the solar energy system is proposed for property identified as PID #209020060 within the corporate limits of the City as legally described in Attachment A hereto attached; and

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on October 10, 2016 following duly published notice to accept public comment on the proposed variance; and,

WHEREAS, the Planning Commission accepted public input and discussed the variance; and,

WHEREAS, the Planning Commission finds

Sample findings in favor of the variance request:

1. In an effort to protect against erosion, sedimentation, and as a means of retaining the integrity of bluffs lands and steep slopes the City has approved certain standards. Section 1109.06 of the Code prohibits land disturbing activities in the bluff overlay district and Section 1109.01 of the Code requires development on steep slopes be carefully reviewed and limited. As such the requirements of Section 1107.18, Subd. 12(8)(A)(iv) conflict with those in Section 1109. In this instance the public benefit of protecting bluffs and steep slopes reasonably outpaces that of visual pollution of an overhead utility.
2. The Developer did not create the bluff/steep slopes as they are natural topographical features.
3. There is an existing overhead utility in the Scott CSAH 6 corridor onto which the power generated by the Project will be added. Connecting to the existing transmission line is an essential project component and consistent with the essential character of the surrounding locale.

Sample findings opposed to the variance request:

1. In an effort to protect against erosion, sedimentation, and as a means of retaining the integrity of bluffs lands and steep slopes the City has approved certain standards. Section 1109.06 of the Code prohibits land disturbing activities in the bluff overlay district and Section 1109.01 of the Code requires development on steep slopes be carefully reviewed and limited. As such the requirements of Section 1107.18, Subd. 12(8)(A)(iv) conflict with those in Section 1109. In this instance the public benefit of reducing visual pollution by placing utility lines underground reasonably outpaces that of protecting bluffs and steep slopes.

2. The Applicant chose the subject site for purposes of a ground mounted solar energy system knowing steep slopes/bluffs were a limiting factor in accessing existing overhead transmission lines. As such the Applicant created the problem by selecting the proposed site.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council **approve/deny** a variance for DG Minnesota CSG 4, LLC relating to placement of transmission lines underground in conjunction with the establishment of a five megawatt, ground-mounted solar energy system at 1300 South Street West, subject to the following conditions:

1. Approval of an interim use permit for a 5MW solar energy system.
2. Acceptance of the joint orderly annexation resolution by the Minnesota Office of Administrative Hearings Boundary Adjustment Unit.
3. The variance is applicable to property number 209020060 (as may be amended), as legally described in Attachment A, affixed hereto.
4. Evidence of permit approval as may be required by Scott County for the Xcel Energy portion of the above ground utility extending from the subject property to the 69kV AC transmission line adjacent to Scott CSAH 6.
5. Placement of utility posts as specified in a memorandum from the Scott County Natural Resources Department dated September 22, 2016 and addressed to Brad Davis, Planning Manager for the Scott County.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

and the following voted against the same: _____.

Whereupon said resolution was declared duly passed and adopted. Dated this 10th day of October, 2016.

Nathaniel Hvidsten
Chairperson

Cynthia Smith Strack
Community Development Director

**ATTACHMENT A
RESOLUTION 16-020**

**LEGAL DESCRIPTION: 1300 SOUTH STREET WEST
PROPERTY IDENTIFICATION NUMBER: 209020060**

The Southeast Quarter (SE ¼) of Section 2 and the West 88 feet of the South 200 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼), all in Section 2, Township 113 North, Range 25 West, Scott County, Minnesota, according to the U.S. Government Survey thereof.

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-16-021**

**RECOMMENDING THE CITY COUNCIL APPROVE AN INTERIM USE PERMIT TO ALLOW A
GROUND MOUNTED SOLAR ENERGY SYSTEM AT 1300 SOUTH STREET WEST**

WHEREAS, the City Code §1107.18, Subd. 12(8) provides for ground-mounted solar energy systems as interim uses in the A-2 Rural Residential District; and,

WHEREAS, DG Minnesota CSG 4, LLC has submitted for consideration an application for an interim use permit to allow a five megawatt (5mW) solar energy system consisting of photovoltaic modules, associated cabling, inverters, transformers, and other equipment as presented in the site plan hereto attached as Attachment A; and

WHEREAS, the solar energy system is proposed for property identified as PID #209020060 within the corporate limits of the City as legally described in Attachment B hereto attached; and

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on October 10, 2016 following duly published notice to accept public comment on the proposed interim use permit; and,

WHEREAS, the Planning Commission accepted public input and discussed the interim use permit; and,

WHEREAS, the Planning Commission finds

1. Solar energy is an abundant, clean, and renewable energy resource.
2. The use of renewable and alternative energy sources reduces greenhouse gas emissions and protects the natural environment.
3. Access to solar energy and the capture and use of solar energy contributes to the public health, safety, and welfare.
4. The subject property is planned and zoned for rural residential use.
5. The proposed use is broadly consistent with Comprehensive Plan policies related to managed growth and resource preservation.
6. Present and planned uses in the area feature are ag-residential in nature.
7. The proposed use is broadly consistent with the requirements of Section 1107.08, Subd. 12(8) related to performance standards for ground-mounted solar energy systems.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council approve an interim use permit for DG Minnesota CSG 4, LLC for establishment of a five megawatt, ground-mounted solar energy system at 1300 South Street West, subject to the following conditions:

1. The "Use" is specifically defined as a five megawatt ground-mounted solar energy system (community solar garden) at 1300 South Street West. The Use includes photovoltaic modules, associated cabling, inverters, transformers, and other equipment as presented in the site plan hereto attached as Attachment A.
2. The Applicant shall enter into an interim use agreement with the City.
3. Approval of a variance related to above ground utility lines.
4. Acceptance of the joint orderly annexation resolution by the Minnesota Office of Administrative Hearings Boundary Adjustment Unit.

5. Evidence of payment of a tax reimbursement fee of two-hundred fifty (\$250) dollars per acre of property annexed to the City of Belle Plaine. The tax reimbursement fee is to be filed with the Blakeley Township Clerk.
6. The term of the interim use permit shall be twenty-five (25) years from the date final building permit inspection for the Project. In the event evidence of a fully executed and valid land lease is filed with the City Administrator of the City of Belle Plaine the interim use permit term may be extended for an additional period of time commensurate with the land lease term; however, under no circumstances shall the interim use permit term exceed a total of thirty-five (35) years.
7. The Developer shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number and information identifying the system owner at the site entrance and on each side (north, south, east, west) of the perimeter security fence.
8. The Developer shall establish a vegetative buffer on the eastern property boundary within six (6) months of either: (1) City Council approval of a final plat for subdivision of parcel number 209010050 as represented in Attachment C affixed hereto; or (2) upon written request by any person homesteading the property represented in Attachment C. The required vegetative buffer shall provide eighty percent opaqueness throughout all times of the year as viewed from the shared property line in a reasonable manner.
9. The Developer shall ensure all structures, including power poles are set back from the top of any bluff a minimum of thirty-five (35) feet with a twenty-five (25) foot no-disturb area adjacent to the top of the bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is thirty (30) percent or greater and there is at least a 25-foot rise in elevation.
10. The Developer shall submit a revised set of plans illustrating compliance with recommendations contained in the project memo dated August 10, 2016 from the City Engineer prior to issuance of a building or electrical permit.
11. The Developer shall restore a 325-foot segment of South Street West (currently a 5-ton rural segment) to a five-ton rural roadway upon project completion and file a performance bond to ensure the restoration is completed and acceptable to the City.
12. The Developer shall file with the City a communications plan including, but not limited to: (a) a pre-construction effort to reach out to residents adjacent to construction traffic route (e.g. Oakwood Subdivision, Oakwood First Addition, Southern Oaks First & Second, Oak Village, Oak Village Court, Evers Addition, Soller Acres, etc) to inform residents of construction schedule, anticipated construction traffic volume, contact information for construction manager, etc. (b) signage for both directional and construction purposes; and (c) an action plan for compliant response (emergency road repair, dust control, traffic complaints).
13. The Developer shall provide the City evidence of the recording of an access agreement or easement over private property for purposes of accessing the subject property. The access agreement or easement shall run with the subject property and not the lease term.
14. The Developer shall provide the City evidence of permit approval as required by Scott County for the Xcel Energy portion of the above ground utility extending from the subject property to the transmission line adjacent to CSAH 6.
15. Building and electrical permits shall be obtained.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

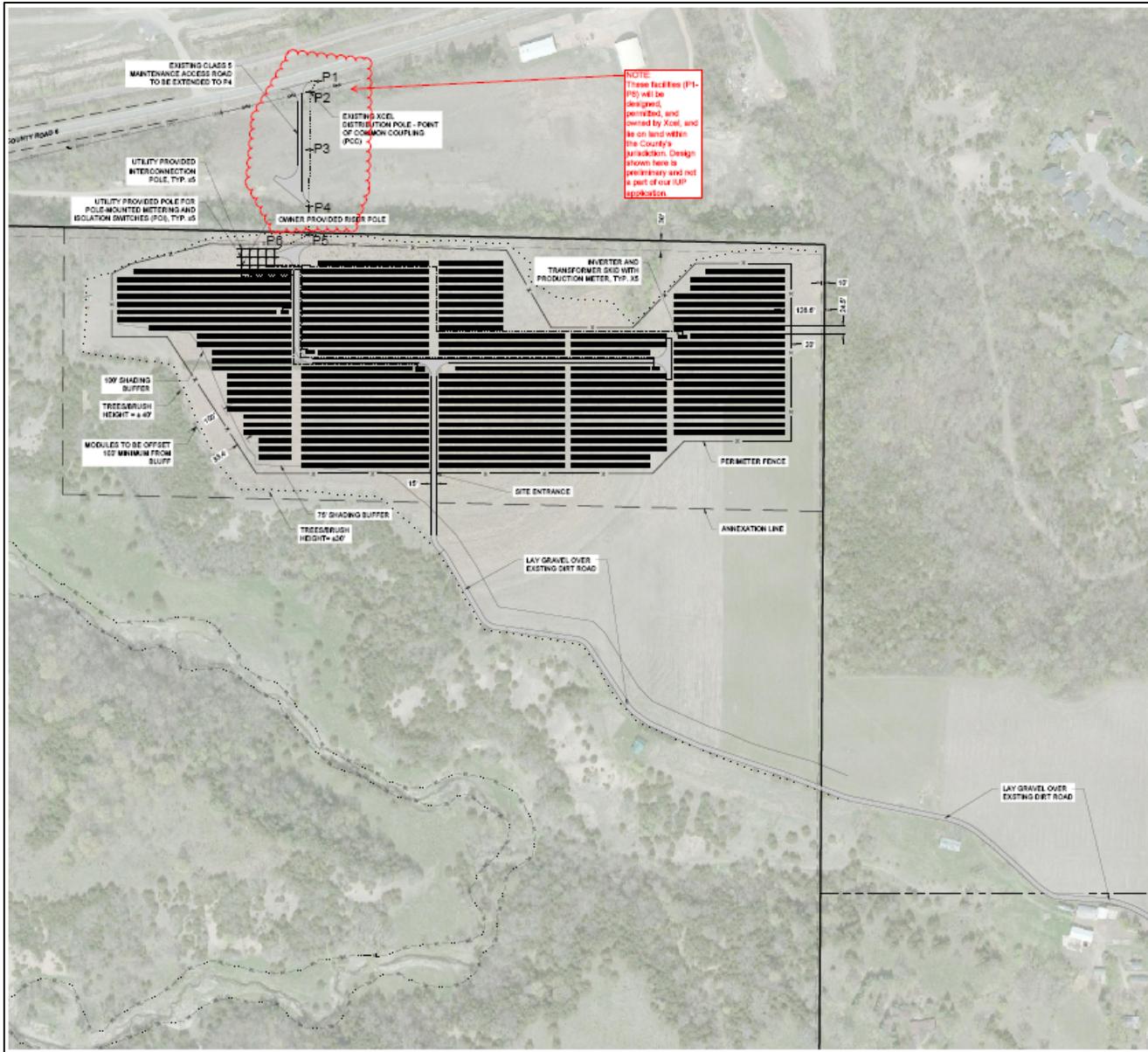
and the following voted against the same: _____.

Whereupon said resolution was declared duly passed and adopted. Dated this 10th day of October, 2016.

Nathaniel Hvidsten
Chairperson

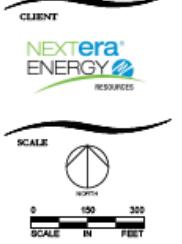
Cynthia Smith Strack
Community Development Director

Attachment A (Resolution 16-021) Site Plan



NOTES:

- 1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY!
- PV SYSTEM:**
 AZIMUTH: 100°
 TILT ANGLE: 25°
 PITCH (ROW SPACING): 24.5°
 PV MODULES: HANMA Q CELLS USA Q PLUS L-G4.2 330W, 72 CELL POLYCRYSTALLINE 330W
 MODULES PER STRING: 30
BACK CONFIGURATION:
 EACH RACK CONSISTS OF (14) ROWS OF 2 MODULES IN PORTRAIT
INVERTER INFORMATION:
 POWER ELECTRONICS 150KV P51800U15 INVERTER



LEGEND:

---	SITE BOUNDARY
---	TRANSMISSION LINES
■	SOLAR MODULE (6720)
---	SITE SETBACKS
---	PERMETER FENCE
■	INVERTER / XPMR SKID (5)
---	SITE ROAD
---	RIGHT-OF-WAY
---	WETLAND
---	NEW UTILITY POLE
---	MV FEEDER
---	TREE LINE
---	ANNEXATION LINE

PROJECT
DEVINE JOHNSON
SCOTT COUNTY

LOCATION
100 WEST SOUTH ST
BELLE PLAINE, MN

SHEET
PV SITE LAYOUT

SUBMITTAL
CUP SUBMITTAL

#	DATE	REVISION
Rev 01	07.26.2016	Perce Revision
Rev 02	08.27.2016	POI Revision

NOT FOR CONSTRUCTION

DRAWN BY: C TA
 CHECKED BY: S DAS
 DATE: 07.26.2016
 PROJECT #: 2016-027

SYSTEM SIZE
5.00 MW AC/ 6.84 MW DC

SHEET NUMBER
E-101-01

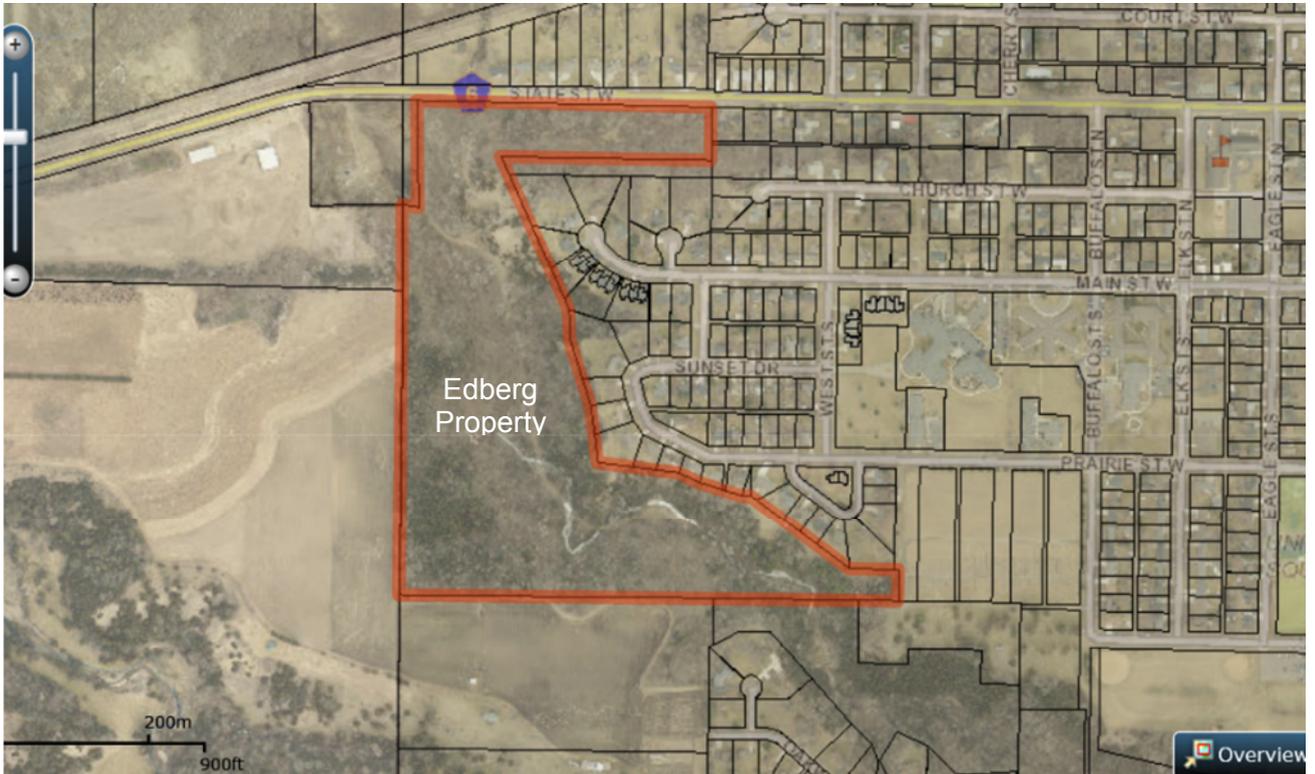
**ATTACHMENT B
RESOLUTION 16-021**

**LEGAL DESCRIPTION: 1300 SOUTH STREET WEST
PROPERTY IDENTIFICATION NUMBER: 209020060**

The Southeast Quarter (SE ¼) of Section 2 and the West 88 feet of the South 200 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼), all in Section 2, Township 113 North, Range 25 West, Scott County, Minnesota, according to the U.S. Government Survey thereof.

**ATTACHMENT C
RESOLUTION 16-021**

**HAROLD AND ROMONA EDBERG PROPERTY
PROPERTY IDENTIFICATION NUMBER: 209010050**





BOLTON & MENK, INC.®

Consulting Engineers & Surveyors

1960 Premier Drive • Mankato, MN 56001-5900
Phone (507) 625-4171 • Fax (507) 625-4177
www.bolton-menk.com

August 10, 2016

Cynthia Smith-Strack
Community Development Director
City of Belle Plaine
PO Box 129
Belle Plaine, MN 56001

RE: Devine Johnson Solar Project
IUP Review
Project No.: M15.032309

Dear Cynthia,

We have completed our review of the submitted information for the Devine Johnson Solar Project dated 7/7/16 and the drainage report dated 7/1/16. Comments are provided below:

1. Signed versions of the grading plan and drainage report should be submitted.
2. Provide drainage arrows on sheet V001, V101 and V102.
3. Provide perimeter silt fence along the proposed fence line to prevent sediment transport off site. Drainage swales/concentrated flow paths required two rows of silt fence at the perimeter.
4. Provide a pond cross section for Basin #1 and the required construction sequencing to prevent construction sediment from clogging the soils ability to infiltrate run off. If temporary drainage practices are required, please note them.
5. Revise the sections of fence that cross steep slopes or down cutting areas (Sheet C202).
6. Clearly state the newly created impervious surfacing under section 3.0 of the drainage report.
7. Provide the multiple off site discharge points in table 2 for the existing/proposed comparison data.
8. Include detailed drainage analysis data for review.
9. Provide elevations for detail 3/C601 on sheet C601.
10. No municipal water or sanitary service is indicated, nor are any extensions planned to serve this site as part of this development.
11. No public access is shown, nor is any planned to serve this site as part of this development. Private access to the site is indicated on the plan by way of an existing trail that, as planned, will only place "gravel over existing dirt" for improvement. A note on Sheet V001 references a potential location for an easement. A recorded easement document should be submitted as well as the actual location provided on the plan. While my understanding is that the primary use will only require limited private access, Public Safety should comment on the acceptability of this access for potential emergency situations.

Lastly, though not tied directly to the site itself, is the potential impact of construction and future traffic on South Street. In 2007, South Street was improved from the east to a point approximately 325' east of the Devine driveway (western limits of the Oakwood and Southern Oaks Subdivisions). This remaining

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old section of roadway is nearly 40 years old, was only constructed to a 5-ton section, and is in significant disrepair. While the impact of construction and future traffic would be difficult to determine and account for, use by heavy vehicles will certainly degrade it further – perhaps to a point that renders the existing pavement unsalvageable. I believe now is a prudent time for a discussion of the future of this older roadway as it heads west past the Devine driveway and connects with Oak Crest Trail.

Thank you for the opportunity to provide comments regarding this potential development. Please contact me with any questions. Thank you.

Sincerely,

BOLTON & MENK, INC.

A handwritten signature in purple ink, appearing to read 'D. Joseph Duncan II'.

D. Joseph Duncan II, P.E.



SCOTT COUNTY
Natural Resources Department

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220
(952) 496-8475 • Fax (952) 496-8496 • Web www.co.scott.mn.us

Memo

Date: 9/22/2016
To: Brad Davis
From: Jason Swenson, P.E., Natural Resources Department
Subject: Devine Johnson Solar Project Review

The Scott County Natural Resources Department has completed a review of a plan for a proposed solar garden (Sheet E101-01, dated 8/29/2016) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements.

We do note that the bulk of the project is located within Belle Plaine city limits (or is proposed to be annexed into the City limits). These comments are offered so the applicant is aware of the County's concerns and permitting for work located outside of the City limits.

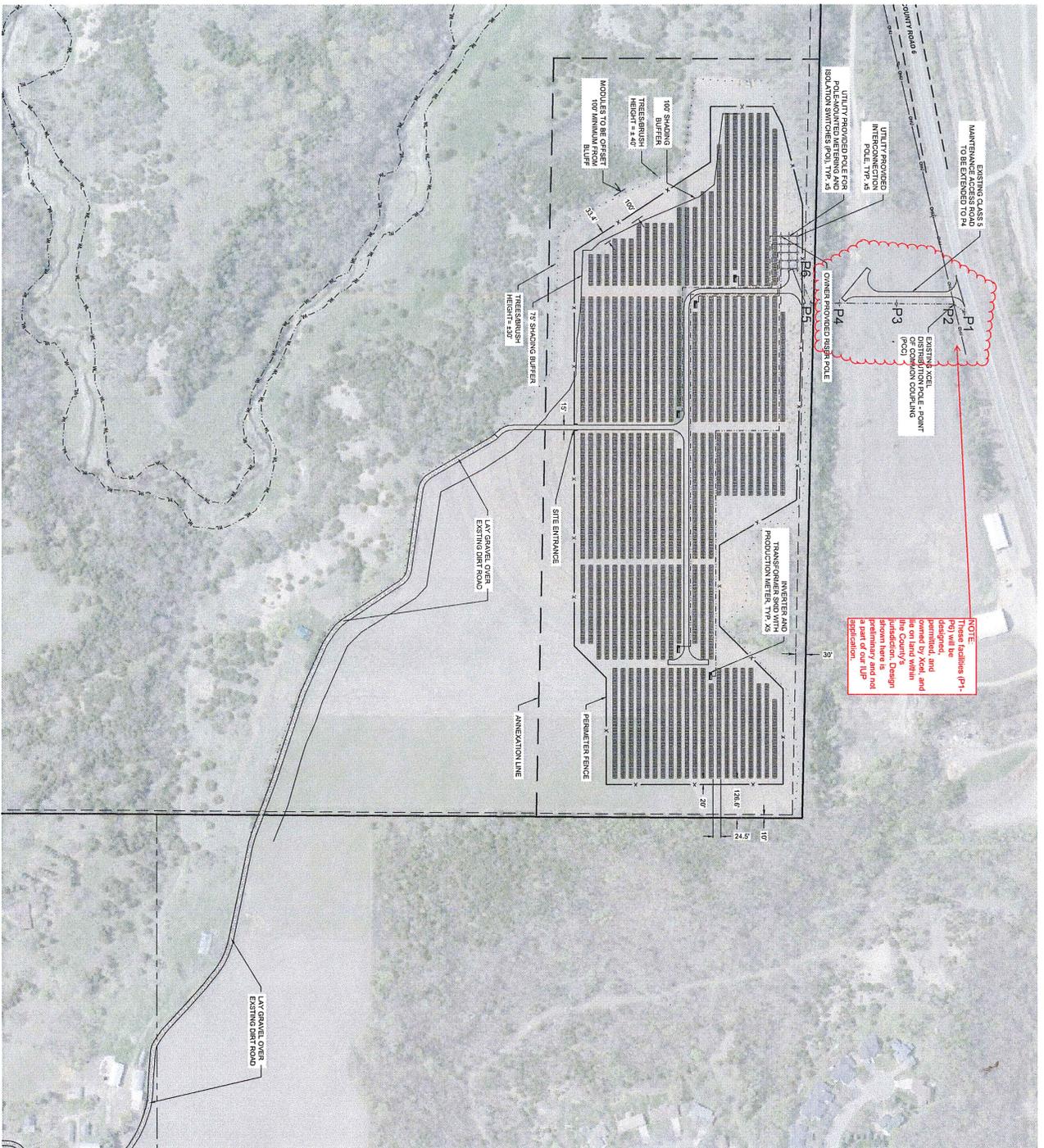
Comments are as follows:

1. The proposed location of the power line extending to the north crosses a Bluff as defined in Scott County Zoning Ordinance No. 3, Chapter 6. The following requirements would apply:
 - a. All structures, including powerpoles, are required to be set back from the top of the bluff a minimum of 35 feet, with a 25 foot no disturb area adjacent to the top of the bluff. As presented, it appears that powerpole P5 may encroach in this required setback, as does the potential access driveway turnaround. Plans with the contours on it should be submitted to verify these setbacks are met.
 - b. No vegetation removal is allowed on the face of the bluff. Thus no removal of vegetation is allowed to pass the power line through. Poles must be high enough to suspend the lines above the existing vegetation.
2. The placement of gravel over the existing field road constitutes grading. The proposed grading on parcels that continue to have Scott County Land use controls located in the township will require a grading permit issued by Scott County. If the proposed increase in impervious surfaces will exceed 1 acre in size (the reviewed plan does not), a resource management plan would be required. As proposed, the preparation of an erosion and sediment control plan is required.
3. The review mechanism at the County would be the submittal of a grading permit application, fees, and escrow, along with the erosion control plans.

Please note the review of any woodland preservation, wetland issues, country road access issues, and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.

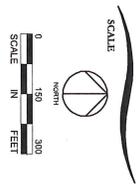
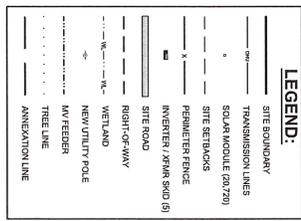
Cc: Marty Schmitz



NOTE: Utilities (P1-P4) will be designed and permitted and be on land within the County's jurisdiction. Design preliminary and not a part of our LP application.

NOTES:
1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.

PV SYSTEM:
AZIMUTH: 180°
TILT ANGLE: 20°
PITCH ROW SPACING: 24.5
PV MODULES: HANWHY Q CELLS USA
OPUS-1-042-330W, 12 CELL POLYCRYSTALLINE 330W
MODULES PER STRING: 28
RACK CONFIGURATION:
EACH RACK CONSISTS OF 141 ROWS OF 2 MODULES IN PARALLEL
INVERTER INFORMATION:
POWER ELECTRONICS 150kW / 750VDC IS INVERTER



CLIENT
NextEra ENERGY SERVICES

PROJECT
**DEVINE JOHNSON
SCOTT COUNTY**

LOCATION
**100 WEST SOUTH ST
BELLE PLAINE, MN**

SHEET
PV SITE LAYOUT

SUBMITTAL
CUP SUBMITTAL

DATE REVISION
1 Rev 01/07/2016 Fence Revision
2 Rev 02/08/2016 2011 Revision

DRAWN BY
CTA

CHECKED BY
S DAS

DATE
07.26.2016

PROJECT #
2016-027

SYSTEM SIZE
5.00 MW AC / 6.84 MW DC

SHEET NUMBER
E-101-01

NOT FOR CONSTRUCTION