

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
January 4, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, January 4, 2024, 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: Chip Yeager, John Sutcliffe, Jolene Wille, Jim McCarthy, Eric Leivian, and Dave Whitney. Absent: Chris DuBose (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Election of Officers – Coordinator Gervais called for nominations for 2024 Chair. Jim McCarthy nominated Jolene Wille for Chair; second by John Sutcliffe. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0.

Chair Wille called for nominations for 2024 Vice Chair. Dave Whitney nominated Jim McCarthy for Vice Chair; second by John Sutcliffe. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0.

Approval of Agenda – Motion by Chip Yeager to approve the agenda as presented; second by Dave Whitney. The **motion passed** 6-0.

Approval of Minutes – Motion by John Sutcliffe to approve the December 7, 2023 regular meeting minutes as presented; second by Jim McCarthy. The **motion passed** 5-0 with Eric Leivian abstaining.

Receive all Materials and Submittals into Record – Motion by Jim McCarthy to accept all materials and submittals into the record, second by Dave Whitney. The **motion passed** 6-0. Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports and attachments. Copies of all meeting materials were made available for the public.

Public Hearings – New Applications

Theodore & Teresa Schulte and Sarah Sharkshnas – Coordinator Gervais provided background on the request for 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 was located at 14327 Chisago Boulevard and situated in both Franconia and Chisago Lake Townships, S14 and 15, T33, R20 (PIDs 04.00370.00 and 02.00101.20).

Gervais reviewed details of the subject site and surrounding area, explaining that the subject site was located in the Agricultural (AG) District as were all surrounding properties. Gervais noted that all existing structures, including a dwelling and multiple agricultural structures, would be situated on proposed Lot 1 and they would meet all required structural setbacks. Gervais explained that the subject site included two separate parcels which had been “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 the parcels being that the Chisago County Auditor-Treasurer’s Office was unable to formally combine parcels from different unique taxing districts and sections. While the “tie together” approval document was recorded and binding, it was

recognized for building and zoning purposes only, and the two parcels would always have separate parcel identification numbers.

The Technical Review Committee met on December 13, 2023 and no concerns were identified. The Franconia Town Board reviewed the proposed Preliminary Plat on December 12, 2023 and the Chisago Lake Town Board reviewed the proposed Preliminary Plat on December 19, 2023, and both recommended approval. The Chisago Lake Town Board commented that PID 02.00101.20 was not a buildable parcel and recommended a condition of approval that said parcel "continue under same ownership as PID 04.00370.00". The ordinance prescribed 120-day review period was scheduled to expire on March 30, 2024.

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

Chair Wille invited the applicant and property owner to address the Planning Commission. Property owner Teresa Schulte and applicant Sarah Sharkshnas were present and available to address questions and concerns. The Commission had no questions for either Schulte or Sharkshnas.

John Sutcliffe sought clarification on the status of PID 02.00101.20. Gervais explained that PID 02.00101.20, being three acres in size, was "tied together" with 17-acre PID 04.00370.00 being that the two properties were split by a township boundary and section line. Gervais added that the two parcels would always have separate PID numbers but they would be treated as a single parcel for building and zoning purposes. Chip Yeager commented that proposed Lot 1 included three acres of land from Chisago Lake Township and 12 acres of land from Franconia Township. Gervais confirmed that this was correct and noted that the recommended conditions of approval addressed the issue of proposed Lot 1 being situated within two different townships.

Jim McCarthy noted that the staff report stated that a portion of the subject site was located within the Shoreland Management District and he questioned how the Shoreland Management District regulations applied. Gervais explained that the subject site included two non-riparian properties and were therefore subject to the dimensional standards of the underlying AG District. Gervais further explained that, if the properties were immediately adjacent to a public body of water, they would be considered riparian properties and they would be subject to dimensional standards of the Shoreland Management Ordinance.

Dave Whitney asked if buildings could be located on both proposed Lots 1 and 2. Gervais responded that proposed Lot 1 was already developed and proposed Lot 2 was presently vacant and could be developed upon Final Plat approval.

Chair Wille opened the public hearing and sought comment. With no members of the audience wishing to speak, **motion** by Jim McCarthy to close the public hearing; second by John Sutcliffe. The **motion passed** 6-0.

Motion by Dave Whitney to adopt Resolution No. PC2024-0101, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Schulte Farm, with conditions as presented; second by Eric Leivian. The **motion passed** 6-0.

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.

Public Hearings – Continued Hearings – None

Old Business – None

New Business

Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure – Chair Wille introduced the item and sought comments from the Planning Commission. Dave Whitney called the Commission's attention to line six of Section 13. Public Hearings, E. 1. and suggested adding language as follows: "Comments should be addressed to the Chair on items before the Planning Commission or Board of Adjustment and Appeals". Concurring with Whitney's intent, Chip Yeager suggested the following rewording: "Comments should be addressed related to the item before the Planning Commission or Board of Adjustment and Appeals at hand and should be addressed to the Chair." Yeager sought clarification on the policy review process. Gervais explained that the same policy would also be reviewed by the Board of Adjustment and Appeals on January 25, 2024 and, following review by both bodies, all recommended changes would be presented to the County Board for review and adoption. **Motion** by Dave Whitney to amend line six of Section 13. Public Hearings, E. 1. to read "Comments should be addressed related to the item before the Planning Commission or Board of Adjustment and Appeals at hand and should be addressed to the Chair."; second by Jim McCarthy. The **motion passed** 6-0.

Dave Whitney called the Commission's attention to the second sentence of Section 13. Public Hearings, F. 1. (h) i. and suggested that, if taken literally, it would not allow Commissioners to introduce any new evidence or information after the public hearing was closed. Whitney added that he would like the language to be amended so that this language was directed to the public but not the Planning Commission. Jim McCarthy offered support for Whitney's comments and added that, based on guidance provided by Assistant County Attorney Fuge, any new information provided by Commission members must be distributed at a public meeting and made part of the record rather than distributed beforehand and this may not be allowed if the public hearing was already closed. Eric Leivian noted that Section 13. Public Hearings, F. 1. (h) specifically pertained to the public and Section 13. Public Hearings, F. 1. (h) i. again included language suggesting that this policy pertained to the public and, therefore, did not think that an amendment would be necessary. Whitney commented that, as written, the current language could be interpreted various ways and he believed that an amendment would provide clarification. In response, Leivian suggested amending the language as follows: "Once the hearing is closed, the record is complete and no further public input or evidence from the public shall be allowed." Whitney offered support for the suggested amendment. **Motion** by Chip Yeager to amend Section 13. Public Hearings, F. 1. (h) i. to read "Once the hearing is closed, the record is complete and no further public input or evidence from the public shall be allowed."; second by Dave Whitney. The **motion passed** 6-0.

Dave Whitney called the Commission's attention to Section 17. Member Remote Attendance, B., commenting that the requirement for Commissioners to provide two weeks' notice for remote attendance was excessive and

suggested reducing this to 10 days or per the County Board's required notice. Commissioner Greene commented that he was not aware of the County Board's required notice and speculated that at least one week was necessary in order to prepare the meeting agenda. Commissioner Dahlberg addressed statutory meeting notice requirements. Ultimately, Whitney withdrew his suggested amendment.

Jim McCarthy shared that he met with District 1 Commissioner Jim Swenson and Swenson had suggested that the Planning Commission video record its meetings. Commissioner Greene stated that the County Board decided against the recording of meetings based on advice from the County's insurance carrier. Commissioner Dahlberg added that the County Board had just recently discussed the recording of meetings and decided against it.

Jim McCarthy called the Commission's attention to Section 7. Voting and Recommendations, questioning the County Attorney's role in determining if a conflict of interest existed for members of the Planning Commission. McCarthy added that in the past he had been advised by the County Attorney's Office that Planning Commissioners had the ability to seek guidance from the County Attorney's Office on potential conflicts of interest and then self-determine if a conflict truly existed. Director Schneider suggested that, as written, it seemed that active engagement with the County Attorney's Office was required to determine if a conflict of interest existed and added that he suspected this level of engagement was not necessary and believed that self-determinations may be adequate. Schneider offered the suggestion that staff consult with the County Attorney's Office on this matter. **Motion** by Jim McCarthy directing staff to consult with the County Attorney's Office on the issue of the County Attorney's role in determining if a conflict of interest existed for members of the Planning Commission; second by Chip Yeager. The **motion passed** 6-0.

Motion by Jim McCarthy to recommend approval of the *Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure* as amended; second by Dave Whitney. The **motion passed** 6-0.

Communications and Reports

County Board Liaison Report / Update – County Commissioner Greene reported that the County Board, at its 2024 organizational meeting, elected District 3 Commissioner Marlys Dunne as Chair and District 5 Commissioner Dan Dahlberg as Vice Chair. Commissioner Greene also shared that the County Board appointed Commissioner Dahlberg as a second liaison to the Planning Commission given that he and Dahlberg were the only two Commissioners representing townships.

Miscellaneous – Coordinator Gervais reported that the Planning Commission did not receive any applications for the February 1, 2024 meeting and inquired if the Commission preferred canceling the meeting or holding the meeting to discuss specific items identified by the Commission. Chair Wille asked if the Commission could use the February 1st meeting to discuss the on-going ordinance updates. Gervais responded that Bolton & Menk may not be able to provide updated draft ordinances following the January 18, 2024 work session and prior to the February 1st meeting but the Commission could discuss certain topics without having updated draft documents if desired. Following discussion, the Planning Commission reached consensus that it would table its decision to the January 18, 2024 work session.

Adjourn Meeting – **Motion** by Chip Yeager to adjourn the meeting; second by John Sutcliffe. The **motion passed** 6-0. The meeting was adjourned at 7:35 p.m.



Jolene Wille
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator