

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS**

July 11, 2019

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 11, 2019 in Meeting Room 150B of the Government Center.

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

The Chair 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: Chair Frank Storm, Jim McCarthy, Shellene Johnson, Charles Yeager, Dave Whitney, and John Sutcliffe. Ex Officio: County Commissioner Chris DuBose. Absent: Jim Froberg (excused). A quorum established with members present.

APPROVAL OF AGENDA - Motion by John Sutcliffe and second by Jim McCarthy, for the amended meeting agenda with the addition of Additional Material Items was approved.

APPROVAL OF MINUTES - Motion by Shellene Johnson and second by Dave Whitney, the minutes of the meeting of June 6, 2019 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion by Chip Yeager and second by Dave Whitney that 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. Also distributed in advance included the Solar Staff Report including solar ordinance table, and Home Occupation Staff Report including spreadsheet. Additional material items distributed at meeting: Solar Ordinance Review and Pictures from Dave Whitney, Existing Community Solar Garden Maps (three GIS maps), Home Occupation Discussion Items from Dave Whitney, Home Occupation Memo from Jim Froberg, and County Ordinances on Solar and Home Occupation. Copies of all applications, correspondence, and staff reports were made available on a table at the entrance to the hearing room.

NEW PUBLIC HEARINGS:

Brian & Juliann Wassman – Mr. and Mrs. Wassman was present at the meeting to request a conditional use permit (CUP) to allow a private campground of up to four campsites used by family members on their property off of Maple Lane (PID #03.00309.20) on Horseshoe Lake. Coordinator Jagoe presented background information on the Wassman's CUP for recreational camping. Mr. Wassman's application was originally seeking approval for up to eight campsites. The threshold by MN Department of Health (MDH) is five or more campsites meets the definition of recreational camping and require a MDH license and also require utility improvements to operate under commercial campground standards. Mr. Wassman indicated it was not financially feasible and reduced original request to four campsites and submitted a revised site plan and narrative for the CUP application. Campsites are not open to the general public or for rent, rather to be used for private family purposes for him and his three sons. Campsites are used seasonally from approximately April through October with no official caretaker. All waste generated on site will be removed off-site and disposed properly. Township Board recommended approval of the CUP subject to the site not being used for commercial purposes at their meeting on June 10, 2019. Planning Commission did a site tour of the heavily wooded site. Staff noted more than four camp units were found on site and will clarify with the applicant the CUP is not based on number of family members but on recreational units. A tent would be considered as one unit and that only four recreational units would be allowed under the CUP. Staff analysis and findings recommended the following conditions: No commercial activity, maximum of four campsites

and/or recreational campers/vehicles, observe quiet hours, property shall be made open and available for regular inspection by Chisago County and/or any duly authorized law enforcement agency, and notify County annually of activity permitted by the CUP and adhere to conditions of approval.

Shellene Johnson expressed concerns of long term storage of campers on the property and upgrades to the property. Coordinator Jagoe indicated the recreational campers/vehicles under the CUP could be stored year round; however, Mr. Wassman indicated the site was used seasonally. Any improvements to utilities would be subject to permit and zoning ordinance. The CUP would be reviewed if there was an increase in intensity of use to ensure code compliance or an amendment would be needed for the addition of recreational campers/vehicles. Jim McCarthy expressed concerns of access for fire trucks and emergency vehicles into the site. Chair Frank Storm asked Mr. Wassman if family was allowing additional friends and relatives stay with them during the weekends and if the property was sold would it only be sold to family. Mr. Wassman indicated yes, there was additional people and acknowledged that only four campers/units would be used. If the property was sold, it could be sold to someone outside of the Wassman family. Frank indicated if the property was sold outside the family, the CUP should be surrendered. Jim McCarthy inquired about an interim use permit. Coordinator Jagoe reported under our current zoning code there is no interim use permit for camping recreational use areas and it is a conditional use.

Thomas Shaffer - 2320 Cedarcrest Court, was concerned with having more than just family using the campground. A lot of guests were using the permanent campground. Currently the family is using four sites, but I could see it going to eight sites. The County would not know if a family member purchased a cabin, and rented out their site. Mr. Shaffer noted concerns about increased traffic on the lake and road, along with increased use of ATVs. The use of permanent campers will hurt property values on Horseshoe Lake.

Thomas Thole - 44080 Maple Lane, explained the road is narrow with ditches, and not wide enough for two campers. Heavy traffic is going in and out of campground all day and concerned about safety. Property values will go down and it is a poor idea to approve this request.

Kara Clonkey - 3200 440th Street, concerned with noise coming from a personal shooting range. Ms. Clonkey cannot enjoy being outside due to constant shooting on weekends and questions if practice shooting can be done on a frequent basis. There are places for that activity, just not in my backyard. Coordinator Jagoe did explained firearm use have restrictions adjacent to residents/buildings. If there are concerns of shooting in proximity to residents/buildings it was recommended to contact Chisago County Sheriff's Department.

Patrick DeVine - 2600 445th Street, – questioned about the septic system handling the four sites. The campground does not have a septic system on site. Mr. DeVine inquired to the cost by the township to maintain the road for adequate traffic. Chair Frank Storm explained that would be a discussion for the township, the Planning Commission does not handle road maintenance. Mr. DeVine commented he has not seen a CUP work out as it is stated. Concern with noise from gun ranges and CUP issued on dirt bike tracks. Chair Frank Storm indicated within the last ten years the Planning Commission has not issued a CUP for dirt bike use, it was private use.

No additional person wishing to speak, at the request of the Chair, a ***motion*** by Dave Whitney and second by Chip Yeager, the public hearing was closed.

Dave Whitney agreed the property should have adequate emergency access, such as fire trucks and Mr. Wassman should work with the township. Jim McCarthy noted Mr. Wassman should contact the Land Service Coordinator following discussion to document emergency access has been completed. ***Motion*** by Jim McCarthy and second by Dave Whitney the access roadway easement shall be reviewed by local fire department and improved and maintained to the extent necessary that provided adequate emergency access to site. Motion carried unanimously.

Jim McCarthy asked Mr. Wassman to address the shooting concerns. Mr. Wassman explained they do not conduct target shooting in the campground or all day long, but on the 22 acre parcel next to the campground. Mr. Wassman stated other residence are shooting in the neighborhood. Coordinator Jagoe reiterated if neighbors have concerns on the target shooting to contact the Chisago County Sheriff's Department. Shellene Johnson questioned the traffic volume and concerns for it becoming a long term trailer park. Coordinator Jagoe indicated it would be the four family members along with friends and family coming in and out during the day. Traffic pattern would be comparable if the parcel was subdivided. Jim McCarthy indicated about forty vehicles which would be pretty noticeable. Chair Frank Strom indicated a family member must be on the property with guests. Since this is a family campground, if the property was sold to a nonfamily member, the CUP would end. **Motion** by Chair Frank Storm and second by John Sutcliffe there shall be direct family member caretakers on the property at all times while the campground is in use and if the property is sold, the CUP does not transfer to the new owners and CUP would end. Motion carried unanimously.

Jim McCarthy and Dave Whitney expressed concerns about handling solid waste from the campers and discussing alternatives such as porta potties or holding tank. Mr. Wassman indicated the campers leave the property to properly dispose of the waste from the tanks. Dave Whitney expressed concerns of dumping sewage and draining grey water on the property. **Motion** by Dave Whitney and second by Jim McCarthy of no dumping of raw sewage and grey water shall occur on the property. Motion carried unanimously.

Shellene Johnson noted neighbor concerns on the volume of traffic. Mr. Wassman indicated on a busy day grandkids come out with dogs, which does not seem like a large volume of traffic. **Motion** by Jim McCarthy and second by Dave Whitney to approve and recommend to County Board a conditional use permit (CUP) to allow a private campground of up to four campsites to be used by family members on their property off of Maple Lane with the staff analysis and findings of fact and following conditions in support of approval:

Staff Findings

The plan as proposed is consistent with the County's Comprehensive Development Plan which identifies offering recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities (pg. 4-6). Additionally, Recreational Camping Areas are a conditional use allowed in the RR1 zoning district and the proposed is determined to be a reasonable use within our performance standards. Lastly, Section 4.14 of the Chisago County Zoning Ordinance specifically encourages the development of rural retail tourism and commercial recreation opportunities, with the following specific goals:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses;
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

Recommendation

Based on the above review, County Staff is recommending approval of a Conditional Use Permit for Brian and Juliann Wassman at PID# 03.00309.20 conditioned on the revised site plan and revised narrative of record as provided as modified at tonight's meeting; the staff analysis and findings as presented; and the following conditions –

1. There is to be no commercial recreational activity occurring.
2. The site is limited to a maximum of four campsites and/or recreational campers/vehicles.

3. The observance of quiet hours from 11 PM to 7 AM.
4. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
5. 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.
6. The access roadway easement shall be reviewed by local fire department and improved and maintained to the extent necessary that provides adequate emergency access to site.
7. If property is sold, the CUP does not transfer to the new owners and CUP would end.
8. There shall be direct family member caretakers on the property at all times the campground is in use.
9. No dumping of raw sewage and grey water shall occur on the property.

Chair Frank Storm indicated the request will be reviewed at the July 17, 2019 County Board meeting.

DISCUSSION ITEMS:

SOLAR ORDINANCE REVISIONS –

Director Schneider reported staff updated the solar ordinance table previously provided to the Planning Commission to allow for comments. Table provided current ordinance criteria based on potential issues identified and additional context from staff relate to the cited concerns. In addition, Dave Whitney provided an overview of his thoughts and photos of solar projects for discussion. Planning Commission reviewed three GIS maps of existing community solar garden projects in Chisago County. Each map referenced solar projects approved by: County, State, and City/Township. Franconia/Chisago Lake Township area map along Olinda Trl/CSAH 25 indicated 8,320 acres and 0.8% of area is occupied by solar projects. Amador and Sunrise Township area map along Kost Trl/CSAH 11 and Keystone Ave/Cty Rd 67 indicated 33,701 acres and 2.9% of area is occupied by solar projects. Center City/Shafter/Taylor Falls area map along CSAH 37 indicated 21,760 acres and 0.8% of area is occupied by solar projects. The maps do not show any solar projects within city limits. County approved solar projects were CUPs or Administrative permit. Director Schneider indicated he would like to correct the term of solar saturation. As referenced by the maps, there is a high percentage of land available for solar in the agricultural zoning district. The maps illustrate corridors along roads where solar projects have been installed. Overall solar projects encompass a small proportion compared to other land uses.

Planning Commission reviewed land use concern: Setbacks and Vegetation Screening

Chair Frank Storm stated the Planning Commission spent a considerable amount of time developing the solar energy system ordinance. Planning Commission reviews CUP applications and Chair Frank Storm is not in favor of opening up the ordinance for additions or corrections. Jim McCarthy indicated the Planning Commission has been doing a good job with setbacks but indicated neighboring land can be a challenge and other land use projects do not use 275 ft setback. Shellene Johnson indicated research has been done since the last meeting on solar ordinances. The Planning Commission should discuss the following impacts: on our historic district, panels on roofs and emergency access, ground mounted footprint, impact on our overlay districts, and impacts on our wetlands and woodland areas. Director Schneider indicated solar projects are less than ten acres fall under an administrative solar permit and 10 acres and larger go through the Interim Use permit (IUP) permitting process. Emergency access protocols do not fall under ordinance and the Land Services Department has an active inspection program which ensures projects adhere to state building codes and properly installed. Chip Yeager stated the Planning Commission is reviewing it as requested by the County Board. Shellene Johnson and Dave Whitney referenced the City of Scandia's solar ordinance. Shellene Johnson indicated City of Scandia's ordinance appears to be on trend and worth reviewing. Dave Whitney noted the importance of reviewing topography, setbacks, and screening for each project as a whole instead of considering the neighboring house on the adjacent property. Photos of solar projects were reviewed and discussed of visual impact, berm height, and type/density of screening. Jim McCarthy commented he saw a solar

project that had panels with black frames instead of the visible aluminum frame. The dark frame tended to blend into the surrounding landscape and reduced glare. Commissioner DuBose questioned berm heights. Shellene Johnson indicated heights varied, ranging from 12 - 20 feet depending on height from ground to top of panel. Each project could be reviewed and screening height would be determined. Chip Yeager would support setbacks and not partial to berm heights. Jim McCarthy indicated topography is difficult to work with, adjustment of tree species and spacing would be easier. Dave Whitney suggested an incentive on performance standards. The applicant could select to be closer to road and utilities; however, the expectation of standards would increase with: screening/landscaping, setbacks, berm, location of inverters, or combination thereof. Director Schneider suggested a policy statement could be drafted on solar performance standards outlining expectations instead of amending the solar energy systems ordinance. Chip Yeager stated he liked flexibility and the suggested solar performance standards. Jim McCarthy indicated he would like to see increased screening and landscaping to solar gardens that encompass a property on both sides. Dave Whitney indicated it would be appropriate to review anticipated future solar gardens on an application. Review the whole property/project instead of individual garden applications on the same property. The review could ensure proper performance standards are met. Commissioner DuBose mentioned the issue of property owners using the different companies to install multiple solar gardens instead of a solar farm. Not only is this a performance standard issue, it impacts taxing, setbacks, and ambient noise. Commissioner DeBose stated the County Board approved review of the solar ordinance and requested recommendations.

Planning Commission reviewed the land use concern: Ambient Noise

Director Schneider indicated this concern could be addressed in the policy statement on solar performance standards. A statement would require sound-dampening for inverters with proximity to neighboring property line/residence without changing the ordinance. Solar panels do produce ambient noise when panels are cooling. Depending on inverter location, some solar projects produce higher decibels. Jim McCarthy recommended the reduction of ambient noise to mid-range decibels produced by inverters. Fencing would be a viable option for reduction. Shellene Johnson read inverters could be housed and lighting shielded and downcast. Director Schneider commented some projects have security lights and can be a greater nuisance than the ambient noise. Inverters are not violating state noise standards, but could be a nuisance and could be addressed in a performance standard policy document. Determination of the nuisance threshold, e.g. barking dog is tough to regulate. Solar companies are in favor of inverters being close to road to help with overall cost of project. Planning Commission does not need to worry about project cost, but what the county would like to see as a performance standard in sound-dampening.

Planning Commission reviewed the land use concern: Production Tax

Commissioner DeBose and Jim McCarthy stated production tax is an issue. Possible solution is to request the County Administrator to discuss this issue with state legislators and address loopholes in state statute. Planning Commission deals with land use not taxation. Director Schneider reviewed Xcel Energy's solar program. State legislators would have to make a sizable law change. It was noted solar production tax does generate more income than property tax on agriculture. By consensus, Planning Commission request the County Administrator to discuss issue with state legislators on 1 MW projects.

Planning Commission reviewed the land use concern: Decommissioning

Shellene Johnson indicated the Planning Commission could make improvements on the decommission plan and referenced wind power decommissioning plans. Decommissioning plans ensure the permittee properly removes equipment and convert land back to agriculture. Decommissioning plans provide financial surety to ensure proper decommissioning. Shellene Johnson stated it was important for soil health to be established and the reuse and recycling of structures and/or foundations.

Planning Commission reviewed the land use concern: Saturation/Adjacency

Director Schneider discussed 1 MW projects and lateral distance from another with applications going through permitting process with a public hearing instead of administrative permit. Distance between projects near the Washington County boarder seem closer together. Chip Yeager commented he was fine with options of defining maximum number of solar projects per parcel or within a geographical area. Solar projects will be abundant along distribution lines, a decrease in overall project cost for solar companies. Chair Frank Storm commented it would tough to deny a proposed project after solar projects were installed around the neighboring property. Shellene Johnson supported setting a maximum number along distribution line, public road frontage, and CSG megawatt sub-stations to balance our community and spread out solar projects. Jim McCarthy indicated it would be tough to limit since it is providing a need for energy. Planning Commission could set a limit and once that has been reached, stop accepting applications, but questioned fairness to landowners. The GIS maps of existing community solar garden projects in Chisago County exhibit current projects and abundance of land available to support solar land use. Dave Whitney commented if the expectation of standards would increase with: screening/landscaping, setbacks, berm, location of inverters, or combination. The Planning Commission is preserving the rural characteristics and could approve additional solar projects. Ghost platting demonstrate future concept plans and aid in the Planning Commission of setting the expectation of standards. General consensus to support ghost platting on solar projects. Shellene Johnson supported spreading solar throughout the county instead of along distribution lines. Jim McCarthy questioned if that could be done since the ordinances do not restrict other land uses. There are places were capacity can be done and managed.

Motion by Dave Whitney and second by Shellene Johnson for staff to draft a policy document on solar performance standards outlining expectations and conditions. Motion carried unanimously. Motion by Charles Yeager second by Dave Whitney to table home occupation for the next meeting. Motion carried unanimously.

ADJOURNMENT: There being no further business, motion by Jim McCarthy and second by Shellene Johnson, the meeting was adjourned at 9:08 p.m.