

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
August 1, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 1, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and Sarah Scheunemann, Office Support Specialist – Land Services.

Acting 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: Dave Whitney, Eric Leivian, Acting Chair Chip Yeager, John Sutcliffe, and Chris DuBose. Absent: Chair Jolene Wille (excused) and Vice Chair Jim McCarthy (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – Motion by DuBose to approve the agenda as presented; second by Leivian. The **motion passed** 5-0.

Approval of Minutes – Motion by Sutcliffe to approve the July 11, 2024, regular meeting minutes as presented; second by Leivian. The **motion passed** 5-0.

Receive all Materials and Submittals into Record – Motion by Sutcliffe to accept all materials and submittals into the record; second by DuBose. The **motion passed** 5-0. 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 materials were made available to the public.

Public Hearings

Bonny & Paul Mack and Mallory Mack – Coordinator Gervais provided background on the request for the approval of the Preliminary Plat of Mack Estates involving the creation of one 5± acre lot from an 80± acre tract of land. The subject site was located at 26995 Redwing Avenue/CR86 in Franconia Township, S20, T33, R19 (PID 04.00218.00).

Gervais reviewed details of the subject site sharing that the site and all surrounding properties were located within the Agricultural (AG) District with surrounding properties ranging in size from 4.5 acres to 80 acres and most having been developed for residential use and/or they were being used for agricultural purposes. Gervais explained that the property owners and applicant were proposing the creation one 5± acre lot and, as proposed, it met all of the County's minimum dimensional requirements for the AG District.

Gervais shared that the Technical/Plat Review Committee met with applicant Mallory Mack on July 10, 2024. County staff had verified the soils report and wetland delineation and found them to be accurate. The Committee did not identify any immediate concerns. The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 2024 meeting and recommended approval with no conditions or comments. The ordinance prescribed 120-day review period was scheduled to expire on October 26, 2024.

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

Acting Chair Yeager invited the property owners and applicant to address the Planning Commission. Property owners Bonny & Paul Mack and applicant Mallory Mack approached the Commission but had nothing additional to add.

Acting Chair Yeager opened the public hearing and sought comment.

With no members of the audience wishing to speak, **motion** by Sutcliffe to close the public hearing; second by Whitney. The **motion passed** 5-0.

Motion by DuBose to adopt Resolution No. PC2024-0801, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Mack Estates, with conditions as presented; second by Leivian. The **motion passed** 5-0.

Conditions:

1. The Preliminary Plat of Mack Estates is approved per plat drawing dated signed June 26, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. 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.

Haven Homes, LLC – Coordinator Gervais presented the request for the approval of the Preliminary Plat of Peaceful Sunrise involving the creation of one 9± acre lot from a 9.3± acre tract of land. The subject site was located at 29813 Rydeen Avenue in Franconia Township, S5, T33, R19 (PID 04.00065.40).

Gervais noted that the subject site may have appeared to be a platted parcel but, after a building permit application had been submitted to the Department of Environmental Services earlier in 2024 and staff had researched the history of the property, staff found that the existing 9.3-acre subject site was created on September 13, 1999 through the recording of deed. Gervais further explained that this would have been the correct process for creating the parcel prior to the County's adoption of the Subdivision Ordinance in June 1999; however, after June 1999, the Ordinance required that the parcel be created through the platting process being that it was less than 20 acres in size with at least 500' in all dimensions. The building permit was denied and, as a remedy, the property owner initiated the platting process.

Gervais reviewed details of the subject site and surrounding area, noting that the site and all surrounding properties were located in the Agricultural (AG) District. The subject site was currently undeveloped and it featured two distinct wetland areas and was otherwise primarily open grassland. Surrounding properties ranged in size from five acres to 40 acres, with most surrounding properties developed for residential use and/or being used for agricultural purposes. Gervais stated that the proposed lot complied with the County's minimum dimensional requirements for the AG District.

Gervais shared that the Technical/Plat Review Committee considered the plat on July 10, 2024 and did not identify any immediate concerns. The soils report and wetland delineation had been verified by County staff and found to be accurate. The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 2024 meeting and recommended approval with no conditions or comments. The ordinance prescribed 120-day review period was scheduled to expire on October 26, 2024.

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

Acting Chair Yeager invited the property owner to address the Planning Commission. Brandon Derks of Haven Homes, LLC approached the Commission but had nothing additional to add.

Acting Chair Yeager opened the public hearing and sought comment.

With no members of the audience wishing to speak, **motion** by Sutcliffe to close the public hearing; second by Whitney. The **motion passed** 5-0.

Motion by Whitney to adopt Resolution No. PC2024-0802, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Peaceful Sunrise, with conditions as presented; second by DuBose. The **motion passed** 5-0.

Conditions:

1. The Preliminary Plat of Peaceful Sunrise is approved per plat drawing dated signed June 21, 2024 and revised last on June 28, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. 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.
3. 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

Whitney expressed interest in discussing the pending Zoning Ordinance update, sharing that he had further reviewed the draft ordinance following the Planning Commission's June 6, 2024 public hearing and came to the realization that there could be various ways for the ordinance to be interpreted and applied. Whitney stated that, through his further review, he came across significant inconsistencies and recommended that the ordinance be presented to the County Board for adoption and then go back to the Planning Commission for further review and editing so that the ordinance was easier for staff and the public to interpret.

Whitney provided one example of an inconsistency within the Zoning Ordinance pertaining to the Planned Unit Development section, explaining that the maximum allowable density within a Planned Unit Development Cluster was 1.5 homes per 5 acres of gross land area unless the subdivision was served by a community utility system, whereas a subdivision with a community utility system was subject to a multiplier of 1.3 which resulted in fewer lots. Whitney explained that a developer who took on the expense of installing a community utility system would lose density which he believed to be a deterrent. Whitney reiterated that he would like to see the draft ordinance presented to the County Board for adoption and then the Planning Commission could review the ordinance on a quarterly basis for the next one to two years, suggesting that the activity could be added to the meeting agenda as an opportunity to check in with staff and address any concerns. Whitney believed that the ordinance should be treated as a working document with the long-term goal of making it easier for staff and the community to interpret.

Yeager asked staff if the County was still working with consultant Bolton & Menk. Gervais shared that staff would be meeting with Bolton & Menk on August 6, 2024 for the purpose of discussing finalization of the draft ordinances. Gervais added that she agreed with Whitney in that there were inconsistencies within the draft ordinances and that they needed some refinement, but not necessarily large changes, and she was hopeful that Bolton & Menk would be able to assist with this effort. Sutcliffe commented that Bolton & Menk was hired to help the County review the ordinances and identify issues, such as inconsistencies, contradictions, and clerical errors.

DuBose responded to Whitney's Planned Unit Development example, stating that he believed it was more of an editorial mistake and suggested that Whitney prepare a written explanation and submit it to staff so that staff could make the editorial correction before the ordinance was presented to the County Board. Whitney stated

that he could provide a written explanation but was concerned that there may be other mistakes or inconsistencies that may not be caught until someone applied for that particular use. DuBose added that he believed a quarterly review would be too extreme and, instead, suggested an annual review during the winter months. Whitney maintained that, at least initially following adoption, there may be greater need to more frequently review the ordinance and address issues. Acting Chair Yeager commented that, in the past, if staff identified an issue, it was presented to the Planning Commission Chair to determine if it should be added to a meeting agenda for discussion, adding that he believed this to be a good practice. Leivian commented that the Planning Commission shouldn't expect the amended ordinance to be perfect at time of adoption and that he supported regular reviews by the Planning Commission. As a compromise, Whitney suggested reviews once every six months. Sutcliffe offered support for DuBose's suggestion of an annual review during winter months. Acting Chair Yeager suggested that the annual review could be held in January after the holidays. DuBose suggested that the Planning Commission could further discuss concerns at the September 5, 2024 meeting before the draft ordinances were presented to the County Board.

New Business

None

Communications and Reports

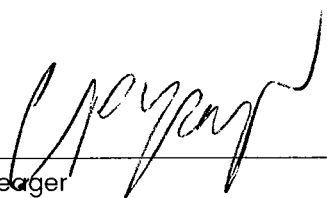
County Board Liaison Reports – County Commissioner Greene reported that some townships felt like they didn't receive enough information upfront to provide recommendations on pending applications, adding that, after the application was presented to the Planning Commission, the townships weren't able to provide any additional feedback because the public hearing was closed. Greene stated that the townships would like more information upfront. DuBose asked staff if the townships received a packet similar to what the Planning Commission received. Gervais reviewed the process for providing application materials to the townships, explaining that the application deadline was generally on the first of each month and County staff provided all application materials to the individual townships for review at their monthly Town Board meeting. Gervais further explained that some Town Board meetings were held early in the month and it didn't allow staff much time to send the application materials. As an example, Gervais noted that the Shafer Town Board's August meeting was scheduled for August 1, 2024, requiring that staff quickly process any applications for Shafer Township on the same day that they were received. Gervais again noted that the townships received the complete application packet. Gervais stated that some Township Supervisors contacted County staff to ask clarifying questions prior to their respective Town Board meetings and she welcomed this communication.

County Commissioner Dalberg reported that the County Board was currently working on the 2025 budget.

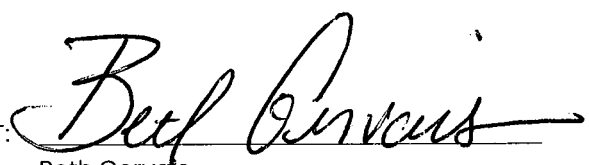
Acting Chair Yeager asked if there was anything coming to the Planning Commission in regard to the regulation of cannabis. County Commissioners Greene and Dahlberg noted that they received a general template from the State and were working on putting something together.

Miscellaneous – Motion by DuBose to cancel the special work session scheduled for August 15, 2024; second by Whitney. The **motion passed** 5-0.

Adjourn Meeting – Motion by DuBose to adjourn the meeting; second by Whitney. The **motion passed** 5-0. The meeting adjourned at 7:34 PM.



Chip Yeager
Acting Chair

ATTEST: 

Beth Gervais
Land Services Coordinator