

**DRAFT**

UNTIL APPROVED BY  
PLANNING COMMISSION

**CHISAGO COUNTY  
PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
APRIL 4, 2019**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 4, 2019 in Meeting Room 150B of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, Shellene Johnson, John Sutcliffe and Charles Yeager.

Ex Officio: County Commissioner Chris DuBose

Also Present: Tara Guy, Assistant Zoning Director  
Steve Putman, Code Enforcement Officer

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established.

**APPROVAL OF AGENDA** - On motion by Sutcliffe and second by Yeager, the meeting agenda was approved as presented.

**APPROVAL OF MINUTES** - On motion by Froberg and second by Whitney, the minutes of the meeting of March 7, 2019 were approved as drafted.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Sutcliffe and second by Froberg, all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Planning Commission and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

**NEW PUBLIC HEARINGS** : The Chair prepared to open the public hearing portion of the meeting, and Charles Yeager requested a revision to the order of the evening's agenda to take the Gordian Johnson #1 solar project (Amador Township) prior to addressing the Gordian Johnson #2 project (Sunrise Township). There being no objection upon a voice vote, the Chair approved the reordering of the agenda.

**J.C Homes** - Joe Charles was present at the hearing to request approval of a preliminary plat of two lots on 24 acres, to be known as "Acorn Acres." This is located in Amador Township, Sec.14, T.35, R.20, at the SW corner of the intersection of Pine Avenue and 392<sup>nd</sup> Street (PID #01.00268.00). The Amador Township Board had recommended approval with no conditions. The Plat Review Committee had met in regular session on March 12, 2019 to review the proposed plat, and finding that it exceeded all minimum requirements, recommended approval to the Planning Commission. Mr. Charles said the plat was simple, without complications. Fronting on two Township Roads, there will be two new driveways installed, one off of each road. The Chair then sought public testimony, but no one was there to offer comment. After further brief discussion, Shellene Johnson moved to recommend approval of the preliminary plat as presented, Jim Froberg seconded it and the motion was carried unanimously.

Prior to opening the public hearings on the solar projects, Chair Storm asked Tara Guy to give a brief summary of the County's history in developing its solar energy project regulations, and the nature of the solar projects being considered tonight. She explained that Chisago County had

written its original solar energy ordinance in 2014 in response to a legislative mandate to Xcel energy to derive 30% of the company's energy from renewable sources by 2020. At that time, Xcel and the State conceived of the Community Solar Garden (CSG) program, which allows citizens to purchase shares in a CSG, resulting in a lowering of their  
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own energy bill. Because of the way utilities are regulated in Minnesota, large projects (those over 50 megawatts in generating capacity) are regulated by the MN Public Utilities Commission, leaving smaller projects regulated by local government if their regulations permit. A later ruling by the PUC stipulated that individual CSGs not exceed one megawatt in generating capacity, which resulted in one-MW CSGs eventually being the only type of locally permitted projects. In 2018 Chisago County amended its solar energy ordinance to distinguish between CSGs with array footprint sized less than ten acres, and those with a footprint of ten acres or greater. The smaller CSGs are regulated as permitted uses, with an Administrative Solar Permit issued by the Department, and requiring more robust screening and other fixed performance standards. **The larger CSGs, or CSGs that are proposed to be situated closer than ¼ mile to another project** are processed as Interim Use Permits, requiring a Planning Commission public hearing, and County Board approval. The latter category is the classification of the four projects on the hearing agenda this evening. She added that though the Ordinance generally recommends for Interim Use Permits the same performance standards that are fixed in Administrative Permits, the standards are not mandated, and may be altered, added to or otherwise amended by the Board, upon the recommendation of the Planning Commission. Tara concluded by noting that there are more than 50 land uses allowed in the County's Agricultural Zoning District, with only a handful of them directly related to commercial agriculture, unlike solar energy which is classed by the State of Minnesota as a value-added agricultural product. Such things as rural tourism, dog boarding kennels, campgrounds and municipal sewer ponds are other types of uses allowed. A list of the allowed Ag land uses had been made available in the audience materials to assist citizens in understanding all of the different activities that could be allowed in their neighborhood.

**Gordian Energy Systems** - Mike Bufalini of Gordian Energy Systems was present at the meeting with his client and landowner Keith Johnson to request an Interim Use Permit to construct a one-megawatt solar garden on a portion of the Johnson property north of Oriole Avenue in Amador Township, Sec.35, T.35, R.20 (PID #01.00401.10). The Amador Township Board had recommended approval with no conditions, but with a general statement of "concern" over the growing number of projects in close proximity to each other in the Township. Mr. Bufalini presented his application, narrative description and site plans along with a summary of the proposed project. Once approved, they hope to construct the CSG over a period of approximately three months, with one week of materials delivery preceding the actual construction. During construction, there will be only the workers' traffic to and from the site, no additional truck or delivery disruption to the immediate area. When he had concluded his brief overview, the Chair opened the hearing to questions from the Commission. Charles Yeager inquired about the reference to "un-grounded" description and Mr. Bufalini stated that the design for smaller systems such as this calls for un-grounded wiring only for the panels, while the actual racks, inverter, switch gear and electrical systems act as one large ground-rod. Dave Whitney asked how many such projects would be allowed on parcel of land. Steve Putman responded that there is no maximum number of CSGs per property established by the Zoning Ordinance, but Xcel itself allows individual developers only one project per parcel. Mr. Bufalini added that the number of projects allowed is limited by the overall capacity of that stretch of distribution line. Keith Johnson stated that he is considering a number of ways to develop his property as allowed

under the County's Ordinances. He'd also had a preliminary plat drawn for the balance of this parcel, but being a committed conservationist felt that the solar projects were a more benign use of the land than either farming or houses.

He is active in the University of Minnesota's "bee squad" program and works toward creating sustainable habitat. He explained that in Goodhue County the solar projects are also honey-producing bee farms, and the two uses have been found to be highly compatible. On this parcel the land in the 75-foot sideyard setback buffer will be in use for his apiaries, with desirable pollinator groundcover established. Shellene Johnson inquired about the number and height of the poles, and Mr. Bufalini advised that his project will result in two poles, but Xcel ultimately dictates the final pole configuration, which will include their own pole at the

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transformer. Jim McCarthy inquired into the success of the pollinator ground cover. Mr. Johnson replied that it's a waiting game, with some cover taking up to 17 years to establish. In addition to his apiary activity, he has also taken 12 acres out of crop production to attempt the establishment of monarch habitat in milkweed plants. He plans to adjust the blend as necessary dependent upon the results he gets. In any case, he concluded, all established groundcover tends to serve as wildlife habitat for many more species than the primary intended beneficiary. When the members had concluded their general questions, Chairman Storm opened the hearing for public comment. There were several people present to ask questions and offer comments. Those offering comment were Scott and Michelle Sprecher (36715 Oriole Avenue), Mike Seabloom (37235 Nustad Avenue), Scott Robbins (14919 392<sup>nd</sup> Street), and Angel Permaloff (25310 Olinda Trail). Mr. Sprecher stated that they feel surrounded by solar projects, and he is concerned about impact to his property value. Although he cited an unidentified study done in August 2018 that actually indicated no value impact to properties surrounded by solar development, local realtors have advised him differently, as he attempts to list his property for sale. He is also concerned about possible health impacts from their proximity to so many power inverters. He does empathize with farmers who need additional income, but not at his own expense. Mrs. Sprecher also offered comment, reviewing the consideration criteria for Interim Use Permits, including whether the use is adequately separated by distance or screening from adjacent development, and whether the structure and site have an appearance that will have an adverse effect upon adjacent properties. She stated that the projects were too close and not screened well enough, leading to what she sees as a negative impact to their property. They wish to list their property for sale but said that buyers seeking a home next to solar projects are extremely rare. She concluded that although the arrays were sleek and attractive, they were incompatible with the usual rural landscape. Mr. Seabloom concurred, stating that he felt the projects were eyesores, and that he could have lived next to utility plants in the metro area. Mr. Robbins stated that he does not live in the immediate area but has a concern about the proliferation of solar panels interfering with the warming of the earth, and the possible impact upon wildlife, wind, and weather. Ms. Permaloff offered oral and written comment (accepted and marked as Exhibit A in the file) expressing her views on solar projects developed in Chisago County. Her observations centered on the lack of economic benefit to County residents from solar projects, vis à vis no early offering of subscriptions to neighbors, and the lack of local tax revenues generated by CSGs. She advocated for the possibility of requiring solar developers to offer CSG subscriptions to local/adjoining residents first, before opening subscriptions up to the public as "show of goodwill" to local residents. She concluded by suggesting the Planning Commission consider legislating such a requirement. When there was no further public comment forthcoming the public hearing was closed upon motion by Yeager and second by Whitney, and the Chair sought deliberation and a vote by the members. Discussion followed on the Staff's recommendation of approval with conditions, and the various conditions suggested for discussion. Dave Whitney initiated discussion on the

proposed conditions, and his recommended revisions thereto. He moved to amend the Staff-suggested screening condition to specify that a landscape architect or certified arborist must verify that the proposed screening plan will achieve 75% opacity by year three of the project or identify alternative effective screening that will achieve that goal, prior to building permit approval. He also wished to see the condition governing the decommissioning financial surety revised to include an inflation-related update of the engineer's original estimate every five years. He further wished to ensure that the 125% surety be based upon the estimated removal cost of \$87,767, not the developer's estimate of \$1600 after salvage. His final suggestion was to include a condition that the project be developed, built and operated as proposed in the application, except as amended by the conditions of approval on the IUP itself. Chip Yeager seconded the motion to include Whitney's revisions as conditions of approval. Further discussion followed on additional possible conditions, including some method of extrapolating today's cost estimate forward into the future. Chairman Storm suggested following the State policy of using "today's dollars" in terms of financial surety. Jim McCarthy would like to see future discussion on the matter, as would Dave Whitney. Shellene Johnson stated that she would like to see a larger setback established from the neighbor's property, but landowner Keith Johnson

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responded that a larger setback only takes more of his land out of production for any purpose. Jim McCarthy suggested that all such IUPs be standardized to meet the same conditions. Staff pointed out that this was the exact distinction between the Admin Permits, and the IUPs; that flexibility might be allowed by the Planning Commission. When there were no further questions or comments, Jim McCarthy moved to adopt the Staff analysis certifying the applications to be complete and compliant with relevant standards, and to recommend approval with the following conditions:

- 1. 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.**
- 2. Permittee shall implement 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).**
- 3. 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.**
- 4. Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. The permittee shall establish and maintain a double row of staggered six feet tall black 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, west and south sides of the project perimeter. Screening shall be 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.**
- 5. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of the deer fence design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.**

6. Prior to final building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal.

7. 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.

8. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

9. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

10. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which shall consist of wood post and woven wire composition.

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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 project shall be decommissioned in accordance with the 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, or assessed against the property.

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 current estimated decommissioning cost of \$87,767. 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.

14. 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.

15. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Jim Froberg seconded it and the motion was carried unanimously.

**Gordian Energy Systems** - Mike Bufalini of Gordian Energy Systems was present along with his associate Will Jawish, and their client and landowner Keith Johnson to request an Interim Use Permit to construct a one-megawatt solar garden on a portion of the Johnson property on 375<sup>th</sup> Street in Sunrise Township, Sec.28, T.35, R.20, (PID #09.00303.10.) The project will be

situated directly adjacent to the existing one-MW CSG on the same property (permitted under the original solar ordinance as an Administrative Solar Permit, which was not subject to the current screening requirements.) The Sunrise Township Board had recommended approval of the IUP with a series of conditions regarding certain elements of the lease and the ownership of the project, but Staff noted that a land use permit is issued to the land, not the owner, and as such, monitoring the project ownership was irrelevant. Mr. Bufalini went on to explain that the application was generally similar to the preceding application in design elements and configuration, with the differences primarily consisting of screening. They are proposing screening along the north side along County Road 11, turning down along the easterly property boundary, and southward parallel to County Road 9, and across the south perimeter of the arrays, to the west boundary. Landowner Keith Johnson explained his past conservation efforts related to this land, which had been subject to serious erosion problems given the significant slope down to the pond on the neighboring property to the west. He had planted many trees on the slope to keep the erosion under control. With the new solar projects and the specific required pollinator beneficial groundcover, the erosion problems will be greatly reduced. A new access will be installed off of County Road 9 to serve the south field which will still be farmed. Jim McCarthy then noted that the screening requirements in the new Ordinance were vastly improved since an existing project went in across the intersection of the highways to the northeast, adjacent to land that he had owned and sold. He stated that he wished to add a condition to this permit that would require upgrading the earlier project across the highway to today's standards, i.e. replacing the chain link fence with deer fence and adding today's standardized tree screening. Tara Guy explained that the County couldn't legally apply today's standards

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retroactively to an approved, completed project on an entirely different piece of land. When the Commission had no further questions or comments, the Chair sought public comment. Angel Permaloff offered testimony in favor of requiring screening enhancement of the original solar array on this parcel along the road, noting that it had been one of the first allowed projects, and was "atrocious" in its lack of screening. When there was no further public testimony forthcoming, Jim Froberg moved to close public testimony, John Sutcliffe seconded it, and the motion carried. Discussion ensued on the issue of screening, with Jim McCarthy moving to include new fencing and tree-screening on the earlier approved project across the road as a condition of approval on the current permit. The motion died for lack of a second. Shellene Johnson wished to see additional screening along the front of the project, between the fence and the access road. Mike Bufalini indicated that apart from the road right of way, Xcel also has their own utility easement along the road, which wouldn't permit intrusion or plantings. When discussion concluded, Jim Froberg moved adopt the Staff analysis certifying the applications to be complete and compliant with relevant standards, and to recommend approval of the IUP with the following conditions:

- 1. 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.**
- 2. Permittee shall implement 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).**
- 3. 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.**

4. Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. The permittee shall establish and maintain a double row of staggered six feet tall black 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, east and south sides of the project perimeter. Screening shall be 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.

5. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of the deer fence design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

6. Prior to final building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal.

7. 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.

8. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

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9. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

10. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which shall consist of wood post and woven wire composition.

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 project shall be decommissioned in accordance with the 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, or assessed against the property.

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 current estimated decommissioning cost of \$87,767. 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.

**14. 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.**

**15. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.**

Charles Yeager seconded it and the motion was carried unanimously.

**Innovative Power Systems (IPS, Inc.)** - Evan Carlson of IPS was present at the meeting with his associate T. J. Ozomoru to request an Interim Use Permit to construct and operate a one-megawatt community solar garden on a portion of the Kathleen Carlson property in Amador Township, Sec.26, T.35, R.20, south of 37345 Oriole Avenue (PID #01.00391.00). The Amador Township Board had recommended approval with no conditions, but with a general statement of "concern" over the growing number of projects in close proximity to each other in the Township. Mr. Carlson stated that his applications were very similar to the preceding applications, with some variations in the proposed screening. He noted that there were several unintentional inconsistencies in his application materials regarding the fencing and screening elements, and confirmed that the project perimeter would be secured by the required deer fence. The landscape screening would consist of a single row of four-foot high black spruce or other conifer planted eight feet on center, along the south and west side to fill in unscreened areas, except along the west side that borders the wetland, dogwood shrubs or similar wetland-hardy plantings are proposed. They proposed no screening on the east side, which is heavily wooded on the neighbor's property, and has no residences. He explained that they had done their best to synthesize the project use of the property with the ongoing farming, siting the arrays in a "junk" area of the farm, between a large wetland and the south and east property lines, and maximizing the project setback off the road. They had proposed a different decommissioning surety amount, but would voluntarily comply with the same requirement placed on the preceding permits. When Mr. Carlson had

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concluded his overview, the Commission offered comments and questions. Dave Whitney stated that he appreciated the thoughtful design of the project, and its distance from the road. Shellene Johnson inquired about the 50-foot setback proposed from the east side rather than the 75 feet required with Admin permits. The Chair sought public testimony on the proposal. Neighboring property owner Keith Johnson offered support for the proposal. When there was no further public comment forthcoming, Dave Whitney moved to close the public hearing, Jim McCarthy seconded, and the comment portion was closed. Dave Whitney moved to include his modified conditions as part of the recommendation. Jim McCarthy seconded it, and the motion carried. Further discussion ensued regarding setbacks and screening. The Commission concurred that the lesser four-foot height and the single row were appropriate, given the larger setback from the public road. Shellene Johnson would like to see consistency with the Administrative permit sideyard setback of 75 feet, since the existing forestation is actually located on the abutting property owner's land. She moved to add that as an additional condition, seconded by Jim McCarthy and carried. When discussion had concluded, Dave Whitney moved to adopt the Staff analysis certifying the applications to be complete and compliant with relevant standards, and to recommend approval of the IUP with the following conditions:

1. 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.
2. Permittee shall implement 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).
3. 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.
4. Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. The permittee shall establish and maintain a single row of four -feet tall black spruce (or a similar species if recommended by landscape architect or certified arborist) planted eight feet on center along the south side, and partially north along the west project perimeter to the area of wetland, where dogwood shrubs shall be planted along the remainder of the perimeter to the north. Screening shall be 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.
5. The setback from the project perimeter to the east property line shall be 75 feet.
6. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of the deer fence design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.
7. Prior to final building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal.

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8. 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.
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. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which shall consist of wood post and woven wire composition.
12. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

**13. The project shall be decommissioned in accordance with the 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, or assessed against the property.**

**14. 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 current estimated decommissioning cost of \$87,767 . 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 .**

**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. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.**

Jim Froberg seconded it and the motion was carried unanimously.

**Innovative Power Systems (IPS, Inc.)** - Evan Carlson of IPS, Inc. remained present with his associate T. J. Ozomoru to request an Interim Use Permit to construct and operate a one-megawatt community solar garden on a portion of the Kyle Palmer property in Amador Township, Section 25, T.35, R.20, west of 15535 375<sup>th</sup> Street (PID #01.00352.00). The Amador Township Board had recommended approval with no conditions, but with a general statement of "concern" over the growing number of projects in close proximity to each other in the Township. Mr. Carlson stated that though the design elements and general configuration of the project is similar to the preceding application, there is a fair amount of wetland present on the property, which will need to be field verified through a Level II wetland report and delineation, and ground-truthed by Zoning staff prior to final approval. Pending that, the application was straightforward, and similar to the others presented this evening. Mr. Carlson also mentioned that he had been in conversation with a nearby neighbor about preserving the active farming of the remaining land south of the arrays, and indicated to the

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Commission the access route that has been identified by his company and the owner, which will maintain access to the south. He added that they will be providing the preferred screening along the south and west sides of the project perimeter, consisting of a double staggered row of six-foot evergreens planted 16 feet on-center, outside of the deer fence. They will provide the same financial surety as the other projects recommended for approval this evening. When there were no questions or comments forthcoming from the Commission, the Chair sought public testimony, but there was no one present to offer testimony. Jim Froberg moved to close the public comment, seconded by Sutcliffe and carried. After further brief discussion, Charles Yeager moved to recommend approval of the Interim Use Permit with the following conditions:

**1. 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.**

2. Permittee shall implement 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).
3. 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.
4. Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. The permittee shall establish and maintain a double row of staggered six feet tall black 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 and west sides of the project perimeter. Screening shall be 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.
5. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of the deer fence design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.
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9. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

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10. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which shall consist of wood post and woven wire composition.
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 project shall be decommissioned in accordance with the 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, or assessed against the property.

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 estimated decommissioning cost of \$87,767 . 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 .

14. 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.

15. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Jim Froberg seconded it and the motion was carried unanimously.

**DISCUSSION ITEM :** The Commission members again considered the Staff-proposed possible amendment to the Subdivision Ordinance that had been discussed at the two previous meetings, which would allow a single lot subdivision (minor subdivision) without the formal platting process in certain limited circumstances. The following is the text amendment proposed by Staff:

**1.06 Platting Required**

No parcel of land shall be permitted to be conveyed by metes and bounds description after June 1, 1999, except in accordance with the circumstances and provisions described below:

A. The parcel is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet in any dimension, and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width;

B. The parcel is created by “minor subdivision ” which shall be defined as the separation of a single parcel of land separated from an original parent parcel, when the following circumstances exist:

1. The new parcel is not less than five acres in size, with a minimum width of 300 feet fronting on a public road;

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2. The minor subdivision is for the purpose of separating a residence and accessory buildings from the balance of the larger parcel, provided that:

- a. The residence and buildings existed upon the date of enactment of this ordinance
- b. The minor subdivision results in no substandard yard and/or structure setback,  
other substandard dimensional element, or any new nonconformity;

3. The resulting remainder parcel is not less than 20 acres in size, and/or 500 feet in width;
4. A minimum of one acre of buildable land is demonstrated to exist on the newly created residential parcel;
5. The new parcel is surveyed and legally described by a Minnesota-licensed land surveyor;
6. The certificate of survey and legal description are presented to the Department of Environmental Services for zoning approval;
7. The certificate of survey and legal description are recorded at the office of the Chisago County Recorder.

After brief discussion, the Commission reaffirmed that they supported the amendment. Shellene Johnson moved to recommend to the County Board that the proposed text amendment be considered at public hearing, in preparation for adoption. John Sutcliffe seconded it and the motion was carried.

**ADJOURNMENT :** There being no further business, the meeting was adjourned at 9:12 p.m.