

**SHERBURNE COUNTY
PLANNING ADVISORY COMMISSION MEETING
MINUTES**

March 15, 2018

The Sherburne County Planning Advisory Commission met at the Sherburne County Government Center in Elk River, Minnesota on March 15, 2018 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.

Lawrence called the meeting to order at 6:00 PM and advised that the Planning Advisory Commission is a recommending body to the County Board of Commissioners which will hear the agenda items on April 3, 2018 in this same location at 4:45 PM. He also went over the meeting procedures and noted that the hearings are being recorded and there are copies of packets and staff comments available for the public.

Roll call was taken. The following members were present: Chairperson Bryan Lawrence, Baldwin Township; Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Stephen Demeules, Palmer Township; County Board Commissioner Ewald Petersen; Bruce Aubol, Big Lake Township; Bryan Adams, Orrock Township; Terrance Vander Eyk, Clear Lake Township; Jeff Schlingmann, Haven Township; David Jehoich, Santiago Township

Staff present: Zoning Administrator Nancy Riddle; Assistant Zoning Administrator Lynn Waytashek; County Planner Marc Schneider; County Attorney Kathleen Heaney; Secretary Judy Weber.

David Jehoich pointed out a spelling error on page 5 of the February 15, 2018 Planning Commission Minutes.

Spencer moved and Adams seconded to approve the February 15, 2018 minutes as amended. The motion carried.

Lawrence said he had a request come in last week to move Christ Our Light Catholic Church to the first agenda item due to another conflict that the applicant had. If the Board honors that request, Lawrence said he would like to have the agenda amended to reflect that change. Nelson moved and Demeules seconded to approve the amended agenda for March 15, 2018. The motion carried unanimously.

6:00 PM

1. 6:00 PM A public hearing was held at the request of **CHRIST OUR LIGHT CATHOLIC CHURCH** (Property owners are Alois and Maureen Emmerich) Request a C.U.P. to Construct and Operate a Church Property address: 11604 293rd Ave NW, Princeton, MN Legal Desc: Parcel Numbers: 01-022-3101; 3100; 3401; 3402; 3404; 3405; 3406; 3407 Sec 22, Twp 35, Rge

26 Baldwin Township 107.34 acres total General Rural District

Lila Spencer stepped down from her Planning Commission position for the first hearing due to a conflict.

Marc Schneider presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (03/05/2018)
- C. Entry Approach (Preliminary)
- D. Letter from the Applicant, Historic Timeline for New Church Site (2 pages)
- E. CUP Operational Plan submitted by Applicant (2 pages)
- F. Supplementary Information submitted by Applicant (3 pages)
- G. Supplementary Information related to the access submitted by Applicant

BALDWIN TOWNSHIP COMMENTS: Recommended approval on 01/10/2018

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel - Deputy Co Engineer, 2/5/2018

1. The developer will be required to construct a right turn lane and bypass lane on County State Aid Highway (CSAH) 9 at the Church's western access. This work shall be performed at the developer's expense.
2. Public Works Engineering prefers a single access point to the site with the easterly access being closed. Should multiple access points be requested please verify that the land owners located adjacent to the eastern access have been made aware that this access will be utilized by the Church. Currently this access point is identified as a Driveway Easement.
3. Should the easterly access point remain open, we recommend that the access drive be paved.
4. The easterly access point was previously used as a shared driveway. There is a bypass lane on westbound CSAH 9 at this location. If the easterly access point is to remain open, the bypass lane will need to be converted to a right turn lane and construction of a dedicated left turn lane to southbound County Road 39 shall be required. This work shall be performed at the developer's expense.
5. If the developer has a concern with the proposed improvement requested, they will be required to provide a traffic study with a summary of findings and recommendations. To ensure the traffic information utilized in the study is as up to date as possible, the study shall be completed no earlier than 1 year prior to the construction work commencing on the project site. This work shall be prepared by a licensed Engineer in the State of Minnesota.
6. All work shall be performed according to applicable State and County standards.
7. An access permit is required from the Public Works Department.

STAFF COMMENTS:

1. Christ Our Light Catholic Parish is requesting a Conditional Use Permit to establish a Church on seven parcels totaling 107 acres. In 2010, two Catholic Parishes located in Princeton and Zimmerman were merged by the Diocese of St. Cloud into Christ Our Light Catholic Parish. Currently this Parish operates out of two locations. This CUP

- would allow the Parish to merge their Churches into one centrally located Church. Christ Our Light will purchase the 107 acres on contract for deed from Alois & Maureen Emmerich if the CUP is approved.
2. Projected construction for this Church is likely 5 years out, because Christ Our Light Must sell the churches in Princeton and Zimmerman and the need to raise the funds for construction. The Church will have seating for about 500 parishioners. The applicant has supplied the County with a site plan that show the church will be located over 1,000 ft. from the south lot line, 425 ft. from the east property line and 700ft. from the west lot line. There is an undesignated DNR waterbody located roughly 400ft to the north, there is not a setback from this waterbody.
 3. The applicant's site plan provides sufficient parking space for the estimated 500 parishioners in accordance with the County's Parking and Loading Regulations under Section 17, Subd.4.
 4. Because this project will result in more than one acre of land disturbance and will create, more than one acre of impervious surface the applicant will need to comply with the requirements of the County Stormwater and Erosion Control Ordinance Section 17.1. The applicant is aware of this requirement and will have all the stormwater and drainage calculations prepared in advance of developing the property.
 5. The Church will access County State Aid Highway (CSAH 9). Approximately 1,000 ft. west of the intersection of County Road 39. Deputy Co Engineer, David Roedel has reviewed the applicant's access plans and will require the applicant to construct a right turn lane and bypass lane. There is an existing dirt driveway on the east side of this property. The applicant has provided a written statement acknowledging this entrance will be gated and marked as a private drive and will only serve as an existing access to the residence located on PID 01-462-0105 or as an additional exit in an emergency situation (Attachment G) .
 6. The applicant hired Shane Steinbrecher, Licensed Septic Designer to complete a preliminary septic design for the Church. On 09/25/2017 Steinbrecher requested a Septic Soils Inspection with the County Building Official. They completed the borings and found adequate soil conditions to design a primary and secondary Type 1 septic system. The septic locations are north of the proposed Church and can be seen on the site plan (Attachment B).
 7. The Parish has met with the Baldwin Fire Chief, Scott Case and Assistant Fire Chief, Robin Fisher, the Fire Chief requested a fire lane be placed around the entire building to ensure emergency access to the entire building. The need for an engineered fire suppression plan will be required.

Lawrence asked how many of the 107 acres are considered buildable due to the amount of wetlands on the property.

Schneider said he does not have an exact calculation, but estimated it could be close to 80 acres of high ground. He noted that the development will be overlapping property lines and some of the parcels will need to be combined for the project to move forward.

Adams asked if we normally require a more specific plot plan when considering a C.U.P. for a church.

Schneider read the first recommended condition which states: “The location of any improvements on the property shall be consistent with the site plan revised March 5, 2018. A variation from this approved site plan may require an amendment to the C.U.P., subject to the opinion of the Zoning Administrator.”

Schneider explained that the applicant has demonstrated that they have adequate parking on site, and adequate acres set aside for septic systems and storm water retention. Public Works has also reviewed this and they have established strict conditions as far as turn lanes and traffic access points etc. Schneider said the C.U.P. calls out the general location of where the structure will be and it basically says that any significant variation from the approval of this site plan, may require an amendment of the C.U.P., subject to the opinion of the Zoning Administrator. For instance if they went from a 500 seat parish to a 1000 seat parish, they may be required to come back for an amendment to their permit.

Lawrence invited the applicant to come forward.

Jamie Anderson, Business Manager for Christ our Light, Patty Lundgren, member of the Land Committee and Father Kevin Anderson, Pastor of Christ our Light, came forward to address the Board.

Lawrence asked the applicants if they understood the proposed recommended conditions or if they had any comments to make.

They acknowledged that they understood.

Adams asked if condition # 5 which refers to the hours of operation from 8 am to 10 pm for small church gatherings and no daycare or school, was acceptable to the applicant.

Father Anderson answered that the Princeton Congregation has never had a school or daycare due to funding issues, and they do not intend on changing those operational plans and it is not in the plans being presented this evening. Father said as far as the hours of operation, they have rarely gone past 9 pm.

Ms Anderson mentioned that there may be an occasion when she or the janitor will need to come in earlier or later but officially, the church would not be open before 8 am or after 10 pm.

Attorney Kathleen Heaney said she presumed the church offers some level of religious instruction or nursery during the church services and perhaps there should be some clarification on this.

Father Anderson replied that they have religious instruction typically on Wednesday evenings and for the little ones, during the Sunday morning services along with a nursery for these services.

Heaney suggested condition # 5 could be clarified by adding the following (underlined) to read

“No school other than religious instructions, or no licensed daycare is permitted under this C.U.P. She said the Board should make sure we are allowing what seems to be a natural part of the church function to occur.

Lawrence commented if in ten years from now they have a demand for a school, they would have to go thru this public hearing process under a new application.

Lawrence opened the public hearing.

Craig and Brooke Burk, 11914 293rd Ave, Princeton, came forward and pointed out where they live next to the church property. He said the property to the north of them is mostly wetland area, and he wanted to know what plans the church has for that open space.

Father Anderson explained that they have nothing planned for that area, primarily because it is so beautiful and they do not want to disturb it.

Ms Burk said that was their only concern.

Lawrence asked if they are planning any ball fields or other activities on that parcel. He asked if it is a part of the grading plan or is it just going to be left natural at this time.

Father Anderson replied they are not planning to develop that property in any way. The church will be situated so that the windows overlook the natural beauty of that area.

Lawrence asked if it would be reasonable to expect that occasionally kids could be walking out there, not that it would be promoted.

Father Anderson said at this point we are not planning to say “no trespassing” however, because of the open water, it may be necessary in the future.

There were no other comments from the public.

Nelson moved and Schlingmann seconded to close the public hearing. The public hearing was closed.

Adams referred to condition # 12 “Outdoor events other than church services (i.e. concerts) may require a separate permit, as determined by the Zoning Administrator.” He asked if that might be too restrictive.

Schneider said that wording was actually incorporated from the language that the applicant had submitted with their application. They were aware that if they wanted to hold a large fund-raiser event open to the public, depending upon the determination of the Zoning Administrator, they may need to apply for an I.U.P. for an “Occasional Special Event”.

Adams suggested the word church “service” should be changed to “a special event or a non-church event”.

Heaney said it would be helpful to her for purposes of enforcement, if something more definitive could be added, for instance the number of people attending.

Lawrence remarked that many churches have an ice cream social or chicken dinner and he would not want them to have to come in for a permit for those events.

Schlingmann suggested if we are looking for a number, having an event exceeding the 500 person church capacity might require a special permit.

Lynn Waytashek reminded that condition # 12 is referring to outdoor events and not church dinners that are within the building.

Heaney said she agreed with Lynn, but she would still prefer some number in case a judgement call would have to be made in the future. She noted that having definitiveness is always helpful.

Schlingmann suggested keeping the 500 person limit.

Lawrence noted he would like to see exempting a grand opening for the church even if it should go over 500 people.

Adams suggested the following additional wording (underlined) for Item 12: “Outdoor events other than church ~~service~~ sponsored events (i.e. concerts) that exceed 500 people may require a separate permit, as determined by the Zoning Administrator. This would be exclusive of the Church’s Grand Opening.”

Lawrence proceeded to read the Findings of Fact from Sec 18, Subd 5 Item 3.

Nelson moved and Jehoich seconded to recommend approval of the C.U.P. for the construction of a Church with the following conditions which include the additional (underlined) wording to condition # 5 that state “No school other than religious instructions, or licensed daycare is permitted under this C.U.P. and leaving # 12 as worded and left up to the determination of the Zoning Administrator.

Lawrence asked if they would accept a friendly amendment to Condition # 12 that would exclude any grand opening event that may occur.

Nelson and Jehoich agreed to the amended conditions as follows:

1. *The location of any improvements on the property shall be consistent with the site plan revised March 5, 2018. A variation from this approved site plan may require an amendment to the CUP, subject to the opinion of the Zoning Administrator.*
2. *Any parcels that are going to have structural improvements (e.g. driveways, parking lots, buildings, septic and stormwater infrastructure) need to be combined into a single parcel.*
3. *The developer will be required to construct a right turn lane and bypass lane on CSAH 9 at the developer's expense. Access will be located roughly 1,000ft west of the intersection of County Road 39. All work shall be performed according to applicable State and County standards. An access permit is required from the Public Works Department. If the developer has a concern with the proposed improvement requested, they will be required to provide a traffic study with a summary of findings and recommendations. To ensure the traffic information utilized in the study is as up to date as possible, the study shall be completed no earlier than 1 year prior to the construction work commencing on the project site. This work shall be prepared by a licensed Engineer in the State of Minnesota.*
4. *The eastern driveway that accesses the residence located on PID 01-462-0105 must not be used as an access to the Church. The applicant must install a gate 1,300 ft. north of the centerline of CSAH 9 to prevent use of this access. The gate must be posted with a sign stating emergency exit only.*
5. *Days and hours of operation will be daily 8:00AM – 10:00PM for liturgies, small group gatherings, educational sessions, and social events. No school other than religious instructions or licensed daycare is permitted under this CUP.*
6. *A Building Permit is required from the Planning and Zoning Department. Building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.*
7. *Fire suppression plan must be prepared by a licensed engineer or equivalent professional and submitted with the Building Permit Application. A fire lane must be placed around the entire building to ensure emergency access to the entire building. A copy of the fire suppression plan must be submitted to the Baldwin Fire Chief who will have the opportunity to comment on prior to the County issuing the building permit.*
8. *The primary and secondary septic system areas shall be fenced during site grading and construction activities and remain protected from soil compaction forever. The areas may not be used for storage or parking due to potential soil compaction making them ineffective as properly functioning septic system sites.*
9. *Parking areas and access drives shall be improved with bituminous or better paving and have proper surface drainage.*
10. *Exterior lighting shall be directed away from residences and the public right-of-way*
11. *When the yard is landscaped, landscaping shall be attractive and well-kept.*
12. *Outdoor events other than church services (i.e. concerts) may require a separate permit, as determined by the Zoning Administrator. This would be exclusive of any Grand Opening event that may occur.*
13. *The applicant shall comply with Zoning Ordinance Section 17, Subdivision 1. Sign*

- Regulations, a permit for any signs are required from the County Zoning Department.*
14. *Prior to any grading on site the owner must obtain a Stormwater and Erosion Control Permit from the County Zoning Department and comply with the requirements of Section 17.1 Stormwater and Erosion Control. All new construction in Sherburne County that results in more than one acre of impervious surface must comply with Zoning Ordinance Section 17.1, Subdivision 10 Post-Construction Stormwater Management.*
 15. *A National Pollutant Discharge Elimination System (NPDES) NPDES Permit is required from the Minnesota Pollution Control Agency is required prior to disturbance of one or more acres, the owner must obtain an NPDES permit from the MN Pollution Control Agency.*
 16. *Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the CUP.*
 17. *The property owner shall allow the County to inspect the property during normal business hours.*
 18. *The applicant shall comply with all local, state, and federal laws and regulations.*
 19. *The Planning Commission made the findings in Section 18, Subd 5, Item 3 of the Zoning Ordinance.*

The motion carried unanimously and is recommended to the County Board for approval.

Lila Spencer resumed her position on the Planning Commission.

2. 6:30 PM A public hearing was held at the request of **DONALD J. WILLING** for an I.U.P. to operate an Auto Repair and Body Shop due to a change in ownership of existing I.U.P. #51129 Doc # 787623 (Change ownership from Rays Auto Body Inc., to Ray's Auto Body Shop and Willing Prop) Property address: 31320 125th St NW, Princeton, Mn Legal Desc: Lot 6 Block 2 Georgetown First Addition Sec 9, Twp 35, Rge 26 Baldwin Township .73 acres Commercial District

Schneider presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Letter from the Applicant
- C. Site Plan
- D. Photos of Property 1-3

BALDWIN TOWNSHIP COMMENTS: Recommended approval on 02/05/2018

OTHER DEPARMENT/AGENCY COMMENTS: None

STAFF COMMENTS:

Donald and Mary Willing are purchasing Rays Auto Body of Princeton and are requesting an Interim Use Permit to continue to operate Auto Body and Repair Shop. In accordance with Section 16.2, Subdivision 2 of the County's Zoning Ordinance, changes in ownership requires the new owner to obtain a new IUP.

Ray's Auto Body obtained an IUP in May 2014 for a Mechanical or Body Auto Repair and Business Selling Vehicles and Trailers and RV's. The applicant is requesting an IUP for Auto Repair and Body Shop that includes restoration of vehicles, glass replacement, vehicle accessories U haul rentals. They are not requesting auto or trailer sales.

There are approximately 20 parking spaces.

There is an existing 6'x12' sign for this business that complies with Section 17, Subdivision 1. Sign Regulations.

Lawrence questioned since Ray's Auto Body Inc. will be maintaining ownership of the other parcel (on the west side), what is the repercussion on his existing I.U.P. on the portion that he is continuing to own.

Schneider pointed to the two parcels on the overhead screen. He said it is his understanding that the I.U.P. will be terminated due to the change of ownership and he did not believe it would remain on Ray's parcel.

Lawrence asked, technically wouldn't it still be on the parcel that did not change ownership, unless Ray's Auto Body choses to give it up? Lawrence stated that he has not talked to Ray and he does not know his wishes so he guesses his I.U.P. should be maintained on his parcel unless he has requested otherwise.

Heaney asked if Ray's Auto Body is present this evening.

Lawrence said that he is not, only the new applicant and he would hate to take action to terminate the IUP without Ray's consent.

Schneider explained they were only requesting the new I.U.P. on eastern parcel and we assumed the old I.U.P. would terminate. He said this issue was not brought to my attention before now.

Schlingmann asked if an I.U.P. is on the land or on the use.

Heaney advised this could be done in two steps. First by amending the existing I.U.P. to narrow the legal to only encompass one of the parcels. Second, after that amendment to remove the old I.U.P., the new I.U.P. can be proposed for the eastern parcel.

Lawrence asked if the Board is able to deal with the request this evening. He noted that Ray still has buildings on his parcel, but he didn't believe his intention is to continue with his auto-body business.

Schneider explained that Willing has made application for an I.U.P. on this one parcel that they now own. Since the property transfer has occurred and Ray is no longer the owner, his I.U.P. no longer exists on the Willing parcel. He believed that the new owners can move forward because it is a separate and independent request. Schneider said there may be some housekeeping that will need to occur once it is determined what Ray's wishes are for his parcel.

Riddle said that normally they would revoke the existing I.U.P. at the same public hearing.

Heaney agreed and said that typically, amending an I.U.P. requires a public hearing.

Nelson said he thought the I.U.P. automatically expires upon change of ownership.

Lawrence agreed, but only a portion of his land was sold and we do not know what his intent is for the existing buildings on the parcel he is keeping.

Schneider said this is in a Commercial District and he could have many other permitted uses for his property without an I.U.P., such as mini storage or seasonal storage etc.

Riddle advised that the Board should go ahead and take action on this I.U.P. request with the recommendation that before it goes to County Board we need to deal with Ray's wishes on his existing I.U.P.

Lawrence invited the applicant to come forward.

Mary Willing 31320 125th St NW, Princeton, commented that the remaining parcel that they did not purchase is used for storage for cars, boats, motors, etc. She did not believe Ray had any intentions to do anything other than what he is doing currently.

Lawrence said he would like Ray to confirm that with Staff.

Riddle asked if they are going to have the same name.

Willing said that because of the new ownership, they changed the name slightly from Ray's Auto Body of Princeton, to Ray's Auto Body Shop of Princeton. She said they bought the business and the land and they chose to keep the name similar because it has been a business for twenty one years and people tend to come back because of the name recognition.

Lawrence asked if she understood and agreed to the thirteen recommended conditions.

Willing replied that she did.

Lawrence opened the public hearing.

Dan Howard, 33572 Zenon Drive NW, Princeton, Mn came forward. He said he noticed on line that they also offer car rentals.

Willing replied that they will not have any car rental, only U-haul rentals.

Lawrence said if that is their intent, it is best to let this Board know about that now.

Willing explained that Ray was originally selling cars, trailers and Hertz rentals, however they will not be doing any of those, only the U-haul rentals.

There were no other comments from the public.

Schlingmann moved and Adams seconded to close the public hearing.

Motion carried and the public hearing was closed.

Lawrence had read the findings of fact into the record earlier in the evening.

Schlingmann moved and Spencer seconded to recommend approval of the request for an I.U.P. to operate an Auto Repair and Body Shop due to change in ownership and with the following thirteen conditions:

- 1. Adequate off-street parking shall be available for business use. At a minimum, (1) parking stall shall be provided per 250 sq. ft. of office space floor area per Sect 17, Subd 2. (10K) of the Zoning Ordinance. Parking shall be on a durable surface, such as concrete, asphalt, or gravel (not grass or dirt).*
- 2. Auto body repair and painting shall be conducted within a facility compliant with OSHA and MN Building Code regulations. There shall be no vehicle repair or body repair work outside.*
- 3. The business shall not be a processing facility for salvaged auto parts for scrap metal. If any vehicle is brought on-site leaking fluids, fluids must be promptly drained and properly disposed. The business shall maintain a Hazardous Waste Generator license if required by the MPCA.*
- 4. Any vehicle parts stored outside must be stored in an enclosed fenced in area, not visible from adjoining properties or the street.*
- 5. There shall be no more than two unlicensed and inoperable vehicles stored outside.*
- 6. No vehicle shall be parked within the 10' parking/driveway setback from the property line.*
- 7. All exterior lighting shall be directed away from the public right-of-way.*
- 8. The business shall comply with Section 17, Subd 2 of the Zoning Ordinance regarding signs within the Commercial District.*
- 9. The septic drainfield area shall be protected from being driven on or parked on.*
- 10. The applicant shall allow the County to inspect the property during normal business hours.*
- 11. The applicant shall comply with all federal, state, and local laws and regulations.*
- 12. This IUP is issued to Donald and Mary Willing, DBA Ray's Auto Body Shop of Princeton, and shall expire with a change in ownership.*
- 13. Findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance are met.*

The motion carried unanimously and is recommended to the County Board for approval.

3. **KEVIN AND LORI TROSETH:** Request Preliminary and Final Residential Simple Plat approval of “TROSETH ESTATES” consisting of 2 lots (Existing residence on proposed Lot 2 Block 1) Property address: 10784 313th Ave NW, Princeton, MN Legal Desc: W1/2 of W1/2 of NE1/4 (full legal on file) Sec 11, Twp 35, Rge 26 Baldwin Township 39.33 acres total Rum Scenic River District

Schneider presented the request including the Board’s packet attachments, comments and staff recommended conditions.

BOARD’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary & Final Plat Dated 20/20/2018
- C. Letter from Surveyor Dated 01/10/2018

BALDWIN TOWNSHIP COMMENTS: Recommended approval on 01/08/2018

OTHER DEPARMENT/AGENCY COMMENTS:

- David Roedel - Deputy Co Engineer, 2/26/2018 all other concerns were addressed. Park fees are not required no new parcels are being created.
- Mike Lindenau - Ditch Inspector 12/11/2017 no concerns.
- Amy Rowan- Property Tax Manager 12/11/2017 no concerns.
- Russ Heiling - County Surveyor 2/26/2018 comments have been addressed.

STAFF COMMENTS:

1. The applicants are requesting to alter the existing property line that separates PIDs 01-011-1300 and 01-011-1202. The applicant is proposing to shift the lot line that separates these two parcels from east to west to a north south lot line.
2. The exiting house on PID 01-011-1300 had a septic compliance completed 01/10/2018 and was found to be in compliance.

Schneider pointed to the parcels on the aerial photo and explained that the property owner is looking to modify their property line and to give better road access to both parcels. He also noted that there are a lot of contours on the map including drainage, floodplain and pipeline easements. He said it is a busy simple plat and even with the large acreage, the buildable area on the each lot is only at 47,000 square feet.

Schneider said there had been a request earlier for an Administrative Split on these two parcels that was denied because they did not meet the minimum requirements.

Lynn Waytashek said she believed they had asked to alter one of the property sizes more than the 50% maximum requirement.

Lawrence opened the public hearing.

Kevin and Lori Troseth, 10734 313th Ave NW, Princeton, MN came forward.

Lawrence asked if they had any comments or questions regarding their request.

Troseths replied they did not.

There were no other comments.

Nelson moved and Schlingmann seconded to close the public hearing.

The public hearing was closed.

Nelson moved and Spencer seconded to recommend approval of the request for Preliminary and Final Residential Simple Plat approval of “Troseth Estates” consisting of 2 lots (existing residence on proposed Lot 2 Block 1) and with the following conditions:

1. *Lot 1 & 2 share driveway access at lot line.*
2. *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 unanimously and is recommended to the County Board for approval.

4. 6:50 PM A public hearing was held at the request of **IDEALITY DEVELOPMENT** for Preliminary and Final Residential Simple Plat approval of “RUM RIVER BLUFFS” consisting of 3 Lots Legal Desc: SE1/4 of NW1/4 with exceptions (full legal on file) Sec 2, Twp 35, Rge 26 Baldwin Township 32.53 acres General Rural District

Waytashek presented the request including the Board’s packet attachments, comments and staff recommended conditions.

BOARD’S PACKET ATTACHMENTS:

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

BALDWIN TOWNSHIP COMMENTS: Recommended approval at Jan 8, 2018 meeting.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy Co Engineer (Dec 21, 2017) Lots 1 & 2 would need to share an access. The proposed 66 ft driveway easement in the SE corner of the plat and access to Co Rd 37 is acceptable for a single-family residential driveway because the parcel is otherwise landlocked. A future access to Co Rd 37 should it be desired that the driveway become a roadway and serve multiple properties through this location will not be permitted. Trees shall be cleared to the right-of-way line. Fencing and other obstacles shall be removed from the right-of-way.

Mike Lindenau, Ditch Inspector (Dec 12, 2017) No issues.

Amy Rowan, Property Tax Manager (Dec 11, 2017) No issues. No ditch benefit.

Russ Heiling, County Surveyor (Jan 17, 2018) Comments have been addressed.

ZONING STAFF COMMENTS:

1. Property had approval as a cluster plat, developer allowed extension to expired and is now platting as a simple three (3) lot plat.
2. Existing CUP issued in 1989 for a Mobile Home to be used by former owner of farm until cows and machinery are sold, one year maximum. CUP should be revoked by County Board as condition of approval.

Dan Howard, Ideality Development, came forward and clarified that this was first submitted as a Cluster Plat, which was withdrawn and later re-submitted as a Standard Preliminary Plat. After multiple extensions, it was eventually allowed to expire, and now they are submitting it as a Simple Plat of three lots.

Lawrence said he remembers that the curve in the County Road had been an issue in the past but it sounds like that has been worked out with the Public Works Department.

Waytashek stated that a shared driveway will be required along the common property line of Lots 1 and 2. At the southern portion of Lot 3 they have a proposed 66' wide private easement that cannot become a road at any time, but will be utilized for access to that lot and will also provide a field access to the larger metes and bounds tract to the south.

Howard said that tract to the south is about 39 acres and is mostly floodplain.

Lawrence opened the public hearing.

David and Lisa Beck, 10821 325th Ave. NW., Princeton came forward. Ms. Beck said they own the property labeled as an exception directly south of Lot 3. She said her only question is with their existing driveway located on the same corner. She said they wanted to make sure that they are still able to access Co Rd 37.

Waytashek noted that the according to the aerial photo, their property may not even abut up to the road right of way. She suggested they contact the Public Works Department to see if they have access to the road or a driveway access permit.

Ms. Beck said that driveway access has been there since 1965 and they are concerned because the first time a plat came forward on this property, the Highway Department did not want to allow their access on that corner. She said they wanted to make sure that approving this plat would not hinder their rights to have their access.

Waytashek suggested they contact David Roedel, Deputy Engineer from the Public Works Department to discuss their concerns.

Riddle explained that the original plat involved more of an entrance road into the property, and they may have wanted the Becks to gain access to that main road. She said this may be a different situation, since it is just a private driveway, but it is still up to the Public Works Department as to where they would allow an access.

Schneider said that even with their existing field road, if the Becks were going to build a house on that parcel today, they would still have to verify with Public Works if it meets county standards, regardless of this plat.

Ms. Beck said she understood that, but was concerned that approving this plat with the additional access on the corner, could restrict their rights to access their property in the future. She said she does not have a problem with the plat, but is afraid of losing their access and being landlocked.

Howard stated that they both have existing accesses there now that are probably 60' apart. He noted that when he met with the highway department on their site, their biggest concern was not how close they were together, but where they were located on the corner for vision purposes.

Heaney stated that if there are existing accesses, we have always worked with people in terms of insuring that they continue to have their access. As far as the private easement showing up on the final plat, a document would have to be drafted and immediately filed subsequent to the plat filing.

Adams asked if a possible solution could be that the applicant provide access to this parcel from their private driveway easement.

Lawrence said that should be discussed with the Highway Department.

There were no other comments.

Nelson moved and Demeules seconded to close the public hearing. The motion carried.

The public hearing was closed.

Eyk questioned if the County requires that a private easement be dedicated prior to the plat dedication and be shown on the final plat together with the document number.

Heaney said that typically, if it is not a public dedication such as for a road or a utility easement, it does not need to be a part of the plat itself.

Schlingmann moved and Spencer seconded to recommend approval of the request for Preliminary and Final Residential Simple Plat approval of “RUM RIVER BLUFFS” consisting of 3 Lots and with the following six conditions:

- 1. Proposed improvements include 3 lots. No houses currently exist on the lots and will require an \$800 Park Dedication fee for each lot, for a total of \$2,400.*
- 2. Lot 1 & 2 must share driveway access at lot line.*
- 3. Trees and any other obstacles have to be cleared to right-of-way line by property owner prior to driveway access permit being issued by Public Works Dept.*
- 4. The 66 ft wide driveway easement in southeast corner of plat is acceptable as a driveway only. It will not be allowed to become a future township road and serve multiple properties.*
- 5. Existing CUP # 8499 recorded as document #228858 must be revoked by the County Board.*
- 6. 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 unanimously and is recommended to the County Board for approval.

5. 7:05 A public hearing was held at the request of **LARRY L. & GAIL KREAGER AND KORY AND CANDICE KREAGER** for Preliminary and Final Residential Simple Replat approval of “KREAGER RIDGE” consisting of 2 existing lots with existing residences Property addresses: 23668 180th St NW and 23622 180th St NW, Big Lake, MN Legal Desc: Lots 1 and 2 LG Ridge Sec 32, Twp 34, Rge 27 Orrock Township Total acreage is 9.39 acres General Rural District

Waytashek presented the request including the Board’s packet attachments, comments and staff recommended conditions.

BOARD’S PACKET ATTACHMENTS:

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

ORROCK TOWNSHIP COMMENTS: Vacation of existing drainage easement completed. Resolution attached. Board has no Town concerns. Ask that Kreager’s meet all County requirements.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy Co Engineer (Nov 16, 2017) No concerns. Not adjacent to Co Road.

Mike Lindenau, Ditch Inspector (Nov 15, 2017) No issues.

Amy Rowan, Property Tax Manager (Nov 17, 2017) No issues.

Russ Heiling, County Surveyor (Feb 20, 2018) No further comments.

John Korzeniowski, MN DNR Area Forest Supervisor (November 16, 2017) No concerns from DNR Forestry with the replat as proposed.

ZONING STAFF COMMENTS:

- A. Proposed plat is to alter an existing lot line between two (2) existing platted lots.
- B. Existing drainage and utility easements between Lots 1 & 2 was vacated by township at their January 31, 2018 meeting. The Township has recorded the vacation document.
- C. No park fees to be collected. This is just a lot line adjustment. No new lots being created.

Waytashek stated not many years ago they platted this as a two-lot plat, but since that time they have determined they would like to alter the lot lines. In order to do that they have to replat the property through the Simple Plat process.

Lawrence invited the applicants to come forward.

Larry Kreager, 23668 180th St., Big Lake and Kory Kreager, 23622 180th St., Big Lake commented that they were simply trying to create a little more space to put up a garage or pole shed.

Lawrence opened the public hearing. There were no comments.

Adams moved and Schlingmann seconded to close the public hearing. The motion carried.

The public hearing was closed.

Adams moved and Spencer seconded to recommend approval of the Preliminary and Final Residential Simple Replat of "KREAGER RIDGE" consisting of 2 existing lots with existing residences and with the following condition:

- 1. *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 unanimously and is recommended to the County Board for approval.

- 6. 7:10 PM A public hearing was held at the request of **DG MINNESOTA CSG, LLC** (Property owner is Aggregate Industries-North Central) for a new I.U.P. to construct and operate a 5 MW Community Solar Garden due to a change in ownership on existing I.U.P. # 55974 Doc # 837242 (Change ownership from MN Solar Community, LLC to DG Minnesota CSG, LLC) Legal Desc: Th pt of N1/2 of NE1/4 & Pt of NE1/4 of NE1/4 (full legal on file) Sec 30, Twp 35, Rge 30 Haven Township 48.87 total acreage Agricultural District

Waytashek presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (Sheet#C201, date stamped 10-13-2017)

HAVEN TOWNSHIP COMMENTS: Positive comment received by township on Feb 27, 2018.

STAFF COMMENTS: Building permit for project was issued last fall. Construction of solar farm is in process. Requesting change in ownership names.

Waytashek explained this is a simple change in ownership. They have already applied for a building permit and are in the construction process. The conditions have all essentially remained the same.

Lawrence asked if any additional conditions have been added.

Waytashek replied no.

Lawrence asked the applicant to come forward.

Joe Hamel, Nextera Energy, 700 Universe Blvd., C1A, June Beach, FL 33408 came forward and stated this would simply be a change in ownership. The project will remain with the same company that is currently building it. He said it is more of an internal merger that has occurred that will lessen the administrative and expense burdens. It is a consolidation into a final entity which is DG Minnesota CSG, LLC.

Lawrence opened the public hearing. There were no comments.

Schlingmann moved and Jehoich seconded to close the public hearing. The motion carried.

The public hearing was closed.

*Schlingmann moved and Spencer seconded to approve the request of **DG MINNESOTA CSG, LLC** (Property owner is Aggregate Industries-North Central) for a new I.U.P. to construct and operate a 5 MW Community Solar Garden due to a change in ownership on existing I.U.P. # 55974 Doc # 837242 (Change ownership from MN Solar Community, LLC to DG Minnesota CSG, LLC) with the following twenty-four conditions:*

1. *Access to the solar garden should align directly opposite of 49th Street on the west side of CSAH 8. All other field access driveways shall be removed. Buffer trees must be planted both outside the County roadway easement or right-of-way and outside of the 30 ft clear zone (measured from the outside edge of the travelled through lane). A northwest-bound right turn lane must be constructed to MnDOT State Aid standards at their access point opposite of 49th Street. This right turn lane needed for construction purposes can then remain in place to service the site in the future. Access permit required.*
2. *Construction trailer, laydown area and temporary toilets must be located on the southeast side of the property.*

3. *Prior to any building permit being issued DG Minnesota CSG, LLC must submit a letter to the Zoning Department, from the Sauk Rapids Fire Chief, that all requested safety information and training has been provided to the fire department and adequately addresses their concerns.*
4. *No activities such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur onsite until the applicant submits a signed 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.*
5. *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.*
6. *The applicant must maintain compliance with their NPDES permit and provide the Planning & Zoning Department with the notice of termination once construction activity has ceased and final vegetation has been established.*
7. *The applicant must maintain compliance with the Stormwater and Erosion Control Permit until final vegetation has been established and approved by the Planning & Zoning Department.*
8. *Operational hours allowed during construction of the facility are Monday through Friday 8AM - 5PM.*
9. *Property owner shall ensure that MPCA day and night time noise standards are not exceeded at any time.*
10. *Signage and emergency contact numbers must be posted at the entrance.*

11. *All solar panels and accessory equipment will meet the required 50 ft setback from a property line. In addition all solar panels and accessory equipment must be setback back at least 130 ft from the centerline of CSAH 8.*
12. *A six (6) foot tall galvanized chain-link perimeter fence will be installed for safety and security around the perimeter of the project prior to solar panels being installed.*
13. *Fencing shall meet the 50' setback from all property lines. Fence may not be installed within road easement or right-of-way.*
14. *DG Minnesota CSG, LLC must install 6 foot high coniferous trees around all sides of the property. The trees must be planted no more than 16 feet apart on center and staggered in two (2) rows. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.*
15. *The applicant must maintain compliance with their building permit.*
16. *The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. DG Minnesota CSG, LLC will be responsible for vegetation control and weed management during the projects operating life.*
17. *Decommissioning of the project shall involve removal of the project's components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts.*
18. *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. All components and materials must be cleaned up, recycled, disposed of properly and site restored within one (1) year of IUP expiring or solar panels not being used.*
19. *This IUP is to be valid for 30 years until December 31, 2048. This IUP is valid for Aggregate Industries – North Central and DG Minnesota CSG, LLC.*
20. *Existing IUP # 55974 recorded as Document # 837242 will be revoked by County Board when new IUP is approved/recorded.*
21. *This provision allowing for a change in ownership or control shall not permit the applicant and/or business entity to transfer the IUP to a separate entity without submitting a new IUP application for a Solar Farm as required by Section 16.2, Subdivision 20E of the County Zoning Ordinance.*
22. *The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.*
23. *The applicant shall comply with all federal, state, and local laws and regulations.*
24. *The applicant shall allow the County to inspect the property during normal business hours.*

Lawrence reminded that when these solar farms were originally approved, there was a huge discussion regarding this very fact of ownership and who is responsible long-term. He asked Staff if all of that has been worked out as far who is responsible for decommissioning and where and how the money is being set aside.

Waytashek said that all has been included and spelled out in the conditions of the permit.

The motion carried unanimously and is recommended to the County Board for approval.

7. 7:13 PM A public hearing was held at the request of **DG MINNESOTA CSG, LLC:** (Property owners are Jeffrey & James W. Sanford) for a new I.U.P. to Construct and Operate a Solar Farm due to a change in ownership of existing I.U.P. # 54271 DOC # 820029 (Change ownership from SEV MN 1 LLC to DG Minnesota CSG, LLC) Parcel Numbers: 10-323-3101; 2401 (full legals on file) Sec 23, Twp 33, Rge 28 Big Lake Township 106 total acreage Agricultural District

Waytashek presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (Sheet# C101) date stamped 3-7-2018

BIG LAKE TOWNSHIP COMMENTS: Town Board has no concerns with the IUP name change request.

STAFF COMMENTS: Requesting a name change. All utility poles proposed previously have been removed from project. All electric will be underground. The tallest item on the site would be the LV switchgear. Total height from ground would be 11 ft at most. There will be five of them located in the middle of the solar arrays.

Lawrence called the applicant to come forward.

Joe Hamel, Nextera Energy, 700 Universe Blvd., C1A, June Beach, FL 33408 came forward and stated this is also an internal change in ownership. The project is currently under construction and they intend to abide by all of the same conditions including the decommissioning.

Waytashek reminded that the Sanford property had a great deal of discussion about all of the utility poles. She noted that 5 LV switchgears will now hold the electrical components and all of the poles have now been eliminated and are located underground and in the center of the solar panels. They are no more than 11' in height and the solar panels are 10' in height, so basically they will no longer be impacting the view of the residents.

Hamel agreed and reiterated that they are going completely underground to the point of interconnection and the boxes are taking place without the utility poles.

Aubol said this came to us in many different approaches. He asked if there will be another phase once this one has been completed.

Hamel replied that they will not be able to come with another phase plan, based upon the rules within Xcel's program. He said this five megawatt solar farm is the complete project and they are not planning upon extending that and any remaining land will continued as is or lay dormant.

Lawrence opened the public hearing.

Jerry Pavlik, 19520 207th St, Big Lake, MN said he is affected by this particular project, and he said it has been clearly written that there are two phases, the second being fifteen megawatt. He asked if this means if Sanford changed his mind, and decided to come back with another phase, would he be required to come back before this Board again to get approval.

Waytashek informed Pavlik that the conditions under this new permit has been changed to reflect only one phase. She stated there is also condition # 20 which requires that the existing two I.U.P.'s on this property be revoked when the new I.U.P. has been approved by the County Board. So yes, she said that another phase would require a whole new application and public hearing.

There were no other comments.

Nelson moved and Spencer seconded to close the public hearing. The motion carried.

The public hearing was closed.

*Adams moved and Nelson seconded to recommend approval of the request of **DG MINNESOTA CSG, LLC**: (Property owners are Jeffrey & James W. Sanford) for a new I.U.P. to Construct and Operate a Solar Farm due to a change in ownership of existing I.U.P. # 54271 DOC # 820029 (Change ownership from SEV MN 1 LLC to DG Minnesota CSG, LLC) with the following twenty three conditions:*

- 1. Solar Farm will be 5 MWs. Site layout is shown on site plan date stamped 3-7-2018. No utility poles will be on project. 5 LV switchgears will hold the electrical components. They will be located in the middle of the solar arrays and have a maximum height of 11 feet.*
- 2. Building permit required for on-site supply structure if over 200 sq ft in size.*
- 3. If the required slatted privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans.*
- 4. The applicant must maintain compliance with their NPDES permit and provide the Planning & Zoning Department with the notice of termination once construction activity has ceased and final vegetation has been established.*
- 5. The applicant must maintain compliance with the Stormwater and Erosion Control Permit until final vegetation has been established and approved by the Planning & Zoning Department.*
- 6. All solar panels and accessory must be setback 80ft from the property line. The fence will be setback 50 feet from the property line.*
- 7. Operational hours allowed during construction of the facility are Monday through Friday, 8AM – 5PM.*
- 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. Decommissioning of the project shall involve removal of the projects components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts.*

9. *Prior to issuance of a building permit for each phase of 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, such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur on site until the applicant submits a signed interconnection agreement as required by Section 17, Subd. 17(1)(A) of the ordinance permitting the full scope of each phase of the project and proof that the full scope of each phase of the project is permitted by the Minnesota Public Utilities Commission.*
11. *A restricted access galvanized chain-link slatted privacy perimeter fence and gate topped with three (3) strands of barbed wire, with an overall height of 7ft - 8 ft will be installed for safety and security around the perimeter prior to solar panels being installed. The barbed wired fence along the west property line will be tilted inward away from the residences if it does not violate the safety code.*
12. *Property owner shall ensure that MPCA day and night time noise standards are not exceeded at any time.*
13. *The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. DG Minnesota CSG, LLC will be responsible for vegetation control and weed management during the projects operating life.*
14. *DG Minnesota CSG, LLC install 6 foot high coniferous trees around all sides of solar farm. The trees must be planted staggered two rows with trees planted 16 feet apart. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees*

- must be replaced on a yearly basis.*
15. *Access to the property for both construction and the permanent facility will be across a recorded cartway Document#158754. All access must be from the east off 200th Street across the cartway. No access through residential subdivision will be permitted except for Xcel Energy as required for maintenance access. No access from US Highway 10 will be permitted.*
 16. *The portion of the cartway Document #158754 must be vacated on PID#10-323-3101 by Big Lake Township prior to any building permits being issued for solar project construction/installation if the project is proposed to be built within 100 ft of the cartway.*
 17. *Signage and emergency contact numbers must be posted at the entrance.*
 18. *Must comply with MN Dept of Agriculture and MN DNR regulations for well maintenance and obtain and maintain all required permits.*
 19. *This IUP is to be valid for 30 years until December 31, 2048. This IUP is valid for Jeffrey & James Sanford and DG Minnesota CSG, LLC.*
 20. *Existing IUP # 54271 recorded as Document # 820029 & IUP # 53773 recorded as Document # 816604 will be revoked when the new IUP is approved/recorded.*
 21. *The County Planning Commission has made the findings listed in Sect 18, Subd 6(4) of Zoning Ordinance.*
 22. *The applicant shall comply with all federal, state, and local laws and regulations.*
 23. *The applicant shall allow the County to inspect the property during normal business hours.*

The motion carried unanimously and is recommended to the County Board for approval.

8. 7:15 PM A public hearing was held at the request of **DG MINNESOTA CSG, LLC:** (Property owner is Barton Sand and Gravel Co) for a new I.U.P. for a Solar Farm Development due to change in ownership and new layout of the existing I.U.P. # 54223 Doc # 822214 (Change ownership from SEV MN 1 LLC to DG Minnesota CSG, LLC) Legal Desc: SE1/4 of NW1/4 and NE1/4 of SW1/4 W of CSAH 8 (full legal on file) Sec 14, Twp 34, Rge 30 Clear Lake Township 50 acres Agricultural District

Waytashek presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan – date stamped Feb 5, 2018 (Sheet #E-101-01)

CLEAR LAKE TOWNSHIP COMMENTS: The township has no problem with the applicants request as long as all requirements of the County are met. NOTE: The developer has agreed to work with the township in using the well that exists on the property as a fill station for the Clear Lake Fire Dept.

OTHER DEPARMENT/AGENCY COMMENTS:

David Roedel, Public Works Dept (3-7-2018) – No access to CSAH 8 will be allowed. Access is available off of 58th Ave SE. Developer shall coordinate access location with Township. Any

work performed within the CSAH 8 right-of-way will require a permit. Coordinate with Public Works if work within right-of-way is necessary.

STAFF COMMENTS: This is a 5 MW solar farm that obtained approval previously under a different name. They have changed the layout and are okay with the previous IUP being revoked when this IUP is approved. All other conditions have essentially remained the same.

Waytashek noted that the existing I.U.P. on this property will also be revoked upon the approval of the new I.U.P. (Condition # 25). She noted some of the changes and explained that it is a five megawatt solar farm and they have changed the existing layout a bit to include the avoidance of the wetland in the southwest corner of the property. Waytashek noted that trees are being placed around the entire area including around the utility poles that are adjacent to CSAH 8 and she added that the full list of conditions are listed in the packet.

Lawrence asked the applicant to come forward.

Joe Hamel, Nextera Energy, 700 Universe Blvd., C1A, June Beach, FL 33408 came forward and stated the main change in the layout is due to increasing the number of poles from ten to fifteen. He explained that when you interconnect into the Xcel system on the CSU program, they require three poles per megawatt. The original I.U.P. only included two poles per megawatt which did not allow them to do the overhead solution that they were looking for. Hamel said these poles will be behind the existing proposed landscaping. Additionally, he noted the wetland that was later identified just prior to submitting their application. He said they have completely avoided that wetland and will abide by the required setbacks.

Hamel also noted the current permit said the access needs to be south of 92nd Street, and they are requesting that it be directly across from it. He said this was also agreed upon with the township and is shown in the current layout drawing presented this evening.

Aubol asked if there is a determination for the height on the poles.

Hamel said his rough estimation would be thirty to forty five feet depending upon the design by the Xcel designer.

Aubol asked if that fifteen foot variation is because of the location to the road right-of-way.

Hamel explained that the variation has more to do with the equipment that is on the poles. He said it depends upon whatever is required for the span of the poles depending upon the different power limits and the type of hardware that may be needed on top. He said he did not have the expertise to speak to that more extensively.

Hamel also mentioned that there is a well on site near CSAH 8 that the township has requested they keep for fire department purposes and for farming, and they intend to do so. He also noted another well near 58th Avenue. Hamel said the project's footprint is not on top of that well, so their intention would be to try and keep that one also.

Lawrence opened the public hearing.

There were no comments.

Nelson moved and Schlingmann seconded to close the public hearing. The motion carried.

The public hearing was closed.

Heaney asked if the Township would like to add a condition that these wells are kept.

Ike stated that the Clear Lake Fire Department was looking for a supplemental well and the Township had made the request to salvage the well near CSAH 8.

Heaney asked if the Township would like to make that a condition.

Ike stated he felt that would be a prudent move to protect that well on CSAH 8 and to keep some kind of collaboration between the township and the applicant regarding the well on 58th Avenue.

Lawrence asked the applicant if he would be agreeable to adding condition # 26 that maintains the use of those two existing wells for township fire department and farming purposes.

Hamel replied he believed their intention was to keep the well on CSAH 8 so he would definitely be agreeable to including that as a condition. As far as the well on 58th Avenue, he said that they would work to keep it but he was not prepared to make a guarantee on that this evening. From his understanding, he thought the Township was mostly concerned with the well on CSAH 8.

Ike agreed and said that was correct.

*Demueles moved and Adams seconded to recommend approval of the request by **DG MINNESOTA CSG, LLC**: (Property owner is Barton Sand and Gravel Co) for a new I.U.P. for a Solar Farm Development due to change in ownership and new layout of the existing I.U.P. # 54223 Doc # 822214 (Change ownership from SEV MN 1 LLC to DG Minnesota CSG, LLC) with the following conditions which includes the twenty sixth condition regarding the preservation of the well on CSAH 8:*

- 1. No access to/from CSAH 8 will be permitted. Driveway access will be south of 92nd Street on 58th Avenue.*
- 2. No activities such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur onsite until the applicant submits a signed 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.*
- 3. 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 (8 1/3%) 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.

4. *Must obtain an NPDES permit from the MPCA and provide a copy to the Co Zoning Dept prior to commencing construction.*
5. *A Stormwater Erosion Control permit will be required from the County Zoning Department prior to grading and prior to a building permit being issued.*
6. *Operational hours allowed during construction of the facility are Monday through Friday 8AM - 5PM.*
7. *Property owner shall ensure that MPCA day and night time noise standards are not exceeded at any time.*
8. *Signage and emergency contact numbers must be posted at the entrance.*
9. *All solar panels and accessory equipment will meet the required 50 ft setback from a property line. In addition all solar panels and accessory equipment must be setback back at least 130 ft from the centerline of CSAH 8 and 100 ft from the centerline of 58th Ave SE.*
10. *A restricted access galvanized chain-link slatted privacy perimeter fence and gate topped with three (3) strands of barbed wire, with an overall height of 7ft - 8 ft will be installed for safety and security around the perimeter of the project prior to solar panels being installed. If the fence height exceeds 7 ft, the fence will require a building permit from the County Zoning Department with engineered plans.*
11. *Fencing shall meet the 50' setback from all property lines. Fence may not be installed within road easement or right-of-way.*
12. *DG Minnesota CSG, LLC must adhere to Visual Screening Plan as shown on E-101-01, date stamped Feb 5, 2018 and as depicted in NEER response letter item 8a, date stamped 2/23/18. They must install 6 foot high coniferous trees around all sides of solar farm.*

- The trees must be planted no more than 16 feet apart and must be staggered in two rows. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.*
13. *There is a 50 ft easement from the centerline of CSAH 8, no trees may be planted in the easement area.*
 14. *A building permit is required for installation of the solar panels with engineered plans submitted.*
 15. *Must comply with MN Dept of Agriculture and MN DNR regulations for well maintenance and obtain and maintain all required permits.*
 16. *The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. DG Minnesota CSG, LLC will be responsible for vegetation control and weed management during the projects operating life. Must follow Vegetative Maintenance Plan Planning Commission Attachment C.*
 17. *Decommissioning of the project shall involve removal of the project's components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts.*
 18. *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. All components and materials must be cleaned up, recycled, disposed of properly and site restored within one (1) year of IUP expiring or solar panels not being used.*
 19. *This IUP is to be valid for 30 years until December 31, 2048. This IUP is valid for Barton Sand & Gravel Co/Tiller Corporation and DG Minnesota CSG, LLC.*
 20. *The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.*
 21. *The applicant shall comply with all federal, state, and local laws and regulations.*
 22. *The applicant shall allow the County to inspect the property during normal business hours.*
 23. *Applicant must apply to the Township of Clear Lake for a Right-of-Way Permit for access to 58th Ave.*
 24. *No impact to the wetland in the southwest corner of the property is permitted and the wetland area must be avoided. No posts, panels or any other materials may be placed in the wetland area. Furthermore, the wetland area shall be protected with erosion control around the perimeter until such time that the entire area has been completely revegetated.*
 25. ***Existing I.U.P.# 54223 Document # 822214 will be revoked*** by the County Board when the new IUP for the solar farm is approved/recorded.
 26. *The existing well near CSAH 8 shall be kept and maintained for use by the Township for the Clear Lake Fire Department for a fill station and also for farming purposes.*

The motion carried unanimously and is recommended to the County Board for approval.

9. 7:25 PM A public hearing was held at the request of **DG MINNESOTA CSG, LLC** (Property owner is Thomas Jr. and Penny Hammer Trust) for a new I.U.P. to Construct and Operate a Solar Farm due to change in ownership and new layout of the existing I.U.P. # 53730 (Document # 816606) (Change ownership from SEV MN 1 LLC to DG Minnesota CSG LLC) Legal Desc: E1/2 of SE1/4 Sec 24, Twp 34, Rge 30 Clear Lake Township 80 acres Agricultural District

Waytashek presented the request including the Board's packet attachments, comments and staff recommended conditions.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan – date stamped Feb 5, 2018 (Sheet #E-101-02)

CLEAR LAKE TOWNSHIP COMMENTS: Have no problem with the applicant's request for an IUP as long as all of the county requirements are met.

OTHER DEPARMENT/AGENCY COMMENTS:

David Roedel – Public Works Dept (3/5/18) The proposed access location is acceptable. The two other existing on site access locations shall be removed. Although a dedicated turn lane or bypass lane is not necessary for the ultimate project, during construction of these sites a significant amount of traffic will be created and it is expected that traffic control will be provided as necessary to ensure safety of the traveling public is maintained during construction. County ROW impacted during construction will be restored to the pre-construction conditions. A Commercial Access Permit will be required. Coordinate with Mike Juricich.

STAFF COMMENTS: This is a 5 MW solar farm that obtained approval previously under a different name. They have changed the layout, are no longer interested in keeping the 20 MW IUP and are okay with that previous IUP being revoked and going with the 5 MWs. All other conditions have essentially remained the same.

Waytashek stated that this was previously a twenty megawatt solar farm and they have now gone down to the five megawatts and have agreed to revoke their existing I.U.P. under recommended condition # 28. Other than that, the conditions are essentially the same.

Lawrence asked about the new layout that is being requested.

Waytashek explained that this is another instance where they have added five additional poles, one for each megawatt.

Joe Hamel, Nextera Energy, 700 Universe Blvd., C1A, June Beach, FL 33408, came forward and stated this is a similar situation of dropping from twenty megawatts to five. He said previously there were going to be forty poles along the road and now we are having fifteen poles offset from the road and behind the landscaping. Aside from that he said it is mostly the same.

Hamel said the only other request he would have is to ask the Commission to consider allowing the existing landscaping on the west side instead of adding another tree line. He passed out photos he had taken of the property that shows the existing tree line.

Waytashek said depending upon what side of the property line those trees are on, her concern is if the neighbor to the west could decide someday to remove some of those trees.

Hamel said he would request that they could be required to add landscaping if that should happen.

Lawrence suggested language that stated if the west tree line is reduced to 50% of their coverage, the applicant would be required to add landscaping.

Waytashek pointed out that it appears on the photos that most of the trees potentially are oak trees and not the evergreen type that we normally require for screening.

Hamel agreed that would be correct.

Adams asked what the timeline is as far as the construction schedule.

Hamel said the project is due to be completed around November 2018.

Adams noted there seems to be a lot of overhead line being added along CSAH 8 and he asked if this is due to these solar farms.

Hamel answered that it is very likely that a re-conductor could have been considered for the other solar projects in the area. He wasn't sure if they were directly related to this project.

Lawrence opened the public hearing.

There were no comments from the public.

Nelson move and Spencer seconded to close the public hearing. The motion carried.

The public hearing was closed.

*Adams moved and Nelson seconded to recommend approval of the request by **DG MINNESOTA CSG, LLC** (Property owners are Thomas Jr. and Penny Hammer Trust) for a new I.U.P. to Construct and Operate a Solar Farm due to change in ownership and new layout of the existing I.U.P. # 53730 (Document # 816606) (Change ownership from SEV MN 1 LLC to DG Minnesota CSG LLC) and with the following twenty eight conditions:*

1. *Building permit required for on-site supply structure if over 200 sq ft in size for each phase.*
2. *Building permit required for installation of solar panels with engineered plans submitted.*
3. *If the required slatted privacy fence around the perimeter of the facility exceeds 7 ft in*

- height it will require a building permit with engineered plans.*
4. *A Stormwater Erosion Control permit will be required from the County Zoning Department prior to grading and prior to building permit being issued.*
 5. *Must submit a copy of a valid NPDES permit from the MPCA and provide a copy to the Co Zoning Dept prior to a building permit being issued on the property.*
 6. *All solar panels and accessory equipment will meet the required 50 ft setback.*
 7. *Property owner shall ensure that MPCA day and night time noise standards are not exceeded at any time.*
 8. *Operational hours allowed during construction of the facility are Monday through Friday 8AM - 5PM.*
 9. *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.*
 10. *Prior to issuance of a building permit for each phase of 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 (8 1/3%) 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.*
 11. *No activities such as construction, installation of equipment or land disturbing activities other than soil testing and surveying may occur onsite until the applicant submits a signed 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.*
 12. *A restricted access galvanized chain-link slatted privacy perimeter fence and gate topped*

- with three (3) strands of barbed wire, with an overall height of 7ft - 8 ft will be installed for safety and security around the perimeter of the solar farm prior to solar panels being installed.*
13. *The site will be revegetated within 30 days of construction with a low growth and low maintenance native seed mix not exceeding 12 inches in height. The property will be mowed every six to eight weeks during the spring and summer months to manage vegetation growth. DG Minnesota CSG, LLC will be responsible for vegetation control and weed management during the project's operating life.*
 14. *DG Minnesota CSG, LLC must adhere to Visual Screening Plan as shown on E-101-02, date stamped Feb 5, 2018 and as depicted in NEER response letter item 8a, date stamped 2/23/18. They must install 6 foot high coniferous trees around all sides of solar farm. The trees must be planted no more than 16 feet apart and must be staggered in two rows. The trees must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.*
 15. *The location of the stripped and stockpiled topsoil will be located in the area shown as "Temporary Laydown Area" on the site plan date stamped February 5, 2018, Sheet #E-101-02. The stockpile may not exceed three (3) feet in height and will be vegetated.*
 16. *Must comply with MN Dept of Agriculture and MN DNR regulations for well maintenance and obtain and maintain all required permits.*
 17. *This IUP is to be valid for 30 years until December 31, 2048. This IUP is valid for Thomas Hammer and DG Minnesota CSG, LLC.*
 18. *Must obtain a highway access permit from the County Public Works Dept prior to any activity on site. The proposed access location is acceptable. The two other existing on site access locations shall be removed. Although a dedicated turn lane or bypass lane is not necessary for the ultimate project, during construction of these sites a significant amount of traffic will be created and it is expected that traffic control will be provided as necessary to ensure safety of the traveling public is maintained during construction. County ROW impacted during construction will be restored to the pre-construction conditions.*
 19. *Existing snowmobile trail running through the property will be relocated on this same property outside the proposed facility fence following construction (a little further to the east).*
 20. *Tree(s) where eagles nest is located along the east property line will not be cut down or disturbed. The bird nest is federally protected and cannot be cut down at any time of the year.*
 21. *Access will only be permitted off of CSAH 8. The access to Township Road 70th Ave SE will not be permitted.*
 22. *Fencing shall meet the 50' setback from property lines.*
 23. *Decommissioning of the project shall involve removal of the projects components, including without limitation, the solar panels, panel trackers, anchors, supports and mounts, inverters, underground electrical components and all underground footings and posts and fencing and be regraded to its original state with vegetation.*
 24. *Signage and emergency contact numbers must be posted at the entrance.*
 25. *The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.*
 26. *The applicant shall comply with all federal, state, and local laws and regulations.*
 27. *The applicant shall allow the County to inspect the property during normal business*

- hours.*
28. ***Existing IUP # 53730 recorded as document #816606 will be revoked by County Board when the new IUP is approved/ recorded.***

Aubol asked if this motion answers the question regarding eliminating the condition for an additional tree line along the western side of the property.

Adams and Nelson said their motion included # 14 which requires the installation of 6 foot high coniferous trees around all sides of solar farm.

The motion carried unanimously and is recommended to the County Board for approval.

7:35 PM Nelson moved and Spencer seconded to adjourn. Motion carried and meeting was adjourned.

Respectfully Submitted by:

Judy Weber, Secretary