



STAFF REPORT

DATE: 3/21/23

TO: City Council
FROM: Sophia Jensen, City Planner
ITEM: **CEF Lake Elmo Community Solar Garden – Conditional Use Permit**

BACKGROUND

CEF Lake Elmo Community Solar has applied for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50th Street N (PID#1102921110003). The proposed solar photovoltaic (“PV”) project has a maximum size of 1,000 kilowatts (“KW”) alternating current (“AC”). The Applicant has a Solar Energy Option Agreement to lease up to 10 acres with the Manzara family to enable construction and operations of the project.

On November 22, 2021, the Planning Commission held a public hearing on this request. The Planning Commission received the City Staff report, asked questions of City staff and the applicant’s representative and made a recommendation of approval with conditions to the City Council for the requested PUD. The Planning Commission requested that the applicant work to address some of the staff and neighbor concerns about setbacks, landscaping, buffering, and screening prior to City Council action on the application. The applicant worked diligently to do so.

At the March 15, 2022 meeting, the City Council discussed the proposal. Council members asked questions about how the project would look, how it would be taxed, and how the solar contracts would impact solar subscribers. Council members were concerned about the impact of the project on the existing neighborhood. The applicant has proposed screening for the solar farm but due to the topography of the surrounding area and the height of the equipment, despite the screening, the equipment on the property would still be largely visible from the public right-of-way and the surrounding properties. Due to the large size of the solar farm and the amount of equipment that would be installed, it would be unlikely that the solar farm would be compatible

At the April 5th 2022 City Council meeting the conditional use permit was reevaluated and was denied (motion passed 3-2) based on the findings of fact listed in the resolution with finding 6 stricken (that, with conditions, the land use is compatible with the existing neighborhood). The applicant has since further revised the landscaping plans to address concerns regarding screening that lead to the denial.

PROPOSAL DETAILS/ANALYSIS

Applicant: CEF Lake Elmo Community Solar, LLC
Property Owners: Anthony P. Manzara Rev Trust
Location: 10755 50th Street N
Request: Application for a Conditional Use Permit (CUP) to allow a solar farm
Site Area: 10.9 acres
Existing Land Use: Single family residential and agricultural
Existing Zoning: Rural Residential

Surrounding: North – 50th Street N and single family homes zoned RR
 West – single family home zoned RR
 South – single family home zoned RR
 East – Lake Elmo Avenue and agricultural land zoned RR

Comprehensive Plan: Rural Area Development (RAD)

History: The existing single family home on this site was built in 1986. To the best of our knowledge, no other development applications have been filed for this property in the past.

Deadline for Action: Application Complete – 10/22/2021
 60 Day Deadline – 12/21/2021
 Extension Letter Mailed – 11/30/2022
 120 Day Deadline – 2/19/2022
 Extended Deadline (Signed Waiver) – 3/31/2022

Regulations: 105.12.110 – Zoning Use Types and Classifications
 Article XI – Rural Districts
 105.12.480 – Landscaping Requirements
 105.12.560 – Standards for Alternative Energy
 105.04.220 – Solar Energy Systems
 105.12.1470 – Solar Farms

ISSUE BEFORE THE CITY COUNCIL

The City Council is being asked to review and consider the CUP request of the CEF Lake Elmo Community Solar Garden for the construction and operation of a solar farm on the property located at 10755 50th Street N. with the revised plans.

PROJECT ANALYSIS

A solar farm is defined as a “commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of sales of generated electricity to off-site customers.” Solar farms are a conditional use in the RR district and thus require approval of a conditional use permit.

The proposed solar farm is a 1-megawatt photovoltaic (PV) facility which will utilize approximately 7 acres of the 10.9 acre site. The applicant proposes to install approximately 2,250 PV modules arranged in north-south rows spaced approximately 15 feet apart. The PV modules are glass with anti-reflective coating (not mirror design) and are 9 feet in height, as shown on the attached plans. The proposed facility includes inverters and switch gear located on the north side of the site on 7’ by 12’ concrete pads, and up to 3 new utility poles. The site will be secured by a 8’ galvanized wire mesh fence. The facility has an expected life of 25-30 years.

Access to this site is via a 16’ wide gravel drive off of 50th Street North. There is no permanent off-site parking located on the site.

During construction, there will be approximately 10-15 employees on site from 7:00 am to 7:00 pm. Construction is expected to take 4-6 months. Once the site is operational, the site will operate during daylight hours. It is expected one maintenance truck will visit the site 1-3 times per year.

Setback and Impervious Surface Requirements. The following table outlines how the proposed use and site plan adheres to the setback and impervious surface requirements of the RR zoning district. The proposed site plan is meeting all the required zoning code standards.

Rural Residential Zoning Standards		
Standard	Required	Proposed
Maximum Height	35 feet	9 feet
Maximum Impervious Coverage	--	--
Front Yard Setback – Building	30 feet	50 feet
Interior Side Yard Setback – Building	10 feet	50 feet
Interior Side Yard Setback – Building	10 feet	50 feet
Rear Yard Setback - Building	40 feet	50 feet

Standards for Solar Farms. The following outlines how the proposed development adheres to Section 105.12.560 (a), the City’s standards for solar farms.

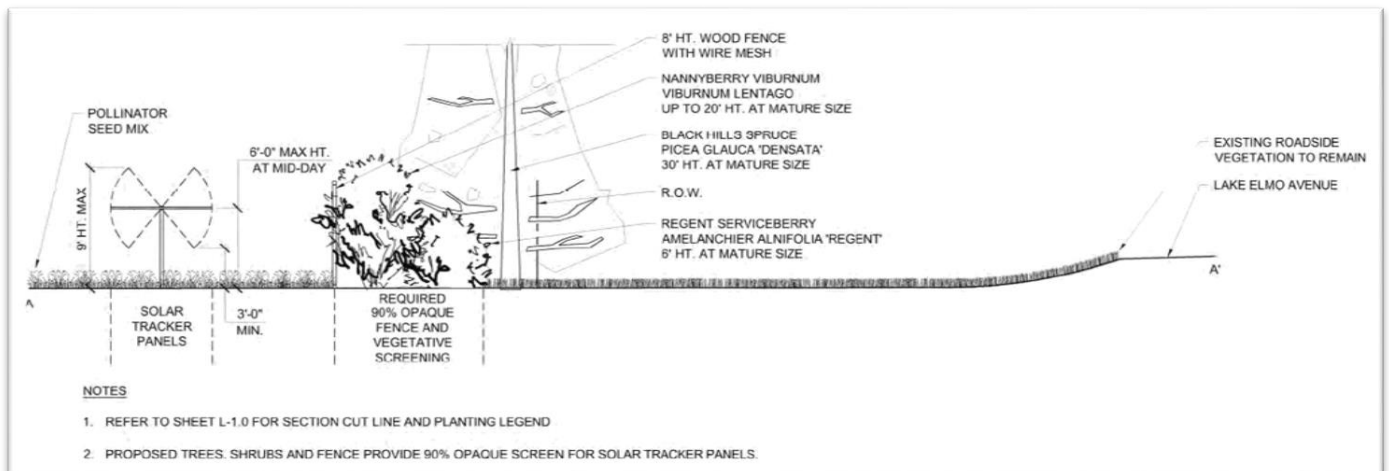
1. *Conditional or Interim Use Permit.* Solar farms in the RR district require a conditional use permit. The applicant has submitted a complete application for consideration.
2. *Minimum Lot Size, Setbacks, and Screening Requirements.* Solar farms are limited to properties at least ten acres in size, must maintain a setback of at least 50 feet from adjacent properties and be screened and fenced as determined by the City from adjacent residential properties. The parcel on which the facility is located is 10.9 acres. The site plan shows the setbacks are at least 50’ from any property line. The site will also be fenced. A revised landscape plan meeting the requirements for landscape screening has been submitted. A condition of approval will require the landscaping be installed according to the approved plan.
3. *Stormwater and NPDES.* Solar farms are subject to the City’s and watershed district’s stormwater management and erosion and sediment control provisions and NPDES permit requirements. The applicant will be required, as a condition of approval, to submit all required stormwater and NPDES permits prior to approval of a building permit.
4. *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions. The applicant is proposing this certification will be done within 60 days of construction.

Standards for Solar Energy Systems. There are specific use standards for solar energy systems listed in Section 105.04.220 of the Zoning Code. They include:

1. *Permits. A building permit shall be obtained before the installation of solar arrays or panels on any property. All solar energy systems shall be installed and components labeled in accordance with the Minnesota State Electric Code Section 690. The applicant will be required to obtain these permits prior to construction.*
2. *Rooftop or Building Integrated Solar Energy Systems. This is not applicable to this application.*
3. *Ground-Mount Solar Energy Systems.*
 - a. *Ground-mount energy systems must comply with all accessory setback, height and lot coverage restrictions unless otherwise stated herein or a variance is granted and shall not encroach on any City easement unless an easement encroachment agreement approved by the Planning Director or his/her designee after review and approval from the City Engineer or his/her designee has been executed. A certificate of zoning compliance is required for all solar energy systems unless a conditional use permit is required as stated herein. The proposed site plan indicates the facility will meet all minimum setback requirements. The original site plan indicated 59' of right-of-way preservation along 50th Street N. A revised plan showing the required right-of-way preservation of 60 feet from the centerline has been submitted. All setbacks must be measured from the line of preservation*
 - b. *The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff. There is no maximum impervious surface requirement in the RR district.*
4. *Interconnection Agreement. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. The applicant's narrative notes the applicant has submitted an interconnection application to Xcel Energy and is working through that process. The final agreement will be submitted prior to a building permit.*
5. *Glare. Glare produced from any solar energy system shall be minimized from affecting adjacent or nearby properties. The applicant is proposing to use panels with a non-reflective coating. In addition, landscape screening will be required along the perimeter of the site.*
6. *Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The applicant has submitted a decommissioning plan. As a condition of approval, the City will require the owner remove all modules and equipment within 90 days after the site has been decommissioned. The City will also require a letter of credit equal to 110% of the cost of decommissioning. The potential salvage value shall not be subtracted from the cost of decommissioning. In this case, the applicant has estimated the cost of decommissioning at \$96,521. This will require an LOC in the amount of \$106,200.*

Landscaping Requirements: Sections 105.12.480 (c) and (f) of the Zoning Code list specific landscaping requirements for this site at the time the application was submitted.

- *Landscaping of Setback Areas.* A minimum of one tree for every 50' of street frontage is required. In addition, 5 trees per every acre of disturbed land are required. This requires a minimum of 50 trees be planted on the site. In the updated landscaping plans submitted on February 17th the applicant proposes planting 69 trees on the site and preserving 11 existing trees, for a total of 80 trees. A 1:1 ratio was used to count 11 existing/significant trees towards the landscape requirements. No Ash trees were counted in this calculation. As a condition of approval, City Staff recommends that the comments from City's Landscape Architect memo dated February 28th, 2023 shall be addressed prior to issuance of the City permits.
- *Screening.* Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses and shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Screening is focused in areas and along property lines directly adjacent to residential uses. Below is a cross section of the proposed plantings and 8ft. fence to provide screening along Lake Elmo Avenue.



REVIEW COMMENTS

Engineering Review. The City Engineer reviewed this request and prepared a review memorandum for the Commission and City Council's review, dated November 13, 2021. On January 18, 2022, the Applicant provided responses to the key issues outlined in the review:

- **Right-of-way preservation:** The minimum right-of-way preservation along 50th Street N is 60' from the centerline. All setbacks must be measured from the right-of-way preservation line.
 - "A site plan and certified ALTA/NSPS Land Title Survey is provided as Appendix A. The survey shows the right-of-way preservations along 50th St N and Lake Elmo Avenue, as deeded. All proposed improvements meet the required 60-foot right-of-way preservations."

- Site access: The site access on 50th Street N must be relocated as far west as possible to minimize future conflicts with the construction of future turn lanes. The recommended minimum distance is 350' from the intersection with Lake Elmo Avenue.
 - *“As discussed via email with Planning Director Molly Just on January 22, 2021, the Applicant requests a minor reduction in the minimum 350-foot distance from the site access to the intersection with Lake Elmo Ave. Based on the City Engineer’s comments, we understand this measurement to be from “the west paved shoulder”. From this point, mandating a minimum distance of 350 feet would require the access drive be built within the wetland buffer. Our conversations with Valley Branch Watershed District (VBWD) to date, indicate such impacts would not be approved, providing the Project with no viable access point. Per these review comments, we have redesigned our access point to provide approximately 313 feet from the west paved shoulder of Lake Elmo Ave N to the centerline of our proposed access. We strongly feel this is the maximum distance we can provide in order to have a viable access point. This proposal for revised access point is shown on the revised Site Plan provided as Appendix B (as well as on the certified ALTA/NSPS Land Title Survey provided as Appendix A). The proposed grading for the revised access driveway design is provide as Appendix C.”*
- Driveway: Any portion of the proposed driveway located within the right-of-way must be paved.
 - *“All portions of the prosed access drive located within the public right of- way shall be paved. This change has been reflected in Appendix B.”*
- Site Plan Approval: Prior to the start of any construction, Civil Site Construction Plans must be prepared and submitted for City review and approval. The site plan must submit all of the required detail, including a wetland delineation and the wetland buffers. The site plan must also show the proposed power poles located at least 55' from the centerline of 50th Street N.
 - *“Acknowledged. Civil Site Construction Plans meeting the requirements of this review comment will be submitted by the Applicant prior to the start of any construction and/or prior to the issuance of City Permits for the project.”*
- Stormwater Management: A stormwater management plan meeting all State, Watershed District and City rules is required and a permit must be obtained from the Valley Branch Watershed District.
 - *“Acknowledged. A Stormwater Management Plan meeting the City and VBWD rules, prepared and signed by a registered professional engineer in the State of Minnesota will be provided prior to issuance of City permits for the project as discussed with Planning Director Molly Just on January 22, 2021 via email.”*

On February 28, 2022, the City Engineer reviewed the updated plans dated February 22, 2022 and provided the following comments: *“The existing conditions information appears to be completed. No further engineering review can proceed until engineered documents and a stormwater management plan meeting VBWD requirements is submitted for review.”*

Fire Department Review. The Fire Department reviewed this request and provided the attached comments. Some key issues outlined in the review include:

- A clear, brush-free area of 10 feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.
- The installation and use of gates shall be in compliance with the fire code. If a gate(s) is to be installed, provide more detailed information for review.
- A Fire Department lock box is required for emergency access to building at an approved location(s) and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
- Site address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

The applicant responded to these comments with an updated site plan on February 9, 2022. After reviewing the update plan, the Fire Department provided the following comments:

“This site will not require a fire department lock box but we will require the gate to be in compliance with the fire department’s Emergency Vehicle Access policy attached, specifically:

Section 7 – Gates

- a) “Gates” for the purposes of the policy includes chains, chain link, and swinging gates.*
- b) Gates. As set forth in Policy 2.02 “Key Boxes, Locks, and Gate Switches”, the City of Lake Elmo requires that any locked access gate be:*
 - ii) Be accessible by use of a KNOX key operated paddle lock, which can be locked in sequence to owner supplied locks for emergency access.*

This paddle lock would be purchased through KNOX as specified by the fire department. ”

City Attorney Review. The City Attorney reviewed this request and provided the attached comments. Some key issues outlined in the review include:

- A condition that requires the owner of the property and/or the operator to remove the modules and equipment after a certain amount of time after the project is decommissioned (i.e. 90 days or something like that). In the event that it is not removed by that time, the City should be given permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is insufficient to cover the City’s costs, the City should be able to certify the costs against the property and collect the costs with the property taxes.
- There should also be a condition that the letter of credit must be in good standing at all times, so in the event that it is not renewed or cancelled, the City may revoke the conditional use permit.

Landscaping Review. The City’s landscape architect reviewed this request and provided a memorandum dated November 12, 2022. At this time, the proposal did not meet the minimum landscape and screening requirements, and a revised landscaping plan meeting all requirements was required.

On January 18, 2022, the Applicant provided a revised landscaping plan. On January 26, 2022, the City’s Landscape Architect reviewed the updated plans and provided comments that are

included as an attachment. In this memo, the City's Landscape Architect requested additional information on tree condition and type before determining whether landscaping requirements. The memo also requesting changes to the tree preservation plan to protect existing trees during construction.

The applicant responded to these requires in the February 22, 2022 resubmittal. On March 2, 2022, the Landscape Architect provided an updated memo stating additional information is still needed from the applicant before the tree preservation plan can be considered complete. On March 8, 2022, the applicant provided an updated landscaping plan that addressed each of the comments presented in the March 2nd memo.

The applicant resubmitted revised landscape plans on February 17th 2023 resubmittal. On February 28th 2023 the Landscape Architect proved an updated memo with notes to revise the species of proposed trees within the wetland and to revise the plans to provide provisions for irrigation, and revise planting plan and plating legends as noted to achieve the desired screening and ensure adequate survival of plants. On March 13th 2023 the Landscape Architect provided an updated memo waving the request to wrap the trees to the South due to adjacent trees and the applicants need for sun exposure to the South. The applicant has agreed to revise tree spacing requirements on the plan and address comments of the March 13th 2023 memo.

PUBLIC COMMENT

A public hearing notice was published in the Stillwater Gazette on November 12, 2021. Mailed notices to owners of property within 350' of the site were delivered to the Post Office prior to November 12, 2021. Staff received one comment in response to the application that is included as an attachment.

A public hearing for the request was held at the November 22, 2021 Planning Commission Meeting. Six residents spoke at the public hearing. Two commenters spoke in support of the solar garden. One commenter spoke against the solar garden, citing concerns over sound and requesting a noise study be completed. Three commenters spoke against the solar garden, citing concerns about how the project would impact parcels under their ownership.

A second public hearing was published in the Stillwater Gazette on March 10th 2023 and mailed notices to owners of property within 350' of the site were mailed on March 8th 2023.

RECOMMENDED FINDINGS

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met. Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not be detrimental or in any way endanger the public health, safety, comfort. Conditions intended to mitigate any potential impact have been included in the CUP, and include items such as screening, setbacks, and stormwater management.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***Chapter 3 of the Comprehensive Plan notes the City has incorporated standards into their zoning ordinances regarding siting of structures and buildings to support access to solar***

resources. Given the City's dominant residential landscape pattern, options for private property owners including individual homeowners and homeowners' associations to capitalize on solar energy are supported by the City's adopted ordinances and official controls.

3. The use or development is compatible with the existing neighborhood. *The proposed use is permitted in the Rural Residential District subject to a CUP. With conditions, the use is compatible with the existing neighborhood.*
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. *The proposed use will meet the specific development standards for a solar facility with specific conditions.*
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). *The property is located outside the 0.2% annual chance floodplain and shoreland area.*
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *The proposed use will be compatible in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.*
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The proposed use will not be hazardous or create a nuisance. To help ensure this, the staff is recommending conditions for screening and decommissioning.*
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. *No wastewater or city water facilities are needed to serve this site. The site is otherwise adequately served by existing City services.*
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. *The proposed use will not create excessive additional requirements at public cost.*
10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. *The proposed use will generate 1-3 trips per year on the site.*
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *The proposed use should not create traffic congestion or interfere with traffic on surrounding public streets.*
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. *The proposed use will not impact a natural or scenic feature.*

RECOMMENDED CONDITIONS OF APPROVAL

If the City Council wishes to the CUP request, city staff recommends the following conditions of approval:

- 1) Prior to issuance of City permits for the project:
 - a) Stormwater Management: A stormwater management plan meeting all State, Watershed District and City rules is required and a permit must be obtained from the Valley Branch Watershed District. These required details must be included.
 - i. Soil borings will be required for infiltration basins.
 - ii. If adjacent properties are impacted by stormwater discharge, written permission from those property owners is required.
 - iii. The storm water facilities must remain privately owned and maintained.
 - iv. A Stormwater Maintenance and Easement Agreement in the City's standard form is required.
 - b) The applicant must provide to the City Engineer a statement from a qualified engineer certifying the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.
 - c) A revised landscape plan should be submitted to address the Landscape Architects memo dated March 13th 2023 and address reduced tree spacing.
 - d) The applicant must provide an approved interconnection agreement with Xcel.
 - e) The applicant must provide to the Fire Department details about the proposed gate to ensure it is in compliance with the fire code.
 - f) The applicant must provide a letter of credit in the amount of \$120,652 for decommissioning the site. The letter of credit must be in good standing at all times and issued by a bank determined by the City to be solvent and creditworthy. The letter of credit shall be in a form approved by the City. In the event the letter of credit is not renewed or is cancelled, the City may revoke the conditional use permit.
 - g) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, and building permits.
- 2) General:
 - a) The applicant must install a Fire Department lock box for emergency access to the site at an approved location and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
 - b) The modules and equipment on the site must be removed within 90 days after the site is no longer operational or has not operated continuously for 12 months. In the event that it is not removed by that time, the City has permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is

insufficient to cover the City's costs, the City shall certify the costs against the property and collect the costs with the property taxes.

FISCAL IMPACT

There is no fiscal impact on the City as a result of this permit. The City is collecting a letter of credit to cover any potential removal costs.

OPTIONS:

The City Council may:

- Approve the Conditional Use Permit with recommended findings and conditions of approval.
- Approve the Conditional Use Permit with amended findings and conditions of approval.
- Deny the Conditional Use Permit, discuss findings, and direct Staff to bring forward a denial resolution at the April 4th 2023 City Council meeting.

RECOMMENDATION:

Staff recommends the City Council approve the CUP to allow a solar farm with the listed conditions. Suggested motion:

“Motion to adopt Resolution 2023-021, approving a Conditional Use Permit (CUP) as requested by CEF Lake Elmo Community Solar, LLC for the construction and operation of a solar farm on the property located at 10755 50th Street N with the listed conditions based on the findings listed in the staff report.”

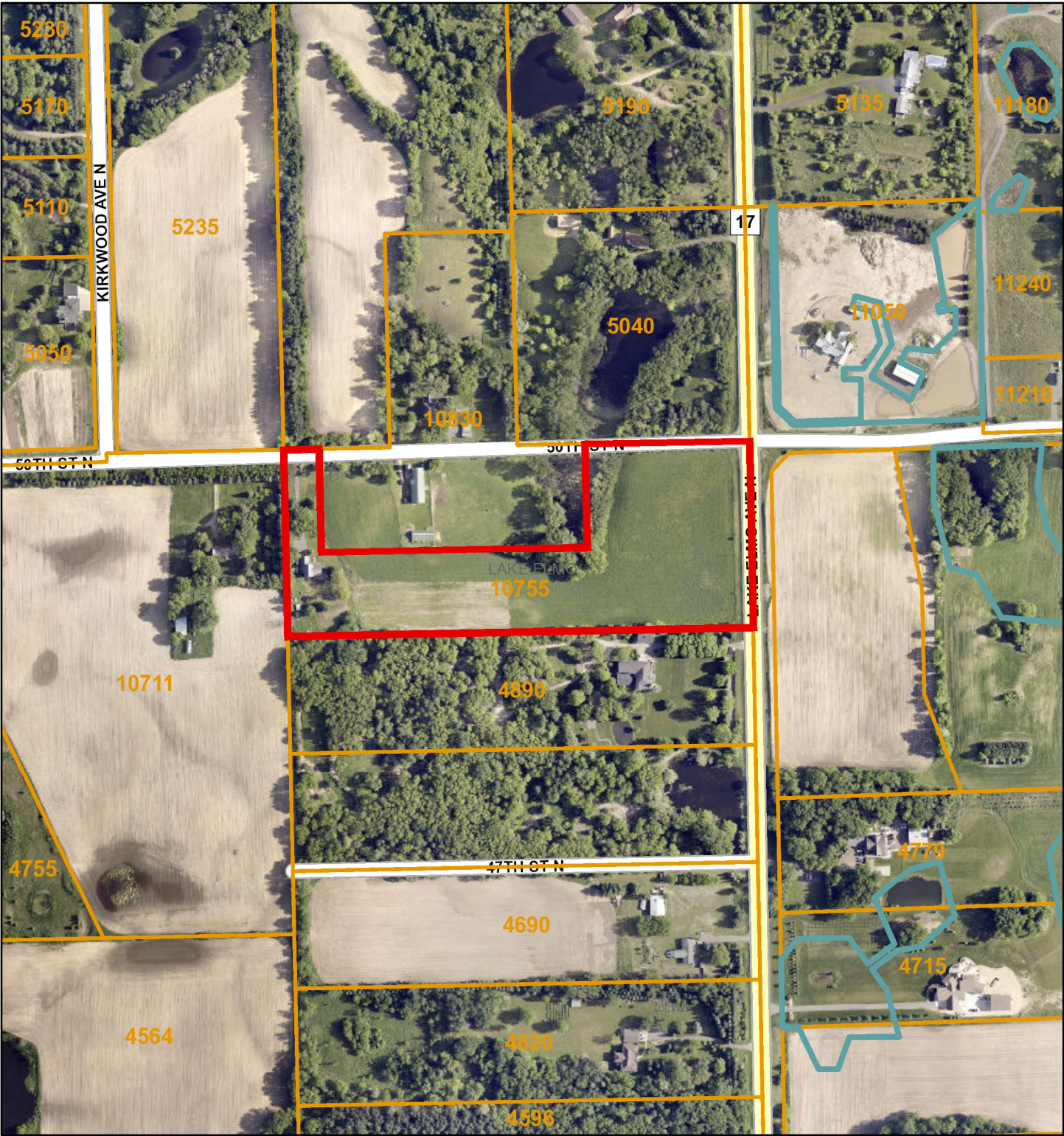
ATTACHMENTS:

1. Location Map
2. Land Use Application
3. Applicant's Narrative*
4. Site Plan (2/9/2022)
5. Structure Detail Sheet
6. Revised Landscape Plan (2/17/2023)**
7. Landscape Architect Review Comments (2/28/2023)**
8. Landscape Architect Review Comments (3/13/2023)**
9. City Engineer Review Comments (11/13/2021)
10. Fire Department Review Comments (11/12/2021)
11. City Attorney Review Comments (11/11/2021)
12. Applicant's Response to Planning Commission Conditions of Approval (1/18/2022)
13. Letter from Abutting Property Owner
14. Minutes from the November 22, 2021 Planning Commission Meeting
15. Minutes from the March 15th 2022 City Council Meeting
16. Minutes from the April 5th 2022 City Council Meeting
17. Resolution 2023-021

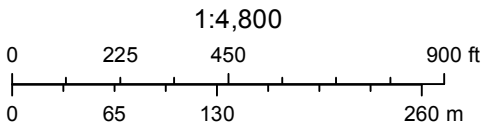
*Due to the size of the full submittal, we have not included all of the appendices listed in the narrative. These are available upon request.

**Updated information

Location Map - 10755 50th St N



October 22, 2021



Date Received: _____
Received By: _____
Permit #: _____

THE CITY OF
LAKE ELMO

651-747-3900
3880 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal
- ☒ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: CEF Lake Elmo Community Solar, LLC

Address: 2003 Western Ave, Suite 225, Seattle WA, 98121

Phone # 206-900-9930

Email Address: kate@oneenergyrenewables.com

Property Owner: Anthony P Manzara Rev Trs

Address: 5050 Kirkwood Ave, Lake Elmo, MN 55042

Phone # 651-769-7001 ~~651-769-7001~~ 651-769-7001

Email Address: smanzara@msn.com

Property Address: 10755 50th St N, Lake Elmo, MN 55042

PID#: 1102921110003

Detailed Reason for Request: Seeking Conditional Use Permit for construction and operation of a Solar Farm at the property with the PID# 1102921110003, in accordance with City Code Section 154.308.A. The Solar Farm will participate in Xcel Energy's Solar*Rewards Community® program and will result in significant savings to Xcel Energy customers in the City, Washington County, adjacent counties over the project's 25-year life. The Applicant has a Solar Energy Option Agreement for up to 10 acres with the Anthony P Manzara Revocable Trust on this property to enable construction and operations of the solar project.

***Variance Requests:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

No variances are requested as part of this application.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Katey Lash

Date: 9/1/2021

Signature of property owner: AP

Date: 9-1-2021

CONDITIONAL USE PROCEDURE ¹FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A conditional use permit is the mechanism that allows the city to examine proposed uses to ensure they are compatible with the proposed site and surrounding properties. It is important to understand that a proposed use may be acceptable in some locations but unacceptable in others. All applications are viewed on a case-by-case basis.

In order to successfully receive a conditional use permit, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed conditional use and obtain a land use application from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the conditional use permit should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date (see submission deadlines on website) will likely not be reviewed until the following month².
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and notifying a public hearing. Staff will always strive to place your application before the planning commission as early as possible, but not until all background work is completed.
5. The Planning Commission will review the request at one of their meetings (held on the 2nd and 4th Monday of every month³) and forward a recommendation onto City Council (1st and 3rd Tuesday of every month³). Applicants are advised to attend both the Commission meeting and the Council meeting and be open to questions that might be posed regarding the request.
6. The City Council will consider the request and either grant or deny the conditional use permit.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete at least one month prior to the desired date for planning commission review. State mandated requirements for public hearing notifications do not allow the City to accelerate the review process which typically takes 1.5 months from the date of application (longer if the item is complex or is tabled during the review process).

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

Conditional use permits can be requested for many different uses in all areas of the City which makes it very difficult to generate at handout that is applicable in all situations. It is strongly recommended that an applicant meet with staff prior to putting an application together to identify components listed herein that may be exempted, and to identify additional information that may be needed in order to deem your application complete.

At a minimum, the following materials must be submitted to the City before the City deems an application complete:

- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners along with payment of the proper filing fee. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--.txt files or MS Word format): <ul style="list-style-type: none"> a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates; b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s); c. A narrative regarding the history of the property (current and past uses) and any pre-application discussions with staff. d. A specific written description of the proposed use(s). <ul style="list-style-type: none"> i. Incorporate information describing <u>how the use will work on the proposed site</u> including proposed site changes, existing open spaces, landscaping, traffic circulation, transition areas to adjacent properties, individual uses for existing and proposed structures, and effects on natural areas (wetlands, forests, etc.) both on-site and in the general vicinity of the project. ii. Provide specific details about the use including the number of employees, hours of operation, maximum number of animals (if applicable), proposed development schedule, etc. e. Provide justification that the proposed use meets the following findings: <ul style="list-style-type: none"> i. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City. ii. The use or development conforms to the City of Lake Elmo Comprehensive Plan. iii. The use or development is compatible with the existing neighborhood. |

- iv. The proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.
- v. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use.
- vi. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- vii. The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.
- viii. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- ix. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- x. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- xi. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- xii. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

Sub: Req: Item:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Verification of ownership (a copy of a current title report, purchase agreement, etc.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Address labels: A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form). |

- ☐ ☐ 5. **Ten (10) copies of a certified survey** or to-scale site plan depicting the lot upon which a conditional use permit is requested. The large number of copies is necessary given the number of people who receive the planning commission and city council packets. The survey/site plan shall be at a readable and measurable engineering scale, be composed of one or more sheets not smaller⁴ than 11x17, be pre-folded for distribution, and include the following information⁵:
- ☐ Location, Floor Area, and Building Envelope of Existing & Proposed Structures
 - ☐ Lot Lines
 - ☐ Parcel Size in Acres & Square Feet
 - ☐ Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line - **Not applicable to solar use**
 - ☐ Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height - **not applicable to solar use**
 - ☐ Lowest Floor Elevation if any part of property is in flood plain - **not located in flood plain**
 - ☐ All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
 - ☐ **Existing** topographic character of land showing contours at **2' intervals**
 - ☐ **Proposed** topographic character at **2' intervals**
 - ☐ Flow arrows indicating direction of drainage - **See Stormwater Management Plan (Appendix G)**
 - ☐ General location of wooded or heavily vegetated areas - **see Landscape Plan (Appendix D)**
 - ☐ All Adjacent Structures Within 100 Feet of Property
 - ☐ All Easements (Road, Utility, Drainage, etc.)
 - ☐ Public Right-of-Way Name (street name)
 - ☐ Proposed driveway location and proposed driveway grades
 - ☐ Wells & Neighboring Wells if New Drainfield is Installed
 - ☐ Septic System & Drainfield, or Sanitary Sewer Connection - **not applicable**
 - ☐ Percolation Test & Soil Boring Holes (if applicable) - **not applicable**
 - ☐ Hardcover Calculations--% and square footage of:

⁴ If your survey must be larger than 11x17 to be fully legible and to scale, we ask that five (5) copies be in the large format, with the remainder reduced to 11x17.

⁵ Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

- Building coverage
- Driveway and parking
- Public street right-of-way
- Open space and/or landscaped area
- ☐ Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping - **see Landscape Plan (Appendix D)**
- ☐ Location of adjacent Municipal boundaries
- ☐ Top and toe of bluffs (if applicable) - **not applicable**
- ☐ Location, dimensions, and number of off-street parking spaces (including guest, handicapped, bicycle, and motorcycle spaces) - **not applicable**
- ☐ Location of existing and proposed pedestrian sidewalks. Identify possible vehicular conflicts and indicate the proposed treatment of such - **not applicable**
- ☐ Administrative Information:
 - Scale & North Point
 - Signature of Surveyor
 - Date of Preparation
 - PID Number
 - Site Address
 - Legal Description
 - Subdivision Name (if applicable)
 - Zoning Classification
 - Parcel Size in Acres & Square Feet
- ☐ Other: _____

Sub: Req: Item:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <p>6. Landscape Plan: Ten copies of a Landscape Plan depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁶ than 11x17, and be pre-folded for distribution. Staff will assist you in determining what is required. The landscape plan will not be considered complete unless all required elements are included.</p> <p><input type="checkbox"/> Extent and location of all plant materials and landscape features. Please include a plant material schedule with common and botanical names, symbols, sizes, quantities, and total percentage of each species.</p> <p><input type="checkbox"/> Flower and shrub beds shall be clearly shown and drawn to scaled dimensions. Actual plant quantities must be shown with landscape edge and mulch material identified.</p> |
|--------------------------|--------------------------|---|

⁶ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that ten (10) copies of the plan be in the large format, and an additional twenty (20) be reduced to 11x17.

- ☐ Existing trees must be accurately identified as to location, species, size, and condition; and labeled with intent to remove, protect, or transplant. Transplanted tree locations shall be identified.
- ☐ Tree protection specifications as defined in Section 23 of Lake Elmo Code shall be included on all landscape plans in written and graphic form.
- ☐ Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, mulch grading, etc). Grass surfaces must be identified as sod or seed with the blend or mix specified.
- ☐ Show specific horticultural notes and details insuring the quality, survival, and establishment of plant materials.
- ☐ Proposed contours if making changes to existing grading.
- ☐ Retaining walls that are used to provide breaks in slopes, protect trees, or accomplish other landscape objectives.
- ☐ Any plans to restore, revegetate, or enhance an affected natural area or natural area buffer zone.
- ☐ Mitigation plans for any proposed natural area disturbance.
- ☐ Other requirements set forth by the City Engineer

Sub: **Req:** **Item:**

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <p>7. Architectural Plans: Ten copies⁶ of architectural plans for all buildings sufficient to convey the basic architectural intent of the proposed improvements. The plans shall be pre-folded for distribution, and include the following information (please consult with staff to determine if any of these informational requirements can be waived): - not applicable</p> |
| <input type="checkbox"/> | | <p>Architectural elevations (to a verifiable scale) as they will appear after construction.</p> |
| <input type="checkbox"/> | | <p>Maximum building height/elevation of all structures.</p> |
| <input type="checkbox"/> | | <p>Indication of all typical building dimensions (including doors, windows, eaves, rooflines, pitch, et cetera) on all building elevations.</p> |
| <input type="checkbox"/> | | <p>Specifications as to type, color, and texture of exterior surfaces of proposed structures (include color chips and exterior building materials list).</p> |

- ☐ A detailed lighting plan insuring that all lighting apparatuses are down shielded as to ensure such do not shine or create glare on abutting properties and surrounding areas (include a specification sheet for all wall fixtures and site plan fixtures).
- ☐ Photo metric plan(s) for the site.
- ☐ Location of utility meters, HVAC equipment, vaults, irrigation boxes, transformers, and other utility service functions (such as conduits, and vents). Show how this equipment will be screened so that the visual and acoustic impacts of these functions are fully contained and out of view of the adjacent properties and public streets.

Sub: Req: Item:

- ☐ ☐ **8. Utilities & Services Plan:** A plan set detailing the existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas lines, telephone lines, fire hydrants, and trash collection areas. - Included w. Site Plan
- ☐ ☐ **9. Electronic file(s) of plan sets.** Staff can generally work with most file formats (we would prefer .jpg or .pdf files).
- ☐ ☐ **10. Any other information** required by city staff, commissioners, or council members necessary to provide a complete review of the conditional use request. Information deemed critical to the review process not listed in this handout may be requested⁷. Staff will list other requirements below: - none requested as of application date

The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an approved conditional use if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

If you have any questions regarding these requirements, please call City Hall at (651) 747-3900.
Thank You!

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



LAKE ELMO SOLAR ENERGY APPLICATION

This form is meant to be an addendum to a building permit, interim use permit, conditional use permit, or certificate of zoning compliance application. Please attach to the applicable form to ensure all submittal requirements are met. The following outlines what type of permit is required for each type of solar energy system:

SOLAR ENERGY PROJECT INFORMATION

1. System Manufacturer: _____

2. Type of Solar Energy System (Please attach this form to the appropriate application as indicated below):

	Type of Solar Energy System	Required Permit
<input type="checkbox"/>	Rooftop or Building-Mount	Building Permit
<input type="checkbox"/>	Ground-Mount (Accessory Use, Non-Solar Farm)	Certificate of Zoning Compliance
<input type="checkbox"/>	Solar Farm in RR or A District	Conditional Use Permit
<input type="checkbox"/>	Solar Farm in RT District	Interim Use Permit

3. Is the system of mirror reflecting design: Yes ☐ No ☐

4. Please explain how glare will be minimized from affecting adjacent property owners (selective placement, screening, modifying orientation, etc.)

Attachments to include:

- ☐ NPDES permit and/or stormwater management, erosion, and sediment control plan per City and watershed district requirements (only applicable for solar farms).
NPDES permit to be obtained prior to building permit. Stormwater and ESC plans included.
- ☐ Interconnection Agreement between the applicant and servicing electrical utility if connected directly to the distribution or transmission system (if applicable).
Interconnection Agreement to be provided prior to building permit. Interconnection status included.
- ☐ Site plan/survey showing proposed setback of the system from all property lines, easements, lot size, impervious surface (if ground-mount solar energy system), and structures.
- ☐ Decommissioning plan including provisions for removal of all structures and foundations, restoration of soil and vegetation, and plan ensuring financial resources will be available to fully decommission the site (may be waived for certain types of solar energy systems).
Plan included. Decommissioning financial surety to be provided prior to building permit.
- ☐ A statement from an engineer certifying that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions (only applicable for solar farms). To be provided prior to building permit.
- ☐ Approval from the Minnesota Pollution Control Agency (MNPCA) (if applicable)
To be provided prior to building permit. Stormwater management plan included is MNPCA compliant.
- ☐ System design

- ☐ Graphics showing how the system will appear

Comments (As needed for any clarification or explanation):

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CONDITIONAL USE PERMIT APPLICATION FOR
CEF LAKE ELMO COMMUNITY SOLAR

1 MW GROUND-MOUNTED COMMUNITY SOLAR
GARDEN PROJECT
LAKE ELMO, MINNESOTA

SUBMITTED BY:
CEF Lake Elmo Community Solar, LLC

CONTACT:

Kate Larkin, Associate Director of Development
kate@oneenergyrenewables.com
206-900-9930

September 8, 2021

City of Lake Elmo Planning Commission, City Council, and City Staff
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: Conditional Use Permit Application to Develop One-Megawatt Solar Project

Dear Members of the Planning Commission, City Council, and Staff:

CEF Lake Elmo Community Solar, LLC - a wholly-owned subsidiary of OneEnergy Development, LLC - is excited to present the following application to the City of Lake Elmo Planning Commission and Council for a one-megawatt (MW) solar project located in Lake Elmo, Minnesota.

OneEnergy Development developed a series of ten (10) projects in 2019 for municipal utilities located throughout the region, which totaled 23MW and included the 2MW St Charles Project and the 600kW Lanesboro Project. OneEnergy also developed and built two (2) one-megawatt community solar projects for Xcel Energy in central and northern Wisconsin, all of which has given us strong insights into how to efficiently develop, engineer, and construct solar projects in the Upper Midwest.

We believe that we have addressed and/or exceeded the conditions listed in the City of Lake Elmo Code and the Conditional Use Permit Application for solar farms. OneEnergy has worked with Xcel Energy to identify a location with a strong interconnection position relative to their distribution infrastructure and have secured a position in Xcel's Solar*Rewards Community® program that will result in significant savings to Xcel Energy customers in the City, Washington County, and adjacent counties over the project's 25-year life. OneEnergy has also signed a Solar Energy Option Agreement for up to 10 acres with the Manzara family to enable construction and operations of the project.

OneEnergy builds all of our projects with an eye towards integrating well to rural and agricultural settings, using deer exclusion, ag-style fencing and seeding perennial, pollinator friendly cover crops beneath and around the array. Once in operation, the project will not emit discernable noise beyond the perimeter fence and maintenance personnel will be on site an average of once monthly for vegetation and equipment monitoring and maintenance.

OneEnergy is dedicated to preserving its reputation as a good solar neighbor. We look forward to working with City Staff, the Planning Commission and the City Council as you review our CEF Lake Elmo Community Solar project for a Conditional Use Permit.

Sincerely,



Katelyn Larkin
Associate Director of Development

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INTRODUCTION

The CEF Lake Elmo Community Solar Project (the “Project”) is a proposed solar photovoltaic (“PV”) project with a maximum size of 1,000 kilowatts (“KW”) alternating current (“AC”) and is owned by CEF Lake Elmo Community Solar, LLC (“Applicant”), a wholly-owned subsidiary of OneEnergy Development, LLC. The Project is proposed to be located at 10755 50th St N, Lake Elmo, MN 55042. The Applicant has a Solar Energy Option Agreement to lease up to 10 acres with the Manzara family to enable construction and operations of the project. The Project’s proposed area of development (“Site”) will occupy up to approximately seven (7) acres as shown in Figure 1 below.

AT A GLANCE: CEF LAKE ELMO COMMUNITY SOLAR

PROJECT AREA	7 acres
SITE CONTROL	3 year option for a 26-year lease with 10-year extension option
SYSTEM SIZE	1 MW-AC/1,000 KW-AC
SYSTEM TYPE	Single-axis tracking Solar Photovoltaic
PROJECTED OUTPUT	~2,300 MWh / Year
ESTIMATED ONLINE DATE	2022



Figure 1. Project Area

The Project will provide low-cost renewable electricity to Xcel customers in the City of Lake Elmo, Washington County, and immediately adjacent counties via Xcel Energy’s Solar*Rewards Community® program, and will connect directly to the distribution system of Xcel Energy. The project was designed so that the vast majority of the electricity produced would be used within the community. It is estimated the project will produce enough energy to meet the energy needs of over two-hundred (200) average Minnesota households annually.

PARCEL ATTRIBUTES

ZONING AND LEGAL DESCRIPTION

The Project will be sited within the Rural Residential (“RR”) District as defined under the City of Lake Elmo’s Zoning Code (“Code”). The Project is allowed in the RR zone subject to a Conditional Use Permit (“CUP”).

The Project will be located on the property with the tax parcel number: 11.029.21.11.0003 totaling 10.9 acres (the “Property”). The Property is in the City of Lake Elmo, Minnesota and bordered by 50th St N to the north, Lake Elmo Ave N (county road) to the east, and private property to the south and west. Coordinates for the approximate center of the Project are 45.020488° north latitude and -92.884442° west longitude.

AT A GLANCE: PARCEL ATTRIBUTES

OWNER OF RECORD:	Anthony P Manzara Rev Trs 5050 Kirkwood Ave Lake Elmo, MN 55042 651-679-7001
PROJECT OWNER:	CEF Lake Elmo Community Solar, LLC 2003 Western Ave, Suite 225, Seattle, WA 98121 Kate Larkin, Associate Director 206-900-9930
ADDRESS	10755 50th St N, Lake Elmo, MN 55042
CURRENT ZONING	Rural Residential
PARCEL SIZE	10.9 acres/ 474,618 SF
PID	1102921110003

The Property is privately-owned by the Anthony P Manzara Revocable Trust. A current title report demonstrating the land ownership is included as Appendix A. The legal description of the Property is as follows:

That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, lying North of the South 2105.5 feet (as

measured along the East line) thereof. Excepting therefrom the North 290.4 feet of the East 750 feet of the West 850 feet of said East Half of the Northeast Quarter, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

The Applicant has an Option to Lease the Property, which is provided in redacted form at Appendix A.

LAND USE AND CHARACTERISTICS

The Property has historically been used for agricultural purposes. A single family detached home was build on the western portion of the property in 1986. Currently the property continues to be used primarily for cultivated agriculture and as a residence. Site elevations range from approximately 930 to 950 feet above mean sea level. Photos of the current site conditions are included as Appendix A.

NEARBY LAND USE

Nearby properties are zoned RR and are primarily of residential and agricultural use. However, the Halcyon Cemetery is also located adjacent to the Project.

PROJECT DESCRIPTION

This Application is for a Conditional Use Permit to construct a 1 megawatt solar PV project on approximately 7 acres of land. The Project will be constructed on land currently used for agriculture. No wetlands, forests, or biologically sensitive areas will be impacted by the Project. The Project will not produce any adverse impacts on surrounding properties, as it has been designed to avoid percebtale glare and noise, will not generate traffic or emmissions once built. Additionally, the Project will not place any new burdons on City infrastructure, as no new water or sewer utilities are required. Conversely, the Project will support healthier air and soils through local renewable energy generation and use of pollinator habitat in site stabilization.

The Project is expected to start construction and be completed in 2022. The Project will be constructed in compliance with any applicable local, state, and federal regulatory standards, including – but not limited to - the State of Minnesota’s Uniform Building Code and the National Electric Code. A Site Plan is included as Appendix C and further details on the project and it’s components are provided below.

PV MODULES

The Applicant proposes to install approximately 2,250 PV modules (final module count to be confirmed prior to building permit issuance and start of construction) to convert sunlight to electricity for local use. The PV modules installed will be consistent with the type, make, and size of PV module used in residential rooftop solar installations and will consist of individual solar cells encased in steel and glass with an anti-reflective coating as shown in Figure 2. The modules will be arranged in rows and the rows will be spaced apart approximately 15 feet to prevent inter-row shading and to allow for stormwater infiltration and maintenance equipment access.



Figure 2. Mounted PV Modules

RACKING

The PV modules will be mounted on single-axis trackers supported on stationary piles as shown in Figure 2 above. Each row of solar panels will be strung together in a north-south orientation and the panels will tilt on a single-axis (facing east in the morning and tilting toward the west, following the sun, through the course of each day to maximize energy output). The top of the panels will stand no higher than 14 feet.

The racking system and panels are supported by steel piles driven to a depth of 5 to 9 feet below grade, as shown in Figure 3. No footings are required for the driven piles. Within 60 days of completion of construction, a professional engineer licensed in the state of Minnesota will certify in writing that the Project's foundation and design of the solar energy system is suitable per the City's Standards for Alternative Energy (codified at Section 154.308.A.4).



Figure 3. Steel pile installation

INVERTERS AND SWITCHGEAR

The solar facility will include inverters to convert the variable direct current (DC) output of the solar panels into the alternating current (AC) power that utilities use to deliver power. Each of the inverters will be housed within a single purpose-built steel housing to be placed on top of a concrete slab. Switchgear will be installed for safety and maintenance to electrically control, protect, and isolate sections of the solar array. The switchgear will also be constructed on a concrete slab. While the exact size of these pads will be determined by final equipment selection and utility requirements, the current design calls for ~7' x ~12' concrete pads.



Figure 4. On-site electrical infrastructure

ELECTRICAL COLLECTION SYSTEMS

All the wiring for the solar panels and the low-voltage runs to the inverter/switchgear station will be either underground or in a conduit mounted to the support structure of the array. From the inverters and switchgear, an underground medium voltage electric line will be constructed to Xcel's electrical interconnection infrastructure.

ELECTRICAL INTERCONNECTION INFRASTRUCTURE

The Project will connect to the existing Xcel Energy distribution line and right-of-way located on-site. The Project proposes a line tap of the above ground distribution line located at approximately 45.021274° north latitude and -92.884682° west longitude located south of 50th St. N. As shown in the Site Plan provided at Appendix C, the Applicant anticipates Xcel Energy will require up to three new aboveground poles for their electrical equipment to support the interconnection. The access road will be co-located with the point of interconnection to allow Xcel Energy access for maintenance.

No other additional utilities or public services, such as septic system or public water service, are required or proposed. The location of existing public utilities are noted on the Site Plan in Appendix C.

SECURITY FENCING

Security fencing will be installed and located as shown on the Site Plan to encompass all solar

panels, the inverter and switchgear pads, and the temporary staging area, along with portions of the access road and underground medium voltage electrical line.

ACCESS ROAD

One (16) foot gravel service road will be constructed using appropriate gravel and asphalt material to allow for vehicular access to the solar facility.

PARKING

No permanent parking spaces are proposed, however, temporary parking during construction will occur on-site only.

GROUND DISTURBANCE

There will be minor ground disturbance across the Site to drive the support piles and to bury the necessary electrical wiring. Power and communication lines running between banks of solar energy panels and the Project's interconnection to the distribution system shall be buried underground to the greatest extent possible, as shown on the Site Plan. Best efforts will be taken to minimize the earthwork required for the construction of the concrete pads for the inverters and switchgear. As shown on the Site Plan, the Project area includes room for a temporary staging area at the end of the Project's access road. All appropriate measures will be taken during construction and operation to install and maintain necessary stormwater and sediment erosion control measures, as discussed in greater detail below.

SETBACKS

The Project meets or exceeds the Code's setback requirement of at least 50 feet from adjacent properties (Section 154.308.A.2) and the RR zones bulk requirements (Section 154.402). The Project further observes the 60-foot right-of-ways from the centerline of both Lake Elmo Ave and 50th Ave N. The most strict required setbacks are illustrated on the Site Plan.

LANDSCAPE SCREENING

A majority of the views from adjacent properties are non-residential, primarily agricultural, or are currently blocked by mature vegetation (to remain on-site). Per feedback received by Mr. Ben Prchal, former City Planner, landscape screening is proposed between the Project and the residence located to the south to block residential views of the solar facility. A Landscape Plan is included as Appendix D.

ECONOMIC AND ENVIRONMENTAL BENEFITS

The Applicant employs a rigorous site selection process to mitigate, to the largest extent feasible, negative environmental impacts, while partnering with landowners and local communities to generate positive economic and environmental benefits.

The Project will generate approximately 2,390 MW-hours of clean electricity each year, which is enough to power more than 200 average homes and will result in an annual emissions reduction of over 3.73 million pounds of CO₂. This is equivalent to removing roughly 365 passenger vehicles from the road annually.

The Project will also deploy pollinator-friendly vegetation as a ground cover underneath the array and within the security fence. Pollinator habitat co-located with solar serves the dual use of ground cover to prevent soil erosion, while also benefiting pollinator populations. Pollinators are a crucial component of all agricultural ecosystems, providing every third bite of food we eat, yet suitable habitat for these species has become increasingly sparse and fragmented.

Beyond promoting a healthy local environment, this Project will deliver numerous economic benefits. This project will create long-term monitoring and maintenance jobs, temporary construction jobs, and indirect jobs through local spending at hotels, restaurants, and construction materials suppliers, among others. The Project will also generate a consistent revenue stream over its operational life through recurring annual lease payments. In addition, businesses and residents of the City of Lake Elmo and Washington County will be able to purchase energy produced by the Project at a discounted rate, saving them money on their electrical bills.

CONSTRUCTION, OPERATIONS, AND MAINTENANCE

Construction activities will include, installation of racking posts and assembly of the racking system, mounting of the solar modules, wiring the modules together, trenching of underground electrical cables, construction of concrete pads for the inverters, and construction of the project access roadways. During construction noise levels will be kept to the appropriate daytime hours and will be temporary. Construction is likely to be complete within four to six months.

Once constructed, solar facilities operate passively and have no moving parts, besides the tracking system. The only on-site activities that will occur during operations include periodic vegetative maintenance and equipment maintenance and monitoring.

HOURS OF OPERATION

Construction activities will take place between 7am and 7pm. Following construction, the site will be operational during daylight hours.

NUMBER OF EMPLOYEES

The project will employ approximately 10-15 people during peak construction for approximately 4 to 6 months. After construction, there will be no on-site employees on a regular basis. Maintenance technicians will visit the site 1-3 times per year for scheduled maintenance, consisting of 2-4 employees. No one other than employees will access the site.

NUMBER OF TRIPS, VEHICLES AND TRAFFIC FLOW

Major material and equipment will be delivered by tractor-trailers and offloaded by construction vehicles (lulls, tracked vehicles, and front-loading equipment). Equipment utilized during construction of the Project may include dump trucks, trenching equipment, concrete trucks, front loaders, backhoes, post installation equipment, and excavators. A staging area will be utilized for unloading of equipment and materials.

During construction, traffic will consist of delivery trucks and personnel vehicles. It is expected that no more than 4 delivery trucks will arrive on-site per day during construction. Following construction, approximately one truck is expected to visit the site for maintenance work 1-3 times per year.

PROJECT CONSULTATIONS

The Applicant has consulted a number of governmental agencies or affiliated third-parties to complete due diligence of the site, determine how the proposed Project may impact the existing conditions, and confirm the site design conforms with the Code. A summary of the results of these consultations are below and consultation documentation is provided as Appendix E unless otherwise stated.

CITY PLANNING AND ZONING

The Applicant initially reached out to the City's Planning and Zoning Department regarding the proposed Project in February 2021 and then followed-up consistently through the application submission to ensure the Project would comply with all code requirements for solar farms, and to confirm the application process and submittal requirements. The Applicant's primary contact was the City Planner, Mr. Pen Prchal. At the time of this application, Mr. Prchal is no longer with the City's Planning and Zoning Department. As such, copies of emails exchanged between Mr. Prchal and the Applicant are provided in Appendix E. The Applicant reached out to the City's consultants at Bolten & Menk in August 2021 and shared the Site Plan for review in advance of application.

WETLANDS/VALLEY BRANCH WATERSHED DISTRICT REVIEW

A Level 1 Wetland Delineation report was completed by Braun Intertec Corporation (Braun) in December 2020 and submitted to the Valley Branch Watershed District (VBWD) in March 2021. The VBWD requested completion of a field delineation following review of the proposed Project and Level 1 report. Braun Intertec completed a field delineation (Level 2 Delineation) in April 2021, which identified two wetlands on-site. A Level 2 Wetland Delineation Report was submitted to VBWD and US Army Corps of Engineers (USACE) in May 2021 via joint application for wetland delineation concurrence. In June 2021, VBWD conducted an on-site review of the completed wetland delineations with representatives from Braun and provided their concurrence of the delineations via a Minnesota Wetland Conservation Act Notice of Decision dated July 1, 2021.

Following wetland boundary confirmation, the Project was reconfigured to avoid wetland impacts and a concept Site Plan was then emailed to VBWD with request for feedback. Mr. John Hanson, the VBWD Engineer, provided comments by phone and email in July 2021 regarding the VBWD Board's past decisions to allow solar panels within wetland buffers, but not within delineated wetlands. He also provided his expectations for how the VBWD Board would view the Project's ancillary equipment, such as fencing, access drives, and electrical equipment, located within the wetlands buffers. Based on these conversations, the Project's Site Plan was again revised in conformance with VBWD's preliminary guidance prior to this submittal.

As a result, while two wetlands are located the Property, the Project will not impact either resource. In accordance with VBWD past approvals, the Project does propose minimal sitting within the 50-foot wetland buffer, but has confirmed the necessary buffer replacement requirements and will coordinate approval of such buffer impacts directly with VBWD. Based on initial feedback received by VBWD, the access road and electrical pads will not be located in the wetland buffers.

PUBLIC WORKS

At the suggestion of Mr. Ben Prchal, former City Planner, a concept Site Plan was submitted to Mr. Jack Griffin, PE, City Engineer, in May 2021 for review of the proposed access drive. Mr. Griffin provided his preliminary findings via a Memorandum dated June 1, 2021, which was provided to the Applicant. The Project, as proposed, complies with three of the four preliminary findings, including prohibiting access via Lake Elmo Avenue, observing the City Comprehensive Plan right-of-way setback of 60 feet from centerline of 50th St. N, and specifying that the portion of the Project's access driveway to be located within the public right-of-way be paved per City ordinance.

The fourth finding states, "Minimum spacing from the intersection with Lake Elmo Avenue for a private driveway should be 420 feet to provide for a future right turn lane at Lake Elmo Avenue." Following conversations with Mr. Griffin and in order to avoid impacts to the delineated wetland and wetland buffer located along 50th St. N, the project is proposing the access driveway be located approximately 269 feet from the intersection, as shown in the Site Plan.

FEDERAL AVIATION ADMINISTRATION

The Applicant confirmed via the Federal Aviation Administration's ("FAA") Notice Criteria Tool that the proposed project does not require notice to be given to the FAA under CFR Title 14 Part 77.9. Further, the Applicant prepared a glare analysis for the project using the FAA's approved, third-party vendor, Forge Solar, developed by the Sandia National Laboratory and widely considered the industry standard. The analysis indicated that the Project will have "No glare predicted" with the Project's current location and design to the 18 adjacent and nearby residences analyzed.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

The Applicant confirmed with the Minnesota Department of Natural Resources Biological Survey that the Project is not located within areas identified with moderate to high biological significance.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The Applicant confirmed with the Federal Emergency Management Agency (FEMA) that the Project is not proposed within a floodplain.

INTERCONNECTION APPLICATION STATUS

Following application acceptance and deposit of \$100,000, but prior to issuance of an Interconnection Agreement (IA), Xcel completes multiple studies to determine that a proposed Community Solar Garden is designed to Xcel's standards and is safe to interconnect onto the existing electrical grid. To date, the Applicant has successfully completed 3 of the 4 studies required including, the Initial Engineering Review, Supplemental Review, and System Impact Study. Xcel is currently performing the Facilities Study, which is the fourth and final study required. A scope of work fully executed by Xcel and the Applicant for Facilities Study is attached as Appendix F. Upon completion of the Facilities Study by Xcel, an IA will be issued and a fully executed copy will be provided to the City before issuance of the building permit and start of construction.

STORMWATER MANAGEMENT PLAN

Prior to issuance of a building permit and the start of construction, the Project will obtain (and comply with) the Minnesota Pollution Control Agency's (MPCA) NPDES Construction General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent submittal, and erosion and sediment controls. Additionally, the Project will apply to and comply with City and watershed district's stormwater management and erosion and sediment control provisions.

Consistent with the MPCA's guidance on solar facilities, stormwater from new impervious surfaces will be treated by changing the land use from cultivated agriculture to almost 100% vegetated groundcover, including pollinator plantings, and installation of infiltration basins. A

concept Stormwater Management Plan is included as Appendix G and provides the proposed location of these basins, along with the supporting design calculations.

EROSION AND SEDIMENT CONTROL

The Project is not expected to result in significant adverse impacts to soils, nor create any significant erosion. The Project will follow the guiding principles of the Minnesota Pollution Control Agency's Stormwater Best Management Practices Manual, using erosion prevention as the primary protection at the site, with sediment controls used as a secondary system.

Where possible and to the extent feasible, the erosion prevention methods to be deployed include:

- Preserve the existing vegetation.
- Design the Project to be compatible with the existing topography, soils, and vegetation.
- Schedule grading and construction to minimize soil exposure, especially during the rainy season.
- Inspection and maintain of control measures during construction.

The following Best Management Practices ("BMPs") will be used to prevent erosion and control sediment:

- Minimize concentrated flows and divert runoff away from exposed or critical areas.
- Minimize slope steepness and slope length.
- Keep runoff velocities low by using channel linings or temporary structures in drainage channels.
- Prepare drainage ways and outlets to handle concentrated or increased runoff.
- Use flagged poles or stakes to mark storm drains, catch basins, curb inlets, and other BMPs
- Vegetate and mulch disturbed areas.

In addition, the Project will utilize a mix of typical temporary and permanent erosion and sediment control best management practices during construction such as: stabilization (seeding, straw, hydro-mulch), silt fences, sediment logs, and stabilized construction exits. The Project's erosion and sediment control requirements will be confirmed with VBWD and documented via the NPDES Construction General Permit to be obtained prior to building permit issuance.

DECOMMISSIONING AND FINANCIAL ASSURANCE PLAN

The Project has an estimated useful lifetime of approximately 25 to 35 years with equipment replacement and repowering conducted as necessary. The Applicant shall decommission the project within twelve (12) months of the end of Project operations. Decommissioning the project shall involve the removal of all components of the Project. Once all solar facilities are removed from the Project Site, the land will be returned to the farmable conditions in place prior to construction of the Project.

The decommissioning steps including the following:

- Removal of the PV modules, racking, and piles.
- Removal of the electrical equipment.
- Removal of the below-grade conduits and associated cables.
- Removal of the concrete pads. Replace and grade with native soil.
- Removal of fences and any remaining equipment.
- Removal and haul-off of gravel contained in any roads added as part of the Project plus the underlying aggregate.

No grading is necessary, since the Project construction plan does not require any grading other than possibly smoothing or knocking down any piles of debris, dirt, or aggregate that may already be on the premises.

The Applicant is committed to responsible management of the Project. As part of this commitment, the Applicant is dedicated to recycling as many of the Project components as possible once the Project is no longer in operation. As a result, waste from the decommissioning process is anticipated to be minimal. The Project's solar PV components, glass, steel, semiconductor material, and wiring material are all recyclable. During decommissioning, the Project's components will be dismantled using low-impact conventional construction equipment and recycled, or disposed of, safely and in compliance with local and national regulations. Solar equipment with remaining useful life will be sold for other applications. Any trash or debris on the Project Site will also be removed during decommissioning. The Applicant aims to employ experienced, local subcontractors to decommission the Project.

The estimated cost, salvage value, and net costs of decommissioning the project are shown in Table 1 below and will be reviewed and updated prior to issuance of the building permit for construction. Per this estimate, CEF Lake Elmo Community Solar, LLC is proposing a financial security of \$15,000. The purpose of the proposed financial security is to ensure the City has sufficient funds to remove the project and return the Site to it's original condition should the Project be unable or unwilling to implement the decommissioning plan.

CEF Lake Elmo Community Solar, LLC proposes to provide the financial security in the form of a letter of credit to be established prior to the issuance of the building permit. The City will be the designated beneficiary of the fund.

The utilization of the financial assurance instrument shall be restricted to decommissioning steps and requirements as detailed herein. Any residual funds (not spent specifically for reclamation or remediation) shall be returned to the Applicant once the decommissioning operations have been completed.

Table 1 – Decommissioning Estimate

Decommissioning Task	Estimated Quantity	Unit	Unit Cost	Total
<u>Mobilization/Demobilization</u>	1	Lump Sum	\$ 8,000.00	\$ 8,000.00
<u>Site Demolition</u>				
Remove Existing Fence	3,250	LF	\$ 5.20	\$ 16,900.00
Remove Existing Gravel Entrance	152	CY	\$ 4.80	\$ 729.60
Haul off for Existing Gravel Entrance	152	CY	\$ 5.80	\$ 881.60
<u>Racking and Module Removal</u>				
Pile Removal	480	Each	\$ 9.50	\$ 4,560.00
Table Removal	90	Each	\$ 120.00	\$ 10,800.00
PV Module Removal	2,250	Each	\$ 5.50	\$ 12,375.00
PV Module Haul Off	71	Ton	\$ 25.00	\$ 1,775.00
<u>Wiring Removal</u>				
Utility Pole Removal	3	Each	\$ 390.00	\$ 1,170.00
DC Collector System Cables Removal	1	Per MW	\$ 1,500.00	\$ 1,500.00
Underground AC Collector System Cables Removal	1	Per MW	\$ 2,500.00	\$ 2,500.00
<u>Power Conditioning Equipment Removal</u>				
Inverters	10	Each	\$ 900.00	\$ 9,000.00
Transformer	1	Each	\$ 500.00	\$ 500.00
SCADA Equipment	1	Each	\$ 280.00	\$ 280.00
Pad Removal	2	Each	\$ 500.00	\$ 1,000.00
<u>Site Restoration</u>				
Permitting	1	Lump Sum	\$ 1,000.00	\$ 1,000.00
ESC Controls	3,500	LF	\$ 5.00	\$ 17,500.00
Re-seeding	6	Acre	\$ 1,100.00	\$ 6,050.00
Decommissioning Subtotal				\$ 96,521.20
<u>Salvage Value</u>				
PV Modules	2,138	Each	\$ 28.00	\$ 59,850.00
Racking	70	Tons	\$ 178.00	\$ 12,460.00
Piles	24	Tons	\$ 178.00	\$ 4,272.00
Other (Fencing, electrical equipment)	1	Lump Sum	\$ 5,000.00	\$ 5,000.00
Salvage Value Subtotal				\$ 81,582.00
Decommissioning Total Net Cost				\$14,939.20

CONDITIONAL USE JUSTIFICATION

The Applicant has sited and designed the proposed Project to conform with and benefit the surrounding community as detailed in the findings below.

- i. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.

As discussed herein, the Project will comply with all code requirements, including those for setbacks, stormwater management, landscaping to protect residential views, and structural integrity. The Project will also not produce any harmful noise, fumes, runoff, or glare, will not be accessible to the public, and will be deemed electrically safe to connect to the existing grid by Xcel energy. As such, the proposed use will be a largely benign addition to the environment while providing local Xcel customers with the opportunity to save on their electric bills and introducing needed pollinator habitat into the landscape.

- ii. The use or development conforms to the City of Lake Elmo Comprehensive Plan.

The Project supports the City of Lake Elmo's 2040 Comprehensive Plan's (the Plan) goals in a number of ways. First, the Project is proposed in a neighborhood with the Community Designation of Rural Residential and supports the Future Land Use Plan (and Land Use Goal #1) by not adding to residential density or urbanization through added infrastructure and maintaining the Property at a density of 1 unit per 10 acres. Next, the Project will primarily result in a privately-funded, new domestic energy infrastructure resource for the community (TRIN Goal #1) that can serve and benefit all residents of the City who choose to enroll by reducing their electric bills. An estimated 49% of households are unable to host residential solar systems mainly because they are renters and/or they have inadequate roof space so this new infrastructure will also support and expand on the Future Land Use Plan's solar access and resiliency aims. Finally, the Project also supports Character & Governance Goal # 3 by providing all residents who subscribe regardless of home ownership or roof space, a novel way to connect to and benefit directly from their local, renewable solar resource.

- iii. The use or development is compatible with the existing neighborhood.

The Project is compatible with the existing neighborhood as it maintains the desired density for the Rural Residential District, observes or exceeds all setbacks, protects residential views, and will not create or produce any impactful traffic, noise, smoke, fumes, glare or odors once operational. As stated above, the result is a benign, and therefore compatible, addition to the existing landscape.

- iv. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use.

The Project is not in a flood plain management or shoreland area.

- v. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.

The Project was designed to be compatible with the surrounding area. The Project is a small-scale installation, proposed to be less than six acres, sited where the majority of adjacent parcels are agricultural and have non-residential views. The Project further maintains the intended density of the neighborhood. During operations and maintenance, a meadow condition with pollinator habitat will be maintained under the solar panels ensuring the Project contributes to the agricultural vitality of the neighborhood. The Applicant will also maintain a safe and clean site at all times ensuring the Project looks well-maintained. As a result of the size, siting, and maintenance of the Project, it will not consequentially change the character of the area.

- vi. The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.

The Project will not be hazardous or create a nuisance at any point and the Applicant will maintain a safe and clean site at all times. During construction the Applicant will ensure any noise, dust, vibration, construction waste and debris, and any lighting and signage created or used will comply with all local laws and limits set by the permit and authorities having jurisdiction. During operations, the Project will not create any nuisance circumstance (no drainage will be altered without the proper permit, no access will be allowable for the public, no dangerous objects, no environmental nuisances, no explosives, no fires or fire hazards, no inadequate maintenance or failure to maintain improvements, etc.) as defined by City Code 96.03.

- vii. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and

services provided by the persons or agencies responsible for the establishment of the proposed use.

No new public streets, drainage structures, or water and sewer systems will be needed to support the project at any point. The project will not increase population at local schools and no new burdens will be placed on police or fire departments, though site specific training can be made available to both agencies as requested. Therefore, the proposed Project will be served adequately by existing essential public facilities and services.

- viii. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

The Project will be paid for by private investments from construction through decommissioning, including any needed utility upgrades. The Project will benefit the community through opportunity to reduce individual electricity bills, local spending, and job creation, as discussed above.

- ix. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

No excessive traffic, noise, smoke, fumes, glare or odors will be created by the Project. During construction the Applicant will ensure any traffic or noise created will comply with all local laws, limits set by the permit, and authorities having jurisdiction. Therefore, the Project will not be detrimental to any persons, property, or the general welfare.

- x. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

As discussed above, traffic to and from the site will be minimal. During construction, traffic will consist of delivery trucks and personnel vehicles. It is expected that no more than 4 delivery trucks will arrive on-site per day during construction. Following construction, approximately one truck is expected to visit the site for maintenance work 1-3 times per

year. Vehicular approaches to the Property will use a driveway to be approved by the Public Works Department. As a result, the Project will not create congestion or interfere with traffic on surrounding public roads.

- xi. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

As discussed herein, the Project will not damage, destroy or cause the loss of any natural feature such as wetlands, floodplains or areas of moderate to high biological significance. Likewise, the Project will have little impact on the scenic landscape due to it's scale and siting. Conversely, the Project help reduce emmissions from electricity generation while creating new pollinator habitat.



SCALE: 1" = 60'

**APPLICANT INFORMATION:**

DESIGN SUMMARY:

LAND USE SUMMARY:

PROPERTY LEGAL DESCRIPTION:

GENERAL NOTES:

- ## PROJECT

ADDRESS

10755 50TH ST N
LAKE ELMO MN 55042

DRAWING

TITLE:
CONCEPTUAL LAYOUT
SHEET NUMBER:

A-001

SCALE
1" = 60'

DRAWN BY:

CHECKED BY:
OM

DATE:
2/9/2022

REVISIONS:

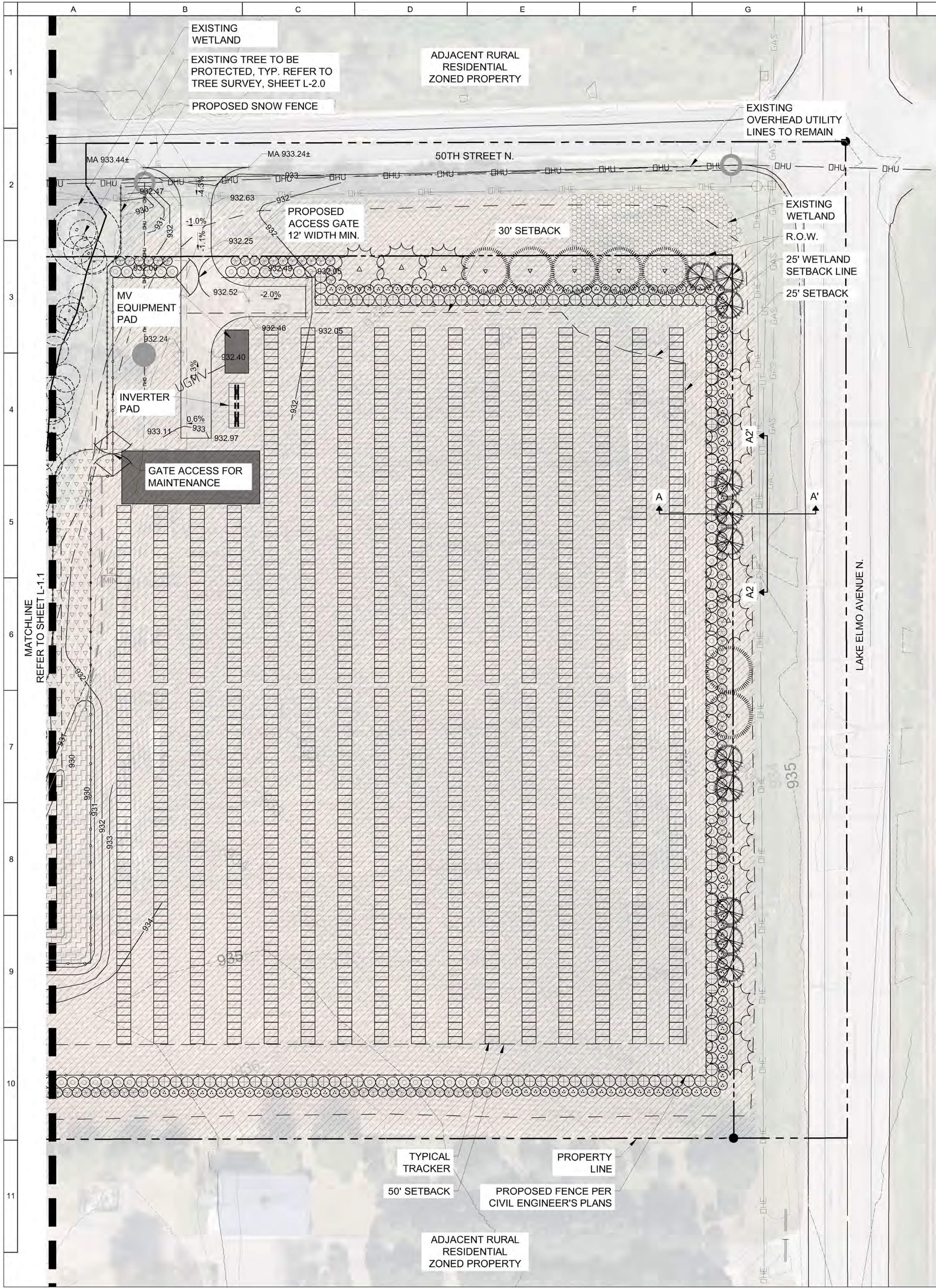
DESCRIPTION

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 1.000MW_{ac} SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY OR MOUNTED AT A FIXED TILT FACING SOUTH. INTERCONNECTION TO BE COORDINATED WITH THE LOCAL UTILITY.

LEGEND



WRITTEN DIMENSIONS ON THIS PLAN SHALL SUPERCEDE SCALED DIMENSIONS. CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. THIS DRAWING, DESIGN, CONCEPT AND ARRANGEMENT REMAIN THE PROPERTY OF ONEENERGY RENEWABLES AND SHALL NOT BE COPIED, DISCLOSED OR REPRODUCED WITHOUT CONSENT



- PLANTING NOTES:
1. THE PROPOSED SCREENING CONSISTS OF 2,583 LINEAR FEET OF SPECIFIED PLANT MATERIAL.
 2. PROPOSED PLANT PALETTE PROMOTES USE OF LOW WATER USE NATIVE AND POLLINATOR-FRIENDLY SPECIES.
 3. ALL PROPOSED TREE SPECIES ARE EVERGREEN TO MAXIMIZE YEAR-ROUND SCREENING.
 4. ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL COMPLY WITH THE CITY OF LAKE ELMO DESIGN GUIDELINES, CODES AND REGULATIONS.
 5. PLANTS TO BE INSTALLED PER MNLA & ANSI STANDARD PLANTING PRACTICES. (REFER TO ANSI Z60.1-2014 OR MOST CURRENT VERSION).
 6. BACKFILL SOIL AND TOPSOIL TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE.
 7. PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
 8. CONTRACTOR SHALL PROVIDE A 4" DIA. MULCH RING FOR ALL TREES AND 2-3" MULCH RING FOR ALL SHRUBS. PROVIDE 4" DEEP LAYER OF COMPOSTED WOOD FIBER MULCH. MULCH TO BE SHREDDED HARDWOOD AND FREE OF DELETERIOUS MATERIAL.
 9. LANDSCAPE AREAS SHALL BE PERMANENTLY MAINTAINED BY THE PROJECT.
 10. TOPSOIL SHALL BE STOCKPILED ONSITE AND COVERED TO PROTECT AGAINST WIND AND WATER EROSION AND SHALL BE REAPPLIED ONSITE DURING FINAL GRADING. A MINIMUM OF 6-INCHES OF TOPSOIL SHALL BE APPLIED ACROSS ALL GRADED AREAS.

PLANTING LEGEND

SHADE & ORNAMENTAL TREES

SYMBOL	KEY	PLANT NAME	QTY.	SIZE	SIZE ** (TIME OF PLANTING)	SIZE ** (TIME OF MATURITY)	SPACING	GROWTH RATE
	AC	White Fir <i>Abies concolor*</i>	20	9' B&B	9' ht x 2' w.	up to 50' ht. x 25' w.	As shown	Moderate (approx. 12-24" per year)
	PA	Norway Spruce <i>Picea abies*</i>	25	9' B&B	9' ht x 2' w.	up to 70' ht. x 25-30' w.	As shown	Moderate (approx. 12-24" per year)
	PG	Black Hills Spruce <i>Picea glauca 'Densata'*</i>	24	9' B&B	9' ht x 2' w.	up to 30' ht. x 10-15' w.	As shown	Slow to Moderate (approx. 12" per year)

SHRUBS

SYMBOL	KEY	PLANT NAME	QTY.	SIZE	SIZE ** (TIME OF PLANTING)	SIZE ** (TIME OF MATURITY)	SPACING	GROWTH RATE
	AA	Regent Serviceberry <i>Amelanchier alnifolia 'Regent' *</i>	170	#5	3' ht. x 1' w.	up to 6' ht. x 6' w.	5'-0" o.c.	Rapid (approx. 24" per year)
	CS	Red Osier Dogwood <i>Cornus sericea*</i>	220	#5	3' ht. x 1' w.	7-9' ht. x 10' w.	6'-0" o.c.	Rapid (approx. 24" per year)
	SC	Common Elderberry <i>Sambucus canadensis*</i>	210	#5	3' ht. x 1' w.	up to 12' ht x 8-12' w.	6'-0" o.c.	Rapid (approx. 24"+ per year)
	VL	Nannyberry Viburnum <i>Viburnum lentago *</i>	150	#5	3' ht. x 1' w.	up to 20' ht. x 15' w.	6'-0" o.c.	Rapid (approx. 24" per year)

GROUNDCOVERS

SYMBOL	KEY	PLANT NAME	QTY.	TYPE
		Pollinator Seed Mix (Dry to Mesic) www.mnincorp.com	306,876 sf	Seed
		Pollinator Seed Mix (Wet Mesic) www.mnincorp.com	4,497 sf	Seed
		Sedge Meadow Seed Mix www.mnincorp.com	7,354 sf	Seed
		Stormwater Basin Seed Mix www.mnincorp.com	8,551 sf	Seed

NOTES:

* TREE AND SHRUB SPECIES IS DEPENDENT ON AVAILABILITY. IF CONTRACTOR IS UNABLE TO PROCURE REQUIRED PLANT MATERIAL, ALTERNATIVE SPECIES MUST BE SUBMITTED AND APPROVED BY CITY OF LAKE ELMO AND OWNER'S AUTHORIZED REPRESENTATIVE.
** HEIGHT IS MEASURED FROM THE TOP OF THE SOIL TO THE TOP OF THE PLANT. WIDTH IS MEASURED AT THE WIDEST POINT OF THE PLANT.

CITY OF LAKE ELMO STANDARD LANDSCAPE PLAN NOTES

1. CONTRACTOR MUST CONTACT GOPHER STATE ONE CALL 811 (111.GOPHERSTATEONECALL.ORG) PRIOR TO TREE STAKING AND PLANTING OPERATIONS TO VERIFY UNDERGROUND UTILITIES. WHERE PRIVATE UTILITIES EXIST ON-SITE THE CONTRACTOR IS REQUIRED TO HAVE THOSE LOCATED AS WELL.
2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK: ANSI Z60.1, LATEST EDITION.
3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.
4. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.
5. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON ARRIVAL TO PROJECT SITE. NO PLANT MATERIAL IS TO BE LEFT OVERNIGHT ON THE PROJECT SITE WITHOUT BEING INSTALLED UNLESS WRITTEN APPROVAL BY CITY.
6. ALL TREES, SHRUBS, PERENNIALS, TURF LAWN AND NATIVE SEEDING TO HAVE A TWO-YEAR WARRANTY UPON WRITTEN ACCEPTANCE BY THE CITY. DEFECTIVE PLANTS AS DETERMINED BY THE CITY SHALL BE REPLACED WITHIN 30 DAYS OF NOTICE DURING THE GROWING SEASON, AND REPLACEMENT MATERIALS SHALL RECEIVE THE SAME TWO-YEAR WARRANTY UNTIL PLANTS ARE SUCCESSFULLY ESTABLISHED.
7. CONTRACTOR FERTILIZATION APPROVED BY
8. ALL PLANTS IN
9. AN IRRIGATION

CITY OF LAKE ELMO CODE REQUIREMENTS

DESCRIPTION	CODE REQUIRED	PROPOSED	EXISTING	UNIT
STREET FRONTAGE	1092			LINEAR FEET
LAKE SHORE	0			LINEAR FEET
STREAM FRONTAGE	0			LINEAR FEET
TOTAL LINEAR FEET	1092			LINEAR FEET
/50 FEET = REQUIRED FRONTAGE TREES	22	30		TREES
DEVELOPMENT OR DISTURBED AREA	5			ACRES
x5 = REQUIRED DEVELOPMENT TREES	28	39		TREES
INTERIOR PARKING LOT SPACES	0			SPACES
/10 = REQUIRED PARKING LOT TREES	0	0		TREES
PERIMETER PARKING LOT FRONTAGE LENGTH	0			LINEAR FEET
/50 = REQUIRED FRONTAGE STRIP TREES	0	0		TREES
REQUIRED MITIGATION TREES	0	0		TREES
REQUIRED NUMBER OF TREES	50			TREES
SUBTOTAL TREES		69	11	TREES
TOTAL TREES (PROVIDED + PRESERVED EXISTING)		80		TREES

PROJECT

CEF LAKE ELMO
COMMUNITY SOLAR, LLC.

ADDRESS

10755 50TH ST. N.
LAKE ELMO, MN 55042

DRAWING

TITLE:
PLANTING PLAN
SHEET NUMBER:
L-1.0

SCALE:
1"=30'

DRAWN BY:
JRS

CHECKED BY:
BAS

DATE:
02/17/2023

REVISIONS:

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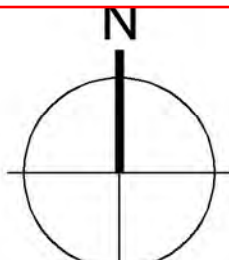
REVISION LOG:

LEGEND

Revised Landscape Plans 2/17/2023



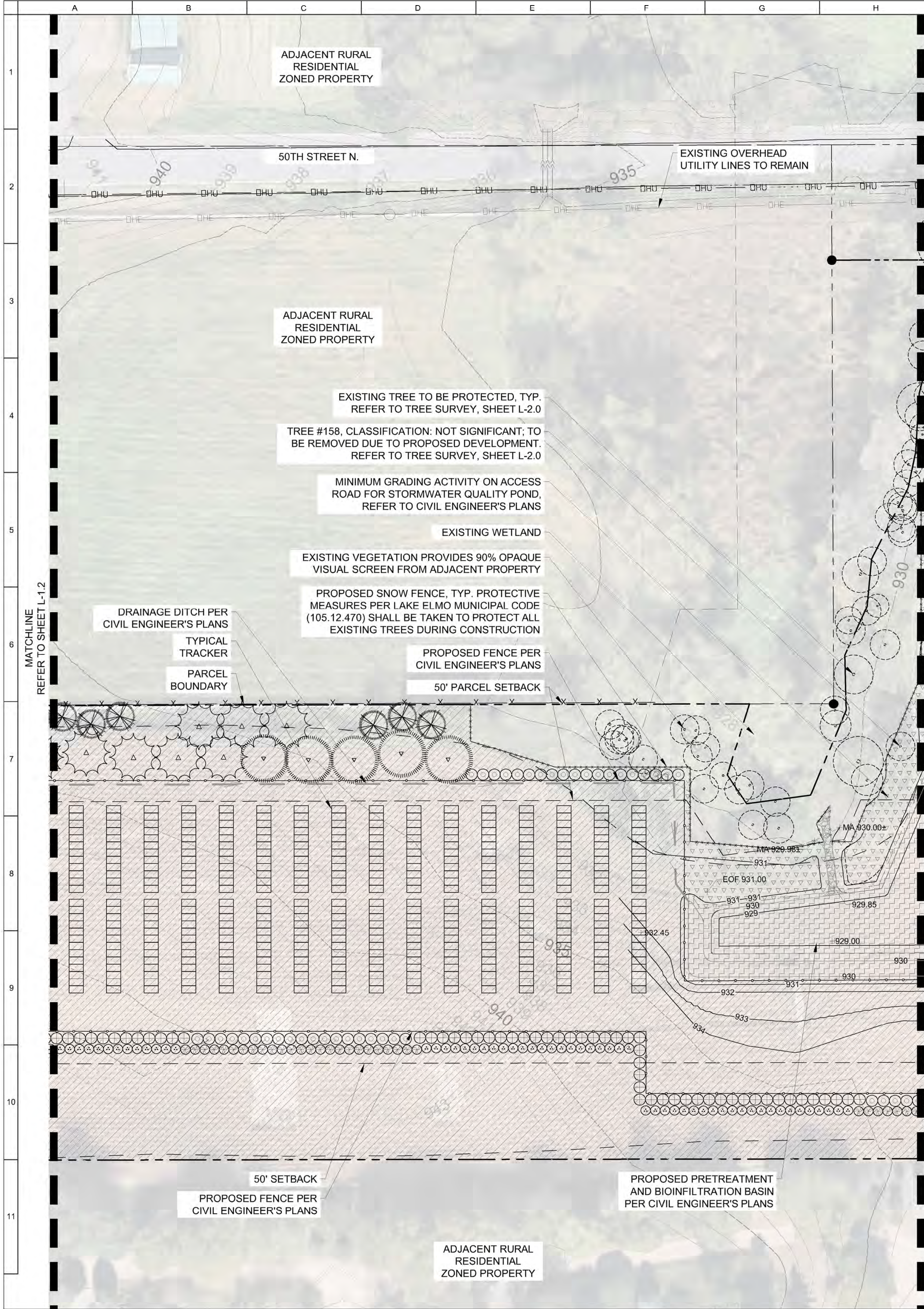
0' 15' 30' 60' 90'
SCALE: 1" = 30'



COOPERATIVE ENERGY FUTURES
COMMUNITY PARTNERSHIP



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- PLANTING NOTES:
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 2. PROPOSED PLANT PALETTE PROMOTES USE OF LOW WATER USE NATIVE AND POLLINATOR-FRIENDLY SPECIES.
 3. ALL PROPOSED TREE SPECIES ARE EVERGREEN TO MAXIMIZE YEAR-ROUND SCREENING.
 4. ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL COMPLY WITH THE CITY OF LAKE ELMO DESIGN GUIDELINES, CODES AND REGULATIONS.
 5. PLANTS TO BE INSTALLED PER MNLA & ANSI STANDARD PLANTING PRACTICES. (REFER TO ANSI Z60.1-2014 OR MOST CURRENT VERSION).
 6. BACKFILL SOIL AND TOPSOIL TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE.
 7. PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
 8. CONTRACTOR SHALL PROVIDE A 4" DIA. MULCH RING FOR ALL TREES AND 2-3" MULCH RING FOR ALL SHRUBS. PROVIDE 4" DEEP LAYER OF COMPOSTED WOOD FIBER MULCH. MULCH TO BE SHREDDED HARDWOOD AND FREE OF DELETERIOUS MATERIAL.
 9. LANDSCAPE AREAS SHALL BE PERMANENTLY MAINTAINED BY THE PROJECT.
 10. TOPSOIL SHALL BE STOCKPILED ONSITE AND COVERED TO PROTECT AGAINST WIND AND WATER EROSION AND SHALL BE REAPPLIED ONSITE DURING FINAL GRADING. A MINIMUM OF 6-INCHES OF TOPSOIL SHALL BE APPLIED ACROSS ALL GRADED AREAS.

CITY OF LAKE ELMO CODE REQUIREMENTS				
DESCRIPTION	CODE REQUIRED	PROPOSED	EXISTING	UNIT
STREET FRONTAGE	1092			LINEAR FEET
LAKE SHORE	0			LINEAR FEET
STREAM FRONTAGE	0			LINEAR FEET
TOTAL LINEAR FEET	1092			LINEAR FEET
/50 FEET = REQUIRED FRONTAGE TREES	22	30		TREES
DEVELOPMENT OR DISTURBED AREA	5			ACRES
x5 = REQUIRED DEVELOPMENT TREES	28	39		TREES
INTERIOR PARKING LOT SPACES	0			SPACES
/10 = REQUIRED PARKING LOT TREES	0	0		TREES
PERIMETER PARKING LOT FRONTAGE LENGTH	0			LINEAR FEET
/50 = REQUIRED FRONTAGE STRIP TREES	0	0		TREES
REQUIRED MITIGATION TREES	0	0		TREES
REQUIRED NUMBER OF TREES	50			TREES
SUBTOTAL TREES		69	11	TREES
TOTAL TREES (PROVIDED + PRESERVED EXISTING)		80		TREES

PLANTING LEGEND

SHADE & ORNAMENTAL TREES

SYMBOL	KEY	PLANT NAME	QTY.	SIZE	SIZE ** (TIME OF PLANTING)	SIZE ** (TIME OF MATURITY)	SPACING	GROWTH RATE
	AC	White Fir <i>Abies concolor</i> *	20	9' B&B	9' ht x 2' w.	up to 50' ht. x 25' w.	As shown	Moderate (approx. 12-24" per year)
	PA	Norway Spruce <i>Picea abies</i> *	25	9' B&B	9' ht x 2' w.	up to 70' ht. x 25-30' w.	As shown	Moderate (approx. 12-24" per year)
	PG	Black Hills Spruce <i>Picea glauca 'Densata'</i> *	24	9' B&B	9' ht x 2' w.	up to 30' ht. x 10-15' w.	As shown	Slow to Moderate (approx. 12" per year)

SHRUBS

SYMBOL	KEY	PLANT NAME	QTY.	SIZE	SIZE ** (TIME OF PLANTING)	SIZE ** (TIME OF MATURITY)	SPACING	GROWTH RATE
	AA	Regent Serviceberry <i>Amelanchier alnifolia 'Regent'</i> *	170	#5	3' ht. x 1' w.	up to 6' ht. x 6' w.	5'-0" o.c.	Rapid (approx. 24" per year)
	CS	Red Osier Dogwood <i>Cornus sericea</i> *	220	#5	3' ht. x 1' w.	7-9' ht. x 10' w.	6'-0" o.c.	Rapid (approx. 24" per year)
	SC	Common Elderberry <i>Sambucus canadensis</i> *	210	#5	3' ht. x 1' w.	up to 12' ht x 8-12' w.	6'-0" o.c.	Rapid (approx. 24"+ per year)
	VL	Nannyberry Viburnum <i>Viburnum lentago</i> *	150	#5	3' ht. x 1' w.	up to 20' ht. x 15' w.	6'-0" o.c.	Rapid (approx. 24" per year)

GROUNDCOVERS

SYMBOL	KEY	PLANT NAME	QTY.	TYPE
		Pollinator Seed Mix (Dry to Mesic) www.mnincorp.com	306,876 sf	Seed
		Pollinator Seed Mix (Wet Mesic) www.mnincorp.com	4,497 sf	Seed
		Sedge Meadow Seed Mix www.mnincorp.com	7,354 sf	Seed
		Stormwater Basin Seed Mix www.mnincorp.com	8,551 sf	Seed

NOTES:

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** HEIGHT IS MEASURED FROM THE TOP OF THE SOIL TO THE TOP OF THE PLANT. WIDTH IS MEASURED AT THE WIDEST POINT OF THE PLANT.

CITY OF LAKE ELMO STANDARD LANDSCAPE PLAN NOTES

1. CONTRACTOR MUST CONTACT GOPHER STATE ONE CALL 811 (111.GOPHERSTATEONECALL.ORG) PRIOR TO TREE STAKING AND PLANTING OPERATIONS TO VERIFY UNDERGROUND UTILITIES. WHERE PRIVATE UTILITIES EXIST ON-SITE THE CONTRACTOR IS REQUIRED TO HAVE THOSE LOCATED AS WELL.
2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK: ANSI Z60.1, LATEST EDITION.
3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.
4. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.
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PROJECT

CEF LAKE ELMO
COMMUNITY SOLAR, LLC.

ADDRESS

10755 50TH ST. N.
LAKE ELMO, MN 55042

DRAWING

TITLE:
PLANTING PLAN
SHEET NUMBER:
L-1.1

SCALE:
1"=30'

DRAWN BY:
JRS

CHECKED BY:
BAS

DATE:
02/17/2023

REVISIONS:

DESCRIPTION

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 1.000MWac SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY OR MOUNTED AT A FIXED TILT FACING SOUTH. INTERCONNECTION TO BE COORDINATED WITH THE LOCAL UTILITY.

REVISION LOG:

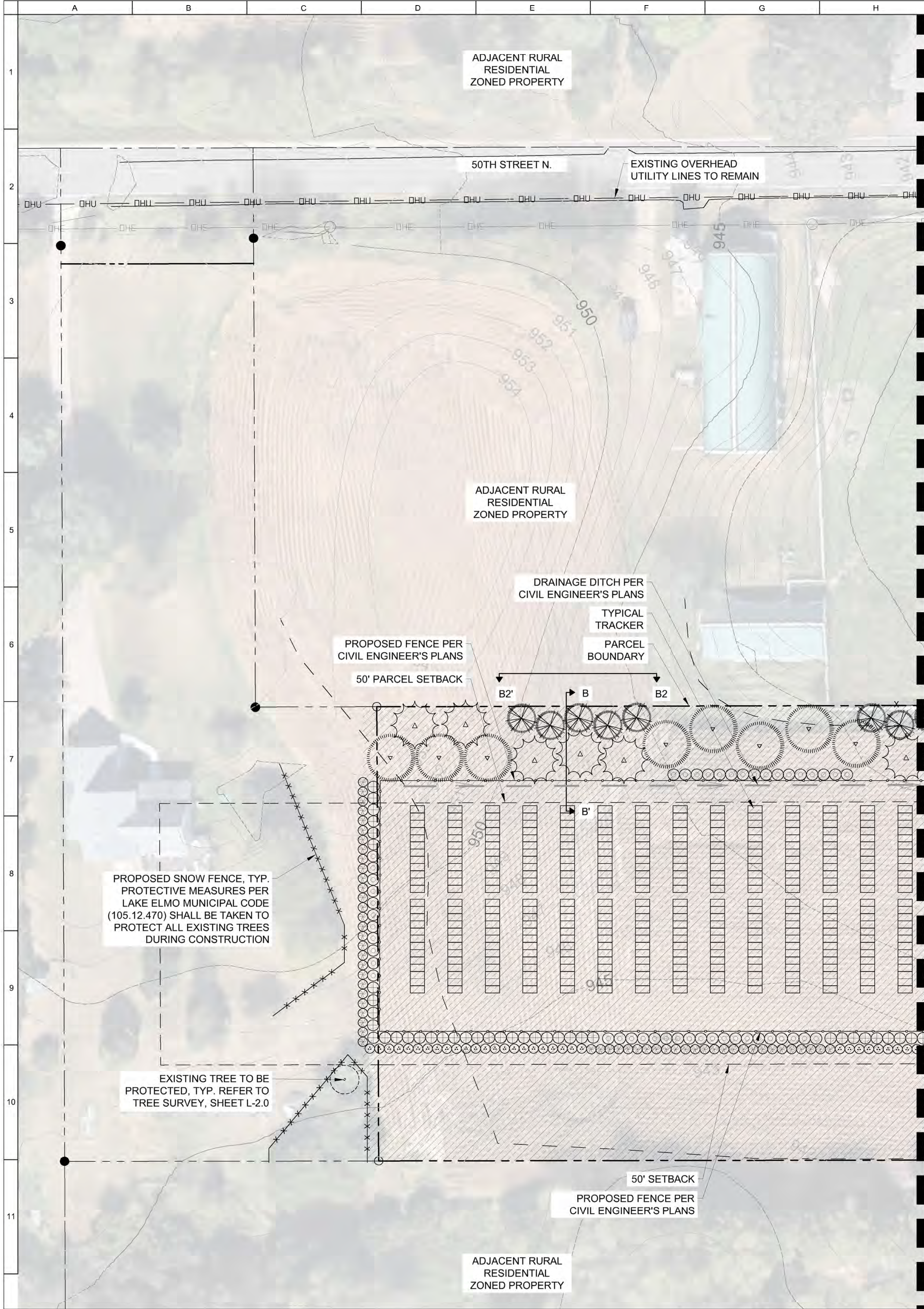
LEGEND

WERK
ur-ban | design
7520 E 2nd Street, Suite 1004
Scottsdale, AZ 85251
T: 480.429.9922
www.WERKurbandesign.com



Revised Landscape Plans 2/17/2023

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FIELD VERIFIED
NO ARRANGEMENT
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PROJECT

CEF LAKE ELMO
COMMUNITY SOLAR, LLC.

ADDRESS

10755 50TH ST. N.
LAKE ELMO, MN 55042

DRAWING

TITLE:
PLANTING PLAN
SHEET NUMBER:
L-1.2

SCALE:
1"=30'

DRAWN BY:
JRS

CHECKED BY:
BAS

DATE:
02/17/2023

REVISIONS:

DESCRIPTION

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REVISION LOG:

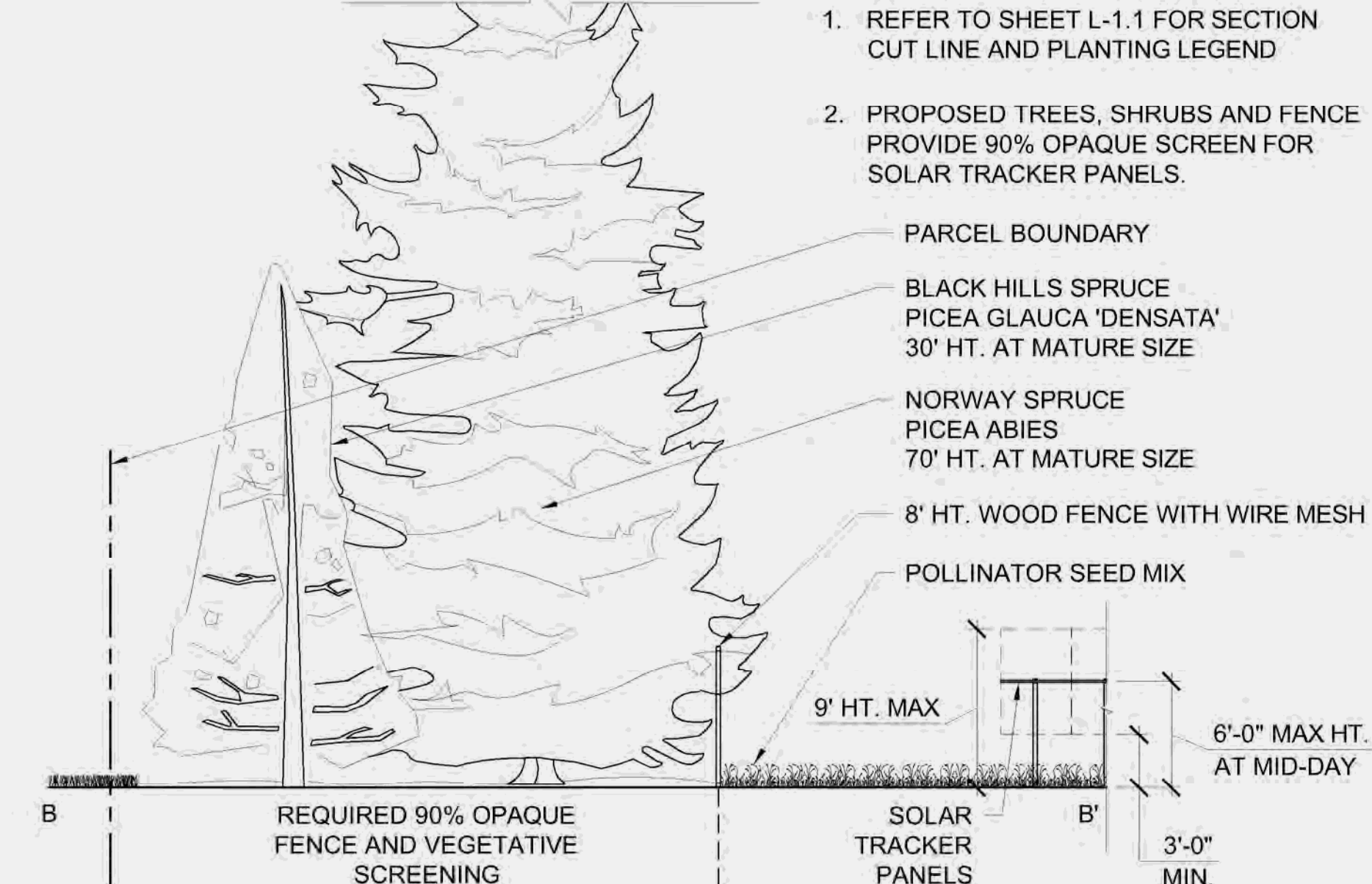
LEGEND

WERK
ur-ban | design
7520 E 2nd Street, Suite 1004
Scottsdale, AZ 85251
T: 480.429.9922
www.WERKurban.design



Revised Landscape Plans 2/17/2023

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DRAWING

TITLE:
PLANTING DETAILS

SHEET NUMBER:
L-1.3

SCALE:

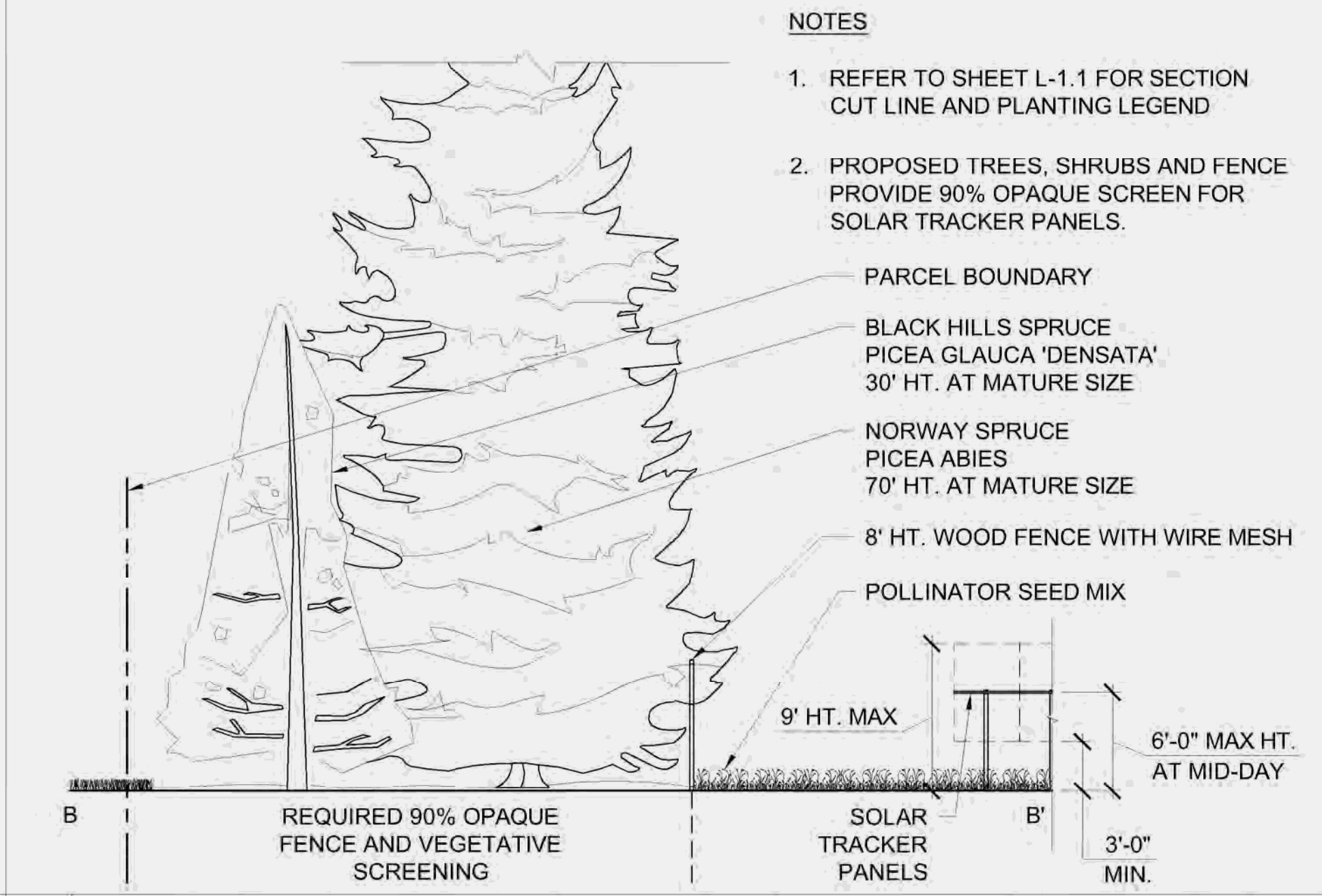
DRAWN BY:
JRS

CHECKED BY:
BAS

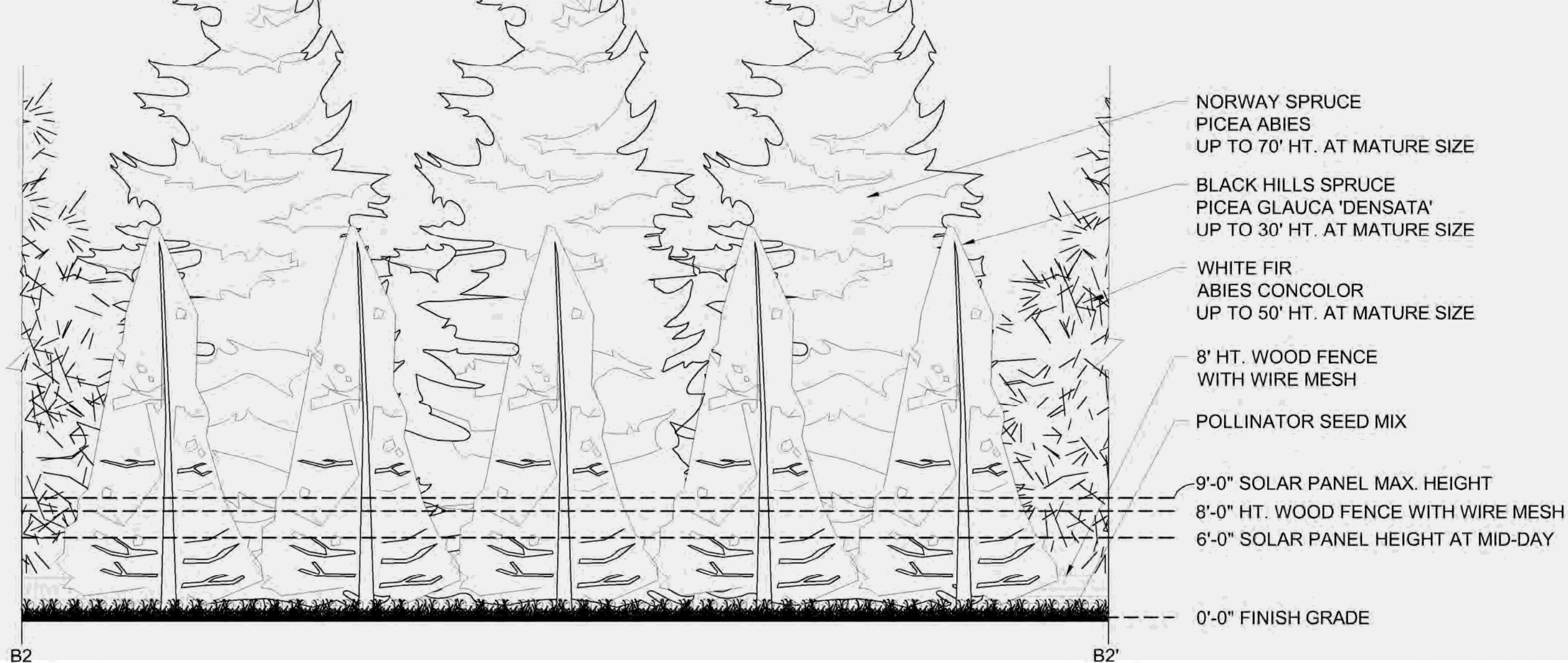
DATE:
02/17/2023

REVISIONS:

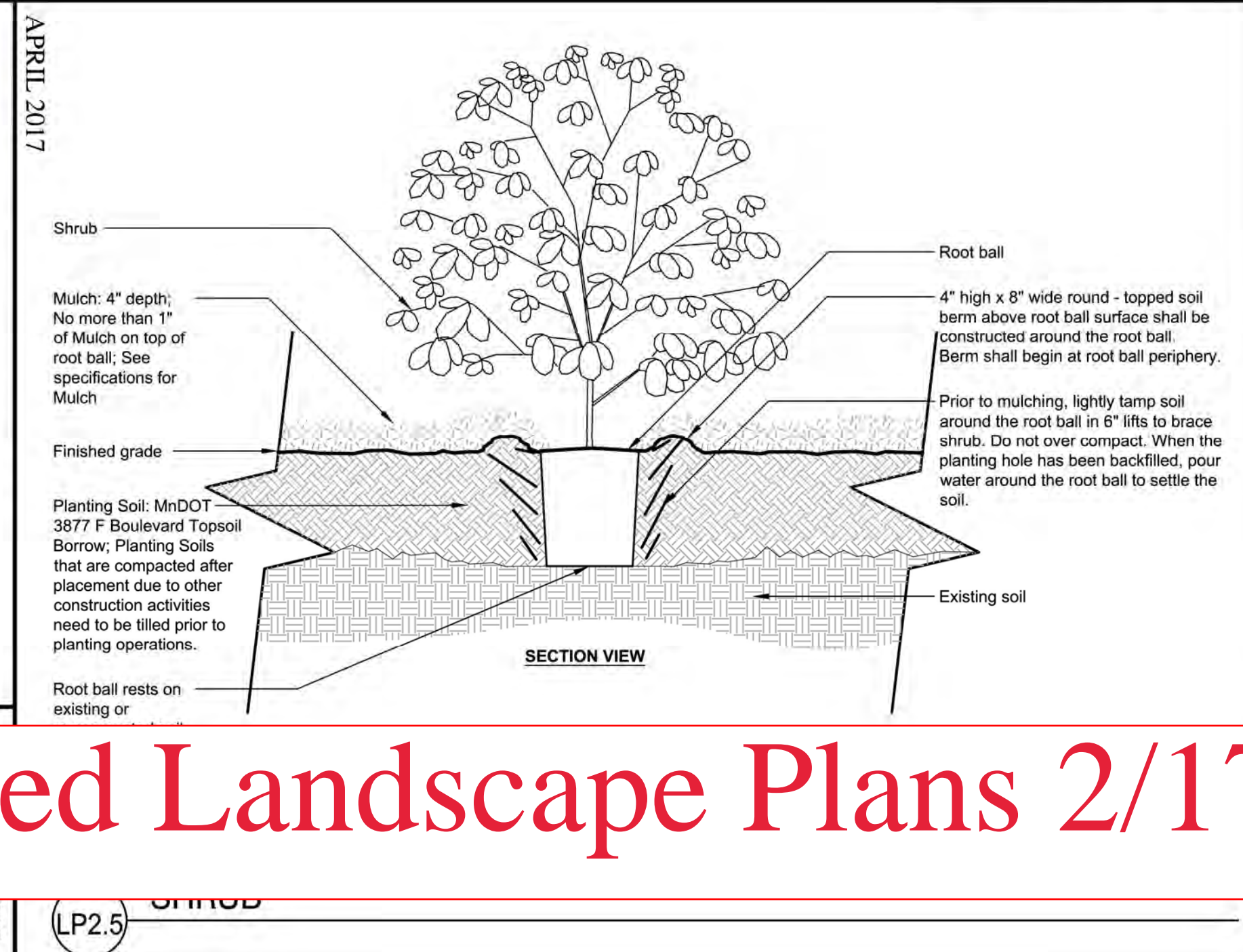
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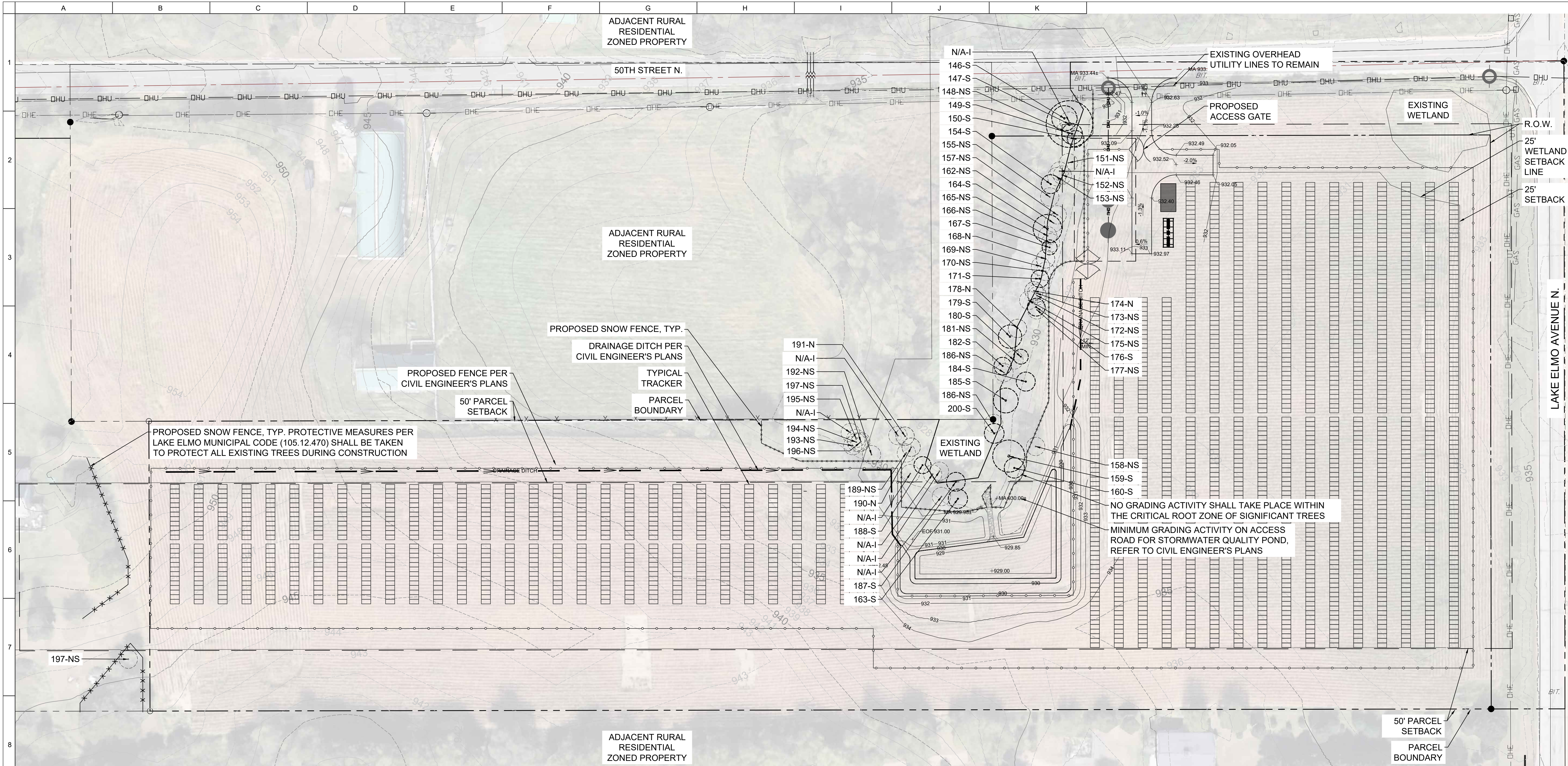


2 VEGETATIVE SCREENING CROSS SECTION B-B' SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"





CEF LAKE ELMO SOLAR TREE SURVEY			
TREE TAG	SPECIES	CLASSIFICATION	CALIPER SIZE (INCHES)
146	WILLOW	COMMON SIGNIFICANT	20.6
147	POPLAR	COMMON SPECIMEN	37.9
148	WILLOW	COMMON NOT SIGNIFICANT	10.1
149	ASH	COMMON SIGNIFICANT	16.9
150	WILLOW	COMMON SIGNIFICANT	13.6
151	ASH	COMMON NOT SIGNIFICANT	9
152	ASH	COMMON NOT SIGNIFICANT	7
153	ASH	COMMON NOT SIGNIFICANT	9.4
154	WILLOW	COMMON SIGNIFICANT	15.4, 15.1
155	ASH	COMMON NOT SIGNIFICANT	8.1
157	WILLOW	COMMON NOT SIGNIFICANT	6.9
158	ELM	COMMON NOT SIGNIFICANT	7.7

159	ASH	COMMON SIGNIFICANT	26.1
160	OAK	NOT COMMON SIGNIFICANT	15.9, 16.4
162	ASH	COMMON NOT SIGNIFICANT	11
163	OAK	NOT COMMON SIGNIFICANT	10.4, 15.7
164	WILLOW	COMMON SIGNIFICANT	23.3
165	ASH	COMMON NOT SIGNIFICANT	11.2, 9.2
166	ASH	COMMON NOT SIGNIFICANT	6.1
167	ASH	COMMON SIGNIFICANT	10.3, 12.2
168	COTTONWOOD	NOT COMMON NUISANCE & SPECIMEN	34.1
169	WILLOW	COMMON NOT SIGNIFICANT	9.3
170	ASH	COMMON NOT SIGNIFICANT	11.1
171	WILLOW	COMMON SIGNIFICANT	14.2
172	ASH	COMMON NOT SIGNIFICANT	9.5
173	ASH	COMMON NOT SIGNIFICANT	6.5

174	COTTONWOOD	NOT COMMON NUISANCE & SPECIMEN	27.8
175	ASH	COMMON NOT SIGNIFICANT	7.5
176	ASH	COMMON SIGNIFICANT	14.5
177	ASH	COMMON NOT SIGNIFICANT	8.9, 6.2
178	COTTONWOOD	NOT COMMON NUISANCE & SPECIMEN	27.5
179	WILLOW	COMMON SIGNIFICANT	15.4, 19.0
180	ASH	COMMON SIGNIFICANT	9.3, 7.8, 9.8, 12.1
181	ASH	COMMON NOT SIGNIFICANT	8.5, 7.3
182	WILLOW	COMMON SIGNIFICANT	12.3, 14.2
183	ASH	COMMON NOT SIGNIFICANT	7.7
184	ASH	COMMON SIGNIFICANT	14.4, 15.5
185	ASH	COMMON SIGNIFICANT	20.2, 9.1
186	ASH	COMMON NOT SIGNIFICANT	
187	ASH	COMMON SIGNIFICANT	

188	ASH	COMMON SIGNIFICANT	13.9
189	ASH	COMMON NOT SIGNIFICANT	6.1
190	COTTONWOOD	NOT COMMON NUISANCE & SPECIMEN	29
191	COTTONWOOD	NOT COMMON NUISANCE & SPECIMEN	20
192	ASH	COMMON NOT SIGNIFICANT	6.1
193	ASH	COMMON NOT SIGNIFICANT	9.1
194	ASH	COMMON NOT SIGNIFICANT	8.5
195	ASH	COMMON NOT SIGNIFICANT	8.3
196	ASH	COMMON NOT SIGNIFICANT	9.3
197	ASH	COMMON NOT SIGNIFICANT	9.4
200	WILLOW	COMMON SIGNIFICANT	16.1

TREE IDENTIFICATION KEY

146 - S

TREE TAG NUMBER

CLASSIFICATION

CLASSIFICATION KEY
S: SIGNIFICANT TREE
NS: NOT SIGNIFICANT
N: NUISANCE
N/A-I: NOT APPLICABLE & INCONSEQUENTIAL TO CITY CODE ARTICLE VIII, SECTION 154.257

TREE SURVEY LEGEND

SIGNIFICANT/SPECIMEN TREE (CRZ RADIUS DEPICTED)

NUISANCE TREE (CRZ RADIUS NOT DEPICTED)

COMMON TREE/ INCONSEQUENTIAL (CRZ RADIUS NOT DEPICTED)

NOTES:
1) REFER TO SHEET L-1.3 FOR TREE PROTECTION DETAIL..
2) ALL INVENTORIED TREES ARE HEALTHY UNLESS INDIVIDUALLY NOTED.

3) THE FOLLOWING EXISTING TREES ARE BEING COUNTED TOWARDS THE LANDSCAPE REQUIREMENTS: #146, 147, 150, 154, 160, 163, 164, 171, 179, 182, AND 200. REFER TO THE CITY OF LAKE ELMO CODE REQUIREMENTS TABLE ON SHEETS, L-1.0, L-1.1 AND L-1.2 FOR QUANTITY OF TREES TO BE CREDITED TOWARD THE LANDSCAPE CODE REQUIREMENT.

Revised Landscape Plans 2/17/2023

SCALE: 1" = 40'

WERK

7520 E 2nd Street, Suite 1004
Scottsdale, AZ 85251
T: 602.429.9922

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MEMORANDUM

TO: Sophia Jensen
FROM: Sarah Evenson, PLA
DATE: 2/28/2023
RE: City of Lake Elmo Landscape Plan Review | CEF Lake Elmo Community Solar

CEF Lake Elmo Community Solar

Submittals

1. Landscape Plans, dated February 22, 2022. Received February 23, 2022.
2. Memo response to Review #3 from Cascade Landscape Architecture, dated March 8, 2022.
3. Revised Landscape Plan submittal, dated March 28, 2022
4. Revised Landscape Plans dated February 17, 2023. Received February 17, 2023.

Review History

Initial landscape review on November 12, 2021.

Resubmittal landscape review on January 26, 2022.

CEF Lake Elmo Community Solar CUP Review #3, dated March 2, 2022.

Location: Southwest quadrant of the intersection of 50th Street North and Lake Elmo Avenue N.

Current Land Use Category: Rural Residential

Adjacent and Surrounding Land Use: Rural Residential

Special Landscape Provisions in addition to the zoning code: no

Tree Preservation: 105. 12. 470

- A tree preservation plan has been submitted that meets requirements:
 - The plan being signed by a licensed landscape architect or certified forester is a condition of approval.

Landscape Requirements: 105. 12. 480

- A landscape plan has been submitted that does not meet all code requirements. Revisions required include:
 - The plan lacks provisions for irrigation. Please provide an irrigation plan or other provisions for irrigation.

- Details and cross sections of all required screening have been provided, and the plan exceeds the required number of trees; however, the tree species selected are not spaced appropriately to optimize both health/vigor and screening, and should be adjusted as follows. Where there is a single row of evergreens (regardless of whether it is backed by shrubs):
 - Space White Fir 16' on center
 - Space Norway Spruce 25' on center
 - Space Black Hills Spruce 16' on center
 - Ensure that no shrubs will grow within 6' of tree trunks. This will likely mean reducing the double row of shrubs to a single row around each tree trunk along Lake Elmo Avenue for a certain diameter.
- If the project changed the proposed wood fence with wire mesh to a more opaque design along Lake Elmo Ave and 50th, tree spacing could be reduced.
- To minimize views into the site by drivers traveling north on Lake Elmo Avenue, wrap the evergreen tree row that runs south along Lake Elmo Avenue around the corner of the fencing, extending it west for at least 70' (3 Norway Spruce, or 5 White Fir/Black Hills Spruce).
- The landscape plan does not meet the required tree composition requirements; however, given the proposed use and the desire to maximize screening, I am comfortable waiving this requirement, as deciduous trees would not provide adequate screening.

General Notes:

- I am concerned with the proposed planting of White Fir (3) and Black Hills Spruce (2) within the wetland on the northeast corner of the property. Please replace these trees with Northern White Cedar (*Thuja occidentalis*) spaced 12' on center, and update the planting plan and legends accordingly.

Recommendation:

- In order to be approved, the plans must be revised as listed above, including:
 - Providing provisions for irrigation
 - Revising the planting plan and planting legends as noted to achieve the desired screening requirements and ensure adequate survival of the plants selected

Hoisington Koepler Group, Inc.



Sarah Evenson, PLA (MN)

City of Lake Elmo Municipal Landscape Architect | P: (262) 391-7653 | E: Sarah@hkgi.com

MEMORANDUM

TO: Sophia Jensen
FROM: Sarah Evenson, PLA
DATE: 3/13/2023
RE: City of Lake Elmo Landscape Plan Review | CEF Lake Elmo Community Solar

CEF Lake Elmo Community Solar

Submittals

1. Landscape Plans, dated February 22, 2022. Received February 23, 2022.
2. Memo response to Review #3 from Cascade Landscape Architecture, dated March 8, 2022.
3. Revised Landscape Plan submittal, dated March 28, 2022
4. Revised Landscape Plans dated February 17, 2023. Received February 17, 2023.

Review History

Initial landscape review on November 12, 2021.

Resubmittal landscape review on January 26, 2022.

CEF Lake Elmo Community Solar CUP Review #3, dated March 2, 2022.

CEF Lake Elmo Community Solar CUP Review #4, dated March 13, 2023

Location: Southwest quadrant of the intersection of 50th Street North and Lake Elmo Avenue N.

Current Land Use Category: Rural Residential

Adjacent and Surrounding Land Use: Rural Residential

Special Landscape Provisions in addition to the zoning code: no

Tree Preservation: 105. 12. 470

- A tree preservation plan has been submitted that meets requirements:
 - The plan being signed by a licensed landscape architect or certified forester is a condition of approval.

Landscape Requirements: 105. 12. 480

- A landscape plan has been submitted that does not meet all code requirements. Revisions required include:

- The plan lacks provisions for irrigation. Please provide an irrigation plan or other provisions for irrigation.
- Details and cross sections of all required screening have been provided, and the plan exceeds the required number of trees; however, the tree species selected are not spaced appropriately to optimize both health/vigor and screening, and should be adjusted as follows. Where there is a single row of evergreens (regardless of whether it is backed by shrubs):
 - Space White Fir 16' on center
 - Space Norway Spruce 25' on center
 - Space Black Hills Spruce 16' on center
 - Ensure that no shrubs will grow within 6' of tree trunks. This will likely mean reducing the double row of shrubs to a single row around each tree trunk along Lake Elmo Avenue for a certain diameter.
- If the project changed the proposed wood fence with wire mesh to a more opaque design along Lake Elmo Ave and 50th, tree spacing could be reduced.
- The landscape plan does not meet the required tree composition requirements; however, given the proposed use and the desire to maximize screening, I am comfortable waiving this requirement, as deciduous trees would not provide adequate screening.

General Notes:

- I am concerned with the proposed planting of White Fir (3) and Black Hills Spruce (2) within the wetland on the northeast corner of the property. Please replace these trees with Northern White Cedar (*Thuja occidentalis*) spaced 12' on center, and update the planting plan and legends accordingly.

Recommendation:

- In order to be approved, the plans must be revised as listed above, including:
 - Providing provisions for irrigation
 - Revising the planting plan and planting legends as noted to achieve the desired screening requirements and ensure adequate survival of the plants selected

Hoisington Koepler Group, Inc.



Sarah Evenson, PLA (MN)

City of Lake Elmo Municipal Landscape Architect | P: (262) 391-7653 | E: Sarah@hkgi.com

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

Date: November 13, 2021

To:	Jane Kansier, AICP, Planning Consultant Molly Just, Planning Director	Re:	OneEnergy Solar Garden – 10755 50th Street N. Engineering Review Comments
Cc:	Chad Isakson, P.E., Assistant City Engineer		
From:	Jack Griffin, P.E., City Engineer		

An engineering review has been completed for the OneEnergy – CEF Community Solar Garden Conditional Use Permit Application received on October 22, 2021. The project is proposed for construction and operation on the property located at 10755 50th Street North. The submittal consisted of the following documentation:

- Project Report and Narrative prepared by One Energy and dated September 8, 2021.
- Site Plan dated September 7, 2021.
- Stormwater Management Plan dated October 13, 2021.
- Landscape Plan dated August 27, 2021.
- Wetland Delineation date July 1, 2021.

STATUS/FINDINGS: Engineering review comments have been provided as outlined below. Site Plan revisions and additional design detail will be required to facilitate City review and approval.

RIGHT-OF-WAY PRESERVATION

- The Site Plan shows right-of-way preservation along 50th Street North, measured 59 feet from the existing centerline. The minimum right-of-way preservation must be 60 feet. In addition, all setbacks along 50th Street North and Lake Elmo Avenue should be measured from the roadway preservation easements/rights-of-way (60-feet from existing centerlines). Right-of-way preservation is required per the Lake Elmo and Washington County 2040 Comprehensive Plans (2-lane undivided Collector Roadways).

SITE ACCESS

- One new access is proposed to the site from 50th Street North. No site access is shown from Lake Elmo Avenue. Access to Lake Elmo Avenue should be prohibited as presented.
- The site access along 50th Street North must be relocated to be as far west as possible, and no closer than 350 feet from the Lake Elmo Avenue intersection (as measured from the west paved shoulder). The driveway relocation is required to minimize future conflicts with the construction of a future right and left turn lane along 50th Street North. The future turn lanes will be required to meet State Aid design standards when constructed along 50th Street North (Municipal State Aid Route) for the City to be able to use State Aid funding for the turn lane construction.
- One 16-foot wide (16) gravel service road is proposed. Per City ordinance, all portions of the driveway to be located within the public right-of-way must be paved.

SITE PLAN APPROVAL

- Prior to the start of any construction, Civil Site Construction Plans must be prepared and submitted for City review and approval. The plans must be prepared and signed by a registered professional engineer in the State of Minnesota and the plans must be prepared in accordance with the City Design Standards and Plan Format requirements.
- An existing conditions plan is required to facilitate a detailed review by the City and site plan revisions may be required due to new information provided in the detailed plans. Existing conditions must include scaled full size plan sets (no greater than 1" = 50' scale) and include all property, right-of-way and easement lines, a detailed topographic survey including contours at 2' intervals or less, include all public and private utilities along the public rights-of-way and for a minimum distance of 150 feet from the construction limits, and include delineated wetlands and wetland buffers. Public and private utility information must include utility type, pipe material and size, inverts (when applicable) and location as surveyed in the field.
- The site plan indicates that wetland locations are shown from GIS database information. A wetland delineation will be required and the Site Plans must be updated to include the delineated wetlands and required wetland buffers meeting the City and watershed requirements.
- The 3-new proposed Xcel Energy above ground power poles, to be installed to support the site interconnection, must be installed a minimum of 55 feet south of the centerline of 50th Street to locate the utilities within the designated utility corridor for the roadway right-of-way.
- No waste water management or drinking water supply is required to support the proposed site development.

STORMWATER MANAGEMENT

- The Site Plan shows a potential stormwater infiltration basin intended to address stormwater management requirements and storm water calculations were submitted to support the basin sizing. However, the site is subject to a storm water management plan meeting State, Watershed District and City rules and a permit will be required from the Valley Branch Watershed District (VBWD). The Stormwater Management Plan must therefore be revised and resubmitted, demonstrating compliance with City and VBWD rules, and must be prepared and signed by a registered professional engineer in the State of Minnesota.
- The Stormwater Management Plan must provide a pre and post condition rate control analysis of the site, including pre and post condition drainage maps. The SWMP must demonstrate rate control is provided for all points of discharge from the site. Overland emergency overflows or outlets are required to be shown on the plans. The 100-year high water flood level (HWL) must be shown on the plans for all water bodies (wetlands) and storm water facilities, and the 100-year high water flood level (HWL) must be fully contained within private property or easements.
- The construction of an infiltration basin is proposed for the site. Soil borings must be provided as part of the Site Plans to demonstrate that the facility will be constructed in soils that are conducive to infiltration practices and the infiltration rate for the design must be based on the soil investigation.
- To the extent adjacent properties are impacted by storm water management discharges, written permission from those properties must be submitted as part of the development application.
- The storm water facilities constructed for this site should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for access to all storm water facilities.

Lake Elmo Fire Department

Memorandum

To: Jane Kansier, AICP

From: Dustin Kalis, Fire Chief

Date: 11/12/2021

Re: Land Use Review Request - CEF Lake Elmo Community Solar Garden



The Lake Elmo Fire Department has completed a land use review of CEF Lake Elmo Community Solar Garden based on the Lake Elmo Planning Department packet dated 10/22/21 with the following comments:

- 1) The installation and use of gates shall be in compliance with the fire code. If a gate(s) is to be installed, provide more detailed information for review.
- 2) A Fire Department lock box is required for emergency access to building at an approved location(s) and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
- 3) Site address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.
- 4) A clear, brush-free area of 10 feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.

Codes and Standards Used for this Review

This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.

- 2020 Minnesota State Fire Code

“Proudly Serving Neighbors & Friends”

Jane Kansier

From: Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>
Sent: Thursday, November 11, 2021 11:23 AM
To: Jane Kansier
Cc: Molly Just; Sonsalla, Sarah J.
Subject: RE: Land Use Review Request - CEF Lake Elmo Community Solar Garden

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jane,

I reviewed the application materials for the community solar garden CUP. My only comment relates to decommissioning of the project. The applicant is proposing to provide the City with a letter of credit in the amount of \$15,000 that the City can use in the event that the modules are no longer in use. This can be used to remove the modules from the site and dispose of them if the owner of the property or the operator of the solar garden does not take care of it. The City should determine whether \$15,000 is a sufficient amount to cover its costs in this type of circumstance.

In line with this issue, I would also recommend that there be a condition in the conditional use permit that requires the owner of the property and/or the operator to remove the modules and equipment after a certain amount of time after the project is decommissioned (i.e. 90 days or something like that). In the event that it is not removed by that time, the City should be given permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is insufficient to cover the City's costs, the City should be able to certify the costs against the property and collect the costs with the property taxes.

There should also be a condition that the letter of credit must be in good standing at all times, so in the event that it is not renewed or cancelled, the City may revoke the conditional use permit.

Let me know if you have any questions.

Thanks!

Sarah

Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered | 150 South Fifth Street, Suite 700 | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: ssonsalla@kennedy-graven.com

From: Jane Kansier <Jane.Kansier@bolton-menk.com>
Sent: Friday, October 22, 2021 11:35 AM
To: Jack Griffin <Jack.Griffin@focusengineeringinc.com>; chad.isakson@focusengineeringinc.com; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; jhanson@barr.com; transportation@co.washington.mn.us; Marty Powers <MPowers@lakeelmo.org>; Dustin Kalis <DKalis@lakeelmo.org>; jtaylor@lakeelmo.org; Harding, Sarah <Sarah.Harding@stantec.com>; Niday, Jenna <jenna.niday@stantec.com>
Cc: Molly Just <MJust@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>; Corrin Bemis <Corrin.Bemis@bolton-menk.com>
Subject: Land Use Review Request - CEF Lake Elmo Community Solar Garden

Good morning.



oneenergy
renewables
.com



January 18, 2022

Molly Just
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: RESPONSE TO CONDITIONS OF APPROVAL PRIOR TO LAKE ELMO
CITY COUNCIL CONSIDERATION OF THE CUP APPLICATION

DEAR MRS. JUST:

CEF Lake Elmo Community Solar, LLC (the "Applicant") is providing this letter in response to the amended "Recommended Conditions of Approval" approved by the City of Lake Elmo Planning Commission at an in-person meeting held on Monday, November 22, 2021. We appreciate this opportunity to provide revisions and responses to the "Recommended Conditions of Approval" prior to Lake Elmo City Council consideration of our CUP application.

For clarity the "Recommended Conditions of Approval" are restated below in quotations and our responses are provided in italics.

1. "The applicant shall revise all project plans to address the review comments of the City Engineer in the memo dated November 13, 2021."

The City Engineer memo contained numerous review comments. Below we restate each comment in quotations in the order and format shown in the memo. Our responses are provided in italics following each comment.

"RIGHT - OF - WAY PRESERVATION

- The Site Plan shows right - of - way preservation along 50th Street North, measured 59 feet from the existing centerline. The minimum right - of - way preservation must be 60 feet. In addition, all setbacks along 50th Street North and Lake Elmo Avenue should be measured from the roadway preservation easements/rights of - way (60 - feet from existing centerlines). Right - of - way preservation is required per the Lake Elmo and Washington County 2040 Comprehensive Plans (2 - lane undivided Collector Roadways)."

A site plan and certified ALTA/NSPS Land Title Survey is provided as Appendix A. The survey shows the right-of-way preservations along 50th St N and Lake Elmo Avenue, as deeded. All proposed improvements meet the required 60-foot right-of-way preservations.



“Site Access”

- “One new access is proposed to the site from 50th Street North. No site access is shown from Lake Elmo Avenue. Access to Lake Elmo Avenue should be prohibited as presented.”

No changes proposed – our application maintains one new access from 50th Street North.

- “The site access along 50th Street North must be relocated to be as far west as possible, and no closer than 350 feet from the Lake Elmo Avenue intersection (as measured from the west paved shoulder). The driveway relocation is required to minimize future conflicts with the construction of a future right and left turn lane along 50th Street North. The future turn lanes will be required to meet State Aid design standards when constructed along 50th Street North (Municipal State Aid Route) for the City to be able to use State Aid funding for the turn lane construction.”

As discussed via email with Planning Director Molly Just on January 22, 2021, the Applicant requests a minor reduction in the minimum 350-foot distance from the site access to the intersection with Lake Elmo Ave. Based on the City Engineer's comments, we understand this measurement to be from “the west paved shoulder”. From this point, mandating a minimum distance of 350 feet would require the access drive be built within the wetland buffer. Our conversations with Valley Branch Watershed District (VBWD) to date, indicate such impacts would not be approved, providing the Project with no viable access point. Per these review comments, we have redesigned our access point to provide approximately 313 feet from the west paved shoulder of Lake Elmo Ave N to the centerline of our proposed access. We strongly feel this is the maximum distance we can provide in order to have a viable access point. This proposal for revised access point is shown on the revised Site Plan provided as Appendix B (as well as on the certified ALTA/NSPS Land Title Survey provided as Appendix A). The proposed grading for the revised access driveway design is provide as Appendix C.

- “One 16 - foot wide (16) gravel service road is proposed. Per City ordinance, all portions of the driveway to be located within the public right - of - way must be paved.”

All portions of the prosed access drive located within the public right-of-way shall be paved. This change has been reflected in Appendix B.



“Site Plan Approval

- Prior to the start of any construction, Civil Site Construction Plans must be prepared and submitted for City review and approval. The plans must be prepared and signed by a registered professional engineer in the State of Minnesota and the plans must be prepared in accordance with the City Design Standards and Plan Format requirements.”

Acknowledged. Civil Site Construction Plans meeting the requirements of this review comment will be submitted by the Applicant prior to the start of any construction and/or prior to the issuance of City Permits for the project.

- “An existing conditions plan is required to facilitate a detailed review by the City and site plan revisions maybe required due to new information provided in the detailed plans. Existing conditions must include scaled full size plan sets (no greater than 1” = 50’ scale) and include all property, right - of - way and easement lines, a detailed topographic survey including contours at 2’ intervals or less, include all public and private utilities along the public rights - of - way and for a minimum distance of 150 feet from the construction limits, and include delineated wetlands and wetland buffers. Public and private utility information must include utility type, pipe material and size, inverts (when applicable) and location as surveyed in the field.”

A certified existing conditions survey, meeting the requirements of this review comment, is provided as Appendix D.

- “The site plan indicates that wetland locations are shown from GIS database information. A wetland delineation will be required and the Site Plans must be updated to include the delineated wetlands and required wetland buffers meeting the City and watershed requirements.”

The site plan labels previously submitted as referenced above were made in error and have been updated in all appendices. The wetland delineations shown on all current and past site plans are the approved, field delineated boundaries.

As noted and documented in our Conditional Use Permit application, Braun Intertec completed a field delineation (Level 2 Delineation) in April 2021, which identified two wetlands on-site. A Level 2 Wetland Delineation Report was submitted to VBWD and US Army Corps of



Engineers (USACE) in May 2021 via joint application for wetland delineation concurrence. In June 2021, VBWD conducted an on-site review of the completed wetland delineations and provided their concurrence of the delineations via a Minnesota Wetland Conservation Act Notice of Decision dated July 1, 2021. The Notice of Decisions and supporting documents were included in the original CUP application.

- “The 3 - new proposed Xcel Energy above ground power poles, to be installed to support the site interconnection, must be installed a minimum of 55 feet south of the centerline of 50th Street to locate the utilities within the designated utility corridor for the roadway right - of - way.”

Acknowledged. The 3- new proposed Xcel Energy above ground power poles will be installed a minimum of 79 ft south of the centerline of 50th Street N, as shown on the Site Plan included as Appendix B (as well as on the certified ALTA/NSPS Land Title Survey provided as Appendix A).

- “No waste water management or drinking water supply is required to support the proposed site development.”

Correct.

“Stormwater Management

- The Site Plan shows a potential stormwater infiltration basin intended to address stormwater management requirements and storm water calculations were submitted to support the basin sizing. However, the site is subject to a storm water management plan meeting State, Watershed District and City rules and a permit will be required from the Valley Branch Watershed District (VBWD). The Stormwater Management Plan must therefore be revised and resubmitted, demonstrating compliance with City and VBWD rules, and must be prepared and signed by a registered professional engineer in the State of Minnesota.”

Acknowledged. A Stormwater Management Plan meeting the City and VBWD rules, prepared and signed by a registered professional engineer in the State of Minnesota will be provided prior to issuance of City permits for the project as discussed with Planning Director Molly Just on January 22, 2021 via email.

- “The Stormwater Management Plan must provide a pre and post condition rate control analysis of the site, including pre and post



condition drainage maps. The SWMP must demonstrate rate control is provided for all points of discharge from the site. Overland emergency overflows or outlets are required to be shown on the plans. The 100 - year high water flood level (HWL) must be shown on the plans for all water bodies (wetlands) and storm water facilities, and the 100 - year high water flood level (HWL) must be fully contained within private property or easements.”

Acknowledged. A Stormwater Management Plan updated with pre and post condition rate control analysis as detailed in the review comment above will be provided prior to issuance of City permits for the project as discussed with Planning Director Molly Just on January 22, 2021 via email.

- “The construction of an infiltration basin is proposed for the site. Soil borings must be provided as part of the Site Plans to demonstrate that the facility will be constructed in soils that are conducive to infiltration practices and the infiltration rate for the design must be based on the soil investigation.”

Acknowledged. Soil borings will be obtained and utilized for infiltration rate design prior to issuance of City permits for the project as discussed with Planning Director Molly Just on January 22, 2021 via email.

- “To the extent adjacent properties are impacted by storm water management discharges, written permission from those properties must be submitted as part of the development application.”

Acknowledged. The Stormwater Management Plan updated per these review comments will identify if any adjacent properties are impacted by storm water management discharges and permission from those properties will be obtained in order to receive City permits, as discussed with Planning Director Molly Just on January 22, 2021 via email.

- “The storm water facilities constructed for this site should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for access to all storm water facilities.”

Acknowledged. The Applicant will enter into a Stormwater



Maintenance and Easement Agreement in the City's standard form of agreement prior to issuance of City permits, as approved by the Planning Commission.

The an additional access gate has been added to the Site Plan provided in Appendix B to provide the required stormwater management facility access.

2. "The landscape plans must be revised and approved by the City's Landscape Architect. The landscape plans must meet all landscaping and screening requirements."

A revised landscape plan meeting all the landscaping and screening requirements is provided as Appendix E for the City's Landscape Architect's review and approval.

3. "The applicant must provide a certificate of survey with the site plan to verify all required setbacks."

A certified ALTA/NSPS Land Title Survey with the proposed improvements (site plan) is provided as Appendix A. As shown in this certified field survey, the proposed site plan is in conformance with all required setbacks.

We feel we have successfully addressed each of the Recommended Conditions for Approval required prior to advancement of our CUP application to the Lake Elmo City Council for approval. Therefore, we respectfully request our application be placed on the Council's February 8, 2022 agenda for consideration.

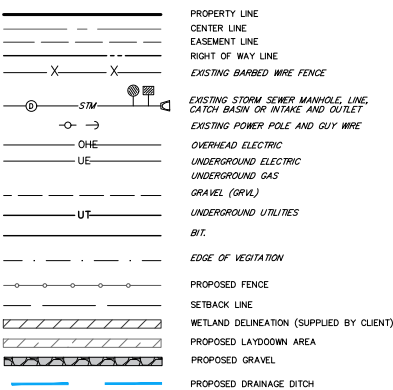
Should you have any further questions or comments, or feel this response is missing any needed information, please do not hesitate to contact me.

Sincerely,

KATE LARKIN
ASSOCIATE DIRECTOR, PROJECT DEVELOPMENT
(206) 900-9930
kate@oneenergyrenewables.com

APPENDIX A – CERTIFIED ALTA/NSPS LAND TITLE SURVEY

LEGEND



NOTE: Z.O.-154.308(A)) = ZONING ORDINANCE 154.308(A) STANDARDS FOR ALTERNATIVE ENERGY

NOTE:
THE CEF LAKE ELMO COMMUNITY SOLAR, LLC (THE "PROJECT") IS DEFINED AS THE SOLAR-POWER ELECTRIC GENERATION FACILITY LOCATED IN WASHINGTON COUNTY, MINNESOTA.

BASED ON INFORMATION PROVIDED TO THE SURVEYOR OR CLIENT, THIS SURVEY SHOWS, AS AN OVERLAY, THE LOCATION OF THE PROPOSED ABOVE GROUND AND UNDERGROUND SOLAR FACILITY IMPROVEMENTS OF THE PROJECT (COLLECTIVELY, THE "SOLAR FACILITIES"), WHICH SOLAR FACILITIES INCLUDE THE FOLLOWING PROPOSED FACILITIES:
SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITIES (THE "ARRAYS"); THE FOOTPRINT OF THE FOUNDATIONS (INCLUDING ANY POLES, ANCHORS, OR SUPPORT STRUCTURES) OF THE ARRAYS (THE "ARRAY SITES") AND THE CRANE PATHS FOR THE ARRAYS; THE COMMUNICATION LINES, COLLECTION LINES AND TRANSMISSION LINES; THE ACCESS ROADS AND PATHS; AND MAINTENANCE YARDS, LAY DOWN AREAS, AND ANY OTHER IMPROVEMENTS OF THE PROJECT.

THIS SURVEY SHOWS REQUIRED JURISDICTIONAL AND CONTRACTUAL SETBACKS, IF ANY, AND THERE ARE NO SOLAR FACILITIES WITHIN OR ENCRANCHING UPON ANY SUCH JURISDICTIONAL SETBACKS, EXCEPT AS FOLLOWS: NONE.

TO THE BEST OF THE SURVEYOR'S KNOWLEDGE, THERE IS NO VISIBLE EVIDENCE THE PROPERTY WAS USED AS A SOLID WASTE DUMP, SUMP, SANITARY LANDFILL OR CEMETERY.

PARENT PROPERTY LEGAL DESCRIPTION

That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, lying North of the South 2105.5 feet (as measured along the East line) thereof. Excepting therefrom the North 290.4 feet of the East 750 feet of the West 850 feet of said East Half of the Northeast Quarter, according to the United States Government Survey thereof and situated in Washington County, Minnesota.

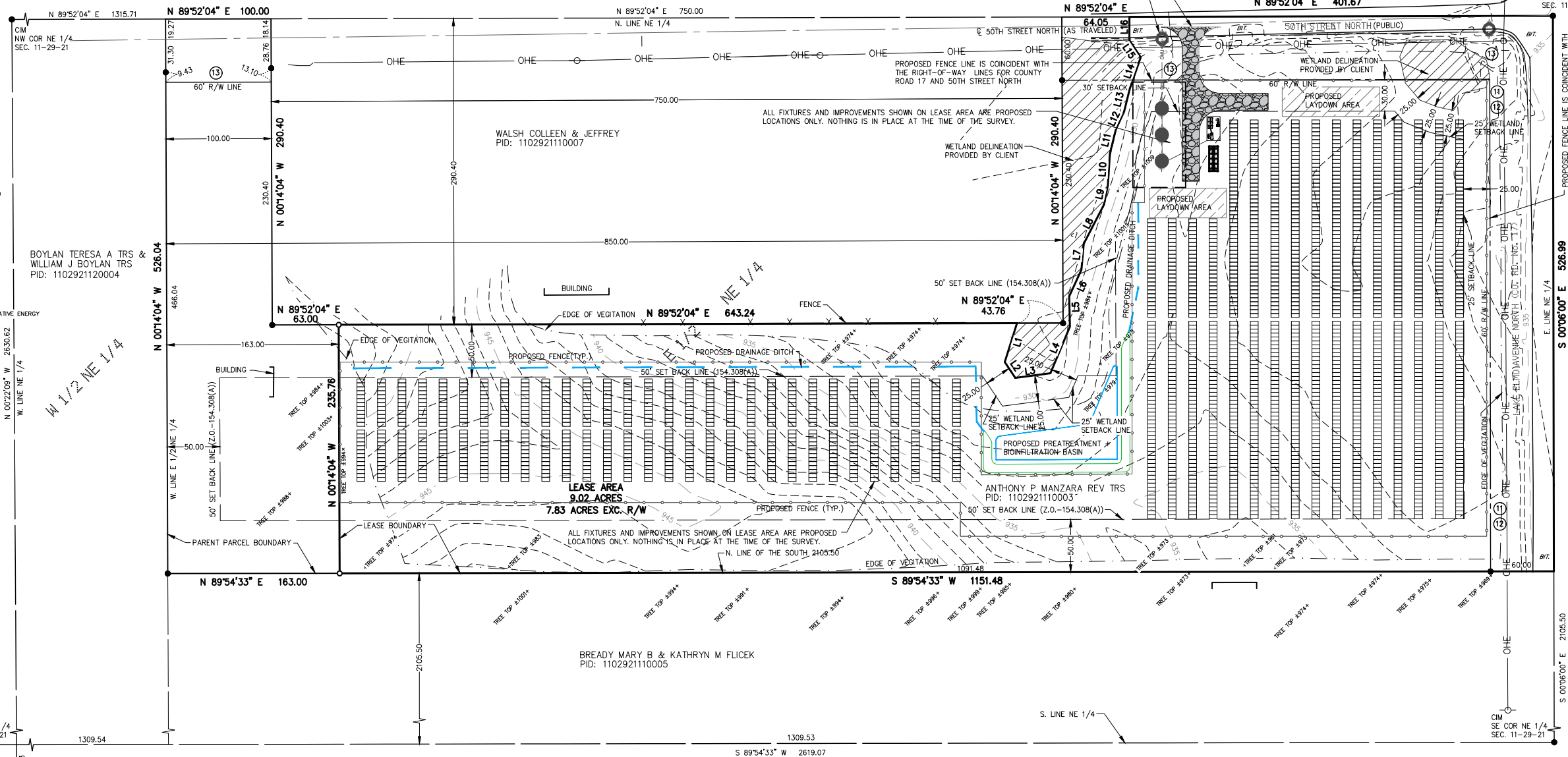
LEASE DESCRIPTION

(TO BE UPDATED PER ONEENERGY FEEDBACK AT A LATER DATE)

That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

BEGINNING at the northeast corner of the Northeast Quarter of said Section 11; thence South 00 degrees 06 minutes 00 seconds East (Note: All bearings are in relationship with the Washington County Coordinate System, NAD '83, Adjusted 1986), along the east line of said Northeast Quarter, 526.99 feet to the north line of the South 2105.5 feet (as measured along the East line) of the East One-Half of said Northeast Quarter; thence South 89 degrees 54 minutes 33 seconds West, along said north line, 1151.48 feet; thence North 00 degrees 14 minutes 04 seconds West, 235.76 feet to the south line of the north 290.40 feet of the East One-Half of said Northeast Quarter; thence North 89 degrees 52 minutes 04 seconds East, along said south line, 643.24 feet; thence South 17 degrees 33 minutes 12 seconds West, 38.62 feet; thence South 33 degrees 42 minutes 07 seconds East, 18.04 feet; thence North 82 degrees 30 minutes 45 seconds East, 33.52 feet; thence North 22 degrees 42 minutes 59 seconds East, 47.95 feet; thence North 01 degrees 25 minutes 22 seconds West, 28.65 feet; thence North 24 degrees 33 minutes 57 seconds East, 27.87 feet; thence North 05 degrees 16 minutes 00 seconds East, 24.73 feet; thence North 27 degrees 15 minutes 13 seconds East, 41.54 feet; thence North 11 degrees 46 minutes 09 seconds East, 19.07 feet; thence North 03 degrees 30 minutes 28 seconds East, 30.12 feet; thence North 13 degrees 59 minutes 55 seconds East, 23.64 feet; thence North 24 degrees 44 minutes 19 seconds East, 18.55 feet; thence North 14 degrees 05 minutes 30 seconds East, 22.42 feet; thence North 19 degrees 00 minutes 34 seconds East, 31.44 feet; thence North 33 degrees 15 minutes 54 seconds West, 19.40 feet; thence 00 degrees 07 minutes 56 seconds West, 22.14 feet to the north line of said Northeast Quarter; thence North 89 degrees 52 minutes 04 seconds East 401.67 feet to the POINT OF BEGINNING.

ALTA/NSPS LAND TITLE SURVEY

SCHEDULE B SECTION TWO - EXCEPTIONS
COMMITMENT NO.: 01040-23653 REVISION No. 1
AUGUST 25, 2021

- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
- Rights or claims of parties in possession, not shown by the public records.
- Easements or claims of easements or other boundary or location disputes, not shown by public records.
- Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the land.
- Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by public records.
- Taxes or assessments which are not shown as existing liens by the public records. NOT SURVEY RELATED TO THE LEASE AREA.
- Taxes due and payable in the second half of 2021 and subsequent years.

Note: Taxes for the year 2021 in the amount of \$1,636.00 are paid in full.
PIN: 11.029.21.11.0003
There are no delinquent taxes of record.

- Special and pending assessments, if any.
- Rights or claims of tenants, as tenants only, in possession under unrecorded leases.
- Subject to the rights of the public to existing roads as laid out and traveled.
- Terms and conditions of Highway Easement dated August 25, 1949, filed May 21, 1963, in Book 258 of Deeds, page 35, in favor of the County of Washington.
- Terms and conditions of road easement contained in Quit Claim Deed dated October 1, 1985, filed November 18, 1985, as Document No. 496679, in favor of the County of Washington.
- Terms and conditions of road easement contained in Quit Claim Deed dated October 1, 1985, filed November 18, 1985, as Document No. 496680, in favor of the City of Lake Elmo, Minnesota.
- Home Equity Line of Credit Mortgage securing \$25,000.00, dated July 12, 2019, filed February 12, 2020, as Document No. 4230526, by and between Anthony P. Manzara as Trustee of the Anthony P. Manzara Revocable Trust dated June 1, 2015, Borrower, and Wells Fargo Bank, N.A., as Lender.

Note: Subordination and Nondisturbance Agreement dated _____, filed _____, as Document No. _____

TABLE A, ALTA/NSPS OPTIONAL SURVEY
RESPONSIBILITIES AND SPECIFICATIONS

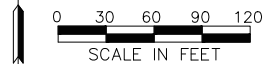
- MONUMENTS SET OR FOUND AS SHOWN.
- 10755 50TH ST N, LAKE ELMO, MN 55042
- THE LEASE AREA IS IN FLOOD ZONE X. PER F.I.R.M. MAP NUMBER 27163C0245E, EFFECTIVE DATE 2/3/2010.
- PARENT PARCEL: 474,614± SQ. FT. (10.90 ACRES)
LEASE AREA 407,155± SQ. FT.(9.35 ACRES OF WHICH 1.29 ACRES IS RIGHT-OF-WAY)
- CONTOURS ARE BASED ON GROUND SHOTS TAKEN ON 10/19/2021, NAVD'83 DATUM, MNCORS GNS
- (b) LAKE ELMO, MINNESOTA CODE OF ORDINANCES LOCAL LEGISLATION CURRENT THROUGH ORD. 08-180, PASSED 7-5-2017 FROM THE CITY OF LAKE ELMO PORTAL.
- THE SURVEYOR HAS MADE THEIR BEST EFFORT TO DEPICT ALL ABOVE GROUND VISIBLE FEATURES WITHIN THE AREA OF THE SUBJECT PROPERTY.
- UTILITY LOCATIONS SHOWN ARE PROVIDED BY LOCAL UTILITY COMPANIES THROUGH THE GOPHER STATE ONE CALL SYSTEM. LOCATIONS ARE SHOWN TO THE ACCURACY OF THE MARKING, AND WSE MASSEY ENGINEERING AND LAND SURVEYING DOES NOT ASSUME RESPONSIBILITY FOR MISLOCATED OR UNMARKED UTILITIES. TICKET #212742566 (10-01-2021)
- NAMES OF OWNERS OF ADJOINING LANDS WERE OBTAINED FROM THE WASHINGTON COUNTY, MINNESOTA PARCEL MAPPING GIS.
- SUBJECT PROPERTY IS IN THE SOUTHWEST QUADRANT OF 50TH ST NORTH AND LAKE ELMO AVENUE NORTH
- THERE WERE NO NO OBSERVABLE SIGNS OF RECENT CONSTRUCTION OR EARTHMOVING ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY.
- WASHINGTON COUNTY PROVIDED NO INFORMATION TO INDICATE ANY PROPOSED CHANGES IN COUNTY ROAD RIGHT OF WAY LINES.
- ANY PLOTTABLE OFFSITE EASEMENTS ARE SHOWN HEREON.
- WSE MASSEY CARRIES PROFESSIONAL LIABILITY INSURANCE. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.
- ITEMS LISTED IN THE SCOPE OF SERVICE ARE SHOWN HEREIN.

LINE TABLE

L1 = S 17°23'21" W	38.62	L9 = N 11°46'09" E	19.07
L2 = S 33°42'07" E	18.04	L10 = N 03°30'28" E	30.12
L3 = N 82°30'45" E	33.52	L11 = N 13°59'55" E	23.64
L4 = N 22°42'59" E	47.95	L12 = N 24°44'19" E	18.55
L5 = N 01°25'22" W	28.65	L13 = N 14°05'30" E	22.42
L6 = N 24°33'57" E	27.87	L14 = N 19°00'34" E	31.44
L7 = N 05°16'00" E	24.73	L15 = N 33°15'54" W	19.40
L8 = N 27°15'13" E	41.54	L16 = N 00°07'56" W	22.14

SITE DATA

PROPERTY ADDRESS: RECORD/OWNER:	10755 50TH ST N, LAKE ELMO, MN 55042 ANTHONY P. MANZARA REVOCABLE TRUST
PIN:	11.029.21.11.0003
AREA (DEED):	10.90 ACRES
CORNER SIDE YARD SETBACK:	N/A
REAR YARD SETBACK:	N/A
154.308(A) STANDARDS FOR ALTERNATIVE ENERGY	
MINIMUM LOT SIZE:	10 ACRES
SIDE YARD SETBACK:	50 FEET FROM ADJACENT PROPERTY LINES



BASIS OF BEARINGS

All Bearings are in relationship with the Washington County Coordinate System NAD '83, Adjusted 2011.

To: Stewart Title Guaranty Company, Anthony P. Manzara Revocable Trust dated June 1, 2015, CEF Lake Elmo Community Solar, LLC, a Minnesota limited liability company, its successors and/or assigns, as their interests may appear.

This is to certify that this map or plat 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, 2, 3, 4, 5, 6(b), 8, 11(a), 11(b), 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on October 19, 2021.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Reinhold W. Ziemann
Reinhold W. Ziemann
Minnesota L.S. No. 59823

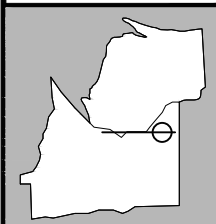
1/14/2022

WSE MASSEY
ENGINEERING & LAND SURVEYING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, EMAIL SURVEY@WSE.ENGINEERING

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

Date: 1/14/2022
LIC. NO.: 59823
Reinhold W. Ziemann

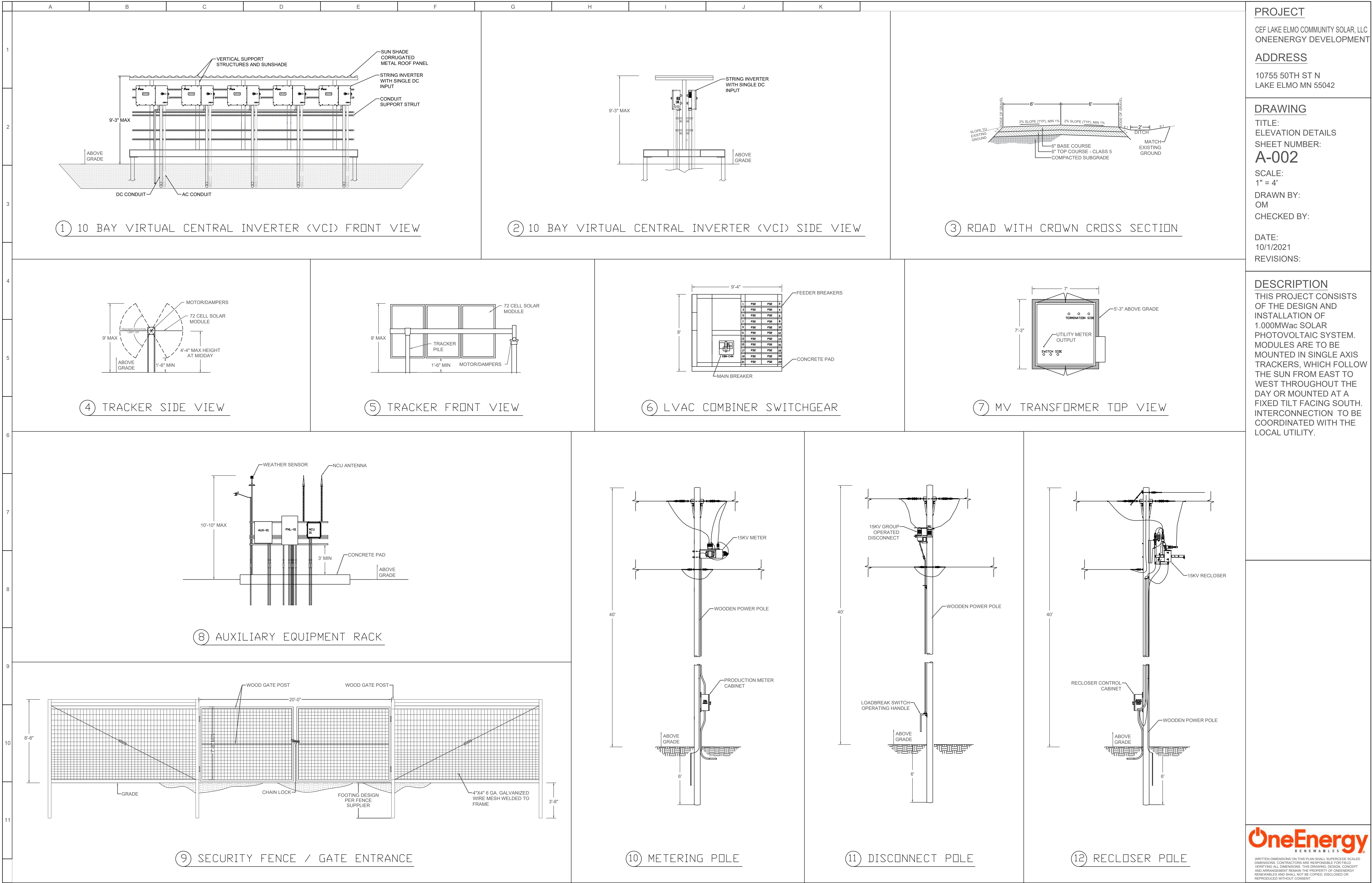
MONUMENTS: ● FOUND (5/8" PIPE UNLESS NOTED OTHERWISE) ○ SET (5/8" PIPE UNLESS NOTED OTHERWISE)	THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF: CEF LAKE ELMO COMMUNITY SOLAR, LLC LAKE ELMO, MN
SCALE: 1" = 60'	REVISION DATE:
DATE: 1/14/2022	
DRAWN BY: R.W.Z.	
CHECKED BY: R.W.Z.	
JOB NUMBER: 3696	
DWG. FILE: 3696SA01	



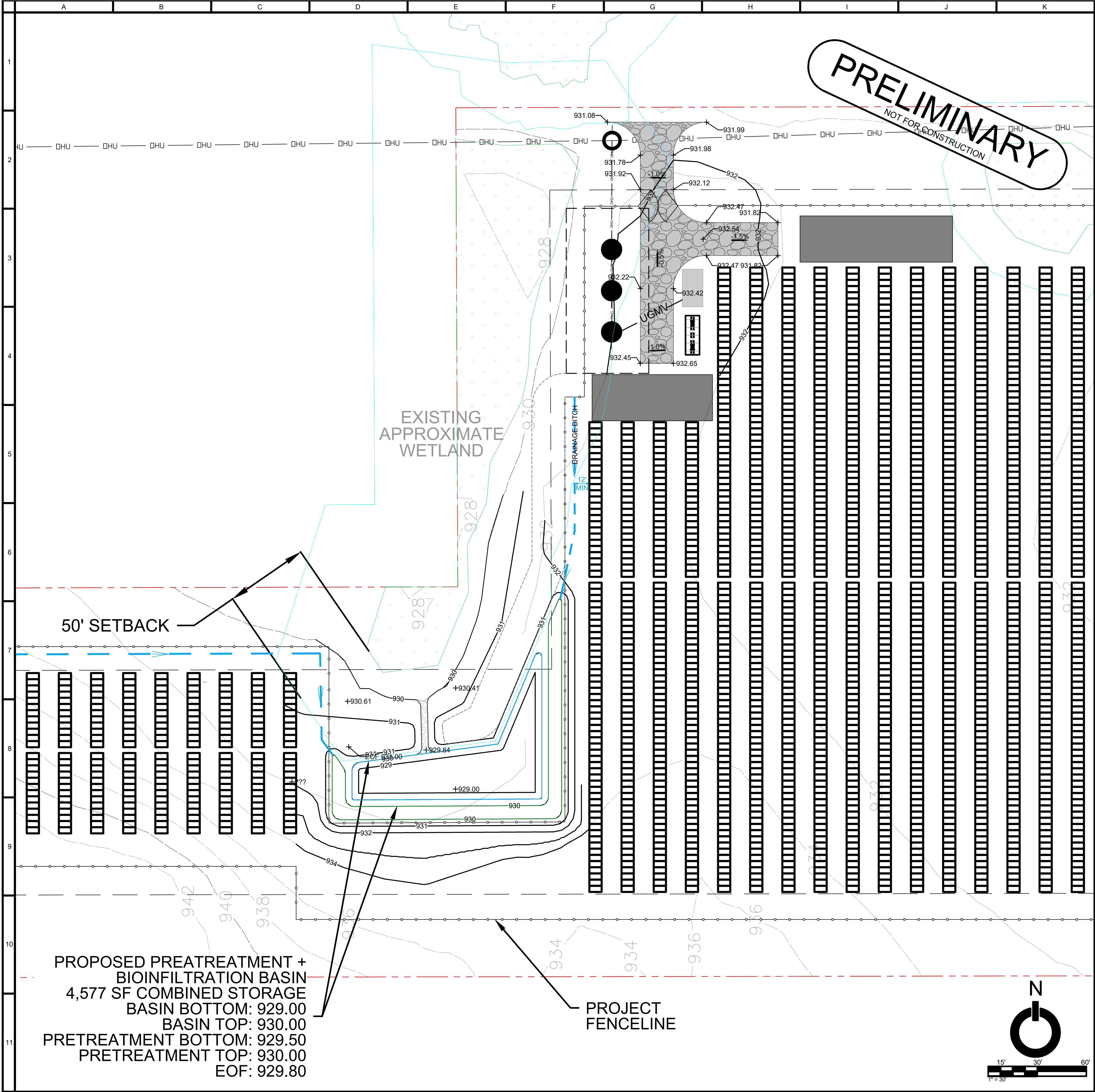
SHEET NO. 1 OF 1

APPENDIX B – REVISED SITE PLAN





**APPENDIX C – REVISED BASIN & ENTRANCE DRIVE
PROPOSED GRADING PLAN**



PROJECT

CEF LAKE ELMO COMMUNITY SOLAR, LLC
ONEENERGY DEVELOPMENT

ADDRESS

10755 50TH ST N
LAKE ELMO, MN 55042

DRAWING

TITLE:
BASIN & ENTRANCE DRIVE
PROPOSED GRADING

SHEET NUMBER:
C-103

SCALE:
VARIES

DRAWN BY:
BJL

CHECKED BY:
SBI

DATE:
01/13/2022

REVISIONS:

DESCRIPTION

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 1.000MWac SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY OR MOUNTED AT A FIXED TILT FACING SOUTH. INTERCONNECTION TO BE COORDINATED WITH THE LOCAL UTILITY.

REVISION LOG:

ENTRANCE REV.	01/13/2022

LEGEND

SITE DETAILS:

SITE LAT: 45.020476°
SITE LONG: -92.884332°
CASE NUMBER: 03792551
PARCEL ID: 11.029.21.11.0003
OWNER: ANTHONY P. MANZARA
ACREAGE: 10.90 ACRES
EXISTING ZONING: RURAL RESIDENTIAL
EXISTING USE: VACANT FIELD
PROPOSED USE: SOLAR PV GENERATION

DESIGN SUMMARY:

WQv TO BE TREATED FOR SITE IMPERVIOUS: 376 CUFT
*EXCLUDES IMPERVIOUS CALCULATIONS FROM MODULES

FROM MPCA SOLAR PANEL HYDROLOGY CALCULATOR:

WATER QUALITY VOLUME (WQv)	
TO BE TREATED PER MODULE:	0.65 CUFT
TOTAL WQv FOR 2,250 MODULES:	1,462.5 CUFT

TOTAL WQv FOR SITE: 1,838.67 CUFT

FOR SEDIMENTATION BIO-INFILTRATION BASIN BMP
CONCEPTUAL ADDITIONAL BASIN STORAGE FOR DISTURBED: 360 CF / ACRE
LIVE STORAGE REQUIREMENT: TOTAL WQv FOR SITE
REQUIRED STORAGE VOLUME: 3,771.70 CUFT
MAX. BASIN DEPTH TO OVERFLOW: 0.8 FT

CROSS SECTION DETAIL:

DIRECTION OF SURFACE WATER FLOW

FOR FILTRATION (NO GROUT) SET ON GEOTEXTILE 6" MIN.

EROSION CONTROL BLANKET & NATIVE PLANTINGS 4.1 MAX.

PLANTING MEDIUM 80% SEMI-COARSE WASHED SAND PER ASTM C-33 20% MNDOT GRADE 2 COMPOST BY VOLUME 6" MAX UNCOMPACTED LIFTS 12" MIN. VARIES, 2" MIN. TBD, 3" MIN.

TOP/EDGE OF BIOINFILTRATION BASIN

UNCOMPACTED NATIVE SOIL

POTENTIAL PERFORATED PVC DRAINTILE

COARSE FILTER AGGREGATE PER MNDOT 3149.2H TYPE 1 GEOTEXTILE FABRIC, PER MNDOT 3733

SOLAR FIELD | PRETREATMENT CELL | BIOINFILTRATION | WETLAND BUFFER

NOTES:

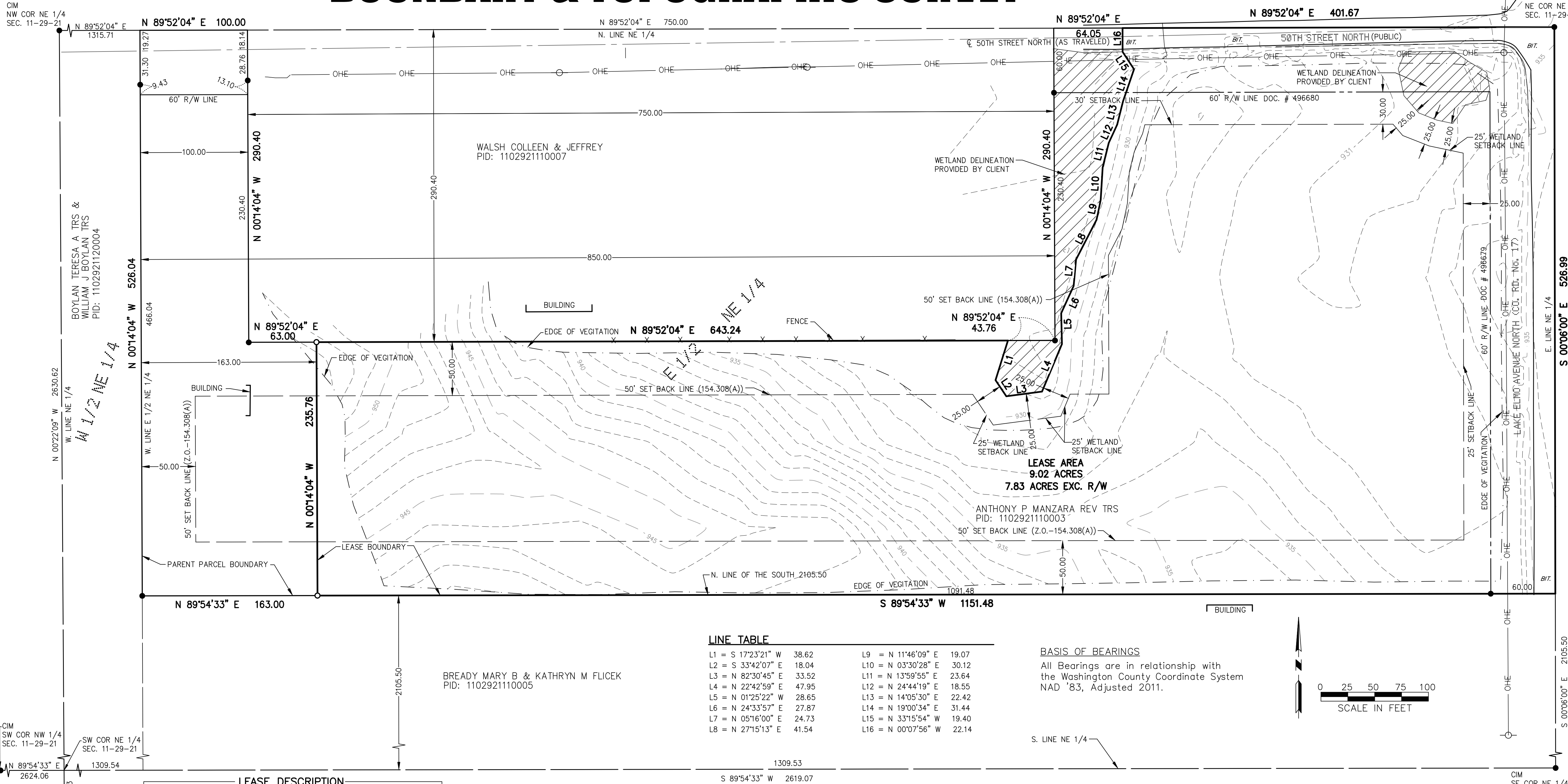
- DO NOT ALLOW CONSTRUCTION TRAFFIC OR COMPACT SOIL WITHIN BASINS
- BIOINFILTRATION AREA MAY ONLY BE EXCAVATED TO ITS BASE AFTER THE CONTRIBUTING WATERSHED IS STABLE
- THE FINAL GRADING OF THE BIOINFILTRATION BASIN SHOULD FOLLOW THIS DETAIL WITH UNDULATIONS IN THE BOTTOM OF THE BASIN. IT SHOULD NOT BE GRADED FLAT. THIS WILL INCREASE THE CHANCES OF ADEQUATE VEGETATION TAKING HOLD IN WET CONDITIONS.
- PROVIDE 12" NATIVE SOIL LOOSENING (TILLING) AS DIRECTED BY ENGINEER

2 PRETREATMENT + BIOINFILTRATION BASIN CROSS SECTION

SCALE: N.T.S.

APPENDIX D – EXISTING CONDITIONS PLAN

BOUNDARY & TOPOGRAPHIC SURVEY



LINE TABLE

L1 = S 17°23'21" W	38.62	L9 = N 11°46'09" E	19.07
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L3 = N 82°30'45" E	33.52	L11 = N 13°59'55" E	23.64
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BASIS OF BEARINGS

All Bearings are in relationship with the Washington County Coordinate System NAD '83, Adjusted 2011.

SITE DATA

PROPERTY ADDRESS:	10755 50TH ST N, LAKE ELMO, MN 55042
RECORD/OWNER:	ANTHONY P. MANZARA REVOCABLE TRUST
PIN:	11.029.21.11.0003
AREA (DEED):	10.90 ACRES
WATER:	N/A
SANITARY SEWER:	N/A

ZONING DISTRICT: RR

MINIMUM LOT AREA:	10 ACRES
MINIMUM LOT WIDTH:	300 FEET
FRONT YARD SETBACK:	30 FEET
INTERIOR SIDE YARD SETBACK:	10 FEET
CORNER SIDE YARD SETBACK:	25 FEET
REAR YARD SETBACK:	40 FEET
154.308(A) STANDARDS FOR ALTERNATIVE ENERGY	
MINIMUM LOT SIZE:	REQUIRED
SIDE YARD SETBACK:	10 ACRES
	50 FEET FROM ADJACENT PROPERTY LINES

LEGEND

	PROPERTY LINE
	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	EXISTING BARBED WIRE FENCE
	EXISTING STORM SEWER MANHOLE, LINE, CATCH BASIN OR INTAKE AND OUTLET
	EXISTING POWER POLE AND GUY WIRE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	UNDERGROUND GAS
	GRAVEL (GRVL.)
	UNDERGROUND UTILITIES
	B.I.T.
	EDGE OF VEGETATION
	SETBACK LINE
	WETLAND DELINEATION (SUPPLIED BY CLIENT)

LEASE DESCRIPTION

That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

BEGINNING at the northeast corner of the Northeast Quarter of said Section 11; thence South 00 degrees 06 minutes 00 seconds East (Note: All bearings are in relationship with the Washington County Coordinate System, NAD '83, Adjusted 1996), along the east line of said Northeast Quarter, 526.99 feet to the north line of the South 2105.5 feet (as measured along the East line) of the East One-Half of said Northeast Quarter; thence South 89 degrees 54 minutes 33 seconds West, along said north line, 1151.48 feet; thence North 00 degrees 14 minutes 04 seconds West, 235.76 feet to the south line of the north 290.40 feet of the East One-Half of said Northeast Quarter; thence North 89 degrees 52 minutes 04 seconds East, along said south line, 643.24 feet; thence South 17 degrees 33 minutes 12 seconds West, 38.62 feet; thence South 33 degrees 42 minutes 07 seconds West, 18.04 feet; thence North 82 degrees 30 minutes 45 seconds East, 33.52 feet; thence North 22 degrees 42 minutes 59 seconds East, 47.95 feet; thence North 01 degrees 25 minutes 22 seconds East, 28.65 feet; thence North 24 degrees 33 minutes 57 seconds East, 27.87 feet; thence North 05 degrees 16 minutes 00 seconds East, 24.73 feet; thence North 27 degrees 15 minutes 13 seconds East, 41.54 feet; thence North 11 degrees 46 minutes 09 seconds East, 19.07 feet; thence North 03 degrees 30 minutes 28 seconds East, 30.12 feet; thence North 13 degrees 59 minutes 55 seconds East, 23.64 feet; thence North 24 degrees 44 minutes 19 seconds East, 18.55 feet; thence North 14 degrees 05 minutes 30 seconds East, 22.42 feet; thence North 19 degrees 00 minutes 34 seconds East, 31.44 feet; thence North 33 degrees 15 minutes 54 seconds West, 19.40 feet; thence 00 degrees 07 minutes 56 seconds West, 22.14 feet to the north line of said Northeast Quarter; thence North 89 degrees 52 minutes 04 seconds East 401.67 feet to the POINT OF BEGINNING.

PARENT PROPERTY LEGAL DESCRIPTION

That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, lying North of the South 2105.5 feet (as measured along the East line) thereof. Excepting therefrom the North 290.4 feet of the East 750 feet of the West 850 feet of said East Half of the Northeast Quarter, according to the United States Government Survey thereof and situated in Washington County, Minnesota.

BREADY MARY B & KATHRYN M FLICEK
PID: 1102921110005

ANTHONY P MANZARA REV TRS
PID: 1102921110003

LEASE AREA
9.02 ACRES
7.83 ACRES EXC. R/W

WALSH COLLEEN & JEFFREY
PID: 1102921110007

MONUMENTS

● FOUND (5/8" PIPE UNLESS NOTED OTHERWISE)

○ SET (5/8" PIPE UNLESS NOTED OTHERWISE)

SCALE: 1" = 50'

DATE: 1/6/2022

DRAWN BY: RMZ

CHECKED BY: RMZ

JOB NUMBER: 3696

DWG. FILE: 3696STD1

REVISION DATE:

PROPERTY LOCATION MAP

T. 29 N.

R. 21 W.

N.W. 1/4

N.E. 1/4

S.W. 1/4

S.E. 1/4

No Scale

WSE M & SSEEY

ENGINEERING & LAND SURVEYING

P.O. BOX 100, KASSON, MN 55944

PH. NO. 507-634-4505, EMAIL SURVEY@WSE.ENGINEERING

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

Date 1/6/2022

LIC. NO.: 59823

Reinhold W. Ziemann

CE LAKE ELMO COMMUNITY SOLAR LLC LAKE ELMO, MN

SHEET NO. 1 OF 1

Molly Just
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo MN 55042

Reference: Proposed 10755 50th Street North Conditional Use Permit

I am the trustee for the trusts that own 10711 50th Street North Lake Elmo MN 55042.

We received notice that a conditional use permit (CUP) is proposed for a 10 acre utility facility to potentially be constructed at the adjacent property 10755 50th Street along with what appears to be vendor provided site plan although it's not legible.

We have multiple concerns that we expect to be thoroughly and clearly addressed in the process of developing a CUP and I've listed below those that come immediately to mind:

Transmission Line

A megawatt utility facility requires a megawatt transmission line to deliver power to the grid. No such transmission line currently exists. It would be purpose built for this proposed facility and therefore properly needs to be part of this proposed CUP.

Any transmission line should be buried and not overhead – an overhead three phase high-voltage line would diminish property values and is obviously inconsistent with the rural character Lake Elmo has spend so much time and energy trying to maintain.

Scope of CUP

Shall include high voltage transmission line and the entire 10 acre site regardless of facility and/or equipment ownership and any Xcel Energy easement(s).

Limitations on Use

A CUP should explicitly prohibit cryptocurrency mining, on-site battery power store and any other use potentially requiring fan cooling.

All equipment on-site, including Xcel Energy equipment to be passively cooled.

No equipment or facilities shall be constructed or stored on this site not necessary for the day to day operation of the solar utility. I.e., spare parts, partial spools of wire, spare poles, trucks, pallets, etc, should be stored elsewhere.

A screening plan should be included.

Liability

The owner of this facility is liable for damage done to property, including trees, plants, etc. outside of the 10755 50th street location regardless of whether this done by Xcel Energy, the owner/operator, a subcontractor or the City of Lake Elmo.

Hours of Use

All work at this facility should be conducted during normal business hours except in an emergency with the exception of “momentary” work such a resetting a circuit breaker.

Emergency should consist of the imminent harm to equipment, property or human life. The loss of power generation capability does not constitute an emergency.

Sanitation

On-site sanitation should be provided for and detailed in a CUP.

Removal

All equipment, buildings and other facilities shall be removed if the power facility ceases to operate for 90 days.

Owner/operator shall promptly notify Lake Elmo in the event it anticipates it will cease to operate and in any case no later than immediately upon cessation of power generation.

Owner/Operator will purchase a bond to cover removal.

Bike Path

50th Street west of Lake Elmo Avenue gets very heavy bike traffic despite the lack of bike lanes or even a paved shoulder. It is clearly an ideal location for east-west bike path.

What impact would this proposed power generation facility and high voltage line have on a future bike path? Has the local biking community been made aware of this proposed CUP?

Additionally, I wanted to ask what permits if any have been applied for or granted already by the owner/operator, Xcel Energy or any sub-contractor?

The second week of November, the City of Lake Elmo performed maintenance on the right of way of (at least) 50th Street North without notice and cut down 50+ semi-dwarf maple trees that pre-date the road. This is the first time Lake Elmo has ever performed maintenance on the right of way.

Why was this done?

Will the city be compensating the property owners for the destruction of trees?

Since the trees were cut to the ground rather than being pulled, they will regenerate as bushes and spread unless the stumps are dug out. This is on the city to clean this up. When might we expect this to happen?

Finally, I wish to point out that installing a 10 acre utility facility at this location along with the required high voltage line is completely and fundamentally contrary to the City of Lake Elmo comprehensive plan that identifies and preserves this area as rural in nature. If this CUP for a decidedly industrial facility is approved, then the comprehensive plan for this area is clearly being abrogated.

Chris Boylan



1842 Juliet Ave
Saint Paul MN 55105

651-665-0035

boylan@actualsoftware.com



**City of Lake Elmo Planning Commission Meeting
Minutes of November 22, 2021**

Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Risner, Graen, Mueller, Rehkamp, Steil, Vrieze

COMMISSIONERS ABSENT: Weeks

STAFF PRESENT: Planning Director Just

Pledge of Allegiance at 7:00 PM

Introduction of new Planning Commissioner Thomas Rehkamp

Approve Agenda:

M/S/P: Steil/Vrieze moved to approve the agenda. **Vote: 6-0, motion carried unanimously.**

Approve Minutes:

M/S/P: Graen/Mueller moved to approve the Planning Commission minutes of October 25th, 2021. **Vote: 6-0, motion carried unanimously.**

Public Hearings:

Conditional Use Permit- 10755 50th Street N

CEF Lake Elmo Community Solar has applied for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50th Street N (PID#1102921110003). The proposed solar photovoltaic ("PV") project has a maximum size of 1,000 kilowatts ("KW") alternating current ("AC"). The Applicant has a Solar Energy Option Agreement to lease up to 10 acres with the Manzara family to enable construction and operations of the project.

Director Just gave staff report and presentation.

Staff is recommending approval of the request subject to meeting the conditions of approval listed in this report.

Applicant Katelyn Larkin gave presentation: This Application is for a Conditional Use Permit to construct a 1 megawatt solar PV project on approximately 7 acres of land. The Project will be constructed on land currently used for agriculture. No wetlands, forests, or biologically sensitive areas will be impacted by the Project. The Project will not produce any adverse impacts on surrounding properties, as it has been designed to avoid perceptible glare and noise, will not generate traffic or emissions once built. Additionally, the Project will not place any new burdens on City infrastructure, as no new water or sewer utilities are required. Conversely, the Project will support healthier air and soils through local renewable energy generation and use of pollinator habitat in site stabilization.

Public hearing opened at 7:23 PM

Chris Boylan, 10711 50th Street N, has concerns regarding impact of sound issues and asked for a noise study.

George Crocker, 5093 Keats Ave N, is in support of the solar garden.

Tony Manzara, 5050 Kirkwood Ave N, is in support of the solar garden

Colleen Walsh, 10830 50th Street N, is not in support of the solar garden, as it impacts her parcel. Julie Andrich, on behalf of Bev Rieks, 4564 Kimbro Ave N, is not in support of the solar garden, as it impacts this parcel.

Applicant, Dan Grantier, 5027 36th Avenue South, Minneapolis, with Cooperative Energy Futures, spoke in response to the concerns of the residents.

Richard Day, 11049 50th Street N, is not in support of the solar garden, as it impacts his parcel.

Public hearing closed at 7:46 PM

There was a discussion regarding the conditions of approval.

M/S/P: Graen/Mueller moved to recommend approval of the CUP for a solar farm with the listed conditions base on the finings listed in the presentation. **Vote: 6-0, motion carried unanimously.**

New/Unfinished Business

- a. **Royal Golf 4th Addition Final Plat** – South of 20th Street N and east of Lake Elmo Avenue N
US Home Corporation (Lennar) has submitted an application for a final plat to be known as Royal Golf 4th Addition. The final plat includes approximately 88 acres to be subdivided into 5 outlots for future development.

Director Just gave staff report and presentation.

M/S/P: Steil/Graen moved to recommend approval of the Royal Golf Club at Lake Elmo 4th Addition Final Plat based on the findings of fact and conditions outlined in the staff report. **Vote: 6-0, motion carried unanimously.**

Communications/Updates

- a. City Council Update
 - 11-03-2021 Meeting –Crossroads East Final Plat and PUD - Approved
 - 11-16-2021 Meeting – Krueger Tree Farm IUP – interim use for photography was approved, expansion IUP building has been postponed.
- b. Staff Updates
- c. Upcoming PC Meetings:
 - 1. December 13, 2021 - No public hearings, review the Work Plan
 - 2. December 27, 2021 - (Cancelled)
 - 3. January 10, 2022

Meeting adjourned at 8:26 PM.

Respectfully submitted,

Diane Wendt

Permit Technician

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MARCH 15, 2022**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Cadenhead called the meeting to order at 7:00 pm.

PRESENT: Mayor Charles Cadenhead and Councilmembers Katrina Beckstrom, Dale Dorschner, Jeff Holtz and Lisa McGinn.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Public Works Director Powers, Planning Director Just, Fire Chief Kalis, Finance Director Magureanu and City Clerk Johnson

APPROVAL OF AGENDA

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE THE AGENDA AS PRESENTED. Motion passed 5 – 0.

ACCEPT MINUTES

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO ACCEPT THE MINUTES OF THE MARCH 1, 2022 CITY COUNCIL MEETING AS PRESENTED. Motion passed 5 – 0.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve Redistricting Resolution – *Resolution 2022-028*
4. Approve Resolution of Support - Manning Ave (CSAH15) and 30th St. Intersection Improvements – *Resolution 2022-024*
5. Authorize Engineering Services for Well No. 1 Abandonment and Pumphouse Demolition
6. Approve Change Order No. 1 for Whistling Valley Street and Utility Improvements
7. Approve UPRR Drainage Encroachment Agreement and Fee for the Old Village Phase 5 and 6 Improvements
8. Accept 4th Quarter 2021 Financials
9. Approve Step Increase for Planning Director

LAKE ELMO CITY COUNCIL MINUTES
MARCH 15, 2022

10. Approve Fire Relief Bylaws
11. Approve Hire of Firefighters
12. Approve Promotion of 3 Probationary Firefighters
13. Approve National Night Out Special Event Permit
14. Approve 2022 Labor Agreement with Local 49ers
15. Approve Cable Caster Agreement
16. Approve Wildflower 4th Addition Final Plat Time Extension

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 17: Parkview-Cardinal Neighborhood Street and Utility Improvements

City Engineer Griffin presented the scope of the proposed improvements, project schedule, assessable properties and proposed assessments. Discussion was held concerning curbs and no parking areas.

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.

Mayor Cadenhead summarized written comments submitted by: Brad & Barb Sahr, 9170 15th St. N in favor of project; Cardinal Ridge HOA list of issues; Rick & Jean Rolando, 1583 Ivory Ave. N. in favor of project; Mark and Barb Klosner, 1827 Ivory Ave. N. in support of project; Paul Mencke, 1532 15th St. Ct. N. in favor of project but would like to keep his well for outdoor watering; and Cindy Zehrer, 1696 Ivy Ave. N. with questions regarding debris clean up, erosion, plowing at the north end of Ivy Ave. N. and an easement change to her property.

Brian Conners, 1625 Ivy Avenue N., commented on the timeline for getting contractors to get the project completed and no parking signage.

Steve Adamsky, 1535 Ivory Court, spoke in favor of the project.

Don Jeske, 8996 15th St. N., commented on commercial traffic on 15th Street, the location of the watermain, alternatives for residents with deeper wells and assessment amounts.

Terry Moody, 1535 15th Street Court N., asked about his cul de sac, timing of the project and water pressure.

Bert Snider, 1636 Ivory Avenue N., spoke in support of the project and commented on watering bans and water pressure.

Councilmember Holtz, seconded by Councilmember Dorschner, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.

**LAKE ELMO CITY COUNCIL MINUTES
MARCH 15, 2022**

Councilmember McGinn, seconded by Councilmember Dorschner, moved TO ADOPT RESOLUTION NO. 2022-025 ORDERING THE IMPROVEMENTS FOR THE PARKVIEW-CARDINAL NEIGHBORHOOD STREET AND UTILITY IMPROVEMENTS AS OUTLINED IN THE FEASIBILITY REPORT APPROVED ON FEBRUARY 15, 2022.

Motion passed 5 – 0.

ITEM 18: One Energy Solar CUP for Operation of a Solar Farm at 10755 50th St. N.

Planning Director Just presented the request for a conditional use permit for the construction and operation of a solar farm, noting zoning code requirements for this type of use.

Kate Larkin, One Energy Renewables, presented an overview of the project and answered questions from the councilmembers.

Tony Manzara, property owner, stated that the property is in a trust and the income from the solar farm would be used to support the Sally Manzara Nature Center in Sunfish Lake Park.

George Crocker, 5093 Keats Avenue N., spoke in favor of the project.

Councilmember Holtz, seconded by Councilmember McGinn, moved TO ADOPT RESOLUTION 2022-026, APPROVING A CONDITIONAL USE PERMIT (CUP) AS REQUESTED BY CEF LAKE ELMO COMMUNITY SOLAR, LLC FOR THE CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY LOCATED AT 10755 50TH STREET N WITH THE LISTED CONDITIONS BASED ON THE FINDINGS LISTED IN THE STAFF REPORT.

Councilmember Holtz, seconded by Mayor Cadenhead, moved TO AMEND THE PRIMARY MOTION TO TABLE THE CURRENT AGENDA ITEM TO GIVE THE APPLICANT TIME TO ADDRESS CONCERNS.

Discussion was held regarding concerns that a solar garden would look industrial and not be a good fit for the site. The applicant agreed to an extension to April 5, 2022 for Council decision.

Motion passed 3 – 2.

ITEM 19: Well #4 Repairs

Public Works Director Powers reviewed scheduled maintenance planned for well #4 and bids received.

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE MCCARTHY WELL TO COMPLETE THE REPAIRS AND MAINTENANCE OF WELL #4 FOR AN AMOUNT NOT TO EXCEED \$60,000. Motion passed 5 – 0.

LAKE ELMO CITY COUNCIL MINUTES
MARCH 15, 2022

ITEM 20: 2023 Budget Calendar

Finance Director Magureanu presented the proposed 2023 budget calendar.

Councilmember McGinn, seconded by Councilmember Beckstrom, moved TO APPROVE THE 2023 BUDGET CALENDAR. Motion passed 5 – 0.

ITEM 21: Resolution Supporting Legislative Efforts to Ensure a Sustainable, Safe and Reliable Water Supply

City Administrator Handt reviewed the status of proposed legislation to address the White Bear Lake lake level issue. Discussion was held regarding participation by other cities and affected users and permit holders.

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE RESOLUTION 2022-027 SUPPORTING LEGISLATIVE EFFORTS TO ENSURE A SUSTAINABLE, SAFE AND RELIABLE WATER SUPPLY. Motion passed 5 – 0.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Announced groundbreaking for the new city center project on April 30th at 9:00 a.m.

Finance Director Magureanu: Reported that the city has received a financing reporting award and noted that credit card payment for building and planning permits is available now.

Fire Chief Kalis: Reminded residents to change batteries in smoke and carbon monoxide alarms.

Public Works Director Powers: Announced road restrictions beginning and pothole repairs.

Planning Director Just: New City Planner starting April 4th.

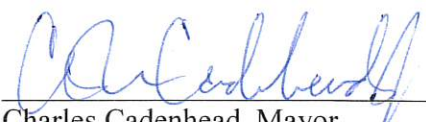
Meeting adjourned at 9:30 pm.

ATTEST:



Julie Johnson, City Clerk

LAKE ELMO CITY COUNCIL



Charles Cadenhead, Mayor

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
APRIL 5, 2022**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Cadenhead called the meeting to order at 7:00 pm.

PRESENT: Mayor Charles Cadenhead and Councilmembers Katrina Beckstrom, Dale Dorschner, Jeff Holtz and Lisa McGinn.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Just, Fire Chief Kalis, Finance Director Magureanu and City Clerk Johnson

APPROVAL OF AGENDA

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE THE AGENDA AS PRESENTED. Motion passed 5 – 0.

ACCEPT MINUTES

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO ACCEPT THE MINUTES OF THE MARCH 8, 2022 CITY COUNCIL WORKSHOP AND MARCH 15TH 2022 CITY COUNCIL MEETING AS PRESENTED. Motion passed 5 – 0.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

Mayor Cadenhead presented Lake Elmo Paralympic athlete Sydney Peterson with a Proclamation recognizing her gold, silver and bronze medal awards in the 2022 Paralympic games in Beijing, China.

Mayor Cadenhead read a proclamation for Arbor Day and Arbor Month, 2022.

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve Contract with Matrix Consulting
4. Approve Ordinance Amendments: Fire Department Organization and Open Burning –
Ordinance 2022-01, Resolution 2022-029
5. Approve Easement and ROE Agreements, and Pay Request #1 for the CSAH13 Phase 2 Improvements
6. Accept Bids and Award a Contract for the Parkview-Cardinal Neighborhood Street and Utility Improvements – *Resolution 2022-031*

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

7. Approve 2nd Amendment to Northpoint Purchase Agreement
8. Approve Step Increase for Building Official
9. Approve Purchase of Building Department Vehicle
10. Approve Hire of Assistant Public Works Director

Councilmember McGinn, seconded by Councilmember Dorschner, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 11: One Energy Solar CUP – Solar Farm at 10755 50th St. N.

Planning Director Just provided an update on the status of the application for a solar farm on the property at 10755 50th Street North.

Kate Larkin, One Energy Solar, spoke on behalf of the applicant, addressing comments and questions from the previous City Council meeting. Discussion was held concerning landscape screening.

Rich Day, 11049 50th Street North, stated his property is considerably higher than the proposed solar farm and he would have direct sight of the project. Mr. Day questioned if he would be able to apply for a permit for a solar project on his property if this project is approved.

Councilmember Holtz, seconded by Mayor Cadenhead, moved TO ADOPT RESOLUTION 2022-026, APPROVING A CONDITIONAL USE PERMIT (CUP) AS REQUESTED BY CEF LAKE ELMO COMMUNITY SOLAR, LLC FOR THE CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY LOCATED AT 10755 50TH STREET N WITH THE LISTED CONDITIONS BASED ON THE FINDINGS LISTED IN THE STAFF REPORT. Motion failed. (Beckstrom, Dorschner, McGinn – nay)

Councilmember McGinn, seconded by Councilmember Beckstrom, moved TO ADOPT RESOLUTION 2022-030, DENYING THE CONDITIONAL USE PERMIT (CUP) AS REQUESTED BY CEF LAKE ELMO COMMUNITY SOLAR, LLC FOR THE CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY LOCATED AT 10755 50TH STREET N BASED ON THE FINDINGS OF FACT LISTED IN THE RESOLUTION WITH FINDING #6 STRICKEN. Motion passed 3 – 2. (Cadenhead, Holtz – nay)

ITEM 12: Interim Ordinance

Planning Director Just introduced the suggested ordinance and City Administrator Handt presented information on the city's low pressure zone and its effect on the city's ability to provide water services to that area.

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

Mayor Cadenhead summarized public comments received in writing prior to the meeting (written comments attached).

Steve Ach, Lennar, stated he was not aware of the water supply issues and requested that the City find a solution that will allow development to move forward.

Mario Cocchiarella, Maplewood Development, commented on development plans his company has in the City.

Terry Emerson, 2204 Legion Lane Cir. N., asked for his property to be excluded from the moratorium.

Dan Regan, Launch Properties, commented on the impact of the moratorium on projects currently in the works.

Councilmember Dorschner, seconded by Councilmember Beckstrom, moved to adopt Ordinance No. 2022-03 and order City staff to study the current and future water needs of the Water System Low Pressure Zone during the period of the interim ordinance. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Mayor Cadenhead, moved TO RECONSIDER THE PREVIOUS VOTE. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Mayor Cadenhead, moved TO EXEMPT THE EMERSON PROPERTY ALONG I-94 FROM THE MORATORIUM. Motion failed 2 – 3. (Beckstrom, Holtz, McGinn – nay)

Councilmember Dorschner, seconded by Councilmember Beckstrom, TO ADOPT ORDINANCE NO. 2022-03 AND ORDER CITY STAFF TO STUDY THE CURRENT AND FUTURE WATER NEEDS OF THE WATER SYSTEM LOW PRESSURE ZONE DURING THE PERIOD OF THE INTERIM ORDINANCE. Motion passed 5 – 0.

ITEM 13: Final Alternative Urban Areawide Review for the Cyphers Logistics Park

Planning Director Just presented options for an Alternative Urban Areawide Review for the Cyphers Logistics Park and including the entire 180 acre area the city acquired from 3M.

Lee Bloomquist, 3597 Iris Avenue N., spoke against industrial development in the area due to adverse impacts to his neighborhood.

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO APPROVE RESOLUTION NO 2022-033, A RESOLUTION ADOPTING THE FINAL ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR) FOR CYPHERS LOGISTICS PARK. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO DECLARE AUAR SCENARIO 3 AS THE PREFERRED SCENARIO FOR DEVELOPMENT OF THE CYPHERS LOGISTICS PARK LAND NORTH OF 34TH STREET. Motion passed 5 – 0.

Councilmember McGinn, seconded by Mayor Cadenhead, moved TO DIRECT STAFF TO REVIEW THE ZONING CODE FOR MIXED USE BUSINESS PARK AND MIXED USE COMMERCIAL DISTRICTS AND INCLUDE A REQUIRED PERCENTAGE OF BUSINESS OR COMMERCIAL DEVELOPMENT IN EACH. Motion passed 5 – 0.

ITEM 14: Comp Plan Amendment and MUSA Amendment for Tapestry at Charlotte's Grove

Planning Director Just presented proposed amendments to the City's Metropolitan Urban Service Area to add the Tapestry at Charlotte's Grove neighborhood.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO ADOPT RESOLUTION 2022-035 APPROVING ALL NECESSARY AMENDMENTS TO THE 2040 LAKE ELMO COMPREHENSIVE PLAN (INCLUDING THOSE TO THE LAND USE PLAN AND TO WASTEWATER SERVICES PLAN) TO ADD THE EXISTING 65 SINGLE-FAMILY PROPERTIES IN THE TAPESTRY AT CHARLOTTE'S GROVE SUBDIVISION TO THE CITY'S SANITARY SEWER AREA. Motion passed 5 – 0.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO ADOPT RESOLUTION 2022-036 APPROVING A COMPREHENSIVE PLAN AMENDMENT REGARDING THE CITY'S LAND USE PLAN FOR THE TAPESTRY AT CHARLOTTE'S GROVE SUBDIVISION FROM RAD (RURAL AREA DEVELOPMENT) TO RSFS (RURAL SINGLE FAMILY SEWERED). Motion passed 5 – 0.

ITEM 15: Crossroads East Development Agreement 1st Amendment

Planning Director Just reviewed a proposed amendment to the Crossroads East 1st Addition Development Agreement to allow the developer to proceed with vertical construction prior to completion of the public improvements in order for the developer to meet a fall deadline for occupancy.

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

Councilmember Holtz, seconded by Councilmember Dorschner, moved TO ADOPT RESOLUTION 2022-034 APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR CROSSROADS EAST 1st ADDITION. Motion passed 5 – 0.

Mayor Cadenhead, seconded by Councilmember Holtz, moved TO DIRECT CITY STAFF TO STUDY CITY DEVELOPMENT AGREEMENTS AS IT REFLECTS TO THE CONSTRUCTION OF VERTICAL ASSIGNMENTS IN COMMERCIAL VERSUS RESIDENTIAL AND IF THIS IS SOMETHING THE CITY SHOULD ADOPT MOVING FORWARD. Motion passed 5 – 0.

ITEM 16: Zoning Text Amendment – MDR and HDR Minimum Lot Area and Density

Planning Director Just presented proposed updates to the City's zoning ordinance to bring the ordinance into compliance with the Comprehensive Plan.

Councilmember Holtz, seconded by Councilmember McGinn, moved TO ADOPT ORDINANCE 2022-02 AN ORDINANCE AMENDING THE ZONING ORDINANCE AS PROPOSED BY CITY STAFF AND RECOMMENDED BY THE PLANNING COMMISSION. Motion passed 5 – 0.

Councilmember Holtz, seconded by Councilmember McGinn, moved TO APPROVE SUMMARY PUBLICATION OF ORDINANCE 2202-02 (THE ZONING ORDINANCE AMENDMENTS) WITH APPROVAL OF RESOLUTION 2022-032. Motion passed 5 – 0.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO DIRECT STAFF TO REVIEW THE SETBACKS IN MEDIUM AND HIGH DENSITY DISTRICTS AND BRING PROPOSED CHANGES THROUGH THE PLANNING COMMISSION AND COUNCIL. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Cadenhead: Reminded Council about the upcoming League of MN Cities conference.

Councilmember McGinn: Expressed condolences for the family of Pete Orput.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Announced the Local Board of Appeals meeting on April 20th, tree giveaway at Public Works on April 23rd and the City Center groundbreaking ceremony on April 30th.

Finance Director Magureanu: Quarterly utility bills will be mailed out soon with storm water charges added quarterly going forward.

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

Fire Chief Kalis: Commented on Severe Weather Awareness Week.

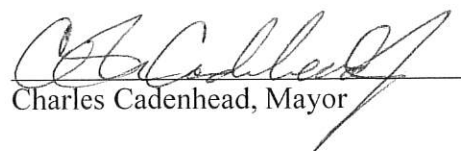
Planning Director Just: New City Planner starting on April 11th.

City Engineer Griffin: Holding preconstruction meetings with neighborhoods.

Meeting adjourned at 10:40 pm.

LAKE ELMO CITY COUNCIL

ATTEST:


Julie Johnson, City Clerk
Charles Cadenhead, Mayor

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2023-021

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE
CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY
LOCATED AT 10755 50TH STREET NORTH**

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, CEF Lake Elmo Community Solar, LLC (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50th Street North (PID# 11.029.21.11.0003) (the “Property”); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on November 22, 2021; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 15, 2022; and

WHEREAS, the City Council considered said matter at its April 5th, 2022 meeting and voted to deny the conditional use permit request; and

WHEREAS, the Applicant has since revised its landscaping plans to address screening concerns that were the basis for the City Council’s denial of the conditional use permit; and

WHEREAS, pursuant to Minnesota Statutes Sections 462.3595, subdivision 2 and 462.357, subdivision 3, the City Council held a public hearing on March 21, 2023, to consider the proposed conditional use permit with revised plans; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 105.12.290.
- 2) That all the submission requirements of said Section 105.12.290 have been met by the Applicant.

- 3) That the proposed Conditional Use Permit is for the construction and operation of a solar farm on the property located at 10755 50th Street North.
- 4) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not be detrimental or in any way endanger the public health, safety, comfort. Conditions intended to mitigate any potential impact have been included in the CUP, and include items such as screening, setbacks, and stormwater management.***
- 5) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***Chapter 3 of the Comprehensive Plan notes the City has incorporated standards into its zoning ordinances regarding siting of structures and buildings to support access to solar resources. Given the City's dominant residential landscape pattern, options for private property owners including individual homeowners and homeowners' associations to capitalize on solar energy are supported by the City's adopted ordinances and official controls.***
- 6) The use or development is compatible with the existing neighborhood. ***The proposed use is permitted in the Rural Residential District subject to a CUP. With conditions, the use is compatible with the existing neighborhood.***
- 7) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposed use will meet the specific development standards for a solar facility with specific conditions.***
- 8) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain and shoreland area.***
- 9) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use will be compatible in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.***
- 10) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use will not be hazardous or create a nuisance. To help ensure this, City staff is recommending conditions for screening and decommissioning.***
- 11) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.

No wastewater or City water facilities are needed to serve this site. The site is otherwise adequately served by existing City services.

- 12) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at public cost.***
- 13) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate 1-3 trips per year on the site.***
- 14) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The proposed use will not create traffic congestion or interfere with traffic on surrounding public streets.***
- 15) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. ***The proposed use will not impact a natural or scenic feature.***
- 16) That, in accordance with City Code Section 105.12.290, the Applicant's proposed use of the Property as a solar farm shall be permissible under the Conditions 1-9 as provided in the decision below, and incorporated herein:

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request by CEF Lake Elmo Community Solar, LLC for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50th Street North, and grants the same, subject to the following conditions of approval:

Prior to issuance of City permits for the project:

- 1) Stormwater Management: A stormwater management plan meeting all State, Watershed District and City rules is required and a permit must be obtained from the Valley Branch Watershed District. These required details must be included:
 - a. Soil borings will be required for infiltration basins;
 - b. If adjacent properties are impacted by stormwater discharge, written permission from those property owners is required;
 - c. The storm water facilities must remain privately owned and maintained; and
 - d. A Stormwater Maintenance and Easement Agreement in the City's standard form is required.

- 2) The Applicant must provide to the City Engineer a statement from a qualified engineer certifying the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.
- 3) A revised landscape plan should be submitted to address the Landscape Architects memo dated March 13th 2023 and address reduced tree spacing.
- 4) The Applicant must provide an approved interconnection agreement with Xcel.
- 5) The Applicant must provide to the Fire Department details about the proposed gate to ensure it is in compliance with the Fire Code.
- 6) The Applicant must provide a letter of credit in the amount of \$120,652 for decommissioning the site. The letter of credit must be in good standing at all times and issued by a bank determined by the City to be solvent and creditworthy. The letter of credit shall be in a form approved by the City. In the event the letter of credit is not renewed or is cancelled, the City may revoke the conditional use permit.
- 7) The Applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, and building permits.

General:

- 8) The Applicant must install a Fire Department lock box for emergency access to the site at an approved location and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
- 9) The modules and equipment on the site must be removed within 90 days after the site is no longer operational or has not operated continuously for 12 months. In the event that it is not removed by that time, the City has permission to enter the property to remove the modules and equipment and recover its costs from the letter of credit. In the event that the letter of credit is insufficient to cover the City's costs, the City shall certify the costs against the property and collect the costs with the property taxes.

Passed and duly adopted this 21st day of March, 2023 by the City Council of the City of Lake Elmo, Minnesota.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk