

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
June 6, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, June 6, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; Jeff Fuge, Assistant County Attorney; and, Sarah Scheunemann, Office Support Specialist – Land Services.

Chair Wille 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: Dave Whitney, Jim McCarthy, Eric Leivian, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: None. A quorum was established with all members present. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – Chair Wille asked, in the interest of efficiency, if the Commission would like to move Old Business (item 8a) and Public Hearing – Continued Hearings (item 7a) items before Public Hearings – New Applications items (item 6a) on the agenda. **Motion** by DuBose to approve the agenda as revised, so that following item 5 (Receive all Materials and Submittals into Record), the order would be item 8a, followed by item 7a, followed by item 6a; second by Sutcliffe. The **motion passed** 7-0.

Approval of Minutes – **Motion** by Leivian to approve the May 2, 2024, regular meeting minutes as presented; second by Sutcliffe. The **motion passed** 7-0.

Receive all Materials and Submittals into Record – **Motion** by Sutcliffe to accept all materials and submittals into the record, including a memo from Director Schneider in regard to the County Board's request of the Planning Commission to re-open the public record for the Korman Walker request for CUP for Rural Retail Tourism, and comments from Commissioner Whitney on the Korman Walker request for CUP for Rural Retail Tourism; second by DuBose. The **motion passed** 7-0. Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports and the two added items described above.

Old Business

Bridget Korman & Lorelei Walker – Coordinator Gervais began by explaining that Korman and Walker were applying for a Conditional Use Permit for Rural Retail Tourism and the Planning Commission had conducted the requisite public hearing on May 2, 2024 and ultimately tabled the request to the June 6, 2024 meeting. Gervais reviewed details of the subject site and the original application materials. Gervais stated that, following the May 2nd meeting and based on feedback from the Planning Commission and testimony received by the Planning Commission, the applicants had amended their application and submitted new materials on May 10th. The amended application materials were passed along to Franconia Township for further consideration at its May 14, 2024 meeting. Gervais then reviewed differences between the original application materials and the amended application materials.

Coordinator Gervais recapped the review process, explaining that the Franconia Town Board first considered the request on April 9, 2024 and didn't provide the County with a recommendation of either approval or denial but did offer comments and a recommended condition; the Technical Review Committee met on April 10, 2024; the Planning Commission conducted the public hearing on May 2, 2024 and ultimately motioned to table the request to June 6, 2024 and extend the review period by an additional 60 days; the County received amended application materials from the applicants on May 10, 2024; the Franconia Town Board considered the amended application materials on May 14, 2024 and provided the County with a recommendation of denial, commenting that "having a venue like this will cause congestion hazards, accidents, and will have safety issues on this road (260th St.)"; and, the extended review period was scheduled to expire on July 26, 2024.

Coordinator Gervais noted that, following the May 2, 2024 public hearing, the County continued to receive public testimony; however, given that the Planning Commission closed the public hearing on May 2nd and based on Assistant County Attorney Fuge's legal opinion memo dated May 31, 2024, the testimony received after May 2nd could not be disseminated to the Planning Commission or the County Board. Gervais noted that all such testimony was placed in the project file and would only be disseminated if a second public hearing was scheduled.

Coordinator Gervais then provided a recommendation of approval along with recommended conditions of approval, and concluded by reviewing options available to the Planning Commission.

Director Schneider identified and emphasized the memo which he had provided and which was earlier received into the record. Schneider stated that the memo related to an action that the County Board had taken on June 5, 2024 pertinent to the CUP request, explaining that the County Board requested that the Planning Commission re-open the public record for the Korman Walker request for CUP for Rural Retail Tourism which was closed at the May 2, 2024 Planning Commission meeting. Schneider explained that Assistant County Attorney Fuge's legal opinion memo, included in the staff report, provided advice and direction on scheduling a second public hearing.

Assistant County Attorney Fuge explained that the Planning Commission would first need to entertain a motion to take the item from the table, placing the matter squarely before them and giving the Commission the procedural basis to move forward.

Motion by DuBose to take the application from the table for further consideration; second by Sutcliffe. The **motion passed** 7-0.

DuBose sought clarification on the suggested second motion identified in Fuge's legal opinion memo (motion to re-open the public record). Assistant County Attorney Fuge responded that the County Attorney's Office would allow the Planning Commission to determine for itself if it wished to re-open the public record. DuBose commented that the Planning Commission received a lot of testimony during the May 2, 2024 public hearing and many of the people who provided testimony were present at the June 6, 2024 meeting as well. DuBose commended the public for being vocal, involved, and communicating with the Planning Commission. DuBose added that it was important to let the public speak.

Motion by DuBose to re-open the public record on the pending Conditional Use Permit request; second by Whitney.

Whitney inquired, if the public record was re-opened, when the public testimony which was received after the May 2, 2024 public hearing could be released to the Planning Commission. Fuge responded by recommending that the previous motion be amended to not only open the public record but to call for a second public hearing to be held on July 11, 2024. Fuge explained that, upon calling for a second public hearing, the materials received to date could be disseminated to the Planning Commission at any point because they would ultimately be received into the record during the course of the July 11th public hearing.

Motion by DuBose to amend his previous motion to include calling for a second public hearing on July 11, 2024; second by Whitney.

McCarthy commented that from his previous experiences, the Planning Commission had continued public hearings due to incomplete applications or when staff had identified unresolved issues. McCarthy inquired if staff believed the application to be incomplete or if there were unresolved issues. Gervais responded that she believed the application to be complete.

DuBose stated that his personal motivation for re-opening the public record and calling for a second public hearing was so the Planning Commission could request the completion and submission of a traffic study prior to the July 11, 2024 public hearing.

Chair Wille asked if there was any further discussion about the motion. Seeing none, Chair Wille called for a vote. The amended **motion passed** 7-0.

DuBose commented that he had requested at the May 2, 2024 meeting that the County Engineer review 260th Street and comment on any issues that may be created by the proposed CUP. DuBose noted that he spoke directly with the County Engineer following the May 2nd meeting and the County Engineer stated that 260th Street was a Township Road and the County had no authority over the roadway and, therefore, declined to get involved. DuBose noted that one of his reasons for wanting to re-open the public record was so that the Planning Commission could request that a traffic study be done, a traffic study which would be paid for by the applicants using the Township Engineer.

Motion by DuBose to require that the applicants initiate a traffic study for 260th Street at their expense and completed by the Township Engineer; second by McCarthy.

McCarthy expressed concern with the suggested traffic study, commenting that, based on his background in traffic engineering and the estimated traffic volumes, the traffic study results would reveal no need for a turn lane. McCarthy added that he visited the subject site and viewed the roadway and did not believe a traffic study would be difficult or expensive, but he didn't want to cause need for the Road Authority to hire an engineer for this study. DuBose clarified that he had proposed the study be paid for by the applicants and not the township / Road Authority.

Chair Wille asked if there was any other discussion or questions on the issue of traffic. Seeing none, Chair Wille called for a vote. Whitney requested a roll call vote.

Whitney - Nay
McCarthy -Nay
Leivian - Nay

Yeager – Nay
DuBose – Aye
Sutcliffe– Nay
Chair Wille – Nay

The **motion failed** 1-6.

Whitney sought clarification from Assistant County Attorney Fuge on proper wording of motions related to the request for CUP. Fuge responded by explaining that, to conclude the June 6, 2024 discussion, the motion to continue the entire matter to July 11, 2024 would certainly be in order.

Motion by Whitney to conclude the Planning Commission's June 6, 2024 discussion of the proposed Korman Walker CUP and continue the entire matter on July 11, 2024; second by Sutcliffe. The **motion passed** 7-0.

Public Hearings – Continued Hearings

Kenneth Rice – Coordinator Gervais began by explaining that the Planning Commission opened the public hearing for this request at its May 2, 2024 meeting and ultimately motioned to continue the public hearing to June 6, 2024 in order to allow the applicants time to address concerns identified through the review process. Gervais then recapped the history of the Preliminary Plat of Paradise Woods, highlighting that the Preliminary Plat received approval in November 2022 but the applicants failed to submit request for Final Plat within one year as required by the Chisago County Subdivision Ordinance. Coordinator Gervais noted that the current request was consistent with the 2022 approval and she then reviewed details of the subject site and proposed subdivision.

Coordinator Gervais explained that the main concern identified through the review process was a drainage easement covering the eastern 770' of the subject site, which included all of proposed Lot 3 and more than half of proposed Lot 2. Additionally, the County received written testimony from the adjacent jurisdiction of the City of Chisago City questioning the drainage impact.

Coordinator Gervais recapped the review process, explaining that the Technical / Plat Review Committee met on April 10, 2024 and noted that topography of the proposed lots may present challenges for the placement of septic systems and structures but, ultimately, found that the soils were suitable. The Committee did not identify any other concerns. The Chisago Lake Town Board met on April 16, 2024 and recommended approval "contingent on signing of developer's agreement outlining road construction costs and transfer of turnaround to township and escrow agreement for legal and engineering fees. The ordinance prescribed 120-day review period was scheduled to expire on July 23, 2024. The Planning Commission opened the public hearing on May 2, 2024 and ultimately took action to continue the hearing to June 6, 2024 in order to allow the applicants time to address the 770' drainage easement as well as concerns identified by the City of Chisago City.

Coordinator Gervais stated that the property owner / applicants provided the County with additional information on May 30, 2024 in an effort to address concerns identified during the May 2, 2024 public hearing. The majority of the information pertained to efforts to confine the 770' wide drainage easement to the delineated wetland areas located on proposed Lots 2 and 3, Block 1. The May 30th written correspondence indicated that the property owner / applicants didn't have a clear understanding of the concerns submitted by the City of Chisago City; however, they did believe that, if the concerns were

related to drainage runoff from the road improvement, the issue had already been addressed with the Chisago Lake Township Engineer.

Coordinator Gervais concluded by recommending that the Planning Commission discuss outstanding concerns with the property owner / applicants, accept any new testimony into the public record and then close the public hearing, and further consider the request for Preliminary Plat. Gervais also reviewed options available to the Planning Commission.

Chair Wille invited the property owner / applicants to address the Planning Commission. Applicants Kenneth & Kimberly Rice were present along with Frank Brodeen of Widseth. Kimberly Rice stated that they had met with their neighbors on both sides and were waiting for the neighbors to sign an agreement to confine the existing drainage easement. Kenneth Rice commented that the runoff wouldn't affect properties within the City of Chisago City, adding that any runoff from construction would be self-contained. They spoke with neighboring property owner Benjamin Hickman and shared that Hickman had no issues with the proposed plat. Kenneth Rice stated that he had assured Hickman that drainage would not change as all drainage would flow to the delineated wetland areas.

Chair Wille asked the Planning Commission if they had any questions for the applicants.

Whitney asked if the 320th Street Right-of-Way was 66' in width. Kenneth Rice responded that it was a two-rod easement or 33' currently but, through the platting process, they would be adding an additional 33' which would result in a 66' Right-of-Way. Whitney inquired if the Road Authority was requiring 320th Street to be paved. The applicants responded that paving wasn't being required but the road would need to be upgraded to Chisago Lake Township standards. Whitney inquired if road improvements would be included in the developer's agreement between the developer and the township. The applicants responded that the agreement would address road improvements.

McCarthy sought clarification on the drainage pattern, speculating that the City's drainage concerns were related to expansion of 320th Street and the resulting additional runoff. Frank Brodeen responded with an explanation of high points and low points and drainage patterns in these areas, adding that there were certain areas where drainage would flow toward the roadway. McCarthy asked if the increased runoff would flow into the two wetland areas nearest the roadway. The applicants responded in the affirmative.

Chair Wille asked if there were any additional questions from the Planning Commission. Seeing none, Chair Wille opened the continued public hearing and sought comment.

With no other members of the audience wishing to speak, ***motion*** by DuBose to close the public hearing; second Yeager. The **motion passed** 7-0.

Motion by Whitney to add a seventh condition of approval which would require the owners of parcels in Paradise Woods to pay their portion of future street improvements, such as paving.

Yeager inquired if this was a matter that the County could get involved in, given that it was a township road. Director Schneider responded by stating it would be appropriate for the Planning Commission to discuss the adjacent roadways as they related to the development; however, the township was the Road Authority and only the Road Authority had authority to establish specific and varied road improvement policies and assessments. DuBose commented that recommended condition no. 5 already addressed

what Commissioner Whitney was requesting.

With no second, the motion failed.

Motion by DuBose to adopt Resolution No. PC2024-0602, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Paradise Woods, as presented; second by Sutcliffe. The **motion passed** 7-0.

Public Hearings – New Applications

Zoning, Subdivision, and Shoreland Management Ordinance Amendments – Coordinator Gervais explained that Chisago County was seeking comment on the proposed repeal of the 2008 Chisago County Zoning Ordinance, the 1999 Chisago County Subdivision Ordinance, and the 1992 Shoreland Management Ordinance in their entirety and adoption of new ordinances in their place. Gervais shared that the purpose of the proposed amendments was to address outdated and/or obsolete regulations; to allow for new or modified land uses; to modernize and organize the ordinances to make them easier to interpret; and, to ensure the ordinances were compliant with State and Federal standards. Gervais shared that the draft ordinances had been made available for viewing in-person at the Department of Environmental Services and on the Chisago County website pursuant to public hearing notification efforts initiated on May 2, 2024. Legal publication of ordinance viewing availability and public hearing opportunity were also published in the Chisago County Press (Official County Newspaper) and the County News Review newspapers on May 2, 2024.

Coordinator Gervais noted that the Shoreland Management Ordinance was subject to review and conditional approval from the Minnesota Department of Natural Resources (DNR), adding that the public hearing notice and draft ordinance were provided to the DNR on April 30, 2024 and, as of the June 6, 2024 meeting, the County had not received any comment or correspondence from the DNR.

Coordinator Gervais then turned the presentation over to Consultant Haila Maze with Bolton & Menk. Consultant Maze began by offering a brief history of the ordinance update efforts and a review of the purpose of the ordinance updates. Maze then provided detail on what she viewed as the most significant changes to the Zoning Ordinance, including:

- Rural Retail Tourism and Major Home Occupations – considering minimum lot size, management impacts, and other factors to the approval and management of these sites.
- Adding the allowance for Accessory Dwelling Units.
- Consolidated and clarified definitions for the Rural Residential and Urban Fringe Residential Districts.
- Updated and developed guidance for campsites and campsite areas.
- Options for duplexes and townhomes within the Rural Residential and Urban Fringe Residential Districts.
- Adding new uses such as electric vehicle charging stations, large scale battery storage, and additional information related to cannabis.
- Updated guidance for mitigating impacts like noise and screening.
- Updated guidance for the Planned Unit Development and cluster development subdivision options.

Next, Maze reviewed the most significant changes to the Subdivision Ordinance, including:

- Updated dimensions for subdivisions and platting.

- Updated and clarified guidance for Preliminary and Final Plat processes. Streamlining the process and taking out unnecessary steps.
- Changed parkland dedication to provide more flexibility.
- Clearer language for roadway design, signage, and other infrastructure.

Maze continued by reviewing the primary changes to the Shoreland Management Ordinance. Maze indicated that the major consideration for the ordinance update was to align with the DNR model ordinance which included several updates to definitions and criteria, including more illustrations and clarification on how the St. Croix River overlay districts overlap with shoreland areas.

Consultant Maze reviewed the steps that had been taken to solicit public engagement for the proposed ordinance amendments, as well as the necessary steps for moving forward.

Chair Wille opened the public hearing and sought comment.

Amy Doeun 53100 Fairfield Avenue, Rushseba Township, spoke specifically about Accessory Dwelling Units, explaining that she would like to see the maximum square footage increased to 770 ft or 800 ft. The increased area would allow greater accessibility and allow for a second bedroom if the resident(s) needed overnight care.

Jeska Noordergraaf 39750, Poor Farm Road, Sunrise Township, started off by addressing the building site approval process. Noordergraaf stated that Sunrise Township has had problems with some houses being built in wetland areas resulting in basements needing to have sump pumps running all the time. Noordergraaf referenced the proposed building requirements under Zoning Ordinance Section 4.07. Noordergraaf's concern with water diversion was that residents could be diverting water toward the ditches and roadway which could cause problems with flooding. Noordergraaf stated that she interpreted the ordinance to require that water levels be at least two feet below the structure foundation and questioned, if it was a dry year, would that be realistic and suggested that the requirement should be greater than two feet.

Noordergraaf's second concern was with the public hearing notification process, suggesting that the notification boundary be increased to one mile. To explain her concern, Noordergraaf stated that her closest neighbor was about two miles away, which meant that Noordergraaf wouldn't receive notice of a public hearing if the neighbor were going to do something.

Noordergraaf's third concern was in regard to horses, explaining that there were two areas within the Zoning Ordinance – Sections 5.08 and 5.13 – in which horses were listed but the acreage of land differed. She questioned why there were two different acreages listed. Noordergraaf suggested that this issue should be revisited.

Noordergraaf's fourth concern related to vehicles displayed for sale along the side of the road and in ditches. Noordergraaf commented that she wanted to maintain the beauty of Chisago County and the display of vehicles should be regulated.

Noordergraaf concluded by sharing concerns related to agricultural structures and her desire to improve the aesthetics of these structures, referencing that Goodhue County had examples of matching structures which provided a more pleasing experience.

Erika Huffman 15237 260th Street, Franconia Township, spoke in regard to Rural Retail Tourism. Huffman stated that she agreed with Noordergraaf's comment about increasing the public hearing notification distance to one mile or even two miles being that in the AG District there was quite a bit of distance between houses. Additionally, Huffman suggested that there were other Minnesota counties and other rural areas in the Midwest which have a separate category for wedding venues. Huffman added that she would like to see Rural Retail Tourism allowed as an Interim Use Permit with an initial sunset of three years to ensure that the use fits the area.

Huffman concluded by suggesting that the Zoning Ordinance should include regulations for shooting ranges and gun clubs.

Mike Mielke 49861 498th Street Court, Nessel Township, explained that he would like to see a more seasonal approach for recreational vehicles rather than 30-out-of-60 days or 30-out-of-90 days, suggesting the season be from Mother's Day/fishing opener through Labor Day.

Adam Grobove 11191 Willcox Road, Sunrise Township, shared his appreciation and support for the hard work involved in updating the ordinances. Grobove believed the proposed updates were going in the correct direction.

With no other members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second Yeager. The **motion passed** 7-0.

DuBose opened the discussion by addressing the maximum allowable amount of accessory storage space within the Rural Residential and Urban Fringe Residential Districts, explaining that draft Zoning Ordinance Section 4.09 Accessory Structures and Uses in "UFR" and "RR" Districts, F. allowed for a maximum of 1,000 sf or 5% of the total lot area, whichever was greater, but the total could not exceed 2,400 sf. DuBose commented that this total currently included attached garages and he would like to exclude attached garages.

Whitney asked if DuBose also wished to increase the maximum allowable square footage for accessory storage space. DuBose responded that he was satisfied with 2,400 sf but, by including attached garages, it prevented some property owners from adding another building. DuBose suggested the line could read "does not include attached garages in the square footage computation" and suggested that staff could finalize the exact verbiage. Yeager commented that DuBose's suggested amendment would reduce the number of Variance requests.

Motion by DuBose to amend draft Zoning Ordinance Section 4.09 such that it would not include attached garages in the square footage computation, as well as amend the definition of "Accessory Storage" such that it does not include attached garages; second by Sutcliffe. The **motion passed** 7-0.

McCarthy suggested deleting the Rural Transit Center (RTC) District from the Zoning Ordinance as the only RVC District was now located within the City of Stacy and not under the County's zoning jurisdiction.

Motion by McCarthy to delete the Rural Transit Center (RTC) District from the Zoning Ordinance; second by Yeager. The **motion passed** 7-0.

McCarthy next commented that draft Zoning Ordinance Section 5.08 Rural Residential (RR) District listed Commercial Recreation Areas as a Permitted Use and suggested that it be listed as a Conditional Use as was the case for other zoning districts.

Motion by McCarthy to identify Commercial Recreation Areas as a Conditional Use within Zoning Ordinance Section 5.08 Rural Residential (RR) District rather than as a Permitted Use; second by DuBose. The **motion passed** 7-0.

DuBose introduced the topic of processing more uses as Interim Use Permits (IUPs) rather than Conditional Use Permits (CUPs), as this discussion had come up in recent conversations with township officials. DuBose commented that IUPs were temporary, so, if they weren't functioning the way they should, the IUP activity would be easier to discontinue; whereas, CUPs were intended to be permanent and went with the land. DuBose requested that staff provide an explanation of how enforcement may differ between IUPs and CUPs.

Director Schneider provided insight into the differences between IUPs and CUPs and enforcement of the two permit types. Schneider explained that IUPs and CUPs were essentially the same thing and would be enforced in the same manner. The main difference between an IUP and a CUP was that IUPs were intended to be temporary and included a sunset clause. The sunset could be related to, among other things, a change of ownership or a specific duration of time. Otherwise, IUPs and CUPs were processed in the same manner. Director Schneider added that the Planning Commission may wish to consider economic considerations, meaning that significant investments may be made by property owners and they may be less willing or interested in making these investments if they have a temporary approval (IUP) rather than a permanent approval (CUP). DuBose thanked Schneider for his response and indicated that he continued to support the use of CUPs rather than transitioning more to IUPs.

Whitney commented that conditions of approval need to be measurable and enforceable, adding that it was the Planning Commission's responsibility to establish and recommend measurable and enforceable conditions thereby making it easier for the County to enforce. DuBose agreed with Whitney's comment and opined that it was a three-way partnership between the Planning Commission, staff, and the County Board. DuBose explained that the Planning Commission needed to create conditions that were enforceable; staff needed to be able to enforce the conditions; and, the County Board needed to provide staff with the necessary resources to enforce.

Whitney stated that he wanted the Planning Commission to discuss the items presented through the public hearing process. Whitney started the discussion with the issue of the public hearing notification boundary, commenting that he would like the boundary to be increased to one or two miles. Whitney asked Coordinator Gervais how difficult it would be for staff if the notification boundary was increased. Gervais responded by explaining that the County followed Minnesota statutory requirements for public hearing notices and there were different requirements for different types of requests. Gervais added that the notification boundary could be increased but it could not be decreased. In response to Whitney's question, Gervais stated that the increased notification boundary wouldn't necessarily make the process more difficult but it would impact the cost of the public hearing notification process.

Sutcliffe asked if the notification boundary could be based on density. Director Schneider reiterated that Minnesota statute prescribes the minimum requirements for public hearing notifications and the County currently followed statutory requirements. Schneider commented that the County could increase the

notification boundary but suggested that it be consistent and carried out in the same manner for every public hearing process (i.e., CUPs, IUPs, Plats, etc.). Schneider went on to state that an increased distance would involve more administrative work and more postage but he didn't believe it to be infeasible.

Motion by Whitney to increase the public hearing notification boundary to 1.5 miles; second by Leivian. The **motion passed** 6-1 (DuBose voting against the motion).

Whitney next addressed the concern about the inconsistency between Zoning Ordinance Sections 5.08 Rural Residential (RR) District and 5.13 Rural Transit Center (RTC) District in regard to acreage required for the keeping of horses. The RR District established a maximum of one horse per two acres and the RTC District established a maximum of one horse per 2.5 acres.

Motion by Whitney to require a minimum of two acres per horse in the Rural Residential (RR) District and Rural Transit Center (RTC) District; second by DuBose.

Director Schneider noted that the Planning Commission had previously motioned to delete the RTC District, thereby eliminating the need to modify the RTC District.

The **motion passed** 7-0.

Whitney next addressed the square footage allowance for Accessory Dwelling Units, offering support for an increase from a maximum of 720 sf to a maximum of 770 sf.

Motion by Whitney to increase the maximum allowable square footage of Accessory Dwelling Units from 720 sf to 770 sf; second by DuBose.

Yeager mentioned that 720 sf was the minimum required for the principal dwelling and the current maximum allowed for ADUs, suggesting that the proposed increase may create an overlap between the two dwellings. Chair Wille questioned whether it would be an overlap being that it was two different uses. DuBose commented that the draft Zoning Ordinance required that ADUs be smaller than principal dwellings. Ultimately, the Planning Commissioners determined that there wouldn't be an overlap as the ADU would still be required to be smaller in size than the principal dwelling.

Director Schneider suggested an increase to 780 sf as it would allow a more standard construction dimension, such as 26' X 30', which might be more advantageous from a construction standpoint.

Whitney amended his motion to increase the maximum allowable square footage of Accessory Dwelling Units from 720 sf to 780 sf; DuBose accepted the amendment.

The **amended motion passed** 7-0.

McCarthy introduced the topic of wedding venues, noting that the County had previously approved several requests for wedding venues but also believed that there were concerns with these types of operations in the Agricultural (AG) District. McCarthy went on to explain that these operations were not a low intensity use, as was intended for Rural Retail Tourism activities, and that he understood why neighbors complained. McCarthy noted that he had heard that only one or two counties in Minnesota specifically allowed wedding venues within their AG Districts.

Motion by McCarthy to eliminate wedding venues as an allowable Rural Retail Tourism activity; second by Whitney for further discussion.

Whitney stated that he liked the idea of removing wedding venues as an allowable Rural Retail Tourism activity and would like to see wedding venues as a separate use classification with established performance standards / conditions to address such issues as screening and noise. Whitney suggested eliminating wedding venues temporarily until the amended Zoning Ordinance was adopted by the County Board and then continuing work to develop language specific to wedding venues which could be added back into the ordinance at a later date.

Chair Wille inquired if staff received many complaints on existing wedding venues. Coordinator Gervais responded that she was not personally aware of any complaints received by the County.

Leivian commented that he didn't object to wedding venues becoming a separate use classification but questioned if eliminating the use temporarily was the best course of action. DuBose, Yeager, and Chair Wille concurred. Chair Wille stated that she understood the concern as it related to the pending Korman Walker proposal but still didn't believe that eliminating the use was prudent, especially after staff stated that they weren't receiving complaints related to the existing venues.

Whitney spoke about an existing wedding venue located on Lofton Avenue and 256th Street, stating that it was a large wedding venue and it created considerable neighborhood issues. Whitney shared that the noise could go on and be heard as late as midnight, even though the owners built a new building that was semi-soundproof. Whitney stated the County needed to address noise concerns and other negative impacts. DuBose commented that the County had improved conditions of approval over the past few years such that conditions pertaining to noise and screening had been refined. DuBose added that the pending Korman Walker proposal seemed to be more restrictive as compared to the venue mentioned by Whitney (Lofton Avenue and 256th Street). Chair Wille suggested that it may be good to develop some general requirements for wedding venues in the future.

McCarthy inquired if the development of new performance standards / conditions for wedding venues would impact existing wedding venues. Assistant County Attorney Fuge responded by explaining that all properties are unique and the Planning Commission had the ability to recommend conditions relevant to the unique property and no two permits / approvals would be the same.

Sutcliffe sought clarification on the implementation of performance standards and if they could be modified on a case-by-case basis. Assistant County Attorney Fuge responded by stating that any Conditional Use Permit that has been granted in the past was essentially grandfathered. Fuge added that boiler plate performance standards could not be changed by the Planning Commission on a case-by-case basis.

The **motion failed** 1-6 (Whitney, Leivian, Yeager, Sutcliffe, DuBose, and Wille voting against the motion).

DuBose stated that he wanted to address the use of recreational vehicles on undeveloped properties. Chair Wille suggested that the question was whether they should be allowed seasonally or limited to 30-out-of-60 days as was the current limitation. Sutcliffe added that enforcement on this regulation was limited and he was personally aware of a lot of campers that sat on properties longer than 30 days at a

time. Sutcliffe commented that Mike Mielke, who spoke during the public hearing, offered a good suggestion by allowing recreational vehicles on a seasonal basis. Yeager suggested adding language to the ordinance which would restrict the use to a seasonal schedule. DuBose stated that the current ordinance was difficult to enforce and that he didn't have a problem with someone keeping a recreational vehicle in their driveway and using it for the whole summer.

McCarthy inquired if there was concern about people living in recreational vehicles. Director Schneider provided general background on the topic by stating that the ordinance currently allowed the use of a recreational vehicle on unimproved property for 30-out-of-60 days but this regulation was difficult to enforce because the Department of Environmental Services did not have the capacity to chalk tires and monitor daily activity. Schneider added that, when the department received complaints, the department relied on the willingness of neighbors to testify and be a witness in court when tickets were issued. Schneider continued by explaining that many of these unimproved properties were considered unbuildable and the use of recreational vehicles may be the most reasonable use of the property. Schneider concluded by commenting that staff was agreeable to a modification which would make the regulation easier to monitor and enforce, and also welcomed the idea of an administrative permit for the use of recreational vehicles beyond the established limit. DuBose noted that the draft Zoning Ordinance already included the allowance for Interim Use Permits (IUPs) to extend the amount of time for the use of recreational vehicles. McCarthy expressed concern with the use of recreational vehicles turning into a campground. Whitney questioned whether the County should require an IUP and offered support for the use of administrative permits. DuBose responded that an IUP was more appropriate as it would allow the Planning Commission to address unique circumstances. McCarthy concurred with DuBose's comment, adding that the County could approve an IUP for a campground and establish a sunset based on what was appropriate for the subject site.

Director Schneider sought clarification from the Planning Commission on whether the ordinance should allow the use of recreational vehicles on unimproved property for no more than 30-out-of-60 days or no more than 30-out-of-90 days as was included in the draft Zoning Ordinance, as he didn't recall discussion to change that timeframe. The Planning Commission did not recall changing 60 to 90 and generally agreed that it should return to 60.

Director Schneider suggested that allowance for IUPs may result in an increased workload for staff and advocated for the use of administrative permits instead. Whitney stated that he liked the administrative permit process, adding that, from the applicant's perspective, it would cost less and would require less time for approval. Whitney questioned if there could be an allowance for administrative permits and IUPs for extended use. Director Schneider suggested that the Planning Commission consider a seasonal administrative permit for something like a 90-day period and, if someone proposed keeping the recreational vehicle on the property for more than 90 days, it could be processed as an IUP. Sutcliffe offered support for Schneider's suggestion. DuBose suggested that, if the recreational vehicle was on five acres or more and it met all of the required structural setbacks, it could be processed as an administrative permit. Alternatively, if the recreational vehicle was on less than five acres and/or didn't meet the required structural setbacks, it would require issuance of an IUP. Chair Wille agreed with the five acre distinction. Yeager offered that it would result in a streamlined and improved land use controls for the long-term. DuBose restated his suggestion that a recreational vehicle, which was occupied for more than 30 days and intended to be used longer than a 30-out-of-60 day period or if it was on five acres or more and met all structural setbacks, could be approved with an administrative permit; and, recreational vehicles which didn't meet these criteria would be eligible for an IUP.

Motion by DuBose to allow the use of recreational vehicles for more than 30-out-of-60 days with the issuance of an administrative permit if the property was five acres or larger and the recreational vehicle met all required structural setbacks and, if the property was less than five acres or the recreational vehicle could not meet all required structural setbacks, it would be eligible for an Interim Use Permit; second by Chair Wille.

Director Schneider questioned whether other permanent structures or improvements (i.e., decks, septic systems, etc.) would be allowed on the same property.

DuBose amended his motion to specify that no permanent structures or improvements would be allowed on the same property; Wille accepted the amendment.

The **amended motion passed** 7-0.

Director Schneider suggested that the previous action resulted in an administrative permit without any limit on the amount of time the recreational vehicle may be placed on the property, which meant that a recreational vehicle could be placed on the property indefinitely. Schneider added that the Planning Commission may want to specify that a "single" recreational vehicle would be allowed through the issuance of an administrative permit or IUP.

Motion by DuBose, to add to his previous motion, that recreational vehicles approved by administrative permit or IUP would be limited to use between April 1 and October 1 and a maximum of one recreational vehicle would be allowed per parcel; second by Chair Wille. The **motion passed** 7-0.

Director Schneider introduced the topic of Cannabis and Cannabinoid use, explaining that draft Zoning Ordinance Section 5.10 Rural Village Center (RVC) District, B. identified "cannabinoid retailer" as a Permitted Use and he recalled the Planning Commission discussing this as a Conditional Use. Schneider continued by stating that, as the County learned more about how to handle any potential licensing and land use requests related to cannabis retail operations, the County would have at least a very limited scope area within the County – in the RVC District – where the County could grant Conditional Use Permits. As a Permitted Use, they wouldn't be subject to the County land use process and would be able to operate without zoning approval so long as they had the appropriate licensing. Schneider sought clarification from the Planning Commission on this matter.

McCarthy questioned why a cannabinoid retailer would be handled differently than a liquor establishment which was identified as a Permitted Use in the RVC District. Director Schneider responded that cannabis was an emerging zoning and land use issue and the County may want to consider requiring a CUP until more was known about the potential impacts of a retail cannabis operation on neighboring properties.

Motion by DuBose to identify cannabinoid retailer as a Conditional Use within the Rural Village Center (RVC) District rather than a Permitted Use; second by Sutcliffe. The **motion passed** 4-3 (McCarthy, Leivian, and Whitney voted against the motion).

Yeager introduced the topic of political campaign signs and proceeded to read from draft Zoning Ordinance Section 4.16 Signs, D. 12. Yeager questioned the election cycle and when signs could be placed in relation to the election cycle and when they had to be removed following an election. Yeager added that the ordinance required signs to be removed within seven days of an election and suggested increasing that to 10 days, similar to the City of Wyoming.

Following some general discussion related to the election cycle, Yeager stated that State law allowed the placement of signs 46 days before the State Primary and State General Election and 10 days for removal following the election. Whitney suggested adopting State language.

Motion by Yeager to adopt Minnesota Statute language related to political signs; second by Whitney. The **motion passed** 7-0.

With no further discussion, **motion** by Whitney to move the draft Zoning, Subdivision, and Shoreland Management Ordinances forward to the County Board for consideration and adoption, as amended; second McCarthy. The **motion passed** 7-0.

Director Schneider advised the Planning Commission that staff would incorporate all amendments from the June 6, 2024 meeting and complete final formatting in order to prepare clean final draft copies to present to the County Board. Schneider added that this work would take some time and the ordinances would be presented to the County Board at the next earliest opportunity. Schneider also suggested that the final draft ordinances be reviewed by the County Attorney's Office for final format and final resolutions of adoption.

DuBose requested that the Planning Commission be notified when the ordinances would be presented to the County Board and that the meeting be noticed so that the Planning Commission could attend. Director Schneider agreed to DuBose's requests.

Coordinator Gervais added that the County had yet to receive conditional approval from the DNR for the draft Shoreland Management Ordinance, and it would be ideal to have the conditional approval in-hand before presenting the ordinance to the County Board. Director Schneider stated that staff would advise the DNR of the Planning Commission's June 6, 2024 action to move the ordinance forward.

New Business – None

Communications and Reports

County Board Liaison Report / Update – Commissioner Greene shared that there would be a ribbon cutting for the new mountain bike trail at Ki-Chi-Saga Park on June 7, 2024 beginning at 10:00 am. Greene also informed the Commission that there would be another ribbon cutting for the new addition to the Sunrise Prairie Trail on June 7, 2024 beginning at 12:00 pm.

Commissioner Dahlberg stated that he would forgo his report due to the time.

Director Schneider reported that the County had successfully worked with three landowners along the Swedish Immigrant Trail to acquire land for a 2.5 mile trail addition.

Miscellaneous – The Planning Commission discussed possible methods for improving communication to

the general public related to public hearing rules.

Motion by Yeager to cancel the June 20, 2024 Special Work Session; second by Sutcliffe. The **motion passed** 7-0.

Adjourn Meeting – Motion by Leivian to adjourn the meeting; second by Whitney. The **motion passed** 7-0. The meeting adjourned at 9:20 PM.



Jolene Wille
Chair

ATTEST:



Beth Gervais
Land Services Coordinator