



The following is the agenda for **Thursday, January 22, 2026 at 6:00pm** the Todd County Board of Adjustment will hold a public hearing in the Commissioner's Boardroom, Historic Courthouse, 215 1st Ave South, Suite 301, Long Prairie.

NOTE: This meeting is again being held in-person and the public is encouraged to attend. Those who do attend in person can find parking atop the hill on the west side of the Historic Courthouse and enter through the North Doors, near the American Flag and monument.

If you have any concerns or questions in regard to the upcoming meeting and the applications on the agenda, feel free to contact the Planning & Zoning Office at either **(320) 732-4420** or toddplan.zone@co.todd.mn.us. All correspondence must include name & mailing address and be received 48 hours before the date and time of the hearing.

Agenda

- Call to Order
- Pledge of Allegiance
- Introduction of Board of Adjustment Members and process review
- Approval of agenda
- Approval of December 18th, 2025 Board of Adjustments meeting minutes
- The applicant is introduced
 - Staff report
 - Applicant confirms if staff report accurately represents the request
 - Site Visit Review
 - Public comment
 - Board review with applicant, staff, and public

1. Reorganization of the Board and review of Business Rules

2. USS Eagle Bend Solar LLC: Section 02, Wykeham Township

Site Address: 14910 380th Street, Eagle Bend, MN 56446

PID: 28-0001100

1. Request to remove the prime farmland solar restriction from Section 9.20 to allow for the submission of a CUP application for a 10-megawatt solar energy system in AF-1 Zoning District.

3. Luke Peterson: Section 02, Burnhamville Township

Site Address: 34040 Explorer Drive, Swanville, MN 56382

PID: 06-0003600

1. Request to reduce the side yard property line setback from 30' to 16.9' in AF-1 Zoning District.

Adjournment.

Next meeting: **February 26, 2026**

Minutes of the Todd County Board of Adjustment Meeting

December 18, 2025

Completed by: Sue Bertrand P&Z Staff

Site visit for USS Eagle Bend Solar completed by Ken Hovet and Adam Ossefoort on 12/15/2025

Meeting was attended by board members: Chair Russ Vandenheuvel, Vice Chair Bill Berscheit, Dan Peyton, alternate Larry Bebus and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Sue Bertrand

Other members of the public: Sign-in Sheet is available for viewing upon request.

Russ called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. Each board member introduced themselves and Russ explained the process for those attending.

Danny motioned to have the agenda approved as presented. Bill seconded the motion. Voice vote, no dissent heard. Motion carried.

Bill motioned to have the November 20, 2025, meeting minutes approved. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: USS Eagle Bend Solar LLC: -- PID- 28-0001100 – Wykeham Township

Request(s):

1. Request to remove the prime farmland solar restriction from Section 9.20 to allow for the submission of a CUP application for a 10-megawatt solar energy system in AF-1 Zoning District.

Luke Gildemeister, Project Developer and Tina Munson, Senior Vice President Project Developer at US/Solar, were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Conditions, if approved:

1. Proposed project must be constructed in compliance with Section 9.20 of the Todd County Planning and Zoning Ordinance.
2. Variance shall lapse and be void if not substantially completed within 36 months from the granting of this variance in compliance with Section 5.03G of the Todd County Planning and Zoning Ordinance.
3. Applicant shall abide by all other applicable federal, state, and local standards.

Luke stated the staff report was accurate.

Luke stated, he works as a project developer for US Solar and is representing US Solar and Jean Greenwaldt. US Solar is a Minnesota based medium sized business of about 90 employees. They develop, own and operate Solar Farms. Jean Greenwaldt is the owner of the 122-acre parcel, located at 14910 380th Street in Eagle Bend. US Solar and Jean signed a lease agreement in the Spring of

2025. In the Summer of 2025 MN Power issued a request for proposal asking for developers like US Solar to propose additional Solar resources within MN Power's territory. US Solar proposed this project, and the project has since been shortlisted by MN Power, meaning the utility has interest in adding electricity at this location. The proposed project is currently being studied by MN Power. US Solar is requesting a variance from Todd County's prohibition of Solar Farms on land identified as prime farmland, as defined by the USDA. (Section 9.20 Todd County Ordinance) Solar farms are allowed in Agricultural and Commercial Zoning Districts within Todd County via a Conditional Use Permit, however not currently permitted on prime farmland. Luke stated US Solar believes they should be allowed to submit a Conditional Use Permit on behalf of Jean. USS Eagle Bend Solar LLC would be a 10-megawatt Solar Farm located on approximately 54 acres of Jean's 122-acre parcel. The proposed project would interconnect to MN Power's Eagle Valley electrical substation, which is located to the NE of Eagle Bend. Within the fenced acreage of the project, there would be rows of solar panels, spaced about 16' apart, panels 6' to 8' tall, depending on the time of day. The panels would attract the sun daily and reset at night. Pollinator habitats would be planted underneath and in between the rows of modules. The project would be fenced in by a farm field style wire fence with wooden posts. The fence would be about 7' tall with a small gap at the bottom. No proposed lighting. Todd County requires vegetative tree screening along all public roadways; therefore, US Solar would plant one row of Eastern Red Cedar or something similar outside of the projects eastern fence line. Other than Jean's residence, there are no households located in the immediate vicinity of the proposed project. USS Eagle Bend Solar would make for a quiet neighbor, there would be no noticeable odor, light or sound as a result of the project. According to the lease agreement between Jean and US Solar, and according to section 9.20 of the Todd County Ordinance, US Solar would be required to decommission the project within 12 months of the end of the project's life span. According to section 9.20 of the Todd County Ordinance, US Solar would also be required to post a bond, letter of credit or escrow of \$125,000 per mega-watt to ensure their decommissioning of the project. According to the USDA's web soils survey, there are five distinct soil types within the 54-acre proposed project area. Approximately 58% or approx. 31 acres is considered prime farmland. This is the reason for the request for our variance. The criteria for granting a variance are set forth in Section 5.03 of the Todd County Planning and Zoning Ordinance. He stated he will quickly demonstrate how their project meets the criteria, and Luke read through his answers to criteria questions.

1. Is the variance in harmony with the general purposes and intent of the official control?

Yes, Todd County's ordinance in section 5.03 Variances: states that variances may only be granted when there are practical difficulties in complying with the official controls. The same section of the ordinance also states that the Board of Adjustment may consider the inability to use solar systems a practical difficulty in the granting of variances.

2. Is the variance request consistent with the goals and policies of the comprehensive plan?

Yes, the allowance of a solar farm on Prime Farmland is within the Utilities, Energy and Communications section, Todd County states that, to be a good neighbor to nearby counties and to the world, "the County needs to help businesses and individuals reduce their environmental

impacts.” When referring to renewable energy generation methods, the comp plan states that “Todd County should explore and encourage individuals to install and use these technologies”. The comp plan also states within its’ “Goals and action Plan” that Todd County should “adopt ordinances that encourage reasonable usage and deployment of individual renewable energy creation methods”.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes, the proposed solar farm use is reasonable. Solar farms are allowed in Todd County’s Ag and Commercial districts as a conditional use.

4. Is the need for a variance due to the circumstances unique to the property not created by the landowner?

Yes, the problem was not caused by Jean Greenwaldt, as soil classification is determined by the USDA. Due to the citing requirements of solar facilities, including willing landowners, acreage, proximity to existing electrical infrastructure, and location within MN Power’s service territory, this Solar Facility is in a unique location where the factors come together.

5. Will the variance maintain the essential character of the locality?

Yes. Solar is an allowed conditional use in the Ag-1 district, and will maintain the agricultural characteristics of the area, with farm field page wire fencing, with wooden posts and pollinator friendly habitat underneath and in between solar modules, which has the additional benefit of reducing soil erosion, and storm water run-off uses.

6. Does the need for the variance involve more than just economic considerations?

Yes, the primary consideration is MN Power’s need for additional energy capacity to meet state law. The law requires MN Power to have at least 3% of its’ retail electric sales to come from small solar energy systems by the end of 2030. Projects must be sited in their service territory, and near existing electrical infrastructure which ultimately requires the facilities to be in the ag district.

7. Have safety and environmental concerns been adequately addressed?

Yes, the project would not cause any safety concerns. The solar farm would be fully fenced. It would also have security cameras and be remotely monitored by US Solar. USS Eagle Bend Solar, LLC would also not cause any environmental concerns. There are no hazardous materials involved in our solar farms. A wetland delineation was also conducted on the project site, and the project would be cited to minimize said impact to wetlands. US Solar regularly coordinates with emergency service providers, to ensure access and knowledge of this site should there be any concerns.

Luke added, Jean is a responsible steward of her land. She’s a tax paying resident with property rights and she’s lived on this parcel for decades. The requested variance is the minimum variance that would alleviate the practical difficulties she is experiencing. Jean’s situation meets all criteria within section 5.03 of Todd County’s ordinance, which allows for the granting of the requested variance. Jean and US Solar would greatly appreciate the opportunity to submit an application to

Todd County in the coming months. Together with Jean and the elected officials of Todd County, we believe US Solar can ensure that USS Eagle Bend Solar, LLC operates in a responsible manner. We respectfully request that the Board of Adjustment grant US Solar and Jean a variance.

Ken went over his site visit report. This report may be viewed fully upon request at the Planning and Zoning Office. He stated he knows a portion of the land is prime farmland.

Correspondence received: None.

Public comment: None.

Board discussion:

Bill mentioned the reclamation was covered in your presentation, in a couple of different ways. Adam, this board and the board of Commissioners have known this issue would be coming before them, for some time. Was hoping to add it in the list of conditions that reclamation be covered either through monies in escrow, as Luke mentioned, or in some way shape or form.

Adam stated we certainly could, if the board wishes. It's already required in the ordinance, and even if this is granted tonight, they still have to go through that CUP process, where they will review, more specifically, the aspects in more detail, of the reclamation plan.

Bill also mentioned the 7' fence, however, he stated, we do have height limits to the fence already, and wondered if the board would like to address that now instead of having that come back at us?

Ken mentioned, Planning and Zoning will address that too.

Bill stated his final question in regards to this specific project, he has seen in other projects throughout the country, what is underneath is grazed, and is that something you folks look at, as part of these projects? Thinks, although the renting is quite expensive, it gives it more of a public appeal, adds more to the value and keeps it in touch with what is around it, if there is grazing underneath it. Please consider that as you come into rural Minnesota.

Adam read from the ordinance on fences, in residential, fences shall not exceed 6' in height, and not more than 10' in height for commercial and industrial districts. Higher than these shall require a variance. This is also from our public nuisance section, for disguising public nuisance situations and for screening purposes. Not a lot of language specifics to agricultural areas.

Bill asked if they should include the 7' fence in a condition so it is covered, as part of this variance?

Adam, that is entirely appropriate, as it is in line with what they are proposing.

Larry asked how much of the solar project is actually on prime farmland, out of the 54 acres?

Luke stated approx. 31 acres in the proposed fenced area.

Bill asked what criteria they are using to deem prime farmland? Soil types? CPI?

Luke stated USDA's own web soil survey. So, it's their own soil type classifications.

Tina answered she didn't think they gave her specific soil types in front of them...

Adam clarified it is not CPI, it is what our GIS system uses to describe "Prime Farmland" or "All areas are prime farmland if drained" and he demonstrated 720B area on Greenwaldt's land is prime farmland.

Bill asked if we are basing that on CPI?

Adam stated he wasn't sure if the USDA uses some part of that in their definition, we just use what they describe.

Bill explained CPI is a standard if you were to auction this real estate off. An auctioneer is going to list this piece of real estate a certain CPI and advertise it as a certain CPI. That's what they are going to use to promote it. In Todd County, CPI is a deceptive number, it does not work well, as Danny can attest to that, adding, Bill and his wife farm acres and the absolute highest CPI rating is his absolute worst field. So, when you pull out USDA information and put it before us, as something that should or should not determine this as prime farmland, it creates a hurdle that is somewhat difficult to cross, but it is not really based in reality. That is part of his point and the point he has made to the commissioners, if we are not addressing this prime farmland thing cleanly, we are setting ourselves up to push these solar projects into wetlands, forests and other areas and not opening up the acres that really are generating the revenue off of these projects, where they should be.

Adam pointed out the different soil categories on Greenwaldt's property according to our GIS soil map.

Tina stated the ordinance states "prime farmland" so they are working their best within that definition, and understands it's never quite that easy, however, it is consistent data that everyone can use, throughout the different areas, that is readily available to the public. MN Power's service territory is here, in Todd County, and now, they are looking for smaller solar projects. They must provide electrical infrastructure, and the demand factors will lead to a very narrow number of parcels being available, where you could put a facility that would be efficient. On top of that, you must have a willing landowner. Virtually nowhere in Todd County you could put a solar facility that would be efficiently located that would not have prime farmland issues. If Todd County is interested in having or allowing solar facilities here, in the sense their utility is looking for it, there is a demand for it, you will continue to have this prime farmland piece come across your bench, because this is where they go and what they look like. Excel has had a larger demand than MN Power, until recently. They did research all the places Todd County has power lines, substations, where they go and what does that look like, and they are pretty well aware of the options available in Todd County.

Russ asked if the Greenwaldt farm is on MN Power?

Luke, yes. Explained the facility would generate electricity and it would go to the point of inter-connection poles, and that would be MN Power's infrastructure, which would then run to and from the electrical sub-station.

Russ asked why the lease agreement was filed in Hennepin and Wadena Counties both, and not in Todd County?

Luke, it is where the notary was located when signed. The memorandum of the lease was recorded here, at Todd County.

Russ, how high are the panels?

Luke, generally 6' to 8' tall and it will depend on the time of day. They are called single axis trackers. So, you are going to track the sun from East to West every day. Explained at noon they would be parallel to the ground, then go to the West, then reset at night.

Russ asked for clarification on the Decommission, understands in 25 – 35 years, you guys pay for that?

Luke stated that is correct. According to a CUP that is granted by the commissioners, there is the condition they would have to pay \$125,000 per mega-wat, so, do the math, and that comes to \$1.25 million, either a letter of credit, escrow, or performance bond, and additionally there is a lease agreement with Jean that requires US Solar to take it out.

Russ, to be clear, Todd County, at the end of that 25 years will not be stuck with getting rid of those solar panels?

Luke, that is correct, that is the reason for that financial surety.

Adam explained, if US Solar went away, the County can still access those funds to still decommission the site if they didn't take care of it.

Danny stated commissioners voted not to allow solar farms on prime farmland, struggling with this whole deal, did not give us a percentage or leeway onto that. He is looking at 57% and all of a sudden, we are overriding the county commissioners after we very recently proposed not on prime farmland.

Bill stated he and his bride have been approached numerous times with solar plans and they have come up with these exact issues. The commissioners stated they were going to have discussions and we are invited, and that has not happened. What Bill gathers from the commissioners is, they want to see it here before they overreact to it. His impression is he doesn't see any resistance from the commissioners in looking at Prime farmland as a hurdle but looked at it as a criterion to be put in place to be addressed so we didn't end up with what happened in the 80's and 90's with the Poplar trees disaster. Case by case basis comes to mind and at some point, we must get past case by case, as that is working with bad law. Bill stated for himself, he is thrilled they are here, he is impressed with the application and wanted to see some type of solar go forward in Todd County. Solar and Wind represent a lot of dollars that are going out of Todd County by tax payors and bringing

absolutely nothing back into Todd County, at this point. At some level, we have to observe that, we have to embrace this and we have to figure out how we are moving forward. Is this the perfect case? He doesn't know that it is, but knows enough about what the young lady presented as far as the very limited places it can actually go because of our electrical grid, because of what is available out there, that we are not talking about a lot of real estate County wide, it is a very rare, cherry picked, piece of geography that we are ever going to be discussing as far as solar. Wind? Maybe slightly different, but solar, it's very limited.

Luke reminded all that the ordinance states "the Board of Adjustment may consider the inability to use solar energy systems a practical difficulty, in the granting of variances". He also mentioned the financial portion, just an estimate based on the proposed project size, it is a "Solar energy production tax" so, when it comes to revenue, we are looking at 25-year initial term for the project, and within the lease there are extension's to up to 40 years, you are looking at approximately \$605,000 production tax revenue (25-year). So, about \$484,000 would go to Todd County throughout that 25-year term and about \$121,000 give or take would go to the township, whom we have already met with, for this application.

Danny asked what that was per year?

Tina stated this is a production estimate and Luke continued, of approximately year 1: 80% is \$20,500.00 to Todd County and 20% to the township would be about \$5,100.00.

Russ asked what they say is the practical difficulty?

Tina stated it is specifically laid out in our Todd County code the "Board of Adjustment may consider the inability to use solar energy systems a practical difficulty". Pretty unique.

Adam added, what they are referring to is in the Variance Section of the ordinance, part B, Variance Criteria, subpart 7, it says, "no variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located. The Board of Adjustments may consider the inability to use solar energy systems as a practical difficulty, in the granting of variances"

Ken stated he has purposely not said anything tonight, because, you know ordinances like this start at the Planning Commission, and he remembers when we did this one. There was a lot of concern from our own commission people and other people from the public, on putting these on farmland. Nobody liked it. We didn't think we could prohibit them from putting it on farm ground entirely, so we used prime farm ground as a compromise. We know that agriculture is our biggest industry, by receipts and by employment, anyway you want to measure it, it is the biggest ear in Todd County. We didn't feel we wanted to inhibit that, by taking away its most valuable asset. So that is where he is at on it, and that is how he is going to vote and the commissioners agreed.

Danny stated he felt the commissioners put it back on the Board of Adjustment and he feels the commissioners are the ones who should figure it out if Todd County wants these or not.

Ken told Danny the commissioners did tell us, and that is how their answer is worded in the ordinance.

Bill stated he doesn't struggle with it as much as he sees Solar Farms as farming. There are limited geographies where we put potatoes, limited geographies for sugar beets, and very limited geographies for Solar. He remembers a lot of public push back from the public at the time and not necessarily educated pushback, but it still needs to be recognized.

Ken stated all of the reasons we had for what we did, are still valid.

Larry, you talked about planting trees and was wondering how tall and will they reach that height by the time the panels are decommissioned?

Luke, no, 151st will be screened by ordinance and typically Eastern Red Cedar tend to work best in weather like today, at 4' to 6' to start, of course it takes a few years, and they also work with a contracted grower to maintain good screening.

Tina stated it is not uncommon to see the protection of farmland and that is always wise from an elected official position with good intention. The reality is you are a rural economy. She is from rural Minnesota and understands the agricultural economy and how a County and a town can function. She stated she is not a farmer. Where the challenge comes is that it is completely prohibiting solar. This part of the ordinance is prohibiting solar and we aren't going to cover your whole County in Solar. It is a very small piece in terms of having to be able to load and infrastructure. She stated they do have a lot of sheep grazing on a lot of their sites, so if that is a condition that would make the Board of Adjustment feel more comfortable with maintaining a deeper concept of agricultural use on the prime farmland here, we are more than happy to do that. They have also grazed cattle, but usually the cattle come from the farmer with the panels. She offered they could do sheep along with the pollinator mix, as well.

Russ was concerned about the land taken out of the rotational planting, this land may not come back after 25-years as prime farmland, very easily.

Tina explained, typically the soil is much more healthy, due to deep rooted pollinator mix, you give the soil a rest and you don't need to fertilize. It actually improves the top soil, compared to farming it year after year. When you go back and farm it, should it be removed after so many years, it is actually one of the positive effects, after the soil has rested and re-built for decades.

Russ asked, curious, do we have a maximum on how many acres of farmland we can use for solar?

Larry gave an example of this farmer has a solar farm and the next farmer says "I have prime farmland, I want solar panels too" how much of this prime farmland, in Todd County, can we afford to lose?

Ken stated there will never be more acres of prime farmland than what we have now.

Larry, and there will be less after solar.

Bill stated he didn't think there could be too many solar farms as Todd County does not have the electrical infrastructure to reach it. This comes down to geography located near the electrical infrastructure and it is a

very minimal percentage. In his area with both MN Power and REA there is very little geographically that meets the criteria the solar project needs to have that is available. That involves the ability of the substation to take that and/or they need to upgrade the substation and the ability of the transmission line needs to take the power back to the substation which a very small percentage of transmission lines in Todd County that are actually capable of doing that. So, this isn't something that is going to become wide spread over night just because there are dollars available for the land owner, if they sign this lease. It's not going to be a flood gate that we open up, and also as far as solar funding, there is only one more window letting in the spring, and after that the window somewhat closes on Solar.

Tina stated MN Power only has so many mega-wats that they need. So, they did this RFP and they may do another one if they don't get enough mega-wats here, and that will pretty much reach their needs. MN Power's service territory is much bigger than Todd County. She stated they have two other projects they are working on that are also shortlisted. Just to add on to it, you may sign the land but you may not win the contract with the utility, and therefore it never happens. Which is another hurdle there. She stated she wished she had a visual for the board if you think about your County and you think about your towns. Your towns are more or less the place that has the infrastructure for these smaller projects. They, more or less, have one line that exits the city in some capacity, and that is it. So, if you think about it, you are very rural, a lot of space between your towns. If you go all the way up to Staples, Mottley is part way in another County and it has one line, and it is all wet up there. You are talking Long Prairie, Eagle Bend, Browerville they are all so small and have one line. The concern of solar stealing the farmland in your County in a way you are talking, practically, it just can't happen. There is no place to put them and not enough capacity in Todd County. A big town like Monticello, we would have a different conversation.

Russ asked Tina if she represented MN Power?

Tina, no, she just knows a lot about their electrical infrastructure because she has to find it for her projects.

Russ, now Bertha and in Hewitt, the area where he is from, they just rebuilt the substation in Hewitt and are still in the process of it and in Bertha because of solar power. Addressed Bill, you say that there is not a lot of options out there but it only takes them to build a substation to make it available. Right? If this Solar farm goes up, are they ready to hook up now or would they have to build a better line to get to MN Power?

Luke answered, there would be some, they call it, an extension to the three-phase distribution line, to the site. This project is an inactive study with MN Power right now. It is going through the electrical engineering study process as we speak.

Russ, so it could go a lot more places than if...

Luke, you are limited by the distance to the electrical infrastructure. Meaning, you must be, like we are with Jean's parcel, within, give or take, one to two miles, at most, from the existing three phase distribution grid. Additionally, you would like to have an electrical substation like this Eagle Valley substation, that has the capacity to host these kinds of projects.

Danny, the infrastructure you need, is that just a three-phase line?

Luke, yes.

Bill explained, but only a limited distance to the substation. You can't have a three-phase line that's ten miles to town and say you want to put up solar and be able to do it. The projects they were working on, some fell out at two miles. You take the substations, if they're updated, then they are eligible for solar, then you can draw your two-mile circle, then you look at what three-phase power goes within that circle, that is all that's available for solar, that's it.

Danny stated it makes some sense, but asked why the two miles, when you have the three-phase line that can carry that much power?

Tina, a lot of it is more than just capacity, you have thermal loading, you must understand electrical engineering, but the further you get away from the load, the more problems you have. Too expensive to build it out.

Danny stated the three-phase line going past his house supplies about 600 homes and asked about the ten mega-watt number and how many homes could that support?

Luke explained the capacity ratings for solar farms are usually provided in mega-watts, so 10 mega-watts is equal to 10 million watts. So that is how much energy the solar garden can produce at any one time. So, the solar panels direct the energy, there's inverters, so generally speaking about 300 homes per mega-watt, is the general rule of thumb. Times ten is 3,000 homes.

Tina explained what happens is, it will come down to the town and will disperse through the town to where it needs to go. This is why MN Power studies it. How much is it going to take? Where does it go? Do we have any issues with the size or what it looks like? Sometimes the study comes back and says you can only fit $\frac{3}{4}$ of your facility. Sometimes the study comes back, and they must adjust the size of the project. Tina added, they are waiting for confirmation if that is part of this or not.

Russ, potentially, we could grant this 54-acres, and you may only use twenty-some?

Tina explained we wouldn't go down that small before we get hit economically. It's possible but the way the farmland lays out, like, we are going to be on prime farmland, no-matter what, even if it shrunk to dramatically half, which we don't anticipate.

Danny asked if the panels must be on flat ground to oscillate.

Tina explained, it's better to be flat, up to about 5% or 6% grade before you must grade anything.

Ken noticed this property is a gentle slope about 5%-6% grade to the South. He asked if there are any plans for battery storage.

Luke, solar only, no battery storage.

Tina, not doing storage, it is really expensive and there must be a value coming out on the backside, which this doesn't have, although they did bid both.

Russ called for Criteria Questions individually by request.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Larry Bebus	Yes.
Dan Peyton	Yes, but struggles considerably, as the Ordinance gives us a reason not to, as it's prime farmland, and over 50%, but he will still say yes.
Bill Berscheit	Yes, the Ordinance provides us with a practical difficulty.
Ken Hovet	Yes, in the process we went through when establishing the Ordinance.
Russell Vandenheuvel	Yes.

Majority response- Yes

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Larry Bebus	Yes.
Dan Peyton	No, because the official rules state not on Prime farmland.
Bill Berscheit	Yes, the commissioners and Planning and Zoning clearly understood there are significant limitations regarding the placement of solar in regards to wetlands and forestation, and at some point you have to choose a piece of real estate in which to work.
Ken Hovet	No, it does not preserve prime farmland
Russell Vandenheuvel	Yes, agreed with Bill.

Majority response- Yes

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	Vote and Comments
Larry Bebus	Yes, reasonable manner, hate to see Prime farmland given up to non-farmable land, but under these circumstances, says yes.
Dan Peyton	No, due to the percentage of prime farmland.
Bill Berscheit	Yes, agreed with Ken.
Ken Hovet	Yes, a solar farm is a reasonable use.
Russell Vandenheuvel	No, because it is Prime farmland, and the official control says not to use it on Prime farmland.

Majority response- Yes

Criteria Question #4: Is the need for a variance due to the circumstances unique to the property not created by the landowner?	
Board Member	Vote and Comments
Larry Bebus	Yes.
Dan Peyton	No. The landowner is creating the use of this prime farmland.
Bill Berscheit	Yes, agreed with Ken, prime farmland is unique to this property, just like topography is unique to a lake lot.
Ken Hovet	Yes, it is unique to the property and not created by the landowner.
Russell Vandenheuvel	No, it is unique to the property as it is Prime farmland.

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Larry Bebus	Yes, he sees this as farm. Is there anything around there to compare this too? Absolutely not. Quite possible it may never, but right now, we don't know. Hopefully the trees will grow and block all these solar panels out of sight, which is the big thing people have against it is, they want to look out there and see corn fields instead of solar panel fields. Like Bill says, it's still farming.
Dan Peyton	No, the locality is farmland and changing it to solar.
Bill Berscheit	Yes, there is not another solar farm around it, not even a similar windmill to create a locality. These are called solar farms for a reason and sees them as an opportunity for rural America, so, he sees them as part of farming and farming is what's there. Finds the Nexus to say yes, but there is nothing to compare it to.
Ken Hovet	No, significant change in appearance and it is not going to look like a cornfield anymore.
Russell Vandenheuvel	No.

Majority response- No.

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Larry Bebus	Yes, there is more to it than the economic piece to this, have to look at this as something more than that.
Dan Peyton	No, if these structures were taller, that adds a lot more money to the infrastructure, you could do grazing underneath this, in a reasonable manner, so you could say they were still farming some type of agriculture procedure going on in the same location and not wasting 100% of the land, might put you in a better category. Looks more like economics.
Bill Berscheit	Yes. Awful lot of economics, what you can draw from MN Power and with the landowner. At the end of the day, he clearly understands there is definitely more than economics to this thing. He regrets that you do not have more support from MN Power here, tonight, and you did not have a map that geographically shows the layout of what actually is eligible for power in Todd County. There is a pile more to this than economics, unless we are going to say that infrastructure is irrelevant, but infrastructure is the primary driver of what is going on here, and at this point of the stage, the infrastructure is not the "economics". If we could back up and build an infrastructure, then economics enter in on that level also, but at this point it is about the infrastructure is what brings this piece of geography to the table and sees that as being about an awful lot of things.
Ken Hovet	No, it does not.
Russell Vandenheuvel	No.

Majority response- No.

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Larry Bebus	Yes, with the deep-rooted grasses, pollinators, storm water run-off and you will be maintaining and updating panels as required.

Dan Peyton	Safety yes, environmental: you could put this in a big debate all by itself between solar panels and nuclear energy, you could go off the deep end and go down that rabbit hole for hours, but to focus on safety, yes.
Bill Berscheit	Yes, environmental concerns, we are doing a lot of this because it is green energy. It would be difficult to bump up against this, he thinks. Yes, the physical part, where the product hits the field, that must be addressed as environmental concerns down the road, and with the conditions proposed, they have been addressed. We have criteria in place.
Ken Hovet	Yes
Russell Vandenheuvel	Yes, he liked their paragraph addressing safety concerns.

Majority response- Yes

Russ asked Tina if they would like to put this application on hold.

Tina stated they are open to table for two things to come back with.

1. They would present a formal grazing plan where they would formally show the board how they would do sheep and talk a little about how they do that on their other projects.
2. They would come with a map showing the infrastructure in the Minnesota territory to help better define the other practical difficulties other than the economic considerations.

She stated they would be very happy to table if the board feels that information would help enable them to obtain a CUP.

Danny asked for a map showing two miles from current substations and what is even available in Todd County that could meet your category of solar fields.

Tina, yes, that will be included and they will also have an overlay of how much of that is Prime farmland.

Ken stated on that map you bring, could it show alternative sites, as he has a hard time believing there are not alternative sites, even if it is only one or two. That this is the only place it would fit on MN Power's grid, primarily.

Tina stated they will show the available land for them to consider based on infrastructure location. Of course, you have to have a willing land owner, and in this case they have already bid this project to MN Power, they liked their price, as it was one of the cheapest, that's how they get there, as it is important for repairs, so they are not allowed to move it as they have the project MN Power has selected. She can't give an alternative, but she will show the land and what generally they already considered before they even worked with this landowner. What they will bring back is this substation can hold this many mega-watts, this substation can hold this many mega-watts, and here is the land around it. As much information from MN Power as they can.

Ken stated his concern was weed control. He's seen sights like this (industrial) and they are nothing but a damn mess of weed

Luke, stated US Solar uses natural resource services that go out during the growing season and mow and maintain and additionally, you would have sheep out there grazing.

Tina added they spot treat for weed control and this industry has gotten "very good" at establishing pollinator mix and at first, to be totally honest, they had some problems, because it takes about three years to establish, but these service providers have gotten very good, over the last thirteen years, at controlling the weeds and

knowing when to go out and making sure we are spot treating, and that's on top of the sheep grazing. She will maybe bring some information on exactly how they will do it.

Ken stated this isn't the place to debate horticulture, but his experience is, you either get to have pollinators, or you get to have weeds. Because you can't spray it.

Tina stated they can spot spray it, and they do. She can bring back more information on how that is managed.

Russ confirmed Tina is willing to table for another month.

Adam, Jan 22nd is our next meeting, so we can send the notice that we will be extending this another 60 days.

Bill made a motion to table until the next meeting and Ken seconded.

Voice vote, no dissent heard.

Russ called for a short recess at 7:34 and reconvened at 7:39.

AGENDA ITEM 2: E.A.R.T.H. Program discussion

Correspondence received: None.

Public comment: None.

Board discussion:

Adam stated he had spoken with Jason, our attorney, and he was informed we would have to make it a part of our application criteria in the ordinance (amendment). We could not use it as a pass/fail type situation; to grant or deny a variance, we would still have to go through the criteria and meet the statutory and ordinance requirements. Adam asked about using it in the conditions, the documents could be used as evidence to support the statutory and ordinance criteria but not used "instead". Essentially it creates additional talking points as you go through the criteria. You could use the score to identify areas to create conditions. You couldn't just say we need to raise your score up, but you could look at the score sheet and see where you are lacking in an area and create a condition specific to that. Jason said it did look very interesting in a good way. Adam added, the process to move forward with this would be a commissioner's work session, speak with them about it, then put it on the Planning Commission agenda so we could actually include it in the ordinance. We could have BOA board members be a part of that conversation at the commissioners' work session as well, as we have done that in the past and could figure that out, down the line.

Bill wondered how burdensome it is going to be for future new board members to become familiar with this.

Adam stated he doesn't think there would be a problem, at all, and they would see it is a good tool to have in your toolbox, when assessing properties.

Larry, isn't this a good way to answer the safety and environmental concerns? We won't flunk them or anything, but it will give them a list of things they need to do to add to the property and use for the conditions.

Adam, absolutely.

Dan, agrees it is a good tool, but who's scoring this and who's doing the scoring?

Adam, we have not had that in-depth discussion yet, but it is something the Planning Commission can come up with, as we make it a part of the applications and put this in the ordinance. If we make it part of the application process, it would be the applicant's responsibility to submit and fill that out appropriately. Now, if they invite a county staff person to come out and help them, that is fairly commonplace, also.

Danny stated again, it is an excellent tool if we have a half-way accurate and consistent scoring process.

Russ agreed.

Adam stated he could look at Soil and Water staff to do these assessments but would have to make sure we have the capacity to do that.

Larry asked if we could condense this at all.

Adam stated he would have to have a discussion with Deja on that, however, if you look at what it was designed for in the first place, it meets that goal.

Ken, the commissioners haven't seen this yet.

Adam stated Deja has presented it to them briefly.

Ken, so you've only taken it to the attorney, so far.

Adam, correct, and back here for discussion and then go from there.

The board all agreed to keep moving forward and get this utilized for our variance process.

Ken moved to adjourn, seconded by Bill, voice vote, no dissent heard, motion carried to adjourn at 7:46 pm.

Todd County Board of Adjustment
Rules of Business
Proposed for 2026

1. Regular Meetings: The Board of Adjustment (BOA) shall hold regular meetings, unless otherwise determined, on the fourth Thursday of each month, at the Todd County Boardroom, Upper Level of Historic Courthouse, 215 1st Avenue South, Long Prairie, MN 56347. Meetings shall commence at 6:00 PM and continue until all applications on the agenda have been heard.

2. Field Inspections: Field inspections to review applications to be considered at the regular meeting shall be conducted prior to the meeting. Field inspections will involve at least one staff and one BOA member although additional staff, members, or other officials may be included based on interest in the case. Additional field inspection days may be added depending on the number of applications received and/or the complexity of the case. No decisions are made on field inspections. BOA members visiting the site must attend the BOA meeting at which the case is discussed to receive per diem/mileage for the inspection. Landowner requests to be present do not need to be honored or coordinated by staff.

3. Special Meetings: The Chair or three members may call special meetings. Such meetings shall be called within ten (10) days advance notice to all available members, and to the public in the official newspaper. Notice shall specify: (1) the specific item or items to be considered at the special meeting, and (2) the date, time and place of the meeting. Special meetings of the Board of Adjustment shall be held in the Todd County Boardroom, Upper Level of Historic Courthouse, 215 1st Avenue South, Long Prairie, MN 56347, unless otherwise determined. All special meetings shall be limited to the specific item or items set forth in the notice.

The applicant shall pay all costs associated with a special meeting requested. Costs include application, public notice, notices to adjoining properties, per diem, mileages and staff hours.

4. Presiding Officer – Roll Call: The Chair, or in the Chair's absence, the Vice-Chair shall call the members to order and begin the meeting at the appointed time. The Chair or Vice-Chair calling the meeting to order shall be the Presiding Officer for the balance of the meeting.

5. Quorum: A simple majority of the members shall constitute a quorum for the transaction of business. The Presiding Officer is a member and shall have the right to vote on all matters coming before it, but shall have no veto power.

6. Minutes: The Todd County Planning and Zoning Office staff shall prepare written copies of the minutes of the preceding meeting and distribute them to its members no later than the start of its current session. Audio taping of the meeting may be made for reference by the Planning and Zoning Director. The approved minutes and audio tape (only for 6 months) of the meeting shall be the official record of meetings. A copy of the minutes shall be available in the Planning and Zoning Office. Upon the appearance of a quorum at a meeting, the Presiding Officer shall inquire of the members whether they wish to approve, disapprove or amend the minutes of the previous meeting as prepared by Planning and Zoning staff. Any mistake or omission in the minutes may then be corrected. Minutes from previous meetings will be placed on the Todd County web site quarterly.

7. Order of Business: The Presiding Officer shall preserve order and decorum. Planning and Zoning staff shall act as a parliamentarian and the Presiding Officer shall decide questions of order, subject to an appeal to the members. Staff shall prepare a written agenda in advance of all meetings in order of presentation which they deem best or as directed by the Board of Adjustment Chair. Staff shall release the proposed agenda and release the information packet to BOA members no later than 10 days immediately preceding the meeting. A person requesting that an application be placed on the agenda shall furnish sufficient information and detail so as to enable the Board of Adjustment to rule on the application in accordance with County Ordinances, and enable Planning and Zoning staff to enter the item on the meeting agenda in a summary adequate to alert the public as to the nature of the matter to be discussed. If, in the opinion of the Planning and Zoning Director, such information and detail is not provided, the Director may refuse to place the application on the agenda or table the application for a future meeting. The Board of Adjustment by majority vote may amend the agenda proposed by staff.

8. Applicant Representation: The applicant or their representative shall attend the meeting to represent their application or the application will be tabled until the next regular meeting. County staff shall not represent an applicant in a case.

9. Citizen Comment: Except as regulated by State Statute or Rule, citizen comment will be heard on all topics on the agenda. Each speaker will be afforded up to three minutes to present oral arguments. This time limit may be extended at the discretion of the Presiding Officer. Large groups are encouraged to select a single speaker to present their oral argument.

10. Public Correspondence: All public correspondence must be submitted 48 hours before the scheduled meeting to be considered acceptable.

11. Recognition by the Presiding Officer: Every Board of Adjustment member or member of the public shall respectfully address the Presiding Officer by the appellation "Mr. Chairman" or "Madame Chair", and shall not speak further until recognized by the Presiding Officer. Once a member of the audience has been recognized by the Presiding Officer as requesting to address the Board of Adjustment, the Presiding Officer shall require the individual to identify themselves by stating their name and address.

12. Designation by Presiding Officer: When two or more members request to speak, the Presiding Officer shall designate who is first to speak, but in all cases the member who shall first address the chair shall speak first.

13. Debated Motion: No ordinary motion shall be debated, or put on the table, unless the same is seconded by a member or the Presiding Officer. Privileged motions need not be seconded. The Presiding Officer shall restate any motion if required to do so by a member. Items on the agenda may be debated prior to submission of an ordinary motion. The withdrawal of either the motion or the second to a motion shall terminate debate on the motion.

14. Presentment of Petitions and Communication: Petitions and communications on the agenda may be presented by a member of the Board of Adjustment or by Planning and Zoning staff.

15. Conflict of Interest: If a Board of Adjustment member has a conflict of interest in a case they shall proclaim such as soon as the conflict becomes known or before the case is presented to the Board. This will allow staff to ensure a full board is present to hear the case. The member with the conflict shall then excuse themselves

from the discussion of the case. If there is a question as to whether a particular issue is sufficient to disqualify a regular board member from voting then it shall be decided by majority vote of all board members except the one member being challenged.

16. Voting: When a question is put by the Presiding Officer, every member present shall vote unless the Board of Adjustment, for special reason, shall excuse a member prior to the calling of the roll or a legal conflict of interest prohibits a member from voting. Unless a member requests, all items will be decided by voice vote. Any member who fails to vote upon any pending proposition, unless previously excused, shall be counted as having voted in the positive. A member may request a roll call vote at any time prior to the commencement of other business.

17. General Public Hearing Notice Requirements: The Administrator shall publish written notice of all Board of Adjustment hearings in the legal newspaper for Todd County and posted notice on the County website, not less than ten (10) days prior to the hearing date. The published notice shall state the purpose, time, date and place of the hearing, a brief summary of the nature of all applications. In addition to published notification, the following shall receive individual written notices of these public hearings:

1. Board of Adjustment;
2. The Town Board in the Township – where the property is located;
3. Minnesota Department of Transportation – if proposal abuts any federal or state highway;
4. Commissioner of Natural Resources – if the proposed application is located in any Shoreland District or any Flood Plain District;
5. Watershed District Office – if the proposed application is located within a watershed district;
6. Lake Associations – if the proposed application is located on a lake having an association that has filed a letter with the Administrator requesting such information;
7. Individual landowners who have requested such notification;
8. Property Owners Notice per MN State Statute 394.26.

18. Absent Member: Every member that anticipates being absent from a meeting shall notify Planning and Zoning staff so that alternates can be contacted. Members are expected to attend 75% or more meetings over a 12 month period (this allows 3 absences in one year).

19. Meeting Procedural Rules:

Pre-Meeting Meetings are scheduled to deliberate variance requests for Todd County lands. Cases result from applications being developed and submitted by applicants. Staff review a case for completeness and can place the case on hold until further information is obtained. Public notice is made to meet state requirements.

Presenting a Case 1) The applicant is introduced,
2) staff report,
3) the applicant is then asked if the staff report accurately represents the request,
4) BOA member field inspection report,
5) written correspondence read for the record,
6) public comment,
7) Board Q/A of the applicant, staff, and possible of citizens,
8) Board decision.

Concluding Hearing of a Case This is done by motion and vote with a variety of options.

Place case on hold. As a case is deliberated it may become apparent that insufficient evidence is present to either determine the case or to set conditions. Such a case can be placed on hold indefinitely by the landowner or for 60 days by the board during which time the landowner must produce the information requested. The case can be denied if no or insufficient information is provided. When putting a case on hold it is important to specify exactly what the applicant needs to bring back to staff prior to the case being put on the next available agenda. Put in form of motion.

If the original case is substantially altered or additional variances requested the case should be re-advertised and brought to a future meeting.

Deny the request. State the reasons for denial (use answers from board case questions)

Approve the Request. With or without conditions. Be sure these are clear.

Another Option is to make a motion for staff to develop reasons for denial, or conditions, and present at the next meeting. This might be a good process for a very detailed and controversial case. The board would pick up the motion first thing at the next meeting with a review of reasons and a motion.

20. Committees: Board of Adjustment members may serve on committees to study a land use issue or work on portions of the Todd County Land Use Ordinance as directed by the Board of Commissioners. Proposals for work to be completed should be brought to the full board of commissioners for approval by the Administrator prior to commencing the work.

21. Suspension or Amendment of Rules: No rule shall be suspended, altered or rescinded except upon affirmation vote of four members, unless notice of such change shall have been given at a previous meeting in which case only a majority shall be required.

22. Agenda is Public: Any member of the public or the news media requesting copies of any regular or special meeting agenda shall be provided the same pursuant to Minnesota Statutes, Chapter 471.705 1c (b).

23. Annual review of Rules of Business: Board of Adjustment shall, at least annually, review and adopt necessary amendments to these Rules of Business.

24. Board of Adjustment members and alternates shall be appointed by the Board. Todd County has 5 appointed members for the Board of Adjustment, one Planning Commission Liaison, and at least one alternate member. One BOA member shall be appointed from each County Commissioner district and approved by BOC action at a regularly scheduled meeting. After the initial appointment, members shall be appointed for a four year term expiring December 31st. The removal of any members for non-performance, misconduct or malfeasance in the office shall be the responsibility of the Board of Commissioners. Non-performance shall include non-attendance at less than the required regularly scheduled meetings. A full term is four years in duration. Terms times shall stagger to start 2 years after the Commissioners term. Current Board of Adjustment Members and Terms as set by the County Board.

25. Training is necessary to keep BOA members informed and educated on land use case handling. Members are strongly encouraged to participate in at least one training event per term.



WHERE THE FOREST MEETS THE PRAIRIE
Todd County
• MINNESOTA • EST. 1855 •

PLANNING & ZONING
215 1st Avenue South, Suite 103
Long Prairie, MN 56347
Phone: 320-732-4420 Fax: 320-732-4803
Email: ToddPlan.Zone@Co.Todd.MN.US

Appeal for a Variance

Applicant USS Eagle Bend Solar LLC (Luke Gildemeister, Project Developer, US Solar)

Mailing Address 323 N Washington Avenue, Suite 350, Minneapolis, MN 55401

Site Address 14910 380th Street, Eagle Bend, MN 56446

Phone Number _____ Cell Number [REDACTED]

E-Mail Address [REDACTED]

Property Owners Name & Address (if not applicant) _____

Jean Greenwaldt [REDACTED]

Parcel Number(s) 28-0001100

Section: 2 Township 131

Zoning District (circle one): AF-1; AF-2; R-10; R-2; UG; RT; Commercial; Industry; or
Shoreland (Lake or River Name): _____

Full and Current Legal Description(s): Please see attached proof of site control for parcel legal description.
(attach if necessary)

Do you own land adjacent to this parcel(s) X Yes No

Septic System: Date installed ~ 2000 Date of Compliance Inspection 11/10/25

Is a new system needed: yes X no STS Design attached

Required for applications with existing septic systems: Approved design submitted for new system to be installed, new system installed within previous 5 years, or passing compliance inspection on existing system in previous 3 years

Variances Requested:

What standards or requirements are you unable to maintain? (Check all that apply)

Lot width _____ Lot area _____ Lake or River setback _____ Bluff setback _____

Road right-of-way setback _____ Side Yard setback _____ Buildable area _____

Impervious surface coverage _____ Building/Structure Height _____ Other X

Did you meet with the Township Board to present the Application for Variance?

Yes ✓ No Date of the meeting 11/10/25

John Tomby
Optional Township Board Signature

Chairman
Board Position

LIST YOUR VARIANCE REQUEST(s) and what, if the variance were granted, you intend to build or use the land for. **For example:** *"Request to reduce the 10ft structural setback from my west side lot line to 8ft for the construction of a detached garage to be used for vehicle and personal storage."*

1.) Request to remove the prime farmland solar restriction from Section 9.20 to allow for the submission of a Conditional Use Permit application for a 10-megawatt solar energy system.

2.) _____

3.) _____

4.) _____

****State Statutes Section 394.7 Subd7: Variances: Practical Difficulties.** The BOA shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of official control, and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with official rules; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The Board of Adjustment may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

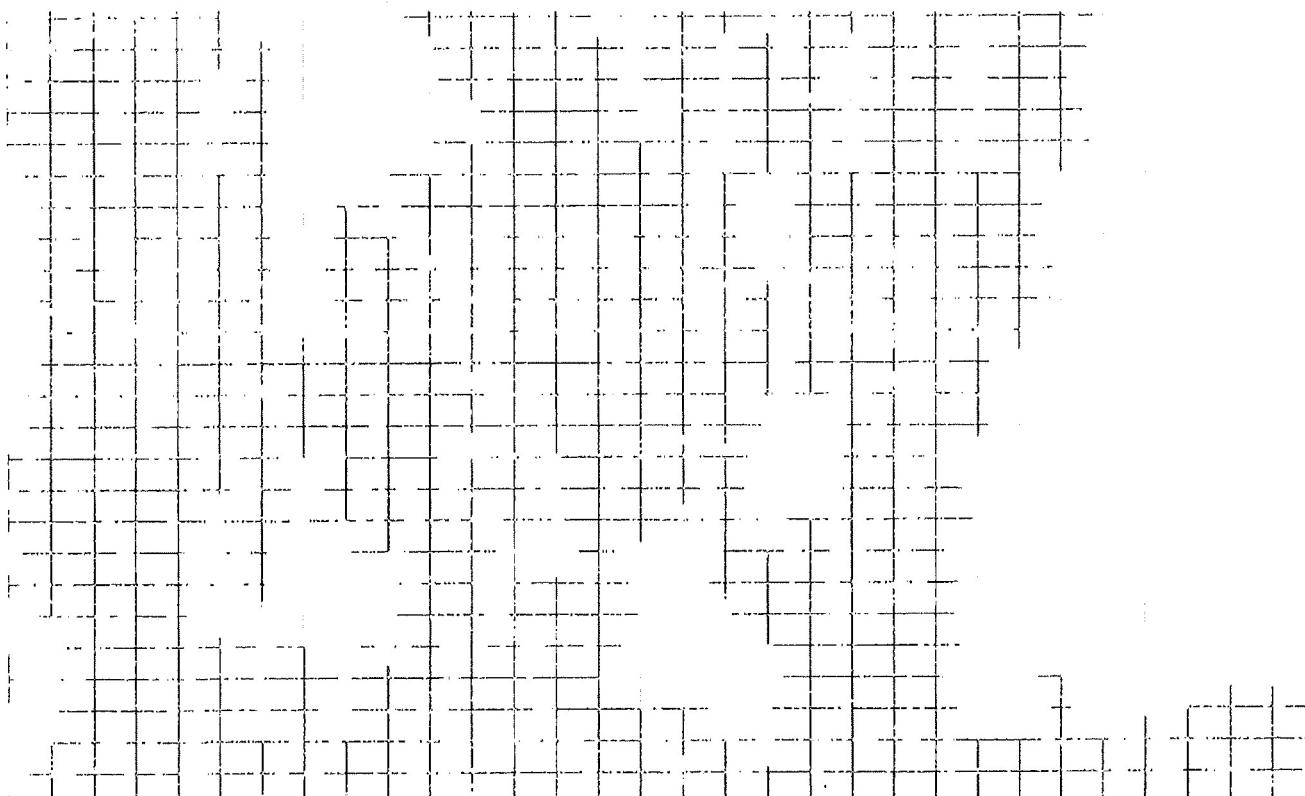
US Solar is submitting this variance application on behalf of Jean Greenwaldt. The "prime farmland" restriction within Section 9.20 of the Todd County Ordinance denies US Solar the ability to submit a Conditional Use Permit application on behalf of Jean. US Solar needs the variance request approved so that we can submit a Conditional Use Permit application for USS Eagle Bend Solar LLC, a proposed 10-megawatt solar energy system located on Jean's parcel that would interconnect to Minnesota Power's electrical substation in Eagle Bend.

It is important that you flag your related property lines and proposed building locations

Have you flagged your lot? (Y) (N)

Please see
site plan attached.

SKETCH DRAWING



The applicant or agent hereby makes application for a variance agreeing to do all such work in accordance with all Todd County Ordinances. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith are true and accurate. Applicant or agent agrees that, in making application for a variance grants permission to Todd County, at reasonable times during the application process and thereafter, to enter applicant's premises to determine the feasibility of granting said variance or for compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the county to be inaccurate, the County may revoke the variance based upon the supply of inaccurate information.

If the applicant is not the property owner, both signatures are required below.

USS Eagle Bend Solar LLC (Luke Gildemeister, Project Developer, US Solar)

Luke Gildemeister

10/23/25

Applicant Name Printed

Jean Greenwaldt

Signature

Jean Greenwaldt

Date

10/27/25

Property Owner Name Printed

Signature (if different than applicant)

AUTHORIZED AGENT FORM

I hereby authorize Luke Gildemeister, Project Developer, US Solar to act as my authorized agent for all public hearing(s) and legal relations with this application on property located at:

Site address 14910 380th Street, Eagle Bend, MN 56446

Section # 2 Township Name Wykeham

Parcel Number(s) 28-0001100

Property Owner(s) name (print) Jean Greenwaldt

Property Owner(s) Signature(s) Jean Greenwaldt Date 10/27/25

Authorized Agent(s) name (print) Luke Gildemeister

Authorized Agent(s) Signature(s) Luke Gildemeister Date 10/23/25

Authorized Agent Phone Number ██████████



100 N 6th Street, Suite 410B
Minneapolis, MN 55403

612.230.0172
www.us-solar.com

November 2025

US Solar

USS Eagle Bend Solar LLC

Variance Application

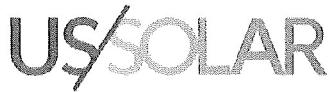
US Solar is requesting a variance from Todd County's prohibition of solar farms on agricultural land identified as prime farmland as defined by the United States Department of Agriculture. This prohibition is laid out in Section 9.20 "*Solar Energy Systems*," Letter B, Number iv, Number 2, Letter C of the Todd County Zoning Ordinance. The information below is provided pursuant to Section 5.03 of the Todd County Zoning Ordinance as well as the criteria listed within the Todd County Variance Application Form.

Is the variance in harmony with the general purposes and intent of the official control?

Yes. Jean Greenwaldt's 122-acre parcel is located within Todd County's AF-1 (Agriculture/Forestry) zoning district. According to Todd County's ordinance, the purpose of the AF-1 district is to *"provide for and protect areas of the county where commercial crop and livestock agriculture, forestry, large tract recreational activities, and wildlife habitat/natural areas are the primary uses."* Todd County likely implemented the prime farmland prohibition of solar farms with the intention of preventing solar farms taking up the county's most productive agricultural land. US Solar is intent on ensuring the continued agricultural productivity of this parcel throughout the 25 – 40-year lifespan of USS Eagle Bend Solar LLC. It's important to have a sense of proportion in this instance – according to the 2022 USDA Census of Agriculture, there's more than 321,000 acres of farmland within Todd County. USS Eagle Bend Solar LLC would only be about 54 fenced acres. Only about 60%, or ~30 acres, of the project area is considered prime farmland by the USDA. Importantly, US Solar wouldn't just leave the land in between and underneath the solar modules bare. Rather, US Solar is committed to *"agrivoltaics"* – the combination of agriculture and solar production (photovoltaics). The concept is to create renewable energy while also providing space for agricultural activities. US Solar is committed to planting pollinator-friendly habitat underneath and in between the rows of solar modules. These deep-rooted grasses help to reduce stormwater runoff and promote local pollinators such as bees, butterflies, and insects. US Solar will also investigate additional on-site agrivoltaics activities such as small-scale vegetable farming in between the rows of modules, or even periodic sheep grazing on the pollinator friendly habitat. US Solar has successfully implemented these agrivoltaics activities (sheep + vegetables) on some of our operational projects. It's also worth noting that Jean Greenwaldt would be able to continue farming the acreage outside of the project's 54-acre fenced area. She could also continue to farm her 51-acre parcel to the east of 151st Avenue. A 54-acre solar farm would not jeopardize the agricultural identity of the AF-1 district. US Solar believes the prime farmland prohibition of solar farms is overly restrictive, and that proposed projects should be allowed to be reviewed by the elected officials of Todd County on a case-by-case basis. By incorporating agrivoltaics activities, US Solar is committed to keeping the project's fenced acreage in agricultural production. USS Eagle Bend Solar LLC intends to provide agricultural, ecological, and financial benefits to the AF-1 district.

Is the variance request consistent with the goals and policies of the comprehensive plan?

Yes, the allowance of a solar farm on prime farmland is consistent with Todd County's 2030 Comprehensive Plan. Within the *"Utilities, Energy and Communications"* section, Todd County states that, to be a good neighbor to nearby counties and to the world, *"the County needs to help business and individuals reduce their environmental impacts."* Within the same section, when referring to renewable energy generation methods, Todd County claims it *"should explore and encourage individuals to install and use these technologies."* The Comprehensive Plan also states within its *"Goals and Action Plan"* that Todd County should *"adopt ordinances that encourage reasonable usage and deployment of individual renewable energy creation methods."* Jean Greenwaldt is a responsible, tax-paying landowner with property rights who has lived on this land for decades. She would like to dedicate roughly 54 acres of her 122-acre parcel to host a solar farm. In the eyes of US Solar, this would be considered reasonable usage.



100 N 6th Street, Suite 410B
Minneapolis, MN 55403

612.230.0172
www.us-solar.com

Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

The property owner, Jean Greenwaldt, is a responsible steward of her land. She's lived on this parcel for decades. Her family continues to farm this land. The proposed solar farm use is reasonable as solar farms are allowed as a conditional use within Todd County's agricultural and commercial zoning districts – just not currently on prime farmland. So, yes, the property owner is proposing to use a portion of her parcel in a reasonable manner that is currently not permitted by Todd County's ordinance.

Is the need for a variance due to the circumstances unique to the property not created by the landowner?

The need for a variance to the prime farmland restriction of solar farms is unique to PID 28-0001100 in that Jean Greenwaldt's parcel does contain some prime farmland as defined by the USDA. We are under the impression that not *all* agricultural parcels within Todd County possess soils classified as prime farmland by the USDA. The problem was not caused by Jean Greenwaldt in that she can't control the soil types of her farmland, nor the USDA's classification of the soil types.

Will the variance maintain the essential character of the locality?

The vicinity of the proposed USS Eagle Bend Solar LLC project is rural in nature. The project parcel is in Todd County's AF-1 zoning district. The proposed solar farm would not alter the agricultural character of the locality. US Solar would utilize farm-field, page-wire fencing with wooden posts. US Solar would also plant pollinator-friendly habitat underneath and in between the rows of solar modules, which helps reduce soil erosion and stormwater runoff. US Solar will continue to research the feasibility of incorporating additional agrivoltaics activities within the project's fenced acreage. The project would not impair neighboring properties or change the surrounding rural aesthetic. USS Eagle Bend Solar LLC will go to great lengths to ensure the project operates in harmony with the AF-1 district.

Does the need for the variance involve more than just economic considerations?

Economic considerations are just one (1) factor to the landowner, to US Solar, and to Minnesota Power, which has expressed interest in this proposed project. It's true that the project would provide financial revenue to US Solar, the landowner, Todd County, and also Wykeham Township. However, there are additional factors at play. One of those factors is the need for additional energy capacity in Minnesota Power's service territory. Minnesota Power and other Minnesota utilities must comply with the 100% clean electricity bill that was signed into state law in 2023. To that end, Minnesota Power issued a Request for Proposal (RFP) in early 2025 asking for developers such as US Solar to propose additional solar resources within Minnesota Power's service territory. US Solar proposed this project, and the project has since been "shortlisted" by MP, meaning the utility has sincere interest in adding electricity at this location. In addition to the need for more electrical production, another factor is environmental considerations. US Solar would implement pollinator-friendly habitat beneath and in between the rows of solar modules. This native habitat supports monarch butterfly, insect, bee, and songbird populations. These deep-rooted grasses also help minimize erosion and runoff, provide food sources for wildlife, and improve the local soil quality by giving it a rest for the 25 – 40 year lifespan of the proposed project.

Have safety and environmental concerns been adequately addressed?

USS Eagle Bend Solar LLC would not cause any safety concerns. The solar farm would be fully-fenced. It would also have security cameras and would be remotely monitored by US Solar 24/7/365. USS Eagle Bend Solar LLC would also not cause any environmental concerns. There are no hazardous materials involved in our solar farms. The solar panels are fully contained and include silicon, glass, silver, and copper – the same materials as in your smartphone. A Phase I Environmental Site Assessment was conducted on the proposed project site in October 2025. No Recognized Environmental Conditions (REC's) were found in connection with the project property. A Wetland Delineation was also conducted on the project site in October 2025. The field-delineated wetlands are limited to a few acres on the parcel, and the proposed project would be sited to minimize impact to said wetlands.



USS Eagle Bend Solar LLC

Todd County, MN

General Project Area

Farmland Classification

- All areas are prime farmland
- Other

US/SOLAR
323 N Washington Ave, Suite 350
Minneapolis, MN 55401

Farmland Classification

ELECTRONICALLY RECORDED ON
04-08-2025 at 3:10 PM
KIMBERLY BOSL
TODD COUNTY RECORDER
Long Prairie, MN
Fee Amount: \$46.00

Return to:
United States Solar Corporation
2150 Post Rd FL 99
Fairfield, CT 06824-5669

(Top 3 inches Reserved for Recording Data)

MEMORANDUM OF LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF OPTION TO LEASE, LEASE AND SOLAR EASEMENT (this "Memorandum"), dated as of March 12, 2025 (the "Memo Effective Date"), is made by and between, Jean M. Greenwaldt, a single person, whose address is 14910 380th Street, Eagle Bend, MN 56446 ("Lessor") and **US SOLAR DEVELOPMENT LLC**, a Delaware limited liability company, whose address is 323 Washington Ave N., Suite 350, Minneapolis, MN 55401 ("Lessee").

A. Lessor is the owner of real property located in Todd County, Minnesota, that is legally described in Exhibit A (the "Lessor Property").

B. Lessor and Lessee have entered into that certain Option to Lease, Lease and Solar Easement (the "Lease"), having an effective date of March 12, 2025, whereby Lessor leases to Lessee and Lessee leases from Lessor a portion of the Lessor Property (the "Premises") described in Exhibit A and whereby Lessor grants to Lessee certain easements described in Exhibit A and Exhibit B, in each case for the purposes of the Facility (as defined below).

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

D. This instrument is exempt from Minnesota deed tax.

NOW THEREFORE, in consideration sum of One Dollar (\$1.00), the parties agree as follows:

1. **PURPOSE OF LEASE.** THE LEASE IS SOLELY FOR SOLAR PHOTOVOLTAIC ENERGY GENERATION AND RELATED PURPOSES, AND THROUGHOUT THE TERM OF THE LEASE, LESSEE SHALL HAVE THE SOLE AND EXCLUSIVE RIGHT TO USE THE LESSOR PROPERTY FOR SUCH PURPOSES. FOR PURPOSES OF THE LEASE, PHOTOVOLTAIC ENERGY GENERATION PURPOSES MEANS: (I) MONITORING, TESTING AND ASSESSING THE LESSOR PROPERTY FOR SOLAR PHOTOVOLTAIC ENERGY GENERATION, AND (II) DEVELOPING, CONSTRUCTING (INCLUDING LAYDOWN AREAS AND STORAGE AREAS), INSTALLING, OPERATING, MAINTAINING, REPAIRING, AND REPLACING PHOTOVOLTAIC ELECTRIC ENERGY GENERATING EQUIPMENT, SUPPORTING STRUCTURES AND BALLASTS, INVERTERS, ELECTRICAL STORAGE AND TRANSFORMERS,

FIXTURES, ELECTRIC DISTRIBUTION LINES, COMMUNICATION LINES, METERING EQUIPMENT, PERIMETER FENCING, INTERCONNECTION FACILITIES AND RELATED FACILITIES AND EQUIPMENT (COLLECTIVELY, THE "FACILITY") ON THE LESSOR PROPERTY. ANY IMPROVEMENTS, FIXTURES OR STRUCTURES THAT ARE NOT A PART OF THE FACILITY SHALL NOT BE INSTALLED ON THE LESSOR PROPERTY WITHOUT THE EXPRESS WRITTEN CONSENT OF LESSOR.

2. COMMERCIAL OPERATION DATE; TERM; RENEWAL TERMS. THE TERM OF THE LEASE ("TERM") SHALL COMMENCE UPON THE EFFECTIVE DATE AND CONTINUE UNTIL 11:59 PM ON THE 25TH ANNIVERSARY OF THE COMMERCIAL OPERATION DATE. THE "COMMERCIAL OPERATION DATE" SHALL BE THE FIRST DAY OF THE FIRST FULL MONTH AFTER THE FACILITY COMMENCES COMMERCIAL PRODUCTION AND SALE OF ELECTRICITY UNDER ANY CONTRACT OR AGREEMENT OR OTHER ARRANGEMENT PURSUANT TO WHICH LESSEE SELLS THE ELECTRICITY AND RELATED ENVIRONMENTAL ATTRIBUTES (AS DEFINED IN THE LEASE) TO ANY PURCHASER THEREOF. LESSEE HAS OPTIONS TO EXTEND THE INITIAL TERM OF THE LEASE FOR 3 ADDITIONAL 5 YEAR TERMS COMMENCING IMMEDIATELY ON THE DAY THAT THE TERM WOULD OTHERWISE EXPIRE.

3. SOLAR EASEMENT. THE LEASE GRANTS TO LESSEE, FOR THE TERM OF THE LEASE, AN EXCLUSIVE SOLAR EASEMENT TO USE ALL SUNLIGHT WHICH NATURALLY ARRIVES AT THE PREMISES, INCLUDING AN EXCLUSIVE EASEMENT PROHIBITING ANY OBSTRUCTION TO THE FREE FLOW OF SUNLIGHT TO THE PREMISES THROUGHOUT THE ENTIRE AREA OF THE LESSOR PROPERTY DESCRIBED IN EXHIBIT B OF THE LEASE (THE "SOLAR PREMISES"), WHICH SHALL CONSIST HORIZONTALLY THREE HUNDRED AND SIXTY DEGREES (360°) FROM ANY POINT WHERE ANY PHOTOVOLTAIC GENERATING FACILITY IS OR MAY BE LOCATED AT ANY TIME FROM TIME TO TIME (EACH SUCH LOCATION REFERRED TO AS A "SOLAR SITE") AND FOR A DISTANCE FROM EACH SOLAR SITE TO THE BOUNDARIES OF THE SOLAR PREMISES, TOGETHER VERTICALLY THROUGH ALL SPACE LOCATED ABOVE THE SURFACE OF THE SOLAR PREMISES, THAT IS, ONE HUNDRED EIGHTY DEGREES (180°) OR SUCH GREATER NUMBER OR NUMBERS OF DEGREES AS MAY BE NECESSARY TO EXTEND FROM EACH POINT ON AND ALONG A LINE DRAWN ALONG THE PLANE FROM EACH POINT ALONG THE EXTERIOR BOUNDARY OF THE SOLAR PREMISES THROUGH EACH SOLAR SITE TO EACH POINT AND ON AND ALONG SUCH LINE TO THE OPPOSITE EXTERIOR BOUNDARY OF THE SOLAR PREMISES.

4. OTHER EASEMENTS. THE LESSOR GRANTS TO LESSEE, FOR THE TERM OF THE LEASE, THE FOLLOWING EASEMENTS OVER, ACROSS AND ON THE LESSOR PROPERTY (A) A NON-EXCLUSIVE EASEMENT ("ACCESS EASEMENT") ON AND THROUGH THE LESSOR PROPERTY FOR PURPOSES OF LESSEE'S ACCESS TO THE FACILITY ON THE PREMISES, WITHIN WHICH LESSEE MAY CONSTRUCT, USE AND/OR MAINTAIN A ROAD AT LESSEE'S EXPENSE; (B) A NON-EXCLUSIVE EASEMENT ON AND THROUGH THAT PORTION OF THE LESSOR PROPERTY CONSISTING OF THE DISTRIBUTION EASEMENT (AS DEFINED IN THE LEASE) FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING AN ELECTRIC DISTRIBUTION LINE AND RELATED COMMUNICATION LINES BETWEEN THE FACILITY AND ELECTRICAL FACILITIES OWNED BY CERTAIN PURCHASERS OF ELECTRICITY AND RELATED ENVIRONMENTAL ATTRIBUTES; AND (C) AN EASEMENT AND LICENSE FOR THE FACILITY TO CREATE, CAUSE, INCREASE, ACCENTUATE, OR OTHERWISE CONTRIBUTE TO THE OCCURRENCE OF LIGHT, SHADOWS, SHADOW AND LIGHT FLICKERING, GLARE AND

REFLECTION, ON AND ACROSS THE LESSOR PROPERTY. UNDER THE TERMS OF THE LEASE, LESSEE SHALL ALSO BE ENTITLED TO INGRESS AND EGRESS TO AND FROM ITS FACILITY AND APPURTENANT EQUIPMENT AND ELECTRICAL POWER LINES OVER THE PREMISES AND SUCH ADDITIONAL AREAS OF THE LESSOR PROPERTY AS SHALL BE REASONABLY NECESSARY TO ACCESS A PUBLIC ROADWAY OR ALLEY.

5. OWNERSHIP OF LESSEE'S IMPROVEMENTS; DISCLAIMER OF TITLE TO ENVIRONMENTAL ATTRIBUTES. THE FACILITY AND RELATED EQUIPMENT CONSTRUCTED, INSTALLED OR PLACED ON THE PREMISES AND WITHIN THE ACCESS EASEMENT, DISTRIBUTION EASEMENT AND UTILITY EASEMENT BY LESSEE PURSUANT TO THE LEASE SHALL BE THE SOLE PROPERTY OF LESSEE, AND LESSOR AGREES THAT IT SHALL HAVE NO OWNERSHIP OR OTHER INTEREST IN THE FACILITY AND RELATED EQUIPMENT OWNED BY LESSEE ON THE PREMISES OR WITHIN THE ACCESS EASEMENT, DISTRIBUTION EASEMENT AND UTILITY EASEMENT. THE FACILITY IS AND SHALL REMAIN PERSONAL PROPERTY OF THE LESSEE, NOTWITHSTANDING ANY PRESENT OR FUTURE COMMON OWNERSHIP OF THE FACILITY AND THE PREMISES, AND IRRESPECTIVE OF WHETHER ANY OF THE FACILITY IS DEEMED TO BE A FIXTURE OR OTHERWISE PART OF THE LESSOR PROPERTY OR ANY IMPROVEMENTS ON THE LESSOR PROPERTY, AND LESSOR ACKNOWLEDGES THAT THE FACILITY IS AND SHALL REMAIN PERSONAL PROPERTY OF LESSEE IRRESPECTIVE OF THE MANNER OF ITS ATTACHMENT OR CONNECTION TO THE LESSOR PROPERTY. LESSOR ACKNOWLEDGES THAT LESSEE'S LENDERS MAY REQUEST A FIRST PRIORITY SECURITY INTEREST IN THE FACILITY AS COLLATERAL FOR FINANCING OF THE FACILITY, AND LESSOR CONSENTS TO THE GRANT BY LESSEE OF SUCH A SECURITY INTEREST, AND THE FILING OF INSTRUMENTS NECESSARY TO PERFECT SUCH A SECURITY INTEREST UNDER THE UNIFORM COMMERCIAL CODE IN THE FACILITY AS PERSONAL PROPERTY OF THE LESSEE. LESSOR AGREES THAT ALL ENVIRONMENTAL ATTRIBUTES REMAIN THE PROPERTY OF LESSEE IRRESPECTIVE OF WHETHER LESSOR CONSUMES OR USES ANY OF THE ELECTRICITY GENERATED BY THE FACILITY, AND LESSOR HAS NO TITLE OR RIGHT TO ANY SUCH ENVIRONMENTAL ATTRIBUTES RELATED TO, ARISING FROM OR ASSOCIATED WITH THE FACILITY OR ANY ELECTRICAL CAPACITY OR ENERGY CREATED BY THE FACILITY. ANY GRANT, REBATE, INCENTIVE PAYMENT, TAX CREDIT OR ANY OTHER CREDIT, VALUE, TAX OR OTHER BENEFIT ARISING FROM OR ASSOCIATED WITH THE INSTALLATION OR OWNERSHIP OF THE FACILITY OR THE PRODUCTION OF ENERGY AND CAPACITY BY THE FACILITY, INCLUDING, BUT NOT LIMITED TO, ANY PRODUCTION TAX CREDIT OR INVESTMENT TAX CREDIT PURSUANT TO 26 U.S.C. SECTIONS 45 AND 48 OR SIMILAR STATE TAX LAW PROVISIONS; AND THE REBATES AVAILABLE THROUGH UTILITY PROGRAMS SHALL INURE TO THE EXCLUSIVE BENEFIT OF LESSEE.

6. RIGHT TO ENCUMBER; ASSIGNMENT. LESSEE MAY AT ANY TIME MORTGAGE, PLEDGE OR ENCUMBER ALL OR ANY PART OF ITS INTEREST IN THE LEASE AND RIGHTS UNDER THE LEASE AND/OR ENTER INTO A COLLATERAL ASSIGNMENT OF ALL OR ANY PART OF ITS INTEREST IN THE LEASE OR RIGHTS UNDER THE LEASE TO ANY ENTITY WITHOUT THE CONSENT OF LESSOR. LESSEE MAY ASSIGN, SUBLEASE, TRANSFER OR CONVEY ITS INTERESTS IN THE LEASE TO AN AFFILIATE OR SUBSIDIARY OF LESSEE WHICH WILL OWN, LEASE OR OTHERWISE CONTROL THE FACILITY, OR AN ENTITY THROUGH WHICH SUCCEEDS TO ALL OR SUBSTANTIALLY ALL LESSEE'S ASSETS, WITHOUT LESSOR'S CONSENT. LESSEE MAY ALSO ASSIGN, SUBLEASE, TRANSFER OR CONVEY ITS INTERESTS IN THE LEASE TO A THIRD PARTY WITHOUT LESSOR'S CONSENT, SUBJECT TO THE CONDITIONS SET FORTH IN THE LEASE. LESSOR ACKNOWLEDGES THAT IT MAY NOT SELL,

TRANSFER, LEASE, ASSIGN, MORTGAGE, OR OTHERWISE ENCUMBER THE FACILITY OR LESSEE'S INTEREST IN THE LEASE AND RELATED EASEMENTS, AND ANY SALE OR CONVEYANCE OF THE LESSOR PROPERTY OR LESSOR IMPROVEMENTS SHALL BE SUBJECT TO THE LEASEHOLD AND EASEMENT INTERESTS OF LESSEE IN THE LEASE.

7. CONTINUING NATURE OF OBLIGATIONS. THE BURDENS OF THE EASEMENTS AND ALL OTHER RIGHTS GRANTED TO LESSEE IN THE LEASE RUN WITH AND AGAINST THE LEASE PREMISES AND THE LESSOR PROPERTY AND ARE A CHARGE AND BURDEN ON THE LEASE PREMISES AND THE LESSOR PROPERTY AND ARE BINDING UPON AND AGAINST LESSOR AND ITS SUCCESSORS, ASSIGNS, PERMITTEES, LICENSEES, LESSEES, EMPLOYEES AND AGENTS. THE LEASE PREMISES, INCLUDING THE EASEMENTS AND ALL OTHER RIGHTS GRANTED TO LESSEE IN THE LEASE, INURE TO THE BENEFIT OF LESSEE AND ITS SUCCESSORS, ASSIGNS, PERMITTEES, LICENSEES AND LESSEES. ANY SALE OR CONVEYANCE OF THE LESSOR PROPERTY OR LESSOR IMPROVEMENTS IS SUBJECT TO THE LEASEHOLD AND EASEMENT INTERESTS OF LESSEE IN THE LEASE.

8. LANDOWNER ACTIVITIES. LESSOR USES THE LESSOR PROPERTY FOR AGRICULTURAL PURPOSES. LESSEE RESERVES THE RIGHT TO RELOCATE OR RECONFIGURE THE FACILITY UPON THE PREMISES DURING THE TERM OF THIS LEASE. LESSEE AGREES TO COOPERATE WITH LESSOR TO LOCATE THE FACILITY ON THE PREMISES IN A MANNER THAT MINIMIZES INTERFERENCE WITH AGRICULTURAL OR BUSINESS OPERATIONS OF LESSOR OR LESSOR'S TENANTS, TO THE EXTENT CONSISTENT WITH LESSEE'S PLANNED USE OF THE PREMISES.

9. PURPOSE OF THIS MEMORANDUM. THIS MEMORANDUM HAS BEEN EXECUTED, DELIVERED AND RECORDED FOR THE PURPOSE OF GIVING NOTICE OF THE LEASE, EASEMENTS, AND OTHER RIGHTS IN ACCORDANCE WITH THE TERMS, COVENANTS AND CONDITIONS OF THE LEASE. THE TERMS AND CONDITIONS OF THE LEASE ARE INCORPORATED BY REFERENCE INTO THIS MEMORANDUM AS IF SET FORTH FULLY HEREIN AT LENGTH. IN THE EVENT OF ANY CONFLICT BETWEEN THE TERMS AND PROVISIONS OF THE LEASE AND THIS MEMORANDUM, THE LEASE SHALL CONTROL.

[Signature pages follow]

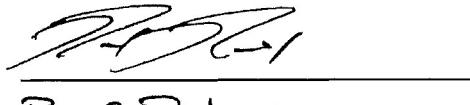
IN WITNESS WHEREOF, each of the parties hereto has executed and delivered this Memorandum as of the day and year first above written.

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

By:

Name:

Title:



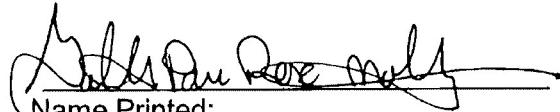
Reed Richardson

Authorized Signatory

STATE OF MINNESOTA

COUNTY OF Hennepin

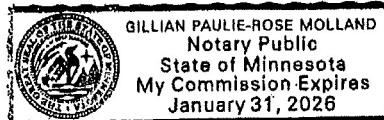
This instrument was acknowledged before me on March 12, 2025 by
Reed Richardson, the Authorized Signatory of US Solar Development LLC, a Delaware
limited liability company, on behalf of the company.



Name Printed:

*Gillian Paulie-Rose
Molland*

(SEAL)



[Signature Page]

Page 5 of 9

Lessor: Jean M. Greenwaldt, a single person.

By: Jean M. Greenwaldt

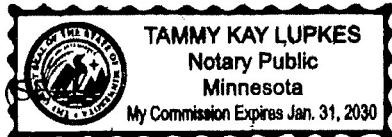
Name: Jean M. Greenwaldt

STATE OF Minnesota

COUNTY OF Wadena

The foregoing instrument was acknowledged before me on this 11th day of February, 2025 by Jean M. Greenwaldt, a single person.

Jean M. Greenwaldt
Name Printed:



THIS INSTRUMENT DRAFTED BY:

Bruce A. Bedwell, Esq.
United States Solar Corporation
Washington Ave N., Suite 350
Minneapolis, MN 55401
612.260.2230

Sworn/affirmed before me this

11th day of February, 2025

Tammy Kay Lupkes
Signature of Notary Public

My commission expires 1-31-2030

[Signature Page]

EXHIBIT A TO
MEMORANDUM OF LEASE AND SOLAR EASEMENT

Lessor Property, Lease Premises, Access Easement, Distribution Easement, Utility
Easement and Laydown Area

1. Lessor Property: One tract(s) in Todd County, Minnesota described as follows:

Property ID: 28-0001100

Deeded Acreage: 120.00

Legal Description:

The East Half of the Southwest Quarter (E1/2 SW1/4) and the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Two (2), Township One Hundred Thirty-One (131) North, Range Thirty-Five (35) West of the 5th P.M.

Lessor gives Lessee permission to input the full legal description for the Lessor Property after the Effective Date.

2. Lease Premises: Up to 60 acres of the one tract comprising the Lessor Property as described above. Approximate depiction of the Lease Premises (orange) is shown below. Precise legal description of the Lease Premises to be added following Effective Date pursuant to Section 2.4 of the Agreement.

3. Access Easement: Approximate depiction of the Access Easement (green) is shown below. Precise legal description of the Access Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.

4. Distribution Easement: Approximate depiction of the Distribution Easement (red) is shown below. Precise legal description of the Distribution Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.

5. Utility Easement: Approximate depiction of the Utility Easement (blue) is shown below. Precise legal description of the Utility Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.

6. Laydown Area. N/A

EXHIBIT A CONT.

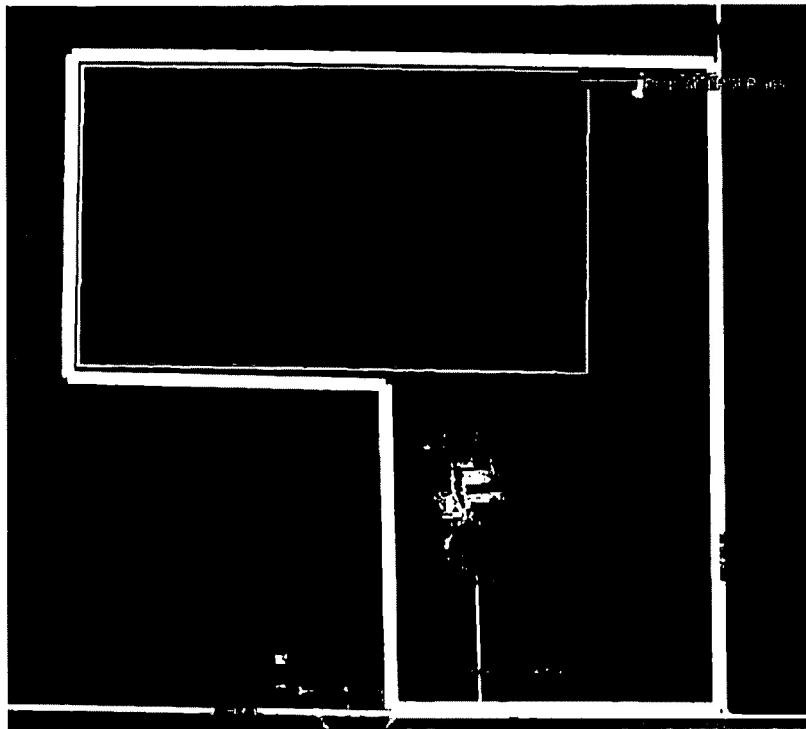


EXHIBIT B TO
MEMORANDUM OF LEASE AND SOLAR EASEMENT

Description of Solar Premises

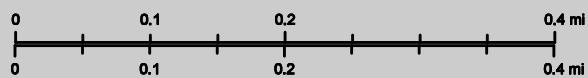
1. Solar Premises.

Same as Lease Premises as described above in Exhibit A.



Todd County GIS
215 1st Ave S, Ste 102
Long Prairie, MN 56347
(Office) 320-732-4248

GIS Site Map



The Todd County GIS & Land Services Department has made every effort to provide the most accurate and up-to-date information available in this publication and cannot be held responsible for any unforeseen errors or omissions. If the recipient wishes to locate parcel corners and property lines, employ the services of a Registered Land Surveyor.

Printed on:
Thursday, November 20, 2023



Received 12/22/25
Val 12/22/25
P.D. [initials]

Appeal for a Variance

Applicant Luke Petersen

Mailing Address 34040 Explorer Dr. Swanville MN 56382

Site Address 34040 Explorer Dr. Swanville MN 56382

Phone Number [REDACTED]

E-Mail Address [REDACTED]

Property Owners Name & Address (if not applicant) [REDACTED]

Parcel Number(s) 06-0003600

Section: 2 Township Burnhamville

Zoning District (circle one): AF-1; AF-2; R-10; R-2; UG; RT; Commercial; Industry; or Shoreland (Lake or River Name): _____

Full and Current Legal Description(s): _____
(attach if necessary)

Do you own land adjacent to this parcel(s) Yes No

Septic System: Date installed _____ Date of Compliance Inspection 12-2

Is a new system needed: yes no [REDACTED] STS Design attached

Required for applications with existing septic systems: Approved design submitted for new system to be installed, new system installed within previous 5 years, or passing compliance inspection on existing system in previous 3 years

Variances Requested:

What standards or requirements are you unable to maintain? (Check all that apply)

Lot width _____ Lot area _____ Lake or River setback _____ Bluff setback _____

Road right-of-way setback _____ Side Yard setback Buildable area _____

Impervious surface coverage _____ Building/Structure Height _____ Other _____

Did you meet with the Township Board to present the Application for Variance?

Yes No Date of the meeting 12/22/25

12-12-25

Mike Beuchel

Chairman

Optional Township Board Signature

Board Position

P.D. [initials]
12/22/25
AC

LIST YOUR VARIANCE REQUEST(s) and what, if the variance were granted, you intend to build or use the land for. **For example:** "Request to reduce the 10ft structural setback from my west side lot line to 8ft for the construction of a detached garage to be used for vehicle and personal storage."

- 1.) Request sideline setback from 30 feet 16.9 ft.
- 2.) _____
- 3.) _____
- 4.) _____

****State Statutes Section 394.7 Subd7: Variances: Practical Difficulties.** The BOA shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of official control, and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with official rules; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The Board of Adjustment may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

- the distance from the end of my current barn does not leave me enough room to fit a new shed inside the setback. The sheds need to be attached so I can walk the birds from one barn to the other.
- I need the barn to be the square footage as the current one. this barn is then connected to the outside pens.

It is important that you flag your related property lines and proposed building locations

Have you flagged your lot? (Y) (N)

SKETCH DRAWING

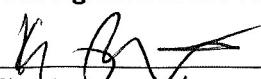
See
Attached

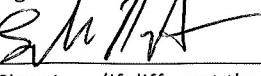
The applicant or agent hereby makes application for a variance agreeing to do all such work in accordance with all Todd County Ordinances. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith are true and accurate. Applicant or agent agrees that, in making application for a variance grants permission to Todd County, at reasonable times during the application process and thereafter, to enter applicant's premises to determine the feasibility of granting said variance or for compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the county to be inaccurate, the County may revoke the variance based upon the supply of inaccurate information.

If the applicant is not the property owner, both signatures are required below.

Kim Peterson
Applicant Name Printed

Luke Peterson
Property Owner Name Printed


Signature


Signature (If different than applicant)

12-22-2025
Date

12-22-2025
Date

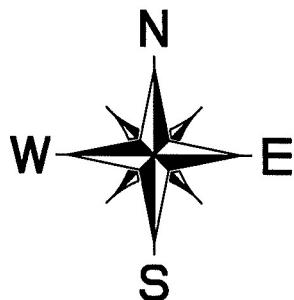
FESTLER LAND SURVEYING

1611 FIRST AVENUE NE, LITTLE FALLS, MN 56345 (320) 632-4396

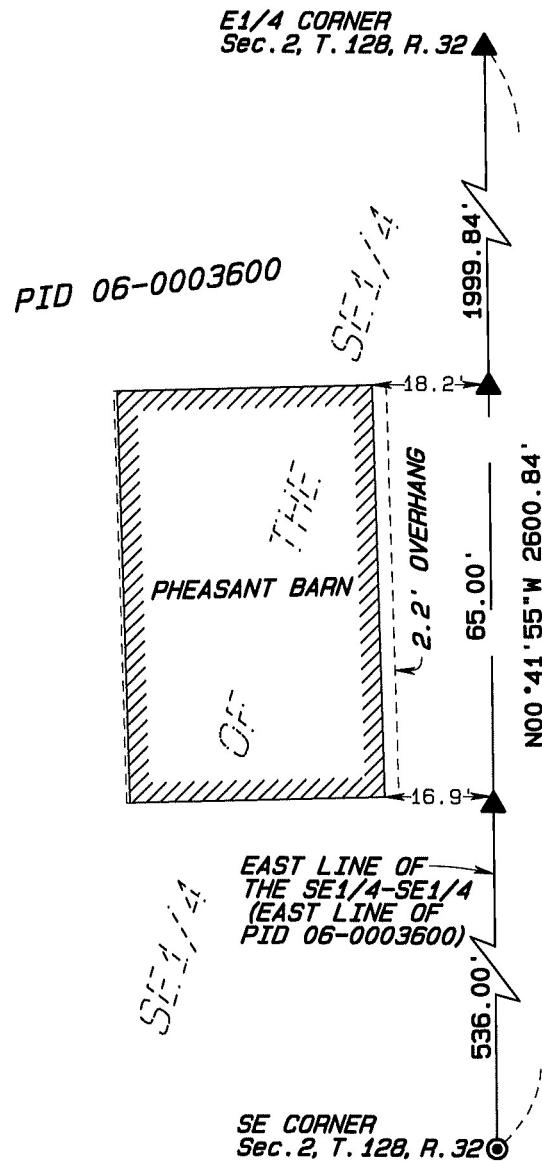
SECTION 2, TOWNSHIP 128, RANGE 32,
TODD COUNTY, MINNESOTA

SURVEY SKETCH FOR: LUKE PETERSON

- ◎ FOUND CAST IRON MONUMENT
- ▲ FOUND/SET SPIKE



GRAPHIC SCALE $1''=30'$



Jared
Festler

Digitally signed by Jared
Festler
Digital signature of Jared Festler,
or Festler Land Surveying LLC
LLC
email=FESTLER.LS@GMAIL.
COM
Date: 2025.12.18 14:09:10
-06'00'

Jared Festler

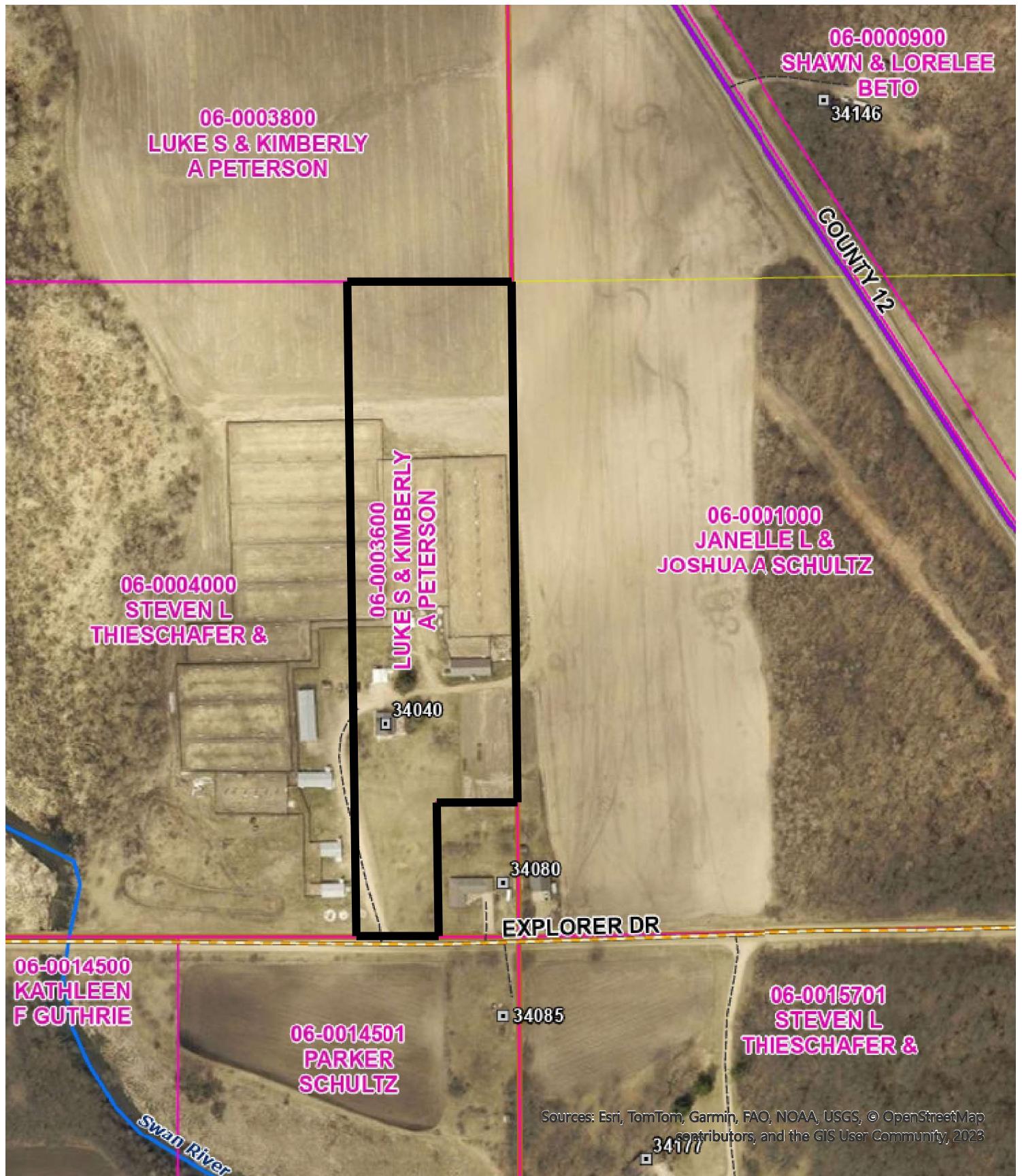
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED
LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

55338
Reg. No.

December 18, 2025
Date

2025-311
Job No.

114
Book No.



Todd County GIS
215 1st Ave S, Ste 102
Long Prairie, MN 56347
(Office) 320-732-4248

GIS Site Map



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Printed on:
Friday, December 26, 2025