

CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
February 4, 2021

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, February 4, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator, Diane Sander; Land Services & Parks Specialist, and Kurt Schneider; Environmental Services Director.

Chair Johnson called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Jim McCarthy, Shellene Johnson, Frank Storm, Dave Whitney, Jim Froberg, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. Absent: John Sutcliffe. A quorum was established with members present.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand”, with the Chair leading and following meeting order/procedures.

**APPROVAL OF AGENDA** – Motion to approve the amended agenda with the addition of two public comments made by Frank Storm. Second by Jim McCarthy. Roll call vote was taken and motion carried unanimously.

**APPROVAL OF MINUTES** – Motion to approve the January 7, 2021 minutes by Jim Froberg. Second by Jim McCarthy. Chair Johnson suggested a correction to the minutes, “...a standard three to four bedroom house would require a ~~minimum 3,000 square feet~~ two sites of tested soils and puts emphasis on the outcome of two sites that can support a Type I septic system.” Motion amended by Jim McCarthy to accept the correction. Second by Frank Storm. Roll call vote was taken and motion carried unanimously.

**RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by Chip Yeager. Second by Jim Froberg. Roll call vote was taken and motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments, one - Public Hearing Comment for Johnson PID#01.00401.10 and one – Public Hearing comment for Johnson PID#09.00303.10. Copies of all correspondence and meeting materials were made available for electronic distribution.

**Public Hearing Items:**

**Robb Medin** – Mike Bufalini of MN 121819 LLC, on behalf of owner, Robb Medin is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located east of Park Trail and south of St. Croix Trail/HWY95, Amador Township.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Medin property. Parcel size is 20 acres, zoned Agricultural (AG), and in January 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) applied for an IUP but was deemed incomplete. The project configuration remains the same as the January 2019 submission. An amended Solar Energy Systems Ordinance 061720-1 was adopted in June 2020 and the IUP request shall follow this criteria. This is the first solar array on the parcel and complies with setbacks. The interconnection is proposed in SW corner of the project and be mounted at grade whenever possible. Above ground utility poles shall be limited to the fullest extent possible. The applicant is not proposing any additional screening and plans to utilize the existing trees along the property lines. The application indicated a six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a \$25,000 financial surety bond for a 25-35 year before decommissioning. A community meeting was held on December 9, 2020, with no comments submitted in advance and no attendees present. Amador Township approved the IUP at their January 19, 2021 meeting. Technical Review was held January 13, 2021

and the County Engineer indicated project elements constructed should be kept to a minimum of 80 – 100 ft from centerline of County Roads. Chair Johnson asked each Planning Commission member for additional questions and comments.

Planning Commission discussed the screening on the south property line, if it ran the full length of the property line and if the trees were large enough to provide adequate coverage. Coordinator Jagoe stated the ordinance language does provide some flexibility by either providing a landscape plan or planting two rows of staggered trees. A landscape architect could determine if the existing trees could meet the screening requirement. Jim McCarthy proposed adding trees to fill in any gaps and relocating the inverter to the middle of the project area for noise reduction. Discussion followed on fencing and farming access. Chair Johnson supported relocating the inverter, adding the second row of trees and more natural non-reflective wooden poles for fencing. Mr. Bufalini was available to address questions and concerns from the Commission. Mr. Bufalini asked for clarification if additional screening be placed outside the fence line or along the existing tree line. Chair Johnson indicated additional trees be staggered with existing tree line. Coordinator Jagoe indicated previous applications have run along the project perimeter but the Planning Commission could discuss and recommend screening be added closer to the road. Mr. Bufalini reported the inverter/noise sounding equipment will be located in the middle of the array, furthest away from the neighbor. The inverter was not identified on the site plan. The site plan illustrated the location of the equipment pad, the main electrical or non-noise generating equipment. Discussion followed on the south property line screening. Frank Storm proposed filling in the gaps with trees to offset visibility instead of a full row of trees. Filling in the gaps will achieve the same visual affect. Jim McCarthy indicated that was his intent to use what was there and fill in the gaps.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Medin IUP. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. ***Motion*** by Dave Whitney to add clarifying language to condition twelve that landfills cannot be used for solar array disposal. Second by Frank Storm. Chip Yeager had no objection to the addition but indicated that each solar project will need to have that additional language. Discussion followed on recycling versus landfill and impact to project/decommission cost. Frank Storm indicated the additional language is making a change to the solar ordinance. Director Schneider reviewed the solar energy systems ordinance and solid waste ordinance with regards to disposal. Dave Whitney indicated he would like to add the clarifying language but could withdraw his motion. Jim Froberg questioned if it could be done if the language was not in the solar ordinance. Frank Storm withdrew his second. ***Motion*** by Jim McCarthy to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Park Trail – PID#01.00354.50 as presented in the Staff's report, site plan and narrative of record with modification to condition five to provide landscape plan or add additional planting of trees to achieve two rows of staggered trees to fill in gaps of existing tree line on west and south, and subject to the following **conditions**:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Medin CSG 1) submitted.
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. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

5. A Certified Landscape Plan or an updated Site/Landscape Plan showing additional plantings to be added to existing tree line to achieve two rows of staggered trees shall be submitted in association with the building permit application that is in accordance with Section 7.31.F.4.b.1. with respect to screening along the west and south sides of the project perimeter. 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.
6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.
7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencing a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.
9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. 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. Landfills cannot be used for solar array
13. Financial surety guaranteeing decommissioning in accordance with the plan 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 in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. 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.
14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.
15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.
16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Second by Frank Storm. Roll call vote was taken and motion carried unanimously.

**Keith Johnson** – Mike Bufalini of MN 121819 LLC, on behalf of owner, Keith Johnson is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located east side of Oriole Avenue and south of 375<sup>th</sup> Street, Amador Township.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Johnson property. Parcel size 65 acres, zoned AG, and in April 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) requested an IUP and was approved. In April 2020 the IUP became null and void because it had not been utilized within twelve months of the date of approval. An amended Solar Energy Systems Ordinance 061720-1 was adopted in June 2020 and the IUP request shall follow this criteria. The project configuration remains the same as the previous submission. This is the first solar array on the parcel and complies with setbacks. The interconnection is proposed in SW corner of the project shall be mounted at grade whenever possible. Above ground utility poles shall be limited to the fullest extent possible. The applicant is proposing two rows of six foot black hills spruce trees on the north, south and west sides of the project. Proposed screening is consistent with previous approvals for this site. The application indicated a six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a \$25,000 financial surety bond for a 25-35 year before decommissioning. A community meeting was held on December 7, 2020 with one letter submitted in advance with several questions and concerns. Comments included: site address, screening and clean-up of damaged panels. Amador Township approved the IUP with no conditions at their January 19, 2021 meeting. Technical Review was held January 13, 2021 and County Wetland Specialist does not consider pylons (i.e. mount for solar panels) as an impact to wetlands. Mr. Bufalini was available to address questions and concerns from the Commission. Chair Johnson asked each Planning Commission member for additional questions and comments.

Chip Yeager inquired to the location of the seventeen inverters. Mr. Bufalini indicated it was more likely going to be eight inverters and described the location on the site plan. Mr. Bufalini indicated they were trying to avoid driving through the wetland. Jim McCarthy indicated installing the pylons were not a wetland violation but questioned what could be done in the wetland and not be considered a violation. Director Schneider provided a brief overview of exemption and wetland impacts/violations. Mr. Bufalini described MN 121819 LLC wetland review process and procedure. Chair Johnson questioned the distance on the south side of the array. Mr. Bufalini indicated the array has a minimum 20 foot distance around it and between rows to allow equipment in for maintenance and decommissioning. Discussion followed on setbacks and site plan references.

Submitted Public Correspondence:

*Michelle Sprecher* – 36715 Oriole Avenue, request the Planning Commission to consider both present and future impacts of another solar array so close to landowners that have already been affected by solar on two sides of their property. Issues that impact us immediately include: additional noise, non-desirable and less attractive view, this is a permanent building than yearly “farm crop” which does not fit into the landscape and tree plantings do not reach maturity quick enough to screen solar site. Solar panels are not inviting and not a cozy place to live amongst. We are the sole property owner that deals with the existing and proposed array. Our property and barn screens parts of the array from the public driving by, but we see it every time we step out our door and hear the noise when we are on our patio. We are not against solar, but not happy

being surrounded by it and impacted by the visibility and desirability. Future impacts and concerns that should be considered: keep landowners safe and our property not to experience a great impact with neighboring changes, runoff and leeching of heavy metals into our waterway and ground well water, cleanup of panels landing on our property and panel disposal. At this rate, Chisago County may have many small toxic areas to deal with in the future. Having larger more dense solar fields instead of many little ones could be better controlled and studied. Property owned by the installer are more likely to be held accountable while leases give companies the option to walk away with no responsibility. All the issues resulting from the expansion of solar arrays are on the Planning Commission. Be careful and think of our future, there are problems with all forms of energy. Our address is being used as the project address to receive deliveries for this project. We do not want our address associated with this project and should be associated with the property owners so that all protest or praise to the project can be directed to the property owner.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Johnson PID#01.00401.10 IUP. With no additional person wishing to speak, **motion** by Frank Storm to closed the public hearing. Second by Jim Froberg. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. Jim Froberg clarified Oriole Avenue in that area is a Township Road instead of County Road. Jim McCarthy agreed that section went back to Amador Township. **Motion** by Frank Storm to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Oriole Avenue – PID#01.00401.10 as presented in the Staff's report, site plan and narrative of record and subject to the following **conditions**:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Johnson CSG 1) submitted.
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. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. Landscaping/screening shall consist of two rows of staggered six feet tall black hills spruce (or a similar species if recommended by landscape architect or certified arborist) planted 16 feet on center along the full length of the north, south, and west sides of the project perimeter. The Landscape Plan as shown shall be submitted in association with the building permit application in accordance with Section 7.31.F.4.b.1. 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.
6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.
7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. 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.
13. Financial surety guaranteeing decommissioning in accordance with the plan 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 in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. 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.
14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.
15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.
16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.
17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Second by Jim McCarthy. Roll call vote was taken and motion carried unanimously.

**Keith Johnson** – Mike Bufalini of MN 121819 LLC, on behalf of owner, Keith Johnson is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located southwest corner of the intersection of Oasis Road and 375<sup>th</sup> Street, Sunrise Township and this would be a third solar array on the property.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Johnson property. Parcel size 38.7 acres, zoned AG, and the first solar array on the west property line along County Road 11 was issued an Administrative Permit in June 2017. In April 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) was approved a second IUP solar array to be placed directly east of the existing array along County Road 11. The

two arrays would be accessed via a shared driveway from the existing access point along County Road 11. The third solar array on this property was issued November 2019 and placed south of the existing arrays with access along Oasis Road. In April 2020, the second array became null and void because it had not been acted upon within twelve months of the issued date. The property as it exists today has land use approval for two solar arrays identified as projects #1 and #3 which have been acted upon and remain valid. The requested IUP project remains similar to what was previously approved in April 2019. Section 7.31.G.3 specifies that an IUP may be allowed some flexibility from Performance Standards in Section F on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board. The applicant is seeking flexibility as it pertains to setbacks from the adopted June 2020 amended solar ordinance as part of this IUP application. The applicant is requesting consideration for reduced setbacks from County Road 11 and Oasis Road for the third solar array in light of the previous approvals that have been granted for this parcel. The minimum setback from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel is 735 feet. The IUP application is seeking flexibility from the Planning Commission and County Board to allow a setback of 135 feet from centerline along 375<sup>th</sup> Street and 398 feet from centerline along Oasis Road. It was noted the previous version of the solar energy systems ordinance required a setback of 135 feet from centerline of County Roads. The applicant is proposing two rows of six foot black hills spruce trees on the north side and full length of the east side of the project. The application indicated a six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a \$25,000 financial surety bond for a 25-35 year before decommissioning. The interconnection is proposed on the north side of the project. Existing utility poles will be used to the fullest extent possible and has not indicated a need for any new utility poles. A community meeting was held on December 8, 2020, with several questions and concerns. Comments included: existing vegetation and screening, ordinance requirements, and process/next steps. Sunrise Township recommended denial due to the IUP application does not meet the setback requirements and the proposed decommissioning financial surety is insufficient at their January 21, 2021 meeting. Technical Review was held January 13, 2021 and the County Engineer indicated project elements constructed should be kept to a minimum of 80 – 100 ft from centerline of County Roads. Chair Johnson asked each Planning Commission member for additional questions and comments. Mr. Bufalini was available to address questions and concerns from the Commission.

Chair Johnson stated she was confused how the County would approve without meeting setbacks and how staff has recommended approval. Coordinator Jagoe commented the request is seeking flexibility under the IUP ordinance as allowed case-by-case and consideration in Staff's recommendation was due to this project being previously approved in the same configuration and just not acted upon. Chair Johnson restated Sunrise Township recommended denial. Coordinator Jagoe confirmed the denial was due to setbacks and insufficient financial surety. Frank Storm questioned if Sunrise Township approved the original application from 2019. Dave Whitney expressed he was on the fence and Chip Yeager had the same sentiment but included he was not in favor of the 735 ft setback. Chair Johnson indicated she was leaning towards denial and reflected the same concerns as Sunrise Township. Mr. Bufalini indicated the township's denial was based on the county's ability to make the decision, not the township. Coordinator Jagoe read Sunrise Township denial and comments.

Submitted Public Correspondence:

*Jeremy Meyer* – 12544 375<sup>th</sup> Street, this project has several issues that will violate parts of the current ordinance. First concern, removal of existing vegetation. It is a priority to preserve existing vegetation so the removal of a well-established tree line would not be favorable. Second concern, is screening. Removal of the tree line would eliminate all screening from my residence with no proposal to any new screening. Third concern, is the 735 foot setback for additional projects on the same property. The setbacks proposed do not come close to meeting the ordinance setback and this is a perfect example of why that rule was added to the ordinance. I am not opposed to solar, but believe these projects need to be done in a more

discreet manner to be less offensive to neighboring properties and at minimum, meet the standards of the current ordinance.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Johnson #09.00303.10 IUP. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. Dave Whitney indicated he was leaning towards denial due to the project not meeting setbacks and stated the first application may have been approved but this is a new request. The proposed setbacks were too far out of line with the current ordinance setback. Jim McCarthy indicated this looks like a good application and is concentrating solar in one area. Jim McCarthy continued the 735 ft setback is not working correctly for this situation and the Planning Commission can either deny it and change the setback or deal with 735 ft setback. Frank Storm supported the approval and the need to change the 735 ft setback. ***Motion*** by Frank Storm to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, 37304 Oasis Road – PID#09.00303.10 as presented in the site plan and narrative of record with the eighteen conditions as outlined in the Staff’s report. Second by Chip Yeager. Roll call vote was taken. In Favor: Frank Storm and Jim Froberg. Opposed: Jim McCarthy, Chip Yeager, Dave Whitney, and Chair Johnson. The motion failed to approve the IUP. Chip Yeager indicated he’d deny the application because it did not meet the setbacks. ***Motion*** by Chip Yeager to recommend denial of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, 37304 Oasis Road - PID#09.00303.10 as it is deemed to be inconsistent with zoning regulation and the following **Findings of Fact:**

1. The request as submitted does not meet the required 735 foot minimum setback from roadways pursuant to Section 7.31 F. 10 of the County Zoning Ordinance.

Second by Dave Whitney. Roll call vote was taken. In Favor: Jim McCarthy, Chip Yeager, Dave Whitney, Jim Froberg and Chair Johnson. Opposed: Frank Storm. Motion to recommend denial passed. Chip Yeager stated this was a recommendation and will go before the County Board. Dave Whitney stated changing the solar ordinance would not take a lot of time or effort and the Planning Commission would feel better about approving IUPs similar to this situation. Chair Johnson indicated this would be a good topic of discussion at a special work session. Jim Froberg reported the Planning Commission had discussed the setback and County Board had changed it to 735 ft. Jim McCarthy stated the County Board can direct the Planning Commission to change it again. County Commissioner Chris DuBose indicated the Planning Commission reviewed setback changes of 735 feet and then determined it was too restrictive and County Board changed it to this setback for additional commercial solar arrays on the same parcel.

### **Old Business:**

#### **One Acre Buildable/Septic Ordinance Review & Update**

Chair Johnson provided a brief overview of the list of questions regarding one acre buildable and septic as collected by the subcommittee of Chair Johnson, Dave Whitney and Jim McCarthy. Frank Storm suggested rearranging a few questions under different topic headings. Chair Johnson indicated it could be rearranged and discussed a timeline for moving forward and next steps. Director Schneider provided an overview of the distributed four draft Ordinances highlighting/striking language. Staff will need direction on: specified text insertions and/or changes to draft ordinance language for each ordinance, preferred public hearing or engagement, next steps for handling of discussion questions or other as determined by the Planning Commission. Commission discussion followed on having questions addressed by the list of experts and whether comments be provided in written or oral format. Deliberation followed on holding a public hearing on one acre buildable and septic and whether the topic questions are being addressed by experts during or after the public hearing. ***Motion*** by Dave Whitney to hold a public hearing to seek public comment on one acre buildable and septic as questions are being answered by list of experts. Subcommittee can work with



staff to compile information and responses. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously. Director Schneider conveyed previous discussions held by the Planning Commission included types of septic systems allowed. He requested clarification of what the public hearing will encompass on one acre buildable and septic for the hearing notice. Director Schneider reviewed the public hearing notice procedure and distribution. Director Schneider suggested staff could develop a draft of the public hearing notice and the subcommittee could review, edit and approve prior to posting and distribution. Commission discussion continued on intention of public hearing which ranged from obtaining general feedback/comments to reviewing the stricken draft ordinances language. County Commissioner Chris DuBose added that a final ordinance language was not needed for the public hearing but to gather input. He concluded public hearing could be continued or another held if needed following feedback provided on one acre buildable and septic. Director Schneider indicated staff will develop a draft public notice with the intent to gather public input for changes in one acre buildable and septic ordinances. The subcommittee will review and provide feedback and staff will proceed with the posting process.

**ADJOURNMENT:** There being no further business, motion by Frank Storm and second by Jim Froberg to adjourn. Meeting was adjourned at 9:28 p.m.