

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
MAY 2, 2019**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 2, 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. A roll call of Board members was taken and a quorum established with all members present.

APPROVAL OF AGENDA - On motion by Sutcliffe and second by Froberg, the meeting agenda was approved as published.

APPROVAL OF MINUTES - On motion by Whitney and second by Sutcliffe, the minutes of the meeting of April 4, 2019 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by Yeager 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:

Matt Crescenzo - Mr. Crescenzo was present at the meeting to request an amendment to his current Conditional Use Permit for a home occupation, to increase the number of allowed employees to eight, and allow construction of a 11,500 square foot addition to the existing building. This would result in a total of 20,000 square feet of building to house the home-based business. This is located in Franconia Township, Sec.35, T.33, R.20 at 24543 Olinda Trail (PID #04.00438.00). The Franconia Township Board had recommended approval, citing their wish to keep the tax revenue from the business in the Township. Mr. Crescenzo explained that he had started the machine shop business in 2012 as a home occupation, housed in the original 9500 square foot building. The business has flourished, and in order to keep growing and increase the success of the enterprise, Mr. Crescenzo explained that he needs to expand the physical plant and add up to six additional full time employees. He stated that he understood that the Ordinance's fixed performance standards for home occupations allowed no more than two full time equivalents, outside of family members living on-premise who are employed in the business, but was seeking flexibility in the maximum numbers. Mr. Crescenzo's original intention had been consistent with the County's policy of supporting home occupations to operate as small scale operations until the business growth merits a move to a commercial zone. As the business grew, he began to seek space in commercial districts in the cities, and discovered that such a move was not economically feasible, primarily based upon the increase in taxes that would result from

relocating. The request to expand at his home property was based upon a strictly financial rationale. A Staff Report had been presented recommending denial of the CUP amendment based upon its failure to meet the fixed performance standards stipulated for home occupations, and the oversized building, which will be inconsistent with the rural residential character of the surrounding area. Staff stated that such an addition would change the

proportionate use of the property from primarily residential to commercial, based upon a projected tax classification breakdown provided by the County Assessor, and actual percentage of ground cover. Since home occupations are required to remain clearly secondary to the primary residential use, the proposal was contrary to the County's goals and policies. When Mr. Crescenzo had finished his overview of his proposal, the Chair invited questions and comments from the Commission members. There were several general questions and answers exchanged concerning Mr. Crescenzo's business plan and growth projections. Dave Whitney pointed out that the home occupation category does not provide for more than two employees, and as such, was not eligible for approval. Mr. Crescenzo acknowledge that fact. Following general discussion the Chair opened the hearing for public comment. Two people were present to offer comment on the proposal. **Angel Permaloff** (25310 Olinda Trail) offered support for the request, noting that the home-based business was unobtrusive in the neighborhood, and beneficial for Mr. Crescenzo's family, allowing him to spend more time with his small children. She proposed a variance on the number of employees allowed for this business. **Owen Kuhnly**, (14912 260th St.) a member of the Franconia Township Board also spoke to offer support for the application, saying it was not incompatible with similar agricultural structures in the area. He feels it's time to re-examine the home occupation standards and allow more flexibility. When no further testimony was forthcoming, the Chair closed the public hearing upon motion by Froberg and second by Whitney. Lengthy discussion followed among the Commission members on the appropriateness of the existing performance standards for home occupation, and whether the County should broaden the definition to allow larger operations, more employees, and a lessening of the rigid performance standards. The members generally concurred that they'd like to be able to make an exception, but the performance standards are fixed. Several agreed that it was time to open the home occupation section in the Ordinance for review, particularly since revisions to the Zoning Ordinance are slated to be taken up in the near future. After further brief discussion, Dave Whitney moved to ask Mr. Crescenzo to withdraw his CUP Amendment request at this time for a minimum of four months with the understanding that the planning commission will look at ordinance changes which will allow growing businesses like his (which desire more than two full-time employees) to remain in townships before they move to an industrial park, and stipulating that if Mr. Crescenzo's request is resubmitted, he will not be recharged for his application. Jim Froberg seconded it. Further discussion followed, with questions about whether he could build the structure without the zoning approval, what the tax ramifications would be, and various other elements of the proposal. He could theoretically build the structure, but unless the Ordinance is revised, he would be prohibited from using the building for its prescribed use. The Chair favored recommending denial of the application under the present Ordinance terms, for clarity's sake, with possible reapplication under potentially revised regulations in the future. Dave Whitney requested a vote on his motion, and being put to a vote, the motion as worded above, passed unanimously. Mr. Crescenzo then formally withdrew his application, agreeing to await possible Ordinance revisions later this year.

Tiller Corporation - Christina Morrison, Land Use and Permitting Coordinator for Tiller was present at the meeting to present their request for an Interim Use Permit to expand their existing mining operation onto an abutting 10.56 acres of land. This is located in Sunrise Township, Section 4, T.35, R.20, at 12956 River Road (PIDs #09.00027.00, 28, 29.10). The Sunrise Township Board had recommended approval with the condition that Tiller pave the length of River Road between the pit entrance and County Road 9, at their expense. They also wished to have Saturday mining restricted from 7:00 a.m. to 7:00 p.m. except for one to two days annually. Accompanying Ms. Morrison were Mike Caron, Tiller's Land Use Activity Director and geologist and engineer Kirsten Pauley of Sunde Engineering. Ms. Morrison gave an overview of the process they have undertaken to date. Over the latter half of 2018 the IUP

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proposal had been the subject of environmental review, through an Environmental Assessment Worksheet (EAW) process, which had been deemed complete last October. In December of 2018, the County Board made a negative declaration regarding the need for an Environmental Impact Statement (EIS) which allowed furtherance of Tiller's application for an IUP to expand onto the new 10.5 acre site. She explained that

they have met with Sunrise Township in a series of meetings to discuss options for improving or paving River Road, at Tiller's expense. Tiller had come to the conclusion that it would not be economically feasible for them to pave their road fully at the company's expense, but would stand willing to negotiate a new maintenance /dust control agreement with the Board to address remaining concerns. The Town Board would also like to see Saturday mining restricted on Saturday to 7:00 AM to 7:00 PM with the exception of 1 to 2 Saturdays per year. Tiller has reviewed the Staff Report and suggested conditions of approval, and they are amenable to the terms as drafted. With her summary concluded, the Chair invited questions and comments from the members. Ms. Morrison responded to a variety of general questions and comments from the members, and offered clarification on a number of elements for Shellene Johnson, as Ms. Johnson had not served on the Commission during the months of intensive review associated with the EAW. Much of the discussion centered on past problems with the road, trucks stacking and idling on the road outside the pit, dust control, washboarding, slippery and dangerous conditions caused by rain, exacerbated by repeated applications of calcium chloride for dust control which worsens the slippery road surface, and the failure of Tiller to adhere to the 2013 maintenance agreement that was still technically in place. Kirsten Pauley commented that the average amount of gravel seasonally taken from the site over the past five years was less than 40,000 tons, which computes to an average of 24 truck trips per day over a normal season. Additional discussion followed on the Sunrise River, its floodplain, and potential encroachment of the activity upon the river. When the Commission had concluded its questions, the Chair opened the hearing for public comment. Sunrise Township Vice-Chair, **Jeske Noordergraaf** was present to reiterate the Township's wish to have River Road paved from the pit entrance to County Road 9 at Tiller's expense. She explained that the existing road maintenance agreement has not been followed by Tiller, which causes their single road maintenance man to spend a disproportionate amount of his time on this small stretch of road. There were two other nearby landowners also present to testify. **Joyce Meyers** (12655 River Road) stated that she has lived right across from the gravel operation for 47 years, and have suffered through the traffic and damage to their road for many of those years. She was concerned with the trucks' speed, stacking on the road before the pit opens, the steady stream of trucks during hauling season, and the resulting bad road conditions. She would like to see the road paved as part of this IUP approval. **Ted Meyers** (same address) reiterated the concerns mentioned by his wife Joyce, and added his own concern with the pre-dawn stacking of trucks along the road, waiting to get into the pit before it opens. The stacking makes it nearly impassable, and would make it impossible for emergency vehicles to get to an incident anywhere along that road. He pointed out that the road agreement precludes Tiller from hauling during rainy times, but they do it any way. He is also concerned about impacts to the Sunrise River and the floodplain, and possible infiltration into the Sunrise from the mining, and from there into the St. Croix River. When there were no further comments from the audience, the Chair closed the hearing upon motion by Froberg and second by Sutcliffe. The Chair called for deliberation on the IUP. The Staff Report and the proposed 36 conditions were reviewed, causing the Commission requesting to see the existing road maintenance/dust control agreement from 2013. Staff provided copies to all members for their review. Shellene Johnson stated that she was disturbed to learn of the noncompliance with the road agreement, and expressed concern that noncompliance with such a simple agreement didn't bode well for future compliance with the numerous conditions suggested for the new IUP. There followed discussion on options other than paving that could be considered, with John Sutcliffe inquiring about other types of road surface just short of pavement that might address the problems satisfactorily. Mike Caron then spoke to the Commission, acknowledging Tiller's past failure to monitor the truckers

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as well as the company's own pit operators for compliance with the relevant conditions. He agreed that Tiller had "failed miserably" in the past to comply with the relevant agreement, and enforce their own pit rules. He has since brought a new superintendent to the operation in order to institute a policy of "zero tolerance" for noncompliance with the agreement, and also with the operating rules. He stated that the operators will notify the haulers of the new rules, warn that they will be turned away for failure to comply, and follow up on an infractions. He is entirely willing to negotiate a new agreement with the Township to resolve all outstanding matters. When discussion had concluded, Jim McCarthy stated his support

for Sunrise Township's desire for Tiller to pave the road. He favored the draft conditions proposed by Staff, but had two additional conditions to suggest, stipulating management of truck parking and staging, and the paving of River Road. He then moved to adopt the findings of fact contained in the Staff analysis in support of approval, and to recommend approval of the IUP with conditions. Jim Froberg seconded it, and the motion was carried with Johnson Sutcliffe and Chair Frank Storm opposed, based upon the added condition requiring Tiller to pave River Road at the company's expense.

The following are the findings adopted in support of approval:

1. Is the use consistent with the Comprehensive Plan and development policies of the County?

Yes. The

Natural Resources element of the County's 2017 Comprehensive Plan notes that aggregate and mineral resources are vital to the county, and that the County supports aggregate mining while protecting adjacent land uses and natural resources from adverse impacts. The County meets this goal by identifying areas where the mining use is permitted, and by enforcing performance standards for mineral extraction through the County Zoning Ordinance.

The County's ordinance permits Mineral Extraction in all zoning districts in the County except the UR District.

The Project Area and Comprehensive Mining Area are located in the Agricultural (AG) District, where the Mineral Extraction Use is permitted with an IUP.

A portion of the site is located within the Sunrise River Overlay District, which extends 500 feet from the ordinary high water level of the Sunrise River. Mineral Extraction is permitted as an Interim Use within the Overlay District. The 100-year floodplain of the Sunrise River extends into the site. Mineral extraction is not allowed within the 100-year floodplain. The proposed mining limits are located outside the floodplain.

Finding: The Project is consistent with the goals of the current Comprehensive Plan and the district requirements and performance standards of the Zoning Ordinance.

2. Will the use will create an excessive demand on existing parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the area?

No. The use will not create demands on parks or schools. The use will utilize local roadways. The application indicates that the applicant does not expect the traffic on local roadways to increase compared to current traffic with the addition of the Project Site to the Comprehensive Mining Area.

The proposed conditions include requirements to add signage and road improvements to improve roadway safety, and to monitor truck traffic on at least an annual basis to determine if the Project creates additional traffic and impacts to local roadways. The conditions permit the County to require additional mitigation if impacts are identified.

Finding: With adherence to the proposed conditions, the Project will not create excessive demands on streets and other public facilities and utilities that serve the area.

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3. Will the use 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 not significant deterrence to future development? Yes. The proposed use will meet the setback requirements of the zoning ordinance, and will be required to maintain existing screening to minimize impacts to adjacent residential and park uses. The northern boundary of the Project site is adjacent to the Existing Mine Facility.

Existing development will not suffer undue negative impacts and the Project will not deter future development by complying with the zoning ordinance standards and conditions of the IUP.

Finding: The proposed use will be compatible with adjacent development and future development through compliance with the required setbacks, berming, and screening.

4. Will the structure and site will have an appearance that will have an adverse effect upon adjacent properties? No. The processing structures that are part of the proposed use will be located in recessed areas of the site and will not be visible from adjacent properties.

Finding: The conditions for the IUP require that the applicant locate structures in recessed areas, maintain existing berming and screening, and maintain the site appearance so that it does not have a negative impact on surrounding properties.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use? Yes. As noted in Item #1 above, the proposed use is consistent with the County's Comprehensive Development Plan's goals and policies. The project is an expansion of an existing mining use, and as such, is compatible with the existing land use.

Finding: The proposed use is consistent with the land use goals in the County's adopted Comprehensive Plan, and is compatible with adjacent uses.

6. Is the use 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? According to the interpretation made by the Department Director and the County Attorney's Office, the proposal meets the relevant requirements. Mineral extraction is specifically included as an Interim Use in all Zoning Districts, signifying Chisago County's intent to allow such activity in the locations where the resources is identified, provided adequate conditions and safeguards can be attached to the Interim Use Permit.

Finding: The proposed use is consistent with the uses permitted in the Agricultural District. The IUP requires that the applicant meet the performance standards of the Zoning Ordinance.

7. Will the use cause traffic hazard or congestion? No, provided the relevant safeguards and conditions of approval placed on the IUP are followed by the operator. The County and local roadways that serve the Project site and Comprehensive Mine Project have the capacity to handle the traffic that will be generated by the proposed use. The IUP includes conditions for additional signage to mitigate the potential traffic hazards and permits the County to require additional roadway improvements if needed to safely accommodate traffic from the mining project. The IUP also includes conditions that permit the County to monitor traffic from the Project and require additional mitigation to address traffic hazards or congestion if needed.

Finding: The project will not cause traffic hazard or congestion if the conditions of approval on the IUP are consistently followed.

8. Will existing nearby properties will be adversely affected by the intrusion of noise, glare or general unsightliness? No. The IUP includes conditions and mitigation to address the potential

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noise, glare, and appearance of the property, all of which are intended to mitigate any undue negative impacts to the surrounding neighborhood.

Finding: The Project will be required to comply with Federal, State, County and local regulations for noise and glare and adhere to the conditions of the IUP to prevent adverse impacts to nearby properties.

The following are the conditions of approval on the IUP:

1. The following definitions describe the site areas that are included in this Interim Use Permit (IUP). The areas referred to below are shown on Figure 2 in the IUP application dated September 2018.

Project refers to the proposed new 10.6-acre mining area and associated extraction, crushing, stock piling, hauling, and reclamation activity to be located within the Project Area.

Project Area or Site refers to the 31.5-acre area which includes the 10.6-acre Project and that is proposed to be permitted for mining, processing, and reclamation operations.

Existing Facility refers to the existing non-metallic mineral mining and processing facility. The Existing Facility encompasses 139.2 acres and currently operates under two Special Use Permits issued by Chisago County in the 1980's. The EAW and IUP application proposed no changes to the existing permits.

Existing Facility Mining Area refers to an 82.9-acre area within the Existing Facility that is planned to be mined.

Comprehensive Mining Area refers to the mining area associated with both the Project Area and the Existing Facility. The Comprehensive Mining Area encompasses approximately 93.5 acres.

2. The Interim Use Permit is granted only for the Project and Project Area identified in the plans and application submitted to the County and dated September 2018. The conditions herein shall be applicable to the Project and Project Area for the term of the IUP and do not amend, modify, or alter the conditions of approval for the Special Use Permits in effect for the Existing Facility. Mining shall take place in the phases and locations shown on the plans submitted with the application.

3. The permittee shall comply at all times with the County's ordinances and all applicable laws and regulations of Federal, State, and local agencies and shall maintain and comply with the standards and requirements regulated by those agencies for all operations at the Project. Exhibit A includes a list of agencies that regulate the Project. (Please refer to attached Exhibit A for the list of regulatory agencies that will have oversight of this project.)

4. For the term of the IUP, the permittee shall submit an annual Notification of Intent to Continue IUP and maintain records to demonstrate compliance with the conditions.

4a. The permittee shall describe the anticipated operations for the coming year and how anticipated operations will vary from the previous year, if any variation is expected. The permittee shall describe any significant change to the active mining area, summarize Best Management Practices (BMPs) and reclamation progress anticipated for the coming year.

4b. The permittee shall maintain records to demonstrate compliance with the conditions of the IUP. The permittee shall make records of compliance with the conditions of the IUP available to the County for review within 60 days of a request.

5. The maximum depth of mining occurring within the Project shall be 720 feet above mean sea level (amsl).

6. No mining of sandstone ("frac sand") shall be permitted under this permit.

7. The permittee shall prepare a Groundwater Protection Plan (GWPP) for the Project that shall be submitted to the County for review and approval. The information about groundwater depths, flows, and soil boring information included in the EAW shall be included in the GWPP. The GWPP should include the geologic logs, on-site water table investigations, and other data that were used to construct the hydrogeologic framework described in the EAW and IUP application. The GWPP shall characterize depth to groundwater, and flow direction likely to occur across the Project Area. The GWPP should address potential contaminants migrating northward from the former Sunrise Dump toward the Comprehensive Mining Area. The County may require that the plan be updated as needed.

8. The GWPP should include proposed monitoring locations (incorporation of existing wells may be considered), monitoring frequency, and list of parameters for analysis. The permittee shall maintain the monitoring data and report results to the County at the County's request. The County may review the GWPP at any time and the permittee shall modify the GWPP as needed to address identified concerns.

9. If diesel fuel is stored in the Project Area, the permittee shall sample and analyze groundwater for diesel range organics (DRO). If gasoline is stored in the Project Area, gasoline range organics and benzene shall be added to the analyte list.

10. The permittee shall provide spill clean-up equipment on-site when petroleum product storage tanks are present.

11. The permittee shall maintain a summary of the BMPs implemented at the Site and shall identify any incidents during the year that caused sedimentation or impacts to surface waters. Additional BMPs must be employed as needed to meet federal, state or local standards.

12. Prior to mining within 100 feet of the wetland in the Project Area (Wetland F), the permittee shall complete an investigation to further define the soils and hydrology adjacent to the wetland, and determine potential mining impacts to the wetland. The permittee shall also complete a soils analysis of the materials within the mining area adjacent to the wetland and Sunrise River to ensure that seepage of these surface waters into the mine will not occur. The permittee shall submit its investigation report to the County for review. The County may require increased setbacks from the wetland or other mitigation if needed to minimize or avoid potential impacts to the wetland based on the results of the wetland investigation.

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13. The permittee shall complete a wetland delineation for Wetland F prior to any land disturbing activities in the Project Area. No excavation or fill shall occur within wetlands or wetland buffers (50-foot minimum).

14. Erosion control mesh shall be limited to wildlife-friendly materials to avoid entanglement of reptiles and birds.
15. The MDNR's recommendations for areas inhabited by Blanding's Turtles shall be implemented to the extent practical.
16. Vehicles, equipment, or materials not associated with the Project or not in operable condition may not be kept or stored in the Project Area, except as specifically authorized.
17. The permittee shall monitor all on-site construction equipment for leaks and complete regular preventive equipment maintenance. Fueling and maintenance of vehicles shall occur within the area of active mining and no "topping off" of vehicle fuel tanks shall be allowed.
18. The Project entrances shall be equipped with locking gates.
19. The permittee shall install a sign at the entrance which includes contact information and guidance for parking and idling trucks, and other concerns or inquiries made by the public.
20. The existing River Road access for the Existing Facility shall also serve as the access for the Project, unless otherwise approved.
21. Tiller shall place signage regarding slow-moving trucks at the County Road 9/River Road intersection as may be directed by Chisago County Public Works.
22. The hours of operation and hauling shall be conducted only between 6:00 a.m. and 8:00 p.m., Monday through Saturday, unless the County expressly authorizes other hours or days of operation.
23. The permittee shall be responsible for providing dust control in accordance with the Mineral Extraction Performance Standards required by County ordinance, and as otherwise negotiated through an updated dust control agreement with Sunrise Township.
24. If the number of trucks maneuvering within the Site between 6:00 a.m. and 7:00 a.m. is expected to be greater than 25, the permittee shall, prior to commencement of mining in the new project area, construct an earthen berm to a minimum height of 8-feet, north of 12905 River Road to address potential night-time noise impacts.
25. The permittee shall implement the following noise mitigation measures identified in the EAW by Tiller and the MDNR: limit the clearing and stripping area on the Site to the extent practical; install additional berms or vegetation on the Site if required by the County; actively reclaim areas of the Site and vegetate as soon as possible during each mining phase; place the processing equipment and stockpiles in the lower areas of the mining operation on the Site; and minimize the height at which materials are dropped from loading equipment.
26. Tree removal shall occur during times that will avoid roosting bats and disturbing birds during breeding season.

27. The permittee shall maintain the mine Site and equipment in an orderly condition. Weeds shall be controlled in planted and reclaimed areas. Existing trees, vegetative screening, berms, and topsoil within required setbacks and buffer area shall remain in-place.
28. The permittee shall complete a Phase I archaeological survey that meets the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, including an evaluation of National Register eligibility for an identified properties prior to any land disturbing activities in the Project Area.
29. The permittee shall use clean, non-contaminated fill material and topsoil of similar quality and quantity available on-site for all reclamation. The permittee shall establish permanent, native vegetation in reclaimed areas as specified in the reclamation plan.
30. The minimum reclamation standards apply:
Final grades may not exceed a 3:1 ratio (33% slope). In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines.
A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
Seeding and mulching shall be consistent with the Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.
Soil restoration, seeding, and mulching must occur within each phase as soon as final grades,
or interim grades identified in the phasing plans have been reached. Exceptions to seeding and mulching include the processing, storage, and staging areas within each phase.
Soil erosion and sedimentation control measures shall be consistent with MPCA's "Protection Water Quality in Urban Areas."
Unless otherwise amended or approved by the County, all final grades and site reclamation efforts shall be consistent with the Reclamation Plan developed for the Project.
Within six (6) months after completion of mineral extraction or after termination of the permit, all vehicles, machinery, materials, and debris shall be removed from the Project.
Within twelve (12) months after completion of mineral extraction or after termination of the permit, reclamation must be completed.
31. If the County determines that a reclaimed area has not met the performance standards listed above, the County shall order corrective action(s) including, but not limited to, reseeding, overseeding, spot seeding, or other actions so that the reclamation meets the standards. The specific corrective actions may be dependent on Site conditions. The County will determine the appropriate actions in consultation with the permittee.
32. Approval of the reclamation plan shall not constitute an approval by the County of post-mining use for the Site. The post-mining use shall be determined based on the County's Comprehensive Plan and ordinance in effect at the time the mining is complete and applications for development of the Site may be submitted.

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33. All lighting for the Project shall be downward directed or hooded and meet the requirements of the County's ordinance. Lighting shall be arranged to deflect light away from any adjoining residential property, Wild River State Park, or from public streets to the extent practical.

34. The permittee shall cooperate with the County and provide access to the Site as needed to conduct the inspections as required by County ordinance.
35. The permittee shall provide financial security (bond, letter of credit or cash escrow) in such form and sum as determined by the Board, to guarantee compliance with the conditions of approval and reimburse the costs related to the permit, enforcement, direct impacts to roadways, site reclamation, and other County costs identified in the zoning ordinance.
36. The IUP shall remain effective until Project completion (the sand and gravel resource has been fully recovered and reclamation is complete). Upon the permittee's satisfactory performance of all of the requirements of the IUP, including but not limited to reclamation of the Project, the County will, at the request of the permittee, approve and execute a Certificate of Completion which shall serve to terminate the obligations of the permittee under the IUP.
37. All parking and staging of trucks shall be confined to the interior pit area, and not on the road.
38. The section of River Road between the main pit entrance and the intersection with County Road 9 shall be paved at Tiller Corporation's sole expense.

Subdivision Ordinance Amendment - The Commission then prepared to accept oral and written testimony on the Staff-proposed amendment to the Chisago County Subdivision Ordinance "Section 1.06 Platting Required" that would allow a single lot subdivision to be exempted from the formal platting process in certain circumstances. All cities and townships within the County had been notified of the proposed amendment, and invited to comment, but no testimony had been received. The Chair sought public comment on the proposed new language. **Terry Hogenson** (11726 North Meadow Curve) was present at the meeting with his mother-in-law **Jeanenne Zank** (35226 Park Trail) to offer support for the amendment, noting that it will ease the costly and onerous current platting requirements, particularly for retiring farmers, and their heirs. When there was no additional public comment forthcoming, after brief discussion Charles Yeager moved to recommend approval of the following text amendment, replacing the current language in Section 1.06 of the Chisago County Subdivision Ordinance:

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
(June 1, 1999.)**
 - 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 proposed new 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.**

John Sutcliffe seconded it and the motion was carried unanimously.

ALMELUND - REZONING/TEXT AMENDMENT DISCUSSION ITEM: Staff explained that they were reviewing a pending application for a rezone and text amendment that would allow use of the historic creamery building in Almelund as a furniture/wood-working business, with retail/showroom space. The property is currently zoned Commercial/Limited Industrial, which does not allow that type of use. Amador Township Chair Lin Strong had advised of the Township's strong support for the request. Staff was also generally supportive of the request, but wished to poll the Commission as to any preference for the property being rezoned to Rural Village Center, and that sort of business added, or amending the C/LI District to include retail/showroom space to the list of allowed uses associated with light manufacturing. Commission members generally concurred that the proposal would be a better fit in the RVC District, and would enhance the "small-town retail feel" of Almelund. In support of the Town Board's wish to see it go that direction, the Commission would recommend that the applicant configure his upcoming request to reflect that. Jim Froberg moved to signal a preference for the map and text amendment to the RVC District, Jim McCarthy seconded it and the motion was carried unanimously.

SOLAR ORDINANCE REVISIONS - DISCUSSION ITEM: The County Board had issued a directive to reconsider elements of the Solar Energy Ordinance text (Chisago County Zoning Ordinance Section 7.31) at their last meeting of April 17, 2019. A list of discussion items had been identified by the Board for the Commission to revisit. Staff had prepared a table of the Board's suggestions, the current language, and Staff observations for review by the Commission. Jim Froberg moved to accept the Staff's report into the record and continue the matter in order to have time to take it under advisement. John Sutcliffe seconded it and the motion was carried unanimously.

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ADJOURNMENT: There being no further business, upon motion by Whitney and second by Sutcliffe, the meeting was adjourned at 9:20 p.m.