

CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
**August 5, 2021**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 5, 2021 at the Chisago County Government Center.

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

Chair Johnson 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: Shellene Johnson, Frank Storm, Dave Whitney, John Sutcliffe, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. Absent: Jim McCarthy. A quorum was established with members present.

**APPROVAL OF AGENDA – Motion** to approve the amended agenda with the addition of one public comment and Commissioner McCarthy’s August 4, 2021 comments made by Chip Yeager. Second by Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

**APPROVAL OF MINUTES – Motion** to approve the July 1, 2021 minutes by Frank Storm. Second by Chip Yeager. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

**RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion** that all applications, submittals, reports with attachments, and other materials were received into the record made by Chip Yeager. Second by Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments, Staff Report July 29, 2021 with attachments and County Attorney Opinion, One - Public Hearing Comments for Jadoonath/Nordquist PID#08.00353.00, and Commissioner McCarthy August 4, 2021 Email with attachments. Copies of all correspondence and meeting materials were made available for electronic distribution and at the entrance of the meeting room.

**Public Hearing Items:**

**Peter and Donna Lindgren** – Tarila (TJ) Ozomoru and Evan Carlson of IPS Solar on behalf of Peter and Donna Lindgren, Property Owners, request an amendment to an Interim Use Permit (IUP) for a Community Solar Garden to allow for a tracker solar panel system rather than stationary fixed tilt system. This property is located west of Tern Avenue at the NE corner of the intersection at County Road (CR) 37 and Tern Avenue, at 19894 310<sup>th</sup> Street, Shafer Township.

Director Schneider presented background information on IPS Solar application on the Lindgren property. Parcel size 112 acres, solar garden encompasses eight acres, and is zoned Agricultural (AG). The IUP was approved in July 2020 with a fixed tilt system. Orientation of panels ran east to west, parallel to County Road 37. The proposed amendment would encompass the same area; however, panels will be orientated north to south, parallel to Tern Avenue. The interconnection is proposed in SW corner near a wetland and infiltration basin. Traffic will be daily during the construction phase and anticipated to be completed in July 2022. The screening plan proposal indicated one to two rows of six ft Black Hill Spruce trees with one row of Dogwood shrubs. Shafer Township approved the IUP amendment at their July 8, 2021 meeting. Technical Review was held July 14, 2021 with the County Engineer commenting the access should be adjusted to Tern Avenue rather than CR 37. Chair Johnson asked each Planning Commission member for additional questions and comments.

Mr. Ozomoru and Mr. Carlson were available to address questions and concerns from the Commission. Questions were raised about number of inverters for the tracker system, relocation of the access to the northwest corner of the property and amount of traffic generated beyond the construction phase. Mr. Carlson reviewed concerns with changing the access from CR 37 to Tern Avenue due to the wetlands present on the west/southwest corner of the project area. At the public hearing in July 2020, concerns were raised with the interconnection location near the southeast corner, near an adjacent neighbor's dwelling. Mr. Carlson indicated the proposed access location was as far away as possible from the dwelling without impacting the wetlands. Traffic will be heavy during construction, but once the project has been installed, minimal traffic will be present except for maintenance. Mr. Carlson indicated he would be interested in working with the County Engineer on access location for the project. Chair Johnson opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Frank Storm commented the applicant could work on the access location with the County Engineer. ***Motion*** by Frank Storm to approve the amended Interim Use Permit requested by TJ Ozomoru, on behalf of IPS Solar, for Peter and Donna Lindgren property at PID# 08.00269.00 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant, with an approved access location and site plan by the County Engineer, 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 with County Highway Engineer approval of access, a Site Plan depicting adjusted tracker design layout, Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310<sup>th</sup> Street and minimum setback of 30 feet for any new electrical poles form roadway.
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. Two rows of Spruce along 310<sup>th</sup> Street side on the southern most 100 ft. of the western part of the project. 2<sup>nd</sup> row of spruce/dogwood along the remaining western side of the project. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310<sup>th</sup> 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.
23. ~~Driveway access to the site shall be adjusted to require property driveway access from Tern Avenue rather than County Road 37.~~ Clerk's note, Planning Commission approved to remove this condition as long as the access location was approved by County Highway Engineer as noted in condition #1.

Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

**John and Katie Waldorf** - John and Katie Waldorf are requesting a Conditional Use Permit (CUP) to operate an educational retreat center within their home and an accessory structure as Rural Retail Tourism. This property is located at 41713 Lowden Avenue, Sunrise Township.

Director Schneider presented background information on Waldorf's application to allow them to offer a wide range of small-scale do-it yourself (DIY) classes, occasional events, and limited overnight lodging for students. The property is ten acres, zoned AG and heavily wooded. Business plan includes Mr. and Mrs. Waldorf teaching small (6 – 10) classes, typically on weekends for a duration of 2 – 16 hours depending on subject. Classes will be booked in advance and focus on education, recreation, entertainment and overall small-scale/low impact e.g. crafting, gardening, cooking/canning. Classes will primarily be held in the pole building with restrooms available for use in the home. Bedrooms are available for overnight stays for students, limited to six guests. Additional events have been requested to host retreats, reunions, or conferences. Events would be limited to 50 attendees, hours are 8 am – 10 pm, food would be catered, portable toilets will be provided with on-site parking. Sunrise Township recommended approval with no conditions at their July 15, 2021 meeting. Technical Review was held July 14, 2021 and found no potential impacts. Chair Johnson asked each Planning Commission member for additional questions and comments

Mr. and Mrs. Waldorf were available to address questions and concerns from the Commission. Discussion followed on overnight lodging and the possibility of limiting activities during the weekend. Mr. Waldorf explained students (i.e. primarily adults enrolled in classes, not high school students) who lived out of town would have the option to stay overnight, another amenity that would be offered. Mrs. Waldorf preferred not to be limited to certain days to provide scheduling flexibility. Discussion followed on limiting the number of events per year instead of classes and addressing on-site parking. Mr. Waldorf indicated the primary focus is the educational classes and not interested in hosting large events but looking for flexibility/options. Chair Johnson opened the public hearing and sought comment.

*Guy Olson* - 41777 Lowden Avenue – I enjoy the piece and quite of the community. I am worried about losing that with events of 50 people next door. Mr. Waldorf has had some classes, which have been good since they were not big classes. I have concerns with the large amount of people and traffic. I am not in favor of large events, but do support the small 6 – 10 student classes.

*George Stahley* – 41630 Lowden Avenue – I am the neighbor across road and have concerns with noise of woodworking classes from early to late at night. I have concerns with traffic for the larger events. I question who the students are and how do the students register for the classes. Chair Johnson allowed Mr. Waldorf to explain the students were typically middle-age women from the Twin Cities metro area and their website is under development. Mr. Waldorf explained he has been woodworking pretty much every weekend. Noise has not been an issue. Mr. Stahley ended with concerns on the large group size for events on a regular basis.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Discussion followed on limiting classes, removing events from the request, and reducing number of attendees and hours. Discussion continued on parking and the need for a parking plan. ***Motion*** by Frank Storm to table the Conditional Use Permit for Rural Retail Tourism at 41713 Lowden Avenue to obtain additional information on parking and events that have been requested with the following conditions. Second by Chip Yeager. Director Schneider summarized edits/clarification the Planning Commission had discussed to the conditions with additions and edits:

1. This is a Conditional Use Permit for a Rural Retail Tourism business, to include the following activities:

- a. Use of the accessory structures and outdoor spaces as class and gathering spaces
  - b. Use of the home as overnight lodging up to four guests and sanitation facilities for class attendees
  - c. Use of the structures and outdoor spaces for limited events
2. Hours and days of operation for classes shall be: ~~Four~~ Seven days a week, between the hours of 8:00 a.m. and 10 p.m.
  3. Events shall be one day in nature and will be held to a maximum of 50 per year within the hours of 8:00 a.m. and 10:00 p.m. Possible reduction of 10:00 p.m.
  4. The maximum number of attendees shall be ~~16-10~~ for classes and 50 for events. If events are allowed: applicant will provide detailed scope of events with addressing noise and provide a parking plan.
  5. Provision of food, beverage, and lodging, shall be in accordance with all applicable MN Department of Health and MN Department of Public Safety rules and regulations.
  6. All applicable State ADA requirements shall be met.
  7. Prior to occupancy of the existing structures in association with any class or event application of a building permit for a change of occupancy shall be made and any required modification shall be retrofitted as necessary, to meet all applicable building, plumbing and codes.
  8. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
  9. 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.

The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

**Peter Jadoonath and Emily Nordquist** - Peter Jadoonath and Emily Nordquist are requesting a Conditional Use Permit (CUP) to operate a pottery studio home occupation as Rural Retail Tourism. This property is located at 30208 Tern Avenue, Shafer Township.

Director Schneider presented background information on Jadoonath/Nordquist application to allow them to operate a pottery studio and host two sale events per year. The property is 24 acres, zoned AG and located just north of the roundabout on HWY 8 and HWY 95. The applicant's request is to bring home occupation and their annual fall "Backyard Pottery Sale" into compliance and host an additional sale in the Spring. Business plan includes Mr. Jadoonath is the only employee. Hours vary day to day, typically Mr. Jadoonath works between 6 am – 10 pm. No noise or waste is generated, no sales room or regular hours for customers. Pottery is sold off-site except during the two proposed sales events in Spring and Fall. Fall event will be in conjunction with Franconia Sculpture Park annual event. It is a three-day event from 10 a.m. to 5 p.m. Approximately 200 attendee the event during the weekend. Spring event is on-site in designated parking areas. A horseshoe driveway provides a controlled entrance and exit to the property during sales events. A person will be directing and monitoring traffic and parking. For both sale events, guest potters from the region are invited to sell their wares. Shafer Township recommended approval with no conditions at their July 8, 2021 meeting. Technical Review was held July 14, 2021 and found request is consistent with Comprehensive Plan goals. Chair Johnson asked each Planning Commission member for additional questions and comments.

Ani Kasten on behalf of Peter Jadoonath and Emily Nordquist, Property Owners was present to address questions and concerns from the Commission. Ms. Kasten is a neighbor and has a similar CUP for a pottery studio. Chair Johnson opened the public hearing and sought comment.

*Jeremy Smith* - 30696 Tern Avenue - These events have been going on and there has been no problems. I fully endorse/support it.

Submitted Public Correspondence Prior to Meeting:

Amy Frischmon – Wildwood RV Park & Campground, We have no issue with the CUP that Peter Jadoonath & Emily Nordquist are requesting. In fact, we think it would be a welcome addition to our neighborhood.

With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by John Stutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Discussion was held on parking and on-site designated parking areas. Ms. Kasten indicated Mr. Jadoonath had cleared a large parking area and could accommodate 40 cars and still have two other areas for additional parking. Ms. Kasten has attended many similar pottery sales and has never encountered an issue with traffic and/or parking. **Motion** by Frank Storm to approve of a Conditional Use Permit for Rural Retail Tourism as requested at 30208 Tern Avenue, PID#08.00353.00, 30208 based on the narrative, site plan on record as provided by Applicant, based on the Findings of Fact as presented with the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer two sales events annually to be held over a period of three days per event pursuant to the site plan and narrative provided on record.
2. Hours of operation for events shall be conducted on Friday through Sundays from 10 AM to 5 PM.
3. The maximum attendance at any given time with sales associated with the CUP shall be no more than 100 people
4. All parking shall be accommodated on-site in identified areas. A detailed parking plan layout and vehicles accommodated shall be provided for staff approval.
5. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
6. The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.
7. The Applicants are required to contact the County Sanitarian and review water and septic uses that need to be addressed.
8. The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.
9. The permit holder shall 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.

The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

Planning Commission discussed meeting procedure during the public hearing.

### **Old Business:**

#### **Accessory Structures**

Director Schneider provided a brief overview of the draft language and concerns with commercial storage. Discussion was held on storage of fish houses. Discussion was held on having an accessory structure prior to a principal house and setting a limit of three to five years to have a principal house constructed. Consideration and concerns were discussed about accessory structures with or without a principal house. Concerns included people living an accessory structure instead of building the house or if plans/circumstances change with the property owner and not able to build a house. There was general support for allowing to keep a pre-existing accessory building without a house that had been subsequently split off or subdivided. Concerns were raised about the accessory building being kept in a safe usable condition. Director Schneider provided an overview of enforcement actions taken on violations. Planning Commission recommended edits to include a principal house needs to be habitable (certificate of occupancy issued) within three years; an Interim Use Permit may

be issued on parcel 10 acres or larger to allow a accessory building to be constructed for personal storage/use only without the principal house; and commercial storage of fish houses or similar recreational structure is prohibited. Director Schneider indicated the Planning Commission could forward the draft language to the County Board for their review and input. Depending on the County Board input it could move forward to a public hearing. **Motion** by Frank Storm to send the draft ordinance as it pertains to the use of accessory buildings in the agricultural zone to County Board for review. Second by Chip Yeager. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

### **Commercial Shooting Ranges**

Director Schneider provided an overview of the draft language, submitted comments provided by Commissioner McCarthy, and legal opinion. Discussion was held on noise and steady repeating volume of noise that can be produced from a commercial shooting range. Dave Whitney commented there are a few ranges close by and could tour. Frank Storm reported he would contact City of Wyoming. **By consensus**, Chair Johnson, Frank Storm and Dave Whitney will conduct range tours, collect information and report back at next month's meeting. County Commissioner DuBose commented a CUP application would allow for review and the ability set conditions. Director Schneider recommended the same process as with Accessory Structures, following the September meeting to send the draft ordinance language to the County Board to seek input and direction. **Motion** by Frank Storm to place Commercial Shooting Ranges on the September agenda. Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

### **NEW BUSINESS:**

#### **Planning Commission Special Work Session Schedule**

Director Schneider provided an update on the Request For Proposal (RFP) for a consultant/planner to assist with zoning work and ordinance development. Following review of the applications, now moving forward with a professional services agreement with Bolton & Menk. With that said, it was requested by staff to cancel special work sessions until the Land Services Coordinator position has been filled or the Consultant/Planner becomes available. **Motion** to cancel the August 19, 2021 Planning Commission Special Work Session by Frank Storm. Second by Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none

#### **Communications and Reports**

County Commissioner DuBose provided a brief review of County Board items that included: Jim Froberg's retirement and advertising to fill his position, approvals of plats, John Keefe, County Assessor's retirement, text change to variance process in Home Site Area/Septic Provisions, and authorization of broadband. Discussion was held on the concern for lack of progress/action to the County Board on ordinance amendments and zoning applications.

**ADJOURNMENT:** There being no further business, motion by Frank Storm and second by Dave Whitney to adjourn. The motion was approved 5 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Meeting was adjourned at 9:55 p.m.