

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 2, 2020

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 2, 2020 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

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

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand” icon on computer or *9 by listening by phone. Chair McCarthy will lead the meeting and will follow meeting order and procedures. Coordinator Jagoe reported Glenn and Krisa Carlson preliminary plat at PID#02.00498.00 had been tabled.

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of Additional Comment from Commissioner Whitney, 12 - Public Hearing Comments, and Applicant Request To Be Tabled: Glenn and Krisa Carlson made by Jim Froberg. Second by Dave Whitney. Motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the June 4, 2020 minutes by Frank Storm. Second by Jim Froberg. Motion carried unanimously.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were adopted into the record by reference made by Frank Storm. Second by Dave Whitney. Motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Additional Comment from Commissioner Whitney, 2 - Public Hearing Comments for JC Homes PID#06.00133.20, 6 - Public Hearing Comments for Wheeler PID#04.00440.00, 4 - Public Hearing Comments for IPS Solar/Eichten PID#02.00948.10. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Kevin & Marcia Carlson

Coordinator Jagoe presented background information on the Carlson preliminary plat application for “Birch Gate”. Original lot size was 10.5 acres, zoned Agriculture (AG) and in the Lower St. Croix River Overlay District. The proposed subdivision of two lots. Lot 1 is 5.54 acres and Lot 2 is 5 acres. Minimum requirements in the Overlay District is a lot size of 2.5 acres. The Department of Interior, National Park Service (NPS) reviewed the preliminary plat and approved the subdivision on June 30, 2020. The NPS indicated building of structures, tree or vegetation removal, future site changes, and topography changes must still be reviewed by NPS prior to construction. Township Board recommended approval with no conditions at their June 9, 2020 meeting.

Joe Granberg, surveyor for Mr. and Mrs. Carlson was available to address questions and concerns from the Commission. Board members briefly discussed the length of the driveway. Chip Yeager questioned if the Department of Natural Resources (DNR) provided any feedback. Coordinator Jagoe reported they did not receive any feedback from DNR and no public comments had been submitted. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Carlson preliminary plat, but no one wished to comment. With no additional person wishing to speak, **motion** by Chip Yeager to closed

the public hearing. Second by Jim Froberg and carried unanimously. Each Planning Commission member was asked for additional questions and comments. **Motion** by Jim Froberg to approve Preliminary Plat “Birch Gate” as requested by Kevin and Marcia Carlson, at 25499 Sawmill Avenue - PID# 04.00241.20 for two residential lots as outlined in Staff’s report. Second by Frank Storm. Roll call vote was taken and motion carried unanimously.

JC Homes, Inc.

Coordinator Jagoe presented background information on the JC Homes preliminary plat application for “Nessel Court”. Original lot size was 19 acres, zoned AG, with proposed subdivision of three lots. The new parcels are 5 acres each, just over the minimum AG requirement. Lots 1 and 2 will have a shared access on Rush Lake Trail and Lot 3 will have an access on North Lake Drive. Township Board recommended approval with no conditions at their June 9, 2020 meeting. Chair McCarthy asked each Planning Commission member for additional questions and comments. Shellene Johnson and Dave Whitney had concerns on the ditch and drainage on the property. Chair McCarthy commented while the Planning Commission was reviewing and updating the ordinances, a drainage calculation could be added to the ordinances to help with preliminary plats. Joe Charles, owner of JC Homes was available to address questions and concerns from the Commission.

Submitted Public Correspondence:

Drew Thomas – 2605 540th Street, I could see one house on the property but not three. The current ditch is not big enough to handle runoff and three additional houses will add additional water to the ditch running onto my property. Chisago County has reviewed the ditch and determined it is a private ditch. I have been saving money to hire an excavating company to maintain the ditch, but with new houses contributing to it, who will be responsible? My concern is flooding to my property and the property to the south. One house would be fine, but small lot houses will make the rural area feel more like a suburb. More people, more traffic, more noise is not why I moved out here.

Jason Andres – 53665 Rush Lake Trail, I was an interested buyer of this property in 2004 for additional land for farming and an investment property. At the time, I was told the slope and elevation drop from east to west on the north side would not be able to have 1-2 houses on it. Runoff, erosion, ability to perc test for a septic system, and driveway access were determining factors. It is interesting this property was eventually sold and the new owner leased it for farming, but then sold for even less than the original price. Most agricultural land does not lose value unless it has problems such as erosion or gullies on it.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the JC Homes preliminary plat.

Stephanie Thomas – 2605 540th Street, stated she and her husband have concerns with flooding. Currently, they cannot farm one of the fields due to pooling water. Three more houses would definitely flood our property.

With no additional person wishing to speak, **motion** by Jim Froberg to closed the public hearing. Second by Frank Storm and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Shellene Johnson needed clarification on the septic and shared access. Dave Whitney shared the same concerns as Mrs. Thomas with the potential to increase runoff from the new houses. Coordinator Jagoe indicated the Wetland Specialist reviewed the application and visited the property and determined no additional concerns. The Building Official indicated the grading would keep water on the property. Dave Whitney and Chair McCarthy supported a drainage plan be supplied by the applicant to assure water is retained on site.

Motion by Frank Storm to approve the Preliminary Plat “Nessel Court” as requested by Joe Charles, at XXX Rush Lake Trail – PID# 06.00133.20 for three residential lots as outlined in Staff’s report subject to:

1. Submittal of drainage plan identifying retainage of water onsite that are verified and determined to be satisfactory before filing of final plat.

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

JC Homes, Inc.

Coordinator Jagoe presented background information on the JC Homes preliminary plat application for “Oasis View”. Original lot size was 25 acres, zoned AG, with proposed subdivision of two lots. Lots 1 is 11 acres and Lot 2 is 14 acres with intent to seel both parcels for development as single-family residential. Currently no buyer or design plans for the homes have been identified. County Engineer commented the plat needs to have 60 feet of dedicated right-of-way and should reflect a shared access point between the two lots. The developer’s surveyor addressed the concern by a 66 x 66 shared access easement on the common lot line of the two lots. The easement will not be dedicated on the plat, but will be created on a separate document once the plat has been recorded. The dedicated right-of-way dedicated is 60 ft from centerline of the county road. The legal description of the property goes to the existing right-of-way line of the county road (which is 33 ft from centerline) so only dedicating the additional 27 feet was needed to equal 60 ft. Township Board recommended approval with no conditions at their June 18, 2020 meeting. Chair McCarthy asked each Planning Commission member for additional questions and comments. Clarification on the right-of-way was provided.

Joe Charles, owner of JC Homes was available to address questions and concerns from the Commission. Coordinator Jagoe reported no public comments were submitted. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the JC Homes preliminary plat, but no one wished to comment. With no additional person wishing to speak, **motion** by Frank Storm to closed the public hearing. Second by Jim Froberg and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chair McCarthy asked Mr. Charles if this was part of a bigger parcel. Mr. Charles indicated it was not part of a larger parcel.

Motion by Jim Froberg to approve Preliminary Plat “Oasis View” as requested by Joe Charles, at XXX Oasis Road - PID# 09.00393.50 for two residential lots as outlined in Staff’s report subject to:

1. 60 feet of dedicated right-of-way; and
2. A shared access point for the two lots off of Oasis Road; and
3. Easement will be legally recorded.

Second by Shellene Johnson. Roll call vote was taken and motion carried unanimously.

Dave Whitney commented there were numerous public comments provided and he recommended not reading them out loud. Chair McCarthy indicated that Coordinator Jagoe will read them and could summarize the comments. Frank Storm noted the public present for the meeting should hear the comments.

David Wheeler

Coordinator Jagoe explained this planning case originated from a complaint for outdoor storage of boats and through code enforcement and discussions with the Applicants they are applying for a Major Home Occupation. Coordinator Jagoe presented background information on the Wheeler Conditional Use Permit (CUP) application for a Major Home Occupation to allow 7 employees, dock sales, and identified indoor storage/detailing/minor repairs with transport to/from site of approximately 110 boats on a seasonal basis. Property is 20.75 acres, zoned Agriculture (AG), and close to the Chisago County/Washington County line off

of Olinda Trail/County Road 25. An aerial photo of the property was displayed showing a house with attached garage that equals approximately 2,000 square feet and a pole barn. Due to date of aerial photo it did not display the second pole barn, north of the house on the property. One pole barn is 50 x 200 ft. and second pole barn is 60 x 70 ft. In total, 14,200 square ft. of detached accessory building space is located on the property. Coordinator Jagoe reviewed the newly adopted Home Occupation Language by the County Board in November 2019. The Home Occupation has two categories: Minor and Major.

Mr. Wheeler's request falls into the Major Home Occupation category due to the number of employees, use of accessory buildings, and identified storage use. Coordinator Jagoe reviewed the Major Home Occupation Purpose as an avenue for suitable business growth or other suitable home occupations beyond that which is permitted under Section 4.04B and the Major Home Occupation Intent to allow for the case by case consideration of the suitability of a Major Home Occupation proposal as a conditionally permitted home based activity. The suitability of each proposed home occupation shall be evaluated and determined upon specific consideration of the size of the property, scale of the business, and environmental (health, safety, welfare) conditions unique to the proposal.

Mr. Wheeler's business proposal was described as a seasonal operation, general business is Monday through Friday (8 am to 5 pm) starting April 5th through October 31st of each year. Inside storage of boats and dock sales will be conducted by phone during winter months. Two owners are onsite full time, up to five employees are onsite from 8-8:30 am and 5 pm daily during summer operation. Approximately, 10-20 unscheduled customer visits happen per year at the property. Approximately, 90 boats are moved to/from the site per year. Storage is indoor only. There will be no outdoor storage of: boats, docks, employee vehicles and business equipment. No additional landscaping or screening was proposed.

An aerial photo of the property was displayed identifying future plans for additional storage: Pole barn addition 80 x 60 ft., new pole barn 60 x 160 ft., new shed 20 x 40 ft. A total future building square footage of 15,200 square feet. Overall, total accessory building floor area was 29,400 square feet. Coordinator Jagoe reviewed proposed Condition #4 in the Staff Report: All work, except loading and unloading of material, must be conducted within the existing two detached accessory structures of boat and business storage and parking space as proposed. Any future construction of a pole building for the home occupation would require an amendment to the CUP to verify scale and site suitability for expansion. Coordinator Jagoe suggested the Planning Commission should consider the condition due to total proposed size of accessory storage space. Alternate #4 language was provided to coincide with the request of Mr. Wheeler to include the future buildings.

Franconia Township Board recommended approval with no conditions at their June 9, 2020 meeting. Technical Review was held on June 9, 2020 and indicated the CUP application process was started as a result of a code enforcement letter with outdoor storage of boats. Building Official would need verification from the Applicant that the accessory building was constructed to meet State Building Code for new occupancy. A Building Permit would be needed for work completed to retrofit building of the new occupancy. Staff had recommended approval of a CUP amendment for Major Home Occupation as requested by Mr. Wheeler based on the narrative and site plan on record as provided by the Applicant, Findings of Fact as presented in Staff Report with 7 conditions.

Mr. Wheeler was available to address questions and concerns from the Commission. Mr. Wheeler reported business was being conducted in only one building. Future plans were identified within a ten year outlook and provided for the application. Miller Mobile Marine is a service crew that operates offsite and does not conduct dock sales. The business does dock repairs onsite with no one on the property but the homeowner working on small repairs. Chair McCarthy called on each Commission member for questions and concerns.

Frank Storm inquired to who Jon Cronk and Vickie Miller were in the Miller Mobile Marine. Mr. Wheeler indicated there were three owners, Mr. Wheeler being the majority owner and Jon Cronk and Vickie Miller. Jon Cronk worked onsite doing repairs. Frank Storm asked if Miller Mobile Marine had an operating permit. Mr. Wheeler indicated a mistake was made and they were in the process of obtaining a permit and fixing the issue.

Jim Froberg inquired if any agricultural activities were taking place on the property. Mr. Wheeler indicated a local person was producing hay along the driveway and inquired to turning over the front 14 acres from hay to a corn/soybean rotation. Chip Yeager questioned about the security on the property. Mr. Wheeler indicated he has purchased wireless cameras and will be installing them shortly.

Shellene Johnson asked for clarification on the future storage buildings and number of employees. Mr. Wheeler indicated storage buildings will be constructed later. Shellene reported that Jon Cronk, part owner was onsite during the tour and indicated differently. Mr. Wheeler explained the discrepancy in the paperwork submitted and explained the employee count. Shellene asked if Mr. Wheeler lived on the property and was majority owner of Miller Mobile Marine. Mr. Wheeler indicated he lived on the property full time, but his mother's house, Vickie Miller, was partially on the business paperwork. Shellene inquired about the current indoor storage being adequate with concerns on where additional boats were going to be stored. Mr. Wheeler explained the current boats in storage were being detailed and will not be there in the winter time. He did not have an exact date for breaking ground for the new buildings. Shellene commented she felt the application seemed incomplete and concerned with the current storage space being at capacity.

Dave Whitney inquired if Miller Mobile Marine was located at any other location and if so, did the other location conduct storage and repair. Mr. Wheeler indicated this site was the only location and majority of work was done in the field. Dave asked how trash and boat wraps were handled onsite. Mr. Wheeler reported trash was collected and placed on a small trailer and brought to SRC, Inc Waste and Recycling Wyoming, MN for disposal. The shrink wrap on the boats will not be an issue since boats are returned to homeowners and removed or shrink wrap will no longer be needed since everything will be stored indoors. Dave asked for clarification from staff if screening should be added as a condition. Coordinator Jagoe indicated if Mr. Wheeler has a service plan with SRC, Inc Waste and Recycling it would sufficient, but would verify with the Solid Waste Coordinator if any additional items were needed. If waste containers were brought onsite and placed outside, then the containers would need to be screened. With no further questions, Chair McCarthy had Coordinator Jagoe read the public comments.

Submitted Public Correspondence:

Karen and John Sassaman – 24875 Olinda Trail, stored boats have been visible from Panola/County Road 86 and is an eye sore. As long as boats were stored in the buildings and not visible from either Olinda Trail or Panola/County Road 86 they did not have a problem with the request. Boats visible from the roads could impact property values in the area. If a CUP was granted, they requested strict restrictions as to the storage and visibility of boats and docks. Karen noted the large pole barn constructed last fall was for personal use. It was clearly used for boat storage and felt Mr. Wheeler skirted the legal process. Miller Mobile Marine is proposing multiple buildings and should be located in an area zoned commercial. A concern was raised with traffic from additional employees and customers, as an accident had already happened. Karen questioned a potential fire hazard from boat motors and materials used in boat repair. There are places for families to live and there are places for business, the two should not be mixed.

Angel Phillips Permaloff – 25310 Olinda Trail, questioned who lived on the property if it was David Wheeler or Vickie and Steve Miller. Mr. Wheeler is listed as a Business Manager for Miller Mobile Marine and she questioned if it was appropriate for him to apply for a home occupation for someone else's business. The

current business is listed at 197 Forest Road in Wyoming, MN and questioned the reason for expanding into a homestead instead of larger commercial site. If it was due to economic hardship, why the expansion of storage buildings for the property. The property already had two pole barns, one typical of an agricultural homestead and sufficient for start-up, repair, and beginning of a boat storage business. The second bigger pole barn seems appropriate for growing the business. Her opinion was the proposed additional buildings indicate the business had outgrown the homesteaded site and should relocate to a commercial site. The spirit of the Major Home Occupation was to give residents an incubation site to build to where it could transition to commercial site. Her concern is this business looks like it is expanding from an already established commercial site onto a residential site. If this CUP is approved, consideration should be given to the farm to the east that has a pumpkin patch on the 24 acres adjacent to the Wheeler property. Screening should be required and established measures outlined if storage of the boats/docks are not in the buildings. Tarps are often rolled up, exposing all the boats. The board could add a condition to keep the tarps down for an appearance of a fully-enclosed building. Ms. Permaloff provided pictures of boats/dock material outside of the buildings.

Don and Bonnie Quigley – 25051 Olinda Trail, has assumed the rural area was deemed Agricultural and feels it is becoming an industrial park with no input from the public. Notification should have been sent of the business before the pole building had been built. They do not approve or support since the building is up and boat storage is taking place. The original building permit stated the building was for residential storage only and guessed that was not truthful. Solar is across the road from their property. A lot has changed and change can be good, if it benefits everyone.

John Sassaman – 24838 Olinda Trail, the large boat storage building was not intended for personal use and is used commercially. My understanding the proper permits were not issued to build the current large boat storage facility and has not seen any agricultural activity in the past two years. Over the past year, several boats and RV's were outside of the storage areas. Traffic has picked up with one accident at the entrance. I object to enlarging the current setup. It will reduce property values. With increase of employees, has a new septic system been installed? I lived in Center City and I had to double the septic system size even though it had plenty of capacity and passed inspection. With this large facility and proposed large expansion, treat this as a commercial operation as strictly as you treated me. I have concern with gasoline onsite and fire controls on the property.

Patricia and Allen Jacobson – 25030 Olinda Trail, from the very beginning, Mr. Wheeler has been less than forthright in his intentions for the use of his property. Initial permit submitted for his first building indicated “for residential storage only”. We spoke with him during construction of the building and he said he had lots of toys. He falsified the facts on his permit and those “toys” (boats) were not all owned by him but storing boats for Miller Marine. This is not really a Major Home Occupation but a commercial enterprise which should not be allowed in an agriculture zone. Operation of this size is a concern for appearance, traffic, and security. Even if Mr. Wheeler provides adequate security on his property, what about surrounding properties who do not have the means to install security measures. We feel the initial building and the way it is being used does not meet the requirements for a Major Home Occupation. Mr. Wheeler is asking to increase his business. The size and volume of boats involved is a commercial enterprise and should not be allowed in an agriculture zone.

Matt Crescenzo – 24543 Olinda Trail, David Wheeler is doing the right thing by applying to add buildings to block line of sight of his boat storage from County Road 86. Keeping with rural community esthetics, a simple pole shed compliments the area. He has been a quiet neighbor since he moved in. More home occupations are going to be critical to the survival of our community. Zoning process should help his chances of success as not to aggravate the flow of business and force them into bankruptcy. I would rather look at a

pole shed building than solar panels. I do not see any negative impact on our area and in full support. Pole shed buildings add value to our community and a non-intrusive business like his would be a silent partner to our area.

Brad Anez and Kathy Galligan – 24749 Olinda Trail, we oppose the Planning Commission granting the CUP requested by David Wheeler. The 29,400 square feet detached accessory buildings could hardly qualify as incidental or secondary use of the dwelling for dwelling purposes. Clearly, home and residency are not the principal focus of the location when such a large expansion of a business is being proposed. We are against three additional buildings that would more than double the current square footage of accessory building space for non-agricultural commercial use. This use is suited for an industrial park setting, where business is the principal focus of the location. Mr. Wheeler's pole building completed in 2019 and large amount of boats and other objects currently being stored outside of any building has already changed the character of the dwelling and neighborhood. If this business has outgrown the space provided by the existing pole buildings, a better solution would be to expand his business to a larger commercial site zoned to meet his needs rather than adding another 15,200 square feet of buildings to his property. Our concern is that numerous boats and other items are currently being stored outside and have been since last summer. What guarantee is there that outdoor storage will not continue? It appears the current building is only three-sided. Would a fourth side be added to meet requirements of an indoor storage? Our privacy will diminish greatly with the proposed expansion.

Teresa Rongitsch – 15281 Panola Drive, his building permit stated for residential storage only but boats, pontoons, trailers, and piles of tires were all over the place. Along with the unsightly view, garbage was blowing all over our property of big boxes that boat seats came in and other boat parts. They had a huge burn pile. We were picking up a lot of garage on our property. Mr. Wheeler did not go through the proper channels for securing the permits he needed and now proposing to add more buildings to the site. Fire is a huge concern to surrounding properties and taxing our fire department. The business is requesting a permit but continue to repair boats. Is that allowed since the permit has not been approved? Screening is needed, especially on the east side of the property if this is allowed. Not dogwood, but more like a double row of evergreens. There is also an issue on that property line. A concern is where is this going once the permit is issued? They continue to do business and impact the rural community. Mr. Wheeler did submit paper work stating the property will be divided later, will we be starting all over again with another boat storage proposal?

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Wheeler CUP, no one wished to comment. With no additional person wishing to speak, **motion** by Frank Storm to closed the public hearing. Second by Chip Yeager and carried unanimously.

Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented on the neighbors concern of the east side tarp being left open and asked if Mr. Wheeler had planned on closing it. Mr. Wheeler indicated he planned on closing it and suggested he could put up a bigger tarp, close the side, or put up a double row of evergreens for screening around the buildings. Dave Whitney asked staff on the procedure for a CUP violation and if the Highway Department commented on traffic. Coordinator Jagoe reviewed there is a process for revocation in the ordinance and indicated the County Highway Director did review the application. Based on documentation provided in application a commercial access would not be needed. Dave questioned if local fire departments reviewed the application with concerns of a fire. Coordinator Jagoe indicated the Sheriff's department is on the Technical Review Committee and did not provide comment on the application and notifying local fire stations is not part of the process. With a change of building occupancy, the applicant will be required to submit engineering plans to

verify State Building Codes are met which includes parts of the Fire Code. If the buildings do not meet the State Building Code then they will need to be retrofitted.

Frank Storm commented he was against this as a Major Home Occupation. He stated this is a storage unit and the Planning Commission has never approved commercial storage units. It appears the only home occupation portion of the application is the detailing/minor repair being done on the property. Based on that, this application does not fit the home occupation purpose and intent. Shellene Johnson commented that a home occupation with employees coming in and leaving to work offsite is one thing, but boat storage is another and she was opposed to it. Shellene had concerns with the septic system and accommodating additional employees, fire, and security. As presented, this application goes against the intent of the home occupation. Shellene commented the pole barn was for residential use only, but is being used commercially. The building should not have a tarp and should be enclosed completely. If the Commission is to consider storage on the property, than it should be limited to 45 boats to what the current building can handle. Any additional buildings or boat storage should be a separate application or amended so the Commission knows exactly what they are agreeing to with Mr. Wheeler for proportion of boat storage and buildings. Jim Froberg reviewed this application from a different perspective that the county is diversifying within the agricultural district. If someone can operate from their property regardless of what is it, they should be able to do it. Chair McCarthy explained he like drafted #4 condition with alternate on storage. He prefers to review a CUP proposal for its full intent instead of amending it later on. Chair McCarthy indicated he had reservations on the Major Home Occupation. He added the language has flexibility for use of an accessory dwelling. He supported growing a business, but the proposal for the number of buildings and size is larger than language of ordinance and as presented is a commercial business and does not meet the intent of the home occupation definition and purpose. The home occupation needs to be in the dwelling not partially in a storage building. Another concern was fire, use of chemicals on the property and capacity from local fire department to handle it. Jim Froberg commented if the application was approved, screening should be added as a condition. Frank Storm commented he held the same concerns as Shellene Johnson and the Commission could deny it or table it to get additional information before making a decision.

Motion by Frank Storm to deny the Conditional Use Permit for David Wheeler at 24875 Olinda Trail for a Major Home Occupation due to the request as submitted is a commercial storage facility with indoor storage of boats and is not a home occupation. Second by Shellene Johnson. Chair McCarthy stated the Planning Commission has the discretion to review home occupations on a case-by-case basis and as presented this application does not meet the intent of the ordinance. Shellene commented if the application did not include the boat storage it would be different. Chair McCarthy conducted a roll call vote. The motion passed with Shellene Johnson, Frank Storm, Chip Yeager, and Chair McCarthy in favor. Opposed were Jim Froberg and Dave Whitney.

Following Commission action, Commissioner DuBose requested to have the Commission in the future provide greater detail for Findings of Fact to allow for comparison of applications.

Jonathan Peterson

Coordinator Jagoe presented background information on the Peterson preliminary plat application for “The Shores of Little Lake”. Mr. Peterson has a purchase agreement with Stig Larson Family and Mr. and Mrs. Saueressig for development. Original lot size was 70.4 acres, zoned AG, with proposed subdivision of six lots ranging from 7 to 17 acres. Shoreland Overlay District could have lot sizes of 1 acre, proposed lots are much larger in size. The proposal will have a new road, not a private road. The proposal complies with County design and Chisago County Township is the road authority. The Township determines design and construction specifications because they are the road authority. Mr. Peterson received approval from the Township with a 66 ft right-of-way that will be dedicated to the Township and will have a street name of

320th Street that will be shown on the final plat. Township Board recommended approval with no conditions at their June 16, 2020 meeting. Plan Review Committee met on June 9, 2020 and a wetland replacement plan will be required prior to final plat. Plat meets dimensional requirements and is consistent with intent of the Subdivision Ordinance. Chair McCarthy asked each Planning Commission member for additional questions and comments. Jon Peterson was available to address questions and concerns from the Commission. Mr. Peterson indicated Lot 3 and Lot 4 will be for his house.

Coordinator Jagoe reported no public comments were submitted. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Peterson preliminary plat, but no one wished to comment. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Jim Froberg and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Dave Whitney commented it was extremely unusual to have a Township approve a 16 ft gravel road. Chair McCarthy stated that was the minimum width of a road.

Motion by Jim Froberg to approve the revised Preliminary Plat “Shores of Little Lake” as requested by Jon Peterson for Parcel ID# 02.00691.00, 02.00733.00, 02.00732.10, 02.00732.20, and 02.00733.10 for six residential lots as outlined in Staff’s report subject to:

1. The Developer is required to execute an Agreement with the Township that establishes the road to the specifications as required by the Township as a public road and dedicate the 66 feet of right-of-way to the Township.
2. A wetland sequencing analysis and an approved wetland replacement plan will be required to be in place prior to filing for final plat.
3. Soil borings need to be verified and determined to be satisfactory by County Staff prior to filing for final plat.

Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

Innovative Power Systems (IPS Solar)

Evan Carlson of IPS Solar, on behalf of owner, Peter and Donna Lindgren is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on 8 acres that is located within a ¼ mile of an existing solar array. This property is located west of Tern Avenue at the NE corner of the intersection at County Road 37 and Tern Avenue, Shafer Township.

Coordinator Jagoe provided an overview of the IPS Solar application on the Lindgren property. Parcel size 112 acres, zoned AG, and actively being farmed. The IUP may have some flexibility at the discretion of the Planning Commission and County Board. The Solar Energy Systems was approved by County Board in June 2020 with different performance standards. The interconnection is proposed in SE corner of the project. Traffic will be daily during construction phase and anticipated to be completed in July 2021. The solar panels are a fixed tilt racking and orientation will be east to west. The screening plan proposal indicated one row of six ft Black Hill Spruce trees. IPS Solar held two community meetings, one in-person and the second meeting was in electronic format. No one attended either meeting. Township approved the IUP at their June 11, 2020 meeting. Technical Review was held June 9, 2020 and listed the following concerns: setbacks of all project elements, maximum height of panels, specification of ground cover and financial assurance, fence design, and visual impacts with new electric poles and setbacks. County Engineer commented any new electrical poles shall be setback a minimum of 30 ft from roadway. Coordinator Jagoe indicated staff will be working with Mr. Carlson on the financial surety and Decommissioning Plan. Chair McCarthy asked each Planning Commission member for additional questions and comments.

Evan Carlson was available to address questions and concerns from the Commission. Mr. Carlson indicated his preference for using metal posts instead of wooden for the fencing. Jim Froberg noted only one row of

trees and he would like to see two rows. It has been past practice to have a double row of trees/shrubs and would like to add that as a condition. Mr. Carlson indicated he could do that, but four ft trees would be a cost savings and do much better for installation. Shellene Johnson reviewed the location of the interconnection and poles. She is supportive of getting the least amount of new poles as possible. Discussion held and the interconnection was flipped to the west side of the project area with proposal of additional trees for screening of the adjacent landowner. Coordinator Jagoe reported no public comments were submitted. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Lindgren IUP, but no one wished to comment. With no additional person wishing to speak, ***motion*** by Jim Froberg to closed the public hearing. Second by Frank Storm and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager asked if the new poles were aboveground or buried. Mr. Carlson indicated it would be aboveground. Dave Whitney supported two rows of trees with different sizes or shrubs and moving the interconnection to the west side. Shellene Johnson would like to see wooden posts used for the fencing. Jim Froberg was opposed to the wooden posts, but supportive of the additional trees and moving the interconnection. Dave Whitney provided written comment for an additional condition on the Decommissioning Plan. Chair McCarthy supported the two rows of trees and additional screening to landowner.

Motion by Shellene Johnson to approve the Interim Use Permit requested by Evan Carlson, on behalf of IPS Solar, for Peter and Donna Lindgren property at PID#08.0069.00 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County and subject to the following conditions:

1. The location of solar array shall be approved with the setbacks as shown on Plan Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310th Street.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. Permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project and reflected on the landscape plan.
5. The maximum height of the solar panels shall be ten feet.
6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.
7. Prior to 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. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. 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 and maintained for the life of the project shall be provided prior to building permit approval.
10. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
11. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
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, and/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 estimated decommissioning cost as approved by county staff at the time of submissions. 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 include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties.
16. 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.
17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
18. The installation of new utility poles shall be setback 30 feet from roadway.
19. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
20. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310th Street and extend 100 feet along east side of project.
21. Interconnection equipment and utility poles will be relocated to SW corner of project.
22. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.

Second by Dave Whitney. Roll call vote was taken and motion carried unanimously.

Innovative Power Systems (IPS Solar)

Evan Carlson of IPS Solar, on behalf of owner, Edwin and Pamela Eichten is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on 8 acres that is located within a ¼ mile of an existing solar array. This property is located off of County Road 37, Chisago Lake Township.

Coordinator Jagoe provided an overview of the IPS Solar application on the Eichten property. Parcel size 19 acres, zoned AG, and is undeveloped. The IUP may have some flexibility at the discretion of the Planning Commission and County Board. Interconnection is proposed on east side of the project. Traffic will be daily during construction phase and anticipated to be completed in July 2021. The solar panels are a fixed tilt racking and orientation will be east to west. The screening plan proposal indicated one row of Dogwood shrubs and one row of six ft Black Hill Spruce trees offset spaced from the shrubs. IPS Solar held two community meetings, one in-person and second meeting was in an electronic format. Three people attended the electronic meeting noting concerns with elevation of nearby homes and trees planted on other projects that have died and not been replaced. Township approved the IUP at their June 18, 2020 meeting. Technical Review was held June 8, 2020 and listed the following concerns: maximum height of panels, specification of ground cover and financial assurance and fence design. Evan Carlson was available to address questions and concerns from the Commission. Mr. Carlson reported concerns from the community meetings to add the dogwood shrubs and adjust screening setback. Mr. Carlson noted it does not solve the concerns, but hopes it will help visually. Chair McCarthy asked each Planning Commission member for additional questions and comments. Shellene Johnson questioned the interconnection, use of metal instead of wooden posts, and documentation for staff if Xcel Energy denies the reduction of utility poles.

Submitted Public Correspondence:

Brenda Carlson – 15956 310th Street, I have lived in the area my whole life and support change, but feel we have enough solar projects. I will be building a new house and would like to see the proposed 8 acres left as green space. The solar panels, additional utility poles and electrical wire are eye sores and take away from the beautiful hillside. This area has a lot of wildlife and that would disappear. Solar projects around the county are never kept up, has weeds, never mowed, and has dead trees. The property owners do not live in the area and would not have to look at the solar panels like surrounding neighbors. I do not think this is fair and ask to deny the Interim Use Permit of putting up more solar panels on County Road 37.

Ralph and Eileen Carlson – 15956 310th Street, stated they do not support this application for a solar permit. We have lived in the areas for over 40 years and tired of seeing so many solar panels and do not want to look at anymore from our property. We enjoy the green space that is left in the farming community and the wildlife it brings. Our county has given enough land to solar panels and it is time to say no to additional projects. Proposed projects can look at other counties and cities. It is time to take a stand and say no to additional solar gardens.

Joseph and Christina Fasbender – 15920 310th Street, stated they have concerns with the community solar garden proposed directly across from their home. They feel there are too many solar gardens that are located on almost every back county road. Concerns of additional weeds, lack of mowing, and dead trees are evident. Chisago County has does their part on the solar panel contribution and it is time for solar companies to find other counties for future projects. Our front window and porch view will be turned into unsightly solar panels if approved. We support denying the application so they can continue to look at green hills and wildlife from their property. We built our dream home and moved to the rural area for space and beautiful landscape, not solar panels.

Coordinator Jagoe identified *Christina Fasbender* from the public on audio and asked for additional comments. Mrs. Fasbender indicated her letter stated their concerns. For clarification Brenda Carlson has not built her home yet. Our house will directly look at this project and support to deny the application.

Coordinator Jagoe asked if anyone else on audio would like to speak on the Eitchen Solar IUP, but no one wished to comment. With no additional person wishing to speak, **motion** by Jim Froberg to closed the public hearing. Second by Frank Storm and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Dave Whitney commented he would like to add a condition as identified in his submitted written comments for the Decommissioning Plan. He would also support for one added utility pole, and if Xcel could not accomidate it, to provide written reason to staff. Shellene Johnson supported the limiting of one above ground pole, unless written response is provided as to why it cannot be done. She added the fencing should have wooden posts and agricultural fencing/deer fencing.

Motion by Dave Whitney to approve the Interim Use Permit requested by Evan Carlson, on behalf of IPS Solar, for Edwin and Pamela Eichten property at XXX County Road 37 - PID#02.00948.10 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County and subject to the following conditions

1. The location of solar array shall be approved with the 300+ setback from the front/north property line and a 50 foot setback in the east, west and south side yards as shown on the site plan submitted.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. Permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project and reflected on the landscape plan.
5. The maximum height of the solar panels shall be ten feet.
6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.
7. Prior to 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. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.
9. 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 and maintained for the life of the project shall be provided prior to building permit approval.
10. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

11. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
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, and/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 estimated decommissioning cost as approved by county staff at the time of submissions. 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 include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties.
16. 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.
17. The Interim Use Permit shall be valid for up to 25 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
19. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.
20. Limit one new above ground pole at interconnection unless Xcel Energy denies the request in which evidence will be provided to County Staff of their determination.

Second by Chip Yeager. Chair McCarthy conducted a roll call vote. The motion passed with Shellene Johnson, Frank Storm, Chip Yeager, Dave Whitney, and Chair McCarthy in favor. Opposed was Jim Froberg. Board members requested staff to review existing solar projects and identify if replanting and maintenance is needed.

ADJOURNMENT: There being no further business, motion by Jim Froberg and second by Chip Yeager to adjourn. Meeting was adjourned at 10:15 p.m.