

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
MAY 3, 2018**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 3, 2018 in Meeting Room 150B of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, Chris DuBose, John Sutcliffe and Charles Yeager.

Ex Officio: Commissioner Rick Greene

Also Present: Tara Guy, Assistant Zoning Director

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 with all members present.

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

APPROVAL OF MINUTES - The minutes of the meeting of April 5, 2018 had been distributed in advance of the meeting and reviewed by the members. Chris DuBose noted a typographical error in the minutes on Page 6, where the word "then" needed correction to read "ten" (acres). Duly noted and corrected. On motion by Froberg and second by Yeager, the minutes of the meeting of April 5, 2018 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by DuBose and second by Sutcliffe, 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 to all meeting attendees on a table at the entrance to the hearing room.

NEW PUBLIC HEARINGS :

Sandra Achterling - Ms. Achterling was present at the meeting to request an Interim Use Permit to maintain a dog breeding kennel, and to have more than two cats at her home property. This is located in Nessel Township, Sec.29, T.37, R.22, at 769 492nd St. W. (PID #06.00636.00). The Nessel Township Board had recommended approval with no conditions. Ms. Achterling explained that she had been raising dogs at her home for many years, unaware that she needed any zoning approval to do so. She was made aware of the requirement by Zoning Staff following a family member bringing the existing kennel to the attention of the Department. She raises miniature American Eskimo dogs, generally two litters of four pups annually, but would like to be allowed to have up to eight litters per year. She currently has twelve dogs at her home, and plans to generally keep eight, as she loses the older adults through attrition. She asked for a maximum number of 24 dogs to be allowed, to ensure she wouldn't inadvertently fall out of compliance with the terms of her IUP, if she is required to take back a dog or puppy she has adopted out. She keeps all of the dogs in the house, except for periods of exercise and elimination, where she allows them out into a fenced enclosure, while she supervises. The dogs are never allowed out of the house unsupervised, and she controls barking during their time outdoors. She doesn't raise cats, but included them in the request because she usually has

more than two barn cats at the property. When there were no questions from the Commission members, the Chair called for public testimony on the matter. No one was present to offer comment. After brief discussion, John Sutcliffe moved to adopt the Staff analysis as findings of fact in support of approval, and to
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recommend approval of the IUP with conditions. The following are the findings of fact adopted in support of approval:

- 1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. The Comprehensive Development Plan provides for a number of varied land uses in the Agricultural Zone, including the establishment of animal-keeping facilities, such as farms with livestock and poultry, and commercial and residential animal kennels.
- 2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** No. This use will be fully contained on the subject property, will generate very little additional traffic, nor will it impact or require other public facilities or utilities.
- 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 no significant deterrence to future development and; 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?** The large property is heavily forested, and is screened almost completely. The dogs are housed in the home, with no new buildings planned that would alter the site characteristics. Because of the physical configuration of the property, its large size and its nearly total screening, no undue negative impact would be generated that could affect future development.
- 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, and consistent with the purposes of the Zoning Ordinance/ Zoning District in which the applicant intends to locate the proposed use?** Yes. The County's Comp Plan intends to provide for a wide variety of land uses in the Ag zone. The Chisago County Zoning Ordinance specifically provides for animal kennels, both residential and commercial, as Interim Uses. By specifically listing kennels as an allowed use, the County indicates its clear intent to allow them in the Ag zoning district.
- 6. Will the use cause traffic hazard or congestion?** No. There is no retail activity at the site, no unscheduled visits or visitors, no board, training, grooming or other commercial activity proposed. Traffic to and from the site will be by appointment only. No noticeable increase in traffic, hazard or congestion will result from this business.
- 7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** No. Please refer to the discussion in Items #3, 4 and 6 in the section above.

The following are the recommended conditions of approval:

- 1. This permit is an Interim Use Permit to maintain a dog breeding business at the described property in accordance with the conditions herein specified.**

2. The dogs will be housed indoors at all times, apart from scheduled supervised periods of exercise in the fenced enclosure.

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3. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.

4. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the business, apart from the sale of puppies on an appointment-only basis.

5. There shall be a maximum of 24 dogs kept at the property at any one time.

6. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.

7. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

8. This IUP will terminate upon sale of property to anyone outside of the family.

Jim Froberg seconded it and the motion was carried unanimously.

Community Energy Solar - Ric Ahern was present at the meeting on behalf of Community Energy Solar to request a Conditional Use Permit to establish and maintain a community solar garden at property owned by the Brayden C. Wagner Revocable Living Trust. This is located in Franconia Township, Sec.26, T.33, R.20, at 25499 Olinda Trail (PID #04.00432.00). The Franconia Township Board had recommended approval with no conditions. Mr. Ahern gave a brief overview of the proposal. The project will be a one-megawatt solar garden on approximately eleven acres, in the northeast corner of the Wagner property. The application had originally been filed in January, but after listening to neighborhood concerns about the appearance of the project and proximity to Olinda Trail, the developer had withdrawn the original application and voluntarily offered to move the solar garden 700 feet east, further off the road, to the present location. This had required reconfiguring the site drawing and landscaping plans, and a new wetland report to be completed, which was being written at the time of this evening's meeting, following field work earlier in the week. Mr. Ahern explained that they had followed the County's work on solar ordinance revisions through the winter, and had drafted their revised application to conform with the soon-to-be-adopted new requirements. The visual screening will be comprised of a variety of coniferous/spruce trees along the north fence line, and a double row of plantings around the rest of the project perimeter. That screening plan will consist of six foot tall arbor vitae trees as the interior planting nearest the fence, and flowering dogwood trees as the outer ring. There will be negligible impact from the solar garden once construction is complete, with an average of two site visits per year for inspection and maintenance. When Mr. Ahern had concluded his overview, the Chair sought public testimony. There was only one nearby landowner present to comment, Elise Hiljus, 14635 255th Street. She stated that she was very disappointed that the County had allowed the proliferation of solar projects that they had, with no notice to neighbors or opportunity to comment, concluding that she was preparing to contact her realtor and list her property for sale. There were no other citizens present to

comment, and the Chair closed the public hearing, and called for the Commission to deliberate. Dave Whitney had drafted some revisions to the Staff-suggested conditions of approval, which he offered for discussion. He explained that he would like to see language in the conditions ensuring that the 75% opacity goal is met by year-three of the project, and also that \$5000 of financial surety remain in place for the life of the project to ensure replacement of trees, as might be necessary. Discussion ensued concerning the language of the conditions, with Dave eventually withdrawing his proposal to require the 75% opacity as a condition of approval, as somewhat redundant with the Staff-proposed language. On a 4-3 vote, the Commission agreed Planning Commission continued.....Page 4
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to require financial surety in the amount of \$5000 to remain in place for the life of the project, in the event of tree failure or destruction. When discussion had concluded, Chris DuBose moved to adopt the Staff analysis as findings of fact in support of approval, and to recommend approval of the CUP with conditions. The following are the findings of fact:

- 1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. The Chisago County Comprehensive Development Plan, recently updated in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for “farming the sun.”
- 2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** No. There will be no demand at all upon parks, schools, streets, or public facilities, utilities or amenities.
- 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 no significant deterrence to future development; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?** Yes, the land use will be sufficiently separated by distance and screening from adjacent development. The developer voluntarily relocated the project site further east to maximize the distance off Olinda Trail, in response to neighborhood concerns. They have also proposed an updated landscape screening plan with the new standards adopted by Chisago County in its recent revisions to the solar energy ordinance. Please refer to the photos included in the section above for a visual depiction of one of the nearby solar projects, as viewed from the public road. When the screening reaches the stipulated 75% opacity, the visual impact will be negligible.
- 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, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?** Yes, as noted above, the County’s land use goals and policies support the development of renewable energy, and specifically “farming the sun” with solar energy installations. As explicitly mentioned in the purpose of the recently revised Section 7.31 of the Zoning Ordinance: **Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems.....Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by**

households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.

6. Will the use cause traffic hazard or congestion? There will be a limited time period during construction when there will be additional traffic to and from the site. Once construction is complete, there will be no traffic at all to and from the site, apart from biannual site visits by the project owner/maintainer.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No.

The following are the recommended conditions of approval for the CUP:

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1. This is a Conditional Use Permit for the installation and maintenance of a community solar garden at the above described property, in accordance with the conditions stipulated by this document.

2. The installation, maintenance and decommissioning of the project shall be in accordance with the plans and specifications submitted by the developer in the document marked "Wagner Solar CUP Revised Drawings " received April 5, 2018.

3. Financial surety in the amount of \$25,000 guaranteeing decommissioning in accordance with the approved plans shall be submitted at the time of building permit application.

4. Vegetative screening shall be installed and maintained in accordance with the details outlined in the updated landscaping plans dated April 11, 2018.

5. Permittee shall provide financial surety in the amount of \$10,000 to guarantee compliance with the 75% opacity vegetative screening goal by year-three of the project, and \$5000 financial surety shall be maintained for the life of the project to ensure replacement of trees as may be necessary.

6. The final wetland delineation and report shall be submitted and field-verified prior to and as a condition of CUP approval.

7. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Jim McCarthy seconded it and the motion was carried unanimously.

There being no further business, the meeting was adjourned at 7:50 p.m.