



Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
April 6, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

Tour Details: Tuesday, April 4, 2023 at 9:00 am
Departing Chisago County Highway Department, 31325 Oasis Road, Center City, MN

*****NOTICE OF INTERACTIVE PARTICIPATION*****

Chisago County Planning Commissioner Jim McCarthy will be attending the Planning Commission's Thursday, April 6, 2023 meeting via interactive technology, pursuant to Minnesota Statute 13D.02 and Minnesota Department of Administration Advisory Opinions 13-009 and 18-019. Commissioner McCarthy, while participating from the Cambria Hotel at 1000 Lady Street, Columbia, SC, 29201, will be seen and heard at the meeting via electronic means. This remote location is open and accessible to the public.

1. **Call to Order – Pledge of Allegiance**
2. **Roll Call: Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
 - a. February 16, 2023 Work Session
 - b. March 2, 2023 Regular Meeting
5. **Receive all Materials and Submittals into Record**

Previously Distributed:

 - a. Meeting packet including staff report with attachments for agenda item 6a, 6b and 6c
6. **Public Hearings – New Applications**
 - a. **Keith Johnson and Johnson CSG 2, LLC** – Property owner Keith Johnson and applicant Johnson CSG 2, LLC are requesting approval of an Interim Use Permit (IUP) Amendment in order to modify the landscaping materials required for a community solar garden. The original IUP was granted in November 2021. The property is located west of Oasis Road / CSAH 9 and south of 375th Street, Sunrise Township, S28, T35, R20 (PID# 09.00303.10).
 - b. **Sunrise Homes, Inc.** – Property owner Sunrise Homes, Inc., represented by Vincent Charles, is requesting approval of the Preliminary Plat of Zackary Meadows, involving the creation of three lots from a 33.91± acre tract in the Agricultural (AG) District. The property is generally located south of Rush Point Drive / CSAH 7 and east of Anchor Ave, Nessel Township, S34, T37, R22 (PID# 06.00702.10).
 - c. **Maxwell & Allison Kleven** – Property owners Maxwell & Allison Kleven are requesting an Interim Use Permit (IUP) allowing an accessory structure without the presence of a principal use structure and allowing sanitary facilities within the accessory structure on 13.26± acres in the Agricultural (AG) District. The property is located at 41XXX Ferry Road, approximately 1/3 mile north of the intersection of CSAH 9 and Ferry Road, in Sunrise Township, S5, T35, R20 (PID# 09.00035.10).
7. **Public Hearings – Continued Hearings**

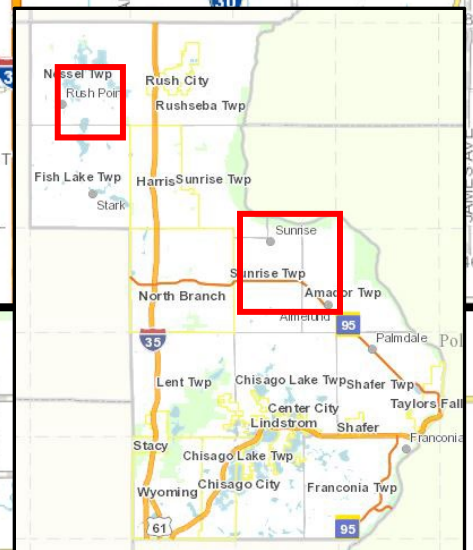
None
8. **Old Business**
9. **New Business**
10. **Communications and Reports**
 - a. County Board Liaison Report / Update

11. Miscellaneous**12. Adjourn Meeting**

- The next special work session is scheduled for Thursday, April 20, 2023 at 6:00 pm.
- The next regular meeting is scheduled for Thursday, May 4, 2023 at 7:00 pm.

Planning Commission
March 2023 Applications
Tour Date – Tuesday, April 4, 2023
9:00 am

Sunrise Homes, Inc
 PID# 06.00702.10
 "Zackary Meadows" Preliminary Plat
Reference Only



Maxwell & Allison Kleven
 PID# 09.00035.10 Interim Use Permit
 41XXX Ferry Road, ~1/3 mile N of
 intersection of CSAH 9/Ferry Rd

Keith Johnson & Johnson CSG 2, LLC
 PID# 09.00303.10 IUP Amendment
 W of Oasis Road / CSAH 9 and S of 375th Street
Reference Only

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
February 16, 2023**

The Chisago County Planning Commission met in session at 6:00 pm on Thursday, February 16, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose, Dave Whitney, Jolene Wille and Chip Yeager. Commissioners Absent: Nathan Keech, Eric Leivian and John Sutcliffe.

Workgroup Members Present: Jim McCarthy

Staff Present: Kurt Schneider, Environmental Services Director

Others Present: Rose Schroder of Bolton & Menk (Via TEAMS), Ex Officio County Commissioner Rick Greene, and County Commissioner Marlys Dunne.

Schroder began the work session by reviewing the agenda and commenting that she would be responding to comments submitted by various work group members prior to the work session.

Review of Development Methodologies Comparison / Summary Table

Schroder provided a chart to outline four various options for subdivision (conventional, conventional with PUD, lot clustering, and lot clustering with community utility systems) and sought clarification on open space dedication and lot area requirements. Schroder reviewed each of the four subdivision options in detail. In regard to “conventional with PUD”, Schroder explained that there would be no density increase; however, this option would allow proposed lots to vary from the strict dimensional standards of the underlying zoning district. Schroder questioned if there should be an established amount of allowable deviation or if it should be open-ended, commenting that the current draft ordinance showed a percentage for allowable deviation. In regard to “lot clustering” and “lot clustering with community utility system”, Schroder explained that these forms of subdivision would allow density increases but also required dedication of open space. McCarthy commented that the workgroup had reached consensus on requiring 30% dedication of open space for the lot clustering options; Chair Yeager concurred. DuBose questioned the percentage of slope allowable for dedication of common or public open space as part of PUDs, explaining that the draft ordinance included 15% but he believed it should be 18% to be consistent with other references in the ordinance. For reference, Schroder provided illustrations of each subdivision typology applied to an approximate 40-acre parcel. Whitney acknowledged the proposed 40% deviation allowed for dimensional requirements as part of the clustering option but commented that he would appreciate some established minimums as well, especially in the case of lots on cul-de-sacs and/or hammerheads. Schroder briefly explained that lot width was currently and proposed to be measured at the building setback line in the cases of cul-de-sacs and hammerheads, which may address some of the concern expressed by Whitney. The consensus of the workgroup was that allowing a 40% deviation was generally acceptable for clustering; however, Whitney continued to question a minimum lot width for lots on cul-de-sacs and hammerheads. The workgroup briefly debated whether it would be more appropriate to establish a percentage for allowable deviation or simply establish minimum dimensional requirements; however, the workgroup

again offered a consensus for allowing a 40% deviation to dimensional standards. Schroder summarized the workgroup's discussion by stating that the workgroup was generally satisfied with the draft subdivision typology language, with the understanding that there were a few areas needing more attention, the open space dedication requirement would be changed to 30%, and the allowable deviation for clustering would remain at 40%.

Chair Yeager questioned the need for a 21,500 sf Home Site Area (as currently required for all newly platted lots) in subdivisions utilizing a community utility system. DuBose offered personal experience with a subdivision which utilized a community septic system and the need for certain lots within that subdivision to still have individual systems; therefore, he advocated for leaving the 21,500 sf Home Site Area requirement in place. The consensus of the workgroup was to leave the Home Site Area standard at 21,500 sf for lots within subdivisions utilizing community utility systems. Recognizing that the majority of subdivisions with a community septic system did not also have a community water system, the workgroup raised the question of allowing a density increase for subdivisions which utilized a community septic system rather than both a community septic system and community water system. The consensus of the workgroup was to not require utilization of community water systems in order to be eligible for the density increase associated with community utility systems, meaning a subdivision could utilize a community septic system and individual wells and still be eligible for a density increase.

Workgroup Comments

Schroder reviewed comments received from workgroup members and sought clarification through discussion.

- **Zoning Ordinance Section 7.05, Noise.** Schroder received a comment suggesting that the ordinance should cite the specific State regulations pertaining to noise but cautioned that citing specific standards or statutes (by section and/or subsection) may lead to future issues if the State regulations or statutes were amended in any way. Instead, Schroder suggested including language such as "in accordance with Minnesota Statute XYZ (the general chapter) as may be amended from time to time". McCarthy suggested including a hyperlink to Minnesota statute within the County's electronic version of the Zoning Ordinance. Schroder responded that she could include a hyperlink but it may or may not be acceptable to the County's IT Department. In conclusion, Schroder offered the workgroup three options for consideration: a general reference to Minnesota statute, a very specific citation of Minnesota statute section and subsection, or somewhere in the middle with a reference to Minnesota statute with a disclaimer that it may be amended from time to time. Ultimately, the consensus of the workgroup was to include a broad reference (the "in the middle" option). The group briefly discussed the issue of vibration as addressed in Zoning Ordinance Section 7.05, specifically vibration associated with road construction projects. The group did not offer any suggested modifications to Section 7.05 in regard to vibration.
- **Zoning Ordinance Section 7.11, Outside Storage.** Schroder received a comment regarding screening of outside storage areas in the AG District and she questioned if all outside storage areas should be screened. Whitney commented that the Planning Commission often scrambled to develop appropriate screening language for each land use request and he suggested developing broad standards within the Zoning Ordinance that would be applicable to all requests. Schroder explained that there were three categories of options typically used by jurisdictions to address screening, including: fencing (height dictated by zoning district), landscaping, or a combination of fencing, landscaping and berming. Schroder cautioned against specifically identifying the type of landscaping required or specifications for landscaping given that every site was different and

conditions on every site were different and each type of shrub and tree would have different planting requirements. Based on Schroder's feedback, Whitney inquired if establishing and prescribing specific opacity requirements (i.e., 100% opacity immediately, 80% opacity after three years, etc.) would be appropriate; Schroder responded that this concept would be appropriate and preferable over establishing specific landscaping requirements (i.e., type of landscaping, spacing, etc.). Schroder stated that she would work on draft language to include the typically utilized three options described above, as well as language addressing opacity requirements and encroachment on neighboring properties.

- Zoning Ordinance Section 7.19, Landscaping. Schroder sought clarification on whether the general landscaping requirements for aesthetic purposes should include quantifiable landscaping requirements. The workgroup did not recommend any changes to the existing language.
- Zoning Ordinance Section 7.21, Recreational Camping Areas. Schroder received comments suggesting that language be developed to control density of campgrounds and resorts. McCarthy explained that campgrounds and resorts – which often included quasi-permanent structures such as park models – were allowed to have greater density than standard residential developments and he favored establishing specific density parameters. Schroder shared that she had not seen such parameters in her experience and expressed a desire to research and seek guidance from her colleagues on the matter.
- Zoning Ordinance Section 7.31, Solar Energy Systems. Schroder sought consensus on whether outdoor lighting fixtures associated with solar arrays should be required to be down light fixture (meaning they would have a cap or hood to direct light downward and not onto adjacent properties). As a follow-up, Schroder sought consensus on whether all such lighting associated with commercial uses should be required to be down light fixture. The consensus of the workgroup was to add language to the Performance Standards section addressing non-residential lighting. Schroder then asked about protecting view sheds associated with solar arrays. After workgroup discussion, Schroder suggested that she would work on additional screening requirements and some potential added notification requirements.

Review of Subdivision Ordinance

Schroder provided an update on recent revisions drafted into the Subdivision Ordinance, including the definition of Outlot. Schroder asked staff about platting submittal requirements and Director Schneider responded that the number of drawings currently required could be scaled back significantly and that an electronic version should be required. Schroder concurred that a scalable .pdf should be required. Schroder then inquired about an existing provision which required that Preliminary Plat modifications must go back to the Planning Commission for consideration, and she asked if it was determined that the modification(s) was / were minor, could they be reviewed administratively and then reported to the Planning Commission rather than requiring a second public hearing. DuBose suggested an administrative review and approval process and also incorporating an appeal process with the Planning Commission. The consensus of the workgroup was agreeance with DuBose's suggestion. Schneider encouraged Schroder to develop some parameters for what would be allowed under an administrative review and approval process. Schroder then offered clarification about Rezonings associated with plats.

Schroder commented that she had received some comments regarding prescribed street design requirements and, even though the majority of projects involved roadways outside of the County's jurisdiction, she urged the workgroup to maintain street design requirements for those projects which incorporated new roadways and /or private roads. Schroder added that she could update that particular

section to clarify that the applicable road authority's regulations would supersede the County's regulations. Schroder also suggested adding language to address acceptable surfacing materials.

Whitney questioned the reference to 1,320 feet in Subdivision Ordinance Section 4.02, B., commenting that it hadn't been enforced in the past and the County may wish to remove that particular requirement. Schroder provided a likely explanation for that particular distance (emergency services and ability to maneuver). The workgroup briefly discussed past approvals, requirements in surrounding communities, and possible solutions to ensure maneuverability of emergency vehicles.

Schroder inquired about Subdivision Ordinance Section 5.08 which pertained to "special approval required for subdividers who have previously defaulted" and whether this provision had been invoked in the past and, if so, what the legal basis was for such action. With no historical background offered by the workgroup, Schroder suggested removing the language as it was likely not legally defensible.

Clarification on Various Topics

- Schroder commented that there were currently multiple Zoning Ordinance references to horse barns being allowed as a Permitted Use with added language prohibiting horse barns from being used for commercial purposes and prohibiting living quarters within horse barns, and she inquired if there were instances in which commercial use would be acceptable. The consensus of the workgroup was to allow boarding of horses as a Permitted Use in the Agricultural (AG) District. In regard to the living quarters aspect, Schroder commented that it would become a moot point if the County chose to allow Accessory Dwelling Units (ADUs) as was being recommended by the Planning Commission. Schroder commented that she would clean up related definitions and likely consolidate various horse related uses currently identified in the Zoning Ordinance.
- In regard to the County's recently adopted ordinance pertaining to accessory structures without the presence of a principal use structure, Schroder questioned the provision addressing parcels which were 10 acres or larger and why it would be allowed with issuance of an Interim Use Permit (IUP) rather than a Conditional Use Permit (CUP) given that an IUP requires some form of sunset. Schroder recommended that accessory structures in this situation either be approved as a CUP or allowed as a Permitted Use. The workgroup had a healthy debate about accessory structures and, with no consensus, Schroder stated that she would work on the existing language for future review. DuBose questioned an existing provision requiring that the second story of accessory structures be used for storage only and potential conflict with the proposed ADU language. Schroder responded that there was a distinction between accessory structures and ADUs. DuBose also questioned the total amount of accessory storage space allowed in the Rural Residential Districts. Schroder responded that she would look into that concern further.
- Whitney questioned if there was a proposed minimum width for ADUs given that there was an existing minimum width of 20' for primary dwellings. Schroder responded that there was currently no minimum width proposed and the only dimensional requirement was a maximum size of 720 sf. The consensus of the workgroup was to not establish or include any dimensional requirements for ADUs other than maximum square footage.
- Schroder brought up the issue of whether the subdivision regulations should be a separate ordinance (as was the current method) or incorporated into the Zoning Ordinance. Schroder explained that an ordinance which consolidates many different stand-alone ordinances was often referred to as a Uniform Development Code or Uniform Development Ordinance, adding that it was much more common for jurisdictions to have separate ordinances rather than a Uniform

Development Ordinance. Whitney commented that his concern about consolidation of ordinances was primarily related to the Shoreland Management Ordinance, explaining that it sometimes conflicted with the County's other ordinances (i.e., amount of required open space dedication). Schroder responded that the Shoreland Management Ordinance was generally more restrictive than the underlying zoning and the Shoreland Management District essentially served as an overlay district. Schroder added that it was most common for Shoreland Management Ordinances to be separate from Zoning Ordinances; however, that did not preclude the County from integrating them. Schroder cautioned that much of the language contained in the Shoreland Management Ordinance was prescriptive language developed by the DNR and any amendments would be required to be reviewed by the DNR. Schroder encouraged the Planning Commission to leave the Shoreland Management Ordinance as a stand-alone ordinance.

- Whitney commented that the existing Zoning Ordinance included drastically changed dimensional standards, such as the Rural Village Center (RVC) District going from a minimum area of 11,000 sf to 43,560 sf at some point in time, and he suggested that Schroder review those standards more closely to determine what would be most appropriate. The workgroup discussed possible reasons for the past changes and speculated that it may have been a typographical error. Staff and Schroder commented that they would investigate further.

Next Steps / Schedule

- Schroder stated that she would provide updated draft documents prior to the next work session.

With no further business to discuss, the work session adjourned at 8:44 pm.

Chip Yeager
Chair

ATTEST: _____
Kurt Schneider
Environmental Services Director

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
March 2, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 2, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Office Manager.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Chris DuBose, Eric Leivian, Chip Yeager, John Sutcliffe, and Jolene Wille. Absent: Dave Whitney (excused). Also present: Ex Officio County Commissioner Rick Greene. A quorum was established with all members present except for D. Whitney.

Approval of Agenda – Motion by Chris DuBose to approve the agenda as presented; second by John Sutcliffe. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

Approval of Minutes – Motion by Jolene Wille to approve the February 2, 2023 regular meeting minutes as presented; second by Eric Leivian. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

Receive all Materials and Submittals into Record – Motion by Chris DuBose to accept all materials and submittals into the record; second by John Sutcliffe. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications – None

Public Hearings – Continued Hearings – None

Old Business

Robert & Jessica Randall – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract previously platted as Outlot A, Carlson's Lake Estates. The property is generally located south side of 280th Street, west of Quarry Road, and east of Quinlan Avenue, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

The Planning Commission conducted a public hearing and considered the request on February 2, 2023 and tabled the request in order for staff to gather more information relating to an existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), gather testimony from adjacent landowners specifically relating to their understanding of the purpose of Outlot A, Carlson's Lake Estates as common open space, and research the landlocked status of Outlot B, Carlson's Lake Estates. Since the February 2nd public hearing, staff had direct conversations with applicant / surveyor Kelly Jordan, easement grantee Neil Heinecke, neighboring property owner Michael Brusseau (Lots 4 & 5, Block 1, Carlson's Lake Estates), and Assistant County Attorney Fuge in order to address the Planning Commission's concerns. Discussion and concerns considered included:

- The existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), surveyor Kelly Jordan provided an updated Preliminary Plat drawing which identified the boundaries of the easement.
- Neil Heinecke explained to staff that he paid grantors Robert & Jessica Randall \$5,000 in 2013 for the easement. Heinecke further explained that he and the Randalls had not agreed to any vacation or change to the existing easement but were in discussions regarding possible remedies and/or compensation for Heinecke's easement interest.
- Neighboring property owner Michael Brusseau explained to staff that he and his wife both distinctly recall being told by their realtor (Robert Randall) prior to purchasing Lot 5, Block 1, Carlson's Lake Estates in 2013 that the property immediately east (Outlot A, Carlson's Lake Estates / subject site) was unbuildable and would always be unbuildable. Brusseau also reported to staff that the 2013 conversation with his realtor was a verbal communication and he had no written documentation to support the status of Outlot A as common open space.
- Staff met with Assistant County Attorney Fuge to gain a better understanding of all concerns identified by the Planning Commission.
 - In regard to the Heinecke easement, Attorney Fuge stated that the easement did not preclude the County from approving the proposed plat. Fuge explained that the easement was a private matter to be resolved between the grantors (Robert & Jessica Randall) and grantee (Neil Heinecke).
 - In regard to the common open space status of Outlot A, Carlson's Lake Estates, Attorney Fuge suggested that, without evidence demonstrating that Outlot A was formally dedicated as common open space, the County did not have a solid basis for prohibiting subdivision or future development of Outlot A.
 - In regard to Outlot B, Carlson's Lake Estates having been platted in 2006 as a landlocked tract of land, Attorney Fuge stated that Outlot B was outside of the scope of the current request and, therefore, outside of the scope of the Planning Commission's review.
 - Attorney Fuge suggested that staff's original recommendation of approval was an appropriate recommendation based on lack of evidence demonstrating that Outlot A, Carlson's Lake Estates was expressly approved and memorialized as common open space as part of the Carlson's Lake Estates cluster development and based on the fact that the proposed subdivision complies with the minimum standards for the creation of new parcels as established by the Chisago County Zoning, Subdivision, and Shoreland Management Ordinances.

Coordinator Gervais concluded by offering a recommendation of approval with conditions. Chris DuBose asked staff clarifying questions about proposed Condition No. 3, which related to the Heinecke easement. Gervais provided a response which offered possible resolutions to the easement encumbrance. **Motion** by Chris DuBose; second by Eric Leivian to adopt Resolution No. PC2023-0301, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Carlson Lake Overlook, with conditions as presented:

Conditions:

1. The Preliminary Plat of Carlson Lake Overlook is approved per plat drawing dated signed December 29, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.

2. This approval specifically allows the previously platted Outlot A, Carlson's Lake Estates to be replatted as Lots 1 and 2, Carlson Lake Overlook, with the express intention of creating two buildable lots.
3. Lot 2, Carlson Lake Overlook shall not be improved until and unless the easement encumbrance (Chisago County Recorder Document # A-554113) is resolved by the easement grantors and grantee. At time of building permit application, the applicant shall provide sufficient evidence, as determined by the Department of Environmental Services, demonstrating that the encumbrance has been resolved.
4. Approval of the Carlson Lake Overlook subdivision shall not invalidate the 2006 approval of Carlson's Lake Estates as a cluster development. Further, Lots 1 – 5, Block 1, Carlson's Lake Estates shall be considered legal conforming lots of record and shall be afforded all rights due to legal conforming lots of record, and approval of the Carlson Lake Overlook subdivision shall not otherwise adversely limit or prohibit development of Lots 1 – 5, Block 1, Carlson's Lake Estates.
5. Verification of the submitted soils report and wetland delineation shall be completed by the Department of Environmental Services when ground conditions allow and shall be required prior to submission of request for Final Plat.
6. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
7. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

New Business – None

Communications and Reports

County Board Liaison Report / Update – County Commissioner Greene reported on settled labor discussions with most of the County's bargaining units.

Planning Commission and Board of Adjustment and Appeals Policy on Commission / Broad Structure, Meeting Order and General Procedure – Chair Yeager stated that both the Planning Commission and the Board of Adjustment and Appeals had completed their annual reviews of the policy, and the County Board had recently considered and adopted the recommended amendments. Each Commissioner was provided with a copy of the adopted policy.

Chisago County Transportation Plan – Director Schneider provided a copy of the Chisago County Transportation Plan which included, among other items, a draft vision and goals and maps that illustrated growth areas / population projections, existing traffic volumes, and programmed projects for 2023-2027. Brief discussion followed on the gravel pit located in Sunrise Township. It was recommended that a larger map of the growth areas / population projection be made available to the Commission for easier viewing and discussion at the next special work session.

Miscellaneous – Chair Yeager reported that he and Jolene Wille attended a Chisago County HRA-EDA sponsored economic summit and he won a drawing for a \$1,000 grant. Yeager explained that the purpose of the grant was intended to focus on the reduction of barriers and promote inclusion through increased public awareness efforts. Director Schneider indicated that the grant would be used to modernize an information kiosk at the Environmental Services Department counter and boost social media posts. Schneider added that boosting social

media posts will assist local municipalities and townships and their residents in receiving information on regulatory issues and department activities.

Adjourn Meeting – Motion by John Sutcliffe to adjourn the meeting; second by Jolene Wille. **Motion passed** 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None. The meeting was adjourned at 7:24 p.m.

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator

DRAFT



Staff Report

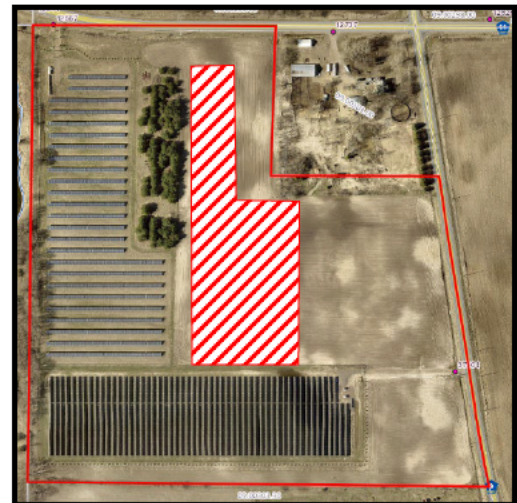
TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Amendment to an Interim Use Permit Allowing a Commercial Solar Energy System Located within 1320' of an Existing Solar Energy System
 37304 Oasis Road / CSAH 9, Sunrise Township
 DATE: April 6, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to an Interim Use Permit (IUP) allowing a Commercial Solar Energy System to be located within 1,320 feet (1/4 mile) of an existing solar energy system. The original IUP was granted in 2021.

SITE & APPLICATION INFORMATION

Applicant(s):	Johnson CSG 2, LLC
Property Owner(s):	Keith Johnson
Location:	37304 Oasis Road / CSAH 9 Sunrise Township Section 28, Township 35, Range 20
PID:	09.00303.10
Property Area:	38.7± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	February 3, 2023
Date Application Complete:	February 10, 2023
60-Day Review Period:	April 11, 2023
Extended Review Period:	June 10, 2023



**Approximate location shown in area of red hatches.*

BACKGROUND

Property owner Keith Johnson and applicant Johnson CSG 2, LLC have applied for an Interim Use Permit (IUP) Amendment in order to modify the variety of tree required for screening purposes. When the IUP for Commercial Solar Energy System was originally approved in 2021, the applicant specifically proposed the installation of black spruce trees and the resolution approving the IUP included a condition with this very specific detail (see condition No. 5 in the attached legal recording). The application materials indicate that the applicant now wishes to Amend the IUP in order to allow the installation of coniferous trees native to Minnesota rather than black spruce trees which are not well suited for Minnesota's

climate. The property owner and applicant are satisfied with all other conditions and is therefore only requesting that the condition addressing screening be Amended.

CONSIDERATION OF IUP AMENDMENTS

Up until very recently, the County has processed requests for CUP and IUP Amendments in the same manner as requests for new CUPs and IUPs, meaning the Planning Commission and County Board have considered all previously approved conditions and, in certain cases, amended conditions which the applicant may not have specifically requested an Amendment to or, in certain cases, added new / eliminated previously approved conditions which the applicant may not have specifically requested be added / eliminated. However, the County learned at a September 2022 MCIT training session that “When considering an Amendment to a Conditional [or Interim] Use Permit, [the County] may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that [the County], in hindsight, wishes they had imposed when the original Conditional [or Interim] Use Permit was granted”.

Given that the MCIT guidance is a departure from past practice, staff sought a legal opinion from the County Attorney’s Office. Assistant County Attorney Fuge concurred with the MCIT guidance on the processing of CUP [and IUP] Amendments, commenting that the Planning Commission’s scope of review and authority is fairly narrow and specifically limited to the requested Amendment. Fuge also commented that it would be beyond the scope of review to reconsider or otherwise modify the CUP [or IUP] or conditions of the CUP [or IUP] in any manner other than as related to the request for Amendment.

So, while the Planning Commission may wish to review and potentially modify the conditions approved in 2021, the Planning Commission’s focus must remain on the specifically requested Amendment which, in this case, solely pertains to landscaping materials for the purpose of screening. Therefore, the detail provided in this staff report is somewhat limited in comparison to past staff reports prepared for Amendment requests.

Approval of the requested Amendment will simply change the type of tree(s) required for landscaping / screening purposes. Denial of the requested Amendment will not result in revocation of the existing IUP or otherwise render it null and void; it will simply leave the existing IUP in effect as-is. And, if denied, the landscaping materials required by the 2021 IUP (i.e., black spruce) will likely result in a less than desirable outcome as black spruce are not well suited for the Minnesota climate.

SITE ANALYSIS

The public hearing packet prepared for the Planning Commission’s November 4, 2021 meeting is attached for detail about site analysis and all other aspects of the original request for IUP and subject site.

PROPOSAL ANALYSIS

The application materials explain that existing condition no. 5 reads:

The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot **black spruce** trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.

And the applicant is requesting that this condition be modified to read:

The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot black **coniferous** trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.

The application materials explain that this requested modification is based on three factors:

1. Ability to achieve required height and opacity goals for the project.
2. Effectiveness of a coniferous mix rather than the narrow black spruce tree.
3. The fact that black spruce is not well suited for Minnesota's climate and therefore not likely to survive or meet the required opacity goal.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits), C. states that the Planning Commission shall consider possible effects of the proposed Interim Use based upon, but not limited to, the general factors listed below. The draft Findings of Fact, shown in *italics* below for the Commission's consideration, are largely based on the Findings recommended by the Planning Commission on November 4, 2021 and approved by the County Board on November 17, 2021.

Factor #1	The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
Finding #1	<i>Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.</i>
Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2	<i>Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.</i>
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	<i>The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping. <u>The County further finds that the proposed IUP Amendment will help ensure that the screening will be effective and long-lasting.</u></i>

Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	<i>The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays has had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.</i>
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	<i>The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.</i>
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	<i>Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an Interim Use in the Agricultural (AG) District.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	<i>The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CSAH 9 or CSAH 11.</i>
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8	<i>The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.</i>

REVIEW PROCESS

The Technical Review Committee reviewed the request on March 8, 2023 and did not identify any concerns with the proposed Amendment.

The Sunrise Town Board reviewed the proposed IUP Amendment at its March 23, 2023 meeting and recommended approval “on the condition that only plantings will be varieties of spruce, cedar or fir, and no pine”.

Due to timing of application submittal, the initial 60-day review period expires on April 11, 2023. In order to allow for due process (i.e., all necessary meetings), the review period was expired an additional 60 days, expiring on June 10, 2023.

STAFF RECOMMENDATION

Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the IUP Amendment with conditions (see below) and has prepared a resolution for the Commission's consideration.

Staff notes that the proposed conditions are the exact conditions approved by the County Board in November 2021, with the addition of condition no. 1 to clarify that this approval is an Amendment to the original 2021 approval, added language to proposed condition no. 2, again, to address that this is an Amended IUP, and a modification to condition no. 6 (previously condition no. 5) to address the requested Amendment and the Sunrise Town Board's recommendation. Proposed added language is shown underlined and proposed deleted language is shown ~~struck through~~.

Condition(s):

1. This Interim Use Permit (IUP) amends and supersedes the IUP granted by the Chisago County Board of Commissioners on November 17, 2021 (original IUP) granting approval to construct and operate a one-megawatt community solar garden located within a ¼ mile of an existing solar array at 37304 Oasis Road / CSAH 9 in Sunrise Township. The sole Amendment reflects a modification of the landscaping materials approved for screening purposes (condition no. 6).
2. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted ~~below herein~~. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
3. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
4. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
5. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
6. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot ~~black spruce~~ coniferous trees – including Black Hills spruce, Meyer spruce, Norway spruce and Balsam fir varieties, but no pine varieties – spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
7. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.

8. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
9. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as "deer fence" which is of woven wire composition. The fence shall be a minimum of 8' in height and constructed with wooden posts.
10. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
11. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
13. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
14. At time of decommissioning the permittee shall recycle as much of the system's materials as possible and limit disposal of said materials to the fullest extent possible.
15. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
16. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
17. The permittee shall locate and survey all delineated wetland areas.
18. The permittee shall follow the Minnesota DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
19. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
20. Interconnection equipment shall be mounted at grade level whenever possible.
21. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
22. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
23. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit Amendment with Findings of Fact presented or amended and conditions presented.
2. Should the Planning Commission determine that the proposed Interim Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit Amendment based on factors deemed appropriate.

Note: Denial of the requested Amendment will not result in automatic revocation of the existing IUP or otherwise render it null and void; it will simply leave the existing IUP in effect as-is.

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on June 10, 2023, which would allow the Planning Commission the ability to further consider the request at its May 4, 2023 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0401, a resolution recommending approval of an Amendment to an Interim Use Permit allowing a Commercial Solar Energy System within 1,320 feet of an existing commercial solar project on property located at 37304 Oasis Road / CSAH 9 in Sunrise Township, with Findings of Fact as presented or amended and conditions as presented.

If the Commission chooses to recommend denial of the request for Interim Use Permit Amendment, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative (labeled "Attachment A – IUP Amendment Request Summary")
 - c. Legal Recording (labeled "Attachment B – Interim Use Permit 2021-1298 Issued November 17, 2021")
2. Public hearing packet prepared for November 4, 2021 Planning Commission meeting
3. Aerial location map (1) – subject property
4. Aerial location map (2) – vicinity map
5. Draft Resolution No. PC2023-0401

CC: Keith Johnson, property owner
Johnson CSG 2, LLC (c/o Courtney O'Connor), applicant
County file

Permit #

2023-0086

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee

\$46-

Base Fee

\$525-

Wetland or Septic Fees

Plat Compliance Fee

TOTAL FEE

\$571-

Street Location 37304 Oasis Road, Lindstrom, MN 55045

Tax Parcel # 09.00303.10

Legal Description Sunrise Township; Sec.28, T.35, R.20 E-Mail Address: [REDACTED]

Owner: Keith Johnson

Day Phone [REDACTED]

Address 15460 Little Lake Road, Center City, MN 55012

Applicant (if other than owner) Johnson CSG 2, LLC

Day Phone [REDACTED]

Address 3915 Coolidge Ave, Baltimore, MD 21229

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☒
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: _____

Description of request:

We would like to request amendment to special condition 5 of IUP # 2021-1298. Details of our request along with the approved IUP are attached to this application

If Variance Application, Brief-

Description of Practical

Difficulty

N/A

Courtney O'Connor

1/31/2023

Signature of Applicant

Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

2-3-23

Date Received

2-10-23

Date Complete

4-11-23

60/120 Day Review Period

6-10-23

EXTENDED REVIEW PERIOD

Date of Public
Hearing:

APRIL 6, 2023

TOWNSHIP PRESENTATION FORM

Street Location 37304 Oasis Road, Linstrom MN 55045

Legal Description Sunrise Township; Sec.28, T.35, R.20.

Owner Name Keith Johnson

Day Phone: [REDACTED]

Address: 15460 Little Lake Road, Center City, MN 55012

Applicant: Johnson CSG 2, LLC
(if other than owner)

Day Phone: [REDACTED]

Address: 3915 Coolidge Ave, Baltimore MD 21229

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☒

Ordinance Amendment ☐

Description of Request: We would like to request amendment to special condition 5 of IUP # 2021-1298. Details of our request along with the approved IUP are attached to this application.

Date of County Public Hearing: APRIL 6, 2023 23

Date of Township Presentation: MARCH 7 + MARCH 16, 2023

TOWNSHIP ACTION TAKEN

Approved ☒

Denied ☐

* Motion by Dan Kaiser, second by Carl Peter "Pete" Johnson to accept the Sunrise Planning Commission Reason recommendations to approve the IUP amendment on the condition that only plantings will be varieties of spruce, cedar or fir, and no pine. Motion carried.

Signature of Township Officers:

[Handwritten signatures of township officers]

Courtney O'Connor
Signature of Applicant

1/31/2023

Date

Attachment A – IUP Amendment Request Summary

We at Johnson CSG 2, LLC request an amendment to special condition number 5 of our approved Interim Use Permit for a 1 MW Solar garden located at 37304 Oasis Road, Lindstrom MN, 55045.

The current condition reads as the following:

“The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot black spruce trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit”

We are requesting the condition to be amended to read:

“The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot coniferous trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit”

The change we have requested here is to switch out the use of black spruce trees to other coniferous trees native to Minnesota. The coniferous mix of trees could include:

- Black hill spruce
- Meyer spruce
- Norway spruce
- Balsam Fir
- White Pine

The graphics below show the difference between the tree previously approved, and some of the trees included in the proposed coniferous mix.



Black Spruce



Black Hill Spruce



Meyer Spruce



Norway Spruce



Balsam Fir

We picked the coniferous mix of trees to be the best option for screening over the Black Spruce for the following reasons:

- We want to ensure that the tree selection fully achieves the required height and opacity goals for the project. We take our obligation to meet the height and capacity goals seriously and seek to resolve any issues with our ability to achieve those goals promptly with the City.
- Upon further consideration, we have determined that a coniferous mix will be more effective. As seen in the pictures, the Black Spruce is a much more narrow tree than the trees of the coniferous mix. The coniferous mix will positively impact the effectiveness of our three rows of screening surrounding the solar garden.
- In addition, we have determined that the Black Spruce is not suited for Minnesota's climate. After doing our own research and speaking to local tree experts, the Black Spruce is more suited for a wet climate. The Black Spruce is commonly referred to as "Swamp Spruce" because it can typically be found in low ground swampy areas and tolerate the saturation. The proposed coniferous mix of trees are all better suited for Minnesota climate and are far more likely to survive and reach their 75% opacity goal at the end of 3 years.

We at Johnson CSG 2, LLC sincerely appreciate all the help we have received from your staff regarding our application, and we look forward to collaborating with you further to develop a great project that we can all be proud of.

Attachment B – Interim Use Permit 2021-1298

Issued November 17, 2021



655363

Office of County Recorder
Chisago County, Minnesota

PAGES: 6

Certified, filed, and/or Recorded on: January 21, 2022 2:45:00 PM

Janet R. Converse,
County Recorder

REC'D COMPL. FUND: \$11.00
STATE GENERAL FUND: \$10.50
TECHNOLOGY FUND: \$10.00
GENERAL ABSTRACT: \$14.50

Received from: CHISAGO COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND ZONING

Returned To: CHISAGO COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND ZONING

Chisago County Department of
Environmental Services and Zoning
313 N. Main St., Suite 240
Center City, MN 55012-9663
651-213-8379

Official Notification Of
INTERIM USE PERMIT

OWNER NAME AND ADDRESS: Keith K. Johnson and Deborah L. Johnson
15460 Little Lake Road
Center City, MN 55012

APPLICANT NAME AND ADDRESS: Johnson CSG 2, LLC
Mike Bufalini, Gordian Energy Systems
3915 Coolidge Avenue
Baltimore, MD 21229

DESCRIPTION OF REQUEST: Interim Use Permit (IUP) to construct and operate a one-megawatt community solar garden located within a ¼ mile of an existing solar array (on the same property).

PROPERTY LOCATION: 37304 Oasis Road, Sunrise Township; SW corner of Oasis Road / County Road 9 and 375th Street

PID: 09.00303.10

SECTION: 28 **TOWNSHIP:** 035 **RANGE:** 020

LEGAL DESCRIPTION:

That part of the Southeast Quarter of the Southwest Quarter of Section 28, Township 35 North, Range 20 West, Chisago County, Minnesota, lying northerly of the South 1200 feet thereof

And

That part of the West Half of the Southeast Quarter of said Section 28, lying northerly of the South 1200 feet thereof and lying westerly of Oasis Road (also known as County Highway 9)

And

That part of the Northeast Quarter of the Southwest Quarter, lying westerly of Oasis Road (also known as County Highway 9) and lying southerly and westerly of the following described line:

Commencing at the northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 44 minutes 19 Seconds East, assumed bearing along the north line of said Northeast Quarter of the Southwest Quarter, a distance of 766.04 feet to the point of beginning of the line to be described; thence South 1 degree 49 minutes 08 seconds West, 470.30 feet; thence South 89 degrees 44 minutes 19 seconds East to the center line of Oasis Road (also known as County Highway Number 9) and said line there terminating.

PLANNING COMMISSION ACTION: Recommended approval with conditions on November 4, 2021

COUNTY BOARD ACTION: Approved with conditions on November 17, 2021 (Resolution No. 11172021-2)

FINDINGS OF FACT:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays have had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an interim use in the Agricultural (AG) District.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

SPECIAL CONDITIONS:

1. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted below. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
4. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot black spruce trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
6. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.
7. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as "deer fence" which is of woven wire composition. The fence shall be a minimum of 8' in height and constructed with wooden posts.
9. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.

10. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
11. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
12. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
13. At time of decommissioning the permittee shall recycle as much of the system's materials as possible and limit disposal of said materials to the fullest extent possible.
14. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
15. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
16. The permittee shall locate and survey all delineated wetland areas.
17. The permittee shall follow the Minnesota DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
18. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
19. Interconnection equipment shall be mounted at grade level whenever possible.
20. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
21. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

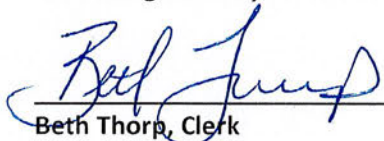
22. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Interim Use Permit approved but not utilized within twelve (12) months of the date of approval shall be null and void.

CERTIFICATION

State of Minnesota)
) ss.
County of Chisago)

I hereby certify that the foregoing record of decision is a true and correct record of the decision adopted by the Chisago County Board at a duly authorized meeting thereof on the 17th day of November, 2021.

 1-13-22
Beth Thorp, Clerk Date
Land Services Coordinator



This document drafted by:
Beth Thorp, Land Services Coordinator
Chisago County Department of Environmental Services
313 N. Main St., Suite 240
Center City, MN 55012

Please return to:
Chisago County Department of Environmental Services/Zoning
313 N. Main St., Suite 240
Center City, MN 55012



Staff Report

TO: Planning Commission
FROM: Beth Thorp, Land Services Coordinator
SUBJECT: Interim Use Permit for a Commercial Solar Energy System Located within 1320' of an Existing Solar Energy System (Sunrise Township)
DATE: November 4, 2021

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Interim Use Permit (IUP) allowing a Commercial Solar Energy System to be located within 1320' (1/4 mile) of an existing solar energy system (on the same property).

SITE & APPLICATION INFORMATION

Applicant(s): Johnson CSG 2, LLC
Property Owner(s): Keith Johnson
Location: SW corner of CR 9 and CR 11 / Sunrise Township
General Location: Section 28, Township 035, Range 020
PID: 09.00303.10
Property Area: 38.74 Acres
Current Zoning: Agricultural (AG) District
Adjacent Zoning: Agricultural (AG) District
Date Application Complete: September 1, 2021
60-Day Review Period: October 31, 2021
Extended Review Period: December 1, 2021



BACKGROUND & DISCUSSION

The subject site, generally located at the SW corner of CR 9 and CR 11, is 38.74 acres in size and is currently developed with two solar energy systems. An administrative permit was issued in June 2017 for the first solar array located along the west property line. This array is set back 135' from CR 11 / 375th Street and is visible on the aerial photo above.

In November 2019 the Planning Commission recommended approval and the County Board approved an IUP for what would become the second constructed solar array on the subject site. This array is located along the south property line and is situated approximately 250' – 300' from CR 9 / Oasis Road. The second constructed solar array is depicted on the aerial photo above. Both the first and second constructed solar arrays were installed meeting or exceeding roadway setback requirements in effect at the time of approval.

In 2020 the Planning Commission recommended and the County Board approved amendments to the County's Solar Energy Systems regulations. The County adopted new standards for solar arrays, including increased setback requirements from roads. More specifically, the roadway setback

requirement for any second or successive solar array on an individual property changed from 135' to 735'.

In 2021 the applicant and property owner applied for an IUP to gain approval for what would become the third constructed solar array on the subject site. The proposed project had received approval in 2019 under the County's former Solar Energy Systems regulations, but approval became null and void when it was not acted upon within one year. The proposal presented minimal modifications from that of the original 2019 proposal, which means it did not meet the County's new 735' setback requirement. In February 2021 the Planning Commission recommended denial and the County Board denied the IUP due to the proposed solar array not meeting minimum setback requirements.

In response to the February 2021 denial, the applicant and property owner requested and were granted a Variance from the Chisago County Board of Adjustment and Appeals in September 2021. The approved Variance allows a roadway setback range of approximately 380' – 455' from CR 9 and 135' from CR 11. The range is due to the position of the solar array in relation to the angled CR 9 roadway.

With Variance approval in hand and having waited the required six months for reapplication of the IUP, the applicant and property owner are now seeking IUP approval to install the Commercial Energy Solar System. The system is proposed to be located immediately east of the first constructed system and immediately north of the second constructed system, as generally depicted on the aerial photo above.

SITE PLAN / PROPOSAL ANALYSIS

The application for IUP included a written narrative dated August 30, 2021. According to the written narrative, the Commercial Solar Energy System is designed to consist of approximately 4,046 solar panels mounted on a steel and aluminum racking structure positioned at a fixed 30° tilt. The panels will average a height of 10' above grade and will not exceed a maximum height of 20' above grade. The racking system will be installed in the ground with I-beams driven directly into the ground at a depth between 6'-10' depending on soil conditions. The equipment is designed to withstand winds up to 90 mph and snow loads of 60 lbs/sf.

Zoning Ordinance Section 7.31 Solar Energy Systems, G. Interim Use Permit (IUP) Requirements, 3. Interim Use Permit Performance Standards states that approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits, but may be allowed some measure of flexibility on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board. Performance standards for administrative permits, and thereby systems granted by IUP, include:

Noise

The Zoning Ordinance limits construction and routine maintenance activities to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded. The written narrative states that operating hours during construction will be limited to 8:00 am – 6:00 pm. The project is proposed to commence in March 2022 and be complete by October 2022.

Site Sediment and Erosion Control

The applicant is required to implement those MPCA-recommended erosion and sediment control which are deemed applicable by the Department. If applicable, the Permittee shall obtain an NPDES Permit, and provide the Department with the Storm Water Pollution

Prevention Plan (SWPPP) submitted to the MPCA as part of the (NPDES) permit application. Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.

The written narrative indicates that measures will include the use of erosion control logs and silt fences where necessary, and establishment of a germinated pollinator-friendly vegetative base underneath the project area before construction begins to prevent erosion. Further, Johnson CSG 2, LLC will submit for the NPDEA Permit and will provide the Department with Storm Water Pollution Prevention Plan (SWPPP) prior to and during the construction process.

Visual Screening and Landscape Plan

The Zoning Ordinance requires that all Commercial Solar Projects include the development, installation, and maintenance of a performance-based landscape plan (wind row style plantings) placed outside the fenced perimeter and consisting of suitable native shrubbery and trees. Trees and/or shrubs shall be a minimum of six feet tall when planted and shall reach project-affiliated fence height and leaf-on conditions 75% opacity screening by the end of year three of the project.

1. A landscape plan designed by Minnesota- licensed landscape engineer or Minnesota-certified arborist shall be submitted verifying that the above-stipulated height and opacity goals will be achieved by the end of year three of the project, given normal growing conditions.
2. Financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.
3. Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by county inspection.

The written narrative outlines plans for vegetative screening, which includes the installation of two staggered rows of six-foot black spruce trees spaced 16' on center. The trees will be planted on the north, east, and south sides of the solar array outside of the fenced perimeter. The applicant proposes to provide a financial surety in an amount great enough to guarantee that the screening goals of 75% opacity and tree height are met, prior to submitting a building permit.

While staff is generally satisfied with the proposed plantings, it does not appear that the applicant has provided a landscape plan meeting all requirements of condition #1 above. To fully satisfy the condition, a qualified landscape professional must simply sign off on the suitability of the proposed plan. Staff has incorporated submission of a landscape plan as a recommended condition of approval in the attached resolution.

Ground Cover

The written narrative indicates that the applicant voluntarily participates in the Pollination Pledge and has agreed to seed with native pollinator friendly vegetation underneath the panels and in surrounding areas within the project site. The seed mix used for ground cover will, in addition to other benefits, minimize erosion, improve water quality, and infiltrate stormwater runoff.

Wetlands

All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420. The applicant submitted a wetland delineation report dated December 2018 and it was reviewed by the Chisago County Wetland Specialist. The Wetland Specialist's conditions of approval have been incorporated into the attached resolution for consideration.

Blanding's Turtle

The applicant is required to follow the DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

Security Fence

The security fence surrounding the facility is required to be agricultural fencing, also known as "deer fence" which is of woven wire composition. The written narrative states that the proposed solar array will be contained within an area protected by a 7' "fixed knot" fence with wooden posts.

Consistent with past projects, staff has incorporated a recommended condition of approval stating that the fence shall be a minimum of 8' in height.

Maintenance

The applicant is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including disposal of trash, waste, and other detritus, for the life of the project. Such maintenance shall include sustaining and maintaining the visual screening buffer in an attractive and aesthetically pleasing manner.

The written narrative states that a dumpster will be on site during the entire construction process and other materials will be stored and locked in storage containers placed on site.

Financial Surety / Site Restoration

The Zoning Ordinance requires that, at time of building permit application, the project developer submit a decommissioning plan for ground-mounted Commercial Solar Energy Systems to ensure that the permittee properly removes the equipment and facilities upon the end of project life or after their useful life. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly based plan ensuring financial resources will be available to fully decommission the site. The permittee shall provide an industry engineer's estimate of the eventual decommissioning cost and shall post financial surety in an amount equal to or greater than 125% of the engineer's estimated cost, to ensure proper decommissioning. All solar projects and decommissioning plans shall be subject to biennial review of current relevant economic factors associated with solar projects, solar technology and the solar industry, and may be subject to revised or escalated financial surety requirements, as determined to be necessary by the County Board of Commissioners. Failure to maintain financial surety and current decommissioning plan shall be grounds for revocation and/or nullification of permit.

The written narrative details the applicant's decommissioning plan and proposes a surety of \$84,550 per megawatt. This amount appears to be 100% of the cost to remove the solar array

and restore the project area, rather than the required 125%. The attached resolution for consideration includes a condition requiring the financial surety to be the full 125% along with submission of a detailed estimate to support the estimated cost and financial surety amount.

Setbacks

The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:

- 75' from all non-right of way property lines or 275' from any dwelling, whichever is greater.
- 135' from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 735' from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.
- 135' from centerline of all other public roads.

The site plan dated received September 29, 2021 shows that the project location is set back 75' from the northern-most eastern property line and the eastern-most northern property line (the L-shaped property boundary in the NW corner of the subject site) and it exceeds the more restrictive 275' setback from the dwelling located immediately northeast.

The applicant requested and received a Variance to the roadway setback requirements listed above in September 2021. The attached site plan, Plan Sheet PV1 dated received September 29, 2021, accurately reflects the Variance granted by the Board of Adjustment and Appeals.

Interconnection Equipment

Interconnection equipment is required to be mounted at grade whenever possible.

As part of the review process, the Technical Review Committee met on September 8th. Aside from comments received from the Wetland Specialist and incorporated as recommended conditions of approval, there were no concerns identified by the committee.

Given that the applicant applied for Variance and IUP at the same time, the applicant granted the County an extension to the state mandated 60-day review period in order to allow time to review the requests separately. The extended review period expires on December 1, 2021.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 Interim Use Permits (IUP), C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1	The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
Finding #1	<i>Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning</i>

Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.

- | | |
|------------|--|
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <i>Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.</i> |
| Factor #3 | The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; |
| Finding #3 | <i>The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping.</i> |
| Factor #4 | The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties; |
| Finding #4 | <i>The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays have had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.</i> |
| Factor #5 | The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use; |
| Finding #5 | <i>The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.</i> |
| Factor #6 | The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use; |
| Finding #6 | <i>Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an interim use in the Agricultural (AG) District.</i> |
| Factor #7 | The proposed use will not cause traffic hazard or congestion; and |
| Finding #7 | <i>The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.</i> |
| Factor #8 | The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness. |

Finding #8 The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

TOWNSHIP RECOMMENDATION

The Sunrise Town Board reviewed the proposed Variance and IUP at its September 16th meeting. The Town Board motioned “to accept Sunrise Township’s Planning Commission recommendation to deny the Variance and IUP because the setbacks requested are so far removed from the language of the amended Chisago County Zoning Ordinance Section 7.31, Subsection F, Paragraph 10, (which requires 735’ from centerline of state and county roads) that we don’t feel Sunrise Township can act on it; and also because the \$25,000 decommission security falls far too short of 125% of the stated \$87,767.00 cost of decommissioning.”

STAFF RECOMMENDATION

Taking into consideration the roadway setback Variance that was independently granted by the Board of Adjustment and Appeals in September 2021, staff believes that the proposed IUP for Commercial Solar Energy System complies with and is consistent with the intent of the County’s Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report, or during the course of the public hearing, staff recommends approval of the IUP with conditions (see below) and has prepared a resolution for the Commission’s consideration.

Recommended Condition(s):

1. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
4. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. Landscaping shall include a minimum of two staggered rows of six-foot black spruce trees spaced at

16-foot on center, located outside of the fenced perimeter. The plan shall be submitted prior to building permit approval.

6. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.
7. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as "deer fence" which is of woven wire composition. The fence shall be a minimum of 8' in height and constructed with wooden posts.
9. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
10. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
11. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
12. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
13. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
14. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
15. The permittee shall locate and survey all delineated wetland areas.
16. The permittee shall follow the Minnesota DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

17. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
18. Interconnection equipment shall be mounted at grade level whenever possible.
19. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
20. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. *(Note: the Commission will need to include specific factor(s) for denial in its motion.)*
3. Recommend that the County Board **table action** to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The extended review period expires on December 1, 2021.

ACTION REQUESTED

Motion to adopt Resolution No. PC2021-1102, a resolution recommending approval of an Interim Use Permit allowing a Commercial Solar Energy System, with conditions as presented or amended.

If the Commission chooses to recommend denial of the request for IUP, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Draft Resolution No. PC2021-1102
2. Interim Use Permit Application Materials
 - Application dated signed August 30, 2021
 - Written narrative dated August 30, 2021
 - Community meeting summary report
 - Interconnection application
 - Site plan dated received September 29, 2021

CC: Johnson CSG 2, LLC, applicant
Keith Johnson, property owner
County File

RESOLUTION NO. PC2021-1102

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT TO ALLOW A COMMERCIAL SOLAR ENERGY
AS REQUESTED BY JOHNSON CSG 2, LLC AND KEITH JOHNSON**

WHEREAS, Johnson CSG 2, LLC, applicant, and Keith Johnson, property owner, submitted an application dated complete on September 1, 2021 for an Interim Use Permit to allow a Commercial Solar Energy System; and

WHEREAS, the subject site is generally located at the southwest intersection of County Road 9 and County Road 11 (Sunrise Township) and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is described as (abbreviated legal description):

PID 09.00303.10

THAT PT OF SE 1/4 OF SW 1/4 LYG N'LY OF S 1200 FT THEREOF. THAT PT OF W 1/2 OF SE 1/4 OF SAID
SEC 28 LYG N'LY OF S 1200 FT THEREOF & LYG W'LY OF OASIS ROAD

Section 28, Township 035, Range 020

Chisago County, MN

WHEREAS, notice was provided and on November 4, 2021 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1 Interim Use Permits:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast.

Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays have had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an interim use in the Agricultural (AG) District.

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner will existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Interim Use Permit is hereby recommended for approval, subject to the following conditions:

1. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted below. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
4. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot black spruce trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
6. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.
7. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as "deer fence" which is of woven wire composition. The fence shall be a minimum of 8' in height and constructed with wooden posts.
9. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
10. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
11. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
12. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application,

a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.

13. At time of decommissioning the permittee shall recycle as much of the system's materials as possible and limit disposal of said materials to the fullest extent possible.
14. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
15. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
16. The permittee shall locate and survey all delineated wetland areas.
17. The permittee shall follow the Minnesota DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
18. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
19. Interconnection equipment shall be mounted at grade level whenever possible.
20. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
21. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
22. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

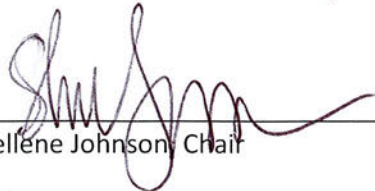
Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of November, 2021.

Kelly Corbin
Shellene Johnson
James McCarthy
Frank Storm

AYE
AYE
AYE
AYE

John Sutcliffe
Dave Whitney
Chuck Yeager

AYE
AYE
AYE



Shellene Johnson, Chair

ATTEST:



Beth Thorp, Land Services Coordinator

60 Day Deadline:

Recording Fee 46.00

Base Fee 525.00

PLANNING ADMINISTRATIVE FORM

Permit # 21-1298-2

Chisago County Department of Environmental Services

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location 12737 375th Street, North Branch, MN 55056

Tax Parcel # 09.00303.10

Legal Description THAT PT OF SE 1/4 OF SW 1/4 LYG N'LY OF S 1200 FT
THEREOF. THAT PT OF W 1/2 OF SE 1/4 OF SAID
SEC 28 LYG N'LY OF S 1200 FT THEREOF &
LYG W'LY OF OASIS ROAD

E-Mail Address: _____

Owner: Keith K. Johnson

Day Phone _____

Address 15460 Little Lake Road, Center City, MN 55012

Applicant (if other than owner) Johnson CSG 2, LLC

Day Phone _____

Address 3915 Coolidge Ave, Baltimore, MD 21229

S 28, T35, R20

Type of Request:

Variance ☒

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☒
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: Sections 7.31 (Solar Energy Systems), 8.04-1 (Interim Use Permits), and 8.06 (Variances)

Description of request: Installation of a 1 MW AC ground mounted community solar garden, and variance for the 735' setback

requirement from the centerline of State and County Roads for additional commercial solar energy gardens on the same parcel.

If Variance Application, Brief

Description of Practical
Difficulty

The 735' setback cannot be met with the project being installed on the South of this project.

This IUP was submitted as a resubmittal after a lapse of the previously approved IUP. This requirement was new upon the resubmittal.

Signature of Applicant

Date of Application

60 Day Deadline
(If Application is
Complete)

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Date of Public
Hearing:

Thurs 10-7-21

Questions? Contact Jessica Jagoe, Land Services Coordinator at 651-213-8379 or Jessica.jagoe@chisagocounty.us

TOWNSHIP PRESENTATION FORM

Street Location 12737 375th Street, North Branch, MN 55056

PID # 09.00303.10

Legal Description THAT PT OF SE 1/4 OF SW 1/4 LYG NLY OF S 1200 FT
THEREOF. THAT PT OF W 1/2 OF SE 1/4 OF SAID
SEC 28 LYG NLY OF S 1200 FT THEREOF &
LYG WLY OF OASIS ROAD

Owner Name Keith K. Johnson

Day Phone: [REDACTED]

Address: 15460 Little Lake Road, Center City, MN 55012

Applicant: Johnson CSG 2, LLC
(if other than owner)

Day Phone: [REDACTED]

Address:
3915 Coolidge Ave, Baltimore, MD 21229

Type of Request:

Variance ☒

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☒

Ordinance Amendment ☐

Motion by Carl Peter "Pete" Johnson, second by Eric Leivian, to accept Sunrise Township's Planning Commission recommendation to deny the **Variance and IUP** because the setbacks requested are so far removed from the language of the Amended Chisago County Zoning Ordinance Section 7.31, Subsection F, Paragraph 10, (which requires 735 feet from centerline of state and county roads) that we don't feel Sunrise Township can act on it; and also because the \$25,000 decommission security falls far too short of 125% of the stated \$87,767.00 cost of decommissioning. Discussion from Tyler Richter at the Planning Commission meeting for the rationale of the motion for current law, current regulations to rule on the merits of the current application. One abstain, Mark Osland. Motion carried

Approved ☐

Denied ☒

Reasons and Conditions:

Signature of Township Officers:

Carl Peter Johnson

Eric Leivian

Mark Osland

See Planning Administrative Form
Signature of Applicant

8/30/21
Date

SCHEDULE OF REQUIRED MEETINGS

Zoning Department will fill out this form for you at the time of your application

Exhibit B.1 - Interim Use Permit

Monday August 30, 2021
Chisago County
Attn: Kurt Schnieder
313 N. Main St.
Suite 240
Center City, MN 55012

Johnson CSG 2, LLC (Johnson CSG 2) is requesting an Interim Use Permit for a one- Megawatt Alternate Current photovoltaic community solar garden with service period of 25-35 years. The Utility Scale community solar garden is going to cover 7 acres of land the following described 38.7-acre parcel of land owned by Keith K. Johnson and Deborah L. Johnson, PID 09.00303.10: THAT PT OF SE 1/4 OF SW 1/4 LYG N'LY OF S 1200 FT THEREOF. THAT PT OF W 1/2 OF SE 1/4 OF SAID SEC 28 LYG N'LY OF S 1200 FT THEREOF & LYG W'LY OF OASIS ROAD, township 035, range 020. The property is Zoned 2 AREM – Agricultural Homestead – remainder and 200 Agricultural. Commercial Community Solar Gardens are permitted as Interim use.

The site was selected due to its physical characteristics, proximity to existing Xcel Energy electrical infrastructure and distribution lines, zoning and permitting requirements, and landowner participation. After looking into moving the array further away from the road, we determined it would not be feasible.

1. Township Recommendation:

Johnson 2 CSG LLC will be attending the county recommended township meeting once the dates are provided

2. Design and Interconnection:

Each garden will consist of approximately four thousand forty-six (4046) solar panels. The panels are mounted on a steel and aluminum racking structure positioned at a fixed 30° tilt, and generally averages approximately ten (10) feet above grade and will not exceed a maximum height of twenty (20) feet above grade. The racking system is installed in the ground with I-beams that are driven directly into the ground at a depth usually between six (6) feet and ten (10) feet depending on soil conditions. The racking system manufacturer's engineer will

provide certification that the design of the foundations and panels are within accepted professional standards, given local soil and climate controls. The equipment is designed to withstand wind up to ninety (90) MPH and sixty pounds per square foot (60 LBS/SF) of snow. Each of the gardens will have one (1) concrete equipment pad, typically less than 320 square feet, to support interconnection and metering equipment. The only proposed grading that will occur is for the roads and concrete equipment pads.

The panels will be arranged into rows. Each row of solar panels will connect to an inverter. The inverters will be connected by trenched underground conduit that is housed inside of PVC housing which will be installed two (2) feet below the surface. The conduit will lead to the concrete equipment pad for each garden that will be mounted at grade. The inverters transform the direct current (DC) power generated by the photovoltaic system to alternating current (AC) power, which is then connected to the existing Xcel Energy three phase power distribution line at the point of common coupling (PCC).

3. Noise and Construction:

Johnson CSG 2 would like to begin construction in March 2022 date and complete the project before October 2022. The construction process takes approximately nine months. Operating hours during construction will be 8am-6pm to ensure nighttime noise level standards will not be exceeded. The site will have a portable toilet for workers. No water supply will be required. A dumpster will be on site during the entire construction process and will be serviced periodically for any waste debris that may come as a result of construction. Any materials will be stored and locked in storage containers

that are placed on site and part of the access road turnaround. Large flatbed and delivery trucks will be delivering heavy machinery and equipment to the site periodically throughout the construction process. In addition, crews in passenger vehicles, pickup trucks, bobcats and skid steer loaders on tracks will be used on site almost daily. Johnson CSG 2 will use appropriate temporary (construction-related) erosion and sediment control best management practices (BMP) through construction.

4. Storm Water Management Measures

Storm water management measures will be determined by EVS, a licensed civil engineering firm. They are a Minnesota based company with an enormous amount of experience designing solar arrays. Measures will include an analysis of the existing topography since no substantial grading will be required, the use of erosion

control logs and silt fences where necessary, and establishment of a germinated pollinator friendly vegetative base underneath the project site before construction begins to prevent erosion. Johnson CSG 2, LLC will submit for the NPDES Permit and will provide the Department with Storm Water Pollution Prevention Plan (SWPPP) prior to and during the construction process.

5. Ground Cover:

Johnson CSG 2 has voluntarily participated in the Pollination Pledge, in which it has agreed to seed with native pollinator friendly vegetation underneath the panels and in surrounding areas within the project site. Seeding will be done as soon as the weather allows for proper germination. Johnson CSG 2 will utilize local companies to maintain the vegetation by mowing as needed and in a manner as to maximize weed and erosion control. Ground cover within the fenced portion of the array will not exceed 24 inches in height and will cover under and between the collectors, surrounding system foundation, and mounting devices. Johnson CSG 2 proposes a seed mix design specific to this site based on the parameters and methodology defined by the Minnesota Department of Transportation.

The purpose of the solar garden seed mix will be to:

- Withstand harsh climate conditions
- Minimize maintenance costs
- Minimize erosion
- Improve water quality
- Infiltrate storm water runoff

6. Vegetative Screening:

- A. Johnson CSG 2 does not plan to remove any of the existing screening in or surrounding the proposed array.
- B. Johnson CSG 2 plans to install 2 rows of 6 feet Black Spruce spaced 16 feet apart off center. The 2 rows will be staggered and will be placed on the North, East, and South sides of the array. Johnson CSG 2, LLC will provide a financial surety in the amount great enough to guarantee that the screening goals of 75% opacity and tree height are met prior to submitting a building permit.
- C. Johnson CSG 2 vegetative screening will be planted outside of the security fence and the solar garden setbacks of 75ft from property lines supersedes the 20ft landscaping setback requirements.

Johnson CSG 2 will be responsible for maintaining the existing drain tile system underneath the array and replacing any damage to tile that occurs during the construction process, or any time prior to or during decommissioning. Existing drain tile lines will be identified upon the completion of the ALTA survey prior to construction.

7. Wetlands:

Johnson CSG 2 has conducted a level one wetland delineation report that has determined that no wetlands will be affected on the property as well as a Notice of Decision that agrees with those findings.

8. Blanding's Turtle:

Johnson CSG 2 agrees to follow the best practices in avoiding and minimizing impact according to the DNR Environmental Review Fact Sheet Series.

9. Security Fence:

The solar array will be contained within an area protected by a six (6) foot Deer Fence as shown in the proposed site conditions Exhibit B.4.

10. Decommissioning Plan:

Johnson CSG 2 is to provide a decommissioning surety of \$25,000 per megawatt to the County, prior to the building permit being submitted. The purpose of the security is to ensure there is enough money available to return the project site to an appropriate condition at the end of the project's useful life, or earlier.

Johnson CSG 2 or its successors agree to be responsible for all decommissioning costs and agree that any future buyer or successor of the project will assume the same decommissioning responsibilities. Installation by Johnson CSG 2 will be done with no significant or permanent alterations to the land. Upon removal, the project site shall be restored to pre-construction conditions as is reasonably practical, including removal of structures, foundation, and restoration of soil and vegetation. The system will be dismantled and removed using minimal impact construction equipment and materials will be safely recycled or disposed. Appropriate temporary construction-related erosion and sediment control best management practices (BMP) during the decommissioning of the project.

Johnson CSG 2 anticipates that decommissioning will occur 25-35 years after the date that the system becomes operational depending on the owner renewal option. All equipment and structures will be removed within ninety (90) days from either of the following: A. The end of the system's serviceable life; or B. the system becomes discontinued. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the system to service.

The following is a list of assumptions and clarifications to further define the methodology used to establish the scope and values of the removal costs and salvage values.

General

- The intent of the decommissioning work will be to fully remove the solar facility and restore the site to a stabilized natural condition. Even if the intent is to resume farming, the site will first be fully restored and stabilized.
- The service life of the facility is assumed to be 25 years. All dollar amounts are in present day value, and it is assumed that all values will inflate at a similar rate, therefore, the net comparison of removal cost to salvage value at the end of the service life will remain accurate.
- Costs associated with this plan represent a "turn key" operation for a general contractor to be hired for this work, including permits, mobilization, contingency, etc.
- Unit costs for each line item have been provided by local contractors familiar with this type of work.
- Haul costs assume a maximum distance of 60 miles between the project and nearest disposal or recycling facility.
- No maximum duration has been assigned for this work. It has been assumed that this work would be handled by a single crew without full time site personnel.

Civil Infrastructure

- Topsoil used to backfill excavations will be borrowed from adjacent onsite locations. No topsoil import is included.
- Stormwater features such as retention berms or shallow basins with drain tile under drains may remain in place as they do not negatively impact future agricultural land uses and they will continue to provide an environmental benefit to the quality and quantity of offsite runoff.

- Aggregate removal will be the full depth of the aggregate section for roads, equipment pads, and other areas utilizing aggregate. No aggregate will be buried. Includes subgrade scarification prior to backfilling with topsoil.
- Turf establishment includes mulch, fertilizer, and water as necessary to achieve 70% ground cover as required to satisfy the NPDES Construction General Permit.
- Sediment control is priced as silt fence but could also be fiber logs. Location of sediment control will be downslope from exposed soils only in areas where sedimentation offsite or into onsite water bodies can reasonably be expected.

Structural Infrastructure

- Steel pile foundation removal is assumed to be similar in effort and price to pile installation.
- Steel racking removal is assumed to be similar in effort and price to racking installation.

Electrical Infrastructure

- PV modules to be recycled. Assumption is that the modules are 72 cell polysilicon modules about 6' X 3' in dimension.
- Switchgear including transformers will be removed from their respective concrete pads and recycled/returned to the manufacturer.
- DC copper wiring will be dismantled and recycled.
- AC AL wiring, where underground will be dug up, retrieved and recycled.
- On site riser or interconnection poles shall be removed.
- String inverters/combiner boxes are no more than 130 lbs. in weight and not more than 40" X 25" X 12" in dimension. A two-person crew can dismantle a string inverter.
- Transformers are pad mounted and weigh approximately 6500 pounds. These are dry type transformers, so there is no need for any oil disposal.
- Switchgear and the transformer sit on the same concrete pad
- Underground medium voltage wires are generally aluminum and are placed in trenches, in some cases direct buried or in PVC conduits. They can be removed by trenching with a ditch witch

For the estimated cost for decommissioning, please see Schedule of Removal and Restoration Costs in Appendix A.

Appendix A

Schedule of Removal and Restoration Costs					
	Quantity	Units	\$/Unit	Cost	Notes
Civil Infrastructure					
aggregate removal	180	CY	\$4.00	\$720.00	remove full section of aggregate road, structural concrete base material, and surfacing around equipment pads
aggregate haul and offsite disposal	180	CY	\$6.00	\$1,080.00	
geotextile removal under aggregate roads	550	SY	\$0.05	\$27 50	
geotextile haul and offsite disposal	550	SY	\$0.05	\$27 50	
topsoil backfill	180	CY	\$12.00	\$2,160.00	onsite relocation of topsoil to backfill road and equipment pad excavations
culvert removal	1	each	\$1,200.00	\$1,200.00	remove CMP of approximate 30' length with no greater than 2' of cover
culvert haul and offsite disposal	1	each	\$100.00	\$100.00	
chainlink fence removal	1900	LF	\$6.00	\$11,400.00	includes fence mesh, post framing, concrete foundations, etc
chainlink fence haul and offsite disposal	1900	LF	\$3.00	\$5,700.00	
reinforced concrete equipment pad removal	1	EA	\$500.00	\$500.00	
concrete waste haul and offsite disposal	1	CY	\$500.00	\$500.00	
site grading	1	AC	\$8,000.00	\$8,000.00	grading smooth all areas disturbed by removals, excavations, etc
turf establishment	1	AC	\$1,000.00	\$1,000.00	seed and mulch all areas disturbed by removals, excavations, etc
sediment control	0	LF	\$2.00	\$0.00	silt fence
Structural Infrastructure					
steel pile foundation removal	550	EA	\$13.00	\$7,150.00	
steel pile foundation haul and offsite disposal	550	EA	\$3.00	\$1,650.00	
steel racking removal	1	MW	\$5,000.00	\$5,000.00	
steel racking haul and offsite disposal	1	MW	\$700.00	\$700.00	
Electrical Infrastructure					
Removal of Solar modules	4104	EA	\$8.00	\$32,832.00	
Removal of string inverters/combiners	17	EA	\$60.00	\$1,020.00	
Removal of switchgear/Xfmr	1	EA	\$1,500.00	\$1,500.00	
Removal of Riser and Interconnection poles	0	EA	\$1,000.00	\$0.00	
Removal of SCADA/Aux panel/weather station	1	EA	\$500.00	\$500.00	
Removal of medium voltage AL cables	1	MW	\$2,000.00	\$2,000.00	
Removal of fiber optic cables	0	MW	\$500.00	\$0.00	
General					
permits	1	ea	\$ 3,000.00	\$ 3,000.00	NPDES Construction General Permit and SWPPP preparation
				\$ 87,767.00	
Total Salvage Value				86126	
Decommission - Salvage Value:				\$ (1,641.00)	

Meeting Summary Report- Johnson 2 CSG 12/8/2020

Landowners Invited: See attached

Attendees:

- Gregory Olsen [REDACTED]
- Jeremy Meyer
- Steve Putman
- Kristin Hileman
- Mike Bufalini
- Will Jawish

Comments & Concerns Discussed

There is a row of trees that you are removing on the west side. Is it possible to move existing trees over?

Response: Our plan is to move some of the healthy trees. Our plan has trees around the front and trees around the area, they are removing trees in the only area that we don't have screening

Concern that landowner won't get the vegetative zone on the east side, inside corner as a buffer. Request to fill in that area to not obstruct their view. Is screening still required on the south portion?

Response: The vegetative screening is based on the original plan. Property owner wanting to maintain some

Access to the power generated?

Response: We back feed into the grid and we have subscribers that have a certain allocation to the energy produced.

Concern over awareness of a previous meeting

Response: The previous meeting was held last year. We will be sure to keep them in the loop moving forward. Steve Putman recommends showing up for the planning commission meeting

How will we get notified of the planning commission meeting?

Response: A notice will be sent out prior

Our we going off the new ordinance or the old ordinance?

Response: We are going off of the old ordinance

Discussion of the change in the ordinance.

Response: That will be discussed at the planning commission meeting

Concern over screening located to the west side buffer being taken out.

Response: 40 foot buffer, We'll have to see how much of that we have control over and how much we can accommodate.

Concern and discussion over the 735 foot setback requirement

-We can apply for a variance or exception. There will be a Public hearing and the public concerns will be taken into account. Up to the zoning administrator to grant an allowance or not on a case by case basis.

Northern States Power Company, a Minnesota corporation
and wholly owned subsidiary of Xcel Energy Inc.
Minneapolis, Minnesota 55401
MINNESOTA ELECTRIC RATE BOOK - MPUC NO. 2

**DISTRIBUTED GENERATION STANDARD
INTERCONNECTION AND POWER PURCHASE TARIFF (Continued)**

Section No. 10
Original Sheet No. 102

APPENDIX B: Generation Interconnection Application Form

WHO SHOULD FILE THIS APPLICATION: Anyone expressing interest to install generation which will interconnect with Xcel Energy (Local electric utility). This application should be completed and returned to the Generation Interconnection Coordinator, in order to begin processing the request.

INFORMATION: This application is used by Xcel Energy to perform a preliminary interconnection review. The Applicant shall complete as much of the form as possible. The fields in BOLD are required to be completed to the best of the Applicant's ability. The Applicant will be contacted if additional information is required. The response may take up to 15 business days after receipt of all the required information.

COST: A payment to cover the application fee shall be included with this application. The application fee amount is outlined in the "State of Minnesota Interconnection Process for Distributed Generation Systems".

OWNER/APPLICANT		
Company / Applicant's Name: MN 121819, LLC		
Representative: Andrew Armstrong	Phone Number: [REDACTED]	FAX Number: N/A
Title: Project Developer		
Mailing Address: 3915 Coolidge Avenue Baltimore, MD 21229		
Email Address: [REDACTED]		
LOCATION OF GENERATION SYSTEM INTERCONNECTION		
Street Address, legal description or GPS coordinates:		Lat : 45°29'26.41"N
12737 375th Street North, Branch, MN 55056		Lon: 92°51'6.55"W
PROJECT DESIGN / ENGINEERING (if applicable)		
Company: Gordian Energy System, LLC		
Representative: Malachi Valez	Phone: [REDACTED]	FAX Number: N/A
Mailing Address: 3915 Coolidge Avenue Baltimore, MD 21229		
Email Address: [REDACTED]		
ELECTRICAL CONTRACTOR (if applicable)		
Company: Zinniel Electric Co.		
Representative: Tim Zinniel	Phone: [REDACTED]	FAX Number: N/A
Mailing Address: 25955 Co Rd 27 Sleepy Eye, MN 56085		
Email Address: [REDACTED]		

(Continued on Sheet No. 10-103)

Date Filed: 11-02-05	By: Cynthia L. Leshner	Effective Date: 02-01-07
	President and CEO of Northern States Power Company	
Docket No. E002/GR-05-1428		Order Date: 09-01-06

MINNESOTA ELECTRIC RATE BOOK - MPUC NO. 2

Section No. 10
Original Sheet No. 103

GENERATOR		
Manufacturer: Chint Power Systems America		Model: CPS SCA50KTL-DO/US-480 CPS SCA60KTL-DO/US-480
Type (Synchronous Induction, Inverter, etc): Inverter		Phases: 1 or 3
Rated Output (Prime kW): 50/60kW	(Standby kW): 0/0 kW	Frequency: 60Hz (57-63 ADJ)
Rated Power Factor (%): 0.99 (+/- 0.8ADJ)	Rated Voltage (Volts): 480V AC	Rated Current (Amperes): 60A 72A
Energy Source (gas, steam, hydro, wind, etc.) Solar		
TYPE OF INTERCONNECTED OPERATION		
Interconnection / Transfer method: ☐ Open ☐ Quick Open ☐ Closed ☐ Soft Loading ☒ Inverter		
Proposed use of generation: (Check all that may apply) ☐ Peak Reduction ☐ Standby ☒ Energy Sales ☐ Cover Load		Duration Parallel: ☐ None ☐ Limited ☒ Continuous
Pre-Certified System Yes ☒ No (Circle one)		Exporting Energy ☒ Yes / No (Circle one)
ESTIMATED LOAD INFORMATION		
The following information will be used to help properly design the interconnection. This Information is not intended as a commitment or contract for billing purposes.		
Minimum anticipated load (generation not operating):	kW: <1kW	kVA: <1kW
Maximum anticipated load (generation not operating):	kW: <1kW	kVA: <1kW
ESTIMATED START/COMPLETION DATES		
Construction start date: March 1, 2019	Completion (operational) date: December 31, 2019	
DESCRIPTION OF PROPOSED INSTALLATION AND OPERATION		
Attach a single line diagram showing the switchgear, transformers, and generation facilities. Give a general description of the manner of operation of the generation (cogeneration, closed-transition peak shaving, open-transition peak shaving, emergency power, etc.). Also, does the Applicant intend to sell power and energy or ancillary services and/or wheel power over Xcel Energy facilities? If there is an intent to sell power and energy, also define the target market.		
Generation Facility is intended to participate in the Solar Rewards Community Solar Garden Program.		

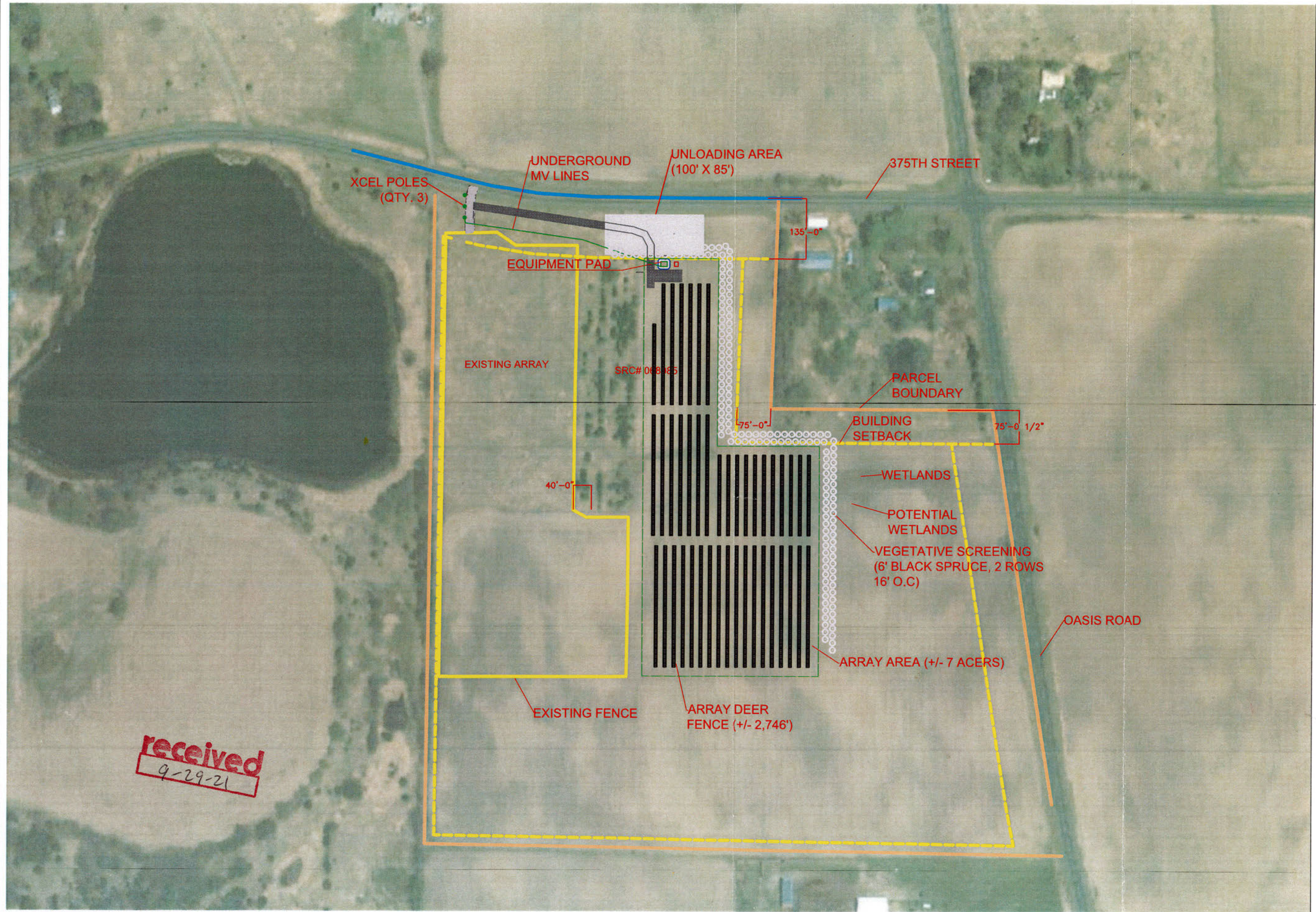
Date Filed:	11-02-05	By: Cynthia L. Leshner	Effective Date:	02-01-07
President and CEO of Northern States Power Company				
Docket No.	E002/GR-05-1428	Order Date:	09-01-06	

MINNESOTA ELECTRIC RATE BOOK - MPUC NO. 2

Section No. 10
Original Sheet No. 104

SIGN OFF AREA:	
With this Application, we are requesting Xcel Energy to review the proposed Generation System Interconnection. We request that Xcel Energy identifies the additional equipment and costs involved with the interconnection of this system and to provide a budgetary estimate of those costs. We understand that the estimated costs supplied by Xcel Energy, will be estimated using the information provided. We also agree that we will supply, as requested, additional information, to allow Xcel Energy to better review this proposed Generation System interconnection. We have read the "State of Minnesota Distributed Generation Interconnection Requirements" and will design the Generation System and interconnection to meet those requirements.	
Applicant Name (print): Andrew Armstrong	
Applicant Signature: 	Date: 11/6/18
SEND THIS COMPLETED & SIGNED APPLICATION AND ATTACHMENTS TO THE GENERATION INTERCONNECTION COORDINATOR	

S:\General-Offices-GO-01\PSF\RA\Rates\Current\Mn elec\Me 10 104.doc



received
9-29-21

MN121819, LLC
3815 COOLIDGE AVE.
BALTIMORE, MARYLAND 21229
410-242-2449

PROJECT ADDRESS:
12737 375th St
North Branch, MN 55056

LAT: 45°29'26.4"N
LON: 92°51'06"W

SYSTEM	SPECIFICATION
System size DC	1.456 MW
System size AC	1.000 MW
DC/AC RATIO	14.58
AZIMUTH	180
TILT	N/A
MODULE COUNT	3240
MODULE TYPE	REC 450TP72
MODULE STC RATING	450 W
INVERTER COUNT	8
INVERTER TYPE	CPS SCH125KTL-DO/US-600 POWER LIMITED TO 1MW AC
INVERTER POWER	125KW
RACKING	SINGLE AXIS TRACKER
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MIN/MAT TEMP.	-26 C/32 C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
EXPOSURE CATEGORY	50 PSF
BUILDING HEIGHT	0'-0"

OTHER NOTES:
NO POSITION, DISTANCE OR CLEARANCE ISSUES
WITH OVERHEAD ELECTRICAL SERVICE LINES OR
OTHER UTILITIES IN RELATION TO THE PV
PANELS.
24-7 UNESCORTED KEYLESS ACCESS PROVIDED
FOR THE METERS AND AC DISCONNECT.
NO TREE REMOVAL
NO FLOODPLAINS

#	DESCRIPTION	BY	DATE
0	CAPACITY STUDY DESIGN	S.B.J.	12/3/18
1	INTERCONNECTION COMMENTS	W.R.J.	12/7/18
2	CUP SUBMISSION	W.R.J.	12/28/18
3	ADDED VEGETATIVE SCREENING	W.R.J.	1/15/19
4	CUP SUBMISSION REVS	W.R.J.	3/13/19
5	TRACKER	W.R.J.	8/8/19
6	UPDATED SCREENING	W.R.J.	12/28/20
7			

DRAWN BY:
WILL JAWISH

PROJECT NAME:
Johnson CSG 2
SRC#068985

DRAWING TITLE:
SITE PLAN

SCALE:
1" = 200'

SHEET:
PV1

Keith Johnson - Aerial Photo

Keith Johnson and Johnson CSG 2, LLC – Property owner Keith Johnson and applicant Johnson CSG 2, LLC are requesting approval of an Interim Use Permit (IUP) Amendment in order to modify the landscaping materials required for a community solar garden. The original IUP was granted in November 2021. The property is located west of Oasis Road / CSAH 9 and south of 375th Street, Sunrise Township, S28, T35, R20 (PID# 09.00303.10).

Keith Johnson Property - 



Sunrise Township

S28, T35, R20

PID # 09.00303.10



Keith Johnson - Aerial Photo

Keith Johnson and Johnson CSG 2, LLC – Property owner Keith Johnson and applicant Johnson CSG 2, LLC are requesting approval of an Interim Use Permit (IUP) Amendment in order to modify the landscaping materials required for a community solar garden. The original IUP was granted in November 2021. The property is located west of Oasis Road / CSAH 9 and south of 375th Street, Sunrise Township, S28, T35, R20 (PID# 09.00303.10).

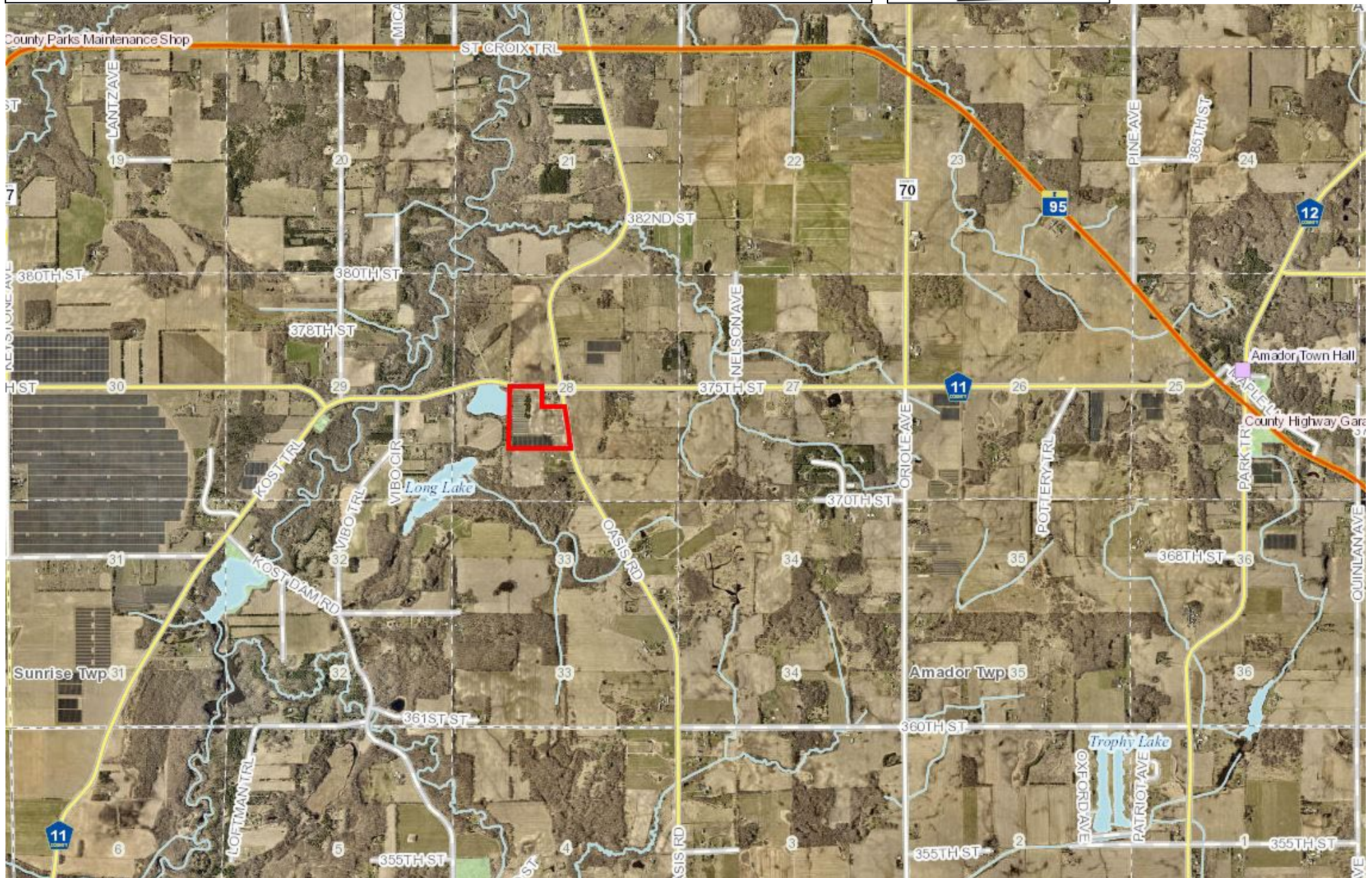
Keith Johnson Property - 



Sunrise Township

S28, T35, R20

PID # 09.00303.10



RESOLUTION NO. PC2023-0401

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN AMENDMENT TO AN INTERIM USE PERMIT ALLOWING
A COMMERCIAL SOLAR ENERGY SYSTEM WITHIN 1,320 FEET OF AN EXISTING COMMERCIAL SOLAR
PROJECT ON PROPERTY LOCATED AT 37304 OASIS ROAD / CSAH 9 IN SUNRISE TOWNSHIP**

WHEREAS, Keith Johnson, property owner, and Johnson CSG 2, LLC, applicant, submitted an application dated received February 3, 2023 and considered complete on February 10, 2023 for an Amendment to an Interim Use Permit allowing the construction and operation of a one-megawatt community solar garden located within ¼ mile of an existing solar array on property located at 37304 Oasis Road / CSAH 9 in Sunrise Township; and

WHEREAS, the original Interim Use Permit was granted by the Chisago County Board of Commissioners on November 17, 2021 and the approval was filed by the Chisago County Recorder's Office as Document #655363; and

WHEREAS, the property owner and applicant wish to Amend the Interim Use Permit in order to modify the variety of tree required for screening purposes; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00303.10

That part of the Southeast Quarter of the Southwest Quarter of Section 28, Township 35 North, Range 20 West, Chisago County, Minnesota, lying Northerly of the South 1200 feet thereof

AND

That part of the West Half of the Southeast Quarter of said Section 28, lying Northerly of the South 1200 feet thereof and lying Westerly of Oasis Road (also known as County Highway 9)

AND

That part of the Northeast Quarter of the Southwest Quarter, lying Westerly of Oasis Road (also known as County Highway 9) and lying Southerly and Westerly of the following described line: Commencing at the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 44 minutes 19 seconds East, assumed bearing along the North line of said Northeast Quarter of the Southwest Quarter, a distance of 766.04 feet to the point of beginning of the line to be described; thence South 1 degree 49 minutes 08 seconds West, 470.30 feet; thence South 89 degrees 44 minutes 19 seconds East to the center line of Oasis Road (also known as County Highway Number 9) and said line there terminating.

Chisago County, Minnesota

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and Interim Use Permit Amendments and made the following findings per Zoning Ordinance Section 8.04-1, C:

- | | |
|------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <i>Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.</i> |
| Factor #3 | The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; |
| Finding #3 | <i>The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping. The County further finds that the proposed IUP Amendment will help ensure that the screening will be effective and long-lasting.</i> |
| Factor #4 | The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties; |
| Finding #4 | <i>The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays has had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.</i> |
| Factor #5 | The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use; |
| Finding #5 | <i>The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.</i> |

- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 *Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an Interim Use in the Agricultural (AG) District.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 *The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CSAH 9 or CSAH 11.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 *The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit Amendment, subject to the following conditions:

1. This Interim Use Permit (IUP) amends and supersedes the IUP granted by the Chisago County Board of Commissioners on November 17, 2021 (original IUP) granting approval to construct and operate a one-megawatt community solar garden located within a ¼ mile of an existing solar array at 37304 Oasis Road / CSAH 9 in Sunrise Township. The sole Amendment reflects a modification of the landscaping materials approved for screening purposes (condition no. 6).
2. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted herein. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
3. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
4. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
5. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

6. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot coniferous trees – including Black Hills spruce, Meyer spruce, Norway spruce and Balsam fir varieties, but no pine varieties – spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
7. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.
8. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
9. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as “deer fence” which is of woven wire composition. The fence shall be a minimum of 8’ in height and constructed with wooden posts.
10. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
11. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
13. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer’s estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
14. At time of decommissioning the permittee shall recycle as much of the system’s materials as possible and limit disposal of said materials to the fullest extent possible.
15. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
16. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
17. The permittee shall locate and survey all delineated wetland areas.
18. The permittee shall follow the Minnesota DNR’s recommendations for avoiding and minimizing impacts to Blanding’s turtle.

19. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
20. Interconnection equipment shall be mounted at grade level whenever possible.
21. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
22. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
23. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 6th day of April, 2023.

Chris DuBose
Eric Leivian
Jim McCarthy
John Sutcliffe

Dave Whitney
Jolene Wille
Chip Yeager

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Zackary Meadows
 South of Rush Point Drive / CSAH 7 and East of Anchor Avenue, Nessel Township
 DATE: April 6, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Zackary Meadows, involving the creation of three lots from a 33.91± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	Sunrise Homes, Inc.
Applicant(s):	Sunrise Homes, Inc.
General Location:	South of Rush Point Drive / CSAH 7 and East of Anchor Avenue Nessel Township Section 34, Township 37, Range 22
PID:	06.00702.10
Property Area:	33.91± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	February 21, 2023
Date Application Complete:	March 1, 2023
120-Day Review Period:	June 29, 2023



BACKGROUND

Property owner Sunrise Homes, Inc., represented by Vincent Charles, is seeking approval of the Preliminary Plat of Zackary Meadows. The property owner wishes to create three parcels from the 33.91± acre tract of land located south of Rush Point Drive / CSAH 7 and east of Anchor Avenue in Nessel Township.

SITE & PROPOSAL ANALYSIS

The subject site is vacant land recently subdivided from adjacent PID 06.00702.00 (immediately northwest of subject site) through the Minor Subdivision process. The subject site and all surrounding properties are zoned Agricultural (AG) District. Topography of the site includes elevations ranging from 925' in the northeast corner to 945' at the south border, with wetlands shown along the west boundary (adjacent to Anchor Avenue) and northeast corner and established trees along the south and east

borders as well as in the northeast corner. Surrounding properties range widely in size from 5 acres to 110 acres and appear to be used primarily for residential and agricultural purposes.

The attached Preliminary Plat drawing shows that the northeast corner of the subject site is protected by a conservation easement recorded as Document No. 289866 (attached for reference). Review of the 1996 easement document shows that the easement area is 8.6 acres in size and runs with the land, meaning that it's a perpetual easement. The property owner is aware of the easement and has made effort to keep the easement area contained within one proposed lot as requested by the Chisago Soil and Water Conservation District (Chisago SWCD).

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed parcels. As proposed, all new parcels comply with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	15.7 acres	324.78' (Anchor Ave.)	1,290.64' + R-O-W	21,525 sf
Lot 2	9.1 acres	300'	1,290.56' + R-O-W	21,525 sf
Lot 3	9.1 acres	300'	1,290.41' + R-O-W	21,525 sf

* Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."

** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."

REVIEW PROCESS

The Technical Review Committee met with Vincent Charles on March 8, 2023. The following items were discussed:

- Chisago SWCD District Administrator Mell requested that the following conditions of approval be considered by the County:
 - The existing State of Minnesota Reinvest in Minnesota perpetual conservation easement, recorded as Document No. 289866, shall be situated on no more than one lot and there shall be no modifications to the layout of the easement area.
 - The property owner shall cause the preparation of a survey or otherwise accurately identify the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement boundaries and properly mark, with SWCD approved signage, all corners and at least one sign between corners of the easement. The signs shall be installed at a height of no less than six (6') feet above ground level.
 - The property owner shall coordinate with Chisago SWCD to transfer the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement to Sunrise Homes, Inc. and, if and when Sunrise Homes, Inc. sells the lot which includes the easement, Sunrise Homes, Inc. shall again coordinate with Chisago SWCD to transfer the easement to the new landowner(s).

- County Engineer Triplett commented that all accesses (driveways) shall be off Anchor Avenue and no access shall be granted from Rush Point Drive / CSAH 7.
- Code Enforcement Officer Putman stated that the County will verify soils / the soils report when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
- Wetland Specialist Fertig commented that verification of the wetland delineation will occur when ground conditions allow and verification must be completed prior to submission of request for Final Plat.

The Nessel Town Board reviewed the proposed Preliminary Plat at its March 14, 2023 meeting and recommended approval with no conditions.

Preliminary Plats, per Minnesota Statute, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on June 29, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the Preliminary Plat of Zackary Meadows with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Zackary Meadows is approved per plat drawing dated signed January 19, 2023. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Rush Point Drive / CSAH 7.
3. The existing State of Minnesota Reinvest in Minnesota perpetual conservation easement, recorded as Document No. 289866, shall be situated on no more than one lot and there shall be no modifications to the layout of the easement area.
4. The property owner shall cause the preparation of a survey or otherwise accurately identify the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement boundaries and properly mark, with SWCD approved signage, all corners and at least one sign between corners of the easement. The signs shall be installed at a height of no less than six (6') feet above ground level.
5. The property owner shall coordinate with Chisago SWCD to transfer the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement to Sunrise Homes, Inc. and, if and when Sunrise Homes, Inc. sells the lot which includes the easement, Sunrise Homes, Inc. shall again coordinate with Chisago SWCD to transfer the easement to the new landowner(s).

6. The County shall verify soils / the soils report when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
7. The County shall verify the wetland delineation when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
8. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
9. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Zackary Meadows with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Zackary Meadows based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on June 29, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0402, a resolution recommending approval of the Preliminary Plat of Zackary Meadows, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
 - a. Application
 - b. Preliminary Plat drawing
2. Perpetual Conservation Easement (Document No. 289866)
3. Aerial location map (1) – subject site
4. Aerial location map (2) – vicinity map
5. Draft Resolution No. PC2023-0402

CC: Sunrise Homes, Inc. c/o Vincent Charles, property owner
County file

Permit #

23-130

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee \$46-
Base Fee \$500-
Wetland or Septic Fees \$500-
Plat Compliance Fee \$150-
NO ROADS \$1,196-
TOTAL FEE

Street Location

48965 X Anchor Ave

Tax Parcel #

06.00702.18

Legal Description

See Plat

E-Mail Address:

Owner:

Sunrise Homes Inc/Vincent

Day Phone

Address

PO Box 241, Cambridge, MN, 55008

Applicant (if other than owner)

Day Phone

()

Address

S34, T37, R22

Type of Request:

Variance

☐

Preliminary Plat

☒

Administrative Appeal

☐

Administrative Permit

☐

Conditional Use Permit
(or amendment to CUP)

☐

Ordinance Amendment

☐

Interim Use Permit
(or amendment to IUP)

☐

Rezoning

☐

Applicable section of ordinance:

Description of request:

Split 33 Acre Parcel into 3 lots

Zackary Meadows

If Variance Application, Brief

Description of Practical

Difficulty

Signature of Applicant

Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Date Received

3-1-23

Date Complete

6-29-23

60 / 120 Day Review Period

Date of Public
Hearing:

APRIL 6, 2023

TOWNSHIP PRESENTATION FORM

Street Location

48965X Anchor Ave

Legal Description

See Plat

Owner Name

Sunrise Homes Inc (Vincet Charles)

Day Phone:



Address:

PO Box 241, Cambridge, ma 05008

Applicant:

(if other than owner)

Day Phone: ()

Address:

Type of Request:

Variance

☐

Preliminary Plat

☒

Administrative Appeal

☐

Administrative Permit

☐

Conditional Use Permit

☐

(or amendment to CUP)

Rezoning

☐

Interim Use Permit

☐

Ordinance Amendment

☐

Description of Request:

Split 33 Acre Parcel into 3 lots

Date of County Public Hearing:

APRIL 6, 2023

Date of Township Presentation:

MARCH 14, 2023

TOWNSHIP ACTION TAKEN

Approved

☒

Denied

☐

Reasons and Conditions:

Signature of Township Officers:

Michelle Meis Betsy Rising

Donk Humph

Brian M

Steve Locke

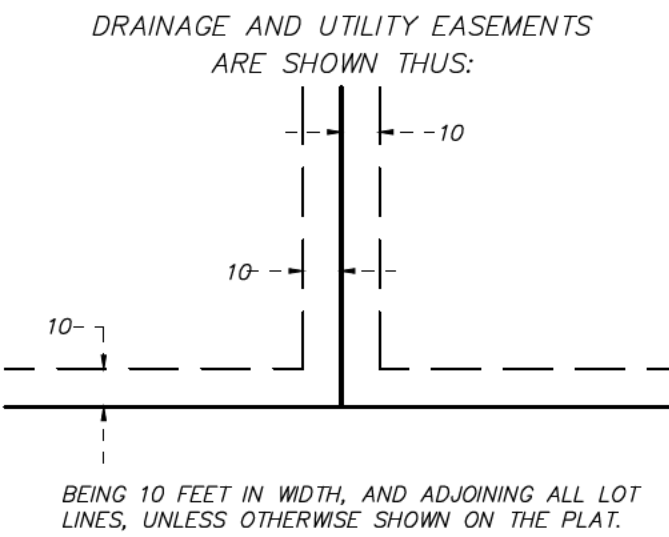
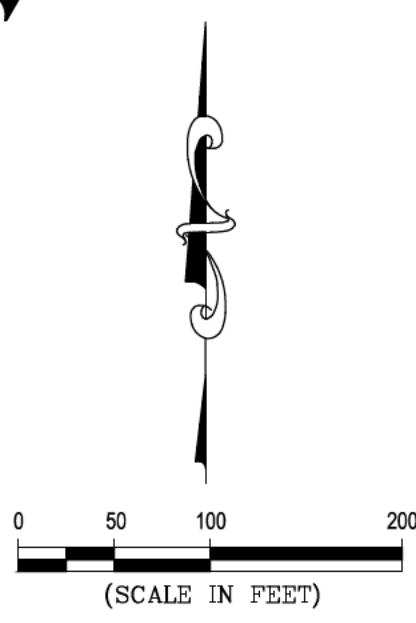
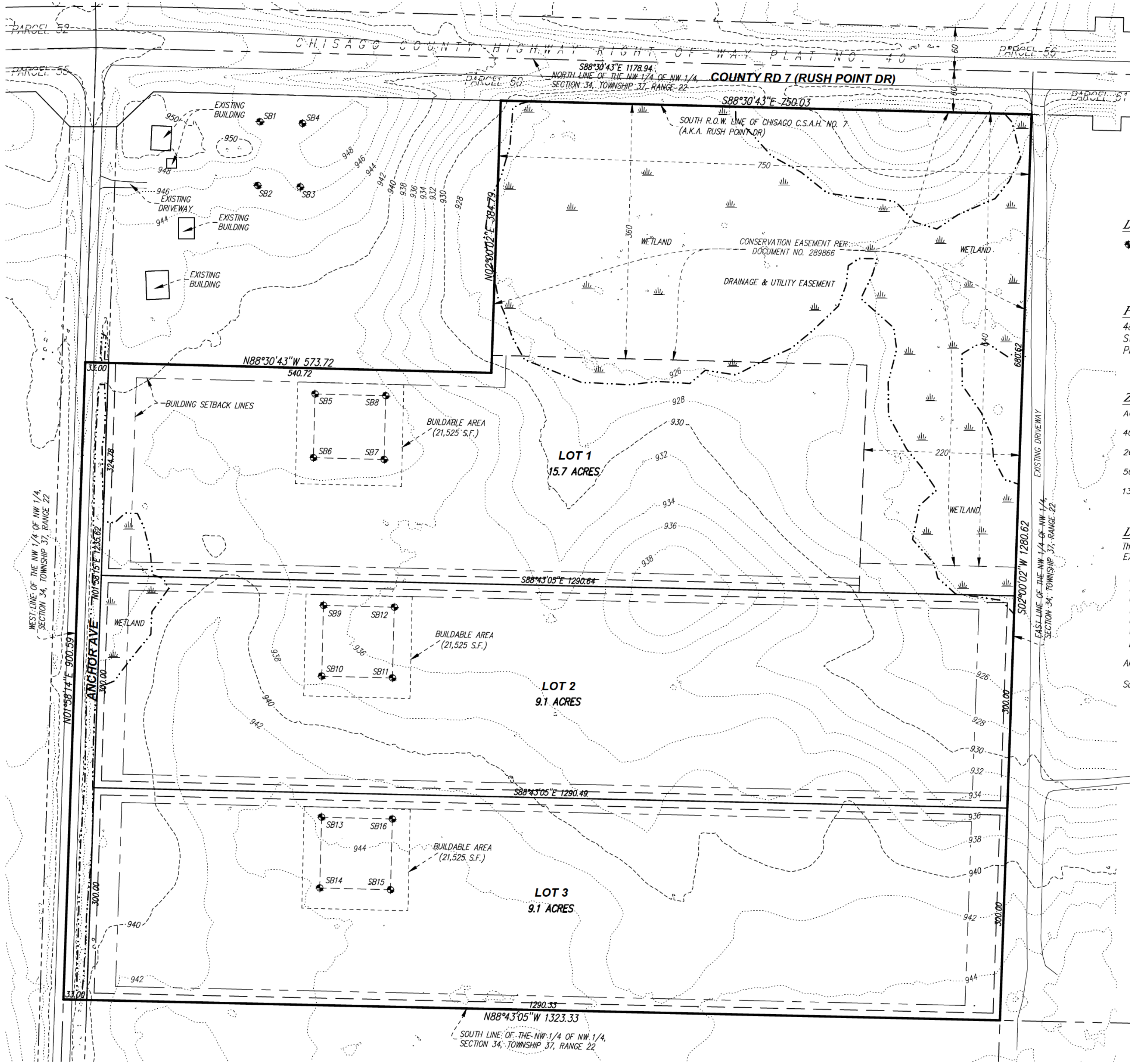
Signature of Applicant

2-21-23

Date

Preliminary Plat of
ZACKARY MEADOWS

COUNTY OF CHISAGO
NESSEL TOWNSHIP
SEC. 34, T. 37, R. 22



LEGEND
• DENOTES EXISTING SOIL BORING (SHOWN PER MAP PROVIDED BY JOSH PUTT)

PROPERTY INFORMATION
48965 Anchor Ave
Stanchfield, MN 55080
PID 06.00702.00

ZONING
AGRICULTURAL ZONING DISTRICT
40' Front Setback From Township Road Right of Way
20' Side Setback (Dwelling & Attached Garage)
50' Rear Setback
135' from Centerline of County Roads

LEGAL DESCRIPTION
The Northwest Quarter of the Northwest Quarter of Section 34, Township 37, Range 22, Chisago County Minnesota EXCEPTING THEREFROM the following described parcel.

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 01 degrees 58 minutes 14 seconds West, assumed bearing along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 444.79 feet; thence east and parallel to the north line of said Northwest Quarter of the Northwest Quarter, a distance of 573.72 feet; thence North 02 degrees 00 minutes 02 seconds East, a distance of 444.79 feet, more or less, to the north line of said Northwest Quarter of the Northwest Quarter; thence North 88 degrees 30 minutes 43 seconds West, along said north line, a distance of 573.95 feet to said point of beginning and there terminating.

AND ALSO EXCEPTING THEREFROM Parcel 60 of Chisago County Highway Right of Way Plat No. 40.
Subject to easements, restrictions, or reservations of record, if any.

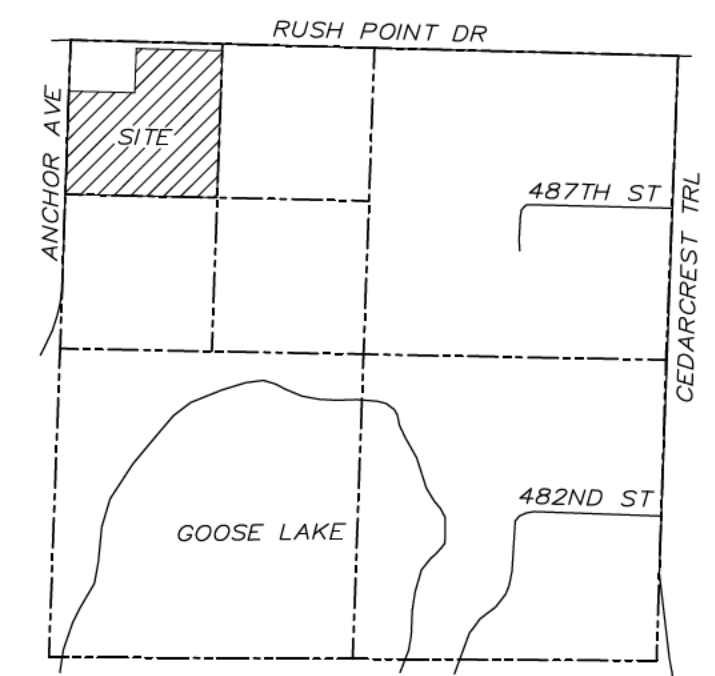
LOT AREAS
Lot 1 - 15.7 Acres
Lot 2 - 9.1 Acres
Lot 3 - 9.1 Acres

FLOOD ZONE
THIS SITE IS INCLUDED ON FLOOD INSURANCE RATE MAP—COMMUNITY PANEL NUMBER 27025C0040D. THE SUBJECT PROPERTY IS WITHIN FLOOD ZONE 'X'.

NOTE REGARDING WETLANDS
The Wetlands shown hereon were delineated by Curt Kleist, PWS, CWD, with CK Wetland Services.

NOTE
BORING AND EXISTING SEPTIC LOCATION SHOWN PER MAP PROVIDED BY JOSH PUTT.

VICINITY MAP
Section 34, T.37, R.22, Chisago County
"No Scale"



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Print Name: Kyle J. Roddy License # 42627
Signature: [Signature] Date: 1/19/2023

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**PERPETUAL CONSERVATION EASEMENT
STATE OF MINNESOTA, BOARD OF WATER AND SOIL RESOURCES**

This Conservation EASEMENT is made this 22nd day of August 19 96,
between Fred W. Pals, Jr. and Martha L. Pals, husband and wife

hereinafter collectively referred to as "Grantors", and the State of Minnesota, by and through the Board of Water and Soil Resources, hereinafter referred to as the "Board".

WITNESSETH

WHEREAS, the REINVEST IN MINNESOTA RESOURCES LAW (RIM) and the PERMANENT WETLAND PRESERVES LAW (PWP) Minn. Stat. Sec. 103F.501 TO 103f.531., along with Section 84.95 and the WETLAND CONSERVATION ACT of 1991, authorize the Board to acquire conservation easements on eligible lands; AND

WHEREAS the Board is authorized to establish conservation practices to protect soil and water quality and to enhance fish and wildlife habitat on conservation easements; AND

WHEREAS, the Grantors are the owners of eligible marginal lands, and/or drained or existing wetlands and/or cropland adjacent to these lands, and desire to convey such lands as a perpetual PWP conservation easement to the State of Minnesota.

NOW, THEREFORE, the Grantors, for themselves, their heirs, successors and assigns, in consideration of the sum of Two Thousand Eight Hundred Fifty-one and 16/100 DOLLARS (\$2,851.16), do hereby grant, convey and warrant to the Board, its successors and assigns, forever, a perpetual easement in accordance with the terms and conditions as hereafter set forth in Minn. Stat. Sec. 103F.501 et. seq. and all rules adopted thereto, over and upon the following described land situated in the County of Chicago State of Minnesota, to-wit:

THE LEGAL DESCRIPTION IS ATTACHED HERETO AND INCORPORATED HEREIN.

The easement covers only that portion of the parcel delineated as the "easement area" identified on Exhibit "A", which is attached hereto and incorporated herein. The easement area consists of a total of 8.6 acres, of which No acres are not monetarily compensated by the State but are subject to the terms of the easement. The easement area is subject to all prior easements, roadways, and mineral rights of record.

NO RIGHTS ARE GRANTED TO THE GENERAL PUBLIC FOR ACCESS TO OR ENTRY UPON THE LANDS DESCRIBED HEREIN.

FURTHER, THE GRANTORS REPRESENT AND WARRANT THAT THERE ARE NO HAZARDOUS SUBSTANCES, POLLUTANTS OR CONTAMINANTS IN OR ON THE EASEMENT AREA, AND THAT THE GRANTORS, THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL NOT PLACE ANY TOXIC OR HAZARDOUS SUBSTANCES, POLLUTANTS OR CONTAMINANTS IN OR ON THE EASEMENT AREA.

FURTHER THE GRANTORS, FOR THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS COVENANT THAT THEY:

1. Shall establish and maintain vegetative cover on the easement area, including any necessary replanting thereof, and other conservation practices, including any necessary maintenance or repair of any structures, in accordance with the Conservation Plan on file at the local Soil and Water Conservation District (SWCD) or at the Board. Any amendments to the Conservation Plan shall be mutually agreed to by the landowner, the SWCD and the Board.
2. Shall perpetually allow for the legal manipulation of existing drainage systems and other land alterations on the conservation easement area that are necessary to establish and manage wetland practices identified in the conservation plan. Water levels will be managed and controlled only by the Board or its agents, which may include the SWCD or Department of Natural Resources.
3. Shall not appropriate water from any existing or restored wetlands within the easement area unless obtaining the prior written consent of the Board and all necessary governmental permits.
4. Shall not produce agricultural crops on the easement area, except with the prior written approval authorization of the Board for wildlife or timber stand management purposes.
5. Shall not graze livestock on the easement area.
6. Shall not place any materials, substances or objects, nor erect or construct any type of structure, temporary or permanent, on the easement area, except as provided in the Conservation Plan.
7. Shall be responsible for weed control by complying with noxious weed control laws and emergency control of pests necessary to protect the public health on the easement area.
8. Shall not alter wildlife habitat, natural features, the vegetative cover, or other conservation practices on the easement area as described in the Conservation Plan, without the prior written approval of the Board.
9. Shall restore the easement area to the condition described in the Conservation Plan after any lawful repair or improvement necessary to maintain a ~~public drainage system~~ or public utility system.
10. Shall notify the Board in writing of the names and addresses of the new owners within 30 days after the conveyance of all or part of the title or interest in the land described herein.

288662

06890A

11. Shall pay when due all taxes and assessments, if any, that may be levied against the easement area.
12. Shall undertake the protection and management of the easement area in accordance with the conditions set forth in this easement.
13. Shall allow authorized agents of the Board to enter upon the easement area for the purpose of inspection and enforcement of this easement, together with the right to ingress and egress to the easement area from a public road. Established access routes shall be used whenever practical.
14. Other provisions:

FURTHER, This easement shall run with the land and shall be binding upon the Grantors, their heirs, successors and assigns.

FURTHER, this Easement shall be enforceable by the Board as provided in Minn. Stat. Sec. 103F.515, Subd. 9, and/or by such other relief as may be authorized by law. Any ambiguities in this easement shall be construed in a manner which best effectuates the purposes of protecting soil, improving water quality, and enhancing fish and wildlife habitat.

FURTHER, THE GRANTORS OF A RIM CONSERVATION EASEMENT, FOR THEMSELVES, COVENANT that they shall not convert to agricultural crop production or pasture any other land, owned or leased as part of the same farm operation at the time of application, if said land supports natural vegetation or has not been used in agricultural crop production.

IN WITNESS WHEREOF, the Grantors have caused this Conservation Easement to be duly executed.

Fred W. Pals, Jr. Martha L. Pals
Fred W. Pals, Jr. Martha L. Pals

ACKNOWLEDGEMENT BY GRANTORS

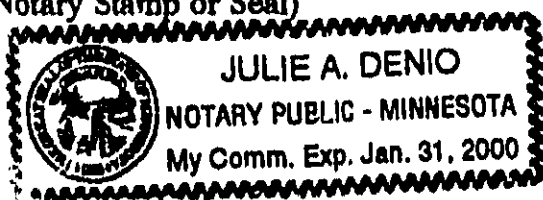
STATE OF Minnesota

COUNTY OF Chisago

The foregoing instrument was acknowledged before me this 22 day of August 19 96,

by Fred W. Pals, Jr. and Martha L. Pals, husband and wife.

(Notary Stamp or Seal)



Notary Public Signature

Commission expires on

Julie A. Denio

January 31, 2000

County Recorder Use Only

This instrument was drafted by:
Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

OFFICE OF COUNTY RECORDER STATE OF MINNESOTA COUNTY OF CHISAGO

This is to certify that this instrument was filed in this office on the 22 day of Nov. 19 96 A.D. at 1:20 o'clock 4 M. and was recorded as Microfilm No.

289866
Eleanor S. [Signature]
By E. O. [Signature] Dep.
1950 W C Recd.

Let To Edward [Signature]
1371 Liberty St

Anna, MN 55051

289866

Easement Number 13-01-93-03

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
LEGAL DESCRIPTION

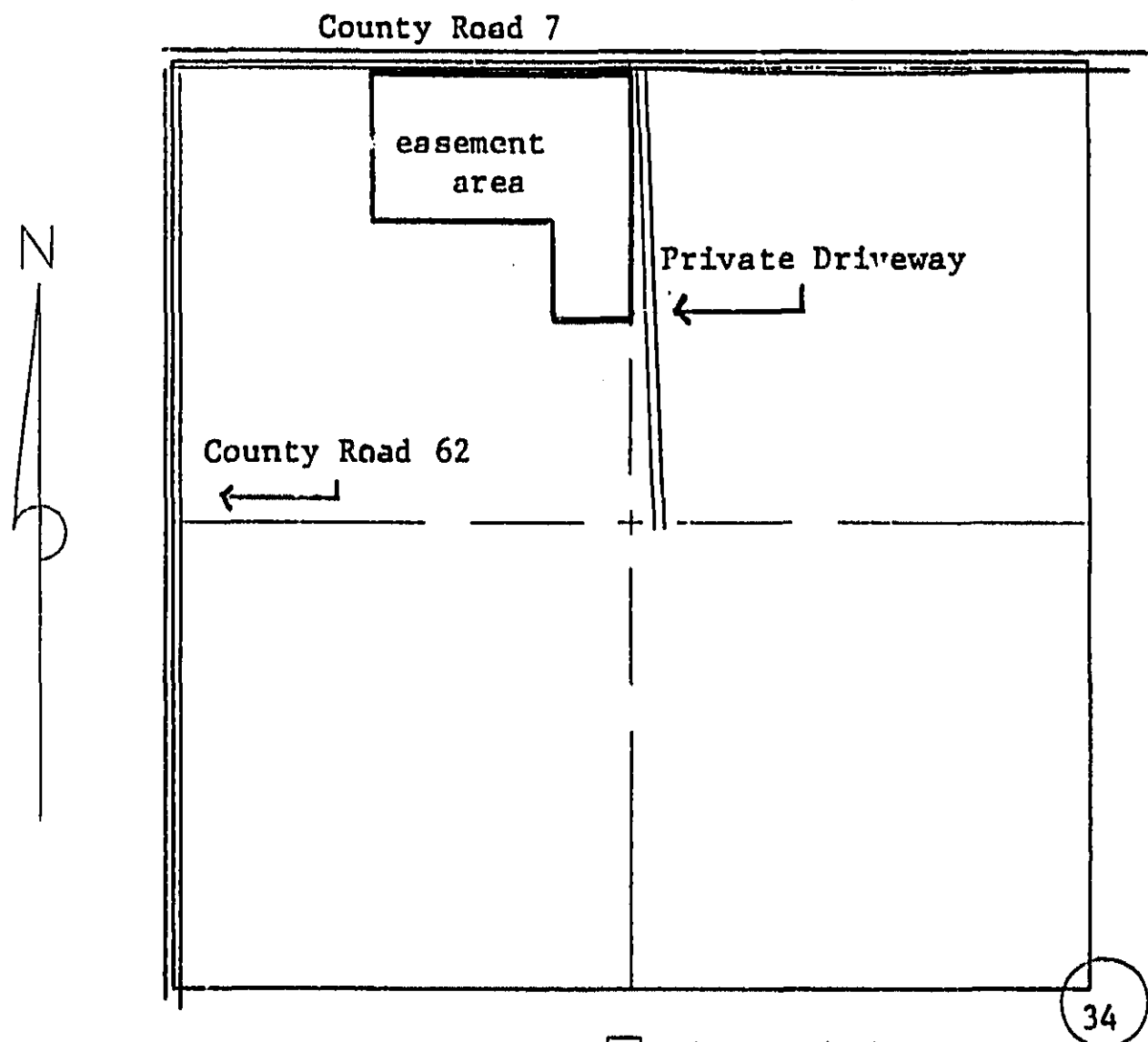
289866
938682

The north 420 feet of the east 750 feet of that part of the NW1/4 of the NW1/4 lying south of the County Road 7 right-of-way;
That part of the east 220 feet of the north 700 feet of the NW1/4 of the NW1/4 lying south of the County Road 7 right-of-way and south of the north 420 feet thereof;
All located in Section 34, T.37 N., R.22 W.

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
EXHIBIT "A"

This map delineates the easement area(s) referred to in the attached conservation easement conveyance.

Section 34, T. 37 N., R. 22 W., CHISAGO County



Scale: 4 inches = 1 mile
 8 inches = 1 mile

LEGEND

- Center of Section
- Boundary of Described Lands
- Easement Area
- Lands Included in Easement
- Lands Not Included in Easement

Prepared By:

Jodi Blesener

Dated:

12/21/95

For County Recorder Use Only:

Sunrise Homes Inc. - Aerial Photo

Sunrise Homes, Inc. – Property owner Sunrise Homes, Inc., represented by Vincent Charles, is requesting approval of the Preliminary Plat of Zackary Meadows, involving the creation of three lots from a 33.91± acre tract in the Agricultural (AG) District. The property is generally located south of Rush Point Drive / CSAH 7 and east of Anchor Ave, Nessel Township, S34, T37, R22 (PID# 06.00702.10).

Sunrise Homes Inc. Property - 



Nessel Township
S34, T37, R22
PID # 06.00702.10



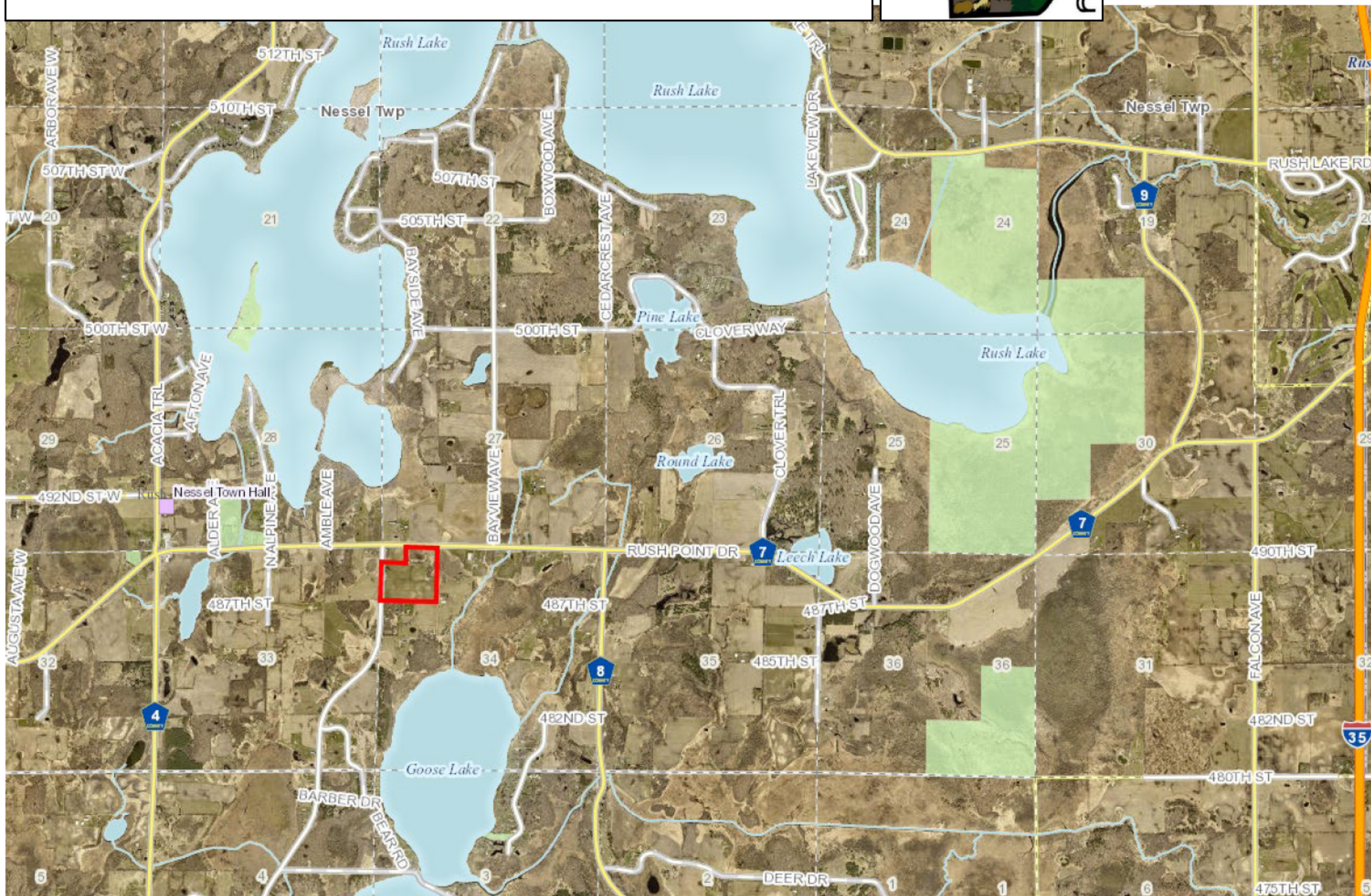
Sunrise Homes Inc. - Aerial Photo

Sunrise Homes, Inc. – Property owner Sunrise Homes, Inc., represented by Vincent Charles, is requesting approval of the Preliminary Plat of Zackary Meadows, involving the creation of three lots from a 33.91± acre tract in the Agricultural (AG) District. The property is generally located south of Rush Point Drive / CSAH 7 and east of Anchor Ave, Nessel Township, S34, T37, R22 (PID# 06.00702.10).

Sunrise Homes Inc. Property - 



Nessel Township
S34, T37, R22
PID # 06.00702.10



RESOLUTION NO. PC2023-0402

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF ZACKARY MEADOWS**

WHEREAS, property owner Sunrise Homes, Inc. submitted an application dated received February 21, 2023 and considered complete on March 1, 2023 for the Preliminary Plat of Zackary meadows; and

WHEREAS, the property owner desires to create three buildable parcels from the 33.91± acre subject site; and

WHEREAS, the subject site is generally located south of Rush Point Drive / CSAH 7 and east of Anchor Avenue in Nessel Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 06.00702.10

The Northwest Quarter of the Northwest Quarter of Section 34, Township 37, Range 22, Chisago County Minnesota EXCEPTING THEREFROM the following described parcel.

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 01 degrees 58 minutes 14 seconds West, assumed bearing along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 444.79 feet; thence east and parallel to the north line of said Northwest Quarter of the Northwest Quarter, a distance of 573.72 feet; thence North 02 degrees 00 minutes 02 seconds East, a distance of 444.79 feet, more or less, to the north line of said Northwest Quarter of the Northwest Quarter; thence North 88 degrees 30 minutes 43 seconds West, along said north line, a distance of 573.95 feet to said point of beginning and there terminating.

AND ALSO EXCEPTING THEREFROM Parcel 60 of Chisago County Highway Right of Way Plat No. 40.

Subject to easements, restrictions, or reservations of record, if any.

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission finds that the Preliminary Plat of Zackary Meadows is consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Zackary Meadows is approved per plat drawing dated signed January 19, 2023. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.

2. No access shall be granted from Rush Point Drive / CSAH 7.
3. The existing State of Minnesota Reinvest in Minnesota perpetual conservation easement, recorded as Document No. 289866, shall be situated on no more than one lot and there shall be no modifications to the layout of the easement area.
4. The property owner shall cause the preparation of a survey or otherwise accurately identify the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement boundaries and properly mark, with SWCD approved signage, all corners and at least one sign between corners of the easement. The signs shall be installed at a height of no less than six (6') feet above ground level.
5. The property owner shall coordinate with Chisago SWCD to transfer the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement to Sunrise Homes, Inc. and, if and when Sunrise Homes, Inc. sells the lot which includes the easement, Sunrise Homes, Inc. shall again coordinate with Chisago SWCD to transfer the easement to the new landowner(s).
6. The County shall verify soils / the soils report when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
7. The County shall verify the wetland delineation when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
8. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
9. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 6th day of April, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Interim Use Permit for Accessory Structure and Sanitary Facilities
 41xxx Ferry Road, Sunrise Township
 DATE: April 6, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing an accessory structure for personal use and storage without the presence of a principal use structure and allowing sanitary facilities within said accessory structure.

SITE & APPLICATION INFORMATION

Applicant(s):	Maxwell & Allison Kleven
Property Owner(s):	Maxwell & Allison Kleven
Location:	41xxx Ferry Road Sunrise Township Section 5, Township 35, Range 20
PID:	09.00035.10
Property Area:	13.26± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	February 28, 2023
Date Application Complete:	February 28, 2023
60-Day Review Period:	April 29, 2023



BACKGROUND

Property owners Maxwell & Allison Kleven have applied for an Interim Use Permit (IUP) to allow an accessory structure (pole building) on their 13.26± acre property without the presence of a principal use structure, such as a dwelling. Additionally, the Klevens are requesting approval for sanitary facilities within the accessory structure. The property owners' application and written narrative explain that they intend to construct a dwelling on the subject site in approximately two years; however, without a definite timeline for construction of the dwelling, the Klevens are requesting the IUP under the provisions of Zoning Ordinance Section 4.08.1 Accessory Structures and Uses in A, AP, and PAT Districts, A. 3. and F.

Zoning Ordinance Section 4.08.1, A. 3. allows accessory structures on parcels 10 acres or larger in size without the presence of a principal use structure, whereas Subsection A. 1. requires completion of a

principal use structure within three years. Section 4.08.1, F. allows sanitary facilities within an accessory structure prior to the construction of the principal structure.

SITE & PROPOSAL ANALYSIS

The 13.26± acre subject site is located on Ferry Road in Sunrise Township, approximately 1/3 mile north of the intersection of CSAH 9 and Ferry Road. Topography of the site includes fairly level elevations ranging from 830' in the southeast corner to 839' in the northwest corner and heavy forestation. The property owners have reported that the site includes old growth white pines and their goal is to preserve as much of the old growth as possible. The site plan shows that the proposed location of the accessory structure is approximately 152' from the eastern property boundary (adjacent to Ferry Road) and more than 240' from the next closest property boundary.

The subject site is located in the AG District and is entirely surrounded by properties in the AG District, as well as properties in the Rural Residential I (RRI) District to the southwest. Properties in the general area range widely in size from 5 acres to nearly 100 acres, with the majority of properties having been developed for residential purposes or remaining undeveloped. Wild River State Park is located as close as 775' to the north, and the historic village of Sunrise is located approximately ¼ mile south.

The application materials indicate that the proposed accessory structure will be 40' x 64' (2,560 sf). The attached site plan shows that the structure will be situated more approximately 152' from the eastern property boundary / Ferry Road (township road), more than 240' from the northern property boundary and more than 400' from the southern property boundary (side yards), and more than 500' from the western property boundary (rear yard). The minimum setback requirements are 40' from township road right-of-way or 73' from centerline of township road, 20' from side yards and 50' from the rear yard, which means that the proposed location far exceeds all setback requirements.

The Klevens' IUP request includes allowance for sanitary facilities within the accessory structure. The attached site plan indicates that a septic system will be installed slightly northwest of the accessory structure; however, the property owners have not yet solidified their septic plans. As discussed at the March 8, 2023 Technical Review Committee meeting, the property owners have the option of installing a full septic system or, if they prefer, a holding tank until such time that the dwelling is constructed (a full septic system would be required for the dwelling). The site plan indicates that a well is proposed to be located slightly southwest of the accessory structure.

REVIEW PROCESS

As part of the review process, the Technical Review Committee met with Maxwell & Allison Kleven on March 8, 2023. The Klevens confirmed that the proposed accessory structure will hold personal items (it will not be used for commercial purposes) and sanitary facilities will be limited to a toilet and sink. The group discussed septic options and building plans for the future dwelling, but the Committee did not identify any concerns with the IUP request.

The Sunrise Town Board considered the proposed IUP at its March 23, 2023 meeting and recommended approval "for a period of 12 months with the condition that the water and septic are not installed until the building permit for the house is issued". Staff notes that the property owners have applied for this IUP under the provisions of Zoning Ordinance Sections 4.08.1, A. 3. and 4.08.1, F. Section 4.08.1, A. 3. allows for a singular accessory structure on parcels 10 acres or larger without the presence of a principal use structure. This means that the property owners would not be required to ever construct a dwelling if they so choose. Given that the County allows accessory structures without the requirement of a

principal use structure (dwelling) and the fact that the property owners would be making a significant investment in the proposed accessory structure, staff strongly cautions the County against approving the IUP for a limited, 12-month period. Further, Section 4.08.1, F. allows sanitary facilities within an accessory structure prior to the construction of a principal use structure with approval of an IUP. Given that the County allows sanitary facilities with approval of an IUP and – in this case – allows the singular accessory structure without requiring a principal use structure (dwelling), staff strongly cautions the County against conditioning approval of sanitary facilities within the accessory structure in conjunction with a future dwelling.

The application was submitted and deemed complete on February 28, 2023. The State mandated 60-day review period expires on April 29, 2023.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

- | | |
|-------------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| <i>Finding #1</i> | <i>The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| <i>Finding #2</i> | <i>Being that the proposed use is intended solely for residential purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.</i> |
| Factor #3 | The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; |
| <i>Finding #3</i> | <i>Given the size of the subject site, the existing vegetation on and adjacent to the subject site, the size of adjacent properties and the fact that the structure will meet or exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.</i> |
| Factor #4 | The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties; |
| <i>Finding #4</i> | <i>The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.</i> |

Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	<i>The Chisago County Zoning Ordinance allows accessory structures without the presence of a principal use structure in the Agricultural (AG) District and for sanitary facilities within such accessory structures with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.</i>
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	<i>See Finding #5.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	<i>The proposed accessory structure is intended for personal use and storage in conjunction with residential development. The County finds that the accessory structure will create minimal traffic – consistent with traffic associated with a single family dwelling – and will not cause traffic hazard or congestion. Further, the road authority – being Sunrise Township – has not communicated any concerns related to traffic hazards or congestion.</i>
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8	<i>The proposed use is consistent with accessory structures allowed in and located in the Agricultural (AG) District and will be sufficiently separated from neighboring properties by distance and vegetation; therefore, the County finds that the accessory structure and sanitary facilities contained within will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.</i>

STAFF RECOMMENDATION

Staff believes that the proposed Interim Use Permit (IUP) complies with and is consistent with the intent of the County's Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the IUP with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general accordance with the site plan dated received February 28, 2023 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. This approval allows for sanitary facilities (toilet and sink only) within the accessory structure. The sanitary facilities shall be connected to a lawful compliant septic tank and/or system.
3. No overnight or residential living quarters / use shall be allowed in the accessory structure unless.
4. Any change to the approved accessory structure involving enlargements, intensification or

expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.

5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. *(Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on April 29, 2023. Being that the review period will expire before the next regularly scheduled Planning Commission meeting, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0403, a resolution recommending approval of an Interim Use Permit allowing an accessory structure and sanitary facilities within said accessory structure on property identified as PID 09.00035.10 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Draft Resolution No. PC2023-0403

CC: Maxwell & Allison Kleven, property owners
County file

Permit #

2023-146

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46.00

Base Fee 525.00

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location 416XX Ferry Road Harris, MN 55032 Tax Parcel # 09.00035.10

Legal Description _____ E-Mail Address: [REDACTED]

Owner: Maxwell & Allison Kleven Day Phone [REDACTED]

Address 36150 Falcon Avenue, North Branch, MN 55056 S5, T35, R20

Applicant (if other than owner) _____ Day Phone ()

Address _____

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☒
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: Section 4.08.1, A. 3. + F.

Description of request: We are requesting to build a single accessory structure (pole barn) without a principal structure at this time. We will be building a principal structure (house) at a later date. This accessory structure will have a toilet and sink.

If Variance Application, Brief

Description of Practical

Difficulty _____

[Signature]
Allison Kleven 2/28/23
Signature of Applicant Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

2-28-23
Date Received

2-28-23
Date Complete

4-29-23
(60) 120 Day Review Period

Date of Public Hearing: Planning Commission 4-6-23

TOWNSHIP PRESENTATION FORM

Street Location 416XX Ferry Road Harris, MN 55032

Legal Description _____

Owner Name Maxwell & Allison Kleven Day Phone: [REDACTED]

Address: 36150 Falcon Avenue, North Branch, MN 55056

Applicant: _____ Day Phone: ()
(if other than owner)

Address: _____

Type of Request: Variance ☐ Preliminary Plat ☐
Administrative Appeal ☐ Administrative Permit ☐
Conditional Use Permit ☐ Rezoning ☐
(or amendment to CUP)
Interim Use Permit ☒ Ordinance Amendment ☐

Description of Request: We are requesting to build a single accessory structure (pole barn) without a principal structure at this time. We will be building a principal structure (house) at a later date. This accessory structure will have a toilet and sink.

Date of County Public Hearing: Thurs 4-6-23

Date of Township Presentation: Board Thurs 3-No-23 7 + 23

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

* Motion by Carl Peter "Pete" Johnson, second by Dan Kaiser to accept the Sunrise Planning Commission Re Recommendations as: _____ to approve the IUP _____ for a period of 12 months with the condition that the water and septic are not installed until the building permit for the house is issued.

Signature of Township Officers:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
Signature of Applicant

2/28/23
Date

Detailed Written Narrative

Maxwell & Allison Kleven

2/28/23

We are requesting to build a single accessory structure (pole barn) without a principal structure at this time. The pole barn will be 40' wide, and 64' long. The accessory structure will have a toilet and sink. We will also plan on drilling a well and installing a sewage tank and drain field.

We plan to start building our home in approximately 2 years.

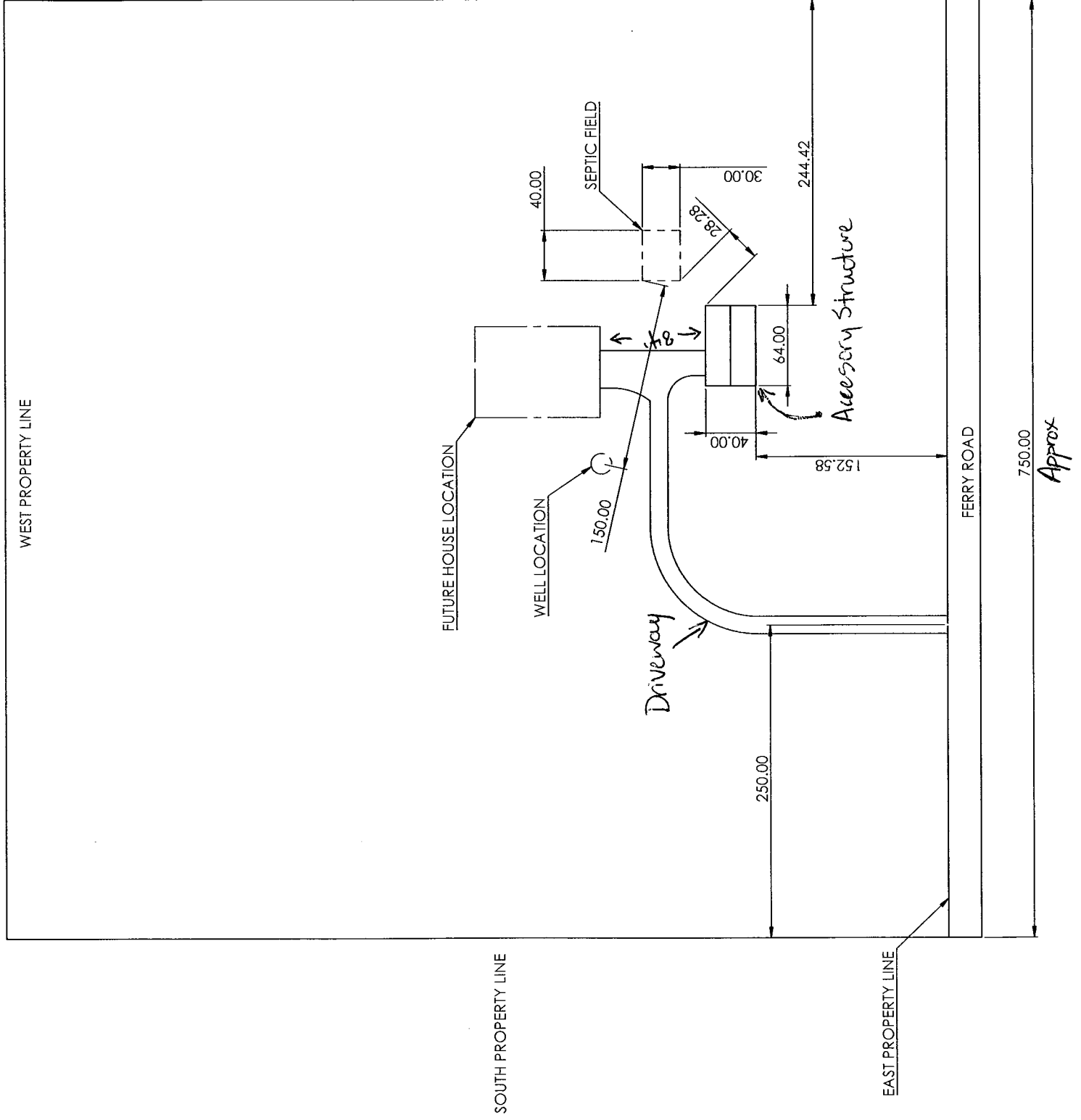
We are building the accessory structure prior to the principal structure for the following reasons.

1. We are planning on building a timber frame home. This will require a lot of labor, throughout all seasons, and we'd love to be able to work indoors.
2. With building our home we will need a place to store equipment and materials securely.
3. The bathroom will be added purely out of convenience, as we do not have a bathroom anywhere nearby.

Sincerely,

Maxwell & Allison Kleven

Dimension in feet



Kleven - Aerial Photo

Maxwell & Allison Kleven – Property owners Maxwell & Allison Kleven are requesting an Interim Use Permit (IUP) allowing an accessory structure without the presence of a principal use structure and allowing sanitary facilities within the accessory structure on 13.26± acres in the Agricultural (AG) District. The property is located at 41XXX Ferry Road, approximately 1/3 mile north of the intersection of CSAH 9 and Ferry Road, in Sunrise Township, S5, T35, R20 (PID# 09.00035.10).

Maxwell & Allison Kleven Property - 



Sunrise Township

S5, T35, R20

PID # 09.00035.10



Kleven - Aerial Photo

Maxwell & Allison Kleven – Property owners Maxwell & Allison Kleven are requesting an Interim Use Permit (IUP) allowing an accessory structure without the presence of a principal use structure and allowing sanitary facilities within the accessory structure on 13.26± acres in the Agricultural (AG) District. The property is located at 41XXX Ferry Road, approximately 1/3 mile north of the intersection of CSAH 9 and Ferry Road, in Sunrise Township, S5, T35, R20 (PID# 09.00035.10).

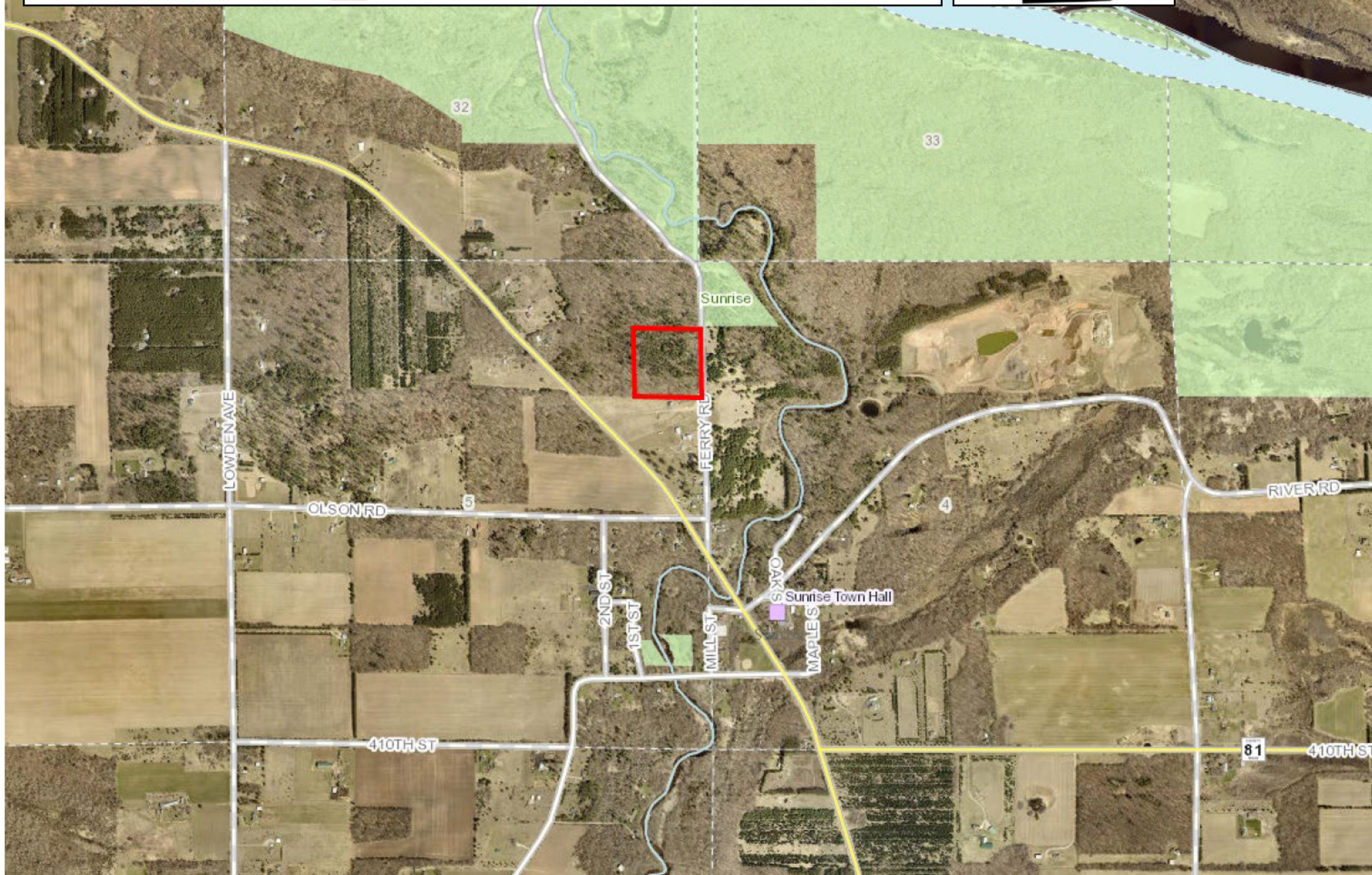
Maxwell & Allison Kleven Property - 



Sunrise Township

S5, T35, R20

PID # 09.00035.10



RESOLUTION NO. PC2023-0403

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING AN ACCESSORY STRUCTURE
AND SANITARY FACILITIES WITHIN SAID ACCESSORY STRUCTURE ON PROPERTY IDENTIFIED AS
PID 09.00035.10 IN SUNRISE TOWNSHIP**

WHEREAS, property owners Maxwell Kleven and Allison Kleven submitted an application dated received and considered complete on February 28, 2023 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure and sanitary facilities within said accessory structure on property located at 41xxx Ferry Road in Sunrise Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 13.26± acres in size and legally described as:

PID 09.00035.10

That part of the Northeast Quarter of the Northeast Quarter, Section 5, Township 35 North, Range 20 West, Chisago County, Minnesota, described as follows: Commencing at the northeast corner of said Section 5; thence 180 degrees 00 minutes 00 seconds, assumed azimuth from North, along the east line of said Section 5, a distance of 769.80 feet to the point of beginning; thence 272 degrees 29 minutes 00 seconds, 746.27 feet; thence southerly, to a point on the south line of said Northeast Quarter of the Northeast Quarter, distant 749.66 feet westerly of the southeast corner thereof; thence easterly, along said south line, a distance of 749.66 feet to said southeast corner; thence 0 degrees 00 minutes 00 seconds along the east line of said Section 5 to the point of beginning, Chisago County, Minnesota.

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

- | | |
|------------|---|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <i>Being that the proposed use is intended solely for residential purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.</i> |
| Factor #3 | The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; |

- Finding #3 Given the size of the subject site, the existing vegetation on and adjacent to the subject site, the size of adjacent properties and the fact that the structure will meet or exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 The Chisago County Zoning Ordinance allows accessory structures without the presence of a principal use structure in the Agricultural (AG) District and for sanitary facilities within such accessory structures with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 The proposed accessory structure is intended for personal use and storage in conjunction with residential development. The County finds that the accessory structure will create minimal traffic – consistent with traffic associated with a single family dwelling – and will not cause traffic hazard or congestion. Further, the road authority – being Sunrise Township – has not communicated any concerns related to traffic hazards or congestion.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 The proposed use is consistent with accessory structures allowed in and located in the Agricultural (AG) District and will be sufficiently separated from neighboring properties by distance and vegetation; therefore, the County finds that the accessory structure and sanitary facilities contained within will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit, subject to the following conditions:

1. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general accordance with the site plan dated received February 28, 2023 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation

from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.

2. This approval allows for sanitary facilities (toilet and sink only) within the accessory structure. The sanitary facilities shall be connected to a lawful compliant septic tank and/or system.
3. No overnight or residential living quarters / use shall be allowed in the accessory structure.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota, this 6th day of April, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator