Chisago County, MN

PLANNING COMMISSION

Meeting Agenda

March 2, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

The Tuesday, February 28, 2023 tour has been **CANCELLED** due to the nature of the land use request.

1. **Call to Order and Pledge of Allegiance**
2. **Roll Call: Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
   a. February 2, 2023 Regular Meeting
5. **Receive all Materials and Submittals into Record**
   Previously Distributed:
   a. Meeting packet including staff report with attachments for agenda item 8a
6. **Public Hearings – New Applications**
   None
7. **Public Hearings – Continued Hearings**
   None
8. **Old Business**
   a. **Robert & Jessica Randall** – Property owners Robert & Jessica Randall and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates). The property is zoned Agricultural (AG) District / Shoreland Management District and located at 162XX 280th Street, Franconia Township, S12, T33, R20 (PID# 04.00343.06).
9. **New Business**
10. **Communications and Reports**
    a. County Board Liaison Report / Update
    b. Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure
    c. Chisago County Transportation Plan
11. **Miscellaneous**
12. **Adjourn Meeting**
    - The next special work session is scheduled for Thursday, March 16, 2023 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, April 6, 2023 at 7:00 pm.

Planning Commission
Tour Date – Tuesday, February 28, 2023

Tour Cancelled – Reference Only

Robert & Jessica Randall
PID# 04.00343.06
162XX 280th Street
(Reference Only)

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
February 2, 2023 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, February 2, 2023 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: Dave Whitney, Chris DuBose, Eric Leivian, Chip Yeager, John Sutcliffe, and Jolene Wille. Absent: Nathan Keech (excused). Also present: Ex Officio County Commissioner Rick Greene. A quorum was established with all members present except for N. Keech.

Approval of Agenda – Dave Whitney suggested adding discussion about cannabis shops under New Business. ***Motion*** by Chris DuBose to approve the agenda as amended to include agenda item 9a. Cannabis Shops; second by Jolene Wille. The motion passed 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

Approval of Minutes – ***Motion*** by Dave Whitney to approve the January 5, 2023 Regular Meeting minutes as presented; second by Eric Leivian. The motion passed 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. ***Motion*** by Dave Whitney to approve the January 19, 2023 Work Session minutes as presented; second by Jolene Wille. The motion passed 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

Receive all Materials and Submittals into Record - ***Motion*** by Chris DuBose to accept all materials and submittals into the record; second by John Sutcliffe. The motion passed 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and 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

Robert and Jessica Randall – Coordinator Gervais provided background on the request for approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates). The property is zoned Agricultural (AG) District / Shoreland Management District and located at 162XX 280th Street, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

Property owners Robert (Tony) and Jessica Randall were represented by applicant / surveyor Kelly Jordan to create two parcels from the 11.28-acre tract of land previously platted as Outlot A, Carlson's Lake Estates located on the south side of 280th Street, west of Quarry Road, and east of Quinlan Avenue. The property is undeveloped and situated immediately north of an unnamed natural environment lake (Lake ID#13-8). Carlson's Lake Estates was platted in 2006 as a cluster development consisting of five developable lots and two outlots. The property owners are seeking approval for a conventional subdivision of an open space outlot existing within a platted cluster development.

Gervais explained that the Preliminary Plat drawing on file for Carlson's Lake Estates shows that Outlot A was intended to be dedicated as common open space, as is required for cluster developments. The 2004 Planning

Commission meeting minutes explain and the Preliminary Plat drawing shows that, as part of the Carlson's Lake Estates cluster development, a walking path would be developed along the south side of Lots 1 – 5, Block 1 and terminating on what is now Outlot A (the subject site) along with a common area (gazebo, picnic tables, fire pit, dock and canoes) on the south side of Lot 4, Block 1 for use by the residents of the subdivision. The Preliminary Plat was recommended for approval by the Planning Commission on January 8, 2004 and approved by the County Board on January 21, 2004. The Final Plat was approved by the County Board on January 3, 2006 and the Final Plat drawing was shown to be substantially consistent with the approved Preliminary Plat, with the exceptions that the designations for Outlots A and B were swapped and the drawing no longer included notation that Outlot A which was specifically intended to be dedicated as common open space. However, this subdivision was processed as a cluster development and open space dedication was a required element for such developments in that timeframe. Staff is unsure of the original intent of Outlot B; however, it is privately owned and has no road access or other direct access from Lots 1 – 5 of Carlson's Lake Estates. Based on property records, four of the five platted lots and Outlot A went into foreclosure and were subsequently sold at a public auction in November 2009. The properties were purchased by the mortgage originator and later sold to private parties. Outlot A was purchased by Tony & Jessica Randall in October 2010. An aerial view of Carlson's Lake Estates shows that neither the walking path nor other common area elements appear to have been established as intended by the original developer, as illustrated in the 2004 Preliminary Plat drawing, and approved by the County Board.

Gervais explained that no record was found of a developer's agreement or other form of development contract that described the proposed / required improvements or any form of conservation easement or restrictive deed for Outlot A. The record would have established the intended and approved purpose and prohibit future residential development. A review of legal descriptions for other properties within Carlson's Lake Estates showed there was no common ownership of Outlot A as would be expected for "common" open space. This lack of recorded documentation is key to the discussion about whether Outlot A can be developed for residential purposes or any purpose other than common open space. Due to the severe elevations on both proposed lots, applicant / surveyor Kelly Jordan provided details that demonstrated the elevations do not constitute as a bluff. However, the elevations do likely constitute "steep slope" conditions on both proposed lots. Gervais stated that the property owners are aware of the development challenges related to the topography of the site and are aware that appropriate design and construction techniques will be required, including strategic Type 1 subsurface sewage treatment system (SSTS) placement and construction.

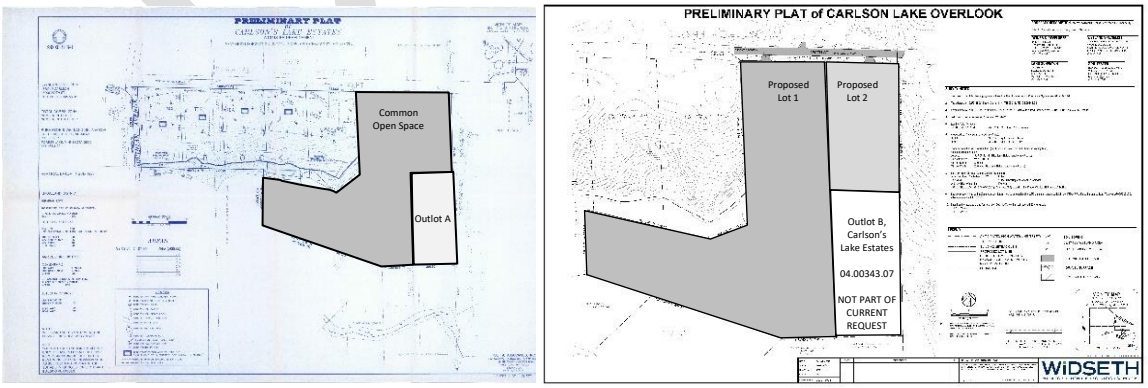
Due to the complexity of the request, staff sought legal opinion from the Chisago County Attorney's Office to assist in determining whether or not the County has the ability to approve a request to replat Outlot A, Carlson's Lake Estates. The legal opinion prepared and provided by Assistant County Attorney Fuge states that "…. the existing subdivision of Carlson's Lake Estates is a cluster development plat and the County will need to consider and analyze how to reconcile that Outlot A is a non-buildable open space under the current cluster development plat and the replat application seeks to change Outlot A to a buildable lot, which would not be otherwise permitted under a platted cluster development subdivision." Further, "…. the County [will] have to consider in the review process how approval of the replat application may adversely limit or prohibit development of Lots 1-5 because Lots 1-5 of Carlson's Lake Estates would no longer enjoy the relaxed development standards as allowed under a cluster development plat."

The Technical Review Committee met on January 11, 2023 with the applicant and property owner and the following items were discussed: County was analyzing the property owners' ability to develop an outlot originally intended to be dedicated as open space as part of a cluster development, bluff determination, issues related to septic design and septic location, and verification of soils and wetland delineation will occur when ground conditions allow and must be complete prior to submission of request for Final Plat.

The Franconia Town Board reviewed the proposed Preliminary Plat on January 17, 2023 and recommended approval "on condition [that] the "open area" from the building cluster is figured out on the County level".

Gervais explained that the purpose of cluster developments is to allow flexibility in the subdivision of land, and, in exchange for that flexibility, developers are required to dedicate a minimum of 30% of the total land area of the parent parcel as common open space for the benefit of property owners within that development. In the case of Carlson's Lake Estates, that common open space was shown on the Preliminary Plat drawing to include Outlot A (the subject site). The Zoning Ordinance states that the principal tool for protecting open space areas shall be a conservation easement; and, further, that the conservation easement shall be recorded against the open space. Staff found no evidence of a recorded document identifying Outlot A as common open space or prohibiting residential development. If Outlot A is allowed to be replatted, the other property owners within Carlson's Lake Estates would have no common open space. However, the Randalls have owned the subject site since 2010 and the property has not been available to other property owners as common open space. Gervais noted that it could be assumed that other property owners in the Carlson's Lake Estates subdivision have not suffered and will not suffer adverse impacts from development of the subject site. Gervais summarized that, based on historical information, the Carlson's Lake Estates subdivision was processed as a cluster development; the subject site was approved as an outlot; and, the Carlson's Lake Estates Preliminary Plat drawing and 2004 Planning Commission meeting minutes suggest that the purpose of Outlot A, Carlson's Lake Estates was common open space as required as part of the cluster development process. Despite what staff believes was intended and approved in 2006 at the time of Final Plat approval for Carlson's Lake Estates, staff has found no recorded evidence demonstrating that Outlot A, Carlson's Lake Estates was memorialized or restricted as common open space. Further, staff has found no recorded evidence demonstrating that future development of Outlot A, Carlson's Lake Estates is strictly prohibited. Therefore, staff reluctantly recommended approval of the request to replat Outlot A, Carlson's Lake Estates with conditions. Gervais added that staff's recommendation was subject to change upon discovery or submission of any documentation memorializing Outlot A as common open space, or any direct public hearing testimony from owners of Lots 1 – 5, Block 1, Carlson's Lake Estates or evidence of adverse impacts to said properties.

R. Randall and K. Jordan were present and available to address questions and concerns. Chair Yeager asked the property owner and Planning Commission members for additional questions and comments. R. Randall indicated it was a straightforward subdivision of an outlot. The area is serviced by a hard surface road, natural gas, fiber optics, and high speed internet which are great amenities for developments. Dave Whitney asked clarifying questions on labels from the 2004 Preliminary Plat of Carlson's Lake Estates and proposed Preliminary Plat of Carlson Lake Overlook (see images below).



(L) Preliminary Plat of Carlson's Lake Estates (2004); (R) Proposed Preliminary Plat of Carlson Lake Overlook (2023)

Dave Whitney expressed concerns with Outlot B, Carlson's Lake Estates (PID# 04.00343.07) being landlocked. K. Jordan indicated that the 2004 Preliminary Plat drawing and 2006 Final Plat were slightly different in how the outlots were labeled, but, what was ultimately platted as Outlot B, Carlson's Lake Estates, was platted as a landlocked tract of land. Dave Whitney asked who owned Outlot B, Carlson's Lake Estates (PID# 04.00343.07). R. Randall indicated the parcel was owned by the original developer, Jerrold Carlson. Coordinator Gervais indicated that there was no documentation of description of purpose of Outlot B, Carlson's Lake Estates, but again offered that the outlot was platted in a landlocked manner. Dave Whitney indicated that access to Outlot B, Carlson's Lake Estates (PID# 04.00343.07) should be addressed in the current request for Preliminary Plat and not remain landlocked.

Chair Yeager opened the public hearing and sought comment.

Jerry Murray – 16307 280th Street, Center City. I own the property to the east of the proposed development. I have an agreement and I am in the process of purchasing Outlot B, Carlson's Lake Estates from Jerrold Carlson. Once the parcel has been purchased, the property will no longer be landlocked and this will address Commissioner Whitney's concern.

Michael Brusseau – 16205 280th Street, Center City. I own Lots 4 & 5, Block 1, Carlson's Lake Estates, located on the west side of the proposed development. If approved, I request that the setbacks be increased dramatically. There is only one little spot on proposed Lot 1, Carlson Lake Overlook to build on and I could be looking into someone's bathroom approximately 50' away. We purchased our lots after our realtor told us that Outlot A, Carlson's Lake Estates was unbuildable and would remain vacant. We wanted that space and privacy. If developed, we would no longer enjoy the relaxed development standards as allowed under a cluster development plat. If this does get approved, the relaxed development standards go away and definitely impact our quality of life and impact the development. We support denial of the request.

Motion by John Sutcliffe to close the public hearing. ***Motion withdrawn*** as another audience member came forward to speak.

Herman (Neil) Heinecke – 16284 280th Street, Center City. I own the property to the north, across the street from the proposed subdivision. I have a permanent easement on the property (proposed Lot 2 of the Preliminary Plat). I live next to the Randalls and I'm curious how this Preliminary Plat will impact with my easement.

With no other persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Eric Leivian. **Motion passed** 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. John Sutcliffe asked for clarification on the location of Heinecke's easement across proposed Lot 2. K. Jordan indicated that he would need to review the terms for the easement, but R. Randall explained that the easement covered proposed Lot 2, Carlson Lake Overlook (as a southerly extension of Heineke's property). Chris DuBose inquired how proposed Lot 2 could be developed with an easement across the whole lot. R. Randall indicated he would need to work it out with Heinecke. Chair Yeager brought forth Assistant County Attorney Fuge's question if the approval was granted for the proposed replat, would it adversely limit or prohibit development of Lots 1-5, Carlson's Lake Estates because the current subdivision would no longer enjoy the development standards under a cluster development. John Sutcliffe inquired as to the width of the proposed easement. K. Jordan indicated the proposed utility easement would be ten foot wide (five feet on each side of the lot line). John Sutcliffe questioned how the permanent easement granted to Heinecke could be removed or taken away. Coordinator Gervais indicated that the easement was an agreement between two private property owners and the matter would need to be worked out between the private property owners prior to request for Final Plat. Eric Leivian questioned if cluster

developments require dedication of open space in the amount of 30% of the parent parcel. Coordinator Gervais indicated that cluster developments do require a 30% open space dedication and a conservation easement recorded against the open space, adding that it does not appear that a conservation easement was recorded. Director Schneider commented that staff reluctantly recommended approval of the request; however, public hearing testimony may have some impact on and provide additional information for the Planning Commission's consideration. Schneider added that the Commission has the option of tabling the request for further consideration since property owners within Carlson's Lake Estates and surrounding areas have expressed concerns about direct impact from the proposed Carlson Lake Overlook subdivision. Schneider further added that review of information provided by adjacent property owners pertaining to their real estate transactions, specifically relating to the subject site and impacts of the proposed subdivision, should be considered. ***Motion*** by John Sutcliffe to table the request for Preliminary Plat of Carlson Lake Overlook for further review of additional supporting information; second by Jolene Wille. **Motion passed** 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. The Planning Commission discussed a specific date at which to further review the request. ***Motion was amended*** by John Sutcliffe to table the request for Preliminary Plat of Carlson Lake Overlook for further review of additional supporting information until the March 2, 2023 meeting; second by Jolene Wille. **Motion passed** 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. Dave Whitney noted his concerns related to landlocked Outlot B, Carlson's Lake Estates and the existing easement covering proposed Lot 2, Carlson Lake Overlook, and commented that these issues should be researched and reviewed for discussion at the next Planning Commission meeting.

Public Hearings – Continued Hearings - None

Old Business – None

New Business – Dave Whitney reported that the legislature is working on a bill for marijuana legalization and he would like the Planning Commission to discuss potential concerns related to cannabis shops. Whitney added that this discussion could be incorporated into the current Zoning Ordinance update. Whitney described areas and towns in Michigan where cannabis shops have been established. The issue may impact cities more than townships, but unincorporated areas could have impacts related to the growing of marijuana or tasting / sampling areas similar to wineries and tasting rooms. Coordinator Gervais indicated that this issue would likely be highly regulated by the state and federal governments, similar to liquor. Also, the zoning ordinance specifically regulates Rural Retail Tourism, rather than wineries or alcohol. Gervais added that, if legalized, cannabis would likely be dealt with through a licensing process rather than a land use approval. Coordinator Gervais pointed out that marijuana is already grown in the county as an agricultural crop. Dave Whitney added his concerns for cannabis shops being established in communities like Almelund or Stark. County Commissioner Greene indicated that the state will likely regulate cannabis and the County Board will need to wait for legislative action before determining how best to proceed at the County level. Chair Yeager agreed to wait and come back to this at a later time if needed.

County Board Liaison Report / Update – County Commissioner Greene questioned if the lake in the R. Randall request (Preliminary Plat of Carlson Lake Overlook) was a private or public lake. Brief discussion was held on non-navigable and meandered lakes, and that property boundaries can extend into the bed of the lake instead of stopping at the shoreland. Commissioner Greene reported that the Auditor's Office was drafting a Consumption and Display License (a type of liquor license), explaining that it would be a license that a venue, such as a wedding venue, which does not hold an on-sale intoxicating liquor license, can apply for in order to have intoxicating liquor on the premises. Director Schneider reiterated that liquor is a licensing matter administered through the Auditor's Office and not a land use matter handled by the Planning Commission.

DRAFT

Miscellaneous

Chair Yeager questioned how the conservation easement for Outlot A, Carlson's Lake Estates did not get recorded. Coordinator Gervais commented that the project predated current staff and there simply was not enough historical information explaining the circumstances related to Carlson's Lake Estates. Coordinator Gervais indicated that procedures are in place and the processing of cluster developments will be handled differently moving forward to prevent matters like this from happening again.

Adjourn Meeting – ***Motion*** by Jolene Wille to adjourn the meeting; second by John Sutcliffe. **Motion passed** 6-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. The meeting was adjourned at 7:52 p.m.

_____ ATTEST: _____

Chip Yeager — Beth Gervais

Chair — Land Services Coordinator

DRAFT

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Carlson Lake Overlook
162XX 280th Street, Franconia Township
DATE: March 2, 2023

ACTION TO CONSIDER

The Planning Commission will further consider the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates).

SITE & APPLICATION INFORMATION

Property Owner(s):	Robert (Tony) & Jessica Randall
Applicant(s):	Kelly Jordan
General Location:	162XX 280th Street Franconia Township Section 12, Township 33, Range 20
PID:	04.00343.06
Property Area:	11.28± Acres
Current Zoning:	Agricultural (AG) District / Shoreland Management District
Adjacent Zoning:	
North:	Agricultural (AG) District / Shoreland Management District
South:	Agricultural (AG) District / Shoreland Management District
East:	Agricultural (AG) District / Shoreland Management District
West:	Agricultural (AG) District / Shoreland Management District
Date Application Received:	December 30, 2022
Date Application Complete:	January 11, 2023
Date of Public Hearing:	February 2, 2023
120-Day Review Period:	May 11, 2023

BACKGROUND

Property owners Robert & Jessica Randall and applicant Kelly Jordan are seeking approval of the Preliminary Plat of Carlson Lake Overlook. The property owners wish to create two parcels from the 11.28-acre tract of land previously platted as Outlot A, Carlson's Lake Estates. The subject site is generally located on the south side of 280th Street, west of Quarry Road and east of Quinlan Avenue in Franconia Township.

The Planning Commission conducted the requisite public hearing and considered the request for Preliminary Plat of Carlson Lake Overlook on February 2, 2023 (see attached

February 2, 2023 staff report for reference). The Planning Commission received a project summary from staff, received comments from property owner Robert Randall and applicant / surveyor Kelly Jordan, and received verbal testimony from three neighboring property owners (Jerry Murray, Michael Brusseau and Neil Heinecke). Ultimately, the Commission tabled the request to the March 2, 2023 meeting in order for staff to research and/or gather more information relating to an existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), testimony from adjacent landowners specifically relating to their understanding of the purpose of Outlot A, Carlson's Lake Estates as common open space, and the landlocked status of Outlot B, Carlson's Lake Estates.

Since the February 2, 2023 Planning Commission meeting, staff has had direct conversation with applicant / surveyor Kelly Jordan, easement grantee Neil Heinecke, neighboring property owner Michael Brusseau (Lots 4 & 5, Block 1, Carlson's Lake Estates), and Assistant County Attorney Fuge in order to address the Planning Commission's concerns.

- In regard to the existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), Jordan provided an updated Preliminary Plat drawing which shows the boundaries of the easement (see attached drawing stamp dated received February 14, 2023). And, because the easement document was not attached to the February 2, 2023 staff report, staff has attached the document to this staff report for reference purposes.
- During a February 15, 2023 phone conversation, easement grantee Neil Heinecke explained to staff that he paid grantors Robert & Jessica Randall $5,000 in 2013 for the easement. Heinecke also explained that, prior to obtaining the easement, he and the grantors approached the County about subdividing Outlot A, Carlson's Lake Estates (allowing Heinecke to purchase a portion rather than having an easement) but the County did not allow the proposed subdivision. Current staff does not have record of this inquiry; however, it's presumed that the subdivision was not allowed because staff viewed the subject property as a common open space outlot. Heinecke further explained that he and the Randalls have not agreed to any vacation or change to the existing easement, but they are currently discussing possible remedies and/or compensation for Heinecke's easement interest.
- During a February 13, 2023 phone conversation, neighboring property owner Michael Brusseau explained to staff that he and his wife both distinctly recall being told by their realtor (Robert "Tony" Randall) prior to purchasing Lot 5, Block 1, Carlson's Lake Estates in 2013 that the property immediately east (Outlot A, Carlson's Lake Estates / subject site) was unbuildable and would always be unbuildable. Brusseau also reported to staff that the 2013 conversation with his realtor was a verbal communication and he had no written documentation to support the status of Outlot A as common open space.
- Staff met with Assistant County Attorney Fuge on February 14, 2023 to gain a better understanding of all concerns identified by the Planning Commission.
    - In regard to the Heinecke easement, Attorney Fuge stated that the easement does not preclude the County from approving the proposed plat. Fuge explained that the easement is a private matter to be resolved between the grantors (Robert & Jessica Randall) and grantee (Neil Heinecke). Fuge further explained that, if the County wishes to address the easement issue, the County has the ability to include a condition of approval requiring that Lot 2, Carlson Lake Overlook shall not be improved until and unless the easement encumbrance is resolved by the easement grantors and grantee. However, the buildability of proposed Lot 2, Carlson Lake Overlook in relation to the easement is ultimately a private matter.

- In regard to the common open space status of Outlot A, Carlson's Lake Estates, Attorney Fuge suggested that, without evidence demonstrating that Outlot A was formally dedicated as common open space, the County does not have a solid basis for prohibiting subdivision or future development of Outlot A.
- In regard to Outlot B, Carlson's Lake Estates having been platted in 2006 as a landlocked tract of land and Commissioner Whitney's desire to resolve the landlocked status as part of the current request, Attorney Fuge stated that Outlot B is outside of the scope of the current request and, therefore, outside of the scope of the Planning Commission's review. Therefore, no additional information pertaining to Outlot B, Carlson's Lake Estates is being provided to the Commission at this time.
- Ultimately, Attorney Fuge suggested that staff's original recommendation of approval is an appropriate recommendation based on lack of evidence demonstrating that Outlot A, Carlson's Lake Estates was expressly approved and memorialized as common open space as part of the Carlson's Lake Estates cluster development and based on the fact that the proposed subdivision complies with the minimum standards for the creation of new parcels as established by the Chisago County Zoning, Subdivision, and Shoreland Management Ordinances.

STAFF RECOMMENDATION

Ultimately, without any new information to support denial of the request, staff maintains its original recommendation that the Planning Commission recommend approval of the request for Preliminary Plat of Carlson Lake Overlook with conditions (see below) and has prepared an updated resolution for the Commission's consideration. Staff notes the addition of one condition since the February 2, 2023 meeting in order to address the existing easement covering most of proposed Lot 2, Carlson Lake Overlook (see proposed condition no. 3).

Recommended Condition(s):

1. The Preliminary Plat of Carlson Lake Overlook is approved per plat drawing dated signed December 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. This approval specifically allows the previously platted Outlot A, Carlson's Lake Estates to be replatted as Lots 1 and 2, Carlson Lake Overlook, with the express intention of creating two buildable lots.
3. Lot 2, Carlson Lake Overlook shall not be improved until and unless the easement encumbrance (Chisago County Recorder Document # A-554113) is resolved by the easement grantors and grantee. At time of building permit application, the applicant shall provide sufficient evidence, as determined by the Department of Environmental Services, demonstrating that the encumbrance has been resolved.
4. Approval of the Carlson Lake Overlook subdivision shall not invalidate the 2006 approval of Carlson's Lake Estates as a cluster development. Further, Lots 1 – 5, Block 1, Carlson's Lake Estates shall be considered legal conforming lots of record and shall be afforded all rights due to legal conforming lots of record, and approval of the Carlson Lake Overlook subdivision shall not otherwise adversely limit or prohibit development of Lots 1 – 5, Block 1, Carlson's Lake Estates.

5. Verification of the submitted soils report and wetland delineation shall be completed by the Department of Environmental Services when ground conditions allow and shall be required prior to submission of request for Final Plat.
6. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
7. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Carlson Lake Overlook with conditions presented or amended.

2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Carlson Lake Overlook based on factors deemed appropriate. *(Note: The Commission will need to include specific findings for denial in its motion.)*

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on May 11, 2023.

ACTION REQUESTED

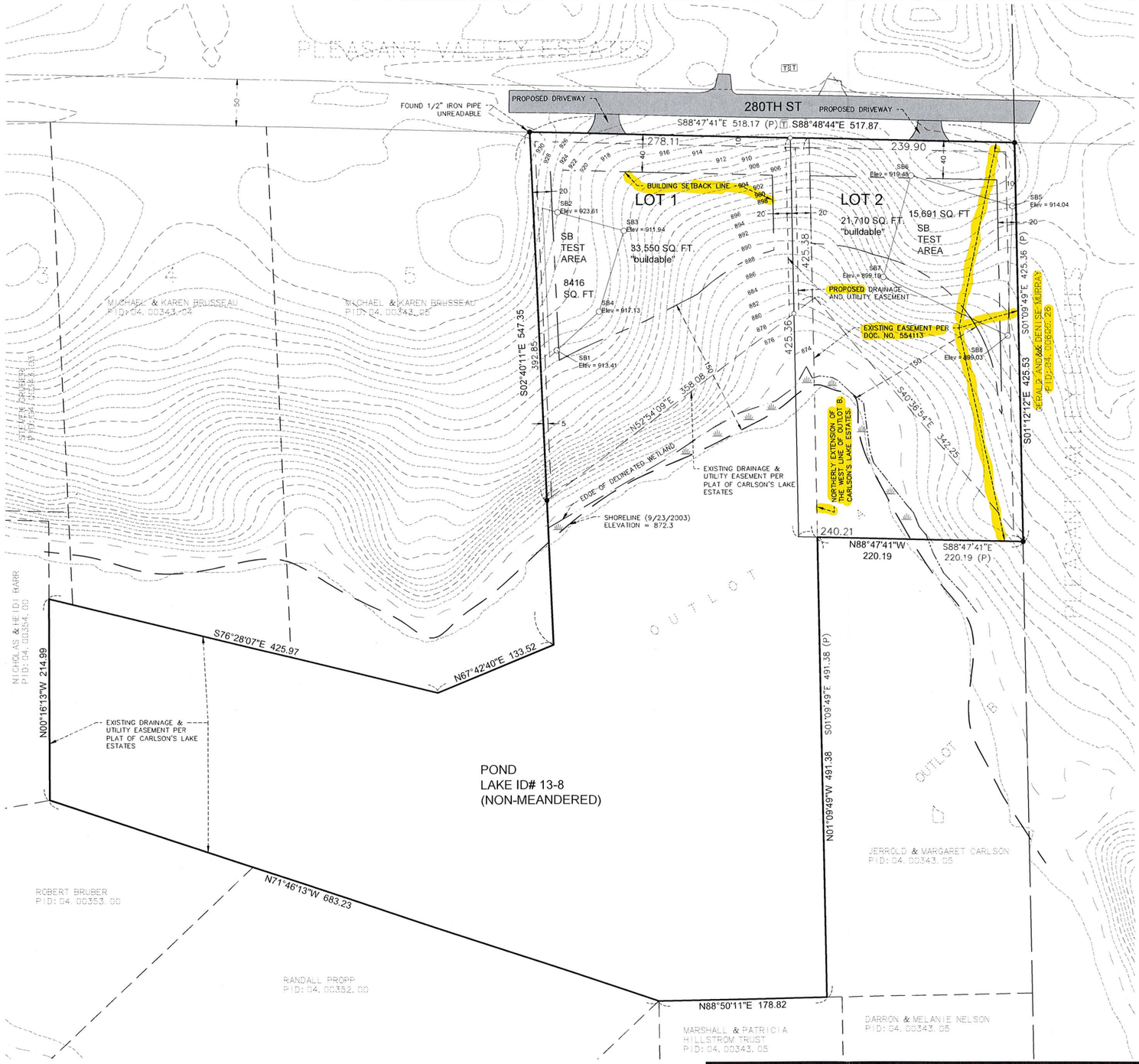
Motion to adopt Resolution No. PC2023-0301, a resolution recommending approval of the Preliminary Plat of Carlson Lake Overlook, with conditions as presented or amended.

ATTACHMENTS

1. Updated Preliminary Plat drawing stamp dated received February 14, 2023
2. Easement document (Chisago County Recorder Document # A-554113)
3. Staff report and attachments prepared for February 2, 2023 Planning Commission meeting
4. Draft Resolution No. PC2023-0301

CC: Robert & Jessica Randall, property owners
Kelly Jordan, applicant
County file

PRELIMINARY PLAT of CARLSON LAKE OVERLOOK



PROPERTY DESCRIPTION: (Per TITLE OPINION LINDBERG LAW OFFICE, P.A. 11/09/2022)

Outlot A of Carlson's Lake Estates, Chisago County, Minnesota.

OWNER & DEVELOPER

TONY RANDALL
16270 280TH STREET
CENTER CITY, MN 55012
tonyrandall85@gmail.com
(651)-503-4611

WETLAND SPECIALIST

JACOBSON ENVIRONMENTAL, PLLC
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5821 HUMBOLDT AVENUE NORTH
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LAND SURVEYOR

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5368 266TH ST
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(651)-358-2343

SOIL TESTER

BENJAMIN ZIERKE LIC #119
28587 JEFFREY AVE
CHISAGO CITY, MN 55013
benzierke@gmail.com
(651)-249-1346

SURVEY NOTES:

1. The orientation of this bearing system is based on the Chisago County Coordinate System NAD 83 (1996 Adj).
2. The address is 1627X 280th Street, Center City, MN 55012. PID: 04.00343.06
3. Vertical Control: MNDOT "VA 1" BM Elev= 922.80 NAVD88. Contours shown provided by MN DNR LiDAR on NAVD88 Datum
4. Field Work was performed on November 21, 2022
5. Existing Total Acreage
   PID No: 04.00343.06 = 491,304± Sq. Ft. or 11.28± Acres
6. Proposed Lot Area Summary **(Above OHW)**:
   Lot 1 96,092± Sq. Ft. or 2.2± Acres
   Lot 2 88,916± Sq. Ft. or 2.0± Acres
7. Property zoned as (AG) Agriculture, (per Franconia Township and Shoreline Zoning Map)
   Minimum Requirements:
   Lot Area: 80,000 Sq. Ft. (Riparian - Natural Environment Lake)
   Buildable Area: 21,500 SQ. FT.
   Min Lot Depth: 300 feet
   Min Lot Width: 200 feet (Riparian - Natural Environment Lake)
8. Setbacks (per Chisago County Zoning Ordinance)
   Front Yard From Centerline of R/W: 40 feet
   Side Yard: 20 feet (Dwelling and Attached Garage)
   Ordinary High Water line: 150 feet
   NOTE: OHW ELEV= (872.3 NGVD29) (872.4 NAVD88) Based on the Plat of CARLSON'S LAKE ESTATES
9. Subject property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FEMA FIRM Flood Insurance Rate Map No. 27025C0385D, effective date April 17, 2012.
10. Based on the average slope formula S=100(I)(L)/A, Neither Lot reached 30% or greater
    Lot 1 = 22.2%
    Lot 2 = 27.8%

received 2-14-23 BG

LEGEND

- ANTICIPATED HIGH WATER LINE (874 FT)
- EASEMENT LINE
- BUILDING SETBACK LINE
- PROPOSED LOT LINE
- DELINEATED WETLAND EDGE BY JACOBSON ENVIRONMENTAL
- RIGHT-OF-WAY LINE
- SHORELINE
- SB — SOIL BORING
- DENOTES WETLAND AREA
- ELEC TRANSFORMER BOX
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- PROPOSED DRIVE WAY

NORTH

0 60 120
SCALE (IN FEET)

● = DENOTES A FOUND IRON MONUMENT WITH CAP MARKED LS 13560 UNLESS OTHERWISE INDICATED ON THE PLAT

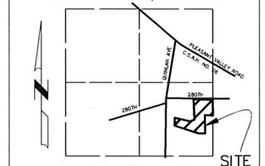
○ = DENOTES A SET IRON PIPE MONUMENT W/ CAP INSCRIBED 42648

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

5' 5'

BEING 5 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

VICINITY MAP
SEC. 12, T 33, R 20
FRANCONIA TOWNSHIP,
CHISAGO COUNTY, MINNESOTA



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DATE:	December 2022
SCALE:	AS SHOWN
DRAWN BY:	JAS
CHECKED BY:	KLJ
FILE NUMBER:	2022-11901

DATE	AMENDMENTS	BY
02/14/2023	Additional notes regarding existing easement	KLJ

PREPARED FOR: **TONY RANDALL**

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED **LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.**

Kelly L. Jordan DATE: 12/29/2022 LIC. NO. 42648

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

* Note To be vacated/terminated prior to Final Plat recording

Chisago

Office of County Recorder
Chisago County, Minnesota
Certified, filed and/or Recorded on: February 1, 2013 2:29 PM
Lee Olson, County Recorder
Well Certificate [ ] Received

Doc # A-554113
Fee $46.00
Pages: 4

Received from: NEIL HEINECKE
Returned To: NEIL HEINECKE
16284 280TH ST

CENTER CITY, MN 55012-

4.600.04
4.343.06
4.600.05

DEED OF APPURTENANT EASEMENT

THIS GRANT OF EASEMENT is made by **Robert A. Randall, III and Jessica M. Randall, husband and wife** (Hereinafter, "Grantors") to **Herman Neil Heinecke, a single person** (Hereinafter, "Grantee") and is entered into on **January 25, 2013** .

WHEREAS, said grantors are the owners of the tract of land described hereinafter as the burdened parcel which is legally described as follows:

Lot Five (5), Block (1), Pleasant Valley Estates and Outlot A of Carlson's Lake Estates, all in Chisago County, Minnesota; and

WHEREAS, said grantee is the owner of the tract of land described hereinafter as the benefitted parcel which is legally described as follows:

Lot Six (6), Block (1), Pleasant Valley Estates, Chisago County, Minnesota; and

WHEREAS, said grantors and grantee have agreed upon the easement hereinafter described;

NOW, THEREFORE, the said grantors, in consideration of five thousand dollars and other good and valuable consideration paid by said grantee, receipt of which is hereby acknowledged, hereby grants to said grantee, his heirs and assigns, an easement in, over, and upon, that part of the burdened parcel described as follows:

That part of Outlot A of Carlson's Lake Estates, Chisago County, Minnesota lying easterly of the northerly extension of the west line of Outlot B of said plat; and

TO HAVE AND TO HOLD SAID EASEMENT unto said grantee, his heirs and assigns,

as appurtenant to said benefitted land, subject to the following terms and conditions:

1. **Perpetual and Appurtenant Easement.** This easement is perpetual and shall be deemed appurtenant to Lot 6, Block 1 of Pleasant Valley Estates and shall be for the exclusive use and enjoyment of the owner of said Lot 6, regardless of whether it is specifically included in any instrument conveying or transferring fee title to said Lot 6. It shall survive any transfers of Lots 5 or 6 of Block 1 of Pleasant Valley Estates or Outlot A of Carlson's Lake Estates, all in Chisago County, Minnesota.

2. **Grantee to Have Full Use and Enjoyment.** Grantee and his heirs and assigns shall enjoy all rights of use and enjoyment of the above described part of Outlot A as if he owned fee title to said part of Outlot A.

3. **Grantee to Pay 1/3 of Real Estate Taxes.** Grantee and his heirs and assigns shall reimburse Grantors or their heirs and assigns for 1/3 of the real estate taxes attributable to Outlot A of Carlson's Lake Estates. Grantors shall pay all of said tax and then shall be reimbursed by Grantee within seven days of providing proof of such payment. If Grantee or his heirs or assigns fail to reimburse Grantors for said taxes, Grantors or their heirs and assigns may terminate this easement by serving notice upon Grantee. Said termination will be deemed effective if service is made in accordance with Minnesota law and the default is not cured within 60 days of service. If Grantee reimburses Grantors within 60 days of being served Notice of Termination, this easement will remain in full force and effect. If Grantee fails to reimburse Grantors within 60 days of being served Notice of Termination, Grantors will record notice in the office of the Chisago County Recorder that Notice was duly served, that the default was not cured within 60 days, and that this easement is effectively terminated.

4. **Quit Claim Deed from Grantors to Grantees if Permitted by Chisago County.** Grantors, their heirs or assigns, shall transfer all of their rights to that part of Outlot A described above to Grantee or his heirs or assigns by quit claim deed if the appropriate zoning and subdivision representative or board of Chisago County or a township or municipal officer or board with appropriate authority and jurisdiction approves and allows such a transfer.

5. **Right of First Refusal.** If at any time Grantors or their heirs or assigns shall receive a bonafide offer from any party to purchase **all or any portion of Outlot A of Carlson's Lake Estates, Chisago County, Minnesota,** Grantors shall provide Grantee with a true copy of the proposed sale contract and shall notify Grantee of Grantors's intention to accept the same. Grantee shall have the right, within thirty days of receiving said notice, to accept the terms of said proposed sale contract and, if so accepted, to give written notice of Grantees' election to purchase the property under the terms of said proposed sale contract.

A. If Grantee fails to so notify Grantors within said thirty day period, Grantors may then sell the Property free and clear of any claim of Grantee, provided the sale is on the same terms set forth in the proposed sale contract which was provided to Grantee, and providing further that the closing of the sale takes place within six months of the

notice to Grantee.

B. In the event Grantee, or his heirs or assigns, exercises Grantee's right of first refusal and purchases said property, Grantors or their heirs or assigns shall be entitled to reserve an easement to walk over, across, and upon an existing trail leading to the lake located within a part of said Outlot A. Grantors, their heirs or assigns, at their expense, may elect to have the location of the trail more specifically described by a surveyor if or when this option is ever exercised.

C. In the event Grantee fails to exercise Grantee's right of first refusal, then such right shall be extinguished on the consummation of the sale to the party offering to purchase under the contract which was delivered to Grantee as aforesaid; provided, however, that if such sale is not consummated within six months after a copy of said contract was delivered to Grantee, the right of first refusal herein provided shall remain in effect.

D. Any notice required hereunder shall be personally delivered or mailed by first class mail. If notice is given by first class mail, it shall be deemed to have been given at the time of its postmark.

In Witness Whereof, Said grantors have hereunto set their hands the day and year first above written.

Robert A. Randall, III
Grantor

Jessica M. Randall
Grantor

STATE OF MINNESOTA
COUNTY OF CHISAGO

The foregoing instrument was acknowledged before me on January 25, 2013, by Robert A. Randall, III and Jessica M. Randall, husband and wife, Grantors.

JAMES S. CASTERTON
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015

Signature of Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Casterton Title & Closing Company, Inc.
Box 746, 13264 Lake Blvd.
Lindstrom, MN 55045
By: James S. Casterton
(651)257-7202

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Carlson Lake Overlook
162XX 280th Street, Franconia Township
DATE: February 2, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates).

SITE & APPLICATION INFORMATION

Property Owner(s):	Robert (Tony) & Jessica Randall
Applicant(s):	Kelly Jordan
General Location:	162XX 280th Street Franconia Township Section 12, Township 33, Range 20
PID:	04.00343.06
Property Area:	11.28± Acres
Current Zoning:	Agricultural (AG) District / Shoreland Management District
Adjacent Zoning:	
North:	Agricultural (AG) District / Shoreland Management District
South:	Agricultural (AG) District / Shoreland Management District
East:	Agricultural (AG) District / Shoreland Management District
West:	Agricultural (AG) District / Shoreland Management District
Date Application Received:	December 30, 2022
Date Application Complete:	January 11, 2023
120-Day Review Period:	May 11, 2023

BACKGROUND

Property owners Tony & Jessica Randall and applicant Kelly Jordan are seeking approval of the Preliminary Plat of Carlson Lake Overlook. The property owners wish to create two parcels from the 11.28-acre tract of land previously platted as Outlot A, Carlson's Lake Estates. The subject site is generally located on the south side of 280th Street, west of Quarry Road and east of Quinlan Avenue in Franconia Township.

Carlson's Lake Estates was platted in 2006 as a cluster development consisting of five developable lots and two outlots. The Preliminary Plat drawing on file shows that Outlot A was intended to be dedicated as common open

space, as is required for cluster developments. The Planning Commission meeting minutes of 2004 further explain and the Preliminary Plat drawing shows that, as part of the Carlson's Lake Estates cluster development, a walking path would be developed along the south side of Lots 1 – 5, Block 1 and terminating on what is now Outlot A (the subject site) along with a common area (gazebo, picnic tables, fire pit, dock and canoes) on the south side of Lot 4, Block 1 for use by the residents of the subdivision. The Preliminary Plat was recommended for approval by the Planning Commission on January 8, 2004 and approved by the County Board on January 21, 2004. The Final Plat was approved by the County Board on January 3, 2006 and the Final Plat drawing was shown to be substantially consistent with the approved Preliminary Plat, with the exceptions that the designations for Outlots A and B were swapped and the drawing no longer included notation that Outlot A was specifically intended to be dedicated as common open space. However, this subdivision was processed as a cluster development and open space dedication was a required element for such developments in that timeframe.

Staff is unsure of the original intent of Outlot B, Carlson's Lake Estates; however, it's privately owned by Jerrold & Margaret Carlson, it includes less than a ½ acre of land above the OHWL, and it has no road access or other direct access from Lots 1 – 5, Block 1, Carlson's Lake Estates.

Based on property records, four of the five platted lots and Outlot A went into foreclosure and were subsequently sold at a public auction as part of a mortgage foreclosure sale on November 4, 2009. The properties were purchased by The RiverBank (the mortgage originator) and later sold to private parties. Outlot A was purchased by Tony & Jessica Randall on October 1, 2010. An aerial view of Carlson's Lake Estates shows that neither the walking path nor other common area elements appear to have been established as was intended by the original developer, as illustrated in the 2004 Preliminary Plat drawing, and approved by the County Board.

In preparation for the current request, staff found no record of a developer's agreement or other form of development contract describing the proposed / required improvements or any form of conservation easement or restrictive deed for Outlot A which would establish the intended and approved purpose and prohibit future residential development. Further, a review of legal descriptions for other properties within Carlson's Lake Estates shows that there is no common ownership of Outlot A as would be expected for "common" open space. This lack of recorded documentation is key to the discussion about whether Outlot A can be developed for residential purposes or any purpose other than common open space.

The table below provides dimensional details for the original cluster development known as Carlson's Lake Estates. The total land area was shown to be 27.4± acres on the Preliminary Plat drawing.

Cluster Development Minimum Requirements	**Lot Size 1 acre**	**Lot Width* 200 feet**	**Lot Depth** 300 feet**	**Buildable Area 1 acre (Requirement for Cluster Developments)**
Lot 1, Block 1	2.28 acres	231'±	426'±	Appears Satisfied
Lot 2, Block 1	2.25 acres	231'±	426'±	Appears Satisfied
Lot 3, Block 1	2.30 acres	231'±	Average of 470'±	Appears Satisfied
Lot 4, Block 1	2.86 acres	231'±	Average of 540'±	Appears Satisfied
Lot 5, Block 1	3.72 acres	281'±	Average of 571'±	Appears Satisfied
Outlot A	11.28 acres	NA	NA	NA

Outlot B	2.46 acres	NA	NA	NA

** Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."*

PROPOSAL & SITE ANALYSIS

Through the current Preliminary Plat request, the property owners wish to replat Outlot A, Carlson's Lake Estates in order to create two buildable lots from the 11.28-acre tract of land. It's important to note that the property owners are seeking approval for a conventional subdivision of an open space outlot existing within a platted cluster development.

The undeveloped 11.28-acre subject site is located in the Agricultural (AG) District / Shoreland Management District. The site is situated immediately north of and within an unnamed natural environment lake (Lake ID# 13-8), south of 280th Street, west of Quarry Road and east of Quinlan Avenue in Franconia Township. Lots 1 – 5, Carlson's Lake Estates, located immediately west of the subject site, were platted as part of a cluster development and were subject to dimensional standards specific to cluster developments (i.e., reduced lot areas and lot widths). The property owners are wishing to replat the subject site as a conventional development within the Shoreland Management District. The table below identifies minimum requirements for unsewered lots adjacent to a natural environment lake with corresponding information for the proposed lots. As proposed, both new parcels comply with the County's dimensional requirements.

Natural Environment Lake Minimum Requirements (Unsewered Lots)	**Lot Size 80,000 SF (Approx. 1.84 Acres)**	**Lot Width* 200 Feet**	**Lot Depth** 300 Feet**	**Home Site Area 21,500 SF (Requirement for Conventional Development)**
Lot 1	96,092± SF (2.2± Acres) *Above OHWL*	278.11'	Approx. 906'	33,550 SF
Lot 2	88,916± SF (2.0± Acres) *Above OHWL*	239.90'	425'	21,710 SF

** Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."*

The subject site appears to be heavily forested with severe elevations ranging from 933' in the extreme northwest corner of proposed Lot 1 down to 872' along the shoreline. Nearly seven acres of the 11.28-acre subject site appear to be at or below the shoreline elevation of the natural environment lake. The subject site and all surrounding properties are zoned Agricultural (AG) District / Shoreland Management District. Nearly all surrounding properties have been platted, with the Pleasant Valley Estates subdivision directly north and east, the Carlson's Lake Estates subdivision to the west and southeast, and the Brandlewood subdivision to the south; and, there are three unplatted (metes and bounds)

properties to the southwest. Surrounding properties range in size from 2.25 acres to 12.9 acres and those properties that have been developed appear to have been developed for residential purposes.

Due to the severe elevations on both proposed lots, applicant / surveyor Kelly Jordan prepared and provided detail demonstrating that the elevations do not constitute a bluff. However, the elevations do likely constitute "steep slope" conditions on both proposed lots. For reference, the Shoreland Management Ordinance defines steep slope as "land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes exceeding 12 percent over distances of 50 feet or more, measured on the ground, that are not bluffs." The property owners are aware of the development challenges related to the topography of the site and are aware that appropriate design and construction techniques will be required, including strategic Type 1 SSTS placement and construction.

REVIEW PROCESS

The Technical Review Committee met with property owner Tony Randall and applicant / surveyor Kelly Jordan on January 11, 2023. The following items were discussed:

- Land Services Coordinator Gervais explained that, while a complete application for Preliminary Plat had been submitted, the County was still in the process of analyzing the property owners' ability to develop an outlot originally intended to be dedicated as open space as part of a cluster development.
- Applicant / surveyor Kelly Jordan provided detail about his efforts to establish a bluff determination for proposed Lots 1 and 2.
- Code Enforcement Officer Putman discussed issues related to septic design and septic location in relation to the topography of proposed Lots 1 and 2. Putman did not express any concern that the sites could not support full septic systems but suggested that mound systems may be required. The County will verify soils / the soils report when ground conditions allow and must be complete prior to submission of request for Final Plat.
- Wetland Specialist Fertig commented that verification of the wetland delineation will occur when ground conditions allow and must be complete prior to submission of request for Final Plat.

The Franconia Town Board reviewed the proposed Preliminary Plat at its January 17, 2023 meeting and recommended approval "on condition [that] the "open area" from the building cluster is figured out on the County level".

Preliminary Plats, per Minnesota Statute, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on May 11, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

LEGAL OPINION

Due to the complexity of this request, staff sought a legal opinion from the Chisago County Attorney's Office to assist in determining whether or not the County has the ability to approve a request to replat

Outlot A, Carlson's Lake Estates. The legal opinion prepared and provided by Assistant County Attorney Fuge states that "…. the existing subdivision of Carlson's Lake Estates is a cluster development plat and the County will need to consider and analyze how to reconcile that Outlot A is a non-buildable open space under the current cluster development plat and the replat application seeks to change Outlot A to a buildable lot, which would not be otherwise permitted under a platted cluster development subdivision." Further, "…. the County [will] have to consider in the review process how approval of the replat application may adversely limit or prohibit development of Lots 1-5 because Lots 1-5 of Carlson's Lake Estates would no longer enjoy the relaxed development standards as allowed under a cluster development plat."

Assistant County Attorney Fuge did not provide a definitive answer addressing the County's ability to approve the current request; however, he did provide thought provoking questions for the Planning Commission and County Board to deliberate.

STAFF CONCERNS & RECOMMENDATION

Carlson's Lake Estates received Final Plat approval in 2006. The plat was presented to and approved by the County Board as a cluster development. Part of the stated purpose of cluster developments is to allow flexibility in the subdivision of land, and, in exchange for that flexibility, developers are required to dedicate a minimum of 30% of the total land area of the parent parcel as common open space for the benefit of property owners within that development. In the case of Carlson's Lake Estates, that common open space was shown on the Preliminary Plat drawing to include – at a minimum – the dedication of Outlot A (the subject site). The Zoning Ordinance states that the principal tool for protecting open space areas shall be a conservation easement; and, further, that the conservation easement shall be recorded against the open space. In preparation of this staff report, staff found no evidence of a recorded document identifying Outlot A as common open space or prohibiting residential development. If Outlot A is allowed to be replatted in order to create two building sites, the other property owners within Carlson's Lake Estates will have no common open space within their subdivision. However, given that the Randalls have owned the subject site since 2010 and it hasn't been available to other property owners within Carlson's Lake Estates as common open space, it could be assumed that the other property owners have not suffered and will not suffer adverse impacts from development of the subject site. Nevertheless, yet-to-be-received public hearing testimony from any of the property owners of Lots 1 – 5, Block 1, Carlson's Lake Estates could and should weigh heavily on the Commission's recommendation for this request.

The Zoning Ordinance identifies that the maximum density for cluster developments with individual utility systems is 1.5 dwellings per five acres of gross land area. In the case of Carlson's Lake Estates, the maximum allowable density equates to eight dwellings (27.4 acres / 5 acres = 5.48 acres; 5.48 acres x 1.5 dwellings = 8.22 dwellings) and the subdivision was approved with five building sites. Not taking the open space issue into consideration, the proposed density of Carlson's Lake Estates and proposed Carlson Lake Overlook will not exceed the maximum density which would have been originally allowed for Carlson's Lake Estates. Staff also considered the density of Carlson's Lake Estates without the inclusion of Outlot A (27.4 acres – 11.28 acres = 16.12 acres) and determined that the maximum allowable density would equate to five dwellings (16.12 acres / 5 acres = 3.22 acres; 3.22 acres x 1.5 = 4.83 … 5, if rounded up), and Carlson's Lake Estates was approved with five building sites. Therefore, staff does not believe that approval of the current request would negatively impact the ordinance prescribed density of Carlson's Lake Estates.

If Carlson's Lake Estates had been approved as a conventional subdivision and the subject site had been approved as a standard lot within that subdivision, staff would not have any concerns with the proposed Preliminary Plat / replat. However, based on historical information pertaining to Carlson's Lake Estates, it appears that the subdivision was processed as a cluster development; the subject site was approved as an outlot; and, the Preliminary Plat drawing and Planning Commission meeting minutes suggest that the purpose of Outlot A, Carlson's Lake Estates was common open space as would have been required as part of the cluster development process. Despite what staff believes was intended and approved in 2006 at the time of Final Plat approval for Carlson's Lake Estates, staff has found no recorded evidence demonstrating that Outlot A, Carlson's Lake Estates was memorialized or restricted as common open space. Further, staff has found no recorded evidence demonstrating that future development of Outlot A, Carlson's Lake Estates is strictly prohibited.

Ultimately, without any recorded documentation demonstrating that Outlot A, Carlson's Lake Estates was expressly approved and memorialized as common open space and residential development is strictly prohibited, and barring discovery or submission of any such documentation, including any direct public hearing testimony or evidence of adverse impacts from Lot 1 – 5, Block 1, Carlson's Lake Estates property owners, staff reluctantly recommends approval of the request to replat Outlot A, Carlson's Lake Estates with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Carlson Lake Overlook is approved per plat drawing dated signed December 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. This approval specifically allows the previously platted Outlot A, Carlson's Lake Estates to be replatted as Lots 1 and 2, Carlson Lake Overlook, with the express intention of creating two buildable lots.
3. Approval of the Carlson Lake Overlook subdivision shall not invalidate the 2006 approval of Carlson's Lake Estates as a cluster development. Further, Lots 1 – 5, Block 1, Carlson's Lake Estates shall be considered legal conforming lots of record and shall be afforded all rights due to legal conforming lots of record, and approval of the Carlson Lake Overlook subdivision shall not otherwise adversely limit or prohibit development of Lots 1 – 5, Block 1, Carlson's Lake Estates.
4. Verification of the submitted soils report and wetland delineation shall be completed by the Department of Environmental Services when ground conditions allow and shall be required prior to submission of request for Final Plat.
5. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
6. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Carlson Lake Overlook with conditions presented or amended.

2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Carlson Lake Overlook based on factors deemed appropriate. *(Note: The Commission will need to include specific findings for denial in its motion, or the Commission may choose to direct staff to prepare draft findings for consideration at the March 2, 2023 meeting.)*

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on May 11, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0201, a resolution recommending approval of the Preliminary Plat of Carlson Lake Overlook, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing
    c. Preliminary title opinion
2. Preliminary Plat drawing for Carlson's Lake Estates
3. Aerial location map (1) – subject site
4. Aerial location map (2) – vicinity map

CC: Robert & Jessica Randall, property owners
Kelly Jordan, applicant
County file

Permit # 22-2507

Recording Fee 500.00
Base Fee 46.00
~~Wetland or Septic Fees~~
Plat Compliance Fee No Road 150.00
TOTAL FEE 696.00

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 16277 280th St **Tax Parcel #** 04.00343.06

Legal Description Outlot A Carlson Lake **E-Mail Address:** [redacted]

Owner: Robert and Jessica Randall **Day Phone** [redacted]

Address 16270 280th St Center City, MN 55012

Applicant (if other than owner) Kelly Jordan **Day Phone** [redacted]

Address 5368 266th St Wyoming, MN Franconia S12, T33, R20 Carlson's Lake Estates Lot A

Type of Request:

Variance	☐	Preliminary Plat	☒
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☐	Rezoning	☐

Applicable section of ordinance: Chisago County Subdivision Ordinance

Description of request: Replat of Outlot A Carlson Lake to Lots 1 & 2 Block 1 Carlson Lake Overlook

If Variance Application, Brief Description of Practical Difficulty

Robert Randall III
Signature of Applicant

12-30-22
Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

12-30-22
Date Received

1-11-23
Date Complete

5-11-23
60 / (120) Day Review Period

Date of Public Hearing: FEB 2, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 16278 200th St. Center City, MN

Legal Description Outlot A. Carlson Lake

Owner Name Robert A Rundell III **Day Phone:** (651) 503-4611

Address: 16276 200th St Center City, MN 55012

Applicant: Kelly Jordan **Day Phone:** [redacted]
(if other than owner)

Address: 5368 266th St Wyoming, MN

Type of Request:

Variance	☐	Preliminary Plat	☒
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Rezoning	☐
Interim Use Permit	☐	Ordinance Amendment	☐

Description of Request: Replat of outlot A Carlson Lake to Lots 1 & 2 Block 2 Carlson Lake Overlook

Date of County Public Hearing: FEB 2, 2023

Date of Township Presentation: JAN 17, 2023

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

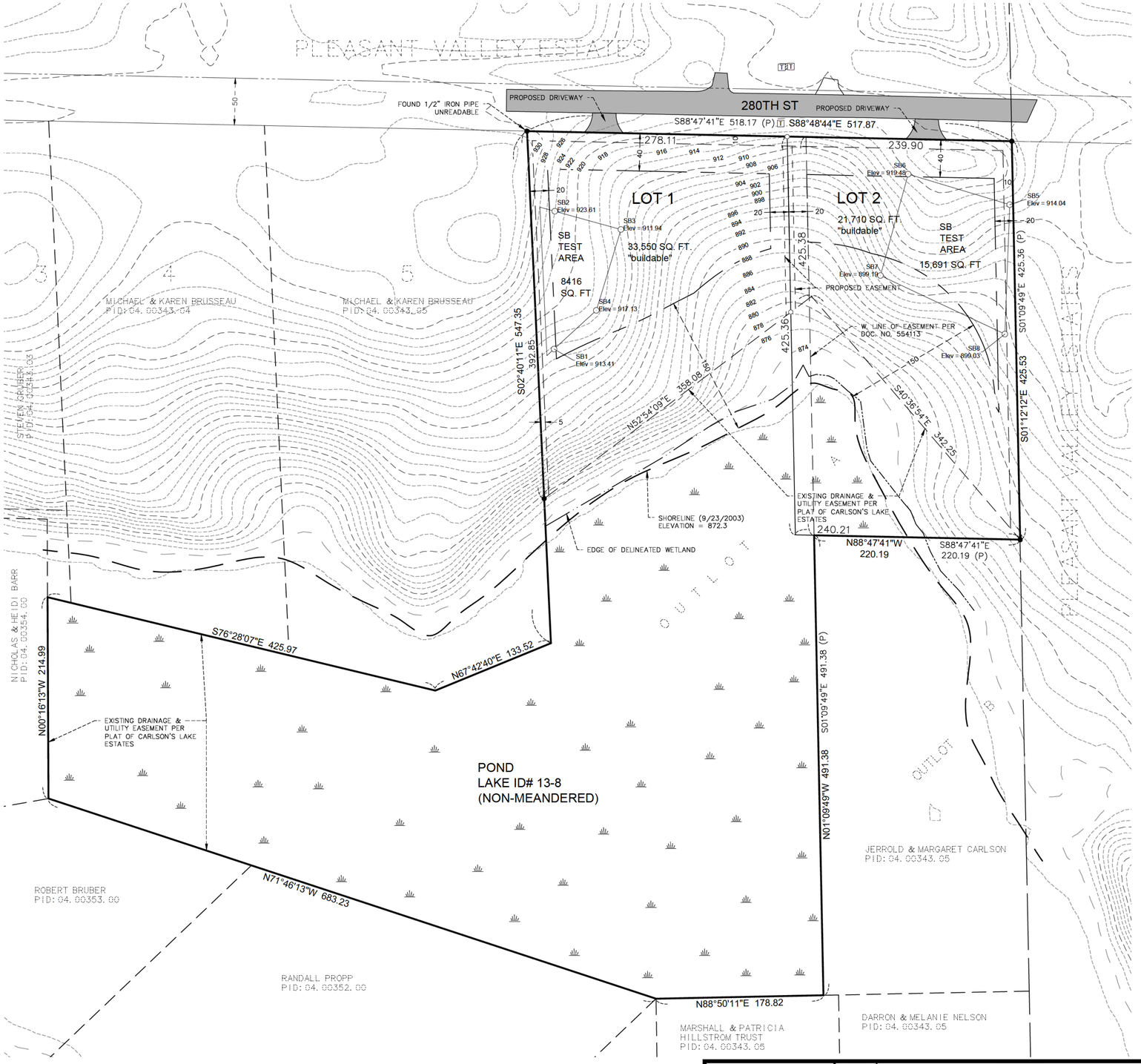
Reasons and Conditions: On condition of the "open Area" from the Building cluster is figured out on the County level.

Signature of Township Officers:

Robert A Rundell III
Signature of Applicant

12/29/22
Date

PRELIMINARY PLAT of CARLSON LAKE OVERLOOK



PROPERTY DESCRIPTION: (Per TITLE OPINION LINDBERG LAW OFFICE, P.A. 11/09/2022)

Outlot A of Carlson's Lake Estates, Chisago County, Minnesota.

OWNER & DEVELOPER
TONY RANDALL
16270 280TH STREET
CENTER CITY, MN 55012
tonyrandall85@gmail.com
(651)-503-4611

WETLAND SPECIALIST
JACOBSON ENVIRONMENTAL, PLLC
WAYNE JACOBSON
5821 HUMBOLDT AVENUE NORTH
BROOKLYN CENTER, MN 55430
(612)-802-6619

LAND SURVEYOR
WIDSETH
KELLY L. JORDAN
5368 266TH ST
WYOMING, MN 55092
(651)-358-2343

SOIL TESTER
BENJAMIN ZIERKE LIC #119
28587 JEFFREY AVE
CHISAGO CITY, MN 55013
benzierke@gmail.com
(651)-249-1346

SURVEY NOTES:

1. The orientation of this bearing system is based on the Chisago County Coordinate System NAD 83 (1996 Adj).
2. The address is 1627X 280th Street, Center City, MN 55012. PID: 04.00343.06
3. Vertical Control: MNDOT "VA 1" BM Elev= 922.80 NAVD88. Contours shown provided by MN DNR LiDAR on NAVD88 Datum
4. Field Work was performed on November 21, 2022
5. Existing Total Acreage
   PID No: 04.00343.06 = 491,304± Sq. Ft. or 11.28± Acres
6. Proposed Lot Area Summary (Above OHW):
   Lot 1 96,092± Sq. Ft. or 2.2± Acres
   Lot 2 88,916± Sq. Ft. or 2.0± Acres
7. Property zoned as (AG) Agriculture, (per Franconia Township and Shoreline Zoning Map)
   Minimum Requirements:
   Lot Area: 80,000 Sq. Ft. (Riparian - Natural Environment Lake)
   Buildable Area: 21,500 SQ. FT.
   Min Lot Depth: 300 feet
   Min Lot Width: 200 feet (Riparian - Natural Environment Lake)
8. Setbacks (per Chisago County Zoning Ordinance)
   Front Yard From Centerline of R/W: 40 feet
   Side Yard: 20 feet (Dwelling and Attached Garage)
   Ordinary High Water line: 150 feet
   NOTE: OHW ELEV= (872.3 NGVD29) (872.4 NAVD88) Based on the Plat of CARLSON'S LAKE ESTATES
9. Subject property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FEMA FIRM Flood Insurance Rate Map No. 27025C0385D, effective date April 17, 2012.
10. Based on the average slope formula S=100(I)(L)/A, Neither Lot reached 30% or greater
    Lot 1 = 22.2%
    Lot 2 = 27.8%

LEGEND

- ANTICIPATED HIGH WATER LINE (874 FT)
- EASEMENT LINE
- BUILDING SETBACK LINE
- PROPOSED LOT LINE
- DELINEATED WETLAND EDGE BY JACOBSON ENVIRONMENTAL
- RIGHT-OF-WAY LINE
- SHORELINE
- SB SOIL BORING
- DENOTES WETLAND AREA
- ELEC TRANSFORMER BOX
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- PROPOSED DRIVE WAY

NORTH

0 60 120
SCALE (IN FEET)

● = DENOTES A FOUND IRON MONUMENT WITH CAP MARKED LS 13590 UNLESS OTHERWISE INDICATED ON THE PLAT

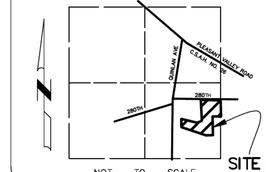
○ = DENOTES A SET IRON PIPE MONUMENT W/ CAP INSCRIBED 42648

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

5' 5'

BEING 5 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

VICINITY MAP
SEC. 12, T 33, R 20
FRANCONIA TOWNSHIP,
CHISAGO COUNTY, MINNESOTA



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DATE:	December 2022
SCALE:	AS SHOWN
DRAWN BY:	JAS
CHECKED BY:	KLJ
FILE NUMBER:	2022-11901

DATE	AMENDMENTS	BY

PREPARED FOR: **TONY RANDALL**

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kelly L. Jordan DATE: 12/29/2022 LIC. NO. 42648

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

LINDBERG
LAW OFFICE, P.A.

Grant W. Lindberg*†
Jimmy A. Lindberg *(1952 - 2015)*

100 Buchanan St. N., Suite 2
Cambridge, MN 55008
www.lindberglawoffice.com

Phone: 763-689-6896
Fax: 763-689-6819

November 9, 2022

Chisago County Board of Commissioners
c/o Environmental Services Department
313 N. Main St.
Suite 240
Center City, MN 55012

PRELIMINARY TITLE OPINION

In re the following described real estate situated in Chisago County, Minnesota, to-wit:

Outlot A, Carlson's Lake Estates, Chisago County, Minnesota.

Ladies and Gentlemen:

At your request, I have examined the title to the above-described real estate according to ALTA Owner's Policy Number OX08335394 effective October 5, 2010 and an examination of the records of the Chisago County Recorder, Treasurer, Auditor and Court Administrator as of October 28, 2022, at 8:00 o'clock a.m.

From my examination of said Abstract, I find good and marketable title to said real estate, at said time, to be vested in ROBERT A. RANDALL III and JESSICA M. RANDALL, husband and wife, as joint tenants, free and clear of all outstanding liens and encumbrances, except as follows, to-wit:

1. Subject to that certain Mortgage from Robert A. Randall III and Jessica M. Randall, husband and wife, in favor of Robert A. Randall, Jr., dated February 14, 2019, filed February 25, 2019 as Document No. A616923 in the original amount of $30,000.00. **NOTE:** A consent to plat is required for any platting of the property.

2. Subject to the terms and conditions of that certain easement filed as Document No. A554113 on February 1, 2013.

3. Subject to utility easements, or claims of utility easements, recorded or unrecorded.

4. Subject to 280th Street as currently built and located.

5. Subject to easements for drainage, road and utility purposes as shown on the plat.

6. Subject to the rights of the United States of America and/or the State of Minnesota and the public to any part of the land which may be within any wetlands and/or pond (Lake ID #13-8).

7. Subject mineral reservations of record, if any.

8. The Auditor's Office indicates no delinquent taxes and no unpaid levied special assessments against this parcel.

9. The Treasurer's Office indicates the taxes due and payable in the year 2022 are in the amount of $88.00 and are paid in full (Parcel ID No. 04.00343.06).

The above-described property may be subject to various governmental zoning and subdivision ordinances. These ordinances and regulations affect and regulate, among other things, the type of use to which the land may be put, lot sizes, building requirements, setbacks, and sewer, water systems, and certain prohibitions against the subdividing of parcels of land. CARE MUST BE EXERCISED to determine that any current use, or any contemplated use, conforms to these regulations. This title opinion does not cover any of these type zoning, subdivision and/or building ordinances.

This opinion is based on the Abstract alone and does not take into consideration rights of parties in possession, rights arising out of the bankruptcy and mechanic's lien laws or special assessments, zoning regulations or building restrictions not appearing in the Abstract, does not purport to cover matters of boundary lines, and is based upon the assumption that all of the grantors named in the various instruments had authority and full capacity to so act. This opinion does not purport to cover the possibility of hazardous wastes existing on or below the surface of said premises.

You should satisfy yourself as to boundary lines of the property and also as to any easements or fixtures which might be in place on the land that a visual inspection might detect. You should also satisfy yourself that no work or other improvements or materials have been expended upon such property within the past 120 days that could give rise to mechanic's liens.

If the property being sold is subject to an agricultural tax credit, commonly known as the Green Acres tax credit, the sale of the property could require the repayment of three years of the credit. If the new buyer will be continuing an agricultural use on the property, it is necessary that the new buyer apply for the Green Acres tax credit within 30 days after the date of sale. This credit is to be applied for with the County Auditor in the County where the land is located.

This opinion is made for the use of the addressee only. No representation has been made to any other party.

Yours very truly,

LINDBERG LAW OFFICE, P.A.

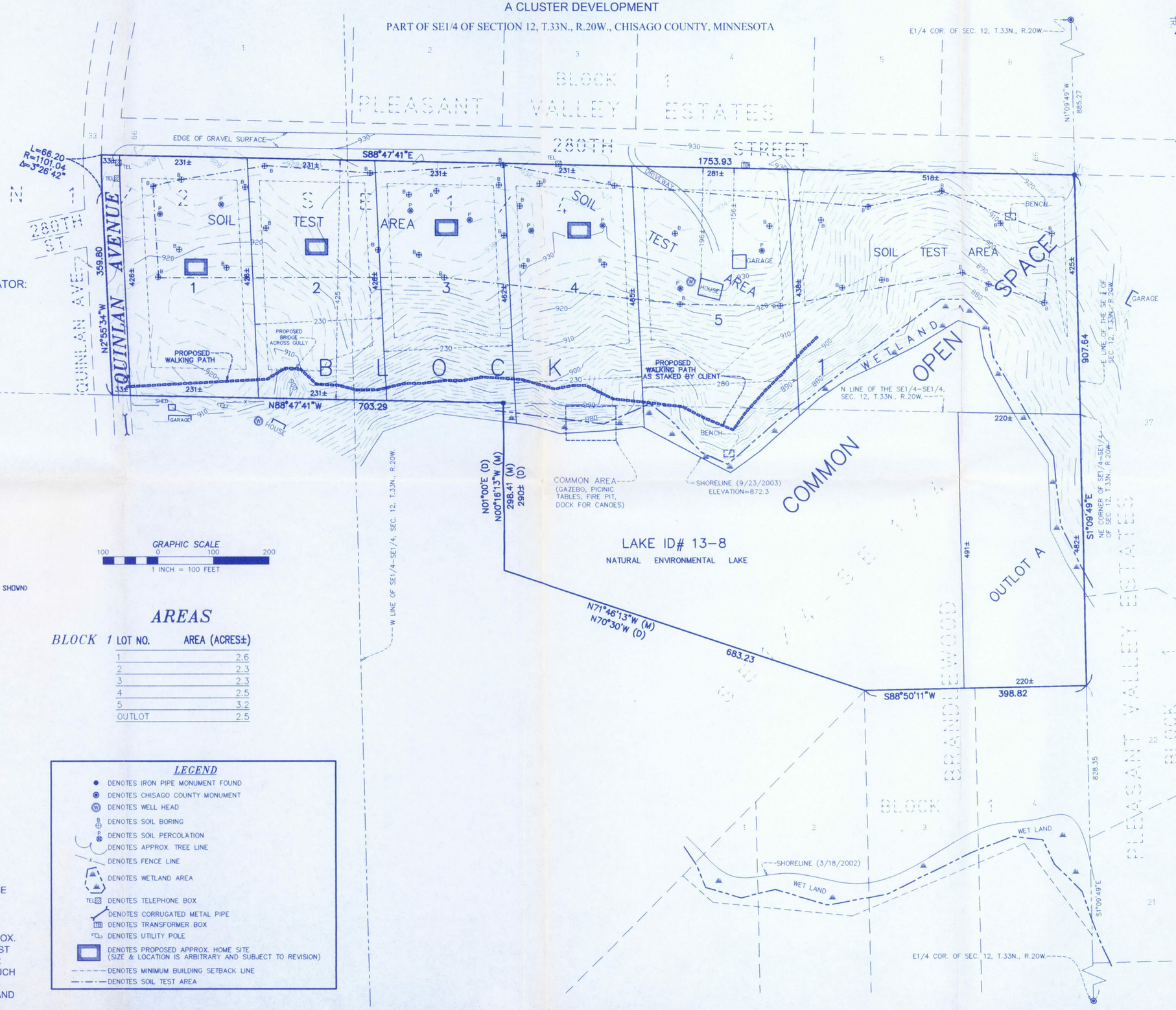
Grant W. Lindberg
GWL

Cc: Client

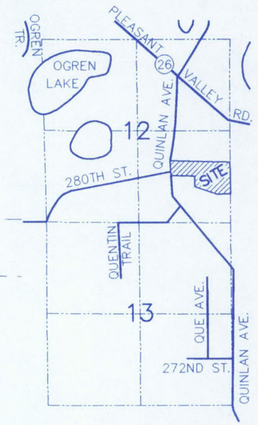
PRELIMINARY PLAT
OF
CARLSON'S LAKE ESTATES
A CLUSTER DEVELOPMENT

PART OF SE1/4 OF SECTION 12, T.33N., R.20W., CHISAGO COUNTY, MINNESOTA

NORTH



VICINITY MAP
SEC. 12 & 13, T.33N., R20W.
CHISAGO COUNTY, MINNESOTA



NOT TO SCALE

OWNER/DEVELOPER:
JEROLD CARLSON
16205 280TH ST.
CENTER CITY, MN 55012

TOTAL ACRES: 27.4±
NUMBER OF LOTS: 5
NUMBER OF OUTLOTS: 1

SURVEYOR & WETLAND DELINEATOR:
HULT & ASSOCIATES, INC./MFRA
P.O. BOX 37
FOREST LAKE, MINNESOTA 55025
651-464-3130

VERTICAL DATUM: NGVD-1929

SHORELAND DISTRICT

RIPARIAN LOTS

NO ORDINARY HIGH WATER LEVEL ESTABLISHED

1 ACRE BUILDABLE MINIMUM
WIDTH 200

BUILDING SETBACKS:

OHW LINE 150
(NO OHW ESTAB., SETBACK FROM SHORELINE SHOWN)

TOP OF BLUFF 30
R/W COUNTY HWY 85
R/W STREET 40
SIDE YARD 20

AGRICULTURE DISTRICT

(CONVENTIONAL)
LOT AREA 5 ACRES
BUILDABLE AREA 1 ACRE
WIDTH 300

(STANDARD CLUSTERING OPTION)
1 ACRE BUILDABLE MINIMUM
WIDTH 200

BUILDING SETBACKS:

CENTERLINE OF:
TOWNSHIP ROAD 73

SIDE YARD 20
REAR YARD 50

NOTE:
WELLS AND SEPTIC SYSTEMS WILL BE PRIVATE, INDIVIDUAL AND ON SITE.

NOTE:
SOIL TEST AREAS SHOWN ARE APPROX. ONLY. PLEASE REFERENCE SOIL TEST REPORT AND CONSULT SOIL TESTER REGARDING SOILS INFORMATION SUCH AS SOIL TEST AREA COVERAGE AND SUITABILITY OF SOILS FOR SEPTIC AND BUILDING PURPOSES.

GRAPHIC SCALE
100 0 100 200
1 INCH = 100 FEET

AREAS

BLOCK 1 LOT NO.	AREA (ACRES±)
1	2.6
2	2.3
3	2.3
4	2.5
5	3.2
OUTLOT	2.5

LEGEND

- DENOTES IRON PIPE MONUMENT FOUND
- DENOTES CHISAGO COUNTY MONUMENT
- DENOTES WELL HEAD
- DENOTES SOIL BORING
- DENOTES SOIL PERCOLATION
- DENOTES APPROX. TREE LINE
- DENOTES FENCE LINE
- DENOTES WETLAND AREA
- DENOTES TELEPHONE BOX
- DENOTES CORRUGATED METAL PIPE
- DENOTES TRANSFORMER BOX
- DENOTES UTILITY POLE
- DENOTES PROPOSED APPROX. HOME SITE (SIZE & LOCATION IS ARBITRARY AND SUBJECT TO REVISION)
- DENOTES MINIMUM BUILDING SETBACK LINE
- DENOTES SOIL TEST AREA

HULT & ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, & WETLAND DELINEATORS
FOREST LAKE, MN 55025
651.464.3130

DATE: 1/08/2004

JOB NO. 03175 12-3330 RSS

Robert & Jessica Randall - Aerial Photo

Robert & Jessica Randall – Property owners Robert & Jessica Randall and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates). The property is zoned Agricultural (AG) District / Shoreland Management District and located at 162XX 280th Street, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

Randall Property -

Franconia Township
S12, T33, R20
PID # 04.00343.06

Robert & Jessica Randall - Aerial Photo

Robert & Jessica Randall – Property owners Robert & Jessica Randall and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates). The property is zoned Agricultural (AG) District / Shoreland Management District and located at 162XX 280th Street, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

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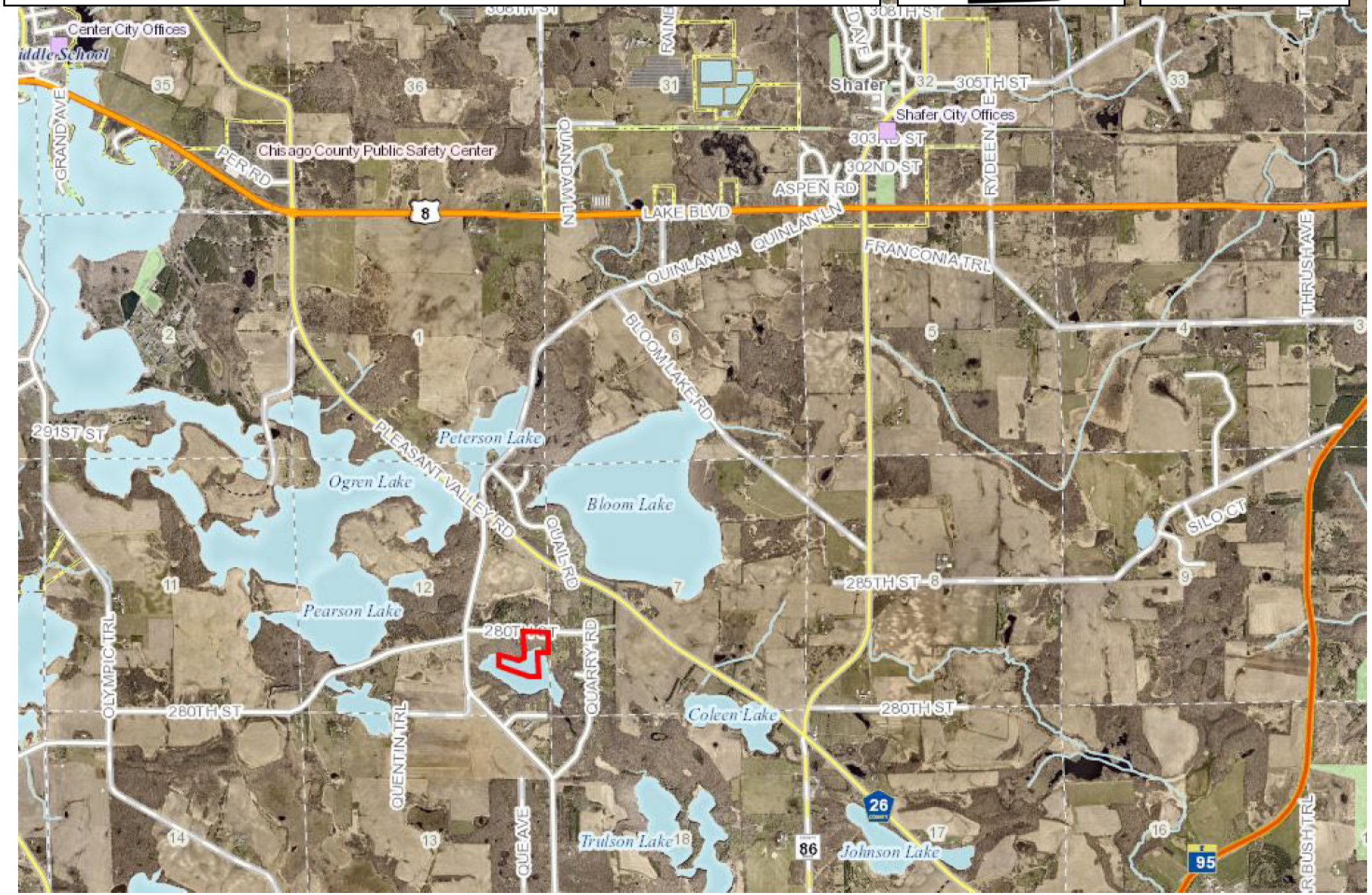
S12, T33, R20
PID # 04.00343.06



RESOLUTION NO. PC2023-0301

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF CARLSON LAKE OVERLOOK

WHEREAS, Robert (Tony) Randall & Jessica Randall, property owners, and Kelly Jordan, applicant, submitted an application dated received December 30, 2022 and considered complete on January 11, 2023 for the Preliminary Plat of Carlson Lake Overlook; and

WHEREAS, the property owners desire to create two buildable parcels from the 11.28-acre subject site previously platted as an outlot within the Carlson's Lake Estates cluster development; and

WHEREAS, the subject site is located at 162XX 280th Street in Franconia Township and is zoned Agricultural (AG) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PID 04.00343.06
Outlot A, Carlson's Lake Estates, Chisago County, Minnesota.

WHEREAS, notice was provided and on February 2, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning commission tabled the request to March 2, 2023 to allow for submission of additional supporting documentation; and

WHEREAS, the Planning Commission finds that the Preliminary Plat of Carlson Lake Overlook is consistent with the intent of the County's Zoning, Subdivision, and Shoreland Management Ordinances; and

WHEREAS, the Planning Commission further finds that no evidence has been presented to demonstrate that Outlot A, Carlson's Lake Estates was expressly approved and dedicated as common open space within the cluster development thereby prohibiting future subdivision or residential development of said outlot.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Carlson Lake Overlook is approved per plat drawing dated signed December 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. This approval specifically allows the previously platted Outlot A, Carlson's Lake Estates to be replatted as Lots 1 and 2, Carlson Lake Overlook, with the express intention of creating two buildable lots.

3. Lot 2, Carlson Lake Overlook shall not be improved until and unless the easement encumbrance (Chisago County Recorder Document # A-554113) is resolved by the easement grantors and grantee. At time of building permit application, the applicant shall provide sufficient evidence, as determined by the Department of Environmental Services, demonstrating that the encumbrance has been resolved.
4. Approval of the Carlson Lake Overlook subdivision shall not invalidate the 2006 approval of Carlson's Lake Estates as a cluster development. Further, Lots 1 – 5, Block 1, Carlson's Lake Estates shall be considered legal conforming lots of record and shall be afforded all rights due to legal conforming lots of record, and approval of the Carlson Lake Overlook subdivision shall not otherwise adversely limit or prohibit development of Lots 1 – 5, Block 1, Carlson's Lake Estates.
5. Verification of the submitted soils report and wetland delineation shall be completed by the Department of Environmental Services when ground conditions allow and shall be required prior to submission of request for Final Plat.
6. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
7. 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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 2nd day of March, 2023.

Chris DuBose	_____	Dave Whitney	_____
Nathan Keech	_____	Jolene Wille	_____
Eric Leivian	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

Chase Burnham
County Administrator

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Commissioners:
District 1
Jim Swenson
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Dan Dahlberg

Commissioner Dunne offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0215-5
A RESOLUTION OF THE BORD OF COMMISSIONERS OF CHISSAGO COUNTY, MINNESOTA, APPROVING PLANNING COMMISSION AND BOARD OF ADJUSTMENT AND APPEALS POLICY ON COMMISSION/BOARD STRUCTURE, MEETING ORDER AND GENERAL PROCEDURE

SECTION 1. PURPOSE

The purpose of this policy is to provide a set of operating procedures for the Planning Commission and Board of Adjustment and Appeals, and to establish a code of ethics and conduct.

SECTION 2. ANNUAL REVIEW

This policy shall be reviewed annually by the Planning Commission and Board of Adjustment and Appeals, and any changes or amendments agreed to by a majority vote of each body shall be recommended to the County Board for adoption.

SECTION 3. REGULAR MEETINGS

Regular meetings shall be held at the Chisago County Government Center or other Officially Noticed location at 313 North Main Street, Center City, Minnesota. The meeting schedule shall be as follows:

- Planning Commission shall be held on the first Thursday of each month.
- Board of Adjustment and Appeals shall be held on the last Thursday of each month.

The usual meeting time shall be 7:00 PM unless otherwise noticed. At such meetings, the Commission/Board may consider all matters properly brought before the Commission/Board. A regular meeting may be cancelled or rescheduled by the Commission/Board or by County Staff (in which there are no planning applications) or in observance of a recognized holiday conflict. Rescheduled meetings shall require a motion of new meeting date.

SECTION 4. SPECIAL MEETINGS

Special meetings of the Planning Commission or Board of Adjustment and Appeals may be called by the Zoning Administrator who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written or email notice, thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency.

SECTION 5. QUORUM

In order for any meeting to be called to order, a quorum is identified as a majority of members present and remotely attending. In each case the minimum required for the Planning Commission quorum would consist of four (4) members and the Board of Adjustment and Appeals quorum would be three (3) members present. During the course of any meeting, a majority of members must be present to take action on any matter before the Commission/Board.

SECTION 6. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings shall be open to the general public. An "official" meeting is any gathering, or simultaneous or serial communication (via email, telephone or otherwise), between a quorum of members for the purpose of considering the public business of the Planning Commission or Board of Adjustment and Appeals. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission or Board of Adjustment and Appeals may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law with the guidance of the County Attorney.

SECTION 7. VOTING AND RECOMMENDATIONS

At all meetings of the Planning Commission, each member attending, with the exception of the *ex officio* Chisago County Board member, shall be entitled to cast one vote on matters before the Planning Commission. At all meetings of the Board of Adjustment and Appeals, each member attending shall be entitled to cast one vote on matters before the Board. In the event that any member shall have a conflict of interest, as determined by the County Attorney, concerning a matter then before the Commission or Board, he/she shall disclose his/her interest and be disqualified from any discussion or vote upon the matter, and the minutes shall reflect no participation by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting Aye and those voting Nay. All recommendations shall be sent to the County Board by means of written minutes and shall include the record of the division of votes on each recommendation.

SECTION 8. REGULAR PROCEEDINGS

(A) At any regular meeting, the following shall be the regular order of business:

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Minutes of the Preceding Meeting(s)
5. Receipt of Materials and Submissions
6. Public Hearings - New Applications
7. Public Hearings - Continued Hearings
8. Old Business
9. New Business
10. Communications and Reports
11. Miscellaneous
12. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) Each formal action of the Planning Commission or Board of Adjustment and Appeals required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in full in the official minutes after an affirmative vote as provided in Section 7 hereof and may be accompanied by written findings of fact.

SECTION 9. AGENDA AND DEADLINE FOR AGENDA

(A) **Purpose.** The agenda of a meeting serves two important functions: it focuses deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The working agenda for the meeting shall be prepared by the county environmental services staff and shall be closed at noon the Thursday prior to the meeting for preparation purposes.

(C) **Submissions.** Any member may seek to place an item on the agenda by requesting the same to county staff responsible for agenda preparation prior to noon the Thursday prior to the meeting. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

(D) **Delivery of Agenda to Members.** At least four calendar days before the meeting, the county staff shall provide each member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

(E) **Agenda Discussion Items - Additions During Regular Meetings.** Additional discussion items may be added to the agenda at the time of adoption/approval of the agenda during the meeting subject to approval by a majority vote of the members present. The additional items may be discussed, but no formal action may be taken.

If a new item of business proposed to be added to the agenda requires staff review (such as rezonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a conditional use permit or variance), involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), or requires legal notice elements, the Commission or Board may add the item to the agenda only for purposes of referring it to county staff, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

SECTION 10. MINUTES

(A) **Purpose.** The minutes of the meetings represent the official record of the Commission and Board's deliberations and actions. As such, they record the vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the County Board, provide perspective on issues, and provide a historical record of proceedings. Furthermore, state law requires the Commission and Board to keep full and accurate minutes of all official meetings and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the county records retention schedule.

(B) **Duties of Staff Preparing Minutes.** County staff shall prepare minutes of all Planning Commission and Board of Adjustment and Appeals meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.

2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the discussion on each item.

3. The content of each principal motion before the Commission or Board, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion).

SECTION 11. RULES OF PROCEDURE FOR MEETINGS

All meetings of the Planning Commission and Board of Adjustment and Appeals shall be conducted in accordance with the following Rules of Order.

(A) Any motion may be withdrawn at any time before action is taken on it.

(B) When a motion is under debate, no other motion shall be entertained except one to call the question, postpone for consideration to a date certain, or amend. Motions shall take precedence in that order.

(C) All motions shall be carried by a majority vote of the members present and remotely attending.

(D) Only members recognized by the Chair can make motions.

(E) Speaking without recognition of the Chair shall be cause for another member to call "point of order" and the member speaking out of turn must relinquish the floor.

(F) "Call the question" is a motion and must be seconded. It is not debatable and must be voted upon immediately.

(G) "Question" is not a motion but only an indication to the Chair that the person making a statement is ready to have the motion or question put to a vote.

(H) The Chair may direct that a motion be divided if requested by a member.

(I) "Vice voce" means voice vote. All votes shall be taken by voice vote or a show of hands, rather than by paper ballot, except that a ballot vote may be called for at the discretion of the Chair.

(J) Members must limit their remarks to the subject matter being discussed and shall not be repetitious. The speaking order shall be at the discretion of the Chair; however, all members shall be allowed to speak in their turn. Each member, while speaking, shall avoid all personal, indecorous, profane or sarcastic language.

(K) If a motion is unnecessary, unsuitable for consideration, and/or proposed at an inopportune time for the purpose of delaying or embarrassing others, the presiding officer may rule the motion out of order on her/his own initiative.

SECTION 12. MEETING DECORUM

(A) Hats or caps worn at the hearing shall be removed by anyone addressing the Commission or Board.

(B) At no time will the public be allowed to confront the applicant or members of the Planning Commission or Board of Adjustment and Appeals with derogatory language or in an unprofessional manner including the use of profane language. The Chair shall have the discretion to require a person to leave the hearing if this occurs.

(C) Rebuttals to testimony, whether by the public, applicant, staff or Planning Commission or Board of Adjustment and Appeals members will not be allowed.

(D) All electronic communication devices shall be turned off during meetings.

SECTION 13. PUBLIC HEARINGS

(A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Commission or Board.

(B) For certain matters considered by the Planning Commission and Board of Adjustment and Appeals, a requirement to conduct a public hearing is prescribed by State law, the County's Zoning Ordinances or by County Policy/Resolution.

(C) The Commission or Board may neither deliberate nor take a substantive vote during a public hearing but may ask questions for the sake of clarification of speakers.

(D) Upon the Chair resuming their regular meeting after the close of the public hearing, the Commission/Board may take action upon the matter discussed at the public hearing.

(E) Conduct of Persons Before the Planning Commission and Board of Adjustment and Appeals:

1. During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. A sign-up sheet will be available for those persons wishing to testify at the hearing. Members of the public that wish to testify shall first state their names for the record. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits, generally three (3) minutes, on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission or Board of Adjustment and Appeals. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Commission or Board to "disregard" the comment, which nevertheless remains in the public record.

2. During all regular and special meetings, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.

3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as "out-of-order" and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber.

4. The Chair may impose additional limits or rules upon members of the public as permitted by Section 15.

(F) Additional Rules of Procedure for Public Hearings

1. **Public Hearing Format.** Public hearings shall be conducted in the following manner:

(a) The presiding officer calls the public hearing to order and declares the time of opening.

(b) It is the intent of the Planning Commission and Board of Adjustment and Appeals to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Commission or Board. However, in no circumstances can a hearing be opened prior to the predetermined and published time.

(c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the county on the subject.

(d) County staff and/or a county staff consultant make a presentation or report on the subject matter for the hearing at the direction of the presiding officer.

(e) The applicant (if any) may make a presentation or report on the subject matter for the hearing at the direction of the presiding officer.

(f) The presiding officer asks Commission or Board members if they have questions of the applicant, consultant or staff, if any.

(g) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.

(h) After members of the public have spoken, the presiding officer requests a motion to:

i. Close the public hearing, and the Planning Commission or Board of Adjustment and Appeals votes on the motion. Once the hearing is closed, the record is complete and no further public input or evidence shall be allowed.

ii. Continue a public hearing. If the Commission or Board votes to continue the hearing to a date certain, the presiding officer shall, in consultation with staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.

(j) The Planning Commission or Board of Adjustment and Appeals addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.

(k) If the public hearing is closed, the Planning Commission or Board of Adjustment and Appeals may take action on the application before them. The Commission or Board may formulate a recommendation which outlines the parameters under which an approval would be granted or a denial. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision or the record needs to be reviewed to draft written findings consistent the decision subject to 60-day law.

Note: A public summary of policy for Section 11 – Rules of Procedure, Section 12 – Meeting Decorum, Section 13 – Public Hearings, and Section 15 – Duties of Officers shall be posted and made available at every meeting.

SECTION 14. OFFICERS

The officers of the Commission and Board shall consist of a Chair and a Vice-Chair elected by the membership at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

SECTION 15. DUTIES OF OFFICERS

The Chair is a voting member of the Planning Commission and Board of Adjustment and Appeals and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

(A) Chair

1. To preside at all meetings of the Commission/Board.
2. To see that all actions of the Commission/Board are properly taken.
3. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
4. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
5. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from meetings or hearings.
6. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chair subject to 60-day law.
7. The presiding officer has the responsibility to facilitate discussion by the Commission/Board. This may occur in a variety of ways, including:
   - Interpret and apply rules of procedure.
   - Decide whether motions are properly made.
   - Decide whether motions are in order.
   - Decide when to recognize speakers.
   - Call for motions or recommend motions.
   - Expel disorderly persons from the meeting.
   - Enforce speaking procedures.

(B) Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

(C) Staff

Staff of the Chisago County Environmental Services Department shall be responsible as follows:

1. To give staff reports as deemed necessary including, but not limited to sample findings for consideration of the Commission and Board, and recommendations for action.
2. To give or serve all notices required by law or by these procedures herein.
3. To cancel or postpone regularly scheduled meetings.
4. To prepare the agenda for all meetings.
5. To be custodian of records.
6. To inform the Commission or Board of correspondence relating to business and to attend to such correspondence.

7. To handle funds allocated to the Commission and Board in accordance with its directives, the law and county regulations.
8. To take the minutes of all meetings for typing and filing into the appropriate archive.

SECTION 16. MEMBER PARTICIPATION
(A) An absence from three or more regular meetings in one calendar year may be considered grounds for removal by the County Board.

(B) Members should inform the Chair and Zoning Staff of any planned absence as far in advance as possible and, to the extent possible, no later than before the end of business day of the regular scheduled meeting in the event of an unplanned absence. This advance notification allows Zoning Staff to confer with the Chair regarding a cancellation of the meeting due to a lack of a quorum.

(C) If a member arrives after the start of any agenda item, they shall abstain from participating in the consideration or the vote on that pending matter.

SECTION 17. MEMBER REMOTE ATTENDANCE
(A) A Member may remotely attend a meeting only upon making an advance written request and approval by the Chair at his or her sole discretion, provided that no member shall remotely attend more than three (3) regular meetings and three (3) special meetingsin any one year, unless authorized in advance by majority vote of the County Board.

(B) A member seeking to remotely attend a meeting must make the written request to Zoning Staff no less than two weeks in advance of the meeting in which the remote attendance would occur and the written request should specify the reason for the remote attendance. The Chair may not allow more than two members to remotely attend a regular meeting at any one time and any issue concerning remote attendance shall be resolved by the Chair at his or her sole discretion.

(C) Once approved by the Chair the notification and posting of remote attendance shall be in accordance with State Statute 13D.015 and Section 13D.02 and Open Meeting Law and all remote attendance must be consistent with the Open Meetings Law.

SECTION 18. RECORDING DEVICES
Electronic recording devices, television cameras, or equipment used by the electronic media will be placed in accordance with the direction of the Chair and will be used in an unobtrusive manner so that its presence will not interfere with the conduct of the meeting.

SECTION 19. AMENDMENTS
These rules shall not be repealed, waived or amended except by a majority vote of the Chisago County Board of Commissioners.

Commissioner Greene seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Dahlberg, Dunne, Greene, Montzka, Swenson
OPPOSED: None.

Approved: February 15, 2023

Ben Montzka

Chair, Board of Commissioners

ATTEST: _____

Chase Burnham
County Administrator

CHISAGO COUNTY

FEB 15 2023

BOARD APPROVED

Welcome!

Chisago County Transportation Plan

PUBLIC OPEN HOUSE MEETING

Monday, February 13th | 5pm to 7pm

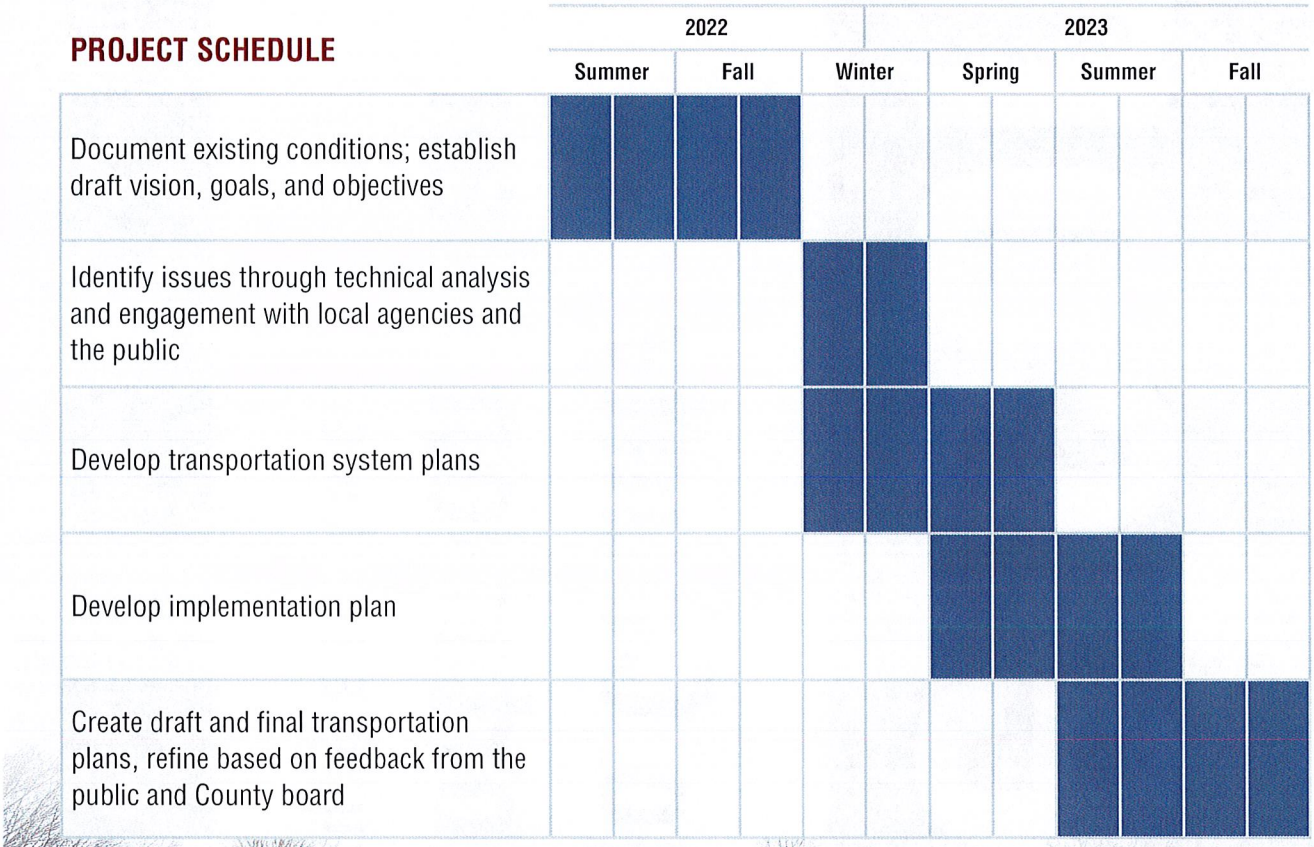
wsb

Study Purpose and Schedule

Chisago County Transportation Plan

Purpose: To assess existing conditions and anticipated changes in growth, provide a framework for when changing conditions arise, and serve as a guide for major transportation policy decisions and investments.

PROJECT SCHEDULE



Please visit the project website for more information and to provide your input on issues, concerns, and priorities for investment related to the county transportation system.

https://chisago-transportplan-wsbeng.hub.arcgis.com/

Draft Vision and Goals

Chisago County
Transportation Plan

Vision: Chisago County will work cooperatively with local, regional, and state partner agencies and the private sector to develop and support a safe and efficient transportation system that addresses the mobility needs of its residents, property owners, and businesses.

Transportation system investments will support a sustainable and resilient system that operates in coordination with state and local facilities to enhance the economic vitality of the county and improve the quality of life for its residents.

County investment priorities will be made to maintain a system in good repair and address pressing safety problems and mobility constraints.

GOAL 1 SAFETY

Develop and maintain a transportation system that promotes safety for all users.

GOAL 2 EFFICIENCY / MOBILITY

Strive to provide a transportation system that promotes the efficient and effective movement of people and goods.

GOAL 3 SERVE THE TRANSPORTATION NEEDS OF ALL USERS

Promote transportation mode choice to support all users and to enhance quality of life for residents.

GOAL 4 LAND USE AND TRANSPORTATION DECISION-MAKING / ECONOMIC DEVELOPMENT

Recognize the linkage between land use and transportation decisions and the importance of the transportation system to support continued economic growth and development.

GOAL 5 SUSTAINABILITY, RESILIENCY AND QUALITY OF LIFE

A sustainable and resilient transportation system will help maintain and enhance the quality of life for Chisago County residents.

GOAL 6 PRIORITIZE INVESTMENTS TO MAXIMIZE FUNDING RESOURCES AND MAINTAIN PREVIOUS INVESTMENTS

Develop a framework for understanding current revenue streams and financial resources and anticipated costs (noting funding gaps) so that sound investments can be made to maintain and enhance the county's transportation system.

Growth Areas/ Population Projections

Chisago County
Transportation Plan

Despite recent population growth and housing developments, Chisago County has remained predominantly rural and undeveloped, with the majority of the County's land still being utilized for agricultural and rural residential use.

To protect agricultural and open space lands, the County has encouraged development to be primarily located in areas already served by public infrastructure such as roads, water, and sewer lines.

- Cities have also identified growth areas for future development, mostly located within and directly adjacent to existing urbanized and developed areas to maximize the return on municipal investment by efficiently utilizing existing public infrastructure.

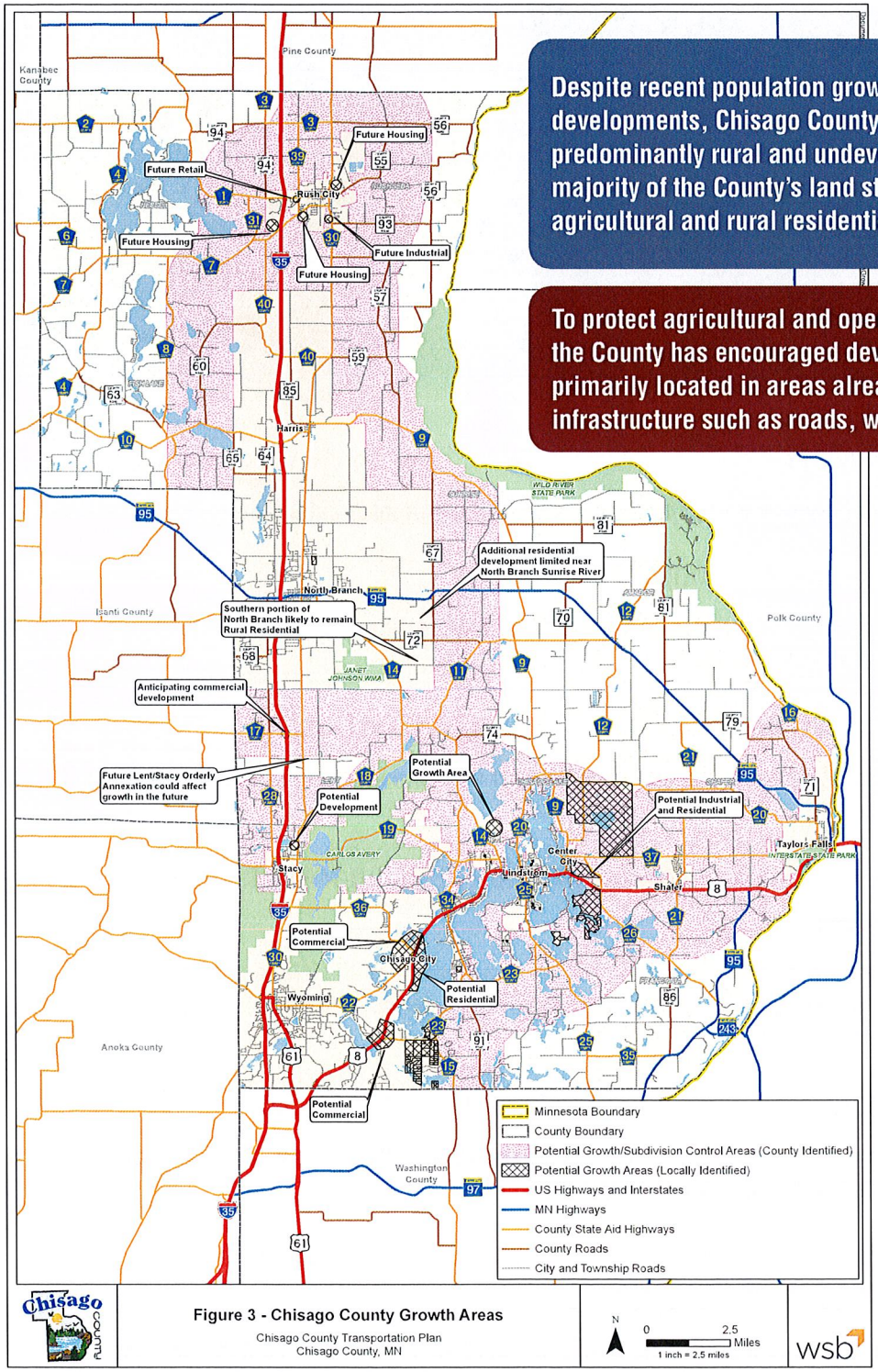


Figure 3 - Chisago County Growth Areas

Chisago County Transportation Plan
Chisago County, MN

Existing Roadway Network

Chisago County
Transportation Plan

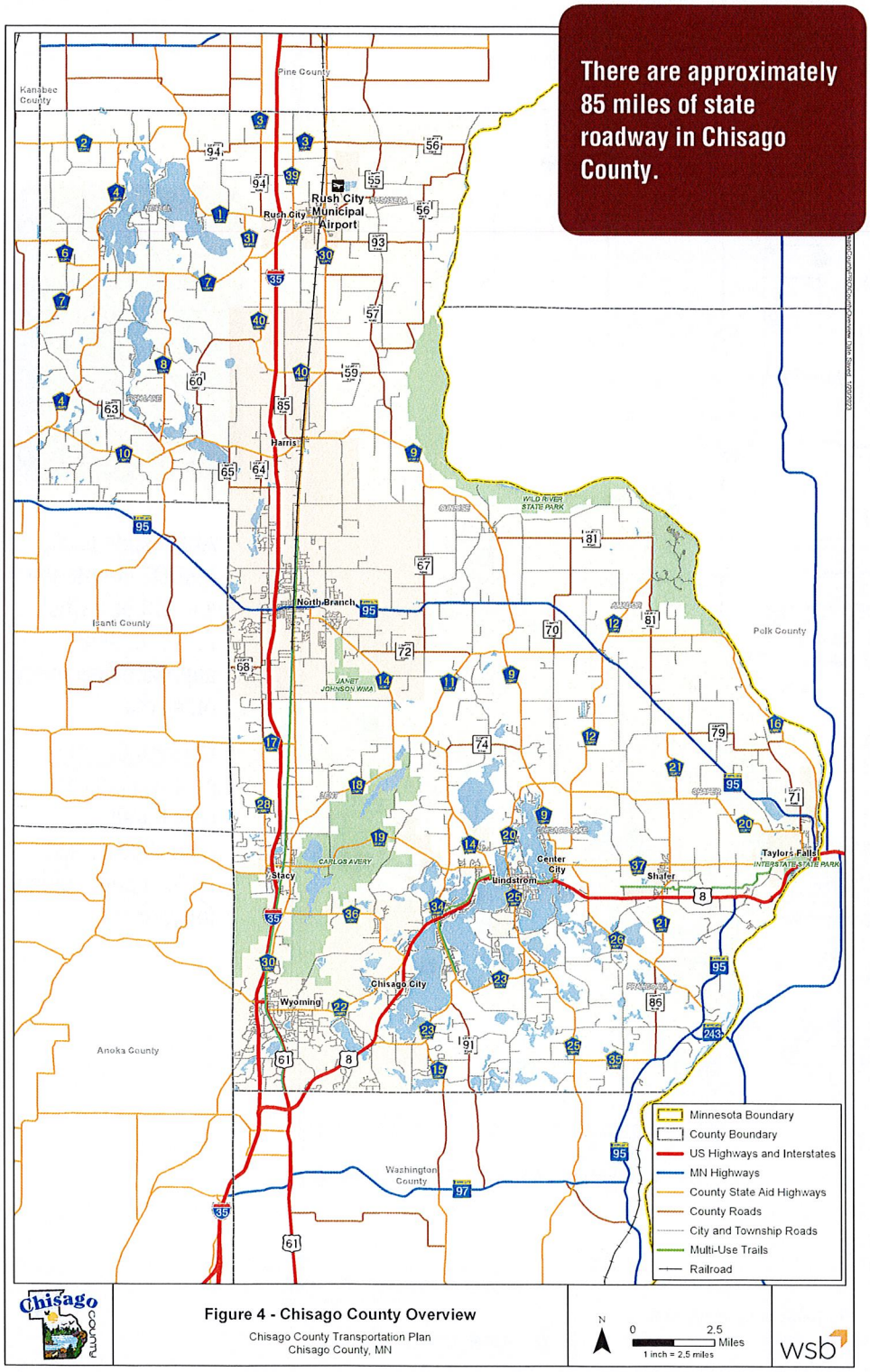


Figure 4 - Chisago County Overview

Chisago County Transportation Plan
Chisago County, MN

Chisago County owns two different types of roadways:

- The first set of roadways are referred to as County State Aid Highways (CSAH). These routes are part of a statewide network that receives funding for maintenance and improvements from the State of Minnesota. There are approximately 236 miles of two-lane CSAH in Chisago County.
- The second set of roadways are County Roads (CR), which are fully maintained and improved by the County. There are approximately 97 miles of two-lane county roads in Chisago County.

Existing Traffic Volumes

Chisago County
Transportation Plan

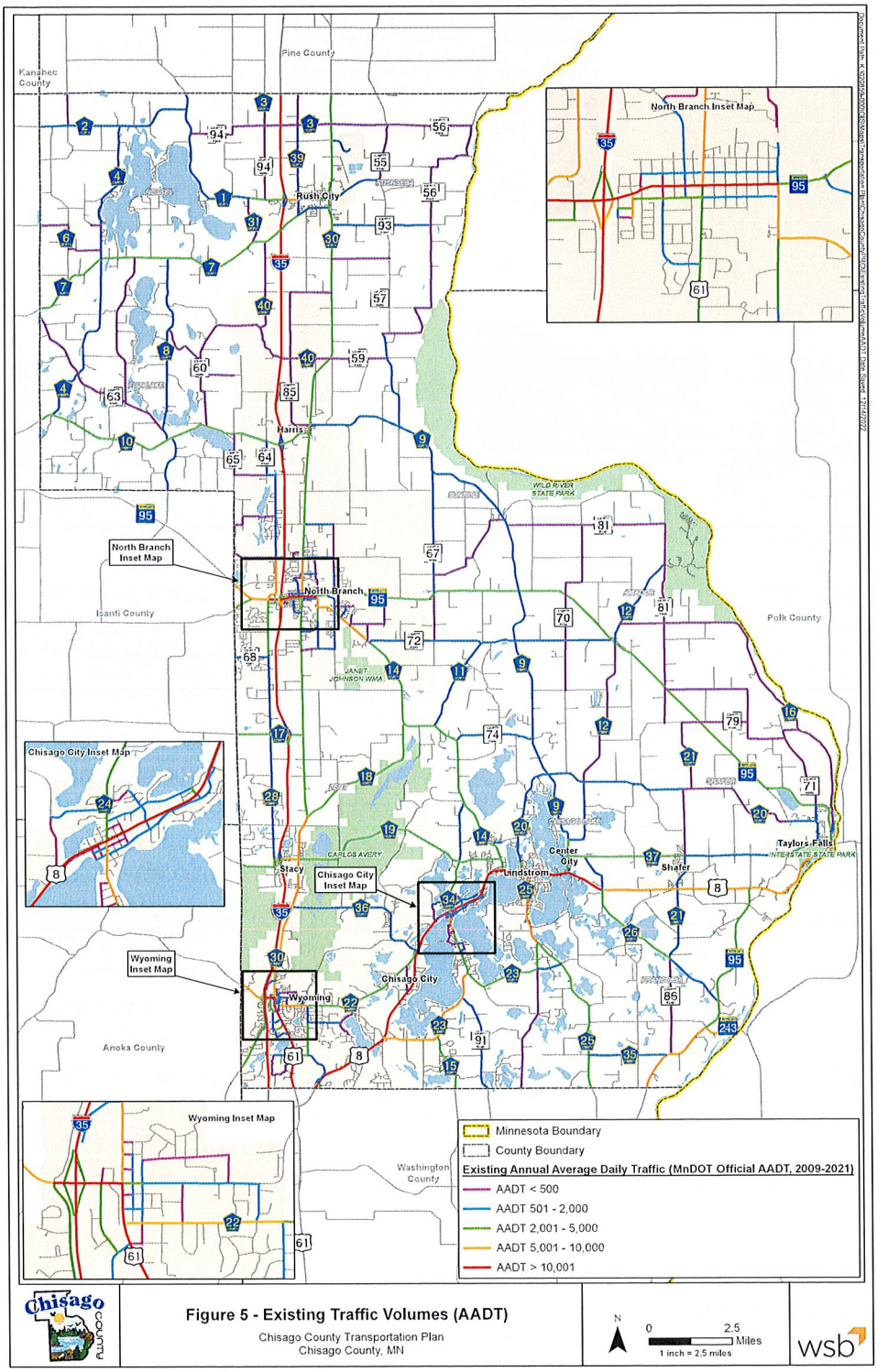


Figure 5 - Existing Traffic Volumes (AADT)
Chisago County Transportation Plan
Chisago County, MN

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Annual Average Daily Traffic (AADT) indicates the typical amount of traffic on a roadway on a given day.

- At the state level, MnDOT counts the amount of traffic on its roadways approximately every other year.
- Chisago County staff will collect data for all roadways owned by the county going forward

Congested Roadways

Chisago County
Transportation Plan

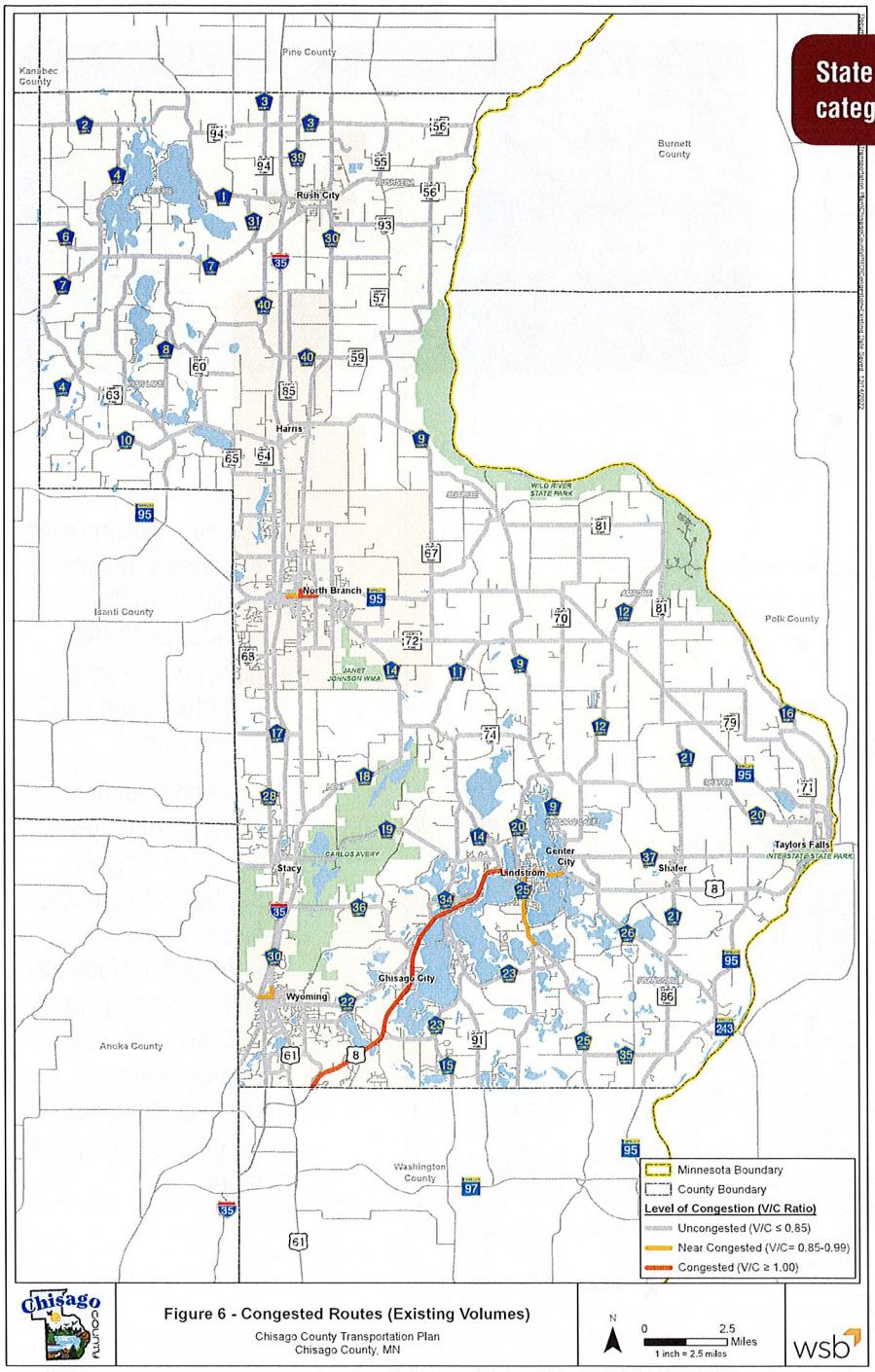


Figure 6 - Congested Routes (Existing Volumes)
Chisago County Transportation Plan
Chisago County, MN

State and county roadways are categorized as follows

- **Uncongested** – the existing roadway segment has less than 85 percent of the traffic volume it is expected to carry. This should generally indicate a low probability of current congestion problems.
- **Near Congested** – the existing roadway segment has between 85 percent and 100 percent of the traffic volume it is expected to carry. This suggests that the roadway probably experiences some congestion, likely during peak travel times.
- **Congested** – the existing roadway segment exceeds 100 percent of the traffic volume it is expected to carry. This suggests that the corridor experiences congestion.

- **Most of the roadways within the county are not congested.**
- Roadways with the most congestion are generally on the MnDOT system, with some limited areas of county roadways congested or nearing congestion.

Fatal and Serious Injury Crashes (2012-2021)

Chisago County Transportation Plan

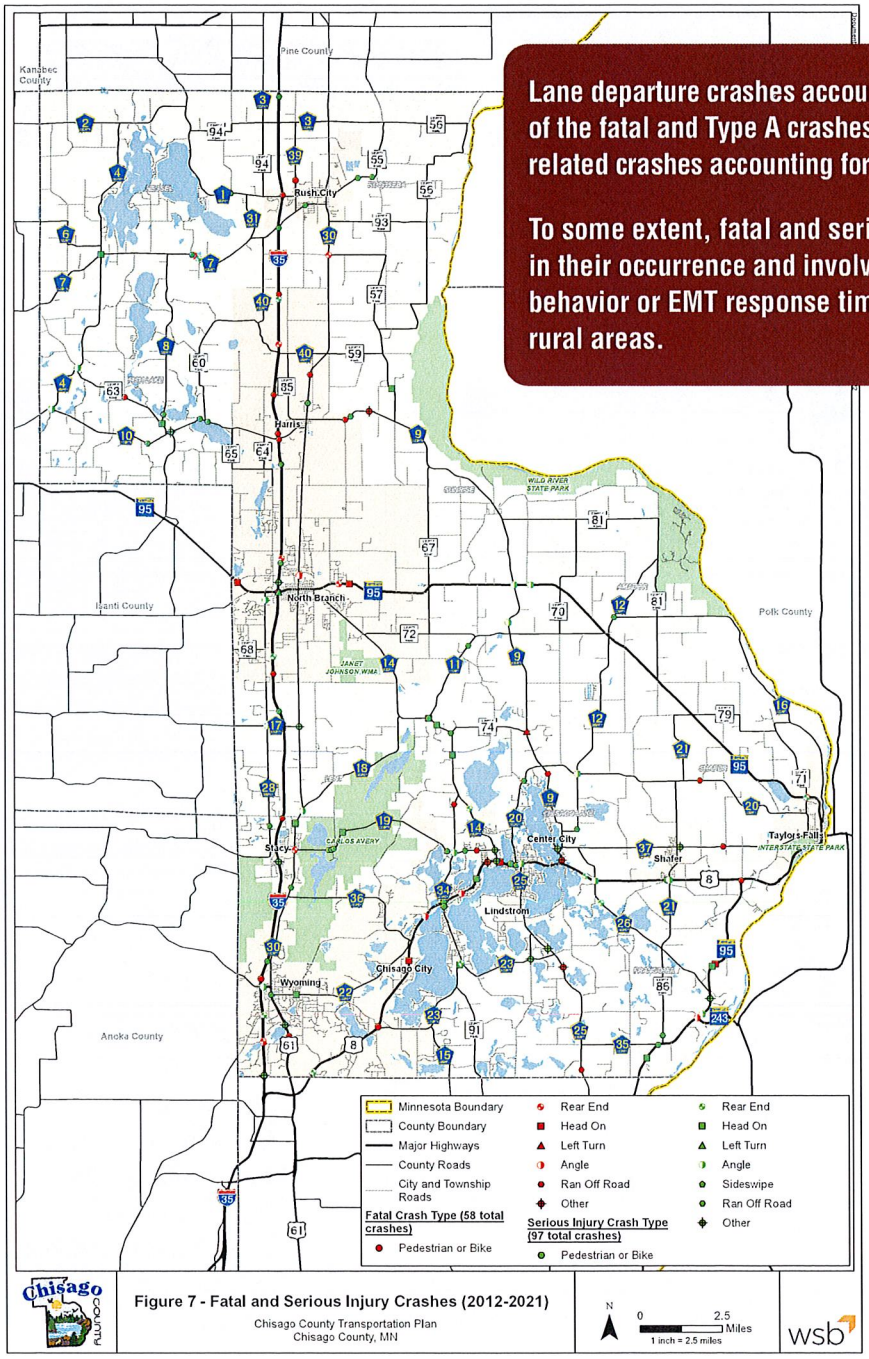


Figure 7 - Fatal and Serious Injury Crashes (2012-2021)
Chisago County Transportation Plan
Chisago County, MN

Lane departure crashes account for approximately 35 percent of the fatal and Type A crashes reviewed, with intersection-related crashes accounting for another 17 percent.

To some extent, fatal and serious injury crashes are random in their occurrence and involve other factors such as driver behavior or EMT response times, particularly in the more rural areas.

- The county is applying a systemwide approach to address priority issues from the county road safety plan, such as lane departures and rural intersections.
- Chisago County is implementing low-cost, high-impact strategies to address safety. These strategies include six-inch white edge lines, reflective striping, improvements to roadway geometry, paved shoulders, and more

Crashes by Severity

	10-Year (2012-2021)
Total Fatal & Serious Injury Crashes	155
Fatal	58
Serious Injury (Type A)	97
Total Crashes	4,728
Fatal and Serious Injury Percent of Total	3%

Crashes by Roadway Jurisdiction

Roadway Jurisdiction	10-Year (2012-2021)	
	Fatal & Serious Injury Total	Percentage
Trunk Highway	70	45
County Road	8	5
County State-Aid Highway	77	50
Total	155	-

Bridge Condition

Chisago County
Transportation Plan

Chisago County has 50 bridges and large culverts (referred to collectively as "structures") that provide roadway connections over barriers such as waterbodies, other roadways, and railroad tracks.

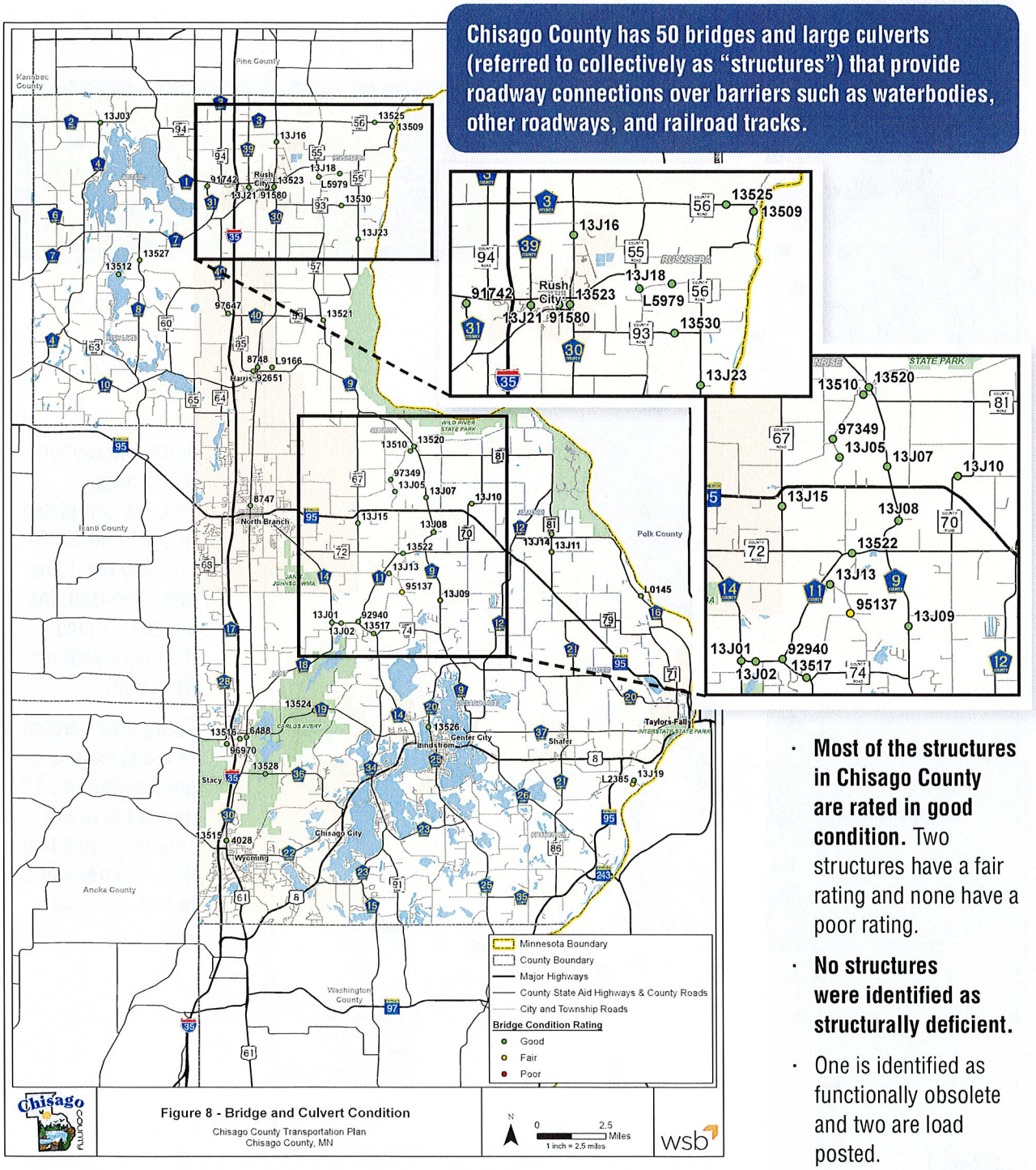


Figure 8 - Bridge and Culvert Condition
Chisago County Transportation Plan
Chisago County, MN

- **Most of the structures in Chisago County are rated in good condition.** Two structures have a fair rating and none have a poor rating.
- **No structures were identified as structurally deficient.**
- One is identified as functionally obsolete and two are load posted.

Structures Rated Functionally Obsolete or Load Posted

Bridge No.	Functionally Obsolete	Load Posted	Owner	Bridge Type
95137	N	Y	Sunrise Township	Steel Pipe Arch
L2385	Y	Y	Franconia Township	Precast Channel Span

Pavement Condition

Chisago County
Transportation Plan

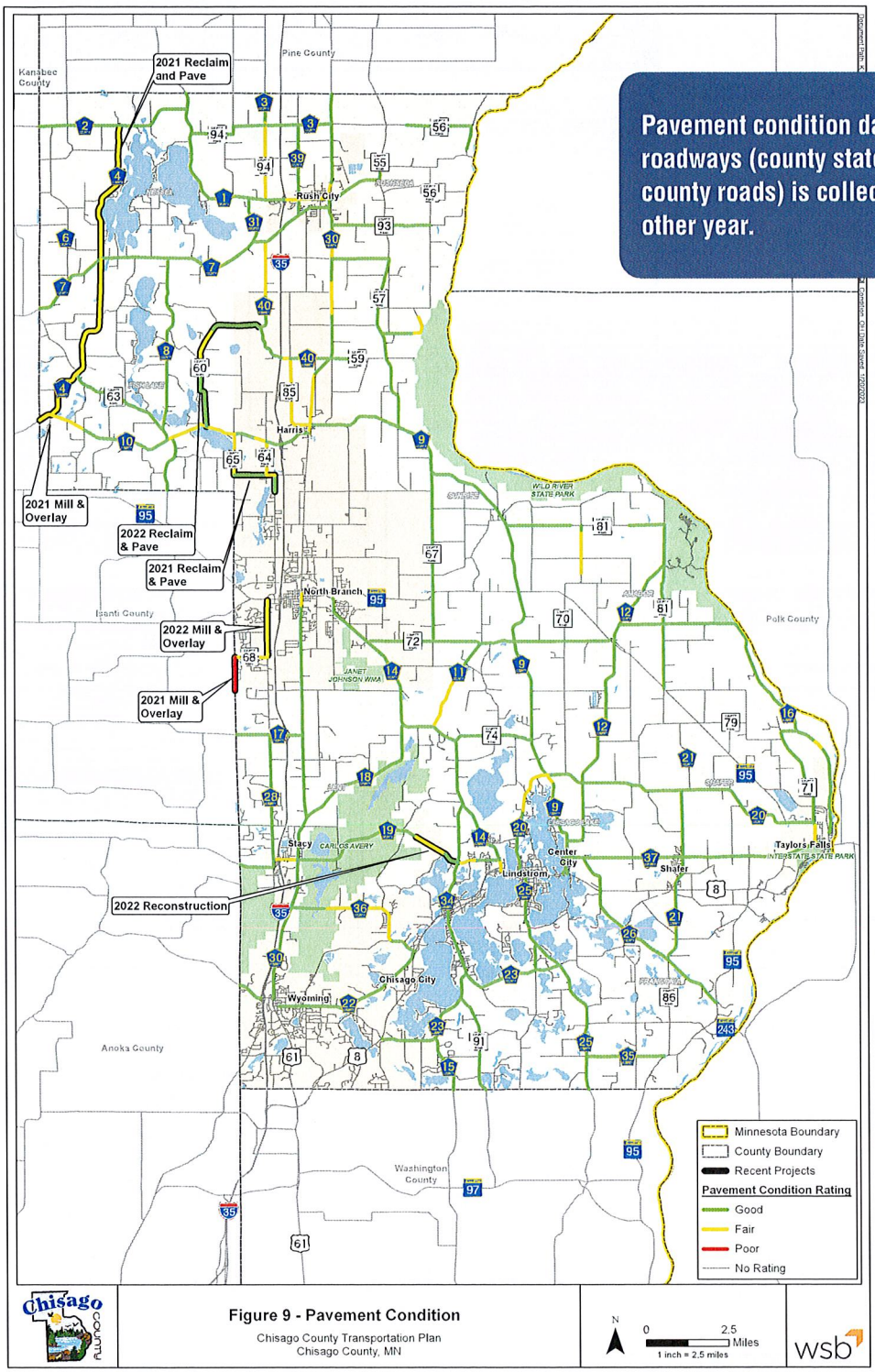


Figure 9 - Pavement Condition
Chisago County Transportation Plan
Chisago County, MN

N
0 2.5 Miles
1 inch = 2.5 miles

wsb

Pavement condition data for Chisago County roadways (county state aid highways and county roads) is collected by MnDOT every other year.

- Chisago County completes resurfacing projects on an annual basis to address pavement deficiencies. Projects completed in 2021 and 2022 are assumed to be improved from the condition noted on the map which was from 2021
- **Eighty-five percent of the system is in good condition, 15 percent is in fair condition, and less than one percent is in poor condition.**

County Parks and Trails

Chisago County
Transportation Plan

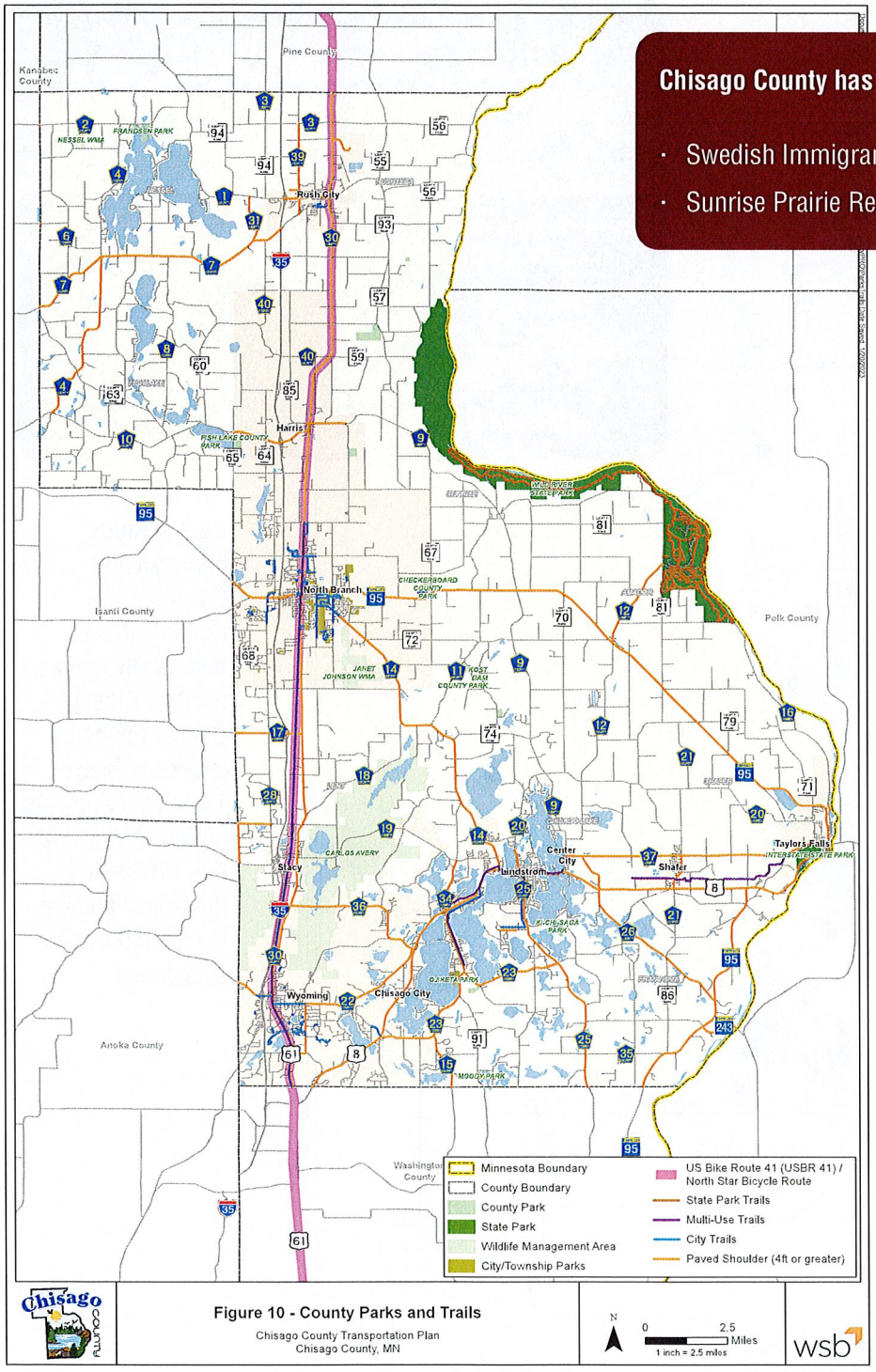


Figure 10 - County Parks and Trails
Chisago County Transportation Plan
Chisago County, MN

Chisago County has two regional trails:

- Swedish Immigrant Regional Trail
- Sunrise Prairie Regional Trail

- **The Sunrise Prairie Regional Trail** offers 26 miles of paved multi-use trail which follows the former Burlington Northern Railroad right of way from the southern county border to North Branch. A northern extension is planned.
- **The Swedish Immigrant Regional Trail** has been planned as a 20-mile, multi-use trail that will, when complete, create a paved trail connection across the county from Taylors Falls and Interstate State Park in the east to the Sunrise Prairie Regional Trail in the west. Of the planned 20-mile alignment, Chisago County and local government units have completed almost 10.4 miles of the trail as of 2022.

Transit and Multimodal Facilities

Chisago County
Transportation Plan

Arrowhead Transit offers four deviated fixed routes, Dial-A-Ride, and a Volunteer Driver Program in Chisago County. More information about Arrowhead Transit is available at arrowheadtransit.com.

There are two official park and pool lots in Chisago County. These lots are used for carpools and are not served by transit.

- Southwest corner of CSAH 22 & I-35 in Wyoming
- South side of CSAH 17 between I-35 and CSAH 30 in Lent Township

- Park & Rides in Anoka and Washington Counties have historically been used by Chisago County residents to access Metro Transit services. As of September 2022, bus service to these facilities has been temporarily suspended.

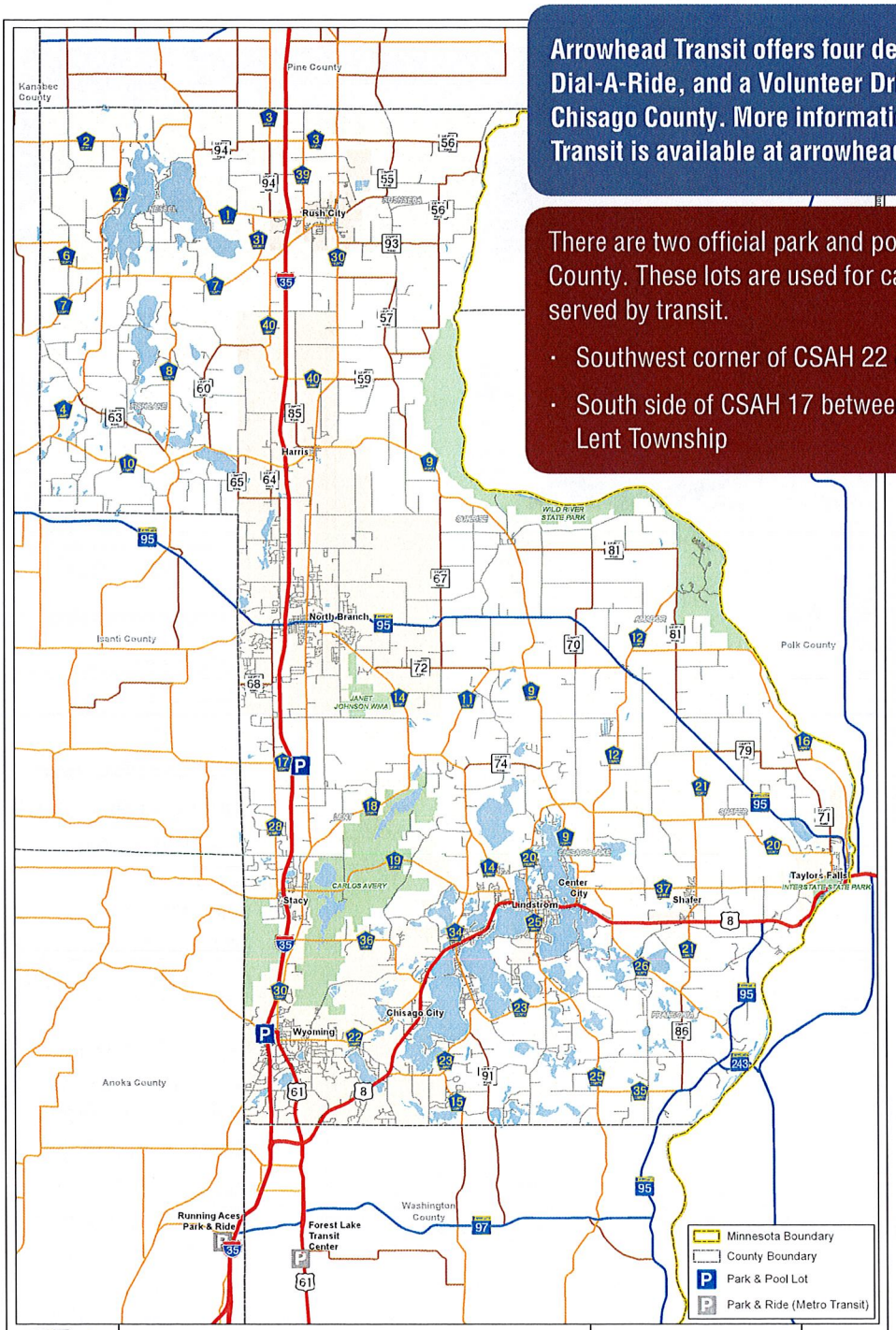


Figure 11 - Transit and Multimodal Facilities

Chisago County Transportation Plan
Chisago County, MN

Freight Facilities and Generators

Chisago County
Transportation Plan

There are three primary sources of truck traffic within Chisago County: aggregate mining operations, industrial areas, and through traffic.

Freight users generally prioritize short and easy access from their facilities to the state highway system.

The St. Croix Valley Railroad is the only railroad that operates within Chisago County. According to MnDOT data, this line carries approximately two to three trains per day.

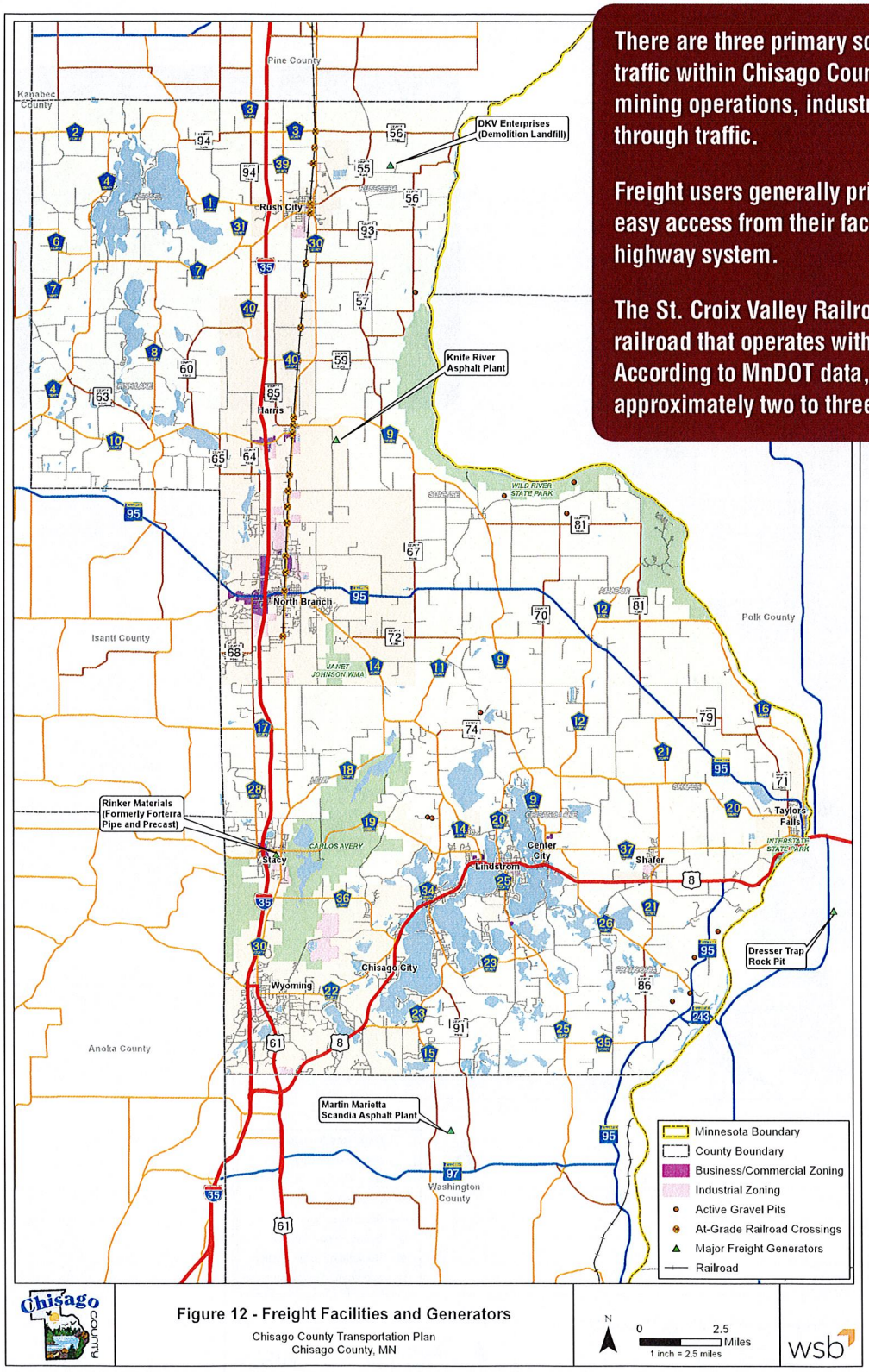


Figure 12 - Freight Facilities and Generators

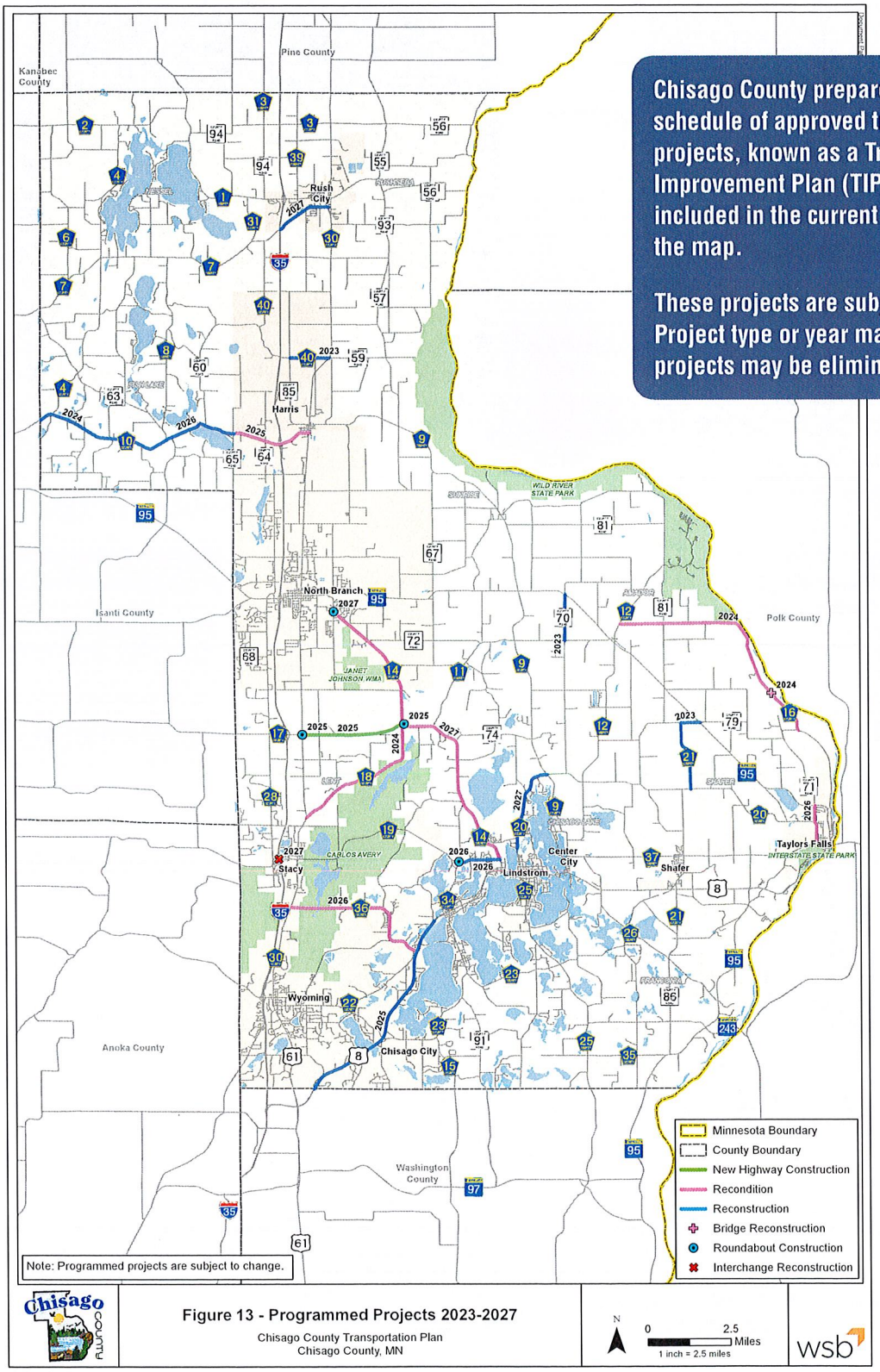
Chisago County Transportation Plan
Chisago County, MN

N
0 2.5 Miles
1 inch = 2.5 miles

wsb

Programmed Projects 2023-2027

Chisago County
Transportation Plan



Chisago County Transportation Plan

Chisago County is updating its transportation plan. The purpose of the plan is to assess existing conditions and anticipated changes in growth, provide a framework for when changing conditions arise, and serve as a guide for major transportation policy decisions and investments. For more information about the plan and to provide input on the issues that are important to you, please visit https://chisago-transportplan-wsbeng.hub.arcgis.com/ or contact **Joe Triplett, Public Works Director/County Engineer** at **651-213-8700** or **Joe.Triplett@chisagocountymn.gov**.

Vision

Chisago County will work cooperatively with local, regional, and state partner agencies and the private sector to develop and support a safe and efficient transportation system that addresses the mobility needs of its residents, property owners, and businesses. Transportation system investments will support a sustainable and resilient system that operates in coordination with state and local facilities to enhance the economic vitality of the county and improve the quality of life for its residents. County investment priorities will be made to maintain a system in good repair and address pressing safety problems and mobility constraints.

Goals and Objectives

Goal 1 SAFETY

Develop and maintain a transportation system that promotes safety for all users by:

- Targeting crash locations and conditions where fatal and serious (incapacitating) injury crashes occur.
- Proactively incorporating safety measures into reconstruction and rehabilitation projects. Examples include improving horizontal/vertical curvature, roadway superelevation (tilt), and flattening roadway in-slopes (area between shoulder and ditch).
- Addressing deficient roadway geometrics (design of the roadway).
- Incorporating modal elements that separate system users (pedestrian and bicycle facilities or railway grade separations).

Goal 2 EFFICIENT MOVEMENT

Strive to provide a transportation system promoting the efficient and effective movement of people and goods by:

- Facilitating mobility for persons and goods within and through the county by providing connections to the regional transportation system.
- Providing a roadway system that accommodates access and mobility needs appropriately.
- Targeting system expansion where problems currently exist and where growth is occurring and expected to occur.
- Working cooperatively with partner agencies to invest in facilities and projects that serve the greatest travel demand.
- Linking county investments with investments made by other agencies and the private sector.
- Maintaining infrastructure in good repair – this also includes maintenance and operations activities such as snowplowing, crack sealing, pothole filling, etc.
- Classifying the roadway network properly and supporting investments appropriate to the classification.
- Promoting increased vehicle occupancy for automobile trips.

Goal 3 SERVE THE TRANSPORTATION NEEDS OF ALL USERS

Promote transportation mode choice to support all users and enhance the quality of life for residents by:

- Incorporating trail and sidewalk elements where appropriate in urbanized areas and wider shoulders in more rural areas with less population density.
- Collaborating with other agencies and jurisdictions (units of government) to support transit opportunities and services for transit-dependent populations and transit choice users.
- Working cooperatively with the railroad to address safety and mobility constraints on the network.
- Promoting transportation alternatives in the form of transit, pedestrian, and bicycle facilities.

Goal 4 LAND USE AND TRANSPORTATION DECISIONS TO SUPPORT ECONOMIC DEVELOPMENT

Recognize connections between land use and transportation decisions and the importance of the transportation system to support continued economic growth and development by:

- Collaborating with local jurisdictions on land use decisions that support economic development and investment.
- Working with local jurisdictions to provide formal review and comment on proposed developments that impact the county transportation system during the development review process.
- Identifying and preserving space for future corridors, intersection improvements, and trails through tools such as right-of-way dedication as part of development review.
- Identifying growth areas within the county and evaluating the impacts of growth on the transportation system.
- Encouraging and enlisting private sector participation in serving the travel needs of county residents and businesses.
- Managing access on county highway routes.
- Ensuring the transportation system provides access to and serves major economic development generators and facilities.
- Constructing and maintaining a 10-ton roadway network that serves industrial, agricultural, and mining areas.
- Supporting local and diverse businesses through procurement needs related to the system.

Goal 5 SUSTAINABILITY, RESILIENCY, AND QUALITY OF LIFE

A sustainable and resilient transportation system that maintains and enhances the quality of life for county residents by:

- Promoting transportation alternatives to the single-occupant automobile by investing in transit services and providing pedestrians and bicycle facilities as appropriate for highway projects.
- Maintaining its transportation system in good repair.
- Minimizing the need for new raw materials by reusing and recycling materials in the construction process – diverting as much as possible from landfills.
- Avoiding and minimizing impacts to social, economic, and environmental resources to the extent practicable when making planning and design decisions related to the transportation system. Incorporating mitigation (relief) strategies where impacts cannot be avoided.
- Incorporating native plantings into transportation projects to promote pollinator populations and reduce maintenance activities associated with mowing.
- Prioritizing the use of materials that reduce life cycle and maintenance costs.
- Considering different pavement types and landscaping as part of project design to reduce greenhouse gas emissions and increase resiliency.
- Preparing for the needs of evolving technology for autonomous (self-driving) and connected vehicles.
- Advancing public health and environmental goals such as reduced greenhouse gas and other emissions from the transportation sector.

Goal 6 PRIORITIZE INVESTMENTS TO MAXIMIZE FUNDING RESOURCES AND MAINTAIN PRIOR INVESTMENTS

Develop a framework for understanding current revenue streams, financial resources, and anticipated costs so that sound investments are made to maintain and enhance the county's transportation system by:

- Preserving, maintaining, and managing the existing transportation systems within the county.
- Identifying targeted projects to serve safety and mobility needs over the short-, medium- and long-term for all users. As part of this, explore low-cost/high-benefit solutions that satisfy priority needs.
- Maintaining and/or increasing the existing 0.5 percent Local Option Sales Tax (LOST) to fund additional transportation projects.
- Examining current system designations and seeking changes in state assistance if warranted.
- Developing cost-sharing responsibilities for transportation investments.
- Seeking opportunities to coordinate county investments with investments made by others.
- Strategizing with partners on prioritizing/scheduling/planning for major transportation investments that require joint expenditures.
- Involving the private sector in partnerships that foster development and growth while improving the transportation network.
- Advancing co-benefits stemming from related system investments such as economic development, reduced emissions, and improved health.
- Applying for funding from state, federal, and private sources to help offset county costs.