

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
November 3, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, November 3, 2022 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Support Specialist.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Frank Storm, John Sutcliffe, Chair Chip Yeager, James McCarthy, and Dave Whitney. Absent: Jolene Wille (excused). Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present except for Wille.

Approval of Agenda – Motion by John Sutcliffe to approve the agenda as presented; second by Dave Whitney. The motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

Approval of Minutes – Chair Yeager indicated that staff noted a clerical error on the October 6, 2022 minutes. **Motion** by Chair Yeager for the minor edit ... met in regular session at 7:00 p.m. on Thursday, ~~September 1-~~ October 6, 2022 at ... ; second by Dave Whitney. The motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked for additional corrections and/or approval of the minutes. **Motion** by Frank Storm to approve the October 6, 2022 Regular Meeting minutes as amended; second by John Sutcliffe. The motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

County Commissioner DuBose asked for a minor edit or clarification on the October 20, 2022 Special Work Session minutes. DuBose suggested that the Commission, when discussing Accessory Dwelling Units (ADUs), had discussed an increase of accessory storage space in the Rural Residential Districts from the current maximum of 2,000 square feet, and he believed that the minutes reflected this conversation inaccurately. Chair Yeager inquired staff to review. **Motion** by Frank Storm to table the October 20, 2022 Special Work Session minutes; second by Dave Whitney. The motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

Receive all Materials and Submittals into Record - Motion by Frank Storm to accept all materials and submittals into the record; second by Dave Whitney. The motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Frank and Debora Dusenka – Coordinator Gervais provided a brief background on the request for Rezoning of four parcels, totaling 45± acres, from Rural Residential II (RRII) District to Agricultural (AG) District. The four parcels are located at 35089 Wild Mountain Road / CSAH 16, Shafer Township, S1, T34, R19 (PID# 08.00004.20, 08.00018.15, 08.0003.00 and 08.00128.00).

Property owners Frank and Debora Dusenka requested their parcels be Rezoned from RRII District to AG District. The owners have a total of nine properties near and adjacent to Wild Mountain Road / CSAH 16. Five parcels

located on the west side of Wild Mountain Road / CSAH 16 are zoned AG District and four parcels located on the east side of Wild Mountain Road / CSAH 16 are zoned RRII District and are within the Upper St. Croix Overlay (UO) District. The Rezoning request would bring all nine parcels into one consistent zoning district. The four parcels located on the east side of the road have been developed with a dwelling and accessory structures. The Dusenkas wish to have additional accessory storage structures / space to support their tree farm. Additional accessory structures / storage space will only be possible if the property is Rezoned to AG District.

The Technical Review Committee met on October 12, 2022 and discussed the potential requirement of a lot combination in order for all four parcels to meet the minimum dimensional requirements of the AG District. If a lot combination is required and processed, the property owners would not be able to add any other dwellings, unless they can subdivide in a way that meets the minimum requirements of the AG District. Gervais added that review of the Trustee's Deed indicates a restrictive covenant that requires "the subject property shall remain as one parcel and shall not be subdivided". The Shafer Town Board reviewed the proposed Rezoning at its October 12, 2022 meeting and recommended approval with no conditions. Applicants F. Dusenka and D. Dusenka were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. D. Dusenka noted the parcels on the east side of Wild Mountain Road / CSAH 16 are in process of being combined. Chair Yeager inquired if the National Park Service (NPS) / U.S. Department of the Interior (DOI) commented on the Rezoning request. Coordinator Gervais indicated that while NPS / DOI did provide written comments, they did not provide a recommendation or any recommended conditions of approval.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Dave Whitney indicated that the aerial image included in the PowerPoint presentation and staff report did not provide a PID# for each of the four subject parcels. Coordinator Gervais indicated that the aerial image outlined each of the four subject parcels but, due to the scale of the image, did not list the PID#s on the two smallest parcels. Gervais added that the draft resolution included all four subject parcel PID#s. Chair Yeager further solidified that the draft resolution listed all four PID#s.

Motion by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-1101, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Rezoning of PIDs 08.00004.20, 08.00018.15, 08.0003.00 and 08.00128.00 from Rural Residential II (RRII) District to Agricultural (AG) District, with findings of fact as presented and with an added condition:

Condition:

1. In order for all subject parcels to meet the minimum dimensional requirements of the Agricultural (AG) District, the applicants shall combine all four subject parcels into a single parcel. Any parcels that cannot be combined by the Chisago County Auditor-Treasurer's Office shall be "tied together" for zoning and building purposes by the Department of Environmental Services.

Motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

A2A Investments LLC – Coordinator Gervais provided a brief background on the request for Preliminary Plat of "Ryan Farms Plat 1" involving the creation of three 5-acre lots from an 87.8-acre tract. The property is zoned Agricultural (AG) District and generally located on the east side of Keystone Avenue / CR 67 between Olson Road and 420th Street, Sunrise Township, S6, T35, R20 (PID# 09.00060.00).

The property owners are seeking approval of the Preliminary Plat to create three 5-acre parcels and one 67.7-acre outlot from the 87.8 acre tract of land. All three proposed parcels will have frontage on Keystone Avenue / CR 67. The site is currently developed with a dwelling and accessory structures, and the remainder of the property is utilized for agricultural purposes. In conjunction with the request for Preliminary Plat, the applicant requested a Minor Subdivision in order to split the existing dwelling and all accessory structures along with 5.1 acres of land from the subject site, leaving the subject site with approximately 82.7 acres. This 5.1-acre area is shown as an exception on the Preliminary Plat drawing. The Preliminary Plat drawing also shows a 66' strip of land between the existing dwelling and proposed Lot 2, Block 1. The 66' strip of land is intended to be developed for roadway purposes and Outlot A is intended to be subdivided into 12 additional parcels at some point in the future (not part of the current request). A concept plan to illustrate potential subdivision of the entire subject site was provided and reviewed by the Planning Commission. Staff noted that they had encouraged the applicant to consider including the entire site in the current Preliminary Plat request, but the applicant chose to subdivide in two separate platting processes.

In reviewing the concept plan, Gervais noted that the proposed roadway was designed as an approximate 2,590' long cul-de-sac. Gervais added that the Subdivision Ordinance requires that "permanently designed cul-de-sac streets shall not exceed 1,320' in length"; however, the applicant stated that the proposed cul-de-sac is not intended to be a permanent cul-de-sac and anticipates that the roadway will extend toward Lowden Avenue and/or Olson Road as neighboring properties are subdivided / developed. The applicant presented the concept plan to the Sunrise Town Board and the Town Board has reportedly offered preliminary support.

The Technical Review Committee met on October 12, 2022 and discussed future development of Outlot A and related roadway improvements as indicated in the concept plan. The committee did not identify any immediate concerns. The Sunrise Town Board reviewed the proposed Preliminary Plat at its October 20, 2022 meeting and recommended approval with no conditions. The property owner's representative, Applicant Jack Kopp, was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Frank Storm asked if the County Engineer had provided any comments in relation to the number of driveways / access points from Keystone Avenue / CR 67. Coordinator Gervais stated that the County Engineer had reviewed the proposed plat but did not comment on the accesses. Chair Yeager opened the public hearing and sought comment.

Sabrina Clepper – 9901 420th Street, Harris. My concern / question is how will the development impact our property taxes for the surrounding properties in the area and will the road be paved?

J. Kopp asked if he could address the road question and received approval from Chair Yeager. J. Kopp indicated the property is within Sunrise Township; adjacent to the City of North Branch. The township requires blacktop / pavement as part of their road specifications; however, the current proposal does not have any roads, just three lots with three driveways.

Deb Macziewski – 10017 420th Street, Harris. My question is do we have an idea of what type of houses will be built on the lots?

Chair Yeager indicated that the Planning Commission reviews the subdivision request and does not address the type of houses that will be built on the property.

With no other persons wishing to speak, ***motion*** by Dave Whitney to close the public hearing; second by Frank Storm. **Motion passed** 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Chair Yeager expressed concern with the

length of the cul-de-sac based on the Subdivision Ordinance requirement. J. Kopp indicated it was a concept and added that the township supported the roadway with a hammerhead design.

Motion by Frank Storm; second by Dave Whitney to adopt Resolution No. PC2022-1102, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Ryan Farms Plat 1 as requested by A2A Investments LLC and John Kopp, with conditions as presented:

Conditions:

1. The Preliminary Plat of Ryan Farms Plat 1 is approved per plat drawing dated signed September 29, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

Darin and Amy Dills – Coordinator Gervais provided a brief background on the request for Preliminary Plat of “Angry Dangers Paradise” involving the creation of three lots from a 25-acre tract. The proposed lots range in size from 2.21 acres to 12.92 acres. The property is zoned Rural Residential II (RRII) District and located within the Upper St. Croix River Overlay (UO) District. The property is located at 34565 Wild Mountain Road / CSAH 16, Shafer Township, S12, T34, R19 (PID# 08.00130.10).

The property owners are seeking approval of the Preliminary Plat to create three parcels from a 25-acre tract. The proposed parcels range in size from 2.21 acres to 12.92 acres. The site is located in close proximity to the St. Croix River with severe elevation changes. The purpose of the UO District is to protect and preserve the existing natural, scenic and recreational values of the St. Croix River, and to provide for development activities which do not detract from these values.

The Technical Review Committee met on October 12, 2022. The County Engineer stated that a maximum of two driveways / access points will be allowed from Wild Mountain Road / CSAH 16, requiring that at least two of the proposed lots will need to share a driveway. Wetland delineation and soils information were reviewed and verified by County staff. The soils report and verification identified concerns with the amount of rock in the soil. The soils within proposed Lots 1 and 3, Block 1 were shown to have a high percentage of rock which may make installation of a Type 1 septic system challenging, if not impossible. Gervais noted that the staff report had included a recommendation that, prior to Preliminary Plat approval, a sieve test be conducted to determine the actual percentage of rock within the soil; however, it was learned after preparation of the staff report that a sieve test had already been conducted and staff was satisfied that the proposed lots could support Type 1 septic systems. Gervais further noted that staff was now recommending that proposed condition of approval #3 be eliminated. Staff also commented that the UO District limits the amount of impervious surface coverage to 20%, and this may present development challenges for proposed Lot 1, Block 1 (2.21 acres). Gervais clarified that development is possible, but the amount of impervious surface will need to be verified at time of development.

The parcel is located adjacent to lands owned by the National Park Service (NPS) / U.S. Department of the Interior (DOI). The NPS / DOI reviewed the request and recommended that subdivision property lines be permanently and visibly marked by a certified surveyor. NPS is interested in placing property boundary signs along the common property line of the federal land to minimize uncertainty regarding the exact location of the property line. Due to the terrain and presence of streams and wetlands there are concerns with potential effects this subdivision may have on water quality, storm water runoff, and erosion. The NPS / DOI recommended that applicable erosion and runoff best management practices be implemented and closely followed throughout the construction process to reduce potential impacts to the Riverway. The Shafer Town Board reviewed the proposed Preliminary Plat at its October 13, 2022 meeting and recommended approval with no conditions. The Town Board did however comment they had a concern with the smaller lot size. Applicant Amy Dills was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Brief discussion was held on the concerns for the smaller lot size (2.21 acres) and UO District regulations limiting that maximum amount of impervious surface coverage to 20%. Chair Yeager commented that the 2.21-acre lot may have a tight fit and limited building options.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. ***Motion*** by John Sutcliffe; second by Dave Whitney to adopt Resolution No. PC2022-1103, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Angry Dangers Paradise as requested by Darin Dills and Amy Dills, with conditions as amended:

Conditions:

1. The Preliminary Plat of Angry Dangers Paradise is approved per plat drawing dated signed September 26, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The subdivision will be allowed a maximum of two driveways / access points from Wild Mountain Road / CSAH 16, requiring that at least two of the three lots have a shared driveway.
3. ~~Prior to submission of request for Final Plat, the applicant shall cause conduct of a sieve test on proposed Lots 1 and 3, Block 1 to determine the actual percentage of rock within the soil to confirm suitability for installation of Type 1 septic systems. The results of this test shall be submitted to the Department of Environmental Services at time of submission of request for Final Plat.~~
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
6. Upon Final Plat approval, the applicant shall effectuate the permanent and visible marking of all property boundaries shared with the U.S. Department of the Interior's National Park Service utilizing the services of a licensed surveyor. Once the property boundaries have been marked, the applicant shall notify the National Park Service.

Motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

Public Hearings – Continued Hearings - None

Old Business

Kenneth Rice – Coordinator Gervais provided further information and review on the request for Preliminary Plat of “Paradise Woods” located in the Agricultural (AG) District. The property is generally located SW corner of 320th Street and Lofton Avenue / CSAH 24 in Chisago Lake Township, S30, T34, R20 (PID# 02.00823.00).

The plat, as originally submitted and reviewed on July 7, 2022, included the creation of four parcels from the 58.2-acre tract of land, leaving an approximate 35-acre tract (remainder) from the plat. Following the July 7, 2022 public hearing, the Planning Commission discussed issues pertaining to the status and improvement of 320th Street. The Planning Commission tabled the request in order to allow additional time for the applicant to review Chisago Lake Township’s road design standards and determine estimated costs associated with road improvements. Gervais stated that the applicant granted a 120-day extension to the 120-day review period, with the extended review period expiring on January 27, 2023.

Coordinator Gervais shared that the applicant provided an updated Preliminary Plat drawing showing the number of proposed parcels reduced from four to three (eliminating the most westerly parcel) and including the dedication of additional right-of-way for 320th Street. Gervais added that the applicant worked extensively with Chisago Lake Township since the July 7, 2022 public hearing and the Township had provided a resolution dated October 18, 2022 offering support for the proposed plat with 14 recommended conditions of approval. Gervais suggested that a majority of the Township’s recommended conditions related to infrastructure improvements and had been synthesized into a single recommended condition requiring that the applicant enter into a Developer’s Agreement with Chisago Lake Township prior to submission of the Final Plat.

Applicant Kenneth Rice was present and available to address questions and concerns. K. Rice provided an overview of the road improvement discussions with Chisago Lake Township and expressed his frustrations with the Township’s expectation that he be responsible for providing all additional land necessary for roadway dedication and roadway improvements rather than spreading the land dedication and improvements amongst all benefiting residents / businesses on 320th Street.

Dave Whitney inquired about discussions with the neighbor / business across the road from the subject site and inquired if the Developer’s Agreement would be available to the public. Coordinator Gervais stated that the executed Developer’s Agreement would be a public document. Jim McCarthy added that the Developer’s Agreement would be available at an upcoming Town Board meeting if anyone would like to view it. **Motion** by Frank Storm; second by Dave Whitney to adopt Resolution No. PC2022-1104, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Paradise Woods as requested by Kenneth Rice, with conditions as presented:

Conditions:

1. The Preliminary Plat is approved per plat drawing dated signed May 26, 2022 and with amendments dated September 19, 2022 and October 14, 2022. Any deviation from the approved plat drawing, except as provided herein, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Lofton Avenue / CSAH 24; all driveways must access 320th Street.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall enter into a Developer’s Agreement with Chisago Lake Township Road Authority. The Developer’s Agreement shall address concerns identified by the township in Chisago Lake Town Board

Resolution No. 2022-10-18-A, including concerns relating to infrastructure improvements (i.e., review / approval of construction plans, effectuation and timing of improvements, responsibility of costs related to improvements, and financial surety), driveway access, reimbursement of costs related to review of the plat, and access easement for stormwater facilities. The applicant shall submit the fully executed Developer's Agreement at time of submission of request for Final Plat. The request for Final Plat will not be considered complete unless accompanied by the fully executed Developer's Agreement.

5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Motion passed 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None.

New Business – None

Communications and Reports

County Board Liaison Report / Update

County Commissioner DuBose reported that the County Board had approved the following at the October 19, 2022 meeting: Final Plat of Kaminski Estates; CUP amendment for property located at 29616 Unity Avenue; Rezoning of properties located at 2785 Stark Road / CSAH 10 and 43353 Cedercrest Trail / CSAH 8; extension of review period for a request for IUP at XXX Andee Avenue; agreement for creation of the Environmental Connections Newsletter with Leffler Printing Company; and, Ordinance Amendment pertaining to slaughterhouse and meat processing facilities. In regard to the Ordinance Amendment, Commissioner DuBose added that the Board eliminated the Planning Commission's recommended performance standard that all animals on-site for slaughter and processing be housed inside a structure. Commissioner DuBose also recapped the County Board's adoption of a recent Ordinance Amendment pertaining to Zoning Ordinance Section 8.03 Functions of the Planning Commission and language added by the County Board. Commissioner DuBose reported that the County Board approved the Final Plat of SP Farms Plat One on November 2, 2022. Finally, Commissioner DuBose shared that the County Board recently approved a loan to the Chisago County HRA / EDA to assist Chisago City with the purchase of land.

Miscellaneous

Brief discussion was held on timing and distribution of the draft Zoning Ordinance prepared by Bolton & Menk. **By consensus**, if the draft was not provided by November 10, 2022, Chair Yeager and staff will determine if the Special Work Session should be cancelled and rescheduled to allow for adequate review time.

Adjourn Meeting – **Motion** by Frank Storm to adjourn the meeting; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Sutcliffe, McCarthy, Whitney, and Chair Yeager. Nays: None. The meeting was adjourned at 7:46 p.m.