

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
May 21, 2020
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room, with the Board Chair present at the Sherburne County Government Center in Elk River, Minnesota and the remaining members joining via phone (due to Covid-19) on May 21, 2020 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

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

The following members were present via phone:

Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Steve Demeules, Palmer Township; Vice-Chair, Bruce Aubol, Big Lake Township; Tim Dolan, County Board Commissioner; Bryan Adams, Orrock Township; Jeff Schlingmann, Haven Township; Terrance Vandereyk, Clear Lake Township; David Jehoich, Santiago Township

Present in the Board Room was Chairman, Bryan Lawrence, Baldwin Township and the following staff members; Assistant County Attorney, Tim Sime, Assistant Zoning Administrator, Lynn Waytashek; Senior Planner, Marc Schneider; Planner, Mitch Glines, Secretary, Carrie Winter.

Lawrence stated that each vote would occur with a roll call due to members attending via phone call. Each member will also be called upon to ask questions and/or comment on each item. The meeting is being streamed live on YouTube.

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

Jehoich made a motion to approve the minutes from the March 19, 2020 Public Hearing. Spencer seconded. Motion carried and the minutes were approved for the March 19, 2020 Public Hearing.

Demeules made a motion to approve the Public Hearing agenda for May 21, 2020. Nelson seconded. Motion carried and the Public Hearing agenda for May 21, 2020 was approved.

Agenda:

1. **Paul Braun** (Property owner Barbara Goenner): Requesting an Interim Use Permit for Actives Requiring Rural Isolation (Down Range Training Concepts)
2. **Forest Haven 3rd Addition** (Property owner Lee and Roselie Peterson): Requesting preliminary and final simple plat approval consisting of 1 lot.
3. **Shipwreck**: Request an IUP for an Auto Mechanical and/or Body Repair Shop – Boat Repair and Restoration.
4. **Those Dyno Guys**: Request an IUP for Home Business in an Accessory Building – Motorcycle Repair & Machining.
5. **Matt Weber** (owner Robert Rasmussen): Request a CUP for a Single-Family Home in the Commercial District.
6. **EDF Renewable** (Prairie Restoration Inc.): Requesting Rezone from Urban Expansion to General Rural
7. **Bright Stream Solar Partners, LLC** (property owner: Prairie Restoration) – Requesting an IUP for a 3 MW Solar Farm.
8. **PARKVIEW ACRES** (property owners: David & Deborah Hedburg – Requesting preliminary and final simple plat approval consisting of 3 lots.
9. **Gohmann Community Solar LLC** (property owner: Katie Hartkopf) – Requesting an IUP for a 1 MW Solar Farm.
10. **Hartmann Community Solar LLC** (Property owners: Doug & Terri Hartmann) – Requesting an IUP for a 1 MW Solar Farm
11. **E. Goenner Community Solar LLC** (Property Owners: Ernest & Angela Goenner Farms, Inc): Requesting an IUP for a 1 MW Solar Farm.
12. **Solar Club 26 LLC** (Property owner: Shaun Schilling) **Requesting an IUP for a 1 MW Solar Farm.**

Agenda Item #1-6:06pm

Paul Braun (Property owner Barbara Goenner): Requesting an Interim Use Permit for Actives Requiring Rural Isolation (Down Range Training Concepts)

PID 40-021-3400, Address 4701 98th Ave Clear Lake, Section 21, Palmer Township, 80 Acres, in the Agricultural 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. Application and proposed operational plans
- C. Site Plan and Range Design
- D. Map Showing Location of Range and Neighboring Houses
- E. Lead Remediation Plan
- F. Site Photos Taken 4/27/2020

PALMER TOWNSHIP COMMENTS: Recommended Approval (received 01/14/2020):

- 1. No classes held on Mondays
- 2. Limit the amount of classes which would cut down the amount of noise.
- 3. Specific time limits and amount of rounds when shooting.
- 4. Sound Study to measure levels of noise on neighboring properties.
- 5. The berm was stated to be higher than required by law. The Township would like a condition that require it to be maintained at its present size for the life of the IUP. Many residents voiced concerns with noise levels they are presently hearing. The Town Board would like the Zoning Commission to consider all and any conditions that would help reduce those concerns.

DEPARTMENT/AGENCY COMMENTS: None

PLANNING & ZONING STAFF COMMENTS:

- 1. In November of 2018, a complaint was filed about an unpermitted firearms training facility being operated from the subject property and a notice of violation was sent to the applicant and the landowner, informing them that they must cease using the property for training and shooting activities. The applicant did respond and relocated their training to a different location. Since that time the applicant has stated no shooting or training courses have occurred at this property.
- 2. In November 2019, the applicant Paul Braun and the property owner Barbara Goenner submitted an interim use permit for activities requiring rural isolation, to operate the business Down Range Training Concepts from their 80-acre parcel. They are requesting the ability to offer firearms training from this property which includes the establishment of a shooting range which would offer the following courses: Introduction to Handguns, Introduction to Rifles, Advanced Handgun Training, Advanced Modern Sporting Rifle Training, Trauma Management Medical Courses, Law Enforcement Instructor Development, Law Enforcement Handgun, Law Enforcement Carbine, Reaction Target Demonstrations, Function Test Fire for Armoring, Gunsmithing, Optic Verification Zeroing. A specific breakdown of course activities, and proposed frequency can be found in the Board Packet Attachment B. 1-2.

3. All courses listed in the Board Packet Attachment B 1-2, averages 8-10 students and requires a varying amount of shooting range from 10 to 250 rounds per student with each course being offered at least once a month.
4. This is not a range open to the public or a private shooting club. All shooting that will be done at this property will be done under direct supervision of the applicant and connected to the firearms training course described in the Board's Packet attachment B. The applicant has stated student to training instructor will not exceed 10-1.
5. The applicant is proposing to use the existing accessory building to do class instruction.
6. The applicant is requesting the ability to operate 7 days a week from 7am-10pm with shooting restricted to 9am-8pm.
7. There are no full-time employees connected with this business, the applicant is the primary operator of the business and it may employ up to 5 part time employees.
8. The applicant has constructed a shooting range on this property prior to submitting the application for an interim use permit. The shooting area is an earthen berm impact zone. The berm enclosure is 75'x50' on the inside with an outside dimension of 135'x110'. The impact berms themselves are 22' in height with 4' of thickness at the top angled to a 40' base and the side berms are 16' in height with 4' at the top of the berms with 20' base which according to the applicant exceeds the requirements of the NRA Range Source Book. See Board Packet Attachment C.
9. The design of the range has not been certified by a third party to verify the shooting range complies with the range performance standards outline in MN Statute 87A. Prior to any shooting activities connected to this interim use permit the County will require the applicant to supply the county with conformation from a certified range specialist or engineer that the range design complies with the design requirements of the NRA Range Source Book.
10. This property and the adjacent lands are zoned Agricultural. Palmer Park is located .6 of a mile to the east and the hamlet of Palmer is located .75 miles to the northeast. Briggs Lake is .8 of a mile to the east. There are 10 residential structures located within .5 of a mile of range. The closest residential structure to the shooting range is located 1,100 ft to the north east (PID 40-449-0110). A second residential structure is located 1,200 ft to the north west of the shooting range (PID 40-021-3400). The location and distance of the remaining 8 houses can be seen in a map prepared by County Staff please see packet Attachment D. The applicant has designed the range to shoot north and east. If the applicant's shooting range was set up to shoot to the south not the north, then nearest home down range of fire would be 2,700 feet away.
11. Noise must be in compliance with the Minnesota Shooting Range Protection Act, Chapter 87A in the use of berms, existing vegetative barriers and rural isolation.
12. Due to the unique charter of the proposed business and the undetermined impact it may have on the County if the applicant does not abide by the conditions of approval, County Staff would request to limit the IUP for one year to be able to reevaluate the permit and have the applicant reapply for an IUP to continue operations if all conditions have been met.
13. As of May 21, 2020, the Zoning Dept has received two letters of support of the applicant. These letters and any other emails or letters that are submitted for the public hearing will be added read at the meeting and added to the public record.

RECOMMENDED CONDITIONS IF APPROVED:

1. The IUP is valid for one (1) year. The applicant must reapply for a new IUP after one (1) year expiration where the operation will be evaluated for compliance of the original conditions and compliance with the findings for an IUP.
2. The existing operational plan, Board Packet Attachment B, and the shooting bay shall comply with applicable shooting range performance standards, including, without limitation, Minn.Stat. Ch. 87A and the NRA Range Source Book.
3. No activity connected to this permit may take place until the operational plans and the shooting range has been by certified by a licensed engineer or other qualified expert stating that it has been constructed according to the approved site plan Board Packet Attachment C 3-4.
4. Any building used by the public must meet commercial building standards and be approved by County Building Official.
5. All shooting that will be done at this property will be done under direct supervision of the Applicant and connected to the firearms training course described Board Packet attachment B 1-2. No more than 10-1 student to instructor ratio is permitted no more than 20 students per training course.
6. All backstop impact berms (berms constructed behind properly placed targets) shall be constructed and maintained at a height of 20 feet above the target centers on all range bays, such that a 5-foot target shall require a 22-foot berm. The berms shall be constructed of clean earthen fill and shall be maintained free of rocks, wood, tires and other debris as required by the NRA Range Source Book, and shall be replaced or repaired as erosion occurs No shooting activity may occur on any existing shooting bay until and unless the backstop berm is constructed and maintained to the required height and condition.
7. All side berms shall be maintained at a height of 16 feet. The berms shall be constructed of clean earthen fill and shall be maintained free of rocks, wood, tires and other debris as required by the NRA Range Source Book and shall be replaced or repaired as erosion occurs. No shooting activity may occur in the shooting bay until and unless the side berms are constructed and maintained to the required height and condition.
8. No targets shall be set up and fired on unless the shooter's line of fire is directly into and perpendicular to the impact berm or with no more than ten degrees off the perpendicular to that impact berm.
9. There shall be no shooting into side berms for any existing bay site plan (Board Packet Attachment C 3-4).
10. No new shooting bays are permitted without amending the Interim Use Permit and any modification of the existing bay shall first obtain site plan approval from the County Board, after review and comment by the Planning Commission at a public hearing. To obtain site plan approval, Applicant shall first submit detailed drawings and plans of the proposed modification of the shooting bay, prepared by a licensed engineer or other qualified expert certifying that the plans are designed to contain all projectiles on the range and comply with applicable shooting range performance standards, including, without limitation, Minn.Stat. Ch. 87A and the NRA Range Source Book, along with the appropriate fee for processing the application for review of the proposed site plan. Following site plan approval, no shooting activities shall be permitted on the reconfigured bay until the licensed engineer or other qualified expert certifies to the County that the improvements have been constructed according to the approved site plan for the new or reconfigured bay.

11. Exterior perimeter warning signs shall be installed at a maximum spacing of 500 feet noting "No Trespassing, Firearm Activity" or similar wording. Safety and directional signs shall be placed at each bay with safety reminders. Additional signs with messages emphasizing "keep gun actions open at all times and ear and eye protection required" and other appropriate safety reminders shall be posted.
12. An NRA certified Range Safety Officer or equivalent shall actively monitor and supervise all shooting activities on the range at all times.
13. Range activity shall comply with MN Statute 87A.05 Noise Standards.
14. Applicant must maintain and enforce for the Best Management Practices for bullet containment, recovery and reclamation consistent with the EPA's Best Management Practices for Lead at Outdoor Shooting Ranges. Applicant shall provide the County with a copy of updates or revisions to its Best Management Practices.
15. Applicant shall ensure that no firearms or ammunition prohibited by State law are used at the range, including, without limitation, firearms prohibited by Minn.Stat. § 609.67.
16. Applicant shall provide the County with copies of the Safety Plan and Operations and Maintenance Plan consistent with Section 1, Chapters 2 and 5 of the NRA Range Source Book and provide the County with any future updates or revisions to such Plans. The Safety Plan and Operations and Maintenance Plan shall be provided to the County before commencing shooting activities on any portion of the Property.
17. All persons using the range shall be required to sign in and out and the range shall maintain such records for a period of at least 30 days.
18. The daily hours of operation for the range shall be *no more than* _____. *No shooting will take place on Mondays.*
19. Applicant shall, no later than the anniversary date of this Permit, and annually thereafter, provide to the County a report from Applicant's certified Range Safety Officer or other qualified person certifying that design and operation of the range complies with applicable shooting range performance standards, including, without limitation, Minn.Stat. Ch. 87A and the NRA Range Source Book. In addition, the Applicant shall, no later than the anniversary date of this Permit and every 3 years thereafter, provide to the County a report from a licensed engineer or other qualified person certifying that design and operation of the range complies with applicable shooting range performance standards, including, without limitation, Minn.Stat. Ch. 87A and the NRA Range Source Book. The certification required on the anniversary date of this Permit may be provided in a single report from a licensed engineer or other qualified person.
20. In the event the Applicant fails to provide a timely report certifying compliance, or in the event Applicant fails to comply with the terms of this Permit, the County Board may conduct a public hearing to review the Permit and determine whether additional conditions are necessary to ensure the safe operation of the range. The costs of such public hearing and all reasonable engineering or other consulting fees incurred by the County in connection with a review of Applicant's compliance with this Permit and applicable shooting range performance standards shall be the responsibility of the Applicant. This condition is not intended to waive any other rights or remedies available to the County and the County reserves its rights to enforce the terms of this Permit, its ordinances and other applicable law by all available means.

21. Applicant shall maintain an exterior sign not less than 18 inches by 18 inches installed at driveway with the following information:

For complaints about firearm operation please contact the Sherburne County Sheriff at 1-800-433-5245

Owner name:

Address:

Phone contact:

22. County staff and other officials may inspect the Property during regular business hours to ensure compliance with this Permit and applicable shooting range performance standards

Additional Information Provided to the Planning Commission:

Since the packet has been sent to the Planning Commission staff has received 28 letters in opposition of the IUP request, 38 letters in support and 1 neutral comment. All of these letters and summaries of these letters have been directed to the Planning Commissioners as well as an excel spreadsheet listing all of those contacts.

The County also received an Independent Survey called "Issues and Attitude" with 14 questions that was sent to 2,494 homes in the 55319 Zip code between February 25 and March 25; 238 responses were received. Of those 175 were opposed to adding a range located Palmer Township, 34 were in favor. A copy of this survey has been sent to the Planning Commission.

Planning Commission Discussion Followed:

Lawrence invited the applicant, Paul Braun, 4701 98th Ave, Clear Lake came forward. Braun stated that he is a retired Federal Law Enforcement Officer, a Combat Veteran with tours overseas in Iraq and Afghanistan. He has been involved in the firearms industry, going on his second decade now working with his third major manufacturer. One of the things that he does in the industry is overall training. Braun has been involved with the SIG SAUER Academy for 7 years which is a top firearms training Academy in the United States and the World, training for them; law enforcement, military, and select civilian community. Braun stated that he has written the user manual for 10 different firearms manufacturers, he has recently been hired at Maximum Defense Training Academy as Executive Director. He has designed indoor shooting ranges in the past, most recently the Modern Sportsman in Burnsville, Minnesota where he built an indoor range that was built to exceed the safety standards set forth by the NRA Range Book.

Prior to the initial complaint that started this whole thing, he had hosted a handful of classes, he categorized this as under 10, most of which were Permit to Carry classes that involves a 50-round qualifier. People would contact us and say that they would like to take a Permit to Carry class and we would like to get your quality of training. We had been doing this for years out of the cities but having the amount of land that we do in Palmer it seemed suffice to build an adequate range and provide the services there. Once we were notified by the county that were not able to do this, we immediately ceased operations. The only other class that we actually had there at the time was a five-day class (4-day shooting, 1-day class) for the Hennepin County Sheriff's Office. Since that time, we have not offered any professional training courses at the facility. We did build the berms, and these are things that we would like to address.

Braun read Condition #1 and stated that this would be valid for 1-year. As this is a Condition of this IUP that is set forth, would another fee and all of these hearings be needed for an additional application? We would like to have this addressed.

Schneider replied that Condition #1 is requiring the submittal of a new IUP application. It would require that you attend a township hearing and provide information needed to process the application. The process for the IUP would be very similar to the current process.

Lawrence stated that this is not the first time that this has been a requirement.

Braun asked that this be considered by the Board.

Braun then ready Condition #2 and stated that the State of Minnesota has certain requirements that have to be met as we build a range.

Braun stated that this is not a public gun range that anyone can come to, pay a fee, sign a waiver and go shoot, we are not asking for that and we will never ask for that. We are fine with this being added as a Condition that we do not open this up to the public. In addition, there is no intention or plan to turn this into a private gun club where someone can pay a fee, become a member and then come out at any time to shoot. We are not asking for that. We do not want that, and it can be part of the IUP Conditions that it will never become a private gun club. We are a training facility, one that has to do with firearms training, so many people are purchasing firearms, especially in the last couple of months with the current situation and we find it to be quite frightening at the lack of proper handling skills for their safety and the safety of others. This is what we provide to the community at large and to the law enforcement community that is requesting our services.

Assistant County Attorney, Tim Sime stated that for the benefit of the Applicant and for the Planning Commission, no one is doubting the expertise, and no one is doubting the intent is to do this just as you say. Because of the Range Protection Act, once a range is established it is difficult for a local jurisdiction to say that a range can no longer operate even if it changes ownership. Tonight, the Planning Commission has to recommend and what the County Board will have to decide, is if this range is set up in a such a way that shooting, even beyond what you intend while you are part of this, can be operated safely. While we are probably on the same page, while you're operating the range, the Planning Commission and the Board has to consider the broader potential for all future uses of the range and therefore is it designed for somebody who might come in after you.

Braun asked if there could be a Condition that it ends with Braun.

Sime replied that State Law says that if a range is operating consistent with the sourcebook, even with a change in ownership, if a range operates in compliance, shall be allowed to continue. That's how the county has to look at it. Once the range is established, it's potentially more than just you. Your expertise is one thing. You no doubt know (to Braun) that there are gun range operators out there that might be interested in this once it is established. How do we provide protection for the greater county area if it were to happen that you don't own it at some point?

Braun stated that the Condition could be added that it will not continue beyond our current ownership through a sale of some sort. We have no plans of leaving the property. This is also a small business that would end with us. We have no intention of selling the business as a continuation.

Braun, then continued to Condition #3, stating that he had spoken with Mr. Schneider several times about the difficulty of finding this third party. In reading through this, Braun stated that he would be the person that would be consulted for building such a facility. It's like the fox watching the hen house and he doesn't want to be that person. As we go through 87A and the NRA Range source book, there are very detailed specifications about the height of berms. We increased our height to go beyond that. The depth of the berms. We are a lot smaller than what people think. This is one bay that we have built that exceeds the height standards and is much smaller than you would ever find for areas on the inside. This is not 100 yards long like you would find at other ranges, or even 50 yards. The longest shot that we would be able to take is approximately 35 yards into a 22 ft earthen embankment. As we were looking at this and trying to find someone, there is no other outside person that can be found. We are looking to get guidance with this. If for example, an excavator was to come in and do a topographical detail map to show the size and dimensions that fit into the criteria in the NRA Range Sourcebook.

Lawrence asked if the applicant is stating that there is no one else in the nation that has the certification to come in and say could say that this meets the qualifications of a shooting yard. Lawrence stated that he understands that an engineer could come in and do the measurements.

Braun deferred to Schneider.

Schneider stated that there are other firms, the county attorney has mentioned a firm in New Hope that does work like this.

Braun asked if this was an engineering firm or an excavation firm.

Schneider replied that he believed that it was a range design firm.

Braun stated that the range design firm that is being talked about is "Range Systems" which designs indoor shooting ranges only. The only exterior ranges that they have built have been on military bases such as Ft. Bragg which are very large outdoor, 200 meter plus, ranges for the impact zone. Charlie Baker is the CEO of that and would not be able to attest to this outdoor range.

Lawrence asked for clarification that with this particular range, there is no one that could verify it?

Braun stated that in previous conversations with the County, the County is having difficulty finding somebody and we've worked with the county to try to find somebody as a third party. It's like looking at a septic system, if you say that the septic system has certain dimensions, you have the excavator come out and build it. That's what we did. We had an excavator build this to the specifications set forth in the NRA Range Sourcebook which in what the Minnesota State Law specifies that we need to build.

Lawrence asked if staff has the name of the excavation company that did the excavation.

Braun and Schneider both confirmed that they had the conversation about who did the excavation.

Schneider asked Braun if he wanted to explain what he bumped into while locating an excavation company to certify this.

Braun stated that they began the process of contacting local excavation companies to come and do this. Braun added that personally we have been under a great deal of harassment from people that are opposed to this facility; on social media, flyers being sent out, encouraging people to come to our house as late as 11:30 at night-it's been very unbearable. Excavators have come forward and said, "As much as we would like to help you, we don't want to lose the area business and we are afraid of that same harassment."

Lawrence followed by saying that is why he is not asking for their name.

Lawrence confirmed, with Condition #3, that the concern is finding someone to do this.

Braun confirmed, it's the height, the width, the depth, for example, when we built this thing, we went 4 ft down, below grade. Where a target would be placed, would be 1 ft below grade. Bullets are not coming out from that berm. To make sure that they do not come out from that height, we made the range much smaller. This is for people to learn technique in how they are shooting, not to shoot at super long distances. It's not a place where people can go to shoot unsupervised. It's under direct guidance and supervision after they have gone through the safety portions of how to do this, then they are brought to the range and directly supervised as they do their shooting portion.

Sime stated that the County has some experience with ranges in the past, when we went through this process with a different range, the county was able to go out and hire someone who was qualified to design an outdoor range and that person recommended certain improvements to prevent projectiles from leaving that property. From our perspective we know that those types of people are out there, whether they are more qualified than Mr. Braun or not, is not the issue. We are aware that there are people that are qualified out there to say that these improvements will prevent projectiles from leaving the property. And from our experience working with the Sourcebook, that is one of our primary concerns. No one here at the County claims to be the expert, nor near the expert that Mr. Braun is, but that is the understanding. One of the first considerations is the size of property and what type of weapons, caliber, etc. are being used so if there is accidental discharge it is contained on the property. If the property isn't large enough, there may be additional improvements, not just berms, including baffles, that is what the County has experienced. Sime asked the applicant to address that the County has in the past been able to find somebody qualified to recommend improvements and whether the design will contain projectiles, even on an accidental discharge, is it designed to keep all projectiles within the property, not just the range.

Braun stated that the person who did the prior review with Del Tone is no longer available. He is retired. He was not able to recommend anybody else. This was the first reach in trying to get a qualified expert to come out.

As to the difference with Del Tone and the escapement projectiles and what we have. Del Tone is an open to the public, unsupervised facility. People would sit down with a rifle, shoot it at a bench, at a longer distance. If they were trying to work on their gun, their barrel was pointed up, since at the time, they did not have a way to encapsulate any rounds that were inherently fired, there were issues. When it came to

their pistol shooting, the way they designed it and the way it was being used, was completed out of the guidelines of the NRA Range Sourcebook and any safety protocol. We make sure as we teach these courses and as we have our students, we don't have our barrels up, we have a barrel down facility. So, if there was a discharge, it is going to go into the ground. This is all under direct supervision, which was not the case with Del Tone. Even now, when they have someone watching over the facility, they have 3 separate, varied length bays with berms in between. One person can't even supervise the 3-berm system that they currently have. We have made safeguards to ensure 100% encapsulation. We don't have the ability to find that third party certified expert, the County has had the ability.

Waytashek asked Braun if there are no other outdoor gun ranges like this in the United States, except for military bases? Is that what He is saying?

Braun replied that this is not what he is saying. If the question is in reference to "Range Systems" they primarily build indoor shooting facilities, which we are not. Braun stated that one thing that makes his range different from everybody else, is that this is not a range for profit. We do training and part of that training, being the shooting, we teach for technique, not for distance, we are not there doing 3 gun shooting sports or any other recreational activities, this is just for with direct guidance and supervision. Therefore, we do not have to have longer distances which is where the bullets can leave the facility.

Lawrence asked for additional comments.

Braun stated Condition #4, and that he spoke with Schneider, if they hold the classes outside, they are ready immediately without using a building. There is a portable toilet available with a contract for cleaning it out appropriately.

Condition #5; We do this with police departments that need a facility like this, they may use their own qualified instructors, but Mr. Braun is present. He would like this noted that it is not just himself, but qualified law enforcement experts that would be supervising on the range.

Lawrence asked how many instructors are working on this facility?

Braun stated that there are 3-4 people that assist him with a class. Braun does not have more than a 10-1 student to instructor ratio, so there is adequate supervision. If he does bring in other people, they are retired federal agents, military and special forces, federal law enforcement, local police officers will come to assist. So, people with extensive history in firearms training.

Condition #6; when we built what we have, we looked at the NRA Range Sourcebook and said if an impact berm is 20 ft, then let's make it 22 ft. You're going to have settlement and that is just the nature of building on property. To prevent further erosion, we have a hydroseeding company coming in next week to put grass on all sides to get rapid acceleration, to make sure that the berm is at least 20 ft. So when the County comes along and says, we want you to be at 22 ft now, that is over and above anything that is in the recommendations in the NRA Range Sourcebook or in 87A and we would like this changed to a minimum of a 20 ft berm. If we choose to go over and above that, which we have, we didn't want that to be the new target height. 20 ft is the minimum and we will maintain that.

Condition #7; A side berm is not a berm that is shot into. The NRA recommendation is 8 ft. We went with 16 ft to contain sound; the standard is 8 ft and we would like the standard to remain as 8 ft. We want to maintain that height, but it doesn't seem fair that the 16 ft should be the new standard.

Lawrence asked staff if the Del Tone gun range was 20 ft, not that these are the same, but asking if anyone remembers that the criteria was.

Braun stated that the back berm of Del Tone was 20 ft height at 100 yds away and 200 hundred yds away, this means that the angle is very slight. Ours is 35 yds in length at the maximum, this is less than half and would require a greater angle for a bullet to leave. 20 ft is what they recommend for 100/200 yd berms.

Lawrence remembers the discussion and wanted to be sure that we are mirroring what was done there.

Schneider stated height requirements were taken from the site plan from the applicant and the Conditions are stating that the applicant will adhere to what was given to the County.

Braun stated that we would like the minimum requirements to be listed, but our goal is to exceed those requirements.

Braun stated that Condition #8 gets a bit more technical with the 10 degrees of difficulty, primarily, we train law enforcement which requires more than 1 target for real life scenarios, so there's going to be movement from one direction to the other. However, when we built the berm, our impact berm is on 2 angles, directly in front of and off to the left or the right. We have the impact berm so we can move to a 45-degree angle and have safe shot placement through a target and into the berm. Braun referred to the submitted photos and stated that the 10-degree thing limits the training for local law enforcement. Braun would like this Condition struck from the Conditions.

Braun agrees to Condition #9. A side berm is not to be shot directly into, our impact berms can be considered to the side, but they are impact berms.

Condition #10; we want to make sure that this will not have any impact on our personal shooting activities.

Lawrence asked if this is approved, does this effect his personal use of the range.

Sime stated, with his personal guns on his personal property, this would be like any other property owner. This application is for a range for weapons other than personal use, but does raise the question, what types of weapons and handguns would be used for the classes that would be taught? What will be used for conceal and carry, law enforcement training?

Braun stated that guns used would be the ATF defined, 9 mm, 40 caliber. He confirmed that Sime was asking what caliber guns would be used. The typical handgun caliber would be a 308 caliber for the different types of pistols, they do rifles, 762 338 Lapua when we do a test fire to make sure that it functions correctly. There has been talk about 50 caliber BMGs, no one has ever shot one of these there, there are no plans for this, but this does limit it. What if he would purchase something like this for his own personal use? Would that be prohibited. We designed this so that it would absorb any round of that caliber.

Lawrence asked if the classes that are taught will be using handguns and rifles.

Braun confirmed that handguns and rifles will be used, primarily the AR-15 type rifles.

Braun read Condition #11 and #12 and stated that these will be far exceeded, and minimums will be met at all times.

Condition #13; Braun stated that he has done a lot of research on this. Everything they have been able to monitor is well within the parameters set forth in 87A.

Condition #14; Braun then stated that this is already in place and is a copy of the EPA best practices for an outdoor gun range. We fall well within that code and everything that has already been established with the county and will be maintained.

Condition #15; This has to do with fully automatic gun fire, we are a Class 7 FFL manufacturer. We do deal with law enforcement which as select weapons. From time to time, we do have fully automatic gun fire that is shot there. The vast majority is suppressed, but there is some that are not. Everything that we have, that is shot there, falls within any local, state or federal government authority and we are completely licensed for anything fully automatic that we do have.

Sime, asked, when the applicant says “we” shoot there, what does he mean?

Braun said that he says “we” all the time, but it’s in reference to Mr. Braun.

Sime asked if these are all personal weapons that he owns?

Braun stated that these are police department weapons and he makes sure that they function correctly.

Sime then asked if he is using this to test police department weapons.

Braun stated that this is the plan.

Sime asked if the business purpose is Mr. Braun personally, Mr. Braun and his staff firing weapons, is it just law enforcement?

Braun said for the most part yes. On Super Bowl Sunday he had a friend, that has since passed away from cancer, who had a request that, before he passed away, he wanted to shoot a fully automatic weapon. We invited him up and his adult sons, and under our guidance and supervision and a very safe manner, not as part of the business proposed, we shot fully automatic for him. This was for personal use.

Sime stated that he is trying to determine who is firing for law enforcement, is it Mr. Braun, is it staff?

Braun stated that it is him, he works on them. He has a Class 7 Federal Firearms license and he can manufacture these weapons through the ATF guidelines. For example, Braun manufactured weapons for the Big Lake Police Department and he had to test fire to make sure they worked correctly. Test firing a gun is three rounds, making sure that it functions properly. If he is test firing a fully automatic gun, it’s going to go from 30-60 rounds to confirm that it’s firing correctly.

Sime asked if Braun anticipated that the greater amount of rounds will be from classes or test firing?

Braun stated that the most amount of rounds will be from him personally. The amount of classes that he will have, would not get into what he does for his own personal use.

Sime asked, when Braun says for his own personal use, is he talking about his own personal use or for his test firing.

Braun, replied, his own personal use, going out and maintaining my proficiency and efficiency with a firearm.

Braun said that when he made firearms, prior to Covid, he had used an indoor facility to test his weapons. With Covid, there are no more indoor facilities to utilize until June 1st or who knows if that is extended. He was not test firing outdoors, he was renting an indoor facility, and this is part of what he bills and has the government agency pay for. With more people around, there have been complaints. He has been self-reporting. Every time he shoots currently, he notifies Sheriff's office dispatch and then notifies them of when he starts and when he stops shooting. In this area, there is a lot of shooting, this is the country. This is part of living in a rural environment. He hears it everyday and it's not always coming from him. That's why we've done the self-reporting and any gun shots happening outside of those parameters is somebody else.

Condition #16; He will be providing the safety plan next week to the County.

Condition #17; Braun reiterated that they are not a private club, nor open to the public, he maintains course rosters that will be maintained per the County's standard.

Condition #18; Daily hour of operations. We put in application 7am-10pm which is what 87A authorizes us to do. If we start a class at 8:00am, and students show up at 7:30am, there is not shooting involved. We would start shooting around 9:30am and go until lunch, take a break, shoot again until about 1:00pm-until 3:30pm. Permit to carry starts at 6:00pm on a weekday evening. From 6:00-7:00pm, we sit in a classroom, covering all of the safety guidelines for firing. We shoot our qualifier between 7-7:30pm. If there is inclement weather this could vary. Then we are done, people are there until 10:00pm, but not shooting. Braun added that the township board guidelines stated that no shooting will occur on Mondays. Braun spoke with Mike Ganz about this and the concern was due to the little league that was being played in Palmer Park. In June and July on Monday evenings, if the little league starts at 5:00pm, we would like to shoot during the day and would like to cease activities two hours prior to the start on those Mondays. We don't want to shoot while children are in the park and distract them from their games.

Lawrence asked Schneider what the intent is for Condition #18, is it just the range or is it the classes.

Schneider stated that the intent was for the range and for the classes.

Lawrence asked if Sundays were included in the request, will he operate on Sundays as well.

Braun said yes, this includes Sundays.

Schneider asked if Condition #18 is clear to Braun.

Braun stated that there are times when people have requested to have a permit to carry class on a Sunday because they can't do it at any other time. He would be sure not to do any shooting before noon or past 5:00pm.

Lawrence stated that it seems to be 2 different questions, the class and the shooting range when firearms are being discharged.

Braun stated that in the original application, he stated that no shooting would occur prior to 9:00am and no shooting activities would occur after 8:00pm.

Even though Minnesota 87A says 7:00am-10:00pm Braun, stated that he wants to be a good neighbor, he has been putting forth these self-guidelines even when shooting personally. Braun stated that he is as safe as can be, but it is the sound that is generated. Now with the new berm facility being built, much higher, much closer to dense foliage, this will help prevent that sound from getting through. 87A clearly sets guidelines on how to measure for sound and how to make sure that it's well within guidelines.

Braun asked if we can clarify that the Mondays are limited to just those that impact the little league. Mondays are a popular time when an evening course is requested, especially during the winter months. Braun also included specific holidays in the application when no shooting will occur; Christmas, Christmas Eve, Thanksgiving, Easter, New Year's Eve, New Year's Day, Mother's Day, Father's Day when no activities will occur at the facility.

Condition #19, Braun would like to bring this back up and he would like this addressed as it's coming back up here. The range must be certified.

Lawrence stated that if the applicant does miss that date, he must start all over with the IUP application. The County has deadlines and individuals have missed that.

Braun thanked Lawrence and stated that he was supposed to be here in January and were asked to postpone to February, now here we are with Covid.

Back to Condition #19, it says that every 3 years Braun has to locate an engineering firm, that he can't locate to make sure that this range is maintaining standards. He is going to keep the minimum of 20 ft, 8 ft on the sides, and this is an unnecessary burden to have to continue to hire engineering firms. Braun added, that if he finds somebody in Florida, he would have to fly them up there to do this every 3 years.

Lawrence stated that from the county perspective with certain activities, things are needed to maintain the integrity. This Condition is intended to provide a method to maintain this integrity for the long duration. This is also done with Solar Farms.

Braun said that in Condition #22 it states that County Staff can come out at anytime. Staff is more than welcome to come out anytime and take the measurements anytime to make sure that they are high enough, thick enough and that the integrity is maintained. Braun welcomes and accept that. When it states that this needs to do this on an annual basis, and that he must incur a great expense every 3 years, this is not a big money-making operation. He travels around the country doing this for work, and people locally have asked for this. The last several classes he has done, he has had to rent out a facility, there is no profit in that. This is being done on top of what Braun does professionally. This is more like a courtesy

Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

and in an effort to save costs, he has built a facility like this at his own property, so he doesn't have to rent out a facility.

Barbara Keenan, 4701 98th Ave, Clear Lake came forward as she holds the trust for the property and suggested that it could be longer than 3 years as this seems burdensome. She stated that this is what Paul loves to do. He loves to talk guns, he loves to train, he loves guys coming over to train. This is not a money maker. This is what he loves.

Braun stated that what he is looking for in Conditions #19 and #20 is to be treated equally and fairly as all the other ranges in the County. Does every range in the County, have a Condition like #19 and #20?

Sime stated that all the permitted ranges do have something like this. If it's an existing range, we can't shut it down and ask for something like this. For example, Braun's neighbor has something like this.

Braun asked which neighbor.

Sime stated it was his understanding that Del Tone was close by.

Braun stated that Del Tone was built to be unsafe and that is why it is shut down- that is why they had to maintain those standards, which again he will exceed. Braun is talking about other ranges. He was just at one the other day that has no side berms. There are people walking over there. He wouldn't even use it, it's so unsafe.

Sime stated that this goes back to the earlier discussion with ranges that are established and the limitations on the County's regulations. When the county permits a range, we try to look at it from a broader perspective, independent from the Operator. We need to look at it, regardless of who is operating it and ask how it is being operated to maintain the range.

Braun asked Sime if he was saying that other ranges in the County, though not permitted are allowed to operate with no governance by the NRA Sourcebook or 87A?

Sime stated that this is a broader question than we can cover here, but invited Braun to discuss further.

Braun stated that he wants to make it very known that he has done everything to exceed the safety standards, to stay within the noise guidelines with 87A. We are not here to doubt other facilities, but want it known that we have done everything possible to make the safest facility possible and to be good with our neighbors. We have submitted letters from neighbors that are positive.

Lawrence asked the applicant to forward the letters from the neighbors so staff can be sure to include these in the record.

Lawrence called upon each Board member for questions.

Aubol had no questions.

Adams asked about Statute 87A, asking Braun if he could go into more detail on what that entails, limits, etc.

Braun stated that 87A refers to outdoor shooting ranges and the maintenance of them and sound. When it comes to the best practices for sound and noise standards, 87A.05, Allowable Noise levels for the operation of the shooting range are the levels determined by replacing the steady state of noise L10 and L50 and it goes on for 2 paragraphs going into very technical detail. When you look at the Minnesota Shooting Range Protection Act fact sheets it starts to talk about the sound decibel ratings and says that the noise that is generated from a range, for example when there is a complaint, they have noise statutes. MN Law 7030 says how loud in certain areas you can have sound. It has to be within a certain decibel limit over a 1- hour period of recording. Is it hitting a decibel level over 65 for greater than over 10 percent of that hour or for 30 minutes. The MPCA is the governing authority when it comes to sound. They have defaulted under rule 7030 that all sound systems for gun ranges will be done by the MN Department of Natural Resources and in particular Chuck Niska's office. His office would be working with that. When a complaint gets generated for sound, they go to the complainants' address and do a sound measuring check under conditions; Date, Time, Weather, Humidity, etc. and what the overall sound generated from the range and how that effects to a decibel level. That is how it is measured, that is how it is registered and everything that we do, rests within those guidelines.

Adams asked how the higher-powered weapons would affect the noise level.

Braun replied that this is a very short staccato sound and as long as they are not doing a lot of them, it stays within the parameters of 87A. We don't train with 50 calibers.

Jehoich stated that he is concerned about the noise level and doesn't see how they can get around it. He lives within 2 miles of Wild Marsh shooting range and can hear them shooting all the time. This proposed shooting range is within a mile of all the lake property on Briggs Lake and he is concerned about the people that come up on the weekends to enjoy their property and all they will be hearing is shooting.

Braun stated that with the approval of the range, the shooting is at a very short duration. For example, a permit to carry class that would be offered on a Saturday would be about a 10- 15-minute period of shooting and the sound would not exceed the same decibel as the sound generated from a jet ski, powerboat or Agricultural equipment.

Lawrence asked how many classes and students per week and per month.

Braun stated 1-2 classes per week, restricted to 20 students per class and mostly when the weather is warm out.

Lawrence asked how many police personnel would be taught per week and per month.

Braun stated that the 1-2 classes per week includes everything and would include police personnel.

Braun added that he is also a lake property owner, this would be part of 292 acres that is owned.

Schlingmann asked Mr. Braun, a couple of years ago, when he was shut down by the county for operating a business, was the berm constructed after he was shut down?

Braun stated yes, it was.

Schlingmann asked if this berm was constructed with the assumption this IUP was going to be granted.

Braun stated that this is for his own personal use, whether approved or not, he wants to shoot in the safest environment possible, for his neighbors, for the community and for those around him. This was not done so that it would be approved. Braun will be personally shooting regardless, and he wants to make sure that it is safe.

Schlingmann asked if the number of rounds, if granted the IUP, and with personal use, how many rounds a day would be fired at this facility.

Braun stated that it would be 200-2000 depending on the class. For example, a permit to carry course with a 50 round qualifier and 20 people, that is 1000 rounds. This is shot in rounds of 10 simultaneously. These 1000 rounds would be shot in 10 minutes.

Schlingmann then asked about the amount of rounds with 2 classes a week which is 4,000, then adding his personal rounds and test firing, so is it 2000-4000 a day?

Braun said this is correct and if comparing this to other commercial gun ranges, this would be on a low scale.

Schlingmann asked again, is this 2000-4000 a day?

Braun then replied for a law enforcement class, shooting 250 rounds with 10 students, you would be at 2,500.

Schlingmann said just to get a perception of the amount of shots and the noise level that is going to be coming from the range, day in day out. That is 6 days a week, 12 months a year, between 8:00am and 8:00pm. Understanding that the further you get away, you won't be exceeding the noise standards set by 87A, people are going to hear this quite a ways away and that is probably the issue of the matter. The continual amount of firing, day in and day out. It isn't like farm machinery running. When we look at gravel operations that run crushers, we set fairly stringent levels on times and days of operation due to the noise that is generated day in and day out, and they are seasonal. Is this use proper in the area? Lord knows, you are qualified and it's not about that or the construction of the facility because 87A and the NRA Sourcebook are fairly stringent on their parameters. It comes down to the day in, day out noise that is generated and if it constitutes a nuisance over time. That is where we are at. It's not a question on qualifications or how the range is built. It's the ambient noise coming from the range for the people that live in the area. Schlingmann lives in Haven and there are three ranges within a mile and half of each other, most of these were there before any houses were there. What we are looking at now is that we now have houses in immediate ear shot of the area and they have rights also, to have a fairly safe and quiet country living. We are going to need to weigh that just as heavy as the service that will be provided.

Spencer asked who the clientele is for the range.

Lawrence clarified, are you asking if they are local or from the cities?

Spencer confirmed that this is what she was asking.

Braun stated that permit to carry come from the area around us; Palmer, Clear Lake, Big Lake, Becker, St Cloud, there are very few that travel from the cities, but some do come from the cities to take the class. For the Law enforcement classes, they are regional, agencies within the County and this part of the State. Braun does have clients that want to come from around the country to take a class from them, which speaks to their quality. But most is regional.

Lawrence asked if local law enforcement authorities use his service.

Braun stated yes, they do.

Spencer then asked if this is not open to the public, is it adult only?

Braun stated that they have to be 18 years of age with a photo ID to prove as such.

Spencer stated that she is concerned about the number of homes within a half mile; the lake, the park, the homes and the noise.

Nelson did not have a question.

Demeules asked if the facility will be open all year long.

Braun stated that he needs permission for teaching classes all year long, the non-shooting classes, for example, the medical classes, but the shooting most likely wouldn't be year- round. If he does host a Permit to Carry Class, it would be for a short time. People don't want to go out when it's cold out.

Demeules stated that he is concerned about the open end of hours and the ability of the applicant to shoot during that time, he would prefer to see a shooting schedule that is not all day long.

Demeules asked if he has done a noise mitigation plan or if Braun is just going with the 87A Statute.

Braun stated when the complaint came in, he was shooting at another location using another berm system. It was not open air or any trees or foliage. This berm has higher sides which will help contain the sound. He purposefully dug it 4 ft into the ground to assist with the overall sound being generated. He put it next to a very thick and dense cluster of trees to help with the sound mitigation process. He then stated that the only thing beyond 4:30pm in the afternoon would be a Permit to Carry Class which would possibly be twice per month. This shooting would be between 7-7:30pm and nothing after. Even though 87A allows from 7:00am-10:00pm for shooting purposes, his application states that nothing would be shot before 9:00am or after 8:00pm.

Demeules asked if there has been anything discussed to teach just classes on site and then shooting off site.

Braun stated that the cost associated with this would be very cost prohibitive. Generally, when he teaches the program that he does, with the other range facilities, they like it and duplicate it and then do it themselves exactly as he has done. Then he doesn't teach there anymore, because they take his program. That's why it is more proprietary for his safety and instruction to do this at his own facility.

Vandereyk did not have any questions.

Dolan did not have any questions or comments.

Lawrence opened the Public Hearing.

Ron Lloyd, 4855 102nd Ave, Clear Lake. He lives directly South down from the range. He is on the lake right on the end of 48th St. He moved to the lake about 6-7 years ago from Haven where he had a small range that he used. It got busy in October, but it wasn't a year-round thing, then he moved to the lake for the peace and tranquility that the lake has to offer, boats, jet-skis and the sounds of summer fun. He did not move here expecting a public shooting range, or in this case an active shooting range in a neighborhood of over 600 houses and cabins. He is not anti-guns, he has hunted since he was 12, He has a permit to carry, his dad was an NRA safety instructor for 35 years. He owns several firearms and is definitely not against them. It's extremely annoying to listen to bursts of gun fire. It is not uncommon to hear 240 rounds as fast as 30 round clips can be put in and fired. He stated that he has heard fully auto, and he understands that Mr. Braun has a license for fully auto, not often, but short bursts. He has been on the lake, even with his stereo on and can still hear the range. He is not against people starting their own business unless that business is going to have an adverse effect on others such as reducing his and other people's property values. Lastly, he has PTSD and when he hears rapid and automatic gun fire it brings him right back to his days in Vietnam seeing friends and foe killed by these very same assault style weapons that were designed to kill as much as possible in the shortest period of time. This thought has never left him. He'll probably never forget it. He has been to therapy for it, but it is still there. He then thanked the Board for allowing him to input his feelings into their decision. He hopes that this application is denied in this form or any other in which it may be presented.

Stacey Strang, 10983 42nd St SE, Clear Lake. This letter is to address the request for an IUP by Paul Braun for Down Range Training Concepts. My husband and I moved to Brigg's Lake two years ago as we were expecting our first child. We wanted to raise our family in a small community that appreciates all the outdoors, specifically a lake, has to offer. My husband is a business owner in the area, and we intend on being actively involved in the community as our ties and family grow. We are also both avid outdoor enthusiasts who love to hunt and fish, as well as enjoy the lake recreationally. As a hunter myself, I have the utmost respect for gun safety and training. In fact, growing up, my father taught gun safety certification classes. I support the right to bear arms and am not against the concept of this business, however it's the proximity to our community, specifically the lakes and parks, that is my greatest concern. Lakes are a cherished treasure in Minnesota. The Brigg's chain already struggles with a significant quality issue that lessens the value of our property. We are spending hard earned tax dollars, donations and grants to improve the water quality for all users due to runoff and a shallow water table. Has a study been conducted that proves there will be no impact to our environment? If not, I believe this will not maintain or improve our lakes, but potentially contradict our efforts. I would also argue that most who are in favor of this business do not live within a close enough proximity to hear the noise pollution it causes. From what I can tell, it looks as if this facility isn't fully functioning to date and is only offering conceal and carry classes. With a young son, I spend a lot of time outside and hear the shooting all throughout the day. Even being a gun owner, it is very unsettling, and I am concerned that it will only get worse. I couldn't imagine bringing my family to the park or out on the lake on a nice summer day

only to hear noise pollution cause by rapid-fire shooting. It's because of these reasons that I urge you to deny the permit request. Thank you for your consideration.

Dan Huwe, 10081 42nd St SE, Clear Lake. I come to testify in person with firsthand, eye-witness experience of this business operating in Palmer. His property directly abuts the gun range location, his house is the closest residence to the range, directly in line of fire with the current shooting activities. Over the past three years, he can testify, that the shooting coming from this business activities of Down Range Training Concepts, conducted before the Interim use Permit process was complete, has significantly damaged his enjoyment and use of his property. He is not stating this as a hypothetical consequence of this business operating or a possible outcome of these business activities but has lived and continues to experience for him and his family. He is not asking anyone to make a judgement on granting this permit based on what the consequences might be. The consequences are already in evidence and past experience. He knows that many, many other examples of same or similar experiences from other residence of Palmer describing how this business has significantly damaged the enjoyment and normal use of their property and will continue to do so if allowed to continue operation int his location. Lastly, he read verbatim, the first part of the Findings section of the County Staff Report for this IUP. No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

1. That the Interim Use Permit 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. He asks you to vote No on this Interim use Permit application. Thank you.

Gretchen Huwe, 10081 42nd St SE, Clear Lake. She lives there with her 14-year-old daughter Piper and 13-year-old son Martin. Her house and property are the closest to the proposed business. This business requires rural isolation. Utilizing the Sherburne County Website and Beacon, she stated that there are 328 property IDs within 1.5 square mile area of the proposed business. Huwe then showed an enlarged map from Beacon, (which is on file) and states that you can see visually now many of the properties are zoned residential. She had these outlined in red. She stated that to her and to so many others, this is not rural isolation. Her Property is 470 feet away from the proposed site, she states that her family uses that part of her property, her son is working on a bike course in the corner of their property since he learned now to ride a bike. He has a right to enjoy that and can't due to the extreme noise when the range is in use. Not only is Huwe 470 ft away from the site, but the shooting is pointed directly at their property. 328 properties and 470 ft away is not rural isolation. There is significant mixed-use property in the community. Zoning and Planning Staff have acknowledged that mixed use is problematic. The mission Statement of Sherburne County's Zoning Administration department is to Administer land use and zoning regulations to ensure that new growth and development is compatible with existing development patterns, while protecting the natural environment and the quality of life in the community. The Palmer community development pattern is more residential and is not agricultural use. This range will be injurious to the use and enjoyment of my and my neighbor's properties. The staff report indicates that the berm, tree cover and distance will be enough to mitigate the noise. Huwe assures you it does not. That statement, with all due respect was made by someone who has never been on her property, who has not been on her son's bike track and who's not walked on her back trails. She can tell you that it does not mitigate the

noise, it is jarring and unsettling. The staff report makes that assumption. Her last point is that Huwe and her family are not able to enjoy their property. Lastly, she read a statement from her daughter:

My name is Piper. I am 14. I have lived on 42nd St my whole life. I love to be outside listening to the birds, watching the clouds, she then goes on. She's 14. I can no longer do those things because I fear that a stray bullet is going to hit me. My mom says that is probably not going to happen, but I am scared. The noise is very loud which only adds to my fear. The noises go on and on for hours at any time of day and it is so loud that it makes me jump even when I'm in my bedroom. Before the noise started, I would go on walks and on golf cart rides, now I'm afraid and I hear gun shots all the time.

Huwe concluded, thanking the Board for their time and work that they do.

Mark Rinehart, 10087 42nd St SE, Clear Lake, He moved in May of 2012 from the cities for their retirement home. At that time and up until a couple of years ago he has enjoyed the peace and quiet of the sounds of the country, the birds, the loons, the pheasants. Watching the deer and turkeys run by. The noise has been horrendous, it may not be a daily basis, but when it does happen, and Paul is hosting a class, it is probably down to a couple thousand rounds. There are days when there has been shooting out there with automatic weapons for 3-4 hours and he has put up with this for 2 years. He has a Son-in-Law that has to leave when this starts. He is an 8-year retired marine. A wounded combat vet. He has PTSD and a traumatic brain injury and when this starts, he's gone. He can't enjoy the property along with us. He pointed out the location, the term that Paul had used, about heavily wooded area, you can see through the woods right to our property. It is not heavily wooded. We can hear everything though we are not in the direct line of fire. Rinehart then pointed out his property and stated that they hear everything just as Dan and Gretchen do. He questions the location, there is a pond right behind that range that empties into rice creek. He then pointed out Condition #15 from the handout, Braun has stated that he uses automatic caliber and that is against statute privately or commercially, this should be not used on that property. He also stated that he moved the berm. He has been using it illegally and he built a new berm with the intent of sliding this by. He is not going to allow that. This is not rural isolation, there is a county park right across the street and everything is within a ½ mile, an AR Rifle, a 223, can travel 400-600 meters. A 308 can travel up to 800 meters, a 50 BMG can travel up to 1600 meters. A 9mm can travel up to 100 meters and a 45-caliber pistol can travel up to 200 yards. Everything being used out there can take somebody down if it comes out of the berm. When he says that can do training and curve to the right, that is shooting directly east, directly to Palmer Park and we have also seen targets outside of the berm that are being used. Rinehart questions the integrity of the whole thing.

Karen Voigt, 10087 42nd St SE, Clear Lake. Her parents moved with her in 2012, they moved from a Senior Housing facility to come and live there. They use the golf cart on the property to go around and look at all of the animals and just to have some quiet time. Her parents now, when they go on the golf cart and hear the gun fire have to go back home. Her dad is a retired World War II vet, the gun fire affects him with PTSD, her dad cannot leave the house when the shooting is going on and at times the shooting as gone on all day. She has a dog that she has rescued and the dog will not go outside at all when the shooting is going on and it is so loud. She works from home as a nurse, doing assessments on the phone and can't have her windows open to enjoy the fresh air because the gun noise is so loud. She cannot enjoy her property with the gun noise. She hopes they all vote No for this.

Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

Jessica Tople, 9823 42nd St SE. Lives with her husband and 2 children, 8 and 10, They live directly North of the range. When they moved out to the area 7.5 years ago, they knew that we would hear the sound of chainsaws, four wheelers and gun shots around the hunting season. These were all things that they agreed upon when they moved to the Country. They did not choose to live near a gun range and certainly not one that is pointed directly into their backyard. Tople stated, as you know within the last 6 weeks families have had to adjust to a new normal. So, while she has been at home working and e-learning with her kids, she has been able to hear first-hand how this will directly change the quality of life for them. She has spent many days over the last weeks with tears and with frustration. She is saddened that her kids do not want to go outside and play when the shooting is going on. She has had to reschedule google meets with coworkers because of the noise disturbance, and she is frustrated why a member of the community cannot understand why the noise of gun shots for hours at a time is not music to everybody's ears. At the township meeting it was requested that the gun range not shoot on Monday's because of Palmer ball. This means that the township acknowledges that the gun range will cause noise disturbances to the families at the park. What about the people that are paying money to rent the park? She is sure that their vision on a party does not include gun shots. This certainly wasn't the vision as a homeowner when we decided to build, why are her kids and their quality of life not as equally important. She understands that there are safety measures in place to avoid misfires but this a teaching facility and misfires can happen. Why is the berm pointed in the direction of homes? How can the words rural isolation be used for this IUP when they are close enough that a bullet can reach their backyard? She would like it to be known that their family believes in peoples rights to carry and own guns, so this is not a gun issue. Its strictly about the location of the gun range and noise issue that comes from it. `

Angela Gellert, 9891 42nd St SE, Clear Lake. They are one of the closest neighbors to the gun range. She then asked if she could play a recording taken from their house. Lawrence deferred to Sime. Lawrence then asked for a preface for the recording. She stated that she would like to explain how this proposed gun range has already led to lack of use and enjoyment of our property. We had just got done eating dinner on the deck and her children, 9, 4, 2 were playing at the playground, she started to clear the table when she heard this (Played audio of shooting). She heard her 9-year-old, yell to her 2-year-old, it's okay. Is it okay? Is it okay that her children are frightened? Is it okay that Palmer Township is asking the business to be closed on Mondays because of Palmer Ball? A place where families gather to watch their children play softball in the summer. Is it okay that when she is trying to take a nap in the afternoon because she's sick during her pregnancy that She cannot fall asleep because of the constant gun noise for 2 hours? Is it okay that She's already thinking whether or not her newborn will be able to sleep during the day because of the noise? Is it okay that she and her husband are contemplating moving? She would like to ask the board to think if its' okay to live their lives with the noise of this small business day after day.

John Gellert, 9891 42nd St SE, Clear Lake. Gellert asked if he could play a recording. Lawrence said yes. After 7 years of service in the Navy and after obtaining his education, it was time to settle down and build a family. They moved to a property which was their dream home, where the children can run and play outside in a small and peaceful community. The residential property was and still is a beautiful property, surrounded by white pines with a small creek running through it. Over the past 2.5 years his family has had the opportunity to listen to the water flowing through the creek, the wind blowing through the white pines and the birds chirping all around. This is the property that he purchased (plays audio of birds)

Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

singing). This is the property that he purchased and the property that brings him enjoyment. His family has already lost enjoyment for their property from the shooting that he hears already from neighbor Paul Braun, roughly a half mile away from their home. Not only is this injurious to their enjoyment of their property, but they are already weighing the options, should they sell the home now before the IUP is approved? He has three children and 1 on the way and cannot afford all the closing costs associated with selling the home and why should he bear this when he loves the property that he purchased minus the shooting. As the seller, he must disclose all the facts that he is aware that could adversely and significantly affect a buyer's use and enjoyment of the property. As the seller he would have to disclose this IUP. If a potential buyer were to hear the video that his wife played of the shooting, they would be deterred from purchasing the house or otherwise result in negotiating a lower asking price. There is no question, that additional shooting, on top of what his family has already experienced would diminish and impair his property value. He strongly urges the Board to not approve this IUP.

Lawrence asked that the record show that no one else is present for this public hearing. He also noted on file, many comments that came to staff via mail and e-mail.

Lawrence asked Braun for any other closing comments.

Braun stated that he appreciates what the neighbors are saying and that he hopes for more open dialogue in the future. This is a place of rural isolation and this is a business that is necessary for rural isolation. This 80-acre section is part of a 292-acre total that is out there. People kept referencing that they have been hearing these gun shots for 2 years. We have been shooting there for years, well before that. That is when this whole thing started, and Braun stated that he is not aware of any other complaints. The state recognizes that gun ranges are a necessary thing and that's why statutes such as 87A are there. Braun stated that it's also up to him to work with his neighbors so they can enjoy the peacefulness of their property. We are open to that dialogue. We would like to invite them to an open house at a time when we can make arrangements for a better understanding and education on what we are doing.

Lawrence asked the Commission members via roll call if there were any further comments or questions.

Aubol had no comments or questions.

Adams stated that the board has 5 criteria when approving an IUP and he's having a hard time with 2 of them. The first is that it shall not be injurious to the use and enjoyment of the properties in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values. As we have heard in the testimony and with his experience in gun ranges, we are going to diminish the property values in the area. Item #5 talks about noise, that adequate measures have been or will be taken to prevent or control, in this case noise so that none of these will constitute a nuisance. This is not talking about the noise in reference to the state statute, but about nuisance. As we have heard with the testimony, there has been a lot said about the nuisance issue. Adams asked Braun if he can help him overcome these two issues and why he should vote in favor of this IUP.

Braun stated that people will be shooting guns in this area regardless. In looking at the map on the screen Braun stated that there is a gravel pit on 42nd that on a weekly basis is being used by people who own that or by people who just use the gravel pit to shoot. Unfortunately, that is much closer to where these

houses are located at. It's also very unsafe as it is a gravel quarry. What we are proposing with our application is that the shooting part of our training to take place at isolated times under approval of the county and under statute 87A. So, we would be able to restrict the hours of shooting and the sound that is being generated. Shooting ranges are a necessary part of our society, especially for us in the law enforcement capacities as our officers need to be trained. There is no other place on this property that we can do this as safely and with more noise mitigation. It's considered to be a nuisance sound under MN statute when it is unregulated, and it's continued and persuasive. We have our shooting down to limited time factors and its part of that ambient sound that is generated from our business and that's regulated.

Adams asked if 9:00am-5:00pm was the shooting regulation. He stated that this is a long time. You could be shooting all day long. That is a lot of shooting.

Braun stated that if the hours of class are 9:00-5:00, that is not continuous shooting the entire time. We cover certain aspects of how to use the firearms, go through dry firing techniques and how to move with it and then the shooting portion comes on. That goes on for 3-5 minutes, it would stop, we would go through different guidance on different techniques and then it would commence for another 2 minutes.

Adams stated that once this is permitted from 9-5, then Braun can continually shoot from 9:00am to 5:00pm and that is a lot of leeway for shooting hours.

Braun stated, it is Sir, but referred back to his earlier examples and noted that with the best management practices and trying to be cooperative with neighbors so they can enjoy their property as well, it's not a continual time when shooting is occurring.

Jehoich stated that the shooting range itself is 150 ft with the berms and 110 ft within the berms. Jehoich stated that the Board should restrict shooting ranges to indoor facility only.

Schlingmann stated that we really have to evaluate if this is the proper use for the area. The area is a mix of permitted use; residential and agricultural. In looking at a County with over 150,000 people, Schlingmann doubts if there is a location in Sherburne County that won't be impacted by noise from some range. This is why you see so many ranges going indoors. From his standpoint, this is an incompatible use in this area.

Spencer added that she does not agree with the request as it is injurious, it's too close to the park, too close to the neighbors and the lakes. It might be a fine facility in another location, maybe somewhere up in Northern Minnesota that is really segregated.

Nelson had no questions or comments.

Demeules stated that he does not like the open-ended hours for the possibility of shooting and is concerned about the amount of people that have voice their opinions against this range. He is 1 1/3 miles away and he has been hearing the shooting from his office window. He is having difficulty with this request.

Vandereyk had no comment or question.

Dolan did not have additional comments.

Schlingmann moved to close the Public Hearing. Aubol seconded. The motion carried with all members voting in favor of closing the Public Hearing via roll call (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and the Public Hearing was closed.

Schlingmann moved to recommend denial for the IUP. Jehoich seconded.

Lawrence asked Sime if the Findings should come before or after the vote. Sime said that it can be done either way and with the amount of concerns, it would be helpful for the motion maker and the member who seconded the motion to state their reasons for denial. You could also direct staff to draft Findings consistent with your concerns that were raised and that could be brought back at another meeting, making sure that it is consistent with the concerns raised tonight.

The motion carried, with all members voting in favor of denial via roll call (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for denial.

FINDINGS:

Marc Schneider read the questions and Schlingmann provided the response as follows.

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

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

No, given the testimony of the surrounding property owners and the audio recording of the gun fire. Even though it may be at a level within the standards with 87A, the amount and continuous day after day interruption of their lives is enough to deny the request.

Tim Sime wanted to make sure that the Board has a good understanding of the denial and asked if there is a concern about the noise impact on the neighbors, Schlingmann stated yes.

Sime asked if there is a concern about whether there is anything in the record that shows it doesn't exceed the noise standards? Schlingmann state that there is nothing in the record that he has seen.

Sime asked if there concern about projectile containment. Schlingmann stated that there is no fail safe at any range when you're dealing with live fire.

Is there any concern that the design as proposed in the site plan is within the NRA sourcebook? Schlingmann stated no concerns of sourcebook from what he has seen. Aubol stated that he has no concerns with compliance with the NRA Sourcebook, rather neighborhood concerns and enjoyment of surrounding property.

Sime added that the Commission members should keep in mind that neighborhood opposition is not sufficient to deny it, we are looking at the Findings for Impact on the surrounding community and if there is compliance with the standards in the Ordinance. Neighborhood concern is appropriate when there is concrete evidence, but opposition alone is not sufficient. Sime asked if the Commission is clear about that?

Lawrence added that the PC is clear on this, and the first question is not specific enough to say exactly what.

Sime stated that because this is an awkward set up, one of the advantages of drafting Findings that are consistent with what your concerns are is that you'll have them before you and can look at them and approve them, rather than by phone when we are not altogether.

Lawrence asked if the Findings could be part of the approval of the minutes at the next Planning Advisory Commission Meeting.

Sime stated that it is helpful to do them in writing.

Schlingmann stated understanding.

Adams stated that the applicant recommends barrel down so no rounds leave the berm, and with this residential area there are no guarantees that the rounds will not leave the site. This pertains to the property value.

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?

Schlingmann stated, by its very nature it will limit the sale- ability of the surrounding area for other uses and other permitted uses within the agricultural district.

Sime stated that staff is not looking for a verbatim finding at this time but is looking to bring it back so you can approve it at the next meeting.

Lawrence clarified to answer briefly, and staff will complete the Findings and we will see them in a written form.

Spencer commented that #3 on the Conditions, Mr. Braun said there is no one that could be found to do this and it's like having the fox guard the hen house.

Lawrence asked if Spencer would like these in the Findings.

Spencer said yes.

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

Schlingmann stated, Yes, it appears that there are sufficient utilities and access to the site.

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?

Schlingmann stated, Yes, it's an 80-acre site, plenty of room 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?

Schlingmann stated, No, there is already firsthand testimony that the current level of gun fire is disrupting the neighbors.

Agenda Item #2-8:18pm

Forest Haven 3rd Addition (Property owner Lee and Roselie Peterson): Requesting preliminary and final simple plat approval consisting of 1 lot.

PID 45-032-2100, Address 5968 149th Ave SE Becker, Section 32, Santiago Township, 48.74 Acres, in the Agricultural 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 Plat (revision date 05/07/2020)
- C. Final Plat (revision date 05/07/2020)

SANTIAGO TOWNSHIP COMMENTS: Recommended Approval

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (03/10/2020)

- 1. Sherburne County Public Works Engineering has no concerns with the plat application. The proposed lot does not abut a County Road
- 2. The Sherburne County Public Works Department will not require park dedication fees for the 1 new lot.

Russ Heiling, County Surveyor (05/06/2020) All comments from 03/02/20 letter have been addressed. No additional comments.

Bonnie Jacobs, County Auditor's Office (02/28/2020) – No issues.

Mike Lindenau, Co Ditch Inspector (02/28/2020) – No issues, County ditch not on lot.

PLANNING & ZONING STAFF COMMENTS:

- 1. The applicant is requesting to subdivide the existing home with 5. Acre parcel. The remaining 43 acres will meet the minimum metes and bounds lot size for the Agricultural District (which is 40 acres).
- 2. The septic for the existing home was found to be in compliance on 10/08/19.
- 3. No new roads will be constructed.
- 4. The proposed project complies with all county platting requirements.

RECOMMENDED CONDITIONS IF APPROVED:

- 1. The remaining portion of PID 40-035-2301 will be metes and bounds parcel after the lot split, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
- 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.

Planning Discussion Followed:

Lawrence invited the applicant, Roselie and Lee Peterson, 9672, 102nd Ave, Maple Grove. They are here to request simple plat approval of Forest Haven 3rd Addition currently consisting of 1 lot. The address is 5968 149th Ave SE, Becker, MN, Santiago Township. The lot size is currently 48.74 acres. This is a second-generation family farm. Lee has farmed the land all his life and now Lee and Roselie own the farm. The land has a house with an attached garage and storage structures. They would like to subdivide the existing home with a parcel to be 5.52 acres. The remaining 43 acres will remain agricultural land for farming. They will sell the newly created 5.52-acre lot which includes the house, attached garage and other structures and will continue to farm the remainder of the land. The purpose for the change is that Lee and Roselie plan to build a new pole barn and home on a nearby piece of property on the farm which is located nearby.

Lawrence asked each Board Member if there were any questions, no Board Members had questions.

Lawrence opened the Public Hearing.

No one from the Public spoke. No comments were received by staff.

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

Jehoich moved to recommend approval of the Simple Plat with the following (2) Conditions. Nelson seconded.

Conditions:

1. The remaining portion of PID 40-035-2301 will be metes and bounds parcel after the lot split, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
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 and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #3 -8:23

Shipwreck (property owner Richard Arlen): Request an IUP for an Auto Mechanical and/or Body Repair Shop – Boat Repair and Restoration.

PID 01-004-1323, Address: 32227 124th, Sec 4, Baldwin Township on .65 acres in the Urban Expansion District

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

PLANNING COMMISSION'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Baldwin Planning Commission Comments
- C. Description of Business (1-2)
- D. Proposed Site Plan
- E. Proposed Building Layout
- F. Site Photos (1-3)

BALDWIN TOWNSHIP TOWN BOARD COMMENTS (received May 6, 2020): Yearly review. Stringent rules enforced and followed, especially with hazardous waste. Stipulations above included on IUP.

DEPARTMENT/AGENCY COMMENTS:

No comments received.

PLANNING & ZONING STAFF COMMENTS:

1. Shipwreck is requesting an IUP to do boat repair dealing with chips & scratches, rock & dock damage, floor & carpet replacement, transom replacement, upholstery and covers.
2. A complaint was filed with Zoning Office that a business is currently in operation and had Solid Waste Violations. When a site visit was conducted, the business was being operated without a permit and had more than two unlicensed or inoperable boats being stored on the property waiting to be worked on or customer pick up. The property is currently in compliance with Solid Waste department.
3. Per the applicant, they do shrink-wrap boats, but do not store boats on the property for the winter.
4. The previous location for the business was on PID 01-004-1320 (north of current location) and has a CUP (approved in 2000) to operate Boat Repair, Storage, Winterize and Shrink-Wrapping of Boats.
5. The previous location for the business had five (5) conditions for the CUP. Condition #1 Fence for screening installed within 60 days of closing. Condition #2 No old discarded boats on property. Condition #3 A new septic system will be installed. Condition #4 Site will meet the General Rural Development Regulation in Section 17. Condition # 5 Findings in Section 18, Sub. 5, Item 3 have been made.
6. The aerial photo (Packet Attachment A) from 2015 shows the condition of the property with discarded boats violating Condition # 2. Also, a fence was never installed, and the new septic system was never installed.
7. County Staff started receiving complaints about the previous property in March of 2016 and continued until the closure of the violation in October of 2019. The violation was eventually sent to

the County Attorney's Office for enforcement but withdrawn with the property coming into compliance.

8. Due to the Zoning and Solid Waste violations at the previous site, County Staff would request to limit the IUP for one year to be able to reevaluate the property and have the applicant reapply for an IUP to continue operations if all conditions have been met.
9. The proposed business hours are Monday thru Friday, 9:00 AM - 5:00 PM and Saturday 9 AM – 12 PM. Other times by appointment.
10. The structure will be considered commercial not residential and must meet required codes.
11. Per the applicant, 3 to 4 employees are working at the shop at any given time.
12. Per the applicant, if a boat needs to be painted, they do the disassembly, much of the initial prep, graphic removal, etc. at their location in Baldwin Township. The boat is then taken to Shipwreck Boat Works in Wisconsin. Once the boat is painted, it is then brought back to be assembled & finished at the Baldwin Township location.
13. Dust and fumes from sanding is contained by using a portable filter bank, which can be moved around the shop as needed.
14. The applicant states that they do not expect to have any more than 10-15 boats parked outside waiting for customer pick up or waiting to be worked on. Staff is recommending no more than eight (8) boats parked outside waiting to be worked on or customer pick up.
15. There are no floor drains in the shop which would require special septic tanks.

RECOMMENDED CONDITIONS IF APPROVED:

1. Existing CUP # 40318 Doc # 670678 - Commercial Development in an Urban Expansion District (Custom Cabinet Shop in an Existing Building) will be revoked.
2. The IUP is valid for one (1) year. The applicant must reapply for a new IUP after the one (1) year expiration.
3. The business shall comply with Section 17, Subd 1 of the Zoning Ordinance regarding signs.
4. Days & hours of operation shall be Monday thru Friday, 9:00 AM - 5:00 PM and Saturday 9 AM – 12 PM.
5. Must meet commercial building standards and be approved by County Building Official.
6. 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. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
7. Discarded boats are not to be allowed on the property nor to be used as “dumpster boats” for refuse.
8. No more than eight (8) customer boats are allowed to be parked outside either waiting to be worked on or customer pick-up. Of the eight (8) boats allowed, no more than four (4) can be unlicensed or inoperable.
9. No boats other than customers boats are allowed to be stored on the property.
10. Customers boats waiting to be worked on or picked up must be parked in area outlined in the site plan. (Packet Attachment D)
11. No painting of boats is allowed unless an OSHA approved spray booth is on site.
12. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the IUP.

13. Screening is to remain under the trailers in a clean and orderly manner. If the screening is damaged, it must be repaired or replaced immediately.
14. No boat parts may be stored outside. All storage of parts must be inside the building or in or under semi-trailers being used as storage.
15. The IUP is issued to Shipwreck and shall expire upon expiration or termination of lease.
16. The property owner shall permit the County to inspect the property during normal business hours.

Planning Commission Discussion Followed:

Applicant, Scott McInnis, 7862 Lakeview Drive, Brainerd, MN. McInnis explained that the business is significantly different. He pointed out the photo in the Board packet showing the business in the Spring of 2015 with all of the stored boats and accumulated boats. The business no longer does storage on site. They do boat repair, maintenance, and service with limited mechanical. Just as the application states they deal with chips, scratches, rock and dock damage, that sort of thing. They will do winterization and shrink wrap so they can take it off site. There is no storage on site. The site is too small. We have revamped the business and there is a long history with that. We moved off the property because we outgrew it, to another facility. That's a whole other story. They are in business in Mr. Saliterman's building and it's sufficient for us. In the recommendations, it allowed for only 8 boats outside, we need more boats outside than that. We currently have 14 on site and have room for more as they are lined up on the plat map that you have in your packet. We usually have 1 customer at a time and many days we don't have any customers and are just working on boats. We need to have the customer boats there to get parts and materials ordered to economically make this business feasible.

Lawrence asked what is the reasoning for more boats on site?

McInnis stated that it's a process, with an estimate, getting the materials ordered, getting the materials in, getting the boat in the building to be worked on to get boats in. Some boats don't leave on time. He would like to get them off site quickly, but that doesn't always happen, and others are coming in. It's generally in the spring and fall when we have more on site as people are wanting to get them put away for the season or ready for water in the spring. We need to have that latitude.

For hours of operation, customers come in 9:00am-5:00pm, but work may start earlier. McInnis doesn't want to confine the business to just working 9:00am-5:00pm.

Lawrence asked for current hours of operation.

McInnis stated the current hours of operation are sometimes 7:00am-7:00pm depending on need. But customer hours are 9:00am-5:00pm with 9:00am-noon on Saturday for pick up and drop off.

Glines stated that business description it states that they are open 9:00am-5:00pm for Customers and Saturdays 9:00am-Noon. The Condition references these hours, but the application did not differentiate customer and work hours.

McInnis asked for clarification.

Lawrence stated that the application stated, 9:00am-5:00pm and that's what Staff stated. With an IUP the applicant tells us what they need and then we work from there. If the hours need to be 7:00am-7:00pm then Staff needs to know that. If it's granted or not is a whole other question.

McInnis said that he misstated as he noted Customer hours on the application.

Lawrence added that there are a lot of Commercial Business and areas that open at 7:00am so it's not an odd thing, Staff was just working with what was given to them.

McInnis stated that the Conditions mention 4 boats can be inoperable or un-licensed. They get boats in for either restoration or repair. We just got one in with the 2018 registration, it is being repaired so it can be restored and used on the water, it has been sitting in storage. We have another one that is from Illinois, I don't know if there is a registration on there, but it will be registered in Illinois when its ready for use.

Glines stated that the Solid Waste Ordinance, states 2 unlicensed vehicles and the concern is due to the previous site.

McInnis said that he understands that.

Glines stated that this is a new site, but that previous site took a lot of staff time, it was a solid waste violation and the you were not adhering to the Conditions. These Conditions are being proposed for 1 year, after that year if the Conditions have been met, it can be reevaluated and then can maybe change.

McInnis asked if a customer comes in with 2019 tags on the boat, is this considered solid waste?

Glines replied that we don't want to see this as dumping ground for boats. We want this to be a business like any other boat repair, where they bring it in, they get it fixed. This isn't to be restoration where they bring a boat in that is semi-solid waste or junk boats. This is what we do not want.

McInnis stated his agreement, said that the business has changed and stated that he collected a lot of boats, he's restored them and sold them.

Lawrence clarified that he is hearing the applicant say that 4 is not enough, we say 15 is too many. 4 is 2 over what the Ordinance says so how can you make 4 work for your business?

McInnis stated that he doesn't want to be in a position where he has a customer coming in and its boat #5 with 2019 on it.

Lawrence asked why customers can't update the tabs prior to the repair?

McInnis explained that many times when they bring the boat in in the fall, then are fine, then in January the registration is expired.

Glines asked McInnis what is a reasonable amount that he is looking for?

McInnis asked for 6, stating that they are working hard on this and have turned customers away, telling them to go get the registration taken care of and then come back.

Waytashek stated that she was looking at Packet Attachment D. We asked for a site plan, showing where the boats be parked, they showed 10 boats on site, so if they are asking for 6 to be unlicensed, then that's only 4 that are licensed on site. This was information provided to us by the applicant. They need to adhere to setbacks, there specific places where boats can and cannot be parked, for example, keeping the boats off of the septic system. We are trying to prevent going back to where we came from.

McInnis said that the scale is off. He would like to have 15 boats on site, outside and keeping it at 4-5 unlicensed. We will push our customers to register the boats.

Lawrence stated that if they are fixing it, they will want to use it, so they are making the investment one way or the other.

McInnis agreed.

Waytashek stated that is frustrating for staff as we ask for this information up front. We spend a lot of time coming up with Conditions that are based off of what the applicant is asking for as long as it follows rules. When we get to a meeting and we are trying to change on the fly, then things can get missed.

Lawrence added, that as staff they cannot go out and measure at this time but can only go off of what was previously done.

McInnis stated that 10-15 was requested, then staff recommended 8. We would like to keep it at the 15 and push for unregistered at 4.

Dick Saliterman, 11911 Live Oak Drive, Minnetonka, came forward. He will confirm that things are ship shape and not a shipwreck. He would like to see the business succeed and is a believer in keeping things tidy. He will do inspections. He is thinking about the environmental concerns and would like to see his tenants succeed.

Lawrence asked each Board member for questions and comments, Jehoich and Schlingmann had the following questions:

Jehoich asked if the parcel is landlocked.

Lawrence stated there is an easement and Glines confirmed.

Schlingmann asked about the operating hours on the packet attachment E as it lists 6am-6pm Monday through Saturday and open to Customers 9am-5pm Monday-Friday and 9am-12pm Saturday or by appointment. Shouldn't this be mirrored in the requirements?

Glines stated that staff received 2 separate ones and went for the more stringent one laid out in the Business Plan and it's up to the Commissioners to recommend.

Lawrence asked for a suggestion.

Schlingmann stated that staff said they didn't want to do things on the fly, but this was a part of the information submitted by the applicant, he didn't know if this should be reflected.

Glines stated that the Conditions could state that it is open to Customers 9am-5pm, Monday-Friday and 9am-Noon on Saturday or by appointment and then add hours of operation as 6am-6pm Monday-Saturday.

Lawrence said that will be taken into consideration.

Lawrence opened the Public Hearing.

No one from the Public spoke. 2 comments were received, 1 neutral, from the city of Princeton wanting to limit the number of boats outside and 1 against from a concerned resident about how the previous property was presented in the middle of a prime business area. These testimonies are in the record.

Nelson moved to close the Public Hearing. Schlingmann Seconded. The motion carried and the Public Hearing was closed.

Lawrence stated that the hours of operation came up as a concern that should be addressed. Lawrence suggested Monday-Friday, 7am-6pm as reasonable and Sat 8am-12pm.

McInnis confirmed that this is reasonable.

Lawrence stated that the amount of boats can be 10 on site and 4 unlicensed and asked the applicant if he understood the Conditions.

Lawrence stated that Baldwin wants a successful business and will be watching closely has there are concerns. Baldwin does not want to see what they have seen in the past.

Nelson moved to recommend approval of the IUP with the (16) Conditions and the changes suggested by Lawrence. Adams seconded.

Conditions:

1. Existing CUP # 40318 Doc # 670678 - Commercial Development in an Urban Expansion District (Custom Cabinet Shop in an Existing Building) will be revoked.
2. The IUP is valid for one (1) year. The applicant must reapply for a new IUP after the one (1) year expiration.
3. The business shall comply with Section 17, Subd 1 of the Zoning Ordinance regarding signs.
4. Days & hours of operation shall be Monday thru Friday, 7:00 AM - 6:00 PM and Saturday 9 AM – 12 PM.
5. Must meet commercial building standards and be approved by County Building Official.

6. 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. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
7. Discarded boats are not to be allowed on the property nor to be used as “dumpster boats” for refuse.
8. No more than ten (10) customer boats are allowed to be parked outside either waiting to be worked on or customer pick-up. Of the ten (10) boats allowed, no more than four (4) can be unlicensed or inoperable.
9. No boats other than customers boats are allowed to be stored on the property.
10. Customers boats waiting to be worked on or picked up must be parked in area outlined in the site plan. (Packet Attachment D)
11. No painting of boats is allowed unless an OSHA approved spray booth is on site.
12. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the IUP.
13. Screening is to remain under the trailers in a clean and orderly manner. If the screening is damaged, it must be repaired or replaced immediately.
14. No boat parts may be stored outside. All storage of parts must be inside the building or in or under semi-trailers being used as storage.
15. The IUP is issued to Shipwreck and shall expire upon expiration or termination of lease. The property owner shall permit the County to inspect the property during normal business hours.

FINDINGS:

Mitch Glines read the questions and Nelson provided the response as follows.

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

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

Yes, it will not, there are several businesses in this area.

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, it will not because this is a commercial area South of Princeton.

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

Yes, this is a previously used building and facilities are there.

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 room for parking and storage to put boats.

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 be taken care of by the 15 Conditions of this IUP.

The motion carried with all members voting in favor via roll call (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item # 4-8:51

Those Dyno Guys: Request an IUP for Home Business in an Accessory Building – Motorcycle Repair & Machining.
PID 35-019-1400, Address: 24910 184th NW, Sec 19, Orrock Township on 17.47 acres in the General Rural 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. Written Description of Business
- C. Site Plan
- D. Building Layout
- E. Dyno Room
- F. Site Photos (1-3)

ORROCK TOWNSHIP COMMENTS (April 15, 2020): Recommends approval of the IUP with the applicant meeting all County criteria.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, County Deputy Engineer (April 3, 2020): I have no concerns with the proposed IUP. It is anticipated that they will use the same access they have today.

STAFF COMMENTS:

1. The applicant is requesting an IUP to do dyno tuning and accessorizing of Harley Davidsons Motorcycles by appointment only out of an existing accessory building on the property.
2. The business had previously been run from a shop in the City of Zimmerman for 10 years.
3. The existing building located on the property just recently had a 23' x 49' addition added making the overall building approximately 2,477 sq. ft. The applicant is requesting to use the new addition (1,127 sq. ft.) for the proposed business. Maximum square footage for a Home Business in an Accessory Building is 1,800 square feet.
4. The structure will be considered commercial not residential and must meet required codes.
5. The business customizes in dyno tuning and custom machined accessories that are made in house in a CNC machining center. Per the applicant, the machine cuts metal parts and it's not a high RPM machine.
6. Per the applicant, the Dyno Room (Packet Attachment E) exchanges the total air of the room 11x per minute due to the custom ventilation system that exhausts through a muffled industrial fan similar to what restaurants use for their kitchen areas. Fresh air is supplied through an internal wall intake system which makes all those perforations in the wall panel a source for fresh air while providing sound acoustical control.
7. Per the applicant, the parts that are made vary and are custom in nature. They could be anything from a custom engraved cover to a custom foot peg or a custom bracket to install an item and are all cosmetic.
8. Per the applicant, no parts are tested at the property that would generate noise as they are all cosmetic.
9. Per the applicant, motorcycles will not be stored outside on the property.
10. Per the applicant, the property does not have a personal garage so the old portion of the existing building will be used for personal use and the new portion for the proposed business. The old part is not finished or lighted in the same fashion and a chain partition will be installed to delineate the two areas. Per the ordinance, a partition wall or similar divider must be used to separate business from non-business use.
11. The building does have a septic tank installed, but the bathroom is only roughed in at this point. A building permit will be required from the Zoning Office to finish the bathroom.
12. Per the applicant, the stairs in the building layout lead to a small loft in the building has limited head room and is triangle shaped. It's not insulated, finished or heated, it's a rafter area and will not be used for the business.
13. Per the business plan received, used petroleum products are stored in a spill safe drum and given to Artistis Ornamental Iron LLC of Zimmerman. Due to the very limited amount, Artistic Ornamental Iron LLC stops out once per year to pump the drum out to use at their shop.
14. Per the applicant, aluminum millings from the CNC machine are saved in Rubbermaid receptacles and recycled at Alter Metals in Anoka.

15. Per the applicant, at this time Those Dyno Guys does not have any employees.

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. Must meet commercial building standards and be approved by County Building Official.
3. Days & hours of operation shall be Monday thru Friday, 8:00 AM - 5:00 PM. By appointment only.
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. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
5. All business activities may be conducted within a maximum area of 1,800 sq. ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq. ft maximum floor area. All work must be conducted within the Accessory Building.
6. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
7. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
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. Motorcycle parts must be stored inside.
10. The IUP is issued to Matthew and Jodi Smith and shall expire with a change in ownership of the property.
11. The applicant and/or property owner shall permit the County to inspect the property at any time.

Planning Commission Discussion Followed:

Lawrence asked the applicant to come forward, Matt Smith, 24910 184th St NW, Big Lake.

Smith stated that the request is self-explanatory. He would like to request his hours of operation be addressed as customers drop off prior to work and pick up after work. He would like to request this be changed from 8am-8pm?

Lawrence said that this will be taken under advisement. Lawrence asked if he understood the Conditions and if he had any other concerns with the Conditions.

Smith stated his understanding of the Conditions and has no other concerns other than hours.

Lawrence asked each Board Member if they had questions or comments. They did not.

Lawrence opened the Public Hearing.

No one from the Public spoke. No comments were received from the Public.

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

Adams moved to recommend approval of the IUP with the (11) Conditions and the altered hours of 8am-8pm as requested. Nelson 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. Must meet commercial building standards and be approved by County Building Official.
3. Days & hours of operation shall be Monday thru Friday, 8:00 AM - 8:00 PM. By appointment only.
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. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
5. All business activities may be conducted within a maximum area of 1,800 sq. ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq. ft maximum floor area. All work must be conducted within the Accessory Building.
6. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
7. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
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. Motorcycle parts must be stored inside.
10. The IUP is issued to Matthew and Jodi Smith and shall expire with a change in ownership of the property.
11. The applicant and/or property owner shall permit the County to inspect the property at any time.

FINDINGS:

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

Mitch Glines read the questions and Adams provided the response as follows.

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 use is not anticipated to diminish and impair values within the immediate area. All activities will take place within the accessory structure.

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 area is heavily wooded and there are already homes on the adjacent properties.

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 is currently there.

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 enough 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. All activities will be conducted in the accessory building.

The motion carried, with 7 members (Aubol, Adams, Jehoich, Spencer, Nelson, Demeules, Vandereyk) Voting in favor and 1 member (Schlingmann) opposed. The IUP approval is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #5-9:00

Robert Rasmussen (Applicant: Matt Weber): Request a CUP for a Single-Family Home in the Commercial District.

PID 45-010-2306, Address: 16656 20th ST SE, Section 10, Santiago Township on 2.17 acres in the Commercial 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. Survey of Property
- C. Proposed Building Layout
- D. Septic Design
- E. Site Photos (1-2)

SANTIAGO TOWNSHIP COMMENTS (April 8, 2020): Recommends approval.

DEPARTMENT/AGENCY COMMENTS:

James Bedell, DNR Area hydrologist (April 1, 2020): At this time, I do not have any comments on this CUP. If the applicant adds other items to the CUP or applies for a variance for additional structures, comments may be submitted at that time.

David Roedel, County Deputy Engineer: Public Works Engineering has no concerns. The property is not on a County Road.

STAFF COMMENTS:

1. The applicant is requesting to convert the old Santiago Town Hall into a Single-Family residence.
2. The applicant did receive three (3) variances for the proposed septic system at the March 12, 2020 Board of Adjustment meeting.
3. One condition of the septic variances was that the septic was designed for a single-family house and not for any other use.
4. Per the applicant, no garage is proposed to be built on the property.
5. The parking for the single-family house is proposed to be on the existing asphalt parking area.

RECOMMENDED CONDITIONS IF APPROVED:

1. Must obtain a building permit and pay associated fees prior to starting construction on the building.
2. The septic system must be installed before a certificate of occupancy is received for the building.

Planning Commission Discussion Followed:

The applicant, Matt Weber, 1856 150th Ave, SE Clear Lake came forward.

Weber did not have additional comments or questions.

Lawrence asked if the applicant understood the Conditions. Applicant stated his understanding.

Lawrence did roll call with the Board Members for comments or questions. No additional questions or comments.

Lawrence opened the Public Hearing.

No one from the Public Spoke. No Public Comments were received.

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

Jehoich moved to recommend approval of the CUP with the (2) Conditions. Nelson seconded.

Conditions

1. Must obtain a building permit and pay associated fees prior to starting construction on the building.
2. The septic system must be installed before a certificate of occupancy is received for the building

FINDINGS:

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

Mitch Glines read the questions and Jehoich provided the response as follows.

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 building has been empty and it's nice to have it updated and reoccupied.

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, Santiago is all family units on the street except for 1 business.

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

Yes, the property is on a township road.

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 off-street 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, it just a single-family residence, there should be no other problems.

The motion carried, with all members voting via roll call in favor (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item # 6-9:06pm

EDF Renewable (Prairie Restoration Inc.) Requesting Rezone 23 acres from Urban Expansion to General Rural

PID 01-005-4000, Address: 31922 128th St NW Princeton MN, Legal Disc: SE 1-4 EX NW 1-4 OF NW 1-4 OF SE 1-4 SOLD TO CITY & EX SLY in Section 5 of Baldwin Township 90 Acres in the Urban Expansion 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. Zoning Map
- C. Proposed development plan

BALDWIN TOWNSHIP COMMENTS: March 16, 2020 Recommended Approval

DEPARTMENT/AGENCY COMMENTS:

City of Princeton: No comment.

STAFF COMMENTS:

1. The applicant has requested to rezone a 23-acres from a 90-acre parcel located in Section 5 of Baldwin Township from Urban Expansion to Commercial to apply for an interim use permit for a 3-Megawatt solar farm.
2. The County's 2010-2030 Comprehensive Plan Land Use Map identify these parcels as Business and Industry. Therefore, there is no need to amend the County's Comprehensive Land Use Map.
3. The site plan submitted with the rezoned request includes the land need to fit the solar farm the remaining 67 acres will remain urban expansion.
4. The land surrounding this property on the north is within the City Limits of Princeton and is an industrial park with and the Princeton airport to the northwest. The adjacent land to the west and the south vacant and is zoned Urban Expansion. The Land to the west is Industrial.

Planning Commission Discussion Followed:

Ian Schonwald with EDF Renewables out of Minneapolis MN, came forward as the applicant for the Rezone request, he noted that it is approximately 23 acres as the area, an engineer has not been out to the are to survey.

Lawrence asked each Board Member if they had any comments or questions. No additional comments or questions.

Lawrence opened the Public Hearing.

No one from the Public spoke. No written comments were received from the Public.

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

Dolan asked if comment from the City of Princeton was received.

Schneider stated that they did not get comment on the Rezone request but did receive comment on the IUP request.

Lawrence stated that Baldwin Township would like to see all 90 acres Rezoned. They do not like spot Zoning, and it makes sense to rezone. The City of Princeton prefer to see just 23. They did come and give testimony this way.

Dolan added that typically when you see something going from Urban Expansion back to General Rural and especially when it abuts an Industrial area like this, Dolan wants to make sure that we're not stranding any future plans for infrastructure and inhibiting the growth of that Industrial park which is very close to capacity. He was curious that there weren't any comments.

Sime stated to Dolan that if it is helpful, staff can follow up further with the city before this comes to County Board regardless of what the recommendation is here.

Lawrence added that many entities besides Sherburne County have been involved in this process since its inception; Baldwin Township, the City of Princeton, FAA, MnDOT. This should not come as a surprise to any of them. The city of Princeton has been to the Public Hearings at the township and testified. They have had input regarding this process and the idea of the Solar Farm being established there. The City comments were favorable for the IUP, which is the next subject.

Waytashek confirmed, they had a Resolution that was passed.

Lawrence stated that this does not speak directly to the change in Zoning, but it does speak directly to the idea of having a Solar Farm in this area.

Dolan added that staff should circle back around for formality sake, he would hate to make a decision as a Commissioner, when it comes to the County Board, they could potentially strand hundreds of thousands of dollars worth of infrastructure with a decision without double checking.

Schneider will follow up with the City of Princeton.

Schonwald stated that in discussions with the land owner as well as Bob Barbian with the City of Princeton, this topic arose and the reason is, the buffer between the Northern Boundary of the proposed fence line and the edge of trees which is generally the divider between the Industrial Park and Ron Boen's property was specifically sized to allow lots of future potential Urban Expansion. Supposedly Mr. Boen has had conversations with potentially interested parties about purchasing the land for future development and it was purposefully sized to allow for idea lot size based on his discussions of these interested potential business owners as well as realtors who have inquired on other folk's behalf.

Nelson moved to recommend approval of the Rezone. Adams seconded.

Findings:

Pursuant to the County Zoning Ordinance Section 18, Subd 4.5, after the public hearing the County Planning Commission shall make a report of its consideration and recommendations on the proposed

amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator. Consideration of a rezoning request shall include without limitation, the following questions:

Marc Schneider read the questions and Nelson provided the response as follows.

A. Is the proposed rezoning consistent with the Comprehensive Plan?

Yes. The Comprehensive Plan identifies this property as Business and Industry and the rezone will make to possible to permit a solar farm.

B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?

Yes, it is currently undeveloped.

C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?

No. Neighboring lands are currently zoned Urban Expansion, Industrial and Commercial.

D. How will public services (e.g. transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

The Comprehensive Land Use Maps for Baldwin Township have identified this land for Business and Industry and this parcel is undeveloped at this time.

E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?

This property is not within a Shoreland District.

F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?

No, the MN County Biological Survey completed by the DNR shows no biodiverse plant communities within one mile of this property.

G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?

Yes. This is part of a 90-acre parcel

H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate?

This property is undeveloped and has been zoned Urban Expansion County’s Comprehensive Land Use Map shows this land as Business and Industry.

The motion carried, with all members voting via roll call in favor (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #7-9:20

SOLAR FARM- Bright Stream Solar Partners LLC (Property Owner: Prairie Restorations) Request for an Interim Use Permit for a 3 MW Solar Farm

PID01-005-4000, Address: 31922 – 128th St NW, Princeton, Section 5, Baldwin Township 90 Acres in the General Rural District

Lynn Waytashek, Assistant Zoning Administrator presented the request to the Planning Commission including the board packet, attachments and comments. Waytashek reminded the Board that an amended landscape plan was sent via e-mail to the Planning Commission members on Friday, May 15th.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
 - B. Preliminary Site Plan (Sheet 3) (date Stamped April 22, 2020)
- Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

- C. Preliminary Landscape Plan (date stamped April 22, 2020)
- D. Project Description Plan (date stamped February 13, 2020)
- E. Decommissioning Plan (March 9, 2020)
- F. City of Princeton Resolution for Variance to Allow Solar Garden in Zone A
- G. MnDOT email from Richard Braunig regarding glass analysis & panels in Zone A
- H. Option A driveway access depiction
- I. Existing Conditions with Airport Zones depicted (Date Stamped April 22, 2020)
- J. Photo showing type of fence to be installed

BALDWIN TOWNSHIP COMMENTS (4/13/2020): Recommend approval with conditions of the County.

DEPARTMENT/AGENCY COMMENTS:

Baldwin Fire Chief: No comments received

County Attorney Office: No comments received

David Roedel, Sherburne County Assistant Public Works Director: (April 17, 2020): Public Works Dept will accept Option A driveway access on Co Rd 45 aligning with 317th St NW.

Robert Barbian, City of Princeton (received April 6, 2020):

The City of Princeton approved a variance on March 16, 2020 to allow solar panels in Zone A of the Princeton Airport with the following standards:

- A. That a no build easement be added to the balance of Zone A.
- B. An access easement be established on the parcel for access to enable maintenance of the air space from all-natural obstructions.
- C. All new plantings have mature heights that do not exceed air space limits, which are to be included in the 7460 application to the FAA.
- D. The solar glare analysis is completed and accepted by MnDOT and FAA.
- E. All solar panels and fencing not exceed a height of 12 feet.
- F. The solar garden use require renewal at which time the panels require repowering, approximately 25 years.
- G. That the developers agree to not object to future installation of utilities or road extensions adjacent or around the solar development to achieve cost efficiencies.
- H. That the garden be located a minimum of 10 feet from the RPZ.

Rick Braunig, Manager, Aviation Safety & Enforcement of MnDOT Aeronautics, dated November 29, 2019 (zoning received March 9, 2020):

MN Rules 8800.2400 prohibit land use structures in Zone A. One of the permitted uses is auto parking and we recognize your assertion to the similarity of impact between auto parking and solar panels. The purposes stated for the restriction on the property use in airport zoning is to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident. This project being located along the east side of a portion of Zone A would be a low structure similar to the heights of automobiles and would be in keeping with the goal of limiting population density.

Your completion of the glare analysis further shows that this project would be acceptable when evaluated against the general restrictions applicable to all zones. MnDOT is aware of several other communities that

have permitted similar uses in Zone A. It is not MnDOT's intention to take action on this issue regardless of the choice the Airport Zoning Authority makes. We feel this is a local decision.

PLANNING & ZONING STAFF COMMENTS:

1. Bright Stream Solar Partners LLC is proposing to construct a 3 MW solar farm on this property. The City of Princeton is directly north of this property. The Princeton Airport is directly to the northwest. The northwest portion of the solar farm will be located in Zone A and the remaining portion of the solar farm is located in Zone C. This 3 MW site will take up approximately is 23 acres.
2. No new utility poles are proposed for this solar farm.
3. Site will have tracking solar panels that will follow the sun. The maximum height of the panels will be 15 feet.
4. Access to the proposed solar farm shall be on County Road 45 directly across from 317th Street NW.
5. All above and below ground equipment, wiring, concrete, etc. must be removed from site when decommissioned.
6. 7 ft tall single knot agricultural fence is proposed. The larger openings in the fence and 6-inch high opening at the bottom of the fence allow for the free movement of smaller animals otherwise blocked by a chain link fence.
7. ***Applicant has applied for a variance to only have trees planted on the east side of the property. The variance is being heard by the Board of Adjustment on May 14th, prior to the Planning Commission meeting. Information as to whether the variance was approved or denied will be provided at the Planning Commission meeting. If the variance is denied, the applicant will need to provide revised drawings showing trees planted around the entire circumference of the solar farm prior to the Planning Commission meeting. The revised drawings would be emailed to Commission members.***
8. A Glare Study has been submitted due to proximity to Princeton Airport. MN Dot has stated that there are no issues with glare and the airport.
9. Existing septic system for old home on property has been abandoned and required MPCA Septic Abandonment form was submitted to the Zoning Department. The existing well has been disconnected from the house.

RECOMMENDED CONDITIONS IF APPROVED:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence must be an agricultural type fence.
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 plan date stamped March 9, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the

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

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. **(This item will be updated after Board of Adjustment meeting)** Must install 6-foot-tall Black Hills Spruce trees of the solar farm as shown on _____ date stamped _____. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 35 years until December 31, 2055. This IUP is valid for Bright Stream Solar Partners LLC and Prairie Restoration.
14. Access to the proposed solar farm shall be from County Road 45, aligning west of 317th Street NW.
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, 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 stated that the Board of Adjustment passed the factor that stated that if in the future, the need arose to place trees on the other 3 sides, the County reserves the right to require that with the Variance, Lawrence asked does that need to be a Condition here?

Waytashek stated that she had made the comment at the Board of Adjustment that she is not sure who is going to enforce that, who is going to put them up, who is going to pay for them. She had concerns about leaving that as the Condition and this is how it did end up getting approved.

Sime stated that screening be consistent with the plans shown and the Variance granted.

Ian Schonwald, EDF Renewables, Minneapolis, MN came forward as the applicant. He did not have anything further to add.

Lawrence confirmed that the applicant understood the Conditions.

Lawrence asked each Board Member if they had any additional questions or comments.

Aubol asked about the durability of the Agricultural fence vs Chain Link.

Schonwald stated that he can't speak to the length of time, but NREL, the National Renewable Electric Laboratory as well as National Electric Standards has approved the agricultural fence for projects and project life is estimated both by IRS and most Financial Institutions at 35 years without requiring replacement, so he would say it's at least 35 years.

Aubol stated in his memory other applicants have not come forward with this request, why this one?

Schonwald stated that it's often in the eye of the beholder. Often in rural environments and agricultural, fixed knot fence is viewed as one that is more consistent with the local topography. Often, he has heard complaints in other meetings, in other jurisdictions where the chain link fences in these fields, look prison like and does not meet with the local aesthetic. Therefore, it's been the go-to for most projects unless specifically demanded by local authorities or residents, to have Agricultural fencing rather than chain link.

Lawrence asked if this type of fence is climbed over more since it's more ladder like. Do you see an increase in people entering?

Schonwald has not had anyone try to climb the fence. He did add that the more open holes are better for local mammals to get through and environmentalists tend to favor this.

Adams stated that he has landed at this airport several times, he is surprised that this would be put at the end of the runway. His concern is the solar glare. He asked that Schonwald speak to the solar glare and the study that the FAA did. Adams assumed that they approved the location with the panels that are going to be installed.

Schonwald said a glare study was one of the first things done in order to determine site feasibility. The FAA partners with an entity called Forged Solar, they are one of the only entities outside of the FAA that has an exclusive license to provide a glare analysis. They performed the study with their software, and it received a passing grade. Additionally related, the FAA has approved the 7460 study related to height and how this will impact take-off and landing approaches, additionally the panels that were selected for this are coated with an Anti-reflective coating (ARC) and the approximate reflectivity is about 4%, means that 96% of the sun's rays are actively absorbed by the panels. To put this in context, it's less reflective than a pond that may be nearby.

Adams asked about the fence, in the past we have required chain link with barbed wire on top. This came out of the National Electric Safety Code. Adams said that we are trying to keep people out of these facilities as they are electrical generating facilities. Adams recommends the chain link fence with barbed wire on top as its' more robust than what Schonwald is proposing and it's tougher for someone to crawl over. It can be raised a couple of inches off the ground if you want to get rabbits and squirrels in there. You'll have to determine if they will cause damage to the electrical gear.

Nelson asked if Baldwin Township is in favor of solar farms in their township.

Lawrence stated that there has been discussion about it as they have watched the western side of the County get engulfed with Solar Farms. There has been discussion about preparing to limit the Solar Farms and that came up as an option, simply discussion about limiting the amount of solar farms. Baldwin is not opposed and if Baldwin is to have a solar farm, this is the ideal location for it.

Demeules asked for an explanation on a wetland delineation process?

Schonwald coordinated with a Civil Engineer, Sambatek, who then hired Braun, they did a field walk through after performing a desktop wetland analysis. Three different small areas of wetlands were identified and are highlighted in blue and in your packet. In Coordination with the Zoning Office and the wetland experts in the County and in the State, the Technical Evaluation Panel reviewed and found that it would not be injurious to the wetlands, the 2 smaller areas were dug out by the landowner and are not naturally occurring. The third is an area where there is runoff during heavy rains and no animals were noted to live there and there is no standing water.

Waytashek stated that they went through Wetland reviews with Zach Guttormson in the Zoning office and followed procedures within the Wetland Conservation Act.

Lawrence opened the Public Hearing.

No one from the Public spoke. No written comments were received from the Public.

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

Nelson moved to recommend approval of the IUP with the (19) Conditions. Adams seconded if there is a change from Agricultural Fence to Chain Link fence.

Nelson does not agree to a change to the chain link fence; therefore, Adams withdrew his motion.

Jehoich seconded the motion for approval with the IUP with the (19) Conditions, as is.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence must be an agricultural type fence.
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 plan date stamped March 9, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated &

- maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Eastern Red Cedar, Jack Pine and White Pine of the solar farm as shown on the plans date stamped May 15th, 2020. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
 13. This IUP is to be valid for 35 years until December 31, 2055. This IUP is valid for Bright Stream Solar Partners LLC and Prairie Restoration.
 14. Access to the proposed solar farm shall be from County Road 45, aligning west of 317th Street NW.
 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, 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:

Lynn Waytashek read the questions and Nelson provided the response as follows.

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, it will not, this is an Agricultural field with Agricultural to the South and an Industrial Park to the North.

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, it will not, there is commercial on 2 sides of this.

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

Yes, County Road 45 is adjacent to 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, they have enough acres to provide 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, there will be no noise, except for temporary during construction of the project.

The motion carried, with members voting via roll call with 6 in favor (Aubol, Jehoich, Schlingmann, Spencer, Nelson, Demeules) and 2 opposed (Adams and Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item # 8-9:40

PARKVIEW ACRES (Property owners: David & Deborah Hedburg): Requesting preliminary and final plat approval of a 3-lot simple plat

PID 01-014-2400 Address: 30602 – 108th St NW, Princeton, Section 14, Baldwin Township on 13.43 acres in the General Rural District

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

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (revision date April 20, 2020)
- C. Final Plat (date stamped April 13, 2020)

BALDWIN TOWNSHIP COMMENTS (received March 25, 2020): No comments.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (Feb 6, 2020)

- 1. The proposed improvements should follow the approved County Access Spacing requirements per the Sherburne County Long Range Transportation Plan. Lot 3 access to CSAH #19 shall be from as close to the north property line as possible. Lots 1 & 2 will share a common access to Co Rd #38.
- 2. An access permit will be required from the Public Works Dept.
- 3. A limited access notation line shall be added on the final plat submitted to the Sherburne County Survey Department.
- 4. The Sherburne County Public Works Department will require park dedication fees for the 2 new lots at \$800 per lot, totaling \$1,600. The lot with the existing house does not require park dedication fees. Park fees must be paid prior to the Public Works Department signing the mylars.

Russ Heiling, County Surveyor (04/16/2020) – All comments from 1/30/20 letter have been addressed. No additional comments.

Bonnie Jacobs, County Auditor's Office (01/31/2020) – No issues.

Mike Lindenau, Co Ditch Inspector (01/30/2020) – No issues, does not benefit from a county ditch.

PLANNING & ZONING STAFF COMMENTS:

- 1. The applicant currently has two (2) lots and is proposing to split them into three lots.
- 2. No new roads will be constructed.
- 3. Wetland Delineation has been completed.

Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

RECOMMENDED CONDITIONS IF APPROVED:

1. Park dedication fees for two (2) lots at \$1,600. Fees are paid to Public Works prior to them signing the final plat mylars.
2. The proposed improvements should follow the approved County Access Spacing requirements per the Sherburne County Long Range Transportation Plan. Lot 3 access to CSAH #19 shall be from as close to the north property line as possible. Lots 1 & 2 will share a common access to Co Rd #38.
3. An access permit will be required from the Public Works Dept.
4. A limited access notation line shall be added on the final plat submitted to the Sherburne County Survey Department.
5. 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:

Waytashek informed the Planning Commission that David Roedel has revised his comments after he spoke with the applicants and would like to remove item 2 from his comments and item 4 changed to 1 park fee for \$800, rather than \$1600 due to the applicant having 2 existing lots and making it into 3 lots.

Dave Hedberg, 14421 88th St NE, came forward. He did not have further comments or questions.

Lawrence opened the Public Hearing.

No one from the Public spoke nor was any written comment received.

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

Nelson moved to recommend approval of the Simple Plat with the corrected (4) Conditions as amended. Motion died due to no Second.

Aubol asked which Township this is in. Staff confirmed it was Baldwin. The aerial map will be updated to reflect Baldwin Township.

Adams asked for clarification on Recommended Condition #4, regarding limiting access.

Waytashek explained that this is when a line is put on the plat so that a driveway cannot be put just anywhere, a permit must be obtained from Public Works. This property abuts a County Road, so they want to control where there is access and where it is coming out.

Lawrence added, that it abuts 2 County Roads.

Hedberg stated that they do have an access.

Nelson would like to move for approval with the (4) Conditions. Schlingmann seconded.

Conditions:

1. Park dedication fees for two (1) lots at \$800. Fees are paid to Public Works prior to them signing the final plat mylars.
2. The proposed improvements should follow the approved County Access Spacing requirements per the Sherburne County Long Range Transportation Plan. Lot 3 access to CSAH #19 shall be from as close to the north property line as possible. Lots 1 & 2 will share a common access to Co Rd #38.
3. A limited access notation line shall be added on the final plat submitted to the Sherburne County Survey Department.
4. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried, with all members voting via roll call in favor (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #9-9:47

Gohmann Community Solar LLC (Property owners Katie Hartkopf): Request for an Interim Use Permit for a 1 MW Solar Farm.

Address: 5505 – 92nd St SE, Clear Lake PID # 20-214-3205. Sec 14, Twp 34, Rge 30, Clear Lake Township, 30.35 acres in Agricultural District.

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

PLANNING COMMISSION’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (date stamped March 30, 2020) & Restoration Plan (date stamped March 30, 2020) B1 – B2
- C. Project Description Plan (date stamped March 18, 2020)
Decommissioning Plan (included in Project Description Plan #9)
- D. Site Details (Fencing Plan) (date stamped March 30, 2020)

CLEAR LAKE TOWNSHIP COMMENTS (April 6, 2020): The township fees that this is an after-the-fact request for the sole purpose to allow a fence that was not put up according to the original IUP. We feel the fence should be replaced according to the original IUP before construction began. All other solar applications in the township were granted with a chain link fence and it is not fair to those other solar installations that complied with the requirements in the original IUP and zoning at the time. This we feel will set a very bad precedent going forward.

PLANNING & ZONING STAFF COMMENTS:

- 1. Applicant received an IUP to construct a solar farm in November 2019. Applicant obtained a building permit and started construction. In January 2020 the Zoning Department was made aware that the applicant put up an agricultural type fence and not a chain link fence, as approved in the IUP. Instead the replacing the fence with what was approved the applicant is requesting to change the IUP condition to allow an agricultural type fence.
- 2. Applicant has constructed a 1 MW solar farm in the northeast corner of the property. They have two (2) new utility poles for this solar farm.
- 3. Site has approximately 4,100 solar panels. The racking system is installed in the ground with pilings at a depth of 6 ft – 10 ft.
- 4. There are existing trees along the northern and eastern property lines. Trees will need to be planted on south and west boundary lines.
- 5. There is an existing overhead power line running diagonally through this property. The proposed solar farm is located east of the existing power line.
- 6. Access to property is via a township road.
- 7. A Glare Study was not required because proposed solar farm is not utilizing a reflector solar system.
- 8. All biodegradable and non-biodegradable underground conduit housing must be removed during decommissioning.

RECOMMENDED CONDITIONS IF APPROVED:

- 1. Building permit required for on-site supply structure if over 200 sq. ft in size.
- 2. Building permit required for installation of solar panels with engineered plans submitted.

3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type Fence installed (See Attachment D).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees along the western and southern perimeter of the solar farm as shown on Site Plan (Attachment B1 & B2) date stamped March 30, 2020. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart.

All trees along the border of 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, 2054. This IUP is valid for Grohman Community Solar LLC and Katie Hartkopf.
14. Access to the proposed solar farm shall be via the proposed access as shown on the site plan. If upgrade to the access location is required, an Access Permit is required from the Clear Lake Township to ensure compliance with township Standards. Access Permit must be issued prior to Zoning issuing a building permit.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including biodegradable underground conduit housing and all underground footings and 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:

Mike Kampmeyer, 2670 Patton Rd, Roseville with IPS Solar came forward as the applicant.

Kampmeyer stated that he would like to add that the plans called for chain link, the plans were taken to the building department and approved, there was some miscommunication between the Contractor and the Engineering Firm, and the fence was installed. He stated that IPS was unaware until they were informed by the County. The advantages of the Agricultural fence were mentioned earlier by a previous applicant. He would also like to point out that the packet for the EDF project, Condition #3 reads, If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence must be an Agricultural type fence. So, other than the obvious reasons that it's a little more attractive and allows animals to move about.

Lawrence asked each Board member if they had any questions or concerns.

Adams stated that chain link with barbed wire is much more robust and will last better throughout the years and will do a better job of keeping people from intruding on the facility. He would recommend that the Board hold the line on the chain link fence.

Schlingmann stated, what do we care? It's their asset that they are protecting. We just approved a Solar Farm with the agricultural fence.

Vandereyk doesn't see the advantage for providing for free ranging rodents. What bothers the township most is that the design was changed after it was approved. This was changed during construction. In other types of developments, a developer is not allowed to make changes during the construction period. The question of aesthetics, it's his understanding that the coniferous tree planting is supposed to provide for screening and aesthetics. He still holds that chain link should be installed.

Dolan added that there has been in depth discussion at the County Board level and at workshops for the last 18 months, so just to lend some insight; the type of fencing is standard throughout the State and Country on these, the Board did not have a preference one way or the other. The way this came about it frustrating, but as far as the type of fence, the Board is neutral.

Lawrence opened the Public Hearing.

No one from the Public spoke. One comment was received from Mary Weber who was opposed to the request as she feels that there are too many Solar Farms in the area.

Nelson moved to close the Public Hearing. Schlingmann Seconded. The motion carried and the Public Hearing was closed.

Schlingmann moved to recommend approval of the IUP with the (19) Conditions. Spencer seconded.

Vandereyk added that in the past there has been a bit of consternation on the part of the County in dealing with these solar developers on changing their proposal and having them go through an additional IUP, it seems that the notion of them changing the design on the fly is because they are Solar Developers, the township feels that for the sake of uniformity and security that the fence should be changed.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type Fence installed (See Attachment D).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards

may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees along the western and southern perimeter of the solar farm as shown on Site Plan (Attachment B1 & B2) date stamped March 30, 2020. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All trees along the border of 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, 2054. This IUP is valid for Gohmann Community Solar LLC and Katie Hartkopf.
14. Access to the proposed solar farm shall be via the proposed access as shown on the site plan. If upgrade to the access location is required, an Access Permit is required from the Clear Lake Township to ensure compliance with township Standards. Access Permit must be issued prior to Zoning issuing a building permit.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including biodegradable underground conduit housing and all underground footings and 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:

Lynn Waytashek read the questions and Schlingmann provided the response as follows.

1. Is the Interim Use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will it substantially diminish and impair property values within the immediate vicinity? YES or NO WHY?

No, it's an existing structure on an Agricultural field.

2. Will the establishment of the Interim Use impede normal, orderly development and improvement of surrounding vacant property for uses predominant in the area? YES or NO WHY?

No, it's predominantly Agricultural and will be there over 30 years and can revert back once it's completed.

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

Yes, it has access right on to 58th Ave, no other need for utilities other than electrical transmission lines

4. Have adequate measures 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's plenty of open space within the fence to provide for construction parking and operational parting.

5. Have adequate measures 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 majority of construction is completed, any additional construction will be related to general maintenance of facility.

The motion to approve fails 3 (Schlingmann, Spencer, Nelson) in favor and 5 (Aubol, Adams, Jehoich, Demeules, Vandereyk) opposed. This results in a recommendation of denial to be given to County Board.

Aubol is opposed because it was a failure of the engineering or construction company to install the agreed upon fencing and it should be replaced with what was in their contract.

Adams agrees with Aubol and added that it's a code issue for what the National Electrical Safety code requires which is a chain link fence with barbed wire on top. We need to hold to the code.

Jehoich agrees with both Aubol and Adams.

Demeules stated that they need to be held to the original IUP conditions.

Vandereyk stated that they need to hold to the originally approved plans and additional security that chain link will provide.

Agenda Item # 10-10:05

Hartmann Community Solar LLC (Property owners Hartmann, Douglas & Terri): Request for an Interim Use Permit for a 1 MW Solar Farm.

PID # 25-030-4100. Sec 30, Twp 35, Rge 30, Haven Township, 27.52 acres in Agricultural District.

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

PLANNING COMMISSION'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan & Restoration Plan (date stamped April 6, 2020) B1 – B2
- C. Landscape Screening Plan (date stamped April 6, 2020)
- D. Project Description Plan (date stamped March 18, 2020)
Decommissioning Plan (included in Project Description Plan #9)
- E. Site Details (Fencing Plan) (date stamped April 6, 2020)
- F. Existing Fence photo

Sherburne County Planning Advisory Commission Meeting Minutes
May 21, 2020

HAVEN TOWNSHIP COMMENTS (March 20, 2020): No objection from the Board on changing the fence.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Ass't Public Works Director (March 6, 2019): Access to the proposed solar farm shall be via the existing access that serves the site and as shown on the site plan. Coordination with Mike Juricich, Public Works Permit Agent, will be required to determine if proposed access location meets County Standards. If upgrade to the access location is required, an Access Permit is required from the Public Works Department to ensure compliance with County Standards.

PLANNING & ZONING STAFF COMMENTS:

1. Applicant has constructed a 1 MW solar farm on this property. One (1) new utility pole for this solar farm has been added. The interconnection path will be underground. The variation is due to Xcel design requirements varying for different projects.
2. Site will have approximately 4,100 solar panels that track the sun. The racking system is installed in the ground with pilings at a depth of 6 ft – 10 ft.
3. There is an existing NSP Utility Powerline and easement located to the east of the proposed solar farm.
4. There are existing trees along the eastern property line. No trees need to be planted along the eastern boundary line that abuts PID#25-030-4102. Trees will need to be planted on the north, south, west and east boundary along portion that abut PID# 25-030-4107 & 25-030-4101 lines.
5. A Glare Study was not required because proposed solar farm is not utilizing a reflector solar system.
6. All biodegradable and non-biodegradable underground conduit housing must be removed during decommissioning.
7. Access to proposed property is via an easement shared by several property owners. Easement was created in October 1983 (Document #178285) it is 66 feet in width and was written for ingress/egress.
8. A wetland delineation was completed on this property and no wetlands will be impacted.

RECOMMENDED CONDITIONS IF APPROVED:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type fence (See Attachment E).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a

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

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees along the entire western, northern, and southern perimeter of the solar farm as shown on Landscape Screening Plan (Attachment C) date stamped April 6, 2020. No trees need to be planted along the eastern boundary line of the proposed solar farm that abuts PID#25-030-4102. Trees will need to be planted on the north, south, west and east boundary along portion that abut PID# 25-030-4107 & 25-030-4101 lines. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All trees along the border of 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, 2054. This IUP is valid for Hartmann Community Solar LLC and Douglas and Terri Hartmann.
14. Access to the proposed solar farm shall be via the existing access that serves the site and as shown on the site plan. If upgrade to the access location is required, an Access Permit is required from the Public Works Department to ensure compliance with County Standards. Access Permit must be issued prior to Zoning issuing a building permit.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including biodegradable underground conduit housing and all underground footings and 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:

Mike Kampmeyer, IPS Solar, 2670 Patton Rd, Roseville came forward and asked why the developer is bearing the burden if the County approved the permit for the fence.

Lawrence asked each member if they had questions or comments.

Schlingmann stated that Haven town board felt that it is their asset that they are protecting, it's not their job.

Lawrence opened the Public Hearing.

No one from the Public spoke. There were 3 comments received prior to the meeting. Ann and Joel Imholte, 2025 52nd St SE, St Cloud both submitted comments and are concerned about the number of solar gardens in the area and that the property owner is not respecting the environment or the neighbors. Jennifer Juetten, 5310 Cty Rd 8 SE, St Cloud also submitted a comment and she didn't approve of the request, she works nights and sleeps during the day, the noise level during construction has interfered with her sleep in the past. She also is opposed as this area is zoned Agricultural.

Nelson moved to close the Public Hearing. Jehoich Seconded. The motion carried and the Public Hearing was closed.

Schlingmann moved to recommend approval of the IUP with the (19) Conditions. Nelson seconded.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type fence (See Attachment E).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the

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

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees along the entire western, northern, and southern perimeter of the solar farm as shown on Landscape Screening Plan (Attachment C) date stamped April 6, 2020. No trees need to be planted along the eastern boundary line of the proposed solar farm that abuts PID#25-030-4102. Trees will need to be planted on the north, south, west and east boundary along portion that abut PID# 25-030-4107 & 25-030-4101 lines. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All trees along the border of 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, 2054. This IUP is valid for Hartmann Community Solar LLC and Douglas and Terri Hartmann.
14. Access to the proposed solar farm shall be via the existing access that serves the site and as shown on the site plan. If upgrade to the access location is required, an Access Permit is required from the Public Works Department to ensure compliance with County Standards. Access Permit must be issued prior to Zoning issuing a building permit.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical

components including biodegradable underground conduit housing and all underground footings and 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:

Lynn Waytashek read the questions and Schlingmann provided the response as follows.

1. Is the Interim Use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will it substantially diminish and impair property values within the immediate vicinity? YES or NO WHY?

No, there's been no change since we approved the original solar farm and the construction has taken place.

2. Will the establishment of the Interim Use impede normal, orderly development and improvement of surrounding vacant property for uses predominant in the area? YES or NO WHY?

No, it's outside of the urban growth area of the City of St Cloud and is generally residential and solar arrays.

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

Yes, they have access to County Road 8 through an easement.

4. Have adequate measures 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 sufficient parking available on site.

5. Have adequate measures 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?

This is not applicable, it's a quiet use.

The motion carried with 5 members voting in favor (Lawrence, Schlingmann, Spencer, Nelson, Demeules) and 4 members opposed (Aubol, Adams, Jehoich, Vandereyk) via roll and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #11 -10:14

E. Goenner Community Solar LLC (Property owners Goenner, Ernest & Angela Farms, LLC): Request for an Interim Use Permit for a 1 MW Solar Farm.

PID # 20-205-4101. Sec 5, Twp 34, Rge 30, Clear Lake Township, 17.85 acres in Agricultural District.

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

PLANNING COMMISSION'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (date stamped April 28, 2020) & Landscape Plan (date stamped April 28, 2020) B1 – B2
- C. Project Description Plan (date stamped March 18, 2020)
Decommissioning Plan (included in Project Description Plan #9)
- D. Fence Details (Sheet #C602)
- E. Existing Fence Photo
- F. Tree Plan (Sheet PV4)

CLEAR LAKE TOWNSHIP COMMENTS (March 30, 2020): The township fees that this is an after-the-fact request for the sole purpose to allow a fence that was not put up according to the original IUP. We feel the fence should be replaced according to the original IUP before construction began. All other solar applications in the township were granted with a chain link fence and it is not fair to those other solar installations that complied with the requirements in the original IUP and zoning at the time. This we feel will set a very bad precedent going forward.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Ass't Public Works Director (March 6, 2019): Access to the proposed solar farm to CSAH 8 needs to meet access spacing requirements of 660 ft from the other adjacent access locations, per our current Long-Range Transportation plan. An Access Permit is required. Coordinate with Mike Jurich, Public Works Permit Agent to ensure compliance with County Standards for the proposed access.

PLANNING & ZONING STAFF COMMENTS:

1. The applicant is proposing to place a 1 MW solar farm on this property. This 1 MW site takes up approximately 8 additional acres. Applicant put up an agricultural type fence instead of a chain link fence. They are requesting to keep the agricultural fence.
2. Applicant is proposing to move solar farm to the west to eliminate need to cut mature trees existing on southeastern side of property. Previously applicant was going to plant trees around entire site (Attachment B). Now they are proposing to only plant trees along road and rear area where there are no existing trees. Zoning Staff recommend that Attachments B – C2 be approved and not developer's Reduced Screening Plan (C1).
3. They are proposing to have three (3) utility poles for this solar farm.
4. Site will have approximately 4,100 solar panels that track the sun. The racking system is installed in the ground with pilings at a depth of 6 ft – 10 ft.
5. A Glare Study was not required because proposed solar farm is not utilizing a reflector solar system.
6. All biodegradable and non-biodegradable underground conduit housing must be removed during decommissioning.

RECOMMENDED CONDITIONS IF APPROVED:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type fence (See Attachment D).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with a branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds

upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees around the perimeter of the solar farm as depicted in Attachment B. The only area where trees do not need to be planted is along the southern half of the eastern property line. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All trees along the border of 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, 2054. This IUP is valid for E. Goenner Community Solar LLC and Ernest & Angela Goenner Farms, LLC.
14. Applicant must meet Public Works spacing requirements for access to CSAH #8. Applicant must obtain an Access Permit from Public Works prior to building permit being issued.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including biodegradable underground conduit housing and all underground footings and 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:

Mike Kampmeyer, 2670 Patton Rd, Roseville came forward as the applicant. He had no further comments.

Lawrence opened the Public Hearing.

No one from the Public spoke. There were 3 comments received from the Public. Mary Weber is opposed due to too many Solar Farms in the area. Sandy Hoth who has property on Long Lake and has environmental concerns regarding the water table, the well water and the chemicals in the Solar Panels. Also, Patti and Bernie Bromenschenkel shared many of the same concerns as Ms. Hoth had.

Nelson moved to close the Public Hearing. Jehoich Seconded. The motion carried and the Public Hearing was closed.

Lawrence asked if any Board members had questions or comments for staff.

Vandereyk stated that he had the same comments as on the Gohmann Solar Farm. An objection to changing the design during construction.

Aubol moved to recommend denial of the IUP because there was an agreement and a mistake on the part of the engineer, the developer or a combination of both was made. They did not follow the agreement. Adams seconded and added that the standard is chain link and there are safety issues with an Agricultural Fence.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. **Agricultural type fence (See Attachment D).**
4. A Stormwater Erosion Control permit will be required from the County Zoning Department 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 Department 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 March 18, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a

replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated after construction with a low growth and low maintenance native pollinator friendly seed mix. The property will be treated and maintained as needed during the spring and summer months to manage vegetation growth. Property owner will responsible for vegetation control and weed management during the projects operating life. Pollinator friendly habitat initiatives are required. Native seed mixes must be used under and around solar panels.
12. Must install 6-foot-tall Black Hills Spruce trees around the perimeter of the solar farm as depicted in Attachment B. The only area where trees do not need to be planted is along the southern half of the eastern property line. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All trees along the border of 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, 2054. This IUP is valid for E. Goenner Community Solar LLC and Ernest & Angela Goenner Farms, LLC.
14. Applicant must meet Public Works spacing requirements for access to CSAH #8. Applicant must obtain an Access Permit from Public Works prior to building permit being issued.
15. Decommissioning of project shall involve removal of the project's components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including biodegradable underground conduit housing and all underground footings and 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:

Lynn Waytashek read the questions and Aubol provided the response as follows.

1. Is the Interim Use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will it substantially diminish and impair property values within the immediate vicinity? YES or NO WHY?

No, it is not injurious.

2. Will the establishment of the Interim Use impede normal, orderly development and improvement of surrounding vacant property for uses predominant in the area? YES or NO WHY?

No.

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

Yes, they are provided.

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

Yes.

5. Have adequate measures 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 will be temporary, and it will be quiet after.

The motion to deny carried with 5 members voting to deny the IUP (Aubol, Adams, Jehoich, Demeules, Vandereyk) and 3 opposed to the denial of the IUP (Schlingmann, Spencer, Nelson) via roll call. Denial of the IUP is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #12-10:24

SOLAR FARM-Solar Club 26 LLC (Property Owner Shaun Schilling) Request for an Interim Use Permit for a 1 MW Solar Farm

PID 25-030-4200, Section 30, Haven Township 14.31 Acres in the Agricultural Zoning District

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

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Site Plan (date stamped May 4, 2020)
- C. Tree/Fence Diagram (date stamped April 9, 2020)
- D. Project Description Plan (date stamped April 9, 2020)
- E. Decommissioning Plan (included in Project Description on Pages 22 - 25)

HAVEN TOWNSHIP COMMENTS (4/21/2020): Township recommends approval. Will need a driveway permit from Township prior to construction.

DEPARTMENT/AGENCY COMMENTS: None received.

PLANNING & ZONING STAFF COMMENTS:

1. Solar Club 26 LLC is proposing to place a 1 MW solar farm on this property. There is an existing solar farm to the north across 52nd Street and a solar farm to the southeast on the adjoining property.
2. They are proposing to have three (3) new utility poles for this solar farm for connection with Xcel Energy. The new poles are located adjacent to 52nd Street.
3. Site will have approximately 3,800 tracker solar panels. The racking system is installed in the ground with pilings at a depth of 8 ft – 11 ft.
4. Applicant will plant Black Hills Spruce trees around the entire exterior perimeter of the solar farm.
5. Applicant is proposing a 7 ft galvanized chain-link perimeter fence with barbed wire on top that will encompass the entire facility.
6. Access to the proposed solar farm shall be from the north from 52nd Street SE, a township road.
7. All underground conduit housing must be removed from the property when the solar farm is decommissioned.
8. 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 April 9, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Black Hills Spruce trees around the entire perimeter of the solar farm as shown on Site Plan (Attachment A) date stamped May 4, 2020. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 30 years until December 31, 2050. This IUP is valid for Solar Club 26 LLC and Shaun Schilling.

14. 15. Access to the proposed solar farm shall be from 52nd Street SE.
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:

Lauren Walburg, 518 7th Ave NE, Minneapolis came forward as the applicant. She was not aware of the driveway issue and agrees that it's an issue for the landowner to work out with the neighboring property owner but is happy to be involved in that discussion.

Lawrence asked if the applicant understands the Conditions. She stated her understanding.

Lawrence asked each member of the Board if they had any questions or comments. No questions or comments.

Lawrence opened the Public Hearing.

No one from the Public spoke. There were 4 comments received for the public hearing and are on file. Joel Imholte, Anne Imholte, Jenifer Juetten and Dennis Leitha Jr which is a new comment and he is an adjoining property owner, he has a driveway that he uses to get to his field and needs access. Waytashek talked with Leitha today and told him it was a private matter for his field access.

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

Demeules moved to recommend approval of the IUP with the (19) Conditions. Schlingmann seconded.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq. ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted. 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 April 9, 2020.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$25,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with a branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Black Hills Spruce trees around the entire perimeter of the solar farm as shown on Site Plan (Attachment A) date stamped May 4, 2020. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 30 years until December 31, 2050. This IUP is valid for Solar Club 26 LLC and Shaun Schilling.
14. 15. Access to the proposed solar farm shall be from 52nd Street SE.
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:

Lynn Waytashek read the questions and Demeules provided the response as follows.

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 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 more than 400 ft away.

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 30 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. 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, a driveway is proposed to 52nd Street SE. 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 with all members voting in favor via roll call (Aubol, Adams, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Closing:

Aubol moved to adjourn the meeting. Adams seconded. The motion carried and the meeting was adjourned at 10:33 pm.