

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
February 20, 2020
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on February 20, 2020 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Chairperson Bryan Lawrence called the meeting to order and roll was taken.

The following members were present:

Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Mike Ganz, Palmer Township; Chairman, Bryan Lawrence, Baldwin Township; Vice-Chair Bruce Aubol, Big Lake Township; Tim Dolan, County Board Commissioner; Bryan Adams, Orrock Township; Jeff Schlingmann, Haven Township; Terrance Vandereyk, Clear Lake Township

The following members were absent: David Jehoich, Santiago Township

The following staff members were present:

Assistant Zoning Administrator, Lynn Waytashek; Planner, Mitch Glines; Secretary, Carrie Winter.

Lawrence stated that the meeting was being recorded and announced that the Planning Commission is a recommending body. Items recommended for approval by the Planning Commission will be heard by the County Board of Commissioners on March 10th, 2020 at 9:00am.

Schlingmann made a motion to approve the minutes from the January 16, 2020 Public Hearing. Spencer seconded. Motion carried and the minutes were approved for the January 16, 2020 Public Hearing.

Adams made a motion to approve the Public Hearing agenda for February 20, 2020. Ganz seconded. Motion carried and the Public Hearing agenda for February 20, 2020 was approved.

Agenda:

1. **Knife River Corp - North** (Owner: Trilogy Properties: Request to amend existing IUP #59363, DOC# 864080 to extend #25; end date of March 17, 2020 to end date of December 31, 2025).
2. **Jeremy Munter:** Residential Preliminary and Final Simple Plat Approval of "Munter Addition" consisting of three lots (one existing residence).
3. **SolarClub 11 LLC** (property owner: Michael & Richard Goenner): Requesting IUP for a 1 MW Solar Farm.

Agenda Item # 1-6:02pm

Knife River Corp - North (Owner: Trilogy Property): Request to amend existing IUP #59363, DOC# 864080 to extend #25; end date of March 17, 2020 to end date of December 31, 2025.

PID#10-115-3100 and 10-115-4200, Sec 8, Big Lake Township on 60 acres in the General Rural District

Mitch Glines, Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Extension Request from Knifer River
- C. Written Explanation (1-5)
- D. Site Location
- E. Site Plan
- F. Proposed Operations
- G. Proposed Restored Conditions
- H. Site Photos (1-2)

BIG LAKE TOWNSHIP COMMENTS: Unanimous recommendation for approval.

OTHER DEPARTMENT/AGENCY COMMENTS:

Public Works Department: Has no concerns.

Fire Chief of Big Lake: No comments received

County Attorney Office: No comments received

PLANNING & ZONING STAFF COMMENTS:

1. The "Stommes Pit" was first granted a CUP in 1986 and 1988 to mine sand and gravel on 7 acres of land. An IUP was approved in 2016 for a total of 27 acres to be mined and they revoked the two CUP's that were previously approved in 1986 and 1988. An IUP was approved in 2018 replacing the existing IUP approved in 2016 for a name change as John Stommes sold the property to Trilogy Properties. For the last 30 years the mine has been operated by John Stommes and most recently by Knife River.
2. All conditions that were approved in 2018 will remain the same with the exception of a new end date of December 31, 2025.
3. Trilogy Properties also owns the gravel mine adjacent to this property known as the Weicht Pit (operated by Knife River). The Weicht Pit received a CUP in 1982 for gravel mining. Knife River will continue to operate both mines.
4. Knife River is requesting the extension as they have extended their lease with Trilogy Properties until December 31, 2025 to continue to mine the Stommes Pit.

RECOMMENDED CONDITIONS IF APPROVED:

Underline = New Conditions proposed.

1. ~~New IUP will replace existing IUP # 55805 Doc # 836119 which expires upon a change in ownership or control.~~
1. New IUP will replace existing IUP # 59363 Doc # 864080 which expires upon a change in ownership, control or by December 31, 2025.
2. An Annual Review for Compliance will be conducted in January of each year by Zoning Staff. If the conditions of the permit have not changed, and no complaints or concerns have been filed, the mine will be determined to be compliant once the annual fee is paid. If the conditions of the permit have changed and/or if it is determined by the County the mine is noncompliant, the applicant will be advised to attend a public hearing with all associated costs being borne by permit holder for further review or amendment. This is not an exclusive remedy.
3. The annual fee for the permit shall be based on the current per acre fee set by the County Board in the annual fee schedule.
4. No more than 27 acres can be open at any time. Open is defined as an area stripped of its natural vegetation or not reclaimed. This includes but is not limited to stockpiling of materials, crushing spreads and roads. During Zoning's Annual Review for Compliance Knife River will provide the County with Global Positioning Satellite (GPS) data to determine if the open acreage is in compliance with the 27-acre requirement.
5. A staff gauge must be installed in Wetland Basin 1, as identified in the Wetland Conservation Act - Notice of Decision dated 10/24/2016. Water levels must be reported monthly to Zoning Staff by Knife River during the growing season. Impacts to wetlands, per the Wetland Conservation Act Rules, Chapter 8420, are not allowed.
6. The permit holder shall secure and maintain commercial liability insurance for the duration of the permit and shall provide the County with a copy of its certificate of liability insurance prior to commencing work under the permit and annually thereafter.
7. Permit holder shall maintain performance & surety bond based on the current per acre fee set by the County Board in the annual fee schedule.
8. The gate located at 211th Street shall be kept locked when an attendant is not on duty. At this gate a sign must be posted with a 24-hour contact number to report concerns.
9. The day and hours of operation:
 - a. Mining 6:30 am – 9:00 pm Monday – Saturday.
 - b. Maintenance 6:00 am – 9:00 pm Monday – Saturday
 - c. No operation on Sundays, or on the following holidays: New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas.
10. Dust mitigation plan will include the use of calcium chloride on haul road and water per practical application with log kept of the application. Repeated application may be necessary during extreme dry conditions. Water will be added to the feed point of the crushing spread when visible emissions are present. All watering records must be made available to the Planning and Zoning Office.
11. All mining activity must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will supply the County with a valid noise level test in accordance with MN Rule 7030.0060. If a noise level test does not exist, the permit holder will be required to complete one at their expense and supply the County with a copy promptly upon request.
12. A hot mix plant will not be allowed under this permit.

13. Dewatering will not be allowed under this permit.
14. It shall be the responsibility of the pit operator or owner to control activity within the pit area and cleanup any debris or other material left on-site.
15. Sanitary facilities shall be provided for workers during pit operation. Portable toilets shall be secured from tipping over and have secondary containment.
16. Applicant is required to maintain their NPDES (National Pollutant Discharge Elimination System) permit.
17. The permit holder shall hold Big Lake Township and the County and its respective officers and employees harmless from claims made by anyone for damages sustained or cost incurred resulting from the gravel extraction operation of this permit. The permit holder shall indemnify Big Lake Township, County and its respective officer and employees for all costs, damages or expenses, which the Township or County may pay or incur in consequences of such claims, including attorney's fees.
18. Mining activity shall be according to the Proposed Mining plan submitted by Knife River Inc. received August 6, 2018. The applicant is proposing to mine to a depth of 920' above mean sea level which will leave an open water pond.
19. Restored Areas will be seeded with an appropriate seed mixture. Upon completion of mining, the restored site will comply with "Restored Conditions" plan dated August 6, 2018.
20. Applicant to comply with Section 16.2 - Subdivision 5.14 of County Zoning Ordinance and all local, state, and federal laws.
21. Gravel tax payments to the County Auditor must be kept current.
22. The Findings in the Zoning Ordinance under Section 18, Subdivision 6.4 have been made.
23. The applicant shall agree to permit the County to inspect the property anytime.
24. Discharge of firearms will not be allowed in the pit.
25. ~~The permit will have an end date of 36 months from County Board approval date which will be of March 17, 2020.~~
25. The permit will have an end date of December 31, 2025

Planning Commission Discussion Followed:

Lawrence inquired if there have been any concerns or issues in the past with this IUP.

Glines stated that there have not been any issues or complaints and inspections have been compliant.

John Henry, General Manager of Aggregate for Knife River Central Minnesota, 11570 Scepaniak Drive, Little Falls, MN came forward. He stated that the mine plans have stayed the same. Everything talked about when permitted is going as planned. The timeline is estimated, and he thinks within 5 years they will be done.

Lawrence asked Glines if this needs to be restored by 2025?

Glines stated that this is a part of the plans and would need to be restored by December 31, 2025. As a result of a recent site visit by Mr. Glines, the extension was discussed. Glines had asked if the project would be completed by March 2020, and Knife River indicated that it would not be completed by that time. Glines asked the applicant if fall of 2025 is approximately when restoration would begin.

Henry stated that this is a reasonable timeline.

Lawrence inquired, that if necessary, if another extension could be granted.

Glines confirmed that another extension could be granted. If necessary, with the timeline of the current extension, this will fall in line with the winter months and no disruption would occur, much like this extension request.

Lawrence opened the Public Hearing.

No one from the Public spoke.

Aubol moved to close the Public Hearing. Spencer seconded. The motion carried and the Public Hearing was closed.

Aubol moved to recommend approval of the IUP extension with the recommended (25) Conditions. Schlingmann seconded.

Conditions:

1. New IUP will replace existing IUP # 59363 Doc # 864080 which expires upon a change in ownership, control or by December 31, 2025.
2. An Annual Review for Compliance will be conducted in January of each year by Zoning Staff. If the conditions of the permit have not changed, and no complaints or concerns have been filed, the mine will be determined to be compliant once the annual fee is paid. If the conditions of the permit have changed and/or if it is determined by the County the mine is noncompliant, the applicant will be advised to attend a public hearing with all associated costs being borne by permit holder for further review or amendment. This is not an exclusive remedy.
3. The annual fee for the permit shall be based on the current per acre fee set by the County Board in the annual fee schedule.
4. No more than 27 acres can be open at any time. Open is defined as an area stripped of its natural vegetation or not reclaimed. This includes but is not limited to stockpiling of materials, crushing spreads and roads. During Zoning's Annual Review for Compliance Knife River will provide the County with Global Positioning Satellite (GPS) data to determine if the open acreage is in compliance with the 27-acre requirement.
5. A staff gauge must be installed in Wetland Basin 1, as identified in the Wetland Conservation Act - Notice of Decision dated 10/24/2016. Water levels must be reported monthly to Zoning Staff by Knife River during the growing season. Impacts to wetlands, per the Wetland Conservation Act Rules, Chapter 8420, are not allowed.
6. The permit holder shall secure and maintain commercial liability insurance for the duration of the permit and shall provide the County with a copy of its certificate of liability insurance prior to commencing work under the permit and annually thereafter.
7. Permit holder shall maintain performance & surety bond based on the current per acre fee set by the County Board in the annual fee schedule.

8. The gate located at 211th Street shall be kept locked when an attendant is not on duty. At this gate a sign must be posted with a 24-hour contact number to report concerns.
9. The day and hours of operation:
 - a. Mining 6:30 am – 9:00 pm Monday – Saturday.
 - b. Maintenance 6:00 am – 9:00 pm Monday – Saturday
 - c. No operation on Sundays, or on the following holidays: New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas.
10. Dust mitigation plan will include the use of calcium chloride on haul road and water per practical application with log kept of the application. Repeated application may be necessary during extreme dry conditions. Water will be added to the feed point of the crushing spread when visible emissions are present. All watering records must be made available to the Planning and Zoning Office.
11. All mining activity must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will supply the County with a valid noise level test in accordance with MN Rule 7030.0060. If a noise level test does not exist, the permit holder will be required to complete one at their expense and supply the County with a copy promptly upon request.
12. A hot mix plant will not be allowed under this permit.
13. Dewatering will not be allowed under this permit.
14. It shall be the responsibility of the pit operator or owner to control activity within the pit area and cleanup any debris or other material left on-site.
15. Sanitary facilities shall be provided for workers during pit operation. Portable toilets shall be secured from tipping over and have secondary containment.
16. Applicant is required to maintain their NPDES (National Pollutant Discharge Elimination System) permit.
17. The permit holder shall hold Big Lake Township and the County and its respective officers and employees harmless from claims made by anyone for damages sustained or cost incurred resulting from the gravel extraction operation of this permit. The permit holder shall indemnify Big Lake Township, County and its respective officer and employees for all costs, damages or expenses, which the Township or County may pay or incur in consequences of such claims, including attorney's fees.
18. Mining activity shall be according to the Proposed Mining plan submitted by Knife River Inc. received August 6, 2018. The applicant is proposing to mine to a depth of 920' above mean sea level which will leave an open water pond.
19. Restored Areas will be seeded with an appropriate seed mixture. Upon completion of mining, the restored site will comply with "Restored Conditions" plan dated August 6, 2018.
20. Applicant to comply with Section 16.2 - Subdivision 5.14 of County Zoning Ordinance and all local, state, and federal laws.
21. Gravel tax payments to the County Auditor must be kept current.
22. The Findings in the Zoning Ordinance under Section 18, Subdivision 6.4 have been made.
23. The applicant shall agree to permit the County to inspect the property anytime.
24. Discharge of firearms will not be allowed in the pit.
25. The permit will have an end date of December 31, 2025.

FINDINGS:

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES or NO** WHY?

The proposed IUP amendment is for an extension for mining operations to continue until December 31, 2025 with no other requests to change from the original IUP that was approved in 2018.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES or NO** WHY?

The property is surrounded by large parcels. The property owners own the land immediately north of the eastern portion of the mine. The surrounding areas has hills and is heavily wooded to screen the mining operations. This parcel and the neighboring parcels have been mined for decades.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES or NO** WHY?

The applicant has established an adequate road and stormwater infrastructure for the proposed improvements as part of their original IUP.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES or NO** WHY?

The property is large enough to accommodate the mining equipment and employee vehicles while the mine is in operation. Access to the mine is from 212th Street and there is adequate off-street parking for truck entering this property.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
YES or NO WHY?

The conditions of the IUP outline dust mitigation, noise limitation reduction to conform to the mining industry standards.

The motion carried and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item # 2-6:11pm

Jeremy Munter: Residential Preliminary and Final Simple Plat Approval of “Munter Addition” consisting of three lots (one existing residence).

PID 15-014-4401 Property Address: 30207 152nd St NW, Princeton Sec 14, Twp 35, Rge 27 Blue Hill Township 10 acres General Rural Zoning District

Mitch Glines, Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat
- C. Final Plat

BLUE HILL TOWNSHIP COMMENTS: Developer will enter into a developer’s agreement and provide escrow money before mylars are signed. Township Engineer agrees with comments of County Engineer.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (01/08/2020)

- 1. No concerns with the Simple plat application. The drawings provided for review from Bogart Pederson & Associates, suggest access is proposed to come off of 301st Avenue NW. No new access is proposed or is allowed to come off of County Road 42.
- 2. The Sherburne County Public Works Department will require park dedication fees for the 2 new lots at \$800 per lot, totaling \$1,600. The lot with the existing house does not require park dedication fees. Park fees must be paid prior to the Public Works Department signing the mylars.

Russ Heiling, County Surveyor (02/04/2020) – Items have been addressed.

Bonnie Jacobs, County Auditor’s Office (01/02/2020) – No issues.

Mike Lindenau, Co Ditch Inspector (01/02/2020) – No issues, does not benefit from a county ditch.

PLANNING & ZONING STAFF COMMENTS:

- 1. The applicant is proposing to split a 9.77-acre lot into three lots. Proposed Lot 1, Block 1 has an existing residence (house built and septic installed in 2017) which will be 2.17-acres and will have limited access to County Road 42. Proposed Lot 2, Block 1 (2.18-acres) and Lot 3, Block 1 (4.17-acres) are vacant and will take access from Township Road 301st Ave NW.
- 2. Lots 1 & 2, Block 1 are less than the 2.5-acre minimum requirement for the General Rural Zoning District. Under the Sherburne County Subdivision Ordinance, Section 8 Simple Plats, Subdivision 2 Restrictions (4) “The resulting lot sizes shall meet the minimum lot size. Right of way which is being dedicated to the local road authority with this plat application can be used for the calculation of the minimum lot size”.
- 3. No new roads will be constructed.

RECOMMENDED CONDITIONS IF APPROVED:

1. Park dedication fees for two (2) lots at \$1,600. Fees are paid to Public Works prior to them signing the final plat mylars.
2. Limited access will be required along the entire length of County Road 42.
3. The individuals who hold the driveway easement will need to sign off on the plat or consent as they are interest holders.
4. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Adams asked if using the ROW set any precedent for meeting the 2.5-acre min.

Glines replied, the only area that this would impact is the accessory structure size as 2.5 acres as this is the threshold for 1800 sq. ft. With these lots that will be under 2.5 acres, the largest accessory structure that can be built is 1200 sq. ft.

Waytashek added that as a simple plat, the ordinance states that adding the ROW is allowed to calculate the 2.5 acres. There are instances for 5-acre parcels where the county has taken the ROW, resulting in less than 5 acres and then results in owners who are not eligible to split the parcel into (2) 2.5-acre parcels. This is why this is allowed in very specific cases such as a simple plat like this.

Jeremy Munter, 30207 152nd St NW, Princeton came forward. He stated that he had no additional comments and added that everything that he has heard so far has been agreeable.

Lawrence asked the applicant if he understood the (4) conditions.

Munter stated his understanding.

Lawrence asked Munter if he currently resided in a residence on the current parcel.

Munter confirmed that he built a home on the lot, and explained that looking at the screen, this in the upper right-hand corner. He currently lives there.

Lawrence opened the Public Hearing.

No one from the Public spoke.

Nelson moved to close the Public Hearing. Adams seconded. The motion carried and the Public Hearing was closed.

Nelson moved to recommend approval of the Plat with the (4) Conditions. Adams Seconded.

Conditions:

1. Park dedication fees for two (2) lots at \$1,600. Fees are paid to Public Works prior to them signing the final plat mylars.
2. Limited access will be required along the entire length of County Road 42.
3. The individuals who hold the driveway easement will need to sign off on the plat or consent as they are interest holders.
4. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item # 3-6:15pm

Sherburne County Planning Advisory Commission Minutes
February 20, 2020

SOLAR FARM- SolarClub 11 LLC (Property Owner: Michael & Richard Goenner) Request for an Interim Use Permit for a 1 MW Solar Farm

PID 20-214-1200, Address: 6276 – 90th St SE, Clear Lake, Section 14, Clear Lake Township 30 Acres in the Agricultural Zoning District (portion of property in Shoreland District – solar array will be located outside Shoreland District)

Lynn Waytashek, Assistant Zoning Administrator, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan & Tree Planting Diagram (date stamped December 20, 2019) B1 & B2
- C. Project Description Plan (date stamped December 20, 2019)
Decommissioning, Restoration & Repowering Plan (December 20, 2019) pgs. 12 - 15
- D. Commercial Solar Siting Guidance MN DNR May 2016

CLEAR LAKE TOWNSHIP COMMENTS (1/22/2020): Recommend approval of 1 MW community solar garden as long as all requirements from the county are met and as presented to our board.

DEPARTMENT/AGENCY COMMENTS:

James Bedell, DNR Area Hydrologist (11/12/2019): Due to proximity to public waters and open water wetlands, solar sites can be mistaken by waterfowl as open water. The DNR recommends that solar sites place non-polarizing white grids between the panels to break up the polarized reflection. Another method would be to use less reflective panels. The DNR also recommends escape routes in the event that waterfowl or other wildlife enter the site. Attached is a DNR document on commercial siting guidance, DNR recommendations can be found on page 7 (See Attachment D).

Fire Chief of Clear Lake: No comments received

County Attorney Office: No comments received

PLANNING & ZONING STAFF COMMENTS:

1. SolarClub 11 LLC is proposing to place a 1 MW solar farm on this property. There is a natural environmental lake located on the northern portion of this property. The solar farm location has been placed further to the south to stay the required 1,000 ft from the lake and keep it outside the shoreland district. This 1 MW site will take up project lease area is 8.2 acres and the fenced area containing the solar panels is 6.4 acres. The closest existing solar farm is located approximately 1,300 feet to the southwest on the west side of CSAH #8.
2. They are proposing to have three (3) new utility poles for this solar farm for connection with Xcel Energy. The new poles are located adjacent to 90th Street in the southwest corner of the property.
3. Site will have approximately 4,032 tracking solar panels that will follow the sun. The tracking system is installed in the ground with pilings at a depth of 8 ft – 11 ft.
4. Access to the proposed solar farm shall be via 90th Street SE, a township road.

5. All above and below ground equipment, wiring, concrete, etc. must be removed from site when decommissioned.
6. 7 ft tall chain link fence with barbed wire on top is proposed. The drawing submitted appears to show slats in fence to hide solar farm. Lauren Walburg the consultant from Stantec who is working on project stated in email on 1/10/2020 as she stated she did not believe slats would be installed due to fact trees were being planted around perimeter.
7. A Glare Study was not required because proposed solar farm is not utilizing a reflector solar system.

RECOMMENDED CONDITIONS IF APPROVED:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence must be chain link; slats do not need to be in links.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning & Reclamation plan date stamped December 20, 2019.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Black Hills Spruce trees around entire perimeter of the solar farm as shown on Site Plan (Attachment B2) date stamped December 20, 2019. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 30 years until December 31, 2050. This IUP is valid for SolarClub 11 LLC and Michael & Richard Goenner.
14. Access to the proposed solar farm shall be via 90th Street SE, a township road.
15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components underground conduit housing & all underground footings & posts.
16. Signage and emergency contact numbers must be posted at the access driveway to property.
17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.
18. The applicant shall allow the County to inspect the property during normal business hours.
19. The applicant shall comply with all federal, state, and local laws and regulations.

Planning Commission Discussion Followed:

Lawrence inquired if there is a minimum height for the fence.

Waytashek stated that there is a minimum height for trees, but no minimum height for the fence.

Lawrence asked if the county requires the fence.

Waytashek stated that she believed that the state electrical code requires the fence and suggested that the applicant could speak to this.

Adams confirmed that the State Electrical requirement, requires a fence with barbed wire.

Lauren Walburg, Planner with Stantec, 518 7th Ave NE Minneapolis, came forward as representative of the Solar Farm. She stated that the DNR comment regarding the application is something that she has seen before. She added that all solar panels produced these days have an anti-reflective coating on them. Stantec is happy to do escape routes in the fence as recommended. This is something that Stantec has done before.

Adams asked what an escape route would be.

Walburg stated that there are small poles in the fence towards the ground that are small enough for a small animal to get through, but not large enough for a child to get through.

Adams stated that there haven't been many solar farms put up in this area and asked what the efficiency and capacity is for the solar farms in this area.

Walburg stated that she did not know and would have to check on this. They are pretty efficient, but she would need to check.

Lawrence confirmed that the applicant understood the (19) conditions and asked if there was an issue with any of them.

Walburg confirmed that she understood the (19) conditions and there were no issues.

Vandereyk suggested adding a Condition, that the applicant be required to request a Driveway Permit from the township. The Planning Commission agreed to add this as Condition #20.

Lawrence opened the Public Hearing.

No one from the Public spoke.

Nelson moved to close the Public Hearing. Ganz seconded. The motion carried and the Public Hearing was closed.

Vandereyk moved to recommend approval with the recommended (20) Conditions, including the added condition. Schlingmann Seconded.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence must be chain link; slats do not need to be in links.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning & Reclamation plan date stamped December 20, 2019.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the

decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with a branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Black Hills Spruce trees around entire perimeter of the solar farm as shown on Site Plan (Attachment B2) date stamped December 20, 2019. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 30 years until December 31, 2050. This IUP is valid for SolarClub 11 LLC and Michael & Richard Goenner.
14. Access to the proposed solar farm shall be via 90th Street SE, a township road.
15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components underground conduit housing & all underground footings & posts.
16. Signage and emergency contact numbers must be posted at the access driveway to property.
17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.
18. The applicant shall allow the County to inspect the property during normal business hours.
19. The applicant shall comply with all federal, state, and local laws and regulations.
20. The applicant shall obtain a driveway access permit from township prior to building permit being issued.

FINDINGS:

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES** or **NO** WHY?

The proposed location of the solar farm is in an existing agricultural field. The closest adjoining neighboring house (not owned by property owners requesting IUP) is approximately 1,700 feet to the west. The remaining land adjacent to the solar farm is all agriculturally farmed properties.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** WHY?

The IUP will be valid for 30 years. If the property owner no longer wants solar panels the infrastructure can be removed and the site and be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40-acre properties under current zoning regulations.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** WHY?

Driveway access to 90th Street which is a town road. Utility lines necessary to transfer the electricity exist along 90th Street.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** Why?

There is plenty of parking available on this property needed for construction and operations.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES** or **NO** Why?

Construction of the project will involve some additional traffic. Once the solar farm is in place, traffic will be minimal.

The motion carried and is recommended by the Planning Advisory Commission to the County Board for approval.

Closing:

Nelson moved to adjourn the meeting. Aubol seconded. The motion carried and the meeting was adjourned at 6:25pm.

Submitted by Secretary, Carrie Winter.