



*Sherburne County
Planning Advisory Commission Meeting Minutes
March 17, 2022
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on March 17, 2022, 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:

Chair, Bryan Lawrence, Baldwin Township; Vice-Chair, Bruce Aubol, Big Lake Township; Roger Nelson, Blue Hill Township; Bryan Adams, Orrock Township; Terrance Vandereyk, Clear Lake Township; Kathi Sims-Kosloski, Haven Township; David Jehoich, Santiago Township; Steve Demeules, Palmer Township.

The following staff members were present:

Lynn Waytashek, Zoning Administrator; Marc Schneider, Senior Planner; Mitch Glines, Planner; Addison Otto, Planner; Carrie Winter, Secretary.

Lawrence stated that the meeting was being recorded. Lawrence added that the Planning Commission is a recommending body. These items heard tonight at the Planning Commission Public Hearing will be heard by the County Board of Commissioners on April 5th, 2022, at 9:00am.

Demeules made a motion to approve the minutes from the January 20, 2022, Public Hearing. Sims seconded. Motion carried and the minutes were approved for the January 20, 2022, Public Hearing.

Aubol made a motion to approve the Public Hearing agenda for March 17, 2022. Adams seconded. The motion carried and the Public Hearing agenda for March 17, 2022, was approved.

Agenda:

1. **Orrock Township** Requesting a CUP for a Permanent Government Structure.
2. **Matthew and Joyce Jacobs** Requesting an IUP for a Home Business in an Accessory Building – Cabinet Making
3. **Timothy Reber** Requesting a CUP for a Personal Storage Structure.
4. **Sand Dune Properties MN LLC** Request Preliminary Residential Standard Plat of “**PINE CREST ESTATES WEST**” consisting of (23) lots.
5. **MN CSG 15 LLC** Requesting an IUP for a 1 MW Solar Farm
6. **Amendment to the Sherburne County Zoning Ordinance and Subdivision Ordinance**

Agenda Item #1 -6:02pm

Bryan Adams, Orrock Township stepped down for this item.

Orrock Township Requesting a CUP for a Permanent Government Structure.

PID 35-008-4200, Address 26401 180th St NW, Big Lake, Orrock Township, 1.66 Acres, General Rural District.

Addison Otto, Planner, presented the request to the Planning Commission including the board packet, attachments, and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial
- B. Letter from Township
- C. Site Plan
- D. Site Photos (1-3)

ORROCK TOWNSHIP (received January 26, 2022) Recommends approval.

OTHER DEPARMENT/AGENCY COMMENTS:

Seth Hansen, Big Lake Fire Chief – No comments received.

Steve Karel, Sherburne Wildlife Refuge – No comments received.

PLANNING & ZONING STAFF COMMENTS:

1. The applicant is requesting a Conditional Use Permit for a Permanent Government Structure.
2. The use of the permanent government structure will be for monthly township meetings, elections, and other occasional group meetings.
3. The Sherburne County Assessor has no record of when the original township hall was built, however, a 336 sq. ft. addition was added in 1992, a 1,350 sq. ft. pole shed in 1994, and a 675 sq. ft. pole shed addition in 2008.
4. Variances were approved on February 10, 2022, for a 32' x 42' (1,344 sq. ft.) addition onto the existing township hall.
5. Although the township hall has been operated from this location for many years, there is no existing CUP on file, and the proposed expansion is what has now triggered the need for a CUP for a Permanent Government Structure.
6. The current septic system servicing the township hall is non-compliant. A septic design and permit application has been submitted to return the septic system to compliance.

RECOMMENDED CONDITIONS IF APPROVED:

1. All signage must comply with the County Zoning Ordinance for signs.
2. Must comply with the County Zoning Ordinance for parking.
3. Exterior lighting shall be directed away from the street.
4. The findings in Sec 18, Subd 5, Item 3 have been made.
5. The applicant shall comply with all local, state and federal laws.

Planning Commission Discussion Followed:

Bryan Adams, 23250 182nd St NW, Big Lake came forward as representative of the CUP application. He explained that this building was an old school building that has been there since the 1880s. The township bought the building many years ago.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Aubol made a motion to close the Public Hearing. Sims seconded. The motion carried and the Public Hearing was closed.

Nelson made a motion to recommend approval of the Conditional Use Permit for a Permanent Government Structure with the recommended (5) Conditions with the Findings of Fact. Aubol seconded.

Conditions:

1. All signage must comply with the County Zoning Ordinance for signs.
2. Must comply with the County Zoning Ordinance for parking.
3. Exterior lighting shall be directed away from the street.
4. The findings in Sec 18, Subd 5, Item 3 have been made.
5. The applicant shall comply with all local, state and federal laws.

FINDINGS:

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

Otto read the Findings while Nelson provided a response.

1. That the Conditional 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?**

Yes, it will not. It is a permanent government structure. There are no houses within the immediate area.

2. That the establishment of the Conditional 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?**

Yes, it will not. The lot is surrounded by the Sherburne National Wildlife Refuge.

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

Yes, it will not. The road is already there and they are updating the septic system.

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?**

Yes, it will not. Nelson has been told that they will be expanding the parking lot.

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?**

Yes, it will not. It is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area.

The motion carried and the Conditional Use Permit for a Permanent Government Structure is recommended for approval to the County Board with the (5) recommended Conditions and Findings of Fact.

Adams then rejoined the Planning Commissioners for the remainder of the meeting.

Agenda Item #2 -6:06pm

Matthews Jacobs (Property owners: Matthew and Joyce Jacobs) Requesting an IUP for a Home Business in an Accessory Building- Cabinet Making.

PID 45-035-3110, Sec 35 Twp35 Rge 28, Address: 17929 62nd St SE, Becker, Santiago Township on 10 acres in the Agricultural District.

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

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Business Plan
- C. Interior of Building
- D. Site Plan
- E. Site Photos (1-2)

SANTIAGO TOWNSHIP (received February 14, 2022): The Township recommends approval with favorable comments.

OTHER DEPARTMENT/AGENCY COMMENTS:

Doug Maschler- Sherburne County Building Official: During a site visit on 1/25/2022, Doug requested that a fire extinguisher be hung in the garage.

PLANNING & ZONING STAFF COMMENTS:

1. Matthew Jacobs owns a cabinet shop called “Thomas Cabinetry Inc”. The applicant is requesting an IUP to operate the cabinet shop at his property in an existing 1,200 sq. ft. detached garage.
2. The applicant only uses water-based paint if any finishing is done at the property. Any excess paint is given to the customers.
3. Per the applicant, they do not have customers come to their property and do not have a showroom.
4. Per the applicant, wood deliveries are approximately 2 times a month by truck and unloaded in the shop. Miscellaneous hardware deliveries occur approximately twice a week by pickup or van.
5. Per the business plan submitted, all design/meetings are done at customers location or at one of their builder’s offices.
6. The business does have a large dumpster on site for any waste generated from the business.
7. Currently Mr. Jacobs is the only full-time employee. The business does have one part-time employee.

RECOMMENDED CONDITIONS IF APPROVED:

1. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
2. The operations of the cabinet shop must be done within the 1,200 sq. ft. of the existing building. No outside storage is permitted.
3. Days & hours of operation shall be Monday thru Friday, 7:00 AM – 4:30 PM.

4. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request.
5. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
6. Must hang a fire extinguisher in the garage.
7. If any customers come to the property, the vehicles must be parked in the area described in the site plan. (Packet Attachment D)
8. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
9. There shall be no spray painting of cabinets on site.
10. The IUP is issued to Matthew and Joyce Jacobs and shall expire with a change in ownership of the property.
11. The property owner shall permit the County to inspect the property during normal business hours.

Planning Commission Discussion Followed:

Lawrence asked if any spray painting, including rattle cans will be used at the site.

Glines stated that the applicants are aware of the Conditions and did not have any spray on site during the visit. If there is painting on site, water base paint is used and it is rolled on.

Lawrence asked if the concern is the spray paint or the type of paint that goes through a sprayer.

Glines replied, spray paint or an aerosol can as there is no exhaust or OSHA approved guidelines. Condition #9 states no spraying of paint.

Lawrence clarified that he was asking about spraying of any paint, whether it is water based or not.

Glines stated that the basis of this is for fumes. If there was a desire to have a booth for spraying, then this would need to be looked in to, but most home business do not have this type of set up.

Aubol stated that method of application is what Lawrence seems to be after.

Lawrence confirmed.

Demeules agreed; no air borne.

Matt Jacobs, 17929 62nd St SE, Becker, came forward as representative of the IUP application.

Lawrence asked the applicant if he can abide by the (11) recommended Conditions.

Applicant confirmed.

Adams asked how the noise is handled from saws and routers.

Applicant stated that all of the doors stay closed. They are heated and air conditioned.

Adams asked if the applicant is sure that he wants to limit himself to no spraying of the cabinets.

Applicant stated that he does not want to do finishing. The water based would come in for minor touch ups on projects, which can be brushed or rolled on.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

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

Nelson asked if the applicant would like hours of operation to be until 5:00pm to cover his bases?

Applicant stated that it wouldn't hurt, but the employee leaves daily at 4:30pm.

Lawrence stated that what is set tonight is what is set indefinitely.

Applicant confirmed that it wouldn't hurt.

Glins stated that these hours are based off of the provided business plan.

Sims confirmed that Condition #3 is being updated to read, 7:00am-5:00pm.

Lawrence confirmed.

Aubol made a motion to recommend approval of the Interim Use Permit for a Home Business in an Accessory Building-Cabinet Making, with the recommended (11) Conditions, including the change to Condition #3. Demeules Seconded.

Conditions:

1. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
2. The operations of the cabinet shop must be done within the 1,200 sq. ft. of the existing building. No outside storage is permitted.
3. Days & hours of operation shall be Monday thru Friday, 7:00 AM – 5:00 PM.
4. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request.
5. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
6. Must hang a fire extinguisher in the garage.
7. If any customers come to the property, the vehicles must be parked in the area described in the site plan. (Packet Attachment D)

8. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
9. There shall be no spray painting of cabinets on site.
10. The IUP is issued to Matthew and Joyce Jacobs and shall expire with a change in ownership of the property.
11. The property owner shall permit the County to inspect the property during normal business hours.

FINDINGS:

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

Glines read the Findings while Aubol provided a response.

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?**

Yes, the neighboring properties are 300' to the east and 500' to the west and 650' to the southeast. All work will be completed in the existing accessory building.

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?**

Yes, Chapter 10, Goal 3, Policy 10, of the Comprehensive Plan (Economic Development) "It is the County's policy to support local job creation and business expansion by allowing small businesses in appropriate areas, including home businesses." Allowing businesses at a home allows the County to place conditions that are enforceable while allowing the applicant to continue to operate and not cause a nuisance to the surrounding areas.

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

Yes, the applicant is using an existing detached garage and is not requesting additional utilities beyond what a normal residence would require.

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?**

Yes, the applicant owns 10 acres and is requesting to use 910 sq. ft. (.019 acres) for parking.

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?**

Yes, the conditions that are proposed to be placed on the IUP, if approved, will address the concerns in #5. There will be one non-illuminated sign on the property outside of the public right of way. Days of operation are to be 7:00am – 5:00pm Monday thru Friday. There will be no spraying of paint in the building.

The motion carried and the Interim Use Permit for a Home Business in an Accessory Structure-Cabinet Making is recommended for approval to the County Board with the (11) recommended Conditions and Findings of Fact.

Agenda Item #3 -6:17pm

Timothy Reber (Property owners: Timothy and Jody Reber) Requesting a CUP for a Personal Storage Structure.

PID's 40-404-0435, 0440, Sec 23 Twp 35 Rge 29, Clear Lake, Palmer Township on .5 acres in the Agricultural Zoning District and within the Shoreland Overlay District of Lake Julia.

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

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Explanation of Request
- C. Survey
- D. Site Plan
- E. Building Elevations/Floor Plan (1-2)
- F. Site Photo

PALMER TOWNSHIP (received February 15, 2022): Palmer Township sees no issues with the CUP as presented as long as all County regulations are followed. There are many such structures in the neighborhood.

OTHER DEPARMENT/AGENCY COMMENTS:

James Bedell (DNR): No comments received.

PLANNING & ZONING STAFF COMMENTS:

- 1. The applicant is requesting to construct a 30'x40' (1,200 sq. ft.) Personal Storage Structure.
- 2. The applicant owns the two parcels (40-404-0435,0440) which will be combined to create one lot. The applicant has submitted the required lot combination form to the Auditor's Office to have the two lots combined creating one lot.
- 3. The proposed location of the Personal Storage Structure is positioned to accommodate a future house, well and septic system.
- 4. The applicants own a cabin across the street on 115th Ave SE on Lake Julia.
- 5. The property was surveyed in 2021 (Packet Attachment C).
- 6. Per the applicant, the building will be 22' to the peak.
- 7. The proposed sidewalls of the building are over 14' (16'4"). Engineered plans have been received and approved the Building Department.
- 8. The impervious surface on the lot is proposed to be 9% with the building and driveway. This leaves 16% of impervious surface for a house to be built in the future.
- 9. There are no other buildings, septic or wells currently on this property.

RECOMMENDED CONDITIONS IF APPROVED:

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The maximum height of the structure is 25 feet from the ground to the peak.

Planning Commission Discussion Followed:

Tim Reber, 4520 115th Ave SE, Clear Lake, came forward as representative of the CUP application.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the Public Hearing. Jehoich seconded. The motion carried and the Public Hearing was closed.

Demeules made a motion to recommend approval of the Conditional Use Permit for a Personal Storage Structure with the recommended (4) Conditions and Findings of Fact. Vandereyk seconded.

Conditions:

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The maximum height of the structure is 25 feet from the ground to the peak.

FINDINGS:

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

Glins read the Findings while Demeules provided a response.

1. That the Conditional 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?**

Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.

2. That the establishment of the Conditional 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?**

Yes, the proposed use will be used as a personal garage. There is enough property to accommodate for a future house and a septic system if desired.

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

Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.

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?**

Yes, the applicant has sufficient parking space to accommodate the proposed use.

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?**

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area. It will be used as a personal garage.

The motion carried and the Conditional Use Permit for a Personal Storage Structure is recommended for approval to the County Board with the (4) recommended Conditions and Findings of Fact.

Agenda Item #4- 6:23pm

Sand Dune Properties MN LLC: Request Preliminary Residential Standard Plat of “PINE CREST ESTATES WEST” Consisting of (23) lots.

PID # 35-008-4305. Legal Desc: All that part of the SW 1/4 (full legal on file). Sec 8, Twp 34, Rge 27, Orrock Township. 71.53 acres in the General Rural District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments, and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Survey (February 4, 2022)
- C. Site Development Plans 1-11 (February 4, 2022)

ORROCK TOWNSHIP (received February 23, 2022): The board recommends approval of the preliminary plat. The township will have 180th Street NW paved.

Kevin Kruger, WSB Township Engineer (March 1, 2022): The plans are approved with a list below summarizing the items of concern for the preliminary grading and drainage plans. The board will be working with the developer on planning to install swing-away mailboxes in the development.

- 1. Ensure all driveway locations will allow for the grade at the tie in point to the roadway being 5% or less.
- 2. If seeding has not taken with existing topsoil after three inspections, then topsoil borrow may be required. This will be required along with blanket and seeding in all drainage areas.
- 3. Provide a sequence of work for grading the lots, addressing temporary and permanent erosion control measures.
- 4. Show typical detail for the infiltration basins; they must contain a mixture of sand/compost to allow plant growth.
- 5. Address how the ditch grades need to be established to prevent erosion in the sandy soils.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (February 17 and March 4, 2022): I will continue to work with developer and township on a cost share agreement for the construction of the turn and bypass lane and the addition of the township street construction of 180th Street.

- 1. No concerns with the Preliminary Plat.
- 2. As discussed with the developer, the proposed improvements show 23 lots with primary access directly onto County State Aid Highway (CSAH) 4. Per the County Board approved 2019 Long Range Transportation plan, a right turn lane is required for 10 or more lots and a bypass lane is required for 20 or more lots to be constructed on CSAH 4. These improvements will be paid for by the developer. A developers Agreement will be prepared by the County Attorney's office for execution.
- 3. The Sherburne County Public Works Department will require park dedication fees for the 23 lots at \$1200 per lot, totaling \$27,600. Park fees must be paid prior to the Public Works Department signing the plat mylars.

Russ Heiling, County Surveyor (February 8, 2022):

1. Note that lot acreage and drainage easements were not calculated/verified.
2. Future planning for this area should include consideration for Parcel 35-008-4405 (the one rod, 16.5 foot, exception along the east line of the proposed plat).
3. Please consult the County Engineer for access and additional lane requirements for CSAH 4.
4. Possible driveway and wood fencing encroachments should be addressed. Title work may reveal recorded easements for these items.
5. When submitted for final plat check, Public Works will require a current title commitment, a final check fee and Park fees, if applicable.

Mike Lindenau, County Ditch Inspector (February 7, 2022): I have no issues. Does not benefit from County Ditch.

Bonnie Jacobs, County Property Tax Manager (February 7, 2022): No concerns. Would need to pay proposed 2022 property taxes

MN DNR: No Comments received.

PLANNING & ZONING STAFF COMMENTS:

1. This proposed preliminary plat consists of 23 lots on 71.53-acres. There will be approximately 3,900 feet of new road developed with this plat and dedicated to Orrock Township. An additional 800 feet of the minimum maintenance road of 180th will be paved.
2. According to the Grading, Drainage and Sediment Plans (Packet Attachments C-7 & 8), fill is proposed on Lot 5, Block 2 and Lots 3 & 4, Block 3 where the building sites are shown. Zoning Staff is recommending a condition of approval be the fill soils are compacted and certified for building by a Geotechnical Engineer prior to a building permit being issued.
3. According to the Grading, Drainage and Sediment Plans on Lot 5, Block 2 the developer is proposing to bring in fill. Staff has concerns about the amount of undisturbed soils that will be available for the primary and secondary septic systems. Staff is recommending a condition of approval that a septic drainfield area be delineated (i.e. fenced) and protected for the duration of the grading and excavating of this plat.
4. On the Preliminary Plat there is a "Wooden Fence, Driveway and Debris (has been removed)" shown on Lots 1& 2, Block 1 which will need to be removed prior to final plat approval. The developers have met with the adjacent property owner and will remove the encroachment prior to final plat. The debris has been removed.
5. Lots 1-5, Block 2 has an existing driveway that is listed on the Preliminary Plat as "To Be Abandoned/Removed". This driveway served as the access to PID 35-017-1100 owned by Donald Kringlund. According to the developer, Mr. Kringlund has expressed he will cease to use this driveway and will connect his driveway to 177th St NW once constructed. A short section of this driveway encroaches into State own land PID (35-017-1200). To ensure the State of Minnesota has no rights to this driveway the Developer has made contact with the state and waiting for their response.
6. The applicant has had a title commitment completed by Home Security Abstract and Title Company in September 2021 and no additional easements regarding driveways or encroachment are contained in the commitment.
7. A wetland delineation was completed, and a Notice of Decision was approved on December 15, 2021. No wetland impacts are proposed.

8. Lots 1, 2,3, Block 1 and Lots 1, 2, 3, Block 2 are heavily wooded with coniferous trees. When these lots are built upon the Building Permits will require compliance with Building in Fire Prone Areas standard found in Section 17 (General Regulations), Subd. 12 (Building in Fire Prone Areas) of the Zoning Ordinance.
9. There are no existing structures or septic systems on the property.
10. Zoning staff was made aware after this plat was published for public hearing that there is a Road Order from 1881 that declared a public highway on the southern lot line of the subject parcel. The Road Order established 66 feet of right of way.

RECOMMENDED CONDITIONS IF APPROVED:

1. The Developer shall show Clear Title to the Zoning Department prior to the preliminary plat going to County Board for approval.
2. Orrock Town Board Resolution Vacating Road Order dated May 30, 1881, filed October 10, 1881, shall be recorded with the Final Plat.
3. Preliminary plat drawing must be updated to reflect Orrock Town Board Resolution Vacating Road Order prior to the preliminary plat going to Count Board for approval. If road right-of-way is remaining on land south the subject property (35-008-4305) then updated plat drawing must reflect 67ft road setback on Lots 7 & 8 Block 2 and Lot 5 Block 3.
4. A right turn lane and a bypass lane is required to be constructed on CSAH 4. These improvements will be paid for by the developer.
5. The driveway encroachments on Lots 1-5, Block 2 and Lots 1 & 2, Block 1 must be removed once the internal roads have been installed.
6. The Developers shall enter into a Developer's Agreement with the County Attorney's Office to ensure all conditions of the plat are met.
7. Park dedication fees for 23 lots at \$1,200.00 per lot, totaling \$27,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
8. The fence encroachments identified on Lot 2; Block 1 shall be removed prior to Zoning signing the mylars.
9. For Lot 5, Block 2 and Lots 3 & 4, Block 3 the fill soils be compacted and certified for building by a Geotechnical Engineer prior to a building permit being issued.
10. Lot 5, Block 2 the septic area must be protected prior to land disturbing activities.
11. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
12. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
13. 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:

Schneider stated that a new Staff Comment (#10) as well as 3 Recommended Conditions (#1-#3) were added as new information came to light yesterday. A road order was established from 1881 that was not caught in the Title Search, this is 66ft wide and runs along the entirety of the property. Zoning staff has consulted with the County Attorney Office, the township and the developer on the revised conditions.

Lawrence asked for clarification on where this road is located.

Schneider replied, on the Southern lot line of the property.

Waytashek clarified that the road order was 33 ft on this property and 33 ft on the adjoining property.

Schneider confirmed that the road order splits it, so it's 33 ft on each lot line. There is no formal road there, but according to the road order there is. With the additional Conditions this makes for (13) Conditions.

Lawrence asked if these additional Conditions are on behalf of the township.

Schneider stated that these issues are to be resolved before this plat goes to County Board for approval.

Seth Monroe, Rum River Land Surveyors and Engineers, 505 First Street, Princeton, came forward as the representative of the plat application. He noted that the developers are also present if there are questions. They have worked with Sherburne County since inception of this project, including the County Highway Department. They have worked with the township to address the concerns on 183rd St and have started to work with the township on the new road issue.

Adams stated that there are a number of issues with roads from the 1880s, some of which have never been built and most are on state land.

Monroe stated that this particular road order, starts just east of Big Lake near County Road 5, snakes through the snowmobile trail, coming up through the Sand Dunes state forest, heads off into the refuge, and travels 9-10 miles. Review of the aerial photos from 1938 and the County Surveyors' review of old plat books show that the road was never constructed and didn't show up on the plat books. He added that Orrock Township has been great to work with.

Lawrence asked if Monroe understands and can abide by the recommended (13) Conditions, including the added (3) Conditions.

Monroe confirmed and added that Schneider had given him clarification on some of the Conditions and he is comfortable with them now.

Nelson asked when Park Fees were increased and if there was a Public Hearing.

Schneider stated that these increased in 2022 and the Public Works department would have been involved with that.

Waytashek added that a Public Hearing would have been held for the fee increase.

Monroe stated that County handouts still refer to the prior Park Fees of \$800.

Lawrence asked Waytashek to provide documentation that there was a Public Hearing.

Waytashek confirmed.

Lawrence went on to say that the Townships should be involved in this and/or be notified of the Public Hearing.

Waytashek replied that she would let Public Works know.

Aubol asked about comments from Kevin Kreuger from WSB, item #2, is there a concern about the type of soil and its ability to sustain any type of vegetation? It is really sandy.

Monroe stated that the issue of growing grass has been brought up when they met with the Township Engineer and that we may need to bring in topsoil to get grass to grow.

Aubol had read, topsoil borrow, and he thought that it would have to be imported. He questioned the language.

Monroe stated that many times engineers indicate it as borrow and its most likely listed in the MnDOT specs as borrow when you are getting it from somewhere else.

Lawrence stated that this would be a part of the Developers Agreement.

Monroe stated that the township has their own engineering standards and soil stabilization requirements that will be met.

Lawrence added that this is the reason that you won't see this as a Condition as it's in the Developers Agreement.

Lawrence opened the Public Hearing.

Don Kringlund, 26103 180th St NW, Big Lake came forward. He stated that he is the guy with the crooked driveway from when his dad and grandma purchased the land in 1955. This is literally two tracks through the sand. This is their driveway. He is glad to hear that there is access as it is their only access at this point in time.

Lawrence asked if Kringlund was aware that his driveway may be moved.

Kringlund stated that he had come by and talked to him.

Lawrence asked if it's possible to have the driveway moved.

Kringlund replied that they have little roads all over for their Christmas Tree Farm. They are all little 2 lanes in the sand and they can be flexible on this. He then referred to the aerial and asked if the County is aware of the road that is going up and if that will be an issue.

Schneider confirmed that this is in the staff report and is 16.5 feet going up to County Road 4. This is not a part of this plat and is on a separate parcel that is owned by Kringlund.

Kringlund then asked if the lots are limited to 5 acres in Sherburne County, in this area.

Lawrence stated that is has been 2.5 acres in the General Rural District.

Schneider stated that the Agricultural District, mostly in the Western portion of the County, is limited to 5 acres. This type of development is consistent with that has been happening in the Eastern part of the County.

Kringlund confirmed and said that his main concern is that they have access.

Lawrence stated that Kringlund will be using the new street that will be put in.

Kringlund agreed that they would use the main road that goes through, then asked where their corner will be. Kringlund also asked if the address will be changed even though the physical location will remain the same.

Waytashek stated that they could call Public Works and talk with Brett to confirm if the address will stay the same.

Lawrence stated that a temporary cul-de-sac will be put in near Kringlund' s property.

Marleen Jensen, 17517 263rd Ave NW, Big Lake came forward. She has had a tough time understanding what is being said. How will this effect those that live in the area? Will it up the taxes? Will it up the property value? Lower the property value?

Adams stated that he has no idea, but doesn't think that a development like this devalue the property as it's a nice addition to the area.

Lawrence stated that there will be more traffic in the area. As far as home values, there is the potential that it will increase the property values in the area, he doesn't see them decreasing. This is just as guess from how they interpret this.

Jensen stated that her neighbor told her that it would increase the taxes by 36%.

Lawrence stated that he doesn't think this would happen, but he is not a tax consultant. The Township taxes would probably decrease. The value of the property could increase which could cause a repercussion of tax increase. So, if the property increases in value because of this, the tax portion could increase.

Jensen asked if there will be a turn lane from the other direction , from the West and will affect the property owners money wise?

Lawrence stated that this and all roadways installed due to this development will be installed at the developer's expense unless there is an agreement with the County.

Monroe confirmed that the developer is paying 100% of the construction of the bypass on the North side and the turn lane.

Jensen said that when they had work done on her property they needed to have things remeasured. They found out that their property stake for the NE corner was on the other side of the road. How will the construct of the roads affect them?

Lawrence stated that this area has historically has alignment issues and he assumes that this has been surveyed and the markers have been set.

Jensen said that she may be far enough away that it won't impact them.

Lawrence agreed.

Barbara Moser-Glansman, 26214 180th St NW, Big Lake came forward and asked about the logging that will be done. Will this be clear cut or select cut? Based on the soil stabilization, she has seen erosion. There has been logging done by contractor's that worked with the DNR. She is concerned about soil degradation and how they are planning on logging the property. She asked about the number of septic systems in this type of soil and is concerned about the impacts on this type of soil and on the wetlands in the area. She referred to the Eagle addition on County Road 5 and the issues that they had with the Community septic. She also has questions on the improvements to 180th, at one time, they were told if someone chose to build, then the road would need to handle the weight of the logging trucks. She is concerned that this road is going to need to handle a lot of extra traffic. She also asked who the developers are for this. She knows that Sheldon Pool is an owner, she would like to know the partners' name.

Todd Maloney, 10109 277th Ave NW, Zimmerman, he is with Sand Dune Properties MN LLC. As far as logging, they will not be clear cutting the property as there are advantages to selling wooded lots, just where the road is.

Lawrence clarified that Maloney will only be cutting where the home will be on the buildable lots and for the road.

Maloney confirmed.

Schneider stated that the County Ordinance does have clearing requirements for building in fire prone areas. This is listed in staff comment #8.

Lots 1, 2,3, Block 1 and Lots 1, 2, 3, Block 2 are heavily wooded with coniferous trees. When these lots are built upon the Building Permits will require compliance with Building in Fire Prone Areas standard found in Section 17 (General Regulations), Subd. 12 (Building in Fire Prone Areas) of the Zoning Ordinance.

Schneider continued, it's not that they will be clear cutting, but they do need to make space. One of the requirements is 30 ft from the residence.

Monroe added that Packet Attachment C-4 shows the removal plan. The hatched areas shows the areas where trees will be removed. It shows that a very minimal number of trees are being removed for the roadways and the new drainage ponds that are required as a part of the engineering design. There are also a couple of house sites that are being raised up that are currently lower in elevation. These are the only areas that are planned to be cleared. Then when a residence is built on a lot there will need to be some clearing which Monroe assumes will be selective.

Moser asked if the trees by 180th if all of that will be cut?

Monroe replied yes, there needs to be ditch improvements for drainage purposes on that side of the road.

Monroe continued that that each property has its own septic design that will be a part of the new home permit in accordance with MPCA standards as required by Sherburne County. He stated that he knows there have been concerns regarding the community septic and there have been problems. These are not favored by anyone with the county.

Schneider added that each lot must have a minimum of 40,000 sq ft of buildable area. Packet Attachment B shows the buildable areas in yellow. There must be a primary septic site and a secondary septic site. A soil scientist is required to confirm the suitable location of the septic, a design is completed following the State Rule 70-80 and then the septic is installed by a license installer, then these are inspected by the County.

Moser asked if they would have private wells?

Schneider replied Yes, they will. This is regulated by the MN Dept of Health, County will verify that there is adequate separation between the well and the septic system.

Monroe continued that the improvements from 180th St will be paved from Cty Rd 4 down to the intersection with the development. They will not improve it any further past that to the South.

Schneider asked Monroe to clarify if we are talking about the access to the new road improvement.

Monroe stated that it will be paved from the access, then to the North up to County Rd 4.

Adams confirmed that the area to the South of this will be left as it is.

Todd Maloney and Sheldon Pool introduced themselves as partners in Sand Dune Properties.

Schneider stated that David Roedel did submit a proposal for cost sharing for County Rd 4, the bypass lane, etc. commenting that there will be a Developer's Agreement for these.

Lawrence asked if there is a cost share?

Monroe stated that there is no cost share, the developer will pay 100% of the cost paid by the developer, this will be a part of the overall bid.

Lawrence did submit a proposal for cost sharing for County Rd 4, the bypass lane, etc. commenting that there will be a Developer's Agreement for these.

Monroe agreed.

Nelson moved to close the Public Hearing. Adams seconded.

Sims asked about Exhibit C-11, off of 177th St, there are no driveway provisions listed anywhere the ownness and the cost should be on the developers not on the landowner, because the landowner already has access.

Lawrence said that the development is not causing him to change his driveway, his driveway is on their property. It's a convenience to has it closer. He asked Kringlund if this is forcing the change to his driveway.

Kringlund explained that there are multiple driveways on the property and the main one that they use would need to be adjusted a bit.

Sims stated that, according to C-11, this is designed now as a cul-de-sac with erosion control, there is no provision for a driveway shown.

Lawrence stated that the pavement would need to go to at least the property line of the Kringlund' s.

Monroe said that the final plans can show a driveway approach.

Lawrence clarified that the driveway now comes off of 180th so there is some access now on 180th.

Kringlund stated that this access is through the property of the developer.

Lawrence stated that this means if he wanted to move the driveway to the South of the property line, it could still go out to 180th, but 180th is not going South any further than the development.

Kringlund added that there is a parking lot for horse people near the site of his driveway access from 180th.

Waytashek added that the area to the West of the property and the area that is being discussed is State Property that is owned by the Sand Dunes.

Mrs. Kringlund stated that this was the driveway to the property since 1955.

Mr. Kringlund added that it was shared with another property owner.

Sims reiterated that she is not arguing the intent, but according to the plans, it's doing to be a cul-de-sac.

Lawrence agreed.

Waytashek suggested that a Condition could be added so this is shown on the plans for the revised Preliminary and the Final Grading and Drainage.

Pool stated that they would be happy to provide the access.

Sims reiterated that as she was reviewing this, it says that this will be done, but the plans do not show it.

Monroe stated that this is indicated on the Preliminary Plat.

Lawrence stated that Condition #14 will be recommended to be added to address the driveway approach on 177th for the property to the South.

The motion to close the Public Hearing carried and the Public Hearing was closed.

Adams made a motion to recommend approval of the Preliminary Residential Standard Preliminary Plat of "Pine Crest Estates West" consisting of (23) lots, with the (14) recommended Conditions. Vandereyk seconded.

Conditions:

1. The Developer shall show Clear Title to the Zoning Department prior to the preliminary plat going to County Board for approval.
2. Orrock Town Board Resolution Vacating Road Order dated May 30, 1881, filed October 10, 1881, shall be recorded with the Final Plat.
3. Preliminary plat drawing must be updated to reflect Orrock Town Board Resolution Vacating Road Order prior to the preliminary plat going to Count Board for approval. If road right-of-way is remaining on land south the subject property (35-008-4305) then updated plat drawing must reflect 67ft road setback on Lots 7 & 8 Block 2 and Lot 5 Block 3.
4. A right turn lane and a bypass lane is required to be constructed on CSAH 4. These improvements will be paid for by the developer.
5. The driveway encroachments on Lots 1-5, Block 2 and Lots 1 & 2, Block 1 must be removed once the internal roads have been installed.
6. The Developers shall enter into a Developer's Agreement with the County Attorney's Office to ensure all conditions of the plat are met.
7. Park dedication fees for 23 lots at \$1,200.00 per lot, totaling \$27,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
8. The fence encroachments identified on Lot 2; Block 1 shall be removed prior to Zoning signing the mylars.
9. For Lot 5, Block 2 and Lots 3 & 4, Block 3 the fill soils be compacted and certified for building by a Geotechnical Engineer prior to a building permit being issued.

10. Lot 5, Block 2 the septic area must be protected prior to land disturbing activities.
11. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
12. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
13. 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.
14. A driveway approach will be added to the Final Plat Drawing and the Final Grading and Drainage Plans to show driveway access from 177th St NW for the property to the South.

The motion carried and the Preliminary Residential Standard Plat of "Pine Crest Estates" consisting of (23) lots is recommended to the County Board for approval with the (14) Conditions.

Agenda Item #5 – 7:05pm

MN CSG 15 LLC (Thomas Jr & Penney Hammer - Trust) Request an Interim Use Permit for a 1 MW Solar Farm.

PID# 20-213-3400 Section 13, Twp, Rge 30, Clear Lake Twp. Total acreage 50.5 acres in the Agricultural District and Orderly Annexation Zone 3.

Lynn Waytashek, 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 (date stamped Jan 14, 2022)
- C. Project Description Plan (date stamped Jan 6, 2022)
- D. Tree/Fence Diagram (included in Attachment C on page 18)
- E. Decommissioning Plan (included in Attachment C pages 24 - 27)

CLEAR LAKE TOWNSHIP COMMENTS (February 16, 2022): Okay with the applicants required for IUP as long as all of County Zoning requirements are met. Also discussed the possible elimination of the row of trees between the different solar arrays and are okay with that if the planning board decides to consider that.

DEPARTMENT/AGENCY COMMENTS:

Mark Renn, MnDOT – Roadway Regulations Supervisor (January 14, 2022): If this is the existing access you are going to be using 3B A 2021 7990 – MnDOT has no issue with you using the same access as long as you have permission from the company who constructed and built this under the attached permits.

PLANNING & ZONING STAFF COMMENTS:

- 1. MN CSG 15 LLC is proposing to place a 1 MW solar farm on this property. There are a two (2) 1 MW solar farms that have been approved on this property south of this solar farm, one has pulled a building permit and the other has not yet pulled their permit. There is an existing solar farm to the east across MN State Highway 24.
- 2. This proposed IUP was approved previously but a condition of approval was that they obtain a building permit within 1 year of approval and they did not meet that requirement, so they are going through the process again.
- 3. 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 MN State Hwy 24.
- 4. Site will have approximately 3,650 tracker solar panels. The racking system is installed in the ground with pilings at a depth of 8 ft – 11 ft. The solar panels are trackers that will follow the sun.
- 5. The project lease area is 8.5 acres and the fenced in area encompasses 7.15 acres.
- 6. Applicant will plant Black Hill Spruce trees on the west and north side of the solar farm. White cedar trees will be planted in areas adjacent to the wetland on the east side of the solar farm.
- 7. Applicant is proposing a 7 ft galvanized chain-link perimeter fence with barbed wire on top that will encompass the entire facility.
- 8. Access to the proposed solar farm shall be from the east from MN State Hwy 24 utilizing the existing access from the solar farm to the south.

9. All above and below ground solar components must be removed from the property when the solar farm is decommissioned.
10. 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. Plans must match approved IUP plans.
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. A 7 ft high chain link fence with barbed wire will be constructed.
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 January 6, 2022.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 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.
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 be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6 foot tall Black Hills Spruce trees along the north and west and portions of the solar farm, white cedar trees will be planted on the east side of the solar farm in areas located in or adjacent to the wetland as shown on Site Plan (Attachment B) date stamped, January 12, 2022. Black Hills Spruce trees will not need to be planted on the south side of the solar farm if there already exists a solar farm directly adjacent to the south. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart (Attachment D). 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, 2051. This IUP is valid for MN CSG 15 LLC and Thomas Jr & Penney Hammer.
14. Access to the solar farm shall be from MN Hwy 24 via existing access. MnDOT permit is required.
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 including 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 asked if the Conditions have changed.

Waytashek stated that they had not.

Lawrence asked if there has been a change to the trees?

Waytashek said that they need to go with what is shown on the approved site plan, Attachment B. First line says they must install black hills spruce trees along the North and West. They need to go with the white cedar trees on the East side and there will also be black hills spruce trees on the southeast side below the wetland.

Lawrence asked if there are currently solar farms under construction, but nothing complete.

Waytashek replied that this is her understanding.

Michael Cathcart, 191 Glenbrook Rd North, Wayzata is representing Sunrise Energy Ventures, which is representing MN CSG 15 LLC. Cathcart came forward as representative of the application. He wanted to request the 30 years, listed in Condition #13 be increased to 35 years from the date of approval, rather than the date of December 2051. With the solar sites, they get a contract that is 25 years. The life cycle of a solar farm is longer than the 25 years. Their financing partners are typically modeling at 35-40

years. 35 years would give the solar panels their maximum life. The second request is with the building permit timeline of 1 year. Just like them being up in front of the Planning Commission again tonight, the company faces delays that are outside of their control. They have a competitive program that has brought a gold rush to the solar farms. Just like the Planning Commission has most likely seen a lot of applications; this is causing delays. They need to go through a study process with the utility and this has been taking a lot longer than in years past when they could achieve the timeline of 1 year. This timeline is becoming challenging and is adding more risk to the projects. They would like to request that this be 2 years to allow for the process of the study, where they go to an Xcel waitlist and the studies are completed one by one. This study process is taking longer and then they are dealing with supply chain issues and Xcel is also running into supply chain issues. When in the design and construction phase, the construction looks like it will be longer. The construction permit will not be pulled until everything is in line and they would like to get ahead on this. They would like 2 years and if it can't be 2 years, then they would like to understand what the extension process would look like. This is what the financing partners are looking at.

Lawrence asked if Cathcart was speaking of 1 specific Condition.

Cathcart said this was referenced.

Lawrence stated that this is a policy that it expires.

Waytashek said that this is the policy that has been held to.

Lawrence asked if this is something that can be changed as a Condition.

Waytashek said that this would be up to the Board if they wanted to include the 2 years as a Condition.

Adams stated that the supply chain is stretching out. He then asked about the number of solar farms on County Rd 8. Is the County concerned about the number of solar farms in this area?

Waytashek stated that there have not been complaints except for the neighbors a couple of years back. A lot of solar farms that we are seeing are amendments (to previously approved solar farms). Xcel is proposing thousands of acres of solar to be put in, in the Clear Lake and Becker areas, these are all through the Public Utilities Commission and the Environmental Review Process, these will not go through the County Planning Commission. There have not been discussions of stopping or discontinuing solar farms, not that Waytashek has heard.

Adams replied that there are getting to be a lot of them and it should be acknowledged.

Waytashek then referred to the 30 year timeline that Cathcart had mentioned, as this was listed in the application. She did look at other applications that have been approved on the site. One is for 30 years and the other is for 35 years. It is up to the discretion of the Planning Commission if they want to go to 35 years.

Adams clarified, so it's not an issue, if it's 30 or 35?

Waytashek replied that we already have another on the same property that is 35.

Sims stated that it's about the funding source.

Cathcart confirmed.

Jehoich asked there is an irrigation well as there is a pivot.

Applicant replied, not that he is aware of, this is a project that he has taken over.

Lawrence stated that there certainly was at one point in time.

Cathcart said that they had done early development reports on the south side of this property, surveys, etc.

Jehoich wasn't sure if this well had been discontinued or if it's used on another part of the parcel.

Cathcart stated that he does not know.

Lawrence opened the Public Hearing

Nathan Dull, 2225 Jeffrey Allen Drive, #202, Shakopee is here tonight on behalf of the Minnesota Land and Liberty coalition. This is a non-profit organization made up on farmers, landowners and taxpayers who advocate for an all of the above solution for Minnesota Energy. He wanted to address Mr. Adams comment about the volume of projects that are coming to Sherburne and the surrounding counties. These are small sites consisting of 1 MW and under 10 acres of land. The larger sites like the giant Xcel site is going to be 460 MW. You would need 460 of these small developers to come through. He recommends support of this project.

Sims asked about Condition #15 as it refers to decommissioning, when this happens where do the panels go?

Dull explained that there are different types of solar developments and generally they are the one that put steel in the ground and rip them out when the duration of the lease is up. This would depend on the materials that are chosen by the Developer. Generally, there is a clause that allows the landowner to renew and add on for example, 5 additional years. In Minnesota there are 2 companies, 1 in Stearns County in Albany and 1 in Albert Lea, in Freeborn County. These are dedicated recycle companies that have made it clear that they tend to assist in the recycling of these projects. Right now, there is not an influx of recycling needed for the panels. They expect the free market to solve this as the demand increases.

Adams asked if these panels are hazardous waste or can they be land filled?

Dull is not sure how the MPCA controls this at present, he knows they are working on it.

Adams stated that if they are hazardous waste, they haven't come up with a way to dispose of them at this point.

Sims stated that technology will change, but if they make improvements and they are replaced, then where will this go?

Lawrence stated that it's more than just decommissioning, they could trade the panels out during the 25 years.

Adams asked if applicant has words of wisdom on disposal.

Cathcart stated that there will be a market for this. There are a lot of components. There will be a lot of salvage value to it. There are a lot of unknowns. They have been working with companies on a decommissioning plan and what that will look like and there seems to be an attractive market for it.

Sims asked to clarify, it's just 2 companies in the State of MN?

Dull confirmed that 2 companies had expressed interest in beginning the process for the recycling of solar panels.

Sims asked, so it's just interest in it.

Dull confirmed and stated that they haven't done it because the decommissioning hasn't been done on a grand scale, but they said that this is something that they are looking to do.

Aubol stated that they are waiting for someone to fund them, as he understands it.

Dull confirmed.

Nelson made a motion to close the Public Hearing. Vandereyk seconded. The motion carried and the Public Hearing was closed.

Vandereyk asked if County policy allows for a revision to Condition #13 for the 35 years upon issuance of the building permit.

Waytashek replied that it could be written this way if you would like. There is not a county policy per say but there has to be an end date.

Vandereyk stated that Pickerel Garden had a Condition of trees to be planted if they were not in within 2 years' time. Will this be an issue?

Waytashek stated that it could potentially be. If this one doesn't get built for whatever reason.

Vandereyk suggested that Condition #13 be extended to 35 years upon issuance of the building permit.

Lawrence asked if the members were okay with this. There was no opposition and Lawrence stated that this would be implemented in the Conditions.

Vandereyk made a motion to recommend approval of the Interim Use Permit for a 1 MW Solar Farm with the recommended (19) Conditions, including a change to Condition to #13, and the Findings of Fact. Nelson Seconded.

Sims asked if the 2 years for issuance of the building permit is a part of this Condition.

Lawrence stated that this was not a part of this.

Demeules asked, are we going with the 2 years?

Waytashek added that once the IUP is approved, they have 1 year to pull the building permit, if you pull the building permit within a year, you have to start construction in 6 months, so currently, they do have 18 months.

Lawrence asked Demeules if he felt differently.

Demeules said no, he just wants to make sure that we are clear on it.

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. Plans must match approved IUP plans.
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. A 7 ft high chain link fence with barbed wire will be constructed.
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.
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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 January 6, 2022.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 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.

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 be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6 foot tall Black Hills Spruce trees along the north and west and portions of the solar farm, white cedar trees will be planted on the east side of the solar farm in areas located in or adjacent to the wetland as shown on Site Plan (Attachment B) date stamped, January 12, 2022. Black Hills Spruce trees will not need to be planted on the south side of the solar farm if there already exists a solar farm directly adjacent to the south. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart (Attachment D). 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 35 years until December 31, 2056. This IUP is valid for MN CSG 15 LLC and Thomas Jr & Penney Hammer.
14. Access to the solar farm shall be from MN Hwy 24 via existing access. MnDOT permit is required.
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 including 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.

FINDINGS:

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

Waytashek read the Findings and Vandereyk provided a response.

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?

Yes, the proposed location of the solar farm is in the southwest corner of an existing agricultural field. The perimeter of the solar farm will be planted with trees to reduce visual impacts to adjoining properties. The closest home to the solar farm is owned by the same property owner.

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?

Yes, the IUP will be valid for 35 years. If the property owner no longer wants solar panels the infrastructure can be removed and the site can either go back to farming to be utilized for a new use. Yes, 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?

Yes, will utilize an existing driveway for the solar farm to the south to MN State Hwy 24. Utility lines necessary to transfer the electricity exist adjacent to the property.

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?

Yes, 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?

Yes, construction of the site will cause noise and additional traffic, this will be temporary. Once the solar farm construction is complete, traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis.

The motion carried and the request for an Interim Use Permit for a 1 MW Solar Farm with the (19) Conditions and Findings of Fact is recommended to the County Board for approval.

Agenda Item #6 – 7:29pm

Amendment to the Sherburne County Zoning and Subdivision Ordinance: Amendment to Sherburne County Zoning Ordinance, Section 4, Jurisdiction, Scope and Interpretation and Amendment to Sherburne County Subdivision Ordinance, Section 4, Jurisdiction, Scope and Interpretation. The Amendments are proposing to exclude Baldwin Township from the jurisdiction of the Sherburne County Zoning Ordinance and the Sherburne County Subdivision Ordinance.

Lynn Waytashek, Zoning Administrator, presented the request to the Planning Commission including the board packet, attachments, and comments.

PLANNING & ZONING STAFF COMMENTS:

1. Township has not received MN DNR comments/approval for the Floodplain Ordinance, Rum River Scenic River Ordinance or Shoreland Ordinance.
2. Township must be as restrictive or more restrictive than Sherburne County.
3. Proposed Ordinance language does not meet minimum standards, when they meet State Statute requirements they will be placed on the agenda for County Board approval.

Planning Commission Discussion:

Jay Swanson, 27709 112th St NW, Baldwin Township. He is Chairman of the Board for Baldwin Township. This is his 15th year on the Board. The Ordinances have been submitted to the DNR and they are waiting to hear back. Swanson invited any questions from the Board and stated that the Town attorney is also present.

Bob Ruppe, Town Attorney for Baldwin Township, 705 Central Ave E, St Michael, MN, came forward. He noted that he has been working with County Planning and Zoning Staff and the County Attorney's office. They have a proposed draft of the Zoning and Subdivision Ordinance that have been reviewed. Dan Licht is the planner and he is not able to be in attendance tonight. Ruppe has worked on a Memorandum of Understanding. Dan Licht has confirmed that the Ordinances have been submitted to the DNR and we cannot control their timing, he has been in touch with them, these Ordinances were submitted to the DNR at the same time as they were submitted to the County. As these ordinances are based off of the County Ordinances, he doesn't anticipate any issues, but if they do, these will be addressed. The County is holding the Public Hearing tonight, the Township is holding a Public Hearing later this month. Then he will work with the County Attorney. When an Ordinance is adopted, you can say what date it becomes effective. This couldn't be effective until the County Board approves it, but it can say effective upon publication or give a date. They would want to work with the County and agree on a date for this, for when the county removes Baldwin from their jurisdiction and when Baldwin Township will take over. He is asking for the Planning Commission to give a recommendation to the County Board. As soon as the DNR can provide comments, they will continue to work with staff.

Lawrence stated that Baldwin Township has been talking about doing this for years. In the last 10-12 years, the Planning Commission for the Township has been active and has heard the applications for

Baldwin Township. They have hired a Planning Company, Building Inspector, and the Planning Commission is ready and on board. This is exciting that that they have people who are excited about this. He expressed his gratitude to the County as they have been great to work with. He asks for support of the Planning Commission. As a Baldwin Township Supervisor, he is very confident with how the Township is positioned.

Lawrence opened the Public Hearing.

Nelson asked if Shoreland Variances come to the Board of Adjustment like they do for Becker.

Waytashek said that they will not if Baldwin adopts Shoreland Ordinances. The County will keep wetlands.

Lawrence stated that he has enjoyed working with County Staff and this Planning Commission and this will be bittersweet.

Adams asked why Baldwin would want the extra expense and the extra responsibility of this, rather than utilizing the County.

Lawrence stated that they want to keep it local as they have good local involvement and more local influence for the 7500 residents.

Swanson stated that lately and with one instance recently, the Town Board had thought that what they recommended for a resident is what they wanted to do. With the County Zoning Ordinance, they wouldn't do anything special for Baldwin. With the 169 corridor is taken care of through Elk River, they will blossom. Now is the time to take on the control.

Lawrence added that this will limit the stopping points for residents.

Swanson added that the Planning Commission for the township and the Planning Commission for the County makes the process redundant for the applicant.

Aubol asked if this is a step in the eventual arrival of being incorporated.

Lawrence stated that this is not the goal now. He agrees that many of the actions that they have taken like the Fire Department and the Wastewater Treatment plant may be actions that are taken when incorporating, but this is not what they are asking for at this time.

Aubol clarified, this is not incorporating, this is taking over the governing.

Lawrence stated that this question has come up, but it's just Planning and Zoning.

No comments were received, nor were any members of the public present for the Public Hearing.

Nelson made a motion to close the Public Hearing. Aubol seconded.

The motion carried and the Public Hearing was closed.

Lawrence made a motion to recommend approval of the Ordinance Amendment. Adams seconded.

The motion carried, with Lawrence abstaining from voting, and Nelson opposing to recommend approval to the County Board for the Ordinance Amendment.

Announcements:

Association of Townships will take place on April 6th at the History Center in Becker at 6:30pm. Dinner will be served at 6:30pm with the meeting at 7:00pm. If there are items wanted or people wanted to present at that meeting contact Baldwin Township for those agenda items. Please pass this along to your townships.

Nelson clarified that this meeting is for all Board members and clerks.

Lawrence added that the County has been good at attending, from Commissioners to Staff.

Sims asked if this is quarterly.

Nelson said this year they have met 3 times.

Closing:

Nelson made a motion to adjourn the meeting. Demeules seconded. The motion carried and the meeting was adjourned at 7:45pm.

Submitted by Carrie Winter, Secretary.