



Chisago County, MN  
**PLANNING COMMISSION**  
Meeting Agenda  
January 4, 2024 | 7:00 pm

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

**The Planning Commission's Wednesday, January 3, 2024 tour  
has been cancelled due to the nature of the land use request(s).**

**1. Call to Order and Pledge of Allegiance**

**2. Roll Call and Determination of a Quorum**

**3. Election of Officers**

The Planning Commission will elect a Chair and Vice Chair for 2024. Officers for 2023 included Chair Yeager and Vice Chair DuBose.

**4. Approval of Agenda**

**5. Approval of Minutes**

- a. December 7, 2023 Regular Meeting

**6. Receive all Materials and Submittals into Record**

Previously Distributed:

- a. Complete meeting packet including staff reports with attachments for agenda items 7a and 10a

**7. Public Hearings – New Applications**

- a. **Theodore & Teresa Schulte and Sarah Sharkshnas** – Property owners Theodore & Teresa Schulte and applicant Sarah Sharkshnas are requesting approval of the Preliminary Plat of Schulte Farm involving the creation of two lots from a 20.00± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 14327 Chisago Boulevard in Franconia and Chisago Lake Townships, S14 and 15, T33, R20 (PIDs 04.00370.00 and 02.00101.20).

**8. Public Hearings – Continued Hearings**

None

**9. Old Business**

**10. New Business**

- a. Annual Review of *Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure*

**11. Communications and Reports**

- a. County Board Liaison Report / Update

**12. Miscellaneous**

**13. Adjourn Meeting**

- The next special work session is scheduled for Thursday, January 18, 2024 at 6:00 pm.
- The next regular meeting is tentatively scheduled for Thursday, February 1, 2024 at 7:00 pm.

## Planning Commission

### Tour Date and Time:

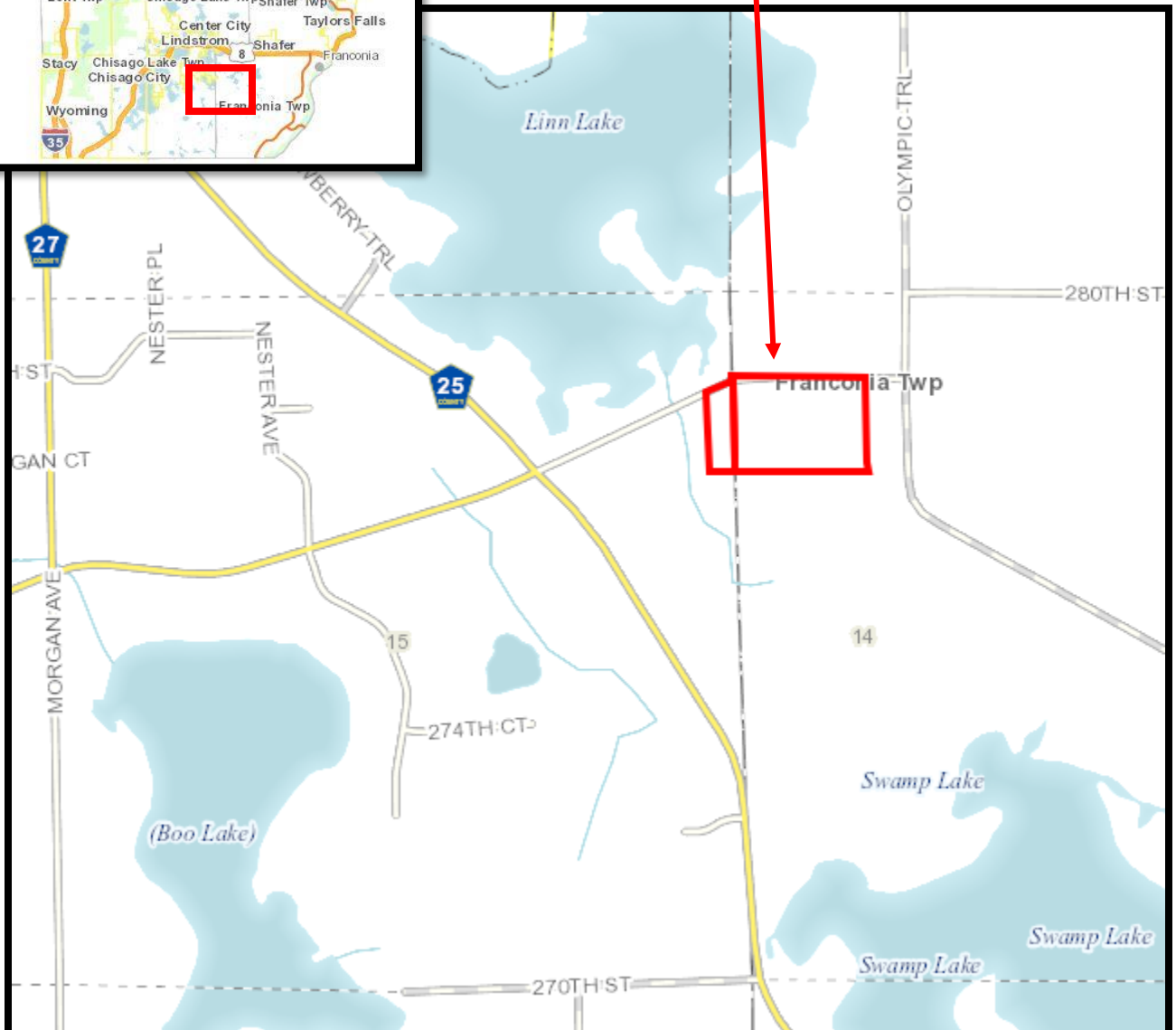
**Wednesday, January 3, 2024 at 9:00 am**

Departing from Chisago County Highway Department  
31325 Oasis Road, Center City, MN 55012

**THE TOUR HAS BEEN CANCELED ~ THE MAP IS FOR REFERENCE ONLY**



**Theodore & Teresa Schulte  
and Sarah Sharkshnas**  
14327 Chisago Boulevard  
Franconia and Chisago Lake Townships  
PIDS 04.00370.00 & 02.00101.20



**CHISAGO COUNTY  
PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
December 7, 2023**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, December 7, 2023, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Nikki Garner, Office Support Specialist.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Chris DuBose, Chip Yeager, John Sutcliffe, Jolene Wille, Jim McCarthy, and Dave Whitney. Absent: Eric Leivian. A quorum was established. Also present: Ex Officio County Commissioner Rick Greene.

**Approval of Agenda – Motion** by DuBose to approve the agenda as presented; second by Sutcliffe. The **motion passed 6-0.**

**Approval of Minutes – Motion** by Whitney to approve the November 2, 2023, regular meeting minutes as presented; second by Wille. The **motion passed 6-0.** **Motion** by DuBose to approve the November 16, 2023, special work session minutes as presented; second by Whitney. The **motion passed 6-0.**

**Receive all Materials and Submittals into Record – Motion** by Whitney to accept all materials and submittals into the record, including two items provided immediately prior to the meeting (one item provided by Jordan Waggoner on behalf of Nancy Simpson for agenda item 7a and a written testimony from Lawrence Rose for agenda item 7a); second by Wille. The **motion passed 6-0.** Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments and the two additional items described above. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications – None**

**Public Hearings – Continued Hearings**

**Sheryl Bearhart and Jordan Waggoner** – Coordinator Gervais provided an overview of applicant Sheryl Bearhart and property owner Jordan Waggoner’s request for an after-the-fact Interim Use Permit (IUP) on property located at 450 Badger Boulevard in Fish Lake Township, S4, T36, R22 (PID 03.00041.00), explaining that the request had been amended since the November 2, 2023 meeting such that Bearhart and Waggoner were only seeking approval of an IUP for Residential Kennel and the Commercial Kennel component had been eliminated. Gervais shared that the Planning Commission had opened the requisite public hearing on November 2, 2023 and, after receiving a verbal report from staff, hearing from the applicant and property owner and receiving public testimony, the Planning Commission motioned to continue the public hearing to its December 7, 2023 meeting and instructed the applicant and property owner to provide specific application materials for further review and consideration. As a result of the Commission’s actions, the State mandated 60-day review period was extended by an additional 60 days. Gervais commented that the applicant and property owner had submitted new application materials as instructed, including a written statement from the property owner, an updated application form, an updated written narrative, a kennel layout plan, and a business filing from the Secretary of State’s website.

The written statement provided by property owner Jordan Waggoner explained that he was authorizing Bearhart to seek approval of an IUP for a Residential Kennel which housed up to 10 dogs and a maximum of two litters per year. The statement also explained that Waggoner and Bearhart had an explicit agreement that there would be no commercial, retail, or storefront operations taking place on the subject site.

The updated written narrative indicated that the request was being amended such that it was for Residential Kennel purposes only and the Commercial Kennel component had been eliminated. Gervais added that staff found no recent evidence that the site was still being advertised as a commercial dog park. In response to the Planning Commission's request for a noise evaluation / study, the narrative reported that the applicant and/or property owner took decibel readings from various locations on the subject site and the highest result was 70 decibels. Gervais noted that, aside from decibel readings and approximate locations of said readings, no additional detail was provided about the noise evaluation, such as method of conducting the evaluation, weather conditions, or the number of dogs on-site during the evaluation. The narrative also provided additional information about the detached garage/kennel, including that it was 24' x 24' in size rather than 20' x 26' as previously reported; the structure was fully insulated; noise reduction panels had been installed to help mitigate noise; and, the garage / kennel would house up to 10 individual kennels / crates. In response to the request for detail about proposed fencing materials and specifications, the written narrative explained that the site currently included an enclosed chain link area located on the west side of the dwelling and an enclosed wood panel fence located on the north side of the garage / kennel. Additionally, the applicant reported that more fencing may be added in the future to expand the size of the fenced enclosures. The narrative explained that dogs were allowed outside at least five times throughout the day, with duration being 15 minutes to one hour. Additionally, dogs were allowed outside in turns when residents of the subject site were outside.

The kennel layout plan identified sizes and locations of 10 kennels / crates.

The business filing showed that Bearhart was an authorized agent of Designer Dogs MN LLC, but, because the applicant and property owner had eliminated the Commercial Kennel component of the request, Gervais suggested that there was no longer any need for the applicant to verify that she was a registered agent of the business or for the Planning Commission to focus discussion on this aspect of the original application materials.

Gervais concluded by offering a recommendation of approval of the amended request with conditions and reviewed options available to the Planning Commission.

Chair Yeager invited the applicant and property owner to address the Planning Commission. Applicant Sheryl Bearhart and property owner Jordan Waggoner approached the Commission. Waggoner restated that the request had been amended to eliminate the Commercial Kennel component and thanked the Commission for visiting the site on December 6, 2023.

McCarthy asked Waggoner if he intended to utilize the IUP after Bearhart vacated the property. Bearhart responded that, if she moved, she would take her dogs with her; Waggoner responded that he had no intention of utilizing the IUP if Bearhart moved from the property. McCarthy indicated his intention to amend draft condition no. 14 based on the responses.

Whitney asked Bearhart if dogs were leashed or able to run free while they were outside of the fenced enclosure. Bearhart responded that they were not leashed but they stayed by her side when outside the fenced enclosure. Waggoner vouched that the dogs were obedient and he had never witnessed the dogs leaving the property. Whitney suggested that the applicant and property owner review staff's recommended conditions of approval and inform the Commission of any concerns.

Chair Yeager reopened the public hearing and sought comment.

Christopher Forslund of 47659 Acacia Trail, Fish Lake Township – Forslund expressed appreciation for the updated application materials but noted that he still had concerns with the request. Forslund questioned who would be responsible for the kennel, who would be liable for the dogs if they left the property, and the definition of commercial sales as applied to the request. Additionally, Forslund noted the lack of detail about the noise evaluation and suggested that the Commission consider requiring insurance for the activity.

Kevin Rausch of 47440 Acacia Trail, Fish Lake Township – Rausch commented that he appreciated the proposed reduction in the number of dogs. Additionally, Rausch shared that he recently learned that Chisago County didn't have animal control and questioned who would enforce conditions of the IUP if approved.

With no other persons wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second by DuBose. The **motion passed** 6-0.

Whitney asked the applicant and property owner if they had any concerns with the recommended conditions of approval. While Bearhart was reviewing the conditions, Chair Yeager inquired about the fenced enclosure(s). Waggoner responded that there was previously a fully enclosed chain link fence adjacent to the house and the applicant had just recently finished installing a 6' tall wood fence enclosure adjacent to the garage and connecting to the chain link fence. Whitney questioned if the two fenced areas were open to each other or separated. Bearhart responded that she had removed a section of the chain link fence so that the two fenced areas were now open to each other and no longer separate. McCarthy reviewed noise standards and questioned where on the property the noise readings were taken. Waggoner responded that he took readings at the west and east property boundaries and near the garage, adding that the readings were taken on a windy day. DuBose questioned if the recently installed wood fence was secured to the previously installed chain link fence. Waggoner responded that the two fences were connected. Sutcliffe inquired with staff who would be responsible for enforcing the conditions if the IUP was approved. Gervais explained that the Code Enforcement Officer would assist in enforcing the conditions; however, the Chisago County Sheriff's Office would likely become involved if there were issues with excessive barking or dogs leaving the property. Chair Yeager questioned if the applicant and property owner had any concerns with recommended condition no. 8 which required that fenced enclosures not be located any closer than 400' to any property boundary. Waggoner responded that he didn't have any concern with this requirement. DuBose inquired if the Fish Lake Town Board had reviewed the amended application. Gervais responded that the Town Board had not formally reviewed the amended request as the new materials were submitted the week prior to the Planning Commission meeting.

***Motion*** by McCarthy to adopt Resolution No. PC2023-1201, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing a Residential Kennel on property located at 450 Badger Boulevard in Fish Lake Township, with Findings of Fact as presented and conditions amended such that the IUP would expire when Bearhart no longer resided on the property and that the property owner would be responsible for notifying the County when Bearhart no longer resided on the property.

Bearhart sought clarification on recommended condition no. 7d. Whitney noted that, per the recommended conditions, only two dogs were allowed outside of the structures at any given time and the recommended condition which required installation of landscaping materials (no. 7d) seemed excessive and overly burdensome. The Commission discussed options for amending recommended condition no. 7d and generally agreed that the landscaping verbiage should be eliminated. McCarthy accepted the amendment to recommended condition no. 7d as part of his motion; second by Whitney. The **motion passed** 6-0.

Conditions as Amended:

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than ten (10) adult dogs in accordance with updated application materials dated received November 27 and November 28, 2023 and kept on file with the Department of Environmental Services. This approval also allows a maximum of two litters of puppies per year, so long as the puppies are removed from the property by four (4) months of age.
2. All dogs shall be housed indoors in either the dwelling or the detached garage, apart from brief periods of time for waste elimination occasional and outdoor activity in which the dogs will either be confined to a fenced enclosure or allowed outside of the fenced enclosure with direct supervision of a resident of the property. No more than two (2) adult dogs shall be outdoors at the same time, whether in the fenced enclosure or outside of the fenced enclosure with direct supervision of a resident of the property.
3. The detached garage / kennel shall be equipped for both heating and cooling.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by a resident of the household.
7. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following measures:
  - a. The detached garage / kennel shall be fully insulated with insulation specifically designed for soundproofing.
  - b. The permit holder shall maintain existing vegetation (large stands of trees) between the dwelling / detached garage and the adjacent property boundaries. Further, the property owner shall replace dying, dead, or downed vegetation.
  - c. The permit holder shall implement "quiet hours" / "outside hours" for the ten (10) adult dogs as follows:
    - i. Aside from brief periods of time for waste elimination, no dogs shall be allowed outdoors before 8:00 am or later than 9:00 pm.
    - ii. Per condition no. 2 above, no more than two (2) adult dogs shall be outdoors at the same time.
  - d. To further mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall ~~either plant and maintain additional landscaping around all segments of the fenced enclosures AND/OR~~ construct all fenced enclosures with board-on-board fencing material at least six (6') feet in height so as to create a solid visual barrier between the dogs and the neighboring parcels. ~~If installing additional landscaping, it shall include low-growing varieties to achieve the visual barrier. Plantings and/or fence~~ Fence construction shall be completed within one (1) year of Interim Use Permit approval.
8. Existing and future fenced enclosure(s), for purposes of dog containment, shall be located no closer than 400 feet to any property boundary.
9. There shall be no commercial activity of any kind associated with the Residential Kennel, apart from the sale of puppies (referenced in condition no. 1) on an appointment-only basis. For the purposes of this approval, prohibited commercial activity shall be defined as, but not limited to: boarding, grooming, training, vaccinating, microchipping, artificial insemination, and birthing assistance for non-resident dogs. Further, the property shall not be utilized as a commercial dog park and, instead, shall only be utilized by resident dogs.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards and licensing.
11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

12. Any expansion of the approved use, including the number of adult dogs or the number of litters per year or as otherwise determined by the Department of Environmental Services, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
13. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
14. This Interim Use Permit shall expire at such time that the property is no longer ~~owned in full or in part by Jordan Waggoner or Sheryl Bearhart (in the event that Bearhart purchases the property from Waggoner)~~ occupied by Sheryl Bearhart. The property owner shall be responsible for notifying the Department of Environmental Services when Bearhart vacates the property.

**Old Business – None**

**New Business**

**Adoption of 2024 Meeting Schedule** – Coordinator Gervais presented the Planning Commission with a draft meeting schedule for 2024, noting that there were no changes to meeting dates or times aside from the July regular meeting and tour given that the regular meeting fell on July 4<sup>th</sup>. Gervais proposed that the July meeting be held on Wednesday, July 3, 2024 and the July tour be conducted on Tuesday, July 2, 2024. DuBose commented that people often traveled for the July 4<sup>th</sup> holiday making a July 3<sup>rd</sup> meeting difficult.

**Motion** by DuBose to adopt the 2024 meeting schedule as presented and with amendments so that the July tour would be conducted on Wednesday, July 10, 2024 and the regular July meeting would be held on Thursday, July 11, 2024; second by Wille. The Commission discussed whether or not to adjust the application deadline for the July meeting. Gervais commented that any change to the application deadline may also impact the Board of Adjustment and Appeals and suggested leaving the application deadline as presented. The **motion passed 6-0**.

**Communications and Reports**

**County Board Liaison Report / Update** – County Commissioner Greene reported that the County Board approved the levy at 3.3% at its December 6, 2023 meeting. On the same date, the County Board also held the Truth in Taxation meeting and the main concern from property owners seemed to be increased property valuations. The Board also approved advertising for committee openings, including Planning Commission seats currently held by Commissioners Leivian and Whitney.

**Miscellaneous – None**

**Adjourn Meeting** – **Motion** by Wille to adjourn the meeting; second by Whitney. The **motion passed 6-0**. The meeting was adjourned at 7:38 p.m.

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Chip Yeager  
Chair

ATTEST: \_\_\_\_\_  
Beth Gervais  
Land Services Coordinator



# Staff Report

TO: Planning Commission  
 FROM: Beth Gervais, Land Services Coordinator  
 SUBJECT: Preliminary Plat of Schulte Farm  
 14327 Chisago Boulevard, Franconia and Chisago Lake Townships  
 DATE: January 4, 2024

## ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Schulte Farm, involving the creation of two lots from a 20.00± acre tract of land.

## SITE & APPLICATION INFORMATION

|                            |                                                                                                              |
|----------------------------|--------------------------------------------------------------------------------------------------------------|
| Property Owner(s):         | Theodore & Teresa Schulte                                                                                    |
| Applicant(s):              | Sarah Sharkshnas                                                                                             |
| General Location:          | 14327 Chisago Boulevard<br>Franconia and Chisago Lake Townships<br>Sections 14 and 15, Township 33, Range 20 |
| PIDs:                      | 04.00370.00 and 02.00101.20                                                                                  |
| Property Area:             | 20.00± Acres                                                                                                 |
| Current Zoning:            | Agricultural (AG) District                                                                                   |
| Adjacent Zoning:           |                                                                                                              |
| North:                     | Agricultural (AG) District                                                                                   |
| South:                     | Agricultural (AG) District                                                                                   |
| East:                      | Agricultural (AG) District                                                                                   |
| West:                      | Agricultural (AG) District                                                                                   |
| Date Application Received: | November 29, 2023                                                                                            |
| Date Application Complete: | December 1, 2023                                                                                             |
| 120-Day Review Period:     | March 30, 2024                                                                                               |

## BACKGROUND

Property owners Theodore & Teresa Schulte and applicant Sarah Sharkshnas are seeking approval of the Preliminary Plat of Schulte Farm. The property owners and applicant wish to create two lots from the 20.00± acre tract of land, with one lot being 15.00± acres in size and the other being 5.00± acres in size.

The subject site is made up of two parcels which were “tied together” in April 2022 by the Department of Environmental Services upon request of



the previous property owner. The purpose of the “tie together” was to combine parcels from two different townships (Franconia and Chisago Lake) and sections being that the Chisago County Auditor-Treasurer’s Office is unable to formally combine parcels from different unique taxing districts and sections. While the “tie together” approval document is recorded and binding, it’s recognized for building and zoning purposes only, and the two parcels will always have separate parcel identification numbers. The parcel located within Franconia Township is 17.00± acres in size and the parcel located within Chisago Lake Township is 3.00± acres in size.

#### SITE & PROPOSAL ANALYSIS

The 20.00± acre subject site is generally located east of Olinda Trail / CSAH 25, west of Olympic Trail, and south of Chisago Boulevard. The subject site and all surrounding properties are located in the Agricultural (AG) District. Due to proximity to Linn Lake, the northern half of the west parcel and the northwest corner of the east parcel are located within the Shoreland Management District; however, as a non-riparian property, the proposed lots are subject to the standards of the underlying AG District.



Topography of the subject site includes elevations ranging from 910’ near the northwest corner to 940’ near the southeast corner. There is light tree cover around the existing dwelling (proposed Lot 1) and a tree line along the north property boundary adjacent to Chisago Boulevard. There are no wetlands on the site and much of the land appears to be used for agricultural purposes.

The subject site is currently developed with a dwelling and multiple agricultural structures. All existing structures will be situated on proposed Lot 1 and they currently meet / will meet all required structural setbacks. The Home Site Area for proposed Lot 2 is shown on the Preliminary Plat drawing to be located in the southwest corner.

Surrounding properties range widely in size from five acres to 75 acres, with most surrounding land being used for agricultural purposes.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed lots. As proposed, both lots comply with the County’s dimensional requirements.

| AG District<br>Minimum<br>Requirements | Lot Size<br>5 acres | Lot Width*<br>300 feet | Lot Depth**<br>300 feet | Home Site Area<br>21,500 square feet |
|----------------------------------------|---------------------|------------------------|-------------------------|--------------------------------------|
| Lot 1                                  | 15.00± acres        | 921'±                  | 725'±                   | 21,500 sf                            |
| Lot 2                                  | 5.00± acres         | 300'±                  | 725'±                   | 21,500 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."

## REVIEW PROCESS

The Technical Review Committee met with Teresa Schulte and Sarah Sharkshnas on December 13, 2023 and no concerns were identified. The soils report and wetland delineation have been reviewed by County staff and both were found to be accurate.

The Franconia Town Board reviewed the proposed Preliminary Plat at its December 12, 2023 meeting and recommended approval with no conditions.

The Chisago Lake Town Board reviewed the proposed Preliminary Plat at its December 19, 2023 meeting and recommended approval with the comment that PID 02.00101.20 is not a buildable parcel and the condition that said parcel "continue under same ownership as PID 04.00370.00". Staff has included a recommended condition of approval (refer to recommended condition no. 2) which addresses this issue.

Preliminary Plats, per the Chisago County Subdivision Ordinance, 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 March 30, 2024.

## WRITTEN TESTIMONY

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

## STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, staff recommends approval of the Preliminary Plat of Schulte Farm with conditions and has prepared a resolution for the Commission's consideration.

### Recommended Condition(s):

1. The Preliminary Plat of Schulte Farm is approved per plat drawing dated signed October 25, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Proposed Lot 1 includes 3.00± acres of land identified as PID 02.00101.20 and the western 12.00± acres of land identified as PID 04.00370.00. Upon Final Plat approval, these two tracts of land will be considered one for building and zoning purposes and they may not be sold or developed as individual tracts of land until and unless Lot 1 is replatted or subdivided in a manner which complies with the County's subdivision regulations in effect at the time of said replat or subdivision.

3. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

#### OPTIONS

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1. Recommend that the County Board **approve** the Preliminary Plat of Schulte Farm 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 Schulte Farm based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The ordinance prescribed 120-day review period expires on March 30, 2024.

#### ACTION REQUESTED

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Motion to adopt Resolution No. PC2024-0101, a resolution recommending approval of the Preliminary Plat of Schulte Farm, with conditions as presented or amended.

#### ATTACHMENTS

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1. Application materials
  - a. Application
  - b. Preliminary Plat drawing
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2024-0101

CC: Theodore & Teresa Schulte, property owners  
Sarah Sharkshnas, applicant  
County file



# Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 23-2364

Township Franconia Township S/T/R 14/33/20 PID# 04.00370.00 <sup>02.00101.20</sup>

Project Address 14327 Chisago Blvd, Lindstrom, MN 55045

Property Owner(s) Theodore & Teresa Schulte

Mailing Address (If Different from Project Address) 14327 Chisago Blvd, Lindstrom, MN 55045

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Sarah ~~Schulte~~ Sharkshnas

Mailing Address (If Different from Project Address) 597 Flandrau St., St. Paul, MN 55106

Phone# [REDACTED] Email [REDACTED]

## Type of Request (Check All That Apply)

### Board of Adjustment & Appeals

- ☐ Variance  
☐ Administrative Appeal

### Planning Commission

- ☐ Conditional Use Permit (CUP)  
☐ Interim Use Permit (IUP)  
☐ Amendment to CUP or IUP

- ☒ Preliminary Plat  
☐ Rezoning  
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Two Lot Preliminary Plat - SCHULTE FARM

## Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

- ☒ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

S. Sharkshnas

Applicant Signature

11-29-2023

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.*

|           |                     |        |                       |
|-----------|---------------------|--------|-----------------------|
| FEES:     | BASE FEE \$500      | DATES: | APP REC'D: 11-29-23   |
|           | RECORDING FEE \$ 46 |        | APP COMPLETE: 12-1-23 |
|           | NO ROADS \$ 150     |        | 120 DAYS: 3-30-24     |
| TOTAL FEE | \$ <u>696.00</u>    |        |                       |



Chisago County Department of Environmental Services  
Planning & Zoning Application

Township Presentation Form

Township Franconia Township SA/AR 10/33/20 PID# 02.00101.20  
04.00370.00

Project Address 14327 Chisago Blvd, Lindstrom, MN 55045

Property Owner(s) Theodore & Teresa Schulte

Mailing Address (If Different from Project Address) 14327 Chisago Blvd, Lindstrom, MN 55045

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Sarah ~~Schulte~~ Sharkshnas

Mailing Address (If Different from Project Address) 597 Flandrau St., St. Paul, MN 55106

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance  
☐ Administrative Appeal

Planning Commission

- ☐ Conditional Use Permit (CUP)  
☐ Interim Use Permit (IUP)  
☐ Amendment to CUP or IUP

- ☒ Preliminary Plat  
☐ Rezoning  
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Two Lot Preliminary Plat - SCHULTE FARM

S. Sharkshnas

Applicant Signature

11-29-2023

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.*

Date of County Public Hearing JAN 4, 2024

Date of Township Presentations

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

FRANCONIA - DEC 12, 2023  
CHISAGO LAKE - DEC 19, 2023

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

[Signature]

[Signature]

[Signature]



Chisago County Department of Environmental Services  
Planning & Zoning Application

Township Presentation Form

Township Franconia Township S/T/R 14/33/20 PID# 02.00101.20  
04.00370.00

Project Address 14327 Chisago Blvd, Lindstrom, MN 55045

Property Owner(s) Theodore & Teresa Schulte

Mailing Address (If Different from Project Address) 14327 Chisago Blvd, Lindstrom, MN 55045

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Sarah Schulte Sharkshnas

Mailing Address (If Different from Project Address) 597 Flandrau St., St. Paul, MN 55106

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

☐ Variance

☐ Administrative Appeal

Planning Commission

☐ Conditional Use Permit (CUP)

☐ Interim Use Permit (IUP)

☐ Amendment to CUP or IUP

☒ Preliminary Plat

☐ Rezoning

☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Two Lot Preliminary Plat - SCHULTE FARM

S. Sharkshnas  
Applicant Signature

11-29-2023  
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.

\*\*\*\*\*  
Date of County Public Hearing JAN 4, 2024 Date of Township Presentation FRANCONIA - DEC 12, 2023

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

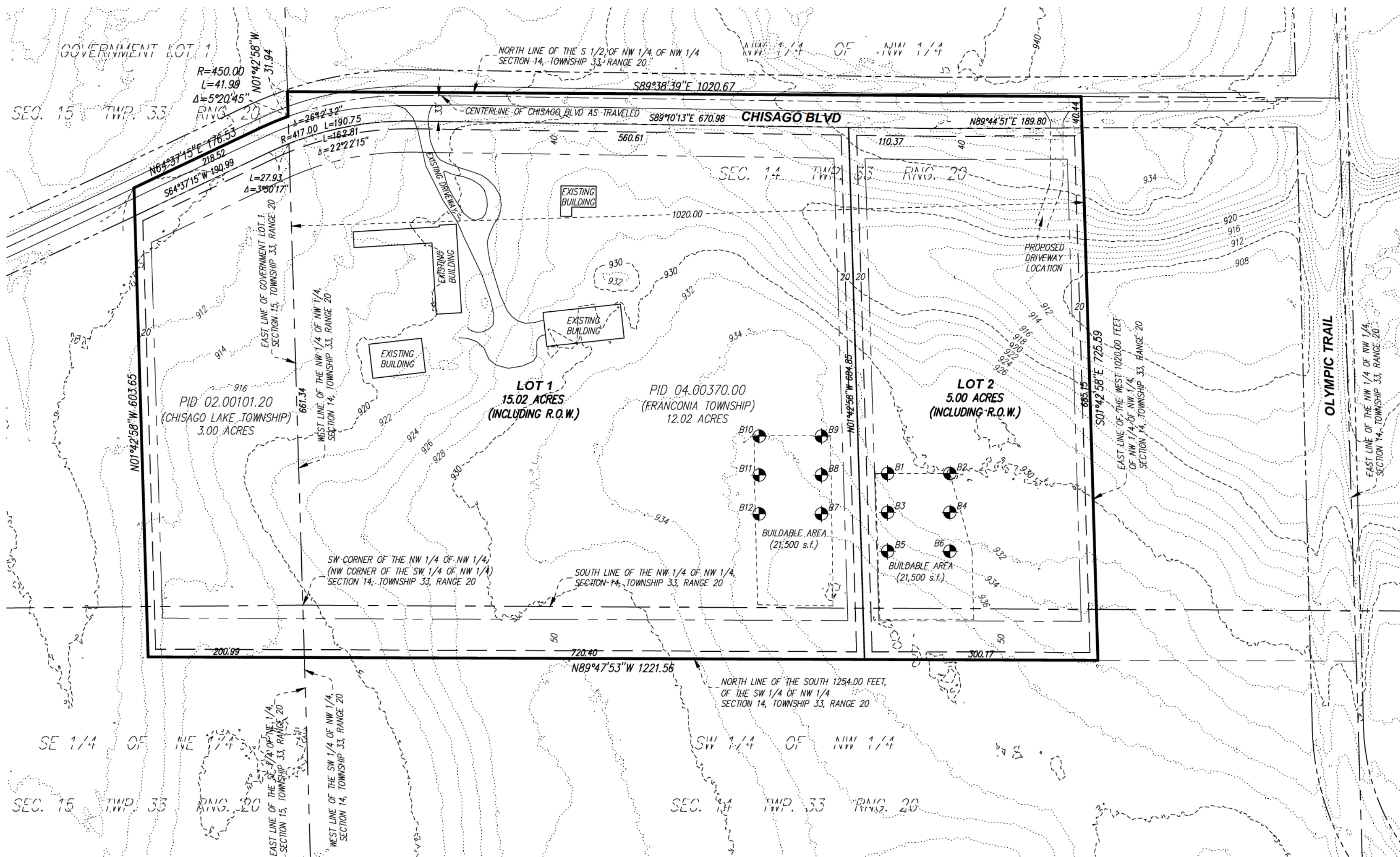
Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

PID 02.00101.20 is not a buildable parcel - needs to  
continue under same ownership as PID 04.00370.00  
Signatures of Township Officials or Authorized Personnel

[Signature]  
Wendy Reed  
[Signature]

# Preliminary Plat of *SCHULTE FARM*

COUNTY OF CHISAGO  
FRANCONIA TOWNSHIP  
SEC. 14, T. 33, R. 20



**PRESENT OWNER**  
Theodore & Teresa Schulte  
14327 Chisago Blvd  
Lindstrom, MN 55045

## PROPERTY DESCRIPTION

That part of Government Lot 1, and that part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 33, Range 20, Chisago County, Minnesota described as follows:  
Beginning at the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 01 degree 42 minutes 58 seconds East, assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 67.32 feet; thence North 89 degrees 47 minutes 53 seconds West, a distance of 200.99 feet; thence North 01 degree 42 minutes 58 seconds West, a distance of 603.65 feet, more or less, to the centerline of Chisago Boulevard; thence northeasterly along said centerline a distance of 218.5 feet, more or less, to the east line of said Government Lot 1; thence South 01 degree 42 minutes 58 seconds East, along said east line, a distance of 629.1 feet to said point of beginning and there terminating.

AND

The West 1020 feet of the South Half of the Northwest Quarter of the Northwest Quarter of Section 14, Township 33, Range 20, Chisago County, Minnesota, as measured at right angles to the west line thereof.

AND

That part of the West 1020 feet of the Southwest Quarter of the Northwest Quarter of Section 14, Township 33, Range 20, Chisago County, Minnesota, lying north of the South 1254 feet thereof, as measured at right angles to the south line thereof.

## LOT AREAS (Includes right of way)

Lot 1 - 15.02 Acres  
Lot 2 - 5.00 Acres

## FLOOD ZONE

THIS SITE IS INCLUDED ON FLOOD INSURANCE RATE MAP—COMMUNITY PANEL NUMBER 27025C0380D. THE SUBJECT PROPERTY IS WITHIN FLOOD ZONE 'X'.

## NOTE

Soil borings shown hereon are per map provided by Ashley Krause with ARK Septic, Isanti, MN.

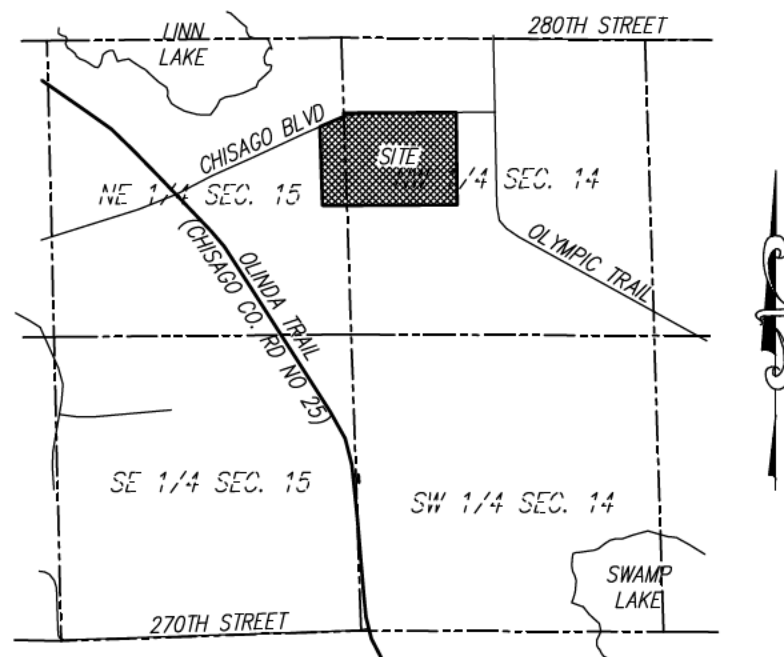
## NOTE REGARDING HIGH WATER ELEVATION

This property is shown as being in Flood Zone X per Flood Insurance Rate Map Number 27025C0380D.

A review of the topography of the area surrounding this plot boundary reveals an overflow elevation across Chisago Blvd (740 feet west of the existing house) of approximately 909 and an overflow elevation across Olympic Trail (980 feet east of the existing house) of approximately 912. Based on these two elevations the highest anticipated water elevation on the subject property is assumed to be 912.

## VICINITY MAP

Sections 14 & 15, T.33, R.20  
Chisago County



## LEGEND

● DENOTES SOIL BORING

## ZONING

AGRICULTURAL ZONING DISTRICT

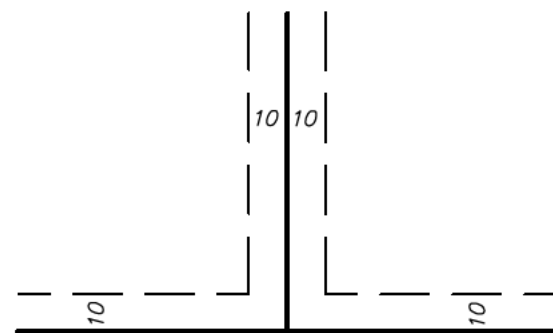
40' Front Setback From Township Road Right of Way

20' Side Setback (Dwelling & Attached Garage)

50' Rear Setback

135' from Centerline of County Roads

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, AND ADJOINING ALL LOT LINES, UNLESS OTHERWISE SHOWN ON THE PLAT.

I hereby certify that this plan, specification, 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.

Print Name: Kyle J. Roddy

License # 42627

Signature: *Kyle J. Roddy*

Date: 10/25/2023

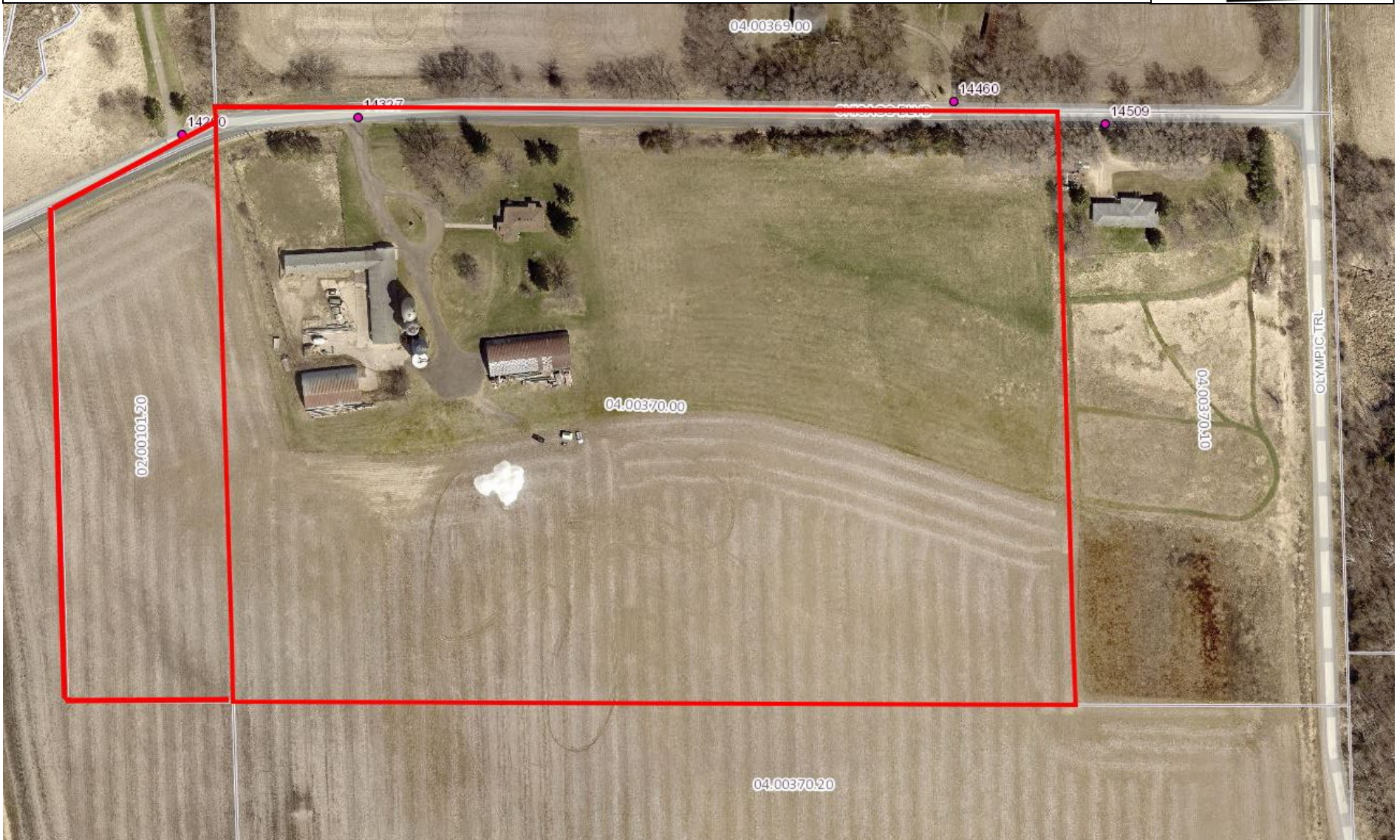
COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.



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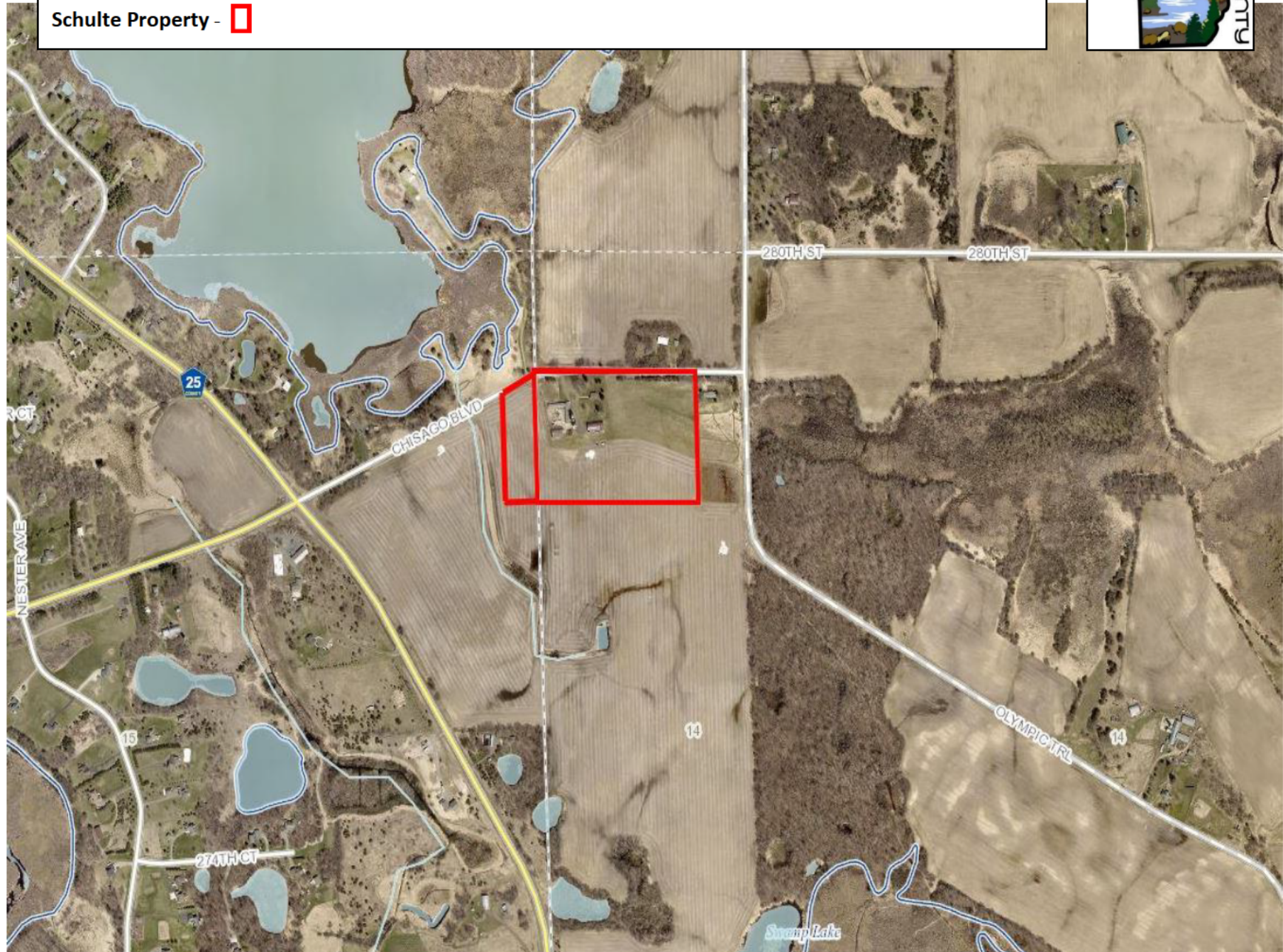
**Theodore & Teresa Schulte and Sarah Sharkshnas** – Property owners Theodore & Teresa Schulte and applicant Sarah Sharkshnas are requesting approval of the Preliminary Plat of Schulte Farm involving the creation of two lots from a 20.00± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 14327 Chisago Boulevard in Franconia and Chisago Lake Townships, S14 and 15, T33, R20 (PIDs 04.00370.00 and 02.00101.20).

**Schulte Property -** 



Theodore & Teresa Schulte and Sarah Sharkshnas – Property owners Theodore & Teresa Schulte and applicant Sarah Sharkshnas are requesting approval of the Preliminary Plat of Schulte Farm involving the creation of two lots from a 20.00± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 14327 Chisago Boulevard in Franconia and Chisago Lake Townships, S14 and 15, T33, R20 (PIDs 04.00370.00 and 02.00101.20).

Schulte Property - 



**RESOLUTION NO. PC2024-0101**  
**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,**  
**RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF SCHULTE FARM**

**WHEREAS**, property owners Theodore & Teresa Schulte and applicant Sarah Sharkshnas submitted an application dated received November 29, 2023 and considered complete on December 1, 2023 for the Preliminary Plat of Schulte Farm; and

**WHEREAS**, the property owners and applicant desire to create two lots from the 20.00± acre subject site; and

**WHEREAS**, the subject site is generally located east of Olinda Trail / CSAH 25, west of Olympic Trail, and south of Chisago Boulevard in Franconia and Chisago Lake Townships and is zoned Agricultural (AG) District; and

**WHEREAS**, the subject site is legally described as:

PID 04.00370.00

*That part of Government Lot 1, and that part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 33, Range 20, Chisago County, Minnesota described as follows: Beginning at the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 01 degree 42 minutes 58 seconds East, assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 67.32 feet; thence North 89 degrees 47 minutes 53 seconds West, a distance of 200.99 feet; thence North 01 degree 42 minutes 58 seconds West, a distance of 603.65 feet, more or less, to the centerline of Chisago Boulevard; thence northeasterly along said centerline a distance of 218.5 feet, more or less, to the east line of said Government Lot 1; thence South 01 degree 42 minutes 58 seconds East, along said east line, a distance of 629.1 feet to said point of beginning and there terminating.*

AND

PID 02.00101.20

*The West 1020 feet of the South Half of the Northwest Quarter of the Northwest Quarter of Section 14, Township 33, Range 20, Chisago County, Minnesota, as measured at right angles to the west line thereof.*

AND

*That part of the West 1020 feet of the Southwest Quarter of the Northwest Quarter of Section 14, Township 33, Range 20, Chisago County, Minnesota, lying north of the South 1254 feet thereof, as measured at right angles to the south line thereof.*

**WHEREAS**, notice was provided and on January 4, 2024 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(s), and invited members of the public to comment; and

**WHEREAS**, the Planning Commission finds that the Preliminary Plat of Schulte Farm is consistent with the intent of the County's Zoning and Subdivision Ordinances.

**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 Schulte Farm is approved per plat drawing dated signed October 25, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Proposed Lot 1 includes 3.00± acres of land identified as PID 02.00101.20 and the western 12.00± acres of land identified as PID 04.00370.00. Upon Final Plat approval, these two tracts of land will be considered one for building and zoning purposes and they may not be sold or developed as individual tracts of land until and unless Lot 1 is replatted or subdivided in a manner which complies with the County's subdivision regulations in effect at the time of said replat or subdivision.
3. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,  
this 4<sup>th</sup> day of January, 2024.

Chris DuBose  
Eric Leivian  
Jim McCarthy  
John Sutcliffe

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dave Whitney  
Jolene Wille  
Chip Yeager

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Beth Gervais  
Land Services Coordinator



## Staff Report

TO: Planning Commission  
FROM: Beth Gervais, Land Services Coordinator  
SUBJECT: Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure  
DATE: January 4, 2024

---

### BACKGROUND & DISCUSSION

Per Section 2 of the *Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure*, the Planning Commission is tasked with completing an annual review of the Policy. Further, Zoning Ordinance Section 8.03 (Functions of the Planning Commission), I. states that the Planning Commission shall, each year in January, establish rules of order and operating policies for the year.

Staff requests that the Commission review the attached Policy, which was adopted by the County Board on February 15, 2023, and take action to establish “rules of order and operating policies” for 2024. The Commission’s recommendation, along with a recommendation from the Board of Adjustment and Appeals, will be presented to the County Board for consideration.

### OPTIONS / ACTION REQUESTED

1. Motion to recommend that the existing Policy be established as “rules of order and operating policies” for 2024.
2. Motion to recommend changes and/or amendments to the existing Policy.

### ATTACHMENTS

1. Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure



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 meetings in 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**



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Ben Montzka

Chair, Board of Commissioners

ATTEST:



Chase Burnham  
County Administrator

