

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

**The Planning Commission's Wednesday, October 2, 2024 tour has
been CANCELED due to the nature of the land use requests.**

1. Call to Order and Pledge of Allegiance

2. Roll Call and Determination of a Quorum

3. Approval of Agenda

4. Approval of Minutes

- a. September 5, 2024 Regular Meeting

5. Receive all Materials and Submittals into Record

Previously Distributed:

- a. Complete meeting packet including staff reports with attachments for agenda items 6a, 6b, 6c, 6d, and 6e.

6. Public Hearings

- a. **Virginia Carlson** – Property owner Virginia Carlson is requesting approval of the Preliminary Plat of Hirsch Homestead involving the creation of one 10± acre lot from a 50.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11803 Olson Road in Sunrise Township, S5, T35, R20 (PID 09.00049.00).
- b. **Mariah Van Heel** – Property owner Mariah Van Heel is requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 29± acre property in the Agricultural (AG) District. The subject site is generally located at the southwest corner of the intersection of 375th Street / CSAH 11 and Pottery Trail in Amador Township, S26, T35, R20 (PID 01.00393.10).
- c. **David & Sheryl Nichols and Dennis Batty** – Property owners David & Sheryl Nichols and applicant Dennis Batty are requesting approval of the Preliminary Plat of Goose Lake Acres involving the creation of three lots, ranging in size from 5± acres to 7.5± acres, from a 40± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 48300 Cedarcrest Trail / CSAH 8 in Nessel Township, S34, T37, R22 (PID 06.00707.00).
- d. **Alan & Marilyn Johnson and Chris DuBose** – Property owners Alan & Marilyn Johnson and applicant Chris DuBose are requesting approval of the Preliminary Plat of Fjellansbole Acres involving the creation of one 7.2± acre lot, with frontage on Lindo Trail, from a 67.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11293 335th Street in Chisago Lake Township, S17, T34, R20 (PID 02.00601.00).
- e. **Jaime Jacobson & Lisa Logue** – Property owners Jaime Jacobson & Lisa Logue are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 20± acre property in the Agricultural (AG) District. The subject site is generally located between Elmcrest Avenue and Falcon

Avenue / CSAH 9 on the north side of 520th Street in Nessel Township, S7, T37, R21 (PID 06.00030.10).

7. Public Hearings – Continued Hearings

None

8. Old Business

None

9. New Business

10. Communications and Reports

a. County Board Liaison Reports – Commissioners Greene and Dahlberg

11. Miscellaneous

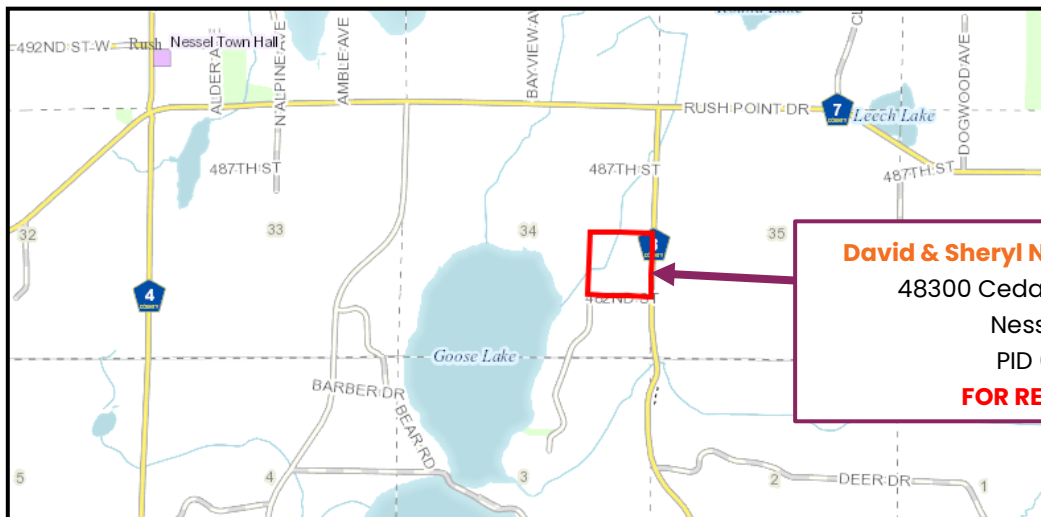
12. Adjourn Meeting

- The next special work session is scheduled for Thursday, October 17, 2024 at 6:00 pm.
- The next regular meeting is scheduled for Thursday, November 7, 2024 at 7:00 pm.

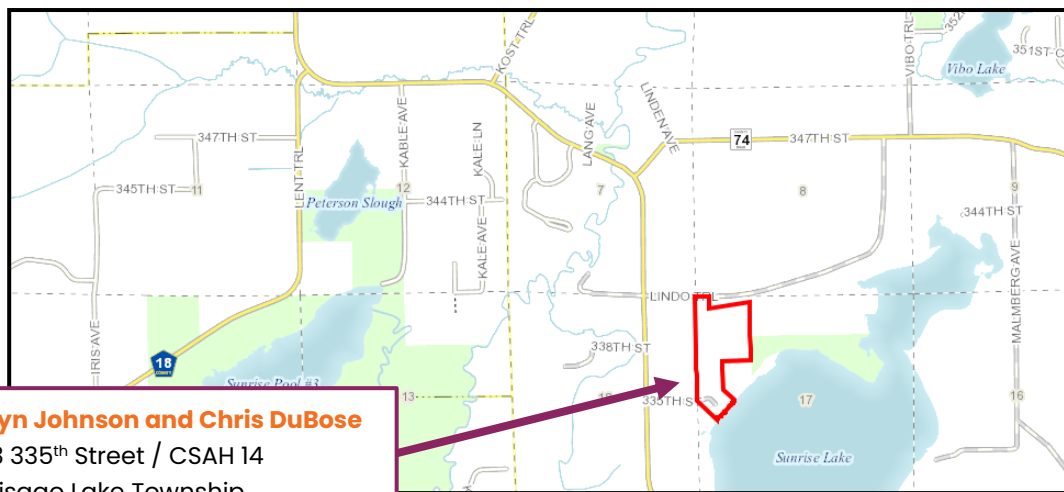
Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012

The map shows the location of the County Highway Garage in Amador County. The garage is located near the intersection of Highway 70 and Highway 12, south of the Amador Town Hall. A red arrow points to the garage location. The map also shows other roads like Highway 95, Highway 392ND ST, and Highway 382ND ST. The Amador Town Hall is located near the intersection of Highway 12 and Highway 392ND ST. The County Highway Garage is located near the intersection of Highway 70 and Highway 12. The map also shows other roads like Highway 95, Highway 392ND ST, and Highway 382ND ST. The Amador Town Hall is located near the intersection of Highway 12 and Highway 392ND ST. The County Highway Garage is located near the intersection of Highway 70 and Highway 12. The map also shows other roads like Highway 95, Highway 392ND ST, and Highway 382ND ST. The Amador Town Hall is located near the intersection of Highway 12 and Highway 392ND ST. The County Highway Garage is located near the intersection of Highway 70 and Highway 12.

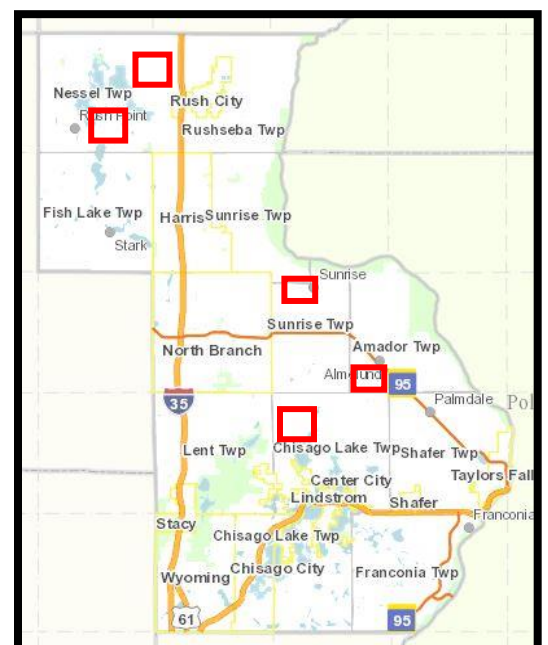
The map shows Chisago County, Minnesota, with various townships and cities labeled. Red boxes highlight specific locations: Rush Point, Sunrise, and Chisago Lake Twp. A red line connects Rush Point to Sunrise, and another red line connects Sunrise to Chisago Lake Twp. A red box also highlights the intersection of Highway 35 and Highway 95.



David & Sheryl Nichols and Dennis Batty
 48300 Cedarcrest Trail / CSAH 8
 Nessel Township
 PID 06.00707.00
FOR REFERENCE ONLY



Alan & Marilyn Johnson and Chris DuBose
 11293 335th Street / CSAH 14
 Chisago Lake Township
 PID 02.00601.00
FOR REFERENCE ONLY



**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
September 5, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, September 5, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; 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, Eric Leivian, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: Jim McCarthy (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

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

Approval of Minutes – Yeager noted a typo on page 2 of the August 1, 2024, regular meeting minutes near the bottom in the Technical / Plat Review Committee paragraph, commenting that “and immediate concerns” should read “any immediate concerns”. **Motion** by Sutcliffe to approve the August 1, 2024, regular meeting minutes as amended; second by Leivian. The **motion passed** 6-0.

Receive all Materials and Submittals into Record – Motion by Sutcliffe to accept all materials and submittals into the record; second Yeager. 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 materials were made available to the public.

Public Hearings

Joseph Winberg – Property owner Joseph Winberg requested approval of the Preliminary Plat of Winberg Addition involving the creation of two 5± acre lots, with frontage on Wilcox Road, from a combined 80± acre tract of land located in the Agricultural (AG) District. The plat request included two subject properties, with one located at 11290 Wilcox Road and the other generally located north and northwest of 11290 Willcox Road in Sunrise Township, S18 and 7, T35, R20 (PIDs 09.00189.00 and 09.00078.00).

Coordinator Gervais reviewed details of the subject site, sharing that it consisted of two parcels, including a 39.6± acre parcel at 11290 Wilcox Road (PID 09.00189.00) and a 41.3± acre parcel north and northwest of 11290 Wilcox Road (PID 09.00078.00). Gervais mentioned that the parcel identified as PID 09.00078.00 was uniquely configured in that it featured an approximate 40-acre tract of land northwest of 11290 Wilcox Road / PID 09.00189.00 as well as a completely separated 1-acre tract directly north of 11290 Wilcox Road / PID 09.00189.00. Gervais reviewed topography of the two proposed lots and shared that the northerly proposed lot was developed with a dwelling and at least four detached accessory structures, whereas the southerly proposed parcel was vacant and appeared to be used for agricultural purposes. Gervais noted that the subject site and all surrounding properties were located within the AG District and surrounding properties ranged in size from five acres to 80 acres. Gervais stated that both proposed lots complied with the County’s minimum dimensional requirements for the AG District.

The Technical / Plat Review Committee met with property owner Joseph Winberg on August 14, 2024. Land

Services Coordinator Gervais addressed the issue of the 1-acre "sliver" portion of PID 09.00078.00, explaining that the eastern portion of the sliver would be made part of Lot 1 through the platting process, but the western portion would remain as a smaller sliver until the property owner requested and was granted a Lot Reconfiguration and Tie Together to make it part of the remainder of PID 09.00189.00. Sanitarian Davidsavor and Wetland Specialist Fertig noted that the soils report and wetland delineation had been verified and found to be accurate. The Committee did not identify any other immediate concerns. The Sunrise Town Board reviewed the proposed Preliminary Plat as its August 15, 2024 meeting and recommended approval "with the understanding that the orphan strip that [was] to the east and part of parcel number 09.00078.00 [would] be combined with Lot 1 of the new plat and the westerly portion of said orphan strip [would] be combined with the remainder 30 acre parcel". Gervais noted that, having been identified by both staff and the Sunrise Town Board, the issue of the sliver / orphan strip had been addressed with a recommended condition of approval. The ordinance prescribed 120-day review period was scheduled to expire on November 22, 2024.

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

Chair Wille invited the applicant to address the Planning Commission. Property owner Joseph Winberg approached the Commission and provided additional background information, explaining that he had purchased the subject site for agricultural purposes and that he intended to construct a dwelling for himself on the southern proposed parcel. DuBose questioned the proposed 66' wide easement on proposed Lot 2, commenting that it was located within the middle of the lot and not adjacent to a property boundary. Winberg responded that the easement was located in that particular spot to avoid removal of pine trees.

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

Motion by Yeager to adopt Resolution NO. PC2024-0901, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Winberg Addition as presented; second by DuBose. The **motion passed** 6-0.

Conditions:

1. The Preliminary Plat of Winberg Addition is approved per plat drawing dated signed July 16, 2024. 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. 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.
4. Following completion of the Final Plat process, the property owner shall submit complete applications for Lot Reconfiguration and Tie Together in order to split the westerly 569.5'± of the easternmost portion of PID 09.00078.00 (that portion which has frontage on Lowden Avenue) and combine it with the 29±-acre remainder / exception area of PID 09.00189.00.

Kale Wolff and Federated Co-ops, Inc. – Property owner Kale Wolff and applicant Federated Co-ops, Inc. petitioned for the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited

Industrial (CLI) District. The subject properties, totaling 2.95± acres, were located at 18397 St. Croix Trail / TH 95 in Shafer Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

Coordinator Gervais reviewed details of the subject site, sharing that it consisted of two parcels with the north parcel, identified as PID 08.00099.00, being 1.60± acres in size and the south parcel, identified as PID 08.00095.00, being 1.35± acres in size for a combined total of 2.95± acres. Gervais noted that the two subject parcels accounted for two of the four parcels in this particular RVC District and that the district was otherwise surrounded by the Agricultural (AG) District. Gervais mentioned that the two subject parcels were vacant and the other two parcels within the district were developed with legal non-conforming dwellings and related detached accessory structures. Gervais explained that historical zoning maps showed that there had been some amount of RVC District – or Highway Business District, as it was called in 1987 – in this general area since at least 1987, adding that the earliest Zoning Map available to staff was 1987. The exact configuration or boundary of the RVC District varied slightly between the 1987 Zoning Map, the 1997 Zoning Map, and the current Zoning Map; however, it was generally the same. Gervais noted that staff couldn't be certain of how this RVC District originated, but one possibility was that it was created to accommodate an existing commercial business which was located on one of the subject parcels at the time that the County adopted official land use controls.

Noting that the entire RVC District was 5.5 acres in size, Gervais commented that the proposed Rezoning would reduce the district's land area by nearly 54%. Gervais reviewed the applicant's written narrative which stated that Federated Co-ops, Inc. intended to purchase the two subject parcels, if the Rezoning was approved, and utilize them for purposes of propane storage and distribution. Gervais noted that propane storage on its own, without a principal commercial building / business, was considered by staff to be an "Open Storage Yard" which was prohibited in the RVC District but allowed as a Conditional Use in the proposed CLI District. Gervais cautioned the Planning Commission against basing its recommendation on the stated intended use as the recommendation should instead be based on specific factors identified within Zoning Ordinance Section 8.08. Gervais further explained that, if the Rezoning was approved by the County Board, the County could not require that the property be developed by the applicant or for the specific use cited by the applicant. Instead, if Rezoned, the subject parcels could be developed by any current or future property owner(s) with any use allowed in the CLI District. Gervais urged the Planning Commission to consider the compatibility and impact of allowable CLI District uses on the surrounding area. Gervais commented that Zoning Ordinance Section 8.08 (Amendments and Rezonings) discussed compatibility of proposed Amendments and Rezonings with the Chisago County Comprehensive Plan and that this compatibility – or incompatibility – should be considered by the Planning Commission and County Board, adding that the Comprehensive Plan included a chapter specific to Land Use and Growth Management. Being that much of this chapter combined goals for commercial and industrial development together, it was difficult for staff to apply established goals and policies specific to and only to industrial development.

Gervais referenced the "Pyramid of Discretion", explaining that the County had the greatest amount of discretion when creating local laws and the least amount of discretion when administering those laws. In regard to the petitioned Rezoning, Gervais noted that the Planning Commission had the broadest discretion to consider how the request moved forward.

Gervais stated that staff had concerns with the proposed Rezoning, including that it could potentially constitute spot zoning, which was generally prohibited, and that the County must consider that any allowable CLI District use could be located on the two subject parcels and that these uses could have a significant impact on the remaining RVC District, which included two dwellings, and the surrounding AG District.

The Technical Review Committee met with Mark Grave of Federated Co-ops, Inc. on August 14, 2024. Staff

explained to Grave that the County's focus for the request was a change in zoning rather than the specific intended use of the property and the Committee also spoke about concerns with spot zoning. Following a conversation about septic system related issues, Grave indicated that Federated Co-ops, Inc. had no intention of building a structure on the subject site. The Shafer Town Board considered the proposed Rezoning at its August 1, 2024 meeting and recommended approval with the recommended condition that downcast security lighting be utilized. Staff noted that the current petition was for Rezoning and not for a specific use of the property; therefore, the recommended condition could not be incorporated into a resolution for the Rezoning.

Gervais concluded by expressing concerns related to spot zoning, the drastic decrease in size of any already small RVC District and the potential negative impacts / compatibility issues by allowing industrial uses adjacent to low-density residential uses. Gervais explained that staff had prepared draft Findings of Fact to support either approval or denial, for further review and development by the Planning Commission, and reviewed options available to the Commission.

Chair Wille invited the property owner and / or applicant to address the Planning Commission. Mark Grave, Director of Energy for Federated Co-ops, Inc., approached the Commission and added that Federated Co-ops, Inc. had been in Chisago County for over 70 years with more than 2,000 customers. Grave acknowledged that the request was for a zoning change and not for a specific intended use and suggested that the primary issue was the existing RVC District which only allowed retail development. Grave opined that the site likely would not develop with retail. Grave concluded by stating that Federated Co-ops, Inc. would like to stay in town and that they intended to clean-up the subject site, adding that the intended use was as close to retail as he could imagine without having a store front.

Chair Wille opened the public hearing and sought comment.

Trisha Schmidt of 18309 350th Street, Shafer Township explained that she grew up in Palmdale (site of proposed Rezoning) and provided the Planning Commission with historical detail about the entire subject RVC District. Schmidt stated that she and her sister, who both owned dwellings within the RVC District, supported the two subject parcels being developed for commercial use. Schmidt acknowledged that development of the two parcels may generate impacts such as noise, but that it would be good to see the properties developed and used again. Schmidt shared that she was unaware of the RVC District classification for her property and the surrounding parcels, adding that her father, former owner of CJ's Bar & Grill, was also unaware of the zoning classification. Schmidt concluded by offering support for Federated Co-ops, Inc.'s intended use and the petition for Rezoning.

With no additional members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second by Leivian. The **motion passed** 6-0.

DuBose questioned if there was a need to Rezone the parcels as Chisago County Zoning Ordinance Section 5.11 (Rural Village Center District), B. allowed Essential Services as a Permitted Use in accordance with Section 4.05, and Section 4.05 (Essential Services), C. stated that bulk gas or fuel facilities were allowed as Conditional Uses in all zoning districts. DuBose stated that he didn't believe a Rezoning was needed and that the proposed use only required a Conditional Use Permit within the existing RVC District. While waiting for staff to locate and review the Zoning Ordinance references, Yeager questioned the wisdom of the proposed Rezoning, commenting that he believed it to be spot zoning. DuBose noted that there was already an existing Federated Co-ops, Inc. tank located in Almelund in an RVC District, suggesting that Federated was already providing essential services within an RVC District. DuBose again suggested that a Conditional Use Permit was appropriate for the proposed use on the subject site. Gervais stated, through discussion with Director Schneider, that the existing propane tank was considered to be accessory to a Permitted Use within the RVC District and was therefore allowed,

adding that, on its own, it would not be allowed in the RVC District.

Audience member Becky Strand addressed the Planning Commission, indicating that she was Chair of the Chisago County Board of Adjustment & Appeals and a resident of Shafer Township for several years. Strand clarified that the existing propane tank located in Almelund was located within the CLI District and not the RVC District. *Clerk's note: The Almelund property in question was PID 01.00322.00.*

After having reviewed the adopted Zoning Ordinance and the draft Zoning Ordinance, Gervais confirmed that both showed that bulk gas or fuel facilities were allowed as a Conditional Use in all zoning districts. DuBose reiterated his belief that the proposed Rezoning was unnecessary and that the proposed use only required issuance of a Conditional Use Permit. Whitney commented that he didn't support the Rezoning.

Whitney asked Gervais if the draft Zoning Ordinance listed dwellings as a Permitted Use within the RVC District. Gervais responded in the affirmative. Whitney asked, for clarification, if this was a change from the adopted Zoning Ordinance. Gervais again responded in the affirmative. Whitney then asked if duplexes were proposed to be allowed within the RVC District. Gervais responded that she believed duplexes were recommended to be added as an allowable use within the RVC District but couldn't recall if they were recommended as a Permitted Use or as a Conditional Use.

Chair Wille noted that some Commissioners had offered support for leaving the two subject parcels zoned RVC District and she sought additional comment from the Planning Commission. DuBose commented that he wanted to support the project but didn't believe it was necessary to spot zone or split the already small RVC District, again explaining that there may be another way to locate the proposed use on the subject site. Yeager concurred with DuBose's statement, adding that he was opposed to the Rezoning but not opposed to the proposed use.

Whitney questioned how to proceed with a Planning Commission determination that the proposed Rezoning was unnecessary and that the proposed use could instead be allowed with issuance of a Conditional Use Permit. DuBose commented that, in his opinion, the determination would be made by the County Board as the Planning Commission only made recommendations. Yeager suggested that Whitney was perhaps asking if the Planning Commission had the ability to make a recommendation that the proposed Rezoning was unnecessary and that the proposed use could instead be allowed with issuance of a Conditional Use Permit. Whitney confirmed that Yeager's understanding was correct. Director Schneider addressed the Planning Commission, stating that there was merit to Commissioner DuBose's interpretation of Zoning Ordinance Section 4.05 (Essential Services) which differed from Section 5.11 (Rural Village Center District). Schneider continued by stating that, as Zoning Administrator, he was responsible for interpreting the Zoning Ordinance for the public and the Planning Commission and, with some reservation, he believed that Zoning Ordinance Section 4.05 would allow the proposed use to be processed as a Conditional Use Permit on the RVC zoned subject site. Schneider added that he would like time outside of the Planning Commission meeting to further review the Zoning Ordinance and make a determination.

Motion by DuBose to table the request to the Planning Commission's October 3, 2024 meeting, pending staff review and County Board determination for the proper course of action; second by Yeager. Whitney stated that he didn't believe the request should be tabled and that, instead, the Planning Commission should make a recommendation and send it to the County Board for a final determination. Yeager stated that the Planning Commission would need to establish recommended conditions of approval for the Conditional Use Permit, if doing what Whitney had suggested, and he added that the Planning Commission didn't yet have the information necessary to make a recommendation. Whitney clarified that he wasn't suggesting making a recommendation on a Conditional Use Permit. Gervais further clarified that, because the property owner and

applicant had not specifically requested a Conditional Use Permit, the Planning Commission could not make a recommendation on a Conditional Use Permit. DuBose stated that, pending further interpretation by staff, discussion with the property owner / applicant and resolution by the County Board, he didn't believe it would be wise to "kill" the request and that tabling the request was the best course of action. Schneider informed the Planning Commission that it wasn't the County Board's role to interpret the Zoning Ordinance and make a determination; it was, instead, his responsibility. Schneider added that, if he determined that a Rezoning was not necessary and that the applicant could instead submit request for Conditional Use Permit, the property owner and applicant could simply withdraw their petition for Rezoning and proceed with the Conditional Use Permit request without County Board intervention or interpretation. Schneider further added that, if for some reason he was unable to determine that the applicant could proceed directly with a request for Conditional Use Permit, by tabling the request for Rezoning, this would allow the Planning Commission to further consider said request on October 3rd. Whitney withdrew his concern. The **motion passed** 6-0.

Planning Commissioner Leivian recused himself and sat in the audience for the Becky Meyer & William Lloyd request for Interim Use Permit Amendment as he was an adjacent landowner and had submitted written comments about the request to the Planning Commission.

Becky Meyer & William Lloyd – Property owners Becky Meyer & William Lloyd were requesting an Amendment to an Interim Use Permit granted in 2023 which allowed a Commercial Kennel on 37.05± acres in the Agricultural (AG) District. The proposed Amendment included, but was not limited to, relocation of a fenced enclosure for animals, different fencing material for the fenced enclosure than originally proposed, and allowance for animals to be boarded within the dwelling. The subject site was located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).

Coordinator Gervais provided a brief history of the existing IUP, explaining that it was granted by the County Board on July 19, 2023 and allowed for a Commercial Kennel for the boarding and day care of animals with 14 conditions. Gervais highlighted details of the subject site, including detail about property size, location, topography, zoning, and characteristics of the surrounding area. Gervais noted that the subject site was currently developed with a dwelling and multiple detached accessory structures and had large hard surfaced areas for parking.

Gervais stated that the permit holders were seeking approval of an IUP Amendment allowing a change to the location and size of the outdoor fenced enclosure, a change to the type of fencing material used for the outdoor fenced enclosure, allowance for the boarding of dogs within the dwelling, and for the commercial sales of pet boarding related products to customers. Additionally, because the permit holders were proposing a change to the location of the fenced enclosure, staff recommended that one condition specific to landscaping of the fenced enclosure be amended as well. Gervais reviewed details of the specific changes proposed by the permit holders, explaining that the area previously approved to be used as an outdoor fenced enclosure proved to be too wet for use and they believed the proposed location to be better suited for their needs and to provide greater distance from neighboring dwellings. Gervais noted that the approved area was 13,500 sf in size whereas the proposed area was up to 6,556 sf in area. In regard to fencing material, the permit holders were proposing to utilize 12-gauge coated welded wire rather than chain link. In regard to use of the dwelling for the boarding of dogs, the permit holders indicated that their boarding shed was not yet complete and they were seeking approval to house up to 10 dogs within the dwelling. Two rooms within the dwelling would be dedicated to dog kennels / boarding and one additional room would be dedicated as an indoor play area as needed for inclement weather. In regard to the commercial sales of pet boarding related items, the permit holders were proposing to sell items – such as pet food and treats, water, branded apparel, and pet care items – to kennel customers but not the general public. Lastly, because the permit holders were proposing a change of location for the outdoor fenced enclosure, Gervais suggested that the existing condition related to landscaping of the

fenced enclosure be Amended accordingly. Gervais provided images of the site, proposed outdoor fenced enclosure, and proposed indoor kennels for the Planning Commission's reference.

The Technical Review Committee met with property owners Becky Meyer & William Lloyd on August 14, 2024. The property owners reviewed details of the proposed Amendments, explaining that the proposed commercial sales would be available for kennel customers only and not the general public; that they hoped to complete renovation of the boarding shed by summer 2025; and, that they felt the proposed location of the fenced enclosure was an improvement in that it was farther from neighboring dwellings and at a lower elevation than the previously approved enclosure with mature trees nearby to better mitigate any potential noise related to the kennel. The Committee did not identify any immediate concerns. The Sunrise Town Board considered the request on August 15, 2024 and recommended approval with no comments or conditions. The State mandated review period was scheduled to expire on September 30, 2024.

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

Chair Wille invited the applicants to address the Planning Commission. Property owners Becky Meyer & William Lloyd approached the Commission. Meyer reiterated that the previously approved site of the outdoor fenced enclosure was too wet and not well suited for the intended use. Meyer added that the proposed fencing material was safer for dogs than chain link and that they wished to sell supplies and logoed items to customers.

Yeager sought clarification on the proposed fencing material. Meyer explained that the proposed fencing material would be heavy duty coated wire installed in 8' sections, adding that chain link had edges that could be harmful to animals. Yeager questioned whether there were any conflicts with the Zoning Ordinance in regard to the proposed fencing material. Gervais responded that there were no known conflicts with the ordinance. DuBose asked the applicants if the proposed wire was what was installed at the property during the Planning Commission's September 4, 2024 site visit. Meyer responded in the affirmative.

Chair Wille asked the applicants for the dimensions of the rooms within the dwelling which were intended to be used for kennel purposes. Meyer stated that the indoor playroom was 18' x 40' in size and two rooms for kenneling were 12' x 12' or 12' x 14'. DuBose inquired about the sizes of the kennels. Meyer stated that the kennels would be 3' x 5' and 4' x 6'. DuBose also asked if the pictures of the kennels, provided with the application, were representative of the proposed kennels. Meyer responded in the affirmative, adding that they were already installed within the dwelling. DuBose also inquired about the flooring material in the kennel rooms. Meyer and Lloyd responded that it was water resistant vinyl planks with wax coating with linoleum underneath.

Chair Wille opened the public hearing and sought comment. With no members of the audience wishing to speak, **motion** by Yeager to close the public hearing; second by Whitney. The **motion passed** 5-0.

DuBose expressed concern with the strength of the proposed fencing material, speculating, based on his September 4, 2024 observations, that the wire within the coating was thin and had the potential to be chewed through. DuBose suggested a condition requiring that the fence be maintained in good condition and repaired as needed, ensuring the continued integrity of the fence. Lloyd responded by stating that the reason they were building the fence in smaller sections was to allow for individual fence panels to be repaired or replaced as needed.

Motion by Whitney to adopt Resolution No. PC2024-0903, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Amendment to an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township, with Findings of Fact and

conditions as presented and with the addition of a condition requiring that the 12-gauge coated welded wire fence be maintained in good repair; Second by Sutcliffe. Sutcliffe asked if the hours of operations would remain the same as originally approved. Gervais responded that the applicants had not proposed different hours of operation thus they would remain the same. The **motion passed** 5-0.

Conditions:

1. This Interim Use Permit (IUP) Amendment supersedes the IUP granted by the Chisago County Board of Commissioners on July 19, 2023 (original IUP) which granted approval for a Commercial Kennel on property located at 12690 St. Croix Trail in Sunrise Township (recorded as Document No. A669246). This Amendment provides modifications to certain aspects of the 2023 approval, including a change to the location and size of the outdoor fenced enclosure and a change to the type of fencing material used for the outdoor fenced enclosure, and allowance for the boarding of dogs within the dwelling and for the commercial sales of pet boarding related products to customers.
2. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time, including but not limited to dogs, cats, rabbits and guinea pigs, as specifically described in the application materials dated received May 30, 2023 (original IUP) and July 31, 2024 (IUP Amendment) and kept on file with the Department of Environmental Services.
3. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
4. No commercial activity, apart from the boarding and day care of animals as described above and the sale of pet boarding related items such as pet food and treats, water, branded apparel and items, and pet care items to Commercial Kennel customers, shall be permitted. No sales of pet boarding related items shall be made to the general public. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
5. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner. In addition to other animals as described in condition no. 2 above, no more than 10 dogs shall be boarded within the dwelling at any given time. Use of the boarding shed for Commercial Kennel purposes shall not preclude the boarding of dogs within the dwelling.
6. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
7. 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 the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus 1 in outdoor pen at a time.
8. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
9. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:

- a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
 - b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
 - c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the ~~south east~~ side of the outdoor ~~play area fenced enclosure as described in the May 30, 2023 application materials.~~ The plantings shall be installed ~~by June 1, 2024 prior to the Commercial Kennel opening for business.~~
 - d. The required fence shall be installed prior to any boarding of animals. The 12-gauge coated welded wire fence shall be maintained in good repair.
 - e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
 - f. The boarding shed shall be both heated and cooled.
10. The permit holder may employ up to two additional employees to be present at any given time.
 11. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
 12. 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.
 13. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
 14. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, 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.
 15. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Chair Wille invited Commissioner Leivian to rejoin the Planning Commission.

Public Hearings – Continued Hearings

None

Old Business

Zoning Ordinance, Subdivision Ordinance, and Shoreland Management Ordinance Discussion – Gervais informed the Planning Commission that that this item had been added to the agenda to provide an opportunity for the Planning Commission to discuss the draft Zoning, Subdivision, and Shoreland Management Ordinances, if desired. DuBose asked Witney if he was able to send staff the editorial changes they had discussed at the August 1, 2024 meeting. Whitney responded in the affirmative.

Director Schneider informed the Planning Commission that copies of the preliminary versions of the final draft ordinances were provided to the County Board for early review at its September 4, 2024 meeting. Schneider added that staff would be reviewing the draft ordinances and making any necessary editorial changes prior to County Board adoption, including the discrepancy discovered earlier in the meeting related to Essential Services being identified as both a Permitted Use and a Conditional Use within the RVC District. Schneider

explained that the Department of Environmental Services had just received nine land use applications for the next meeting cycles as a means of explaining that staff time was limited.

DuBose asked if the consultant had found any contradicting language within the draft ordinances during the final review which may necessitate a special work session of the Planning Commission. Schneider responded that the Planning Commission could hold a work session; however, staff intended to proceed with minor editorial changes and only call out significant contradictions or policy changes, if any, for County Board consideration and direction. Sutcliffe inquired if the consultant identified any contradictions. Schneider responded that nothing, to his knowledge, had been noted as a contradiction. Whitney commented that the issue came down to taking an actual application and attempting to apply the new ordinances to it and determining if staff was interpreting the new ordinances in the way that the Planning Commission had intended. Whitney also noted that he would like to review the new ordinances more than once a year for at least for the first year.

Chair Wille reviewed the August 1, 2024 meeting minutes and noted that the Planning Commission had reached consensus that the new ordinances would be reviewed on an annual basis. Wille commented that the Planning Commission worked closely with staff and believed that staff would let the Commission know if there were any significant issues with the ordinances. Wille sought feedback from fellow Commissioners. Yeager recalled that the Planning Commission had suggested, at its August 1st meeting, an annual review to take place during slower months, such as January. DuBose concurred with Yeager's recollection. Whitney noted that the County Board would likely be considering other ordinance topics in the near future, such as wedding venues and cannabis. Chair Wille stated that the Planning Commission would proceed as-is until any issues came up.

New Business

Request for Extension for Final Plat of Autumn Woods Cottages – Coordinator Gervais informed the Planning Commission that property owner / subdivider Carol Hauglie had submitted a written request for a one-year extension for the Final Plat of Autumn Woods Cottages, a subdivision located at the northwest corner of Rush Lake Trail and Belle Isle Drive in Nessel Township (PID 06.00235.20).

Gervais explained that Hauglie requested and was granted Preliminary Plat approval in November 2023 and that, per the Chisago County Subdivision Ordinance, the request for Final Plat was required to be submitted within one year of Preliminary Plat approval unless an extension of time was requested by the subdivider and granted by the County Board upon recommendation of the Planning Commission. Gervais reviewed details of the approved Preliminary Plat noting that there were six proposed lots, ranging in size from 2.3 acres to 8.11 acres, from the 28.20± acre tract of land. Gervais stated that Hauglie had submitted a written request for extension on August 14, 2024 and that, if the extension was granted, it would require that the request for Final Plat be submitted by November 15, 2025.

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

DuBose asked if the draft Subdivision Ordinance, if adopted, would affect the plat. Gervais responded that she didn't believe there would be any impacts.

Motion by Sutcliffe to adopt Resolution No. PC2024-0904, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a request for a one-year extension for submission of the final plat of Autumn Woods Cottages, as presented; second by DuBose. The **motion passed** 6-0.

Communications and Reports

County Board Liaison Reports – County Commissioner Greene reported that the County Board received the draft Ordinances during its September 4, 2024 meeting and asked Director Schneider if the drafts included all of the recommended changes. Schneider responded by explaining that the County Board received a clean copy of all three ordinances with no tracked changes. Schneider further explained that the consultant completed all of the formatting and that the documents should be at 95% completion. Schneider stated that staff had just received the documents that same week and wanted to provide the County Board with early copies. In the meantime, staff would review the draft documents and, hopefully, present final draft documents to the County Board for consideration in October. Commissioner Greene expressed concern with the Rural Village Center (RVC) Districts and asked if the draft ordinance would allow them to grow into cities. Schneider stated that any property owner adjacent to the RVC District could petition the County for their property to be Rezoned to RVC District thus growing the RVC District. Commissioner Greene suggested that the RVC District should allow residential, commercial, and light industrial uses. Schneider responded by explaining that the draft ordinance allowed for residential use as a Permitted Use within the RVC District. Commissioner Greene asked if light industrial uses would be allowed within the RVC District. Schneider responded that industrial uses were intended to be located within the Commercial / Limited Industrial (CLI) District. Commissioner Greene reiterated that he would like to see Rural Village Centers grow into cities. Commissioner Greene asked Schneider what he wanted the County Board to do in regard to wedding venues, as it related to adoption of the new Zoning Ordinance. Director Schneider encouraged the County Board to adopt the new Zoning Ordinance and then, if there were further Amendments related to such things as wedding venues or cannabis, the County Board could consider those Amendments separately. Schneider stated that the new ordinances weren't going to be perfect and that they were living documents and periodic review was vital. Commissioner Greene expressed concern about wedding venues and questioned how the County would respond if an application was received prior to considering an Ordinance Amendment. Schneider stated that, if another request for wedding venue was submitted, the County would process it with the current ordinance. Commissioner Greene introduced the idea of a moratorium on wedding venues. Schneider again recommended adoption of the new Zoning Ordinance and addressing other topics, such as wedding venues, at a later time. Commissioner Greene shared that the County Board had been working on the 2025 budget.

Commissioner Dahlberg shared that the County Board had effectively spent all ARPA money and that 2025 health insurance premiums were down from initial projections which would help with budgeting.

Miscellaneous – Motion by Yeager to cancel the special work session scheduled for September 19, 2024; second by Dubose. The **motion passed** 6-0.

Adjourn Meeting – Motion by DuBose to adjourn the meeting; second by Sutcliffe. The **motion passed** 6-0. The meeting adjourned at 8:18 PM.

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Hirsch Homestead
 11803 Olson Road, Sunrise Township
 DATE: October 3, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Hirsch Homestead, involving the creation of one 10± acre lot from a 50.7± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s): Virginia Carlson
 Applicant(s): Virginia Carlson
 General Location: 11803 Olson Road
 Sunrise Township
 Section 5, Township 35, Range 20
 PIDs: 09.00049.00
 Property Area: 50.7± Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Rural Residential I (RRI) District
 East: Rural Residential I (RRI) District (Plat of Sunrise Plantation)
 West: Agricultural (AG) District (Plat of Olson's Country Sites)
 Date Application Received: August 2, 2024
 Date Application Complete: August 5, 2024
 120-Day Review Period: December 3, 2024

BACKGROUND

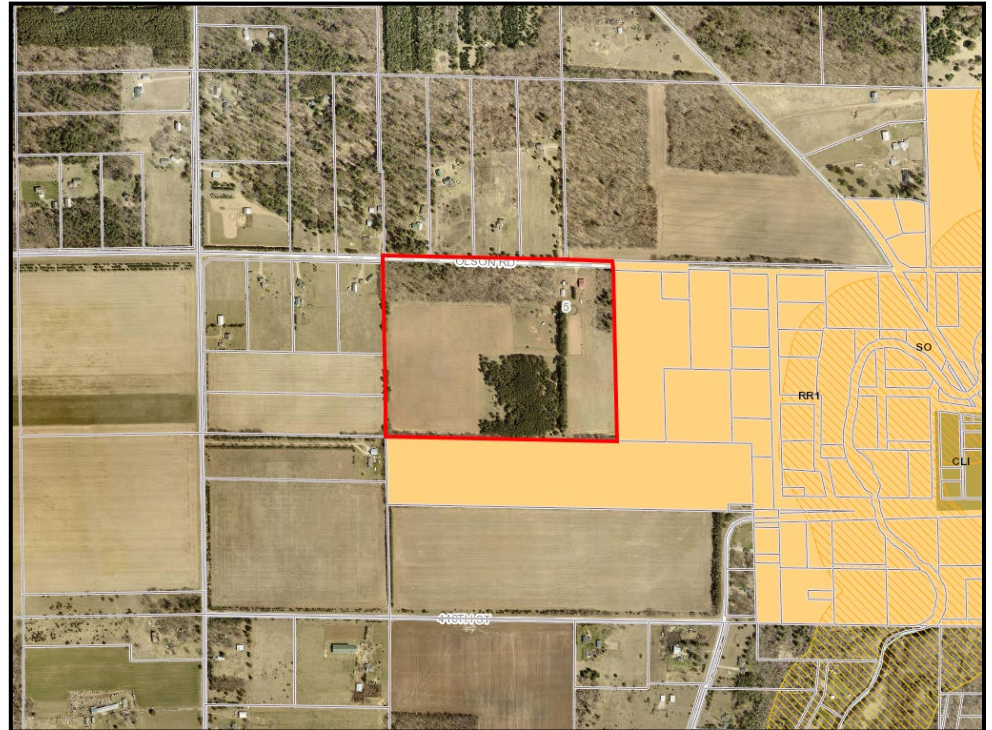
Property owner Virginia Carlson is seeking approval of the Preliminary Plat of Hirsch Homestead, involving the creation of one 10± acre lot from the 50.7± acre tract of land located at 11803 Olson Road in Sunrise Township. The approximate boundaries of the proposed lot are shown as a red dashed line in the adjacent image.



SITE & PROPOSAL ANALYSIS

The 50.7± acre subject site is generally located one-quarter mile east of Lowden Avenue and four-tenths of a mile west of Sunrise Road / CSAH 9 on the south side of Olson Road in Sunrise Township. The property owner is proposing to create one new 10± acre parcel from the 50.7± acre subject site, with the 40± acre remnant / residual parcel being exempt from the platting process as it's 20 acres or larger with at least 500' in all dimensions.

The subject site along with properties to the north and west are located within the Agricultural (AG) District, whereas properties to the east and one property to the south are located within the Rural Residential I (RRI) District as they're part of or near the historic Sunrise village center. The adjacent image shows the RRI District highlighted in yellow and the AG District with no highlighting.



Topography of the proposed lot includes nearly level elevations ranging from 835' to 838', with dense vegetation throughout the north 290'± of the lot and along the south property boundary. There are no identified wetlands. The proposed 10± acre lot appears to be used for agricultural purposes presently.

Surrounding properties range in size from five acres to 55 acres, with most surrounding properties having been developed for residential use and/or 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 lot. As proposed, Lot 1, Block 1, Hirsch Homestead complies with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	10± acres	342'±	1,316'±	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 / Plat Review Committee met with Virginia Carlson on September 11, 2024. Wetland Specialist Fertig commented that the wetland delineation and soils report had been verified and found to be accurate. The Committee did not identify any immediate concerns.

The Sunrise Town Board reviewed the proposed Preliminary Plat at its September 19, 2024 meeting and recommended approval with no comments or recommended conditions.

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 December 3, 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 Hirsch Homestead with conditions and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. The Preliminary Plat of Hirsch Homestead is approved per plat drawing dated signed June 28, 2024. 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. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Hirsch Homestead 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 Hirsch Homestead based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Hirsch Homestead.
4. **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 December 3, 2024 allowing the Planning Commission to further consider the request at its November 7, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1001, a resolution recommending approval of the Preliminary Plat of Hirsch Homestead, with conditions as presented or amended.

ATTACHMENTS

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. PC2024-1001



Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-1502

Township Sunrise S/T/R 5/35/20 PID# 09.00049.00
Project Address 11803 Olson Road, Harris, MN 55032
Property Owner(s) ~~Bluma~~ Virginia Carlson
Mailing Address (If Different from Project Address) Same
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Virginia Carlson
Mailing Address (If Different from Project Address) _____
Phone# _____ Email _____

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) Single lot sub division - 10 acres

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

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

Virginia Carlson
Applicant Signature

6/28/24
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		Dates	
Base Fee	\$ <u>500</u>	Application Received	<u>8-2-24</u>
Recording Fee	\$ <u>46</u>	Application Complete	<u>8-5-24</u>
Plat Fee - No Road(s) / With Road(s)	\$ <u>150</u>	60 / 120 Day Review Period	<u>12-3-24</u>
Septic Compliance Fee	\$ _____	Extended Review Period	_____
Wetland Fee	\$ <u>ALA CART</u>		
TOTAL FEE	\$ <u>696</u>		



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Sunrise S/T/R 5/35/20 PID# 09.00049.00
Project Address 11803 Olson Road, Harris, MN 55032
Property Owner(s) Virginia Carlson
Mailing Address (If Different from Project Address) Same
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Virginia Carlson
Mailing Address (If Different from Project Address) _____
Phone# _____ Email _____

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) Single lot sub-division - 10 acres

Virginia Carlson
Applicant Signature

6/28/24
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 OCT 3, 2024

Date of Township Presentation SEPT 19, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

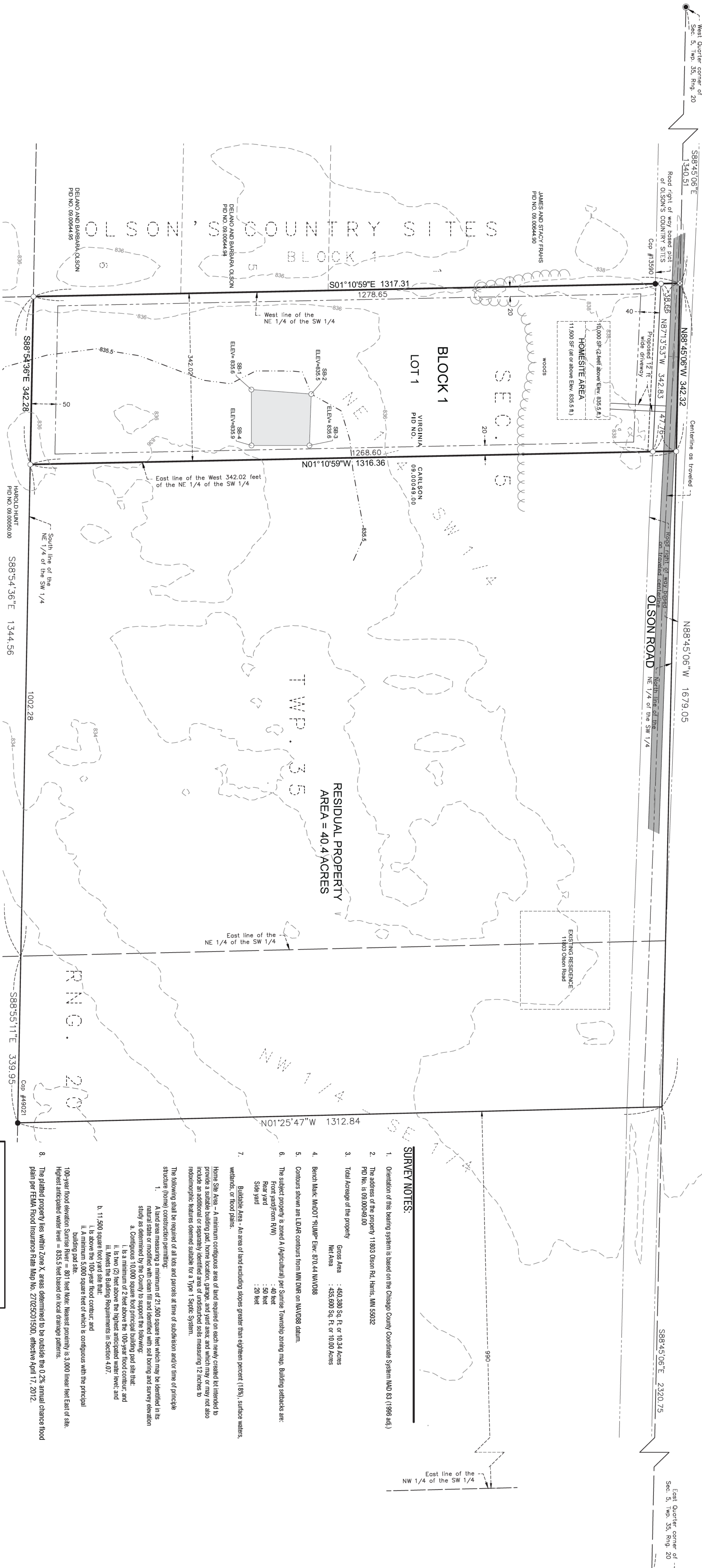
Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

NO RECOMMENDATIONS

Signatures of Township Officials or Authorized Personnel

Carl P. Johnson [Signature] Adm. H. Erlone #9/19/2024
[Signature] [Signature]

PRELIMINARY PLAT OF HIRSCH HOMESTEAD



SURVEY NOTES:

- Orientation of this bearing system is based on the Chicago County Coordinate System M4D 83 (1986 adj.)
- The address of the property 11803 Olson Rd, Harris, MN 55032
PID No. is 09.00049.00
- Total Acreage of the property
Gross Area : 450,380 Sq. Ft. or 10.24 Acres
Net Area : 435,000 Sq. Ft. or 10.00 Acres
- Bench Mark: MNDOT "MUMIP" Elev.: 870.44 (MVD08)
- Contours shown are LDMR contours from MN DMR on MVD08 datum.
- The subject property is zoned A (Agricultural) per Sunrise Township zoning map. Building setbacks are:
Front yard (from R/W) : 40 feet
Rear yard : 50 feet
Side yard : 20 feet
- Buildable Area - An area of land excluding slopes greater than eighteen percent (18%), surface waters, wetlands, or flood plains.
- Home Site Area - A minimum contiguous area of land required on each newly created lot intended to provide a suitable building pad, home location, garage, and yard area, and which may or may not also include an additional or separately identified area of undisturbed soils measuring 12 inches to redoximorphic features deemed suitable for a Type 1 Septic System.
The following shall be required of all lots and parcels at time of subdivision and/or time of principal structure (home) construction permitting:
1. A land area measuring a minimum of 21,500 square feet which may be identified in its natural state or modified with clean fill and identified with soil boring and survey elevation study as determined by the County to support the following:
a. Contiguous 10,000 square foot principal building pad site that:
i. Is a minimum of 2 feet above the 100-year flood contour; and
ii. Is two (2) feet above the highest anticipated water level; and
iii. Meets the Building Requirements in Section 4.07.
b. 11,500 square foot yard site that:
i. Is above the 100-year flood contour; and
ii. A minimum 5,000 square foot of which is contiguous with the principal building pad and is 601 feet above the highest anticipated water level.
100-year flood elevation Sunrise is 835.5 feet based on local drainage patterns.
Highest anticipated water level = 835.5 feet based on local drainage patterns.
- The platted property lies within Zone X areas determined to be outside the 0.2% annual chance flood plain per FEMA Flood Insurance Rate Map No. 27025C0150D, effective April 17, 2012.

LEGEND

- A CHISAGO COUNTY MONUMENT
- A FOUND 1/2" IRON PIPE
- MONUMENT W/CAP MARKED 13590
- A SET IRON PIPE MONUMENT
- W/CAP 42#48 TO BE SET WITHIN 1 YEAR FROM PLAT APPROVAL
- ⊗ A SET MAGNETIC NAIL
- ⊗ W/WASHER INSCRIBED 42#48
- SB SOIL BORING

PROPERTY DESCRIPTION:

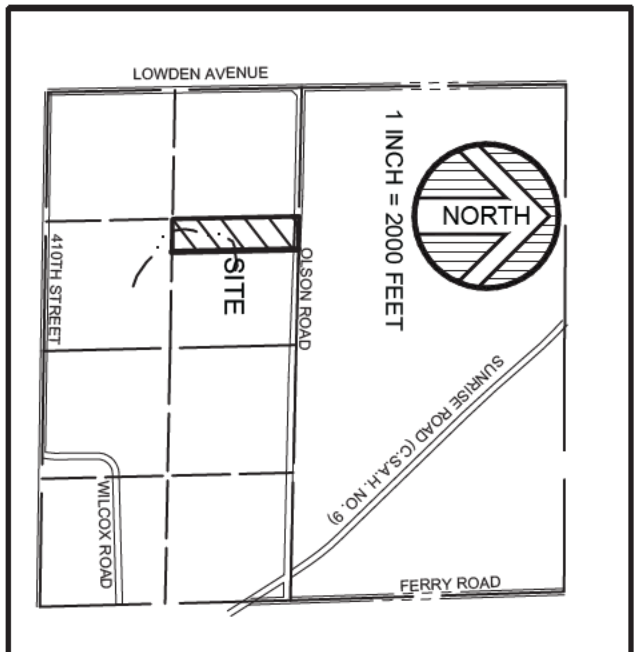
The West 342.02 feet of the Northeast Quarter of the Southwest Quarter, Section 5, Township 35, Range 20, Chisago County, Minnesota.

WETLAND SPECIALIST
JACOBSON ENVIRONMENTAL CONSULTANT
2109 JOPLIN STREET
MORA, MN 55051
(612) 802-5619

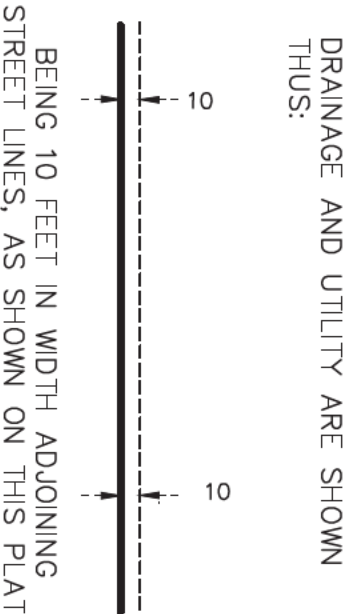
LAND SURVEYOR
WIDSETH
KELLY JORDAN
5368 26TH ST
WYOMING, MN 55092
PHONE (651) 353-2343

OWNER & DEVELOPER
VIRGINIA CARLSON
11803 OLSON ROAD
HARRIS, MN 55032
651-491-9818
GINVOTTER@GMAIL.COM

SOIL BORING
JOSH PUTT LLC #4063
PO BOX 45
SHAFER, MN 55074
651-900-1567
TEST DATE: MAY 18, 2024



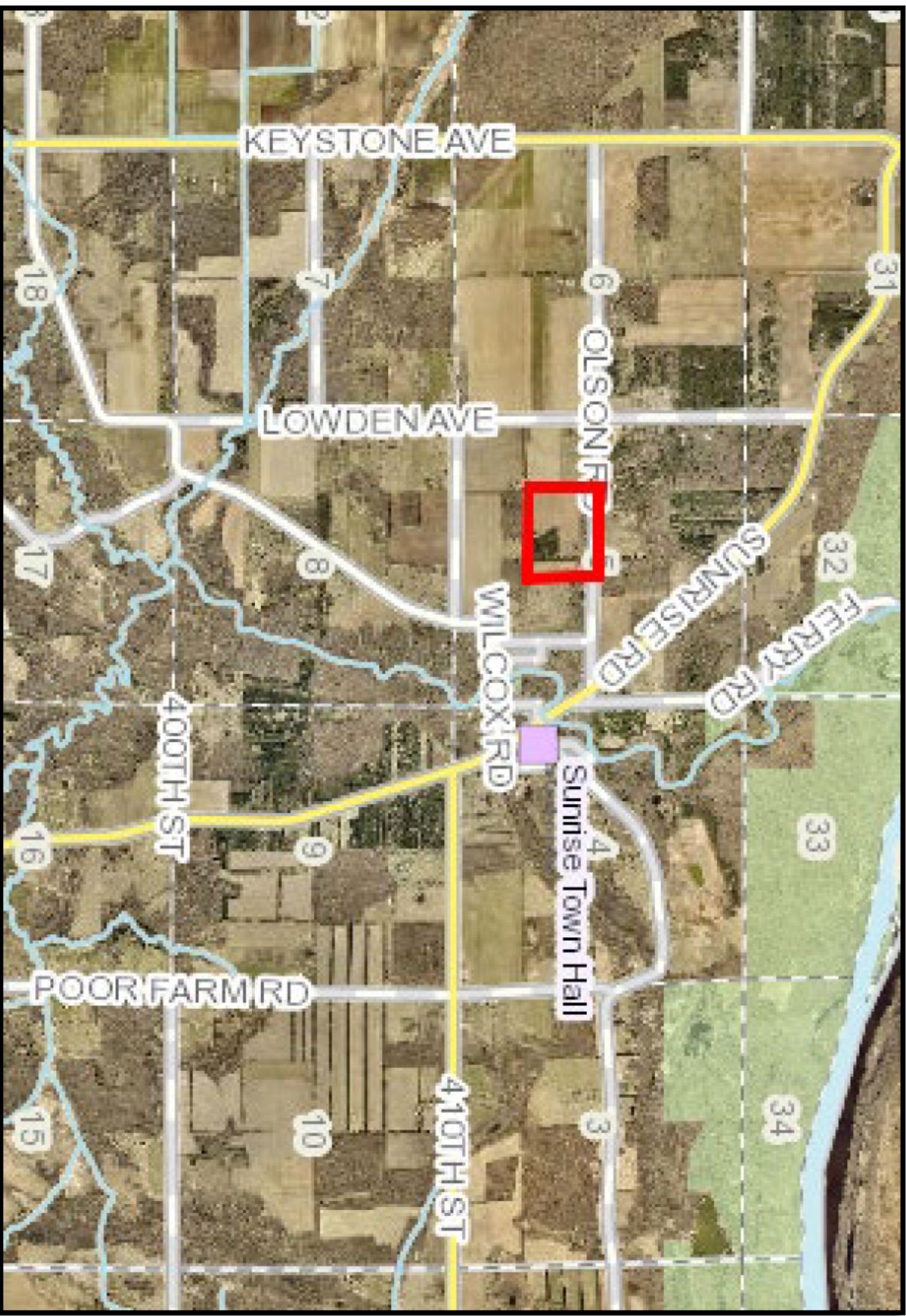
SEC. 5, T35, R20
SUNRISE TOWNSHIP
CHISAGO COUNTY, MINNESOTA



Virginia Carlson – Property owner Virginia Carlson is requesting approval of the Preliminary Plat of Hirsch Homestead involving the creation of one 10± acre lot from a 50.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11803 Olson Road in Sunrise Township, S5, T35, R20 (PID 09.00049.00).



Virginia Carlson – Property owner Virginia Carlson is requesting approval of the Preliminary Plat of Hirsch Homestead involving the creation of one 10± acre lot from a 50.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11803 Olson Road in Sunrise Township, S5, T35, R20 (PID 09.00049.00).



RESOLUTION NO. PC2024-1001
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF HIRSCH HOMESTEAD

WHEREAS, property owner Virginia Carlson submitted an application dated received August 2, 2024 and considered complete on August 5, 2024 for the Preliminary Plat of Hirsch Homestead; and

WHEREAS, the property owner wishes to create one 10± acre lot from the 50.7± acre subject site; and

WHEREAS, the subject site is located at 11803 Olson Road in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00049.00

Northeast Quarter of Southwest Quarter (NE 1/4 of SW 1/4) and Northwest Quarter of Southeast Quarter (NW 1/4 of SE 1/4), except the East 990 feet of the Northwest Quarter of Southeast Quarter (NW 1/4 of SE 1/4) of Section Five (5), Township Thirty-five (35), Range Twenty (20), Chisago County, Minnesota.

WHEREAS, notice was provided and on October 3, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Hirsch Homestead was 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 Hirsch Homestead is approved per plat drawing dated signed June 28, 2024. 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. 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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of October, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Interim Use Permit for Accessory Structure
 375th Street / CSAH 11 and Pottery Trail, Amador Township
 DATE: October 3, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing an accessory structure for personal use and storage without the presence of a principal use structure.

SITE & APPLICATION INFORMATION

Property Owner(s): Mariah Van Heel
 Applicant(s): Mariah Van Heel
 General Location: Southwest corner of 375th Street / CSAH 11 and Pottery Trail
 Amador Township
 Section 26, Township 35, Range 20
 PID: 01.00393.10
 Property Area: 29± 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: August 5, 2024
 Date Application Complete: August 5, 2024
 60-Day Review Period: October 4, 2024
 Extended Review Period: December 3, 2024

BACKGROUND

Property owner Mariah Van Heel has applied for an Interim Use Permit (IUP) to allow a singular accessory structure (pole building) on her 29± acre property without the presence of a principal use structure, such as a dwelling.



SITE & PROPOSAL ANALYSIS

The 29± acre subject site is located at the southwest corner of 375th Street / CSAH 11 and Pottery Trail in Amador Township. Topography of the site includes slightly rolling elevations of 979' to 995'. Additionally, the site appears to include pockets of forestation and three distinct wetland areas (refer to the adjacent image). The attached site plan shows an existing / proposed driveway access from Pottery Trail between the large stands of trees and the south property boundary.

The application materials indicate that the proposed accessory structure will be 40' x 80' (3,200 sf) in size with 16' side walls. The written narrative explains that the structure will be for personal storage.

The narrative also explains that the property owner intends to further develop the subject site with a dwelling in the future. Staff notes that, with IUP approval, the property owner would not be required to further develop the site with a dwelling.



The site plan, while not to scale, shows that the proposed location of the accessory structure is approximately 139' from the south property boundary, 513' from the west property boundary, 1,098' from the north property boundary / 375th Street, and 125' from the east property boundary / Pottery Trail. The required setbacks are 40' from Township Right-of-Way / 73' from centerline, 20' from side yards, and 50' from rear yard. While the proposed setbacks don't perfectly align with the actual property dimensions, it's clear that the proposed location far exceeds all required setbacks.

The subject site is located in the AG District and is entirely surrounded by properties in the AG District. Properties in the general area range in size from 10 acres to 80 acres, with the majority of properties having been developed for residential purposes and/or being used for agricultural purposes.

The application does not include a request for sanitary facilities within the proposed accessory structure; therefore, no sanitary facilities will be allowed until and unless the property is further developed with a principal use structure.

REVIEW PROCESS

The Technical Review Committee met with Mariah Van Heel on September 11, 2024. The Committee did not identify any immediate concerns with the request.

The Amador Town Board considered the request at its September 17, 2024 meeting and recommended approval with no comments or recommended conditions.

The application was submitted on August 5, 2024 and deemed complete on the same date. The initial State mandated 60-day review period is scheduled to expire on October 4, 2024 and, because this timeframe will not accommodate all necessary meetings, staff extended the review period by an additional 60 days as allowed per Minnesota Statute 15.99. The extended review period will expire on December 3, 2024.

WRITTEN TESTIMONY

No written testimony was received upon completion of the staff report.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Amador Town Board, serving as Road Authority for Pottery Trail, did not provide any written concern regarding the impact on Pottery Trail following its September 17, 2024 review of the request.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development

- does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3* *Given the size of the subject site (29± acres), the existing forestation / vegetation, the current agricultural use of neighboring properties, the size of adjacent properties, and the fact that the structure is proposed to exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4* *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5* *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6* *See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7* *The proposed accessory structure is intended for the property owner's personal use and storage. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a single family dwelling, which is a Permitted Use in the same zoning district – and will not cause traffic hazard or congestion. Further, the Amador Town Board, serving as Road Authority for Pottery Trail, did not communicate any concerns related to traffic hazards or congestion on Pottery Trail following its September 17, 2024 review of the request.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8* *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties*

by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

STAFF RECOMMENDATION

Staff believes that the proposed Interim Use Permit (IUP) complies with and is consistent with the intent of the County's Zoning Ordinance. 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 IUP with draft Findings of Fact (see above) and conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. This approval allows for a singular 3,200 sf accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the application materials dated received August 5, 2024 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure or the permit holder requests an Amendment to this Interim Use Permit.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Amendment to this Interim Use Permit.
5. 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.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. *(Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Interim Use Permit.
4. **Table the request** to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on December 3, 2024 allowing the Planning Commission to further consider the request at its November 7, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1002, a resolution recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 01.00393.10 in Amador Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
 - d. Building plans
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Draft Resolution No. PC2024-1002



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 24-1524

Township Amador S/T/R 26/35/20 PID# 01.00393.10

Project Address _____

Property Owner(s) Mariah Van Heel

Mailing Address (If Different from Project Address) 540 Lois LN Lino Lakes MN 55014

Phone# _____ Email _____

Applicant(s) Mariah Van Heel

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

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) I would like to Build a 40x80 Pole

shed. / Accessory structure without A Dwelling

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

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

WJH

8-3-24

Fees		Dates	
Base Fee	\$ <u>650-</u>	Application Received	<u>8-5-24</u>
Recording Fee	\$ <u>46-</u>	Application Complete	<u>8-5-24</u>
Plat Fee - No Road(s) / With Road(s)	\$ _____	☒ 60 Day Review Period	<u>10-4-24</u>
Septic Compliance Fee	\$ _____	Extended Review Period	<u>12-3-24</u>
Wetland Fee	\$ _____		
TOTAL FEE	\$ <u>696-</u>		



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Amador S/T/R 26/35/20 PID# 01.00393.10

Project Address _____

Property Owner(s) mariah VanHeel

Mailing Address (If Different from Project Address) 540 Lois LN Lino Lakes mn 55014

Phone# _____ Email _____

Applicant(s) mariah VanHeel

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

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) I would like to Build a 40x80
Pole shed / Accessory structure without a dwelling
Wk 8-3-24

Date of County Public Hearing OCT. 3, 2024 Date of Township Presentation SEPT. 17, 2024

Township Action Taken (Township Use Only)

- ☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

Ain Strong AMT FINE Pete Sh

Parcel Id number 01.00393.10

Almelund Mn

Hello I am looking to build a 40x80x16 pole shed on my Agriculture land for my own storage this year, 2024 before winter. In the future I plan to build a house on my property and homestead it. Someday in the future I'd like to put a toilet and sink into this shed. Just a girl trying to start a future.
Thank you for your time.

Mariah Van Heel

But not until
there is A Home Built.

North

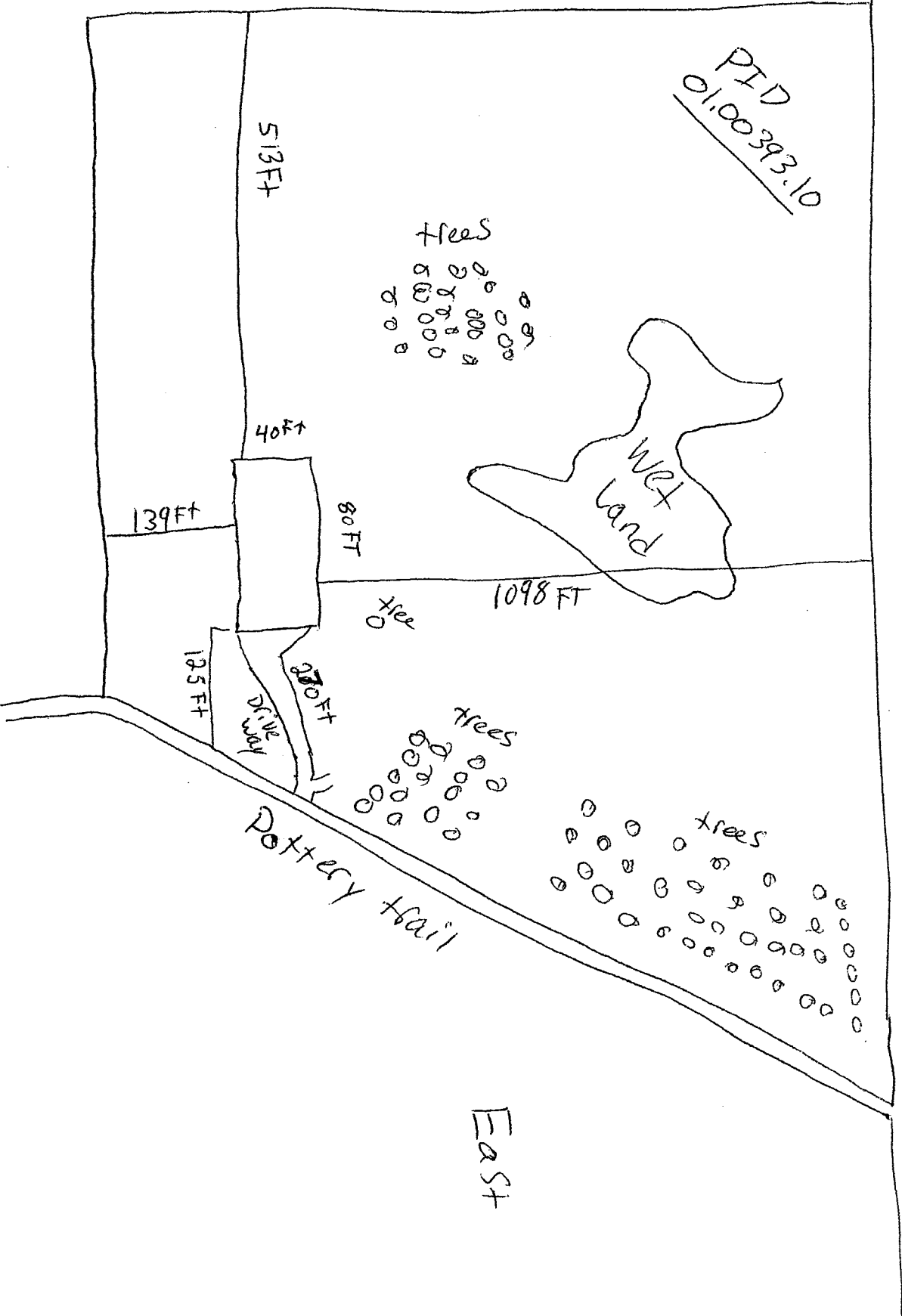
375th St

PID
01.00393.10

West

East

South



Date: 08/05/2024 - 11:34 AM

Design Name: Post Frame Design

Design ID: 322054250401

Estimated price: \$28,936.70 *

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

MENARDS

Design & Buy™

POST FRAME

How to recall and purchase a saved design at home

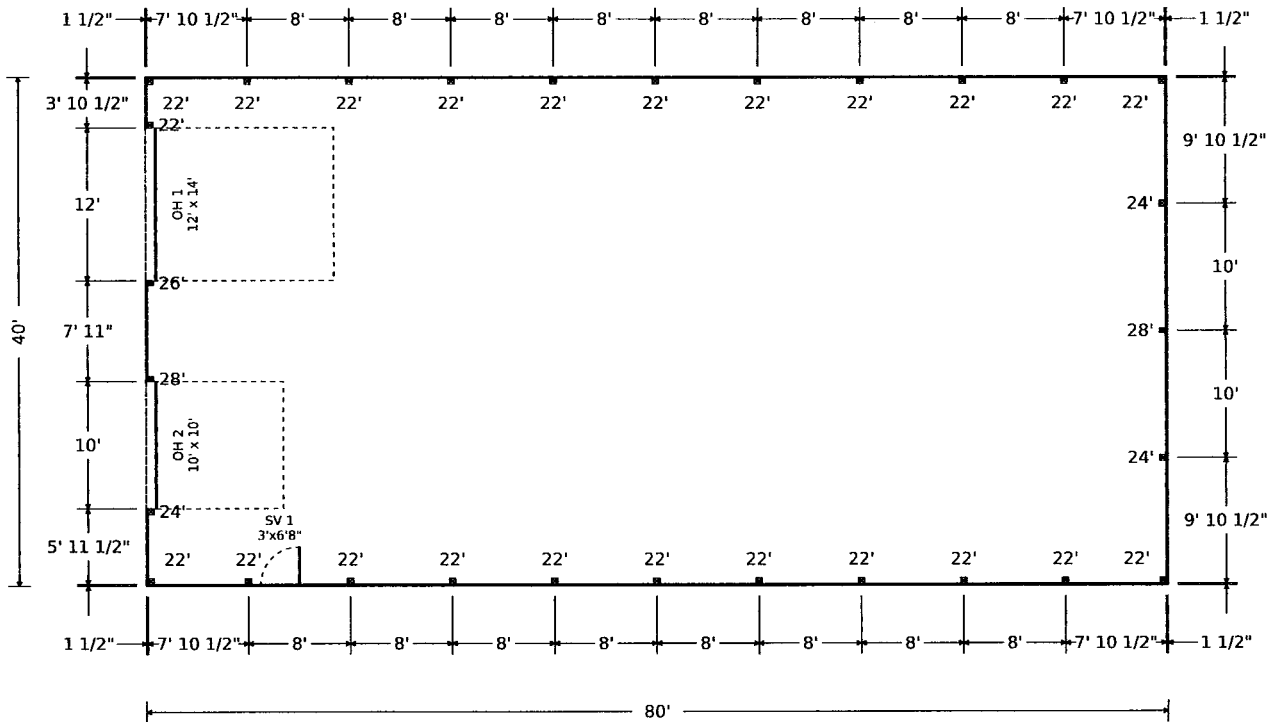


OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Buildings Designer
3. Recall your design by entering Design ID: 322054250401
4. Follow the on-screen purchasing instructions

How to purchase at the store

1. Enter Design ID: 322054250401 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions.



For other design systems search "Design & Buy" on Menards.com



Elevation Views





Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products visit us on the web at www.midwestmanufacturing.com.

*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.

Design #: 322054250401
Store: ST. CROIX FALLS



Post Frame Building Estimate

Date: Aug 5, 2024 11:34:47 AM

Building Information

1. Building Use:	Code Exempt
2. Width:	40 ft
3. Length:	80 ft
4. Inside Clear Height:	16 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

Wall Information

1. Post Spacing:	8 ft
2. Post Type:	Posts
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Midnight Gray
6. Trim Color:	Midnight Black
7. Wainscot Size:	36 in
8. Wainscot Color:	Midnight Black
9. Sidewall A Wainscot:	Yes
10. Sidewall B Wainscot:	Yes
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Gable Accent:	No
14. Sidewall A Eave Light:	None
15. Sidewall B Eave Light:	None
16. Wall Fastener Location:	In the Flat
17. Bottom Trim:	Yes
18. Gradeboard Type:	2x8 Treated Gradeboard

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Condensation Control:	None

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	8 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Midnight Black
5. Ridge Options:	Pro-Sky Ridge Cap
6. Roof Fastener Location:	In the Flat
7. Endwall Overhangs:	1 ft
8. Sidewall Overhangs:	1 ft
9. Fascia Size:	4 in Fascia
10. Soffit Color:	Midnight Black
11. Skylight Size:	None
12. Ridge Vent Quantity:	None
13. Ceiling Liner Type:	None
14. Purlin Placement:	On Edge
15. Ceiling Insulation Type:	None

Accessories

1. Outside Closure Strip:	Economy Vented
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Mini Print:	Email Only

Design #: 322054250401
Store: ST. CROIX FALLS



Post Frame Building Estimate
Date: Aug 5, 2024 11:34:47 AM

Doors & Windows

Name	Size	Wall
Window	48"x36"	1-B
Window	48"x36"	1-B
Service Door	36"x80"	1-B
Overhead Door	12' x 14'	1-C
Overhead Door	10' x 10'	1-C

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

Project Name: QTREC0862708 **Qty:** 5 **Truss:** P1

Customer: NEW JOB

S.D:
T.O: CTRC086
Date: 08-01-24
Page: 1 of 1

The structural drawing consists of three main parts:

- Top View:** A plan view of the truss showing its footprint. It includes dimensions for various segments along the bottom chord: 7' 6.9", 12', 13' 0.4", 20' 0.6", 26' 2.12", 32' 5.7", and 40' 0.0". The total length is 140' 0.0".
- Side Elevation:** A vertical cross-section of the truss. It shows a peak height of 7' 11.9". Members are labeled with their sizes and types, such as 5x10 18 for the top chord, 10x12 2pt for the top chord near the peak, 5x10 for the top chord near the supports, 10x12 18pm for the bottom chord at the center, 9x12 18pm for the bottom chord near the supports, and 3x4 for the end bracing.
- Member Forces Summary:** A table listing the axial forces in each member.

Member	Force (kips)
1	7.69
2	7.69
3	12.0
4	13.04
5	20.06
6	26.212
7	32.57
8	40.0
9	40.0
10	40.0
11	40.0
12	40.0
13	40.0
14	40.0
15	40.0
16	40.0
17	40.0
18	40.0
19	40.0
20	40.0
21	40.0
22	40.0
23	40.0
24	40.0
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99	40.0
100	40.0

Material Summary

Reaction Summary

Deflection Summary

Loads Summary

Notes

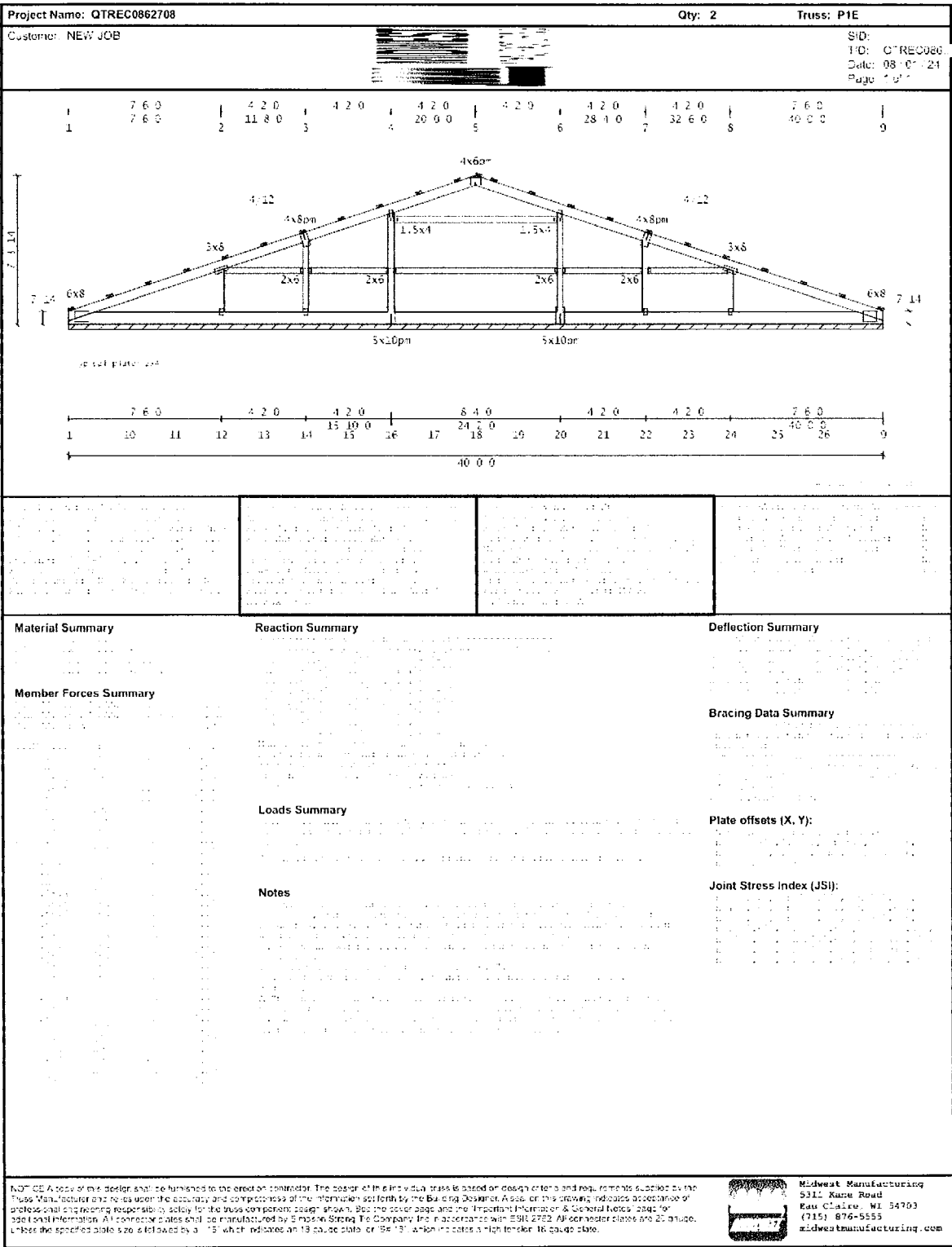
Bracing Data Summary

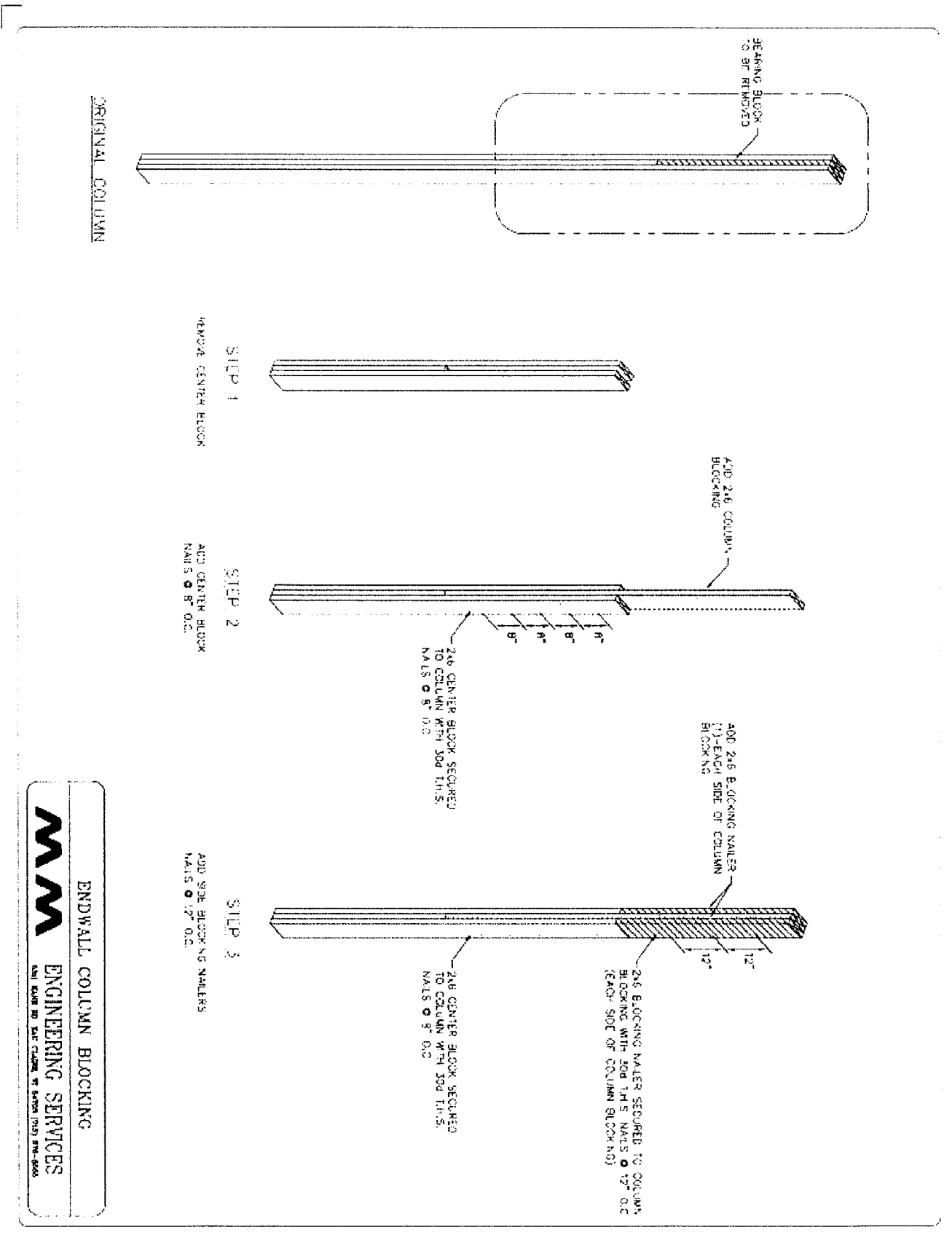
Plate offsets (X, Y):

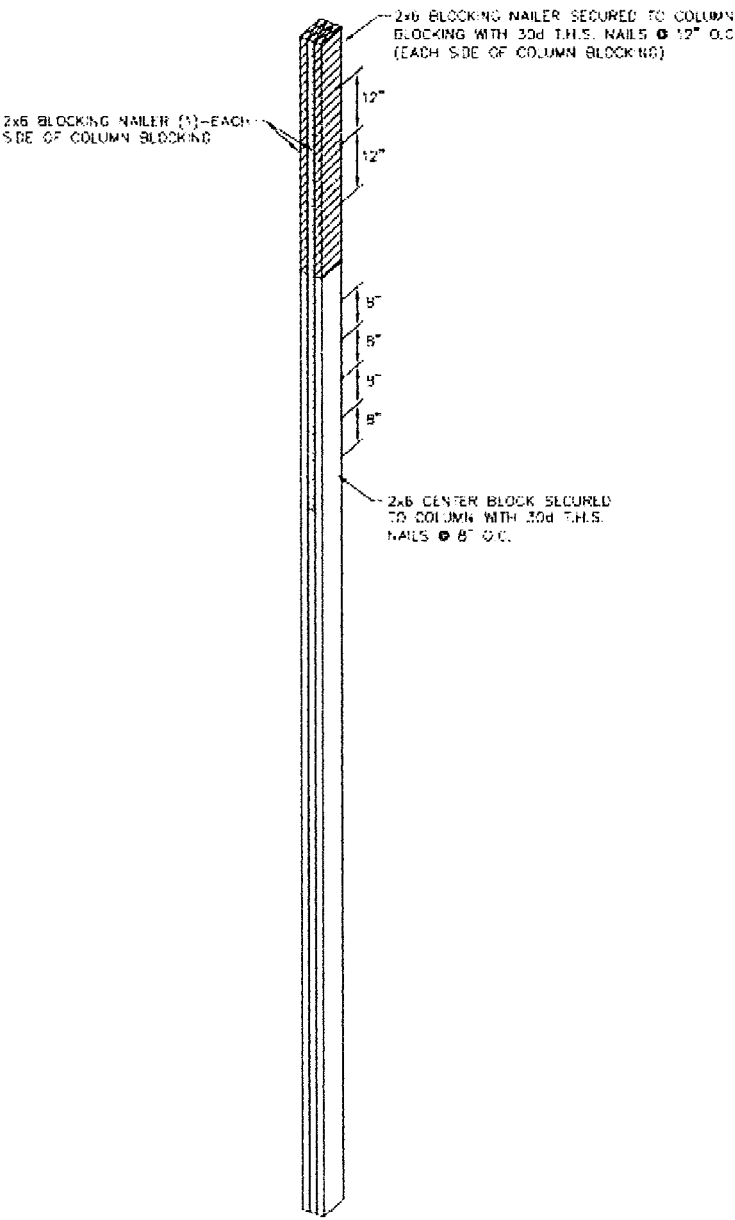
Joint Stress Index (JSI):

NOTICE: A copy of this design shall be furnished to the erection contractor. The design of this individual truss is based on design criteria and requirements supplied by the Truss Manufacturer and relies upon the accuracy and completeness of the information so forth by the Building Designer. A portion of this drawing indicates acceptance or professional engineering responsibility solely for the truss component design shown. See the cover page and the Important Information & General Notes pages for additional information. All connector plates shall be manufactured by Simpson Strong-Tie Company, Inc. in accordance with ESRI 2782. All connector plates are 20 gauge, unless the specified plate size is followed by a "18" which indicates an 18 gauge plate, or "16" which indicates a high-tensile 16-gauge plate.

Midwest Manufacturing
5311 Kuntz Road
Eau Claire, WI 54603
(715) 876-5855
midwestmanufacturing.com





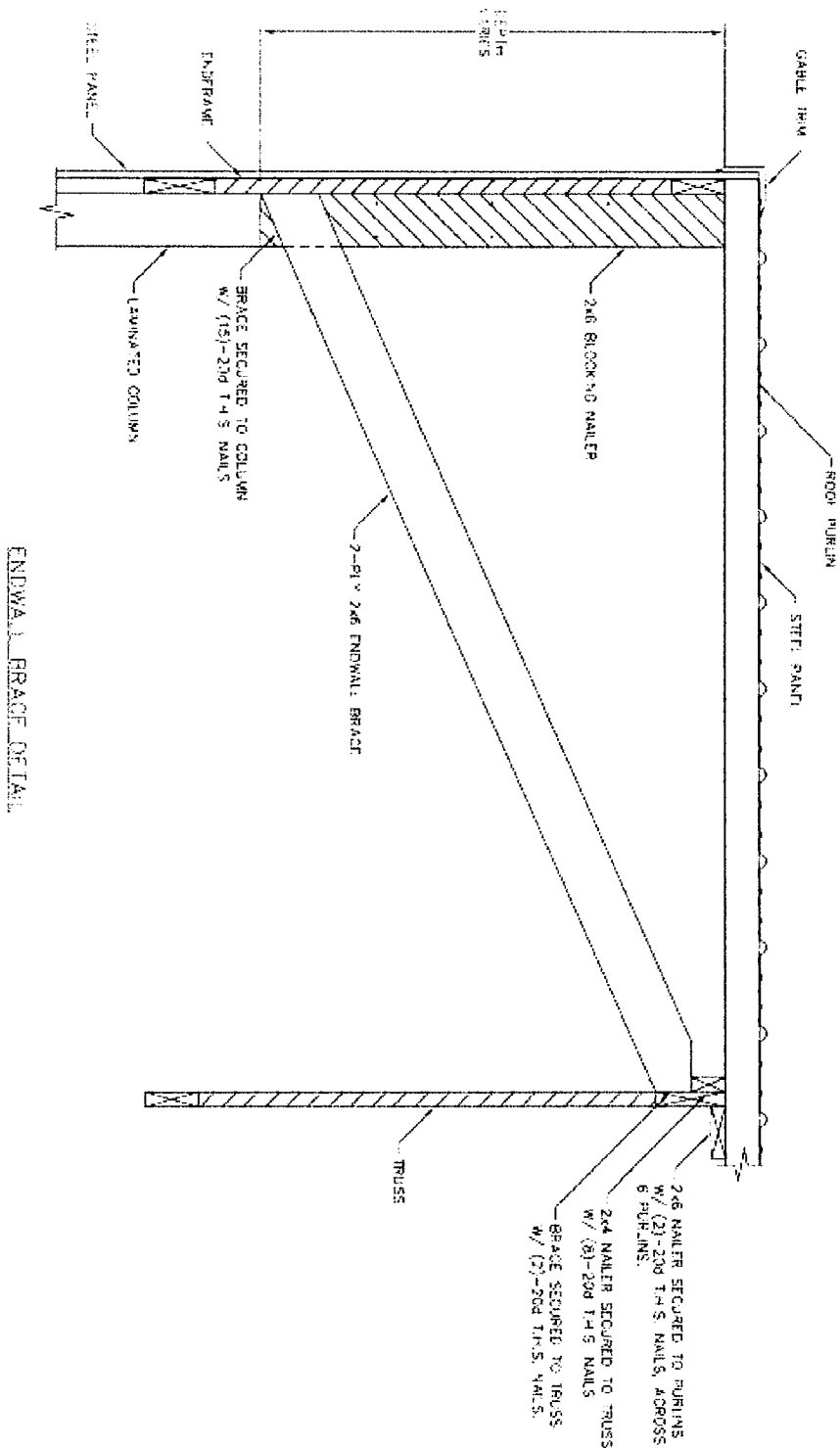


ENDWALL COLUMN BLOCKING DETAIL

ENDWALL COLUMN BLOCKING DETAIL

ENGINEERING SERVICES

2011 EAST 100 EAST CLARK, WI 54700 (715) 878-0000



ENDWALL BRACE DETAIL

ENDWALL BRACE DETAIL

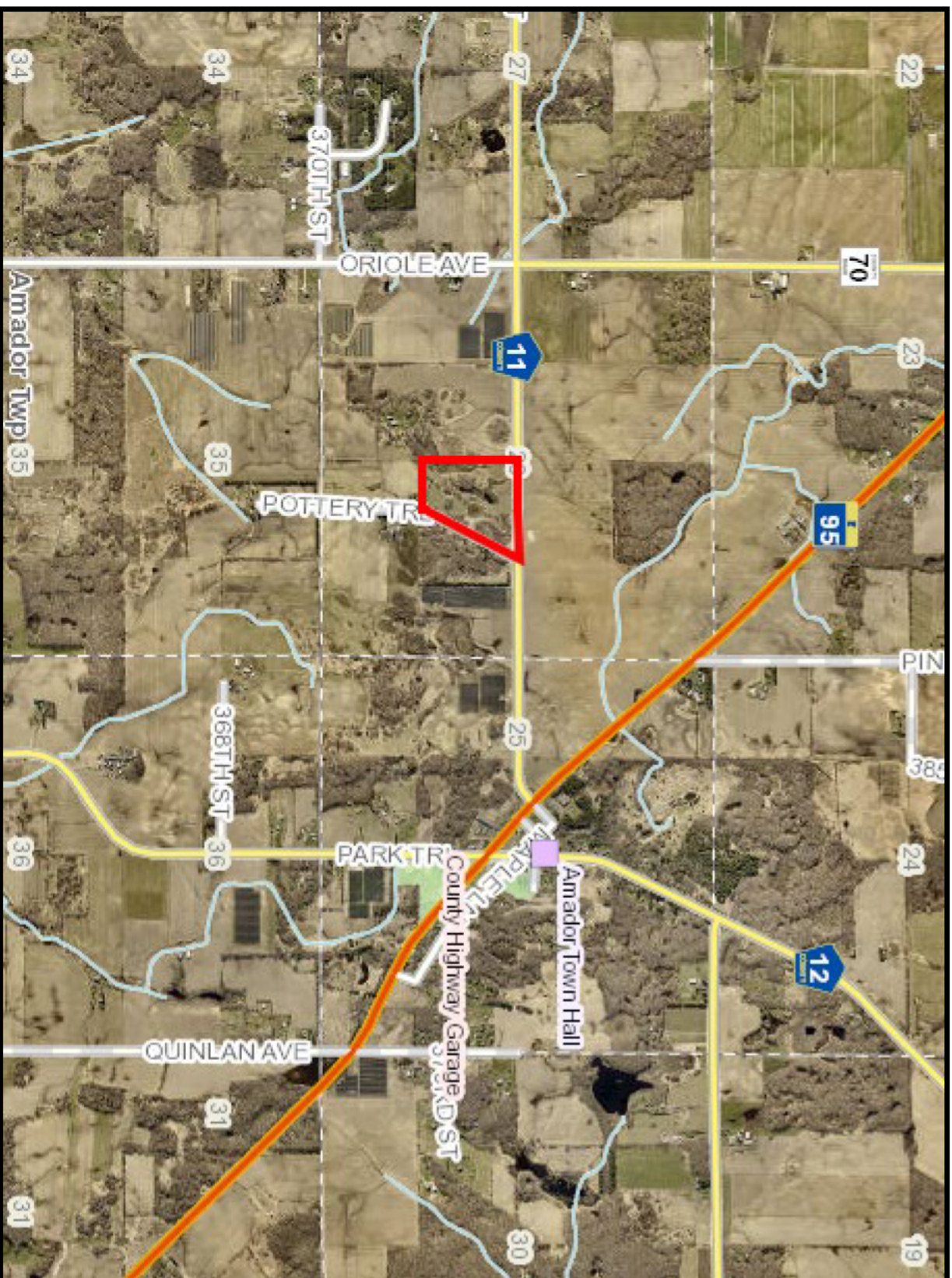
**MWM** ENGINEERING SERVICES

SEE DRAWING FOR THE LOCATION OF BRACE FROM THE COLUMN

Marich Van Heel – Property owner Marich Van Heel is requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 29± acre property in the Agricultural (Ag) District. The subject site is generally located at the southwest corner of the intersection of 375th Street / CSAH 11 and Pottery Trail in Amador Township, S26, T35, R20 (PID 01.00393.10).



Mariah Van Heel – Property owner Mariah Van Heel is requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 29± acre property in the Agricultural (AG) District. The subject site is generally located at the southwest corner of the intersection of 375th Street / CSAH 11 and Pottery Trail in Amador Township, S26, T35, R20 (PID 01.00393.10).



RESOLUTION NO. PC2024-1002
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING AN ACCESSORY
STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE STRUCTURE ON
PROPERTY IDENTIFIED AS PID 01.00393.10 IN AMADOR TOWNSHIP

WHEREAS, property owner Mariah Van Heel submitted an application dated received and considered complete on August 5, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at the southwest corner of 375th Street / CSAH 11 and Pottery Trail in Amador Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 29± acres in size and legally described as:

PID 01.00393.10

The West Half of the Northwest Quarter of the Southeast Quarter of Section 26, Township 35 North, Range 20 West, Chisago County, Minnesota.

AND

That part of the following described real property lying northwesterly of the centerline of Pottery Trail:
The West Half of the West Half of the Northeast Quarter of the Southeast Quarter (W1/2 of W1/2 of NE1/4 of SE1/4) and
The East Half of the Northwest Quarter of the Southeast Quarter (E1/2 of NW1/4 of SE1/4),
all located in Section 26, Township 35, Range 20, Chisago County, Minnesota.

WHEREAS, notice was provided and on October 3, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

- Finding #2 Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Amador Town Board, serving as Road Authority for Pottery Trail, did not provide any written concern regarding the impact on Pottery Trail following its September 17, 2024 review of the request.*
- Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3 Given the size of the subject site (29± acres), the existing forestation / vegetation, the current agricultural use of neighboring properties, the size of adjacent properties, and the fact that the structure is proposed to exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 The proposed accessory structure is intended for the property owner's personal use and storage. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a single*

family dwelling, which is a Permitted Use in the same zoning district – and will not cause traffic hazard or congestion. Further, the Amador Town Board, serving as Road Authority for Pottery Trail, did not communicate any concerns related to traffic hazards or congestion on Pottery Trail following its September 17, 2024 review of the request.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit, subject to the following conditions:

1. This approval allows for a singular 3,200 sf accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the application materials dated received August 5, 2024 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure or the permit holder requests an Amendment to this Interim Use Permit.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Amendment to this Interim Use Permit.
5. 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.

6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of October, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Goose Lake Acres
 48300 Cedarcrest Trail / CSAH 8, Nessel Township
 DATE: October 3, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Goose Lake Acres, involving the creation of three lots from a 40± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s): David & Sheryl Nichols
 Applicant(s): Dennis Batty
 General Location: 48300 Cedarcrest Trail / CSAH 8
 Nessel Township
 Section 34, Township 37, Range 22
 PIDs: 06.00707.00
 Property Area: 40± Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Agricultural (AG) District
 East: Agricultural (AG) District
 West: Agricultural (AG) District / Shoreland Management District
 Date Application Received: August 21, 2024
 Date Application Complete: August 27, 2024
 120-Day Review Period: December 25, 2024

BACKGROUND

Property owners David & Sheryl Nichols and applicant Dennis Batty of Dennis Batty & Associates, Inc., are seeking approval of the Preliminary Plat of Goose Lake Acres, involving the creation of three lots, ranging in size from 5± acres to 7.5± acres, from the 40± acre tract of land located at 48300 Cedarcrest Trail / CSAH 8 in Nessel Township. The approximate outer boundary of the proposed lots is shown as a red dashed line in the adjacent image.

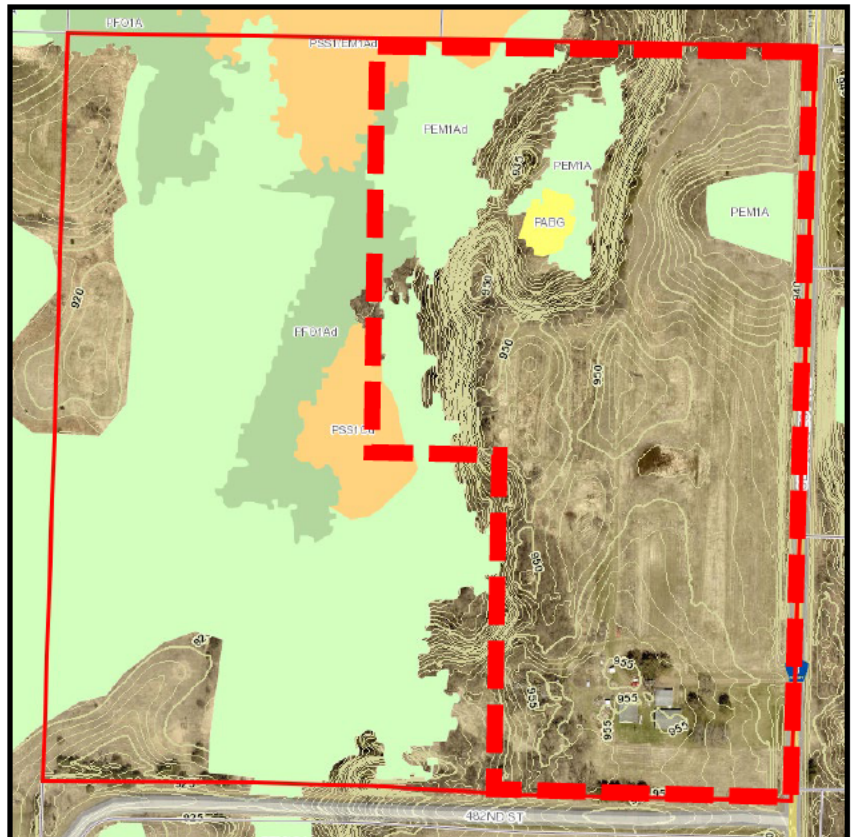


SITE & PROPOSAL ANALYSIS

The 40± acre subject site is generally located at the northwest corner of Cedarcrest Trail / CSAH 8 and 482nd Street and as close as approximately 540' east of Goose Lake in Nessel Township. The subject site and all surrounding properties are located within the Agricultural (AG) District. The southwest corner of the subject site is located within the Shoreland Management District given its proximity to Goose Lake; however, as a non-riparian property, it's subject to the underlying regulations of the AG District. Also, the portion of the property which is located within the Shoreland Management District is the portion shown to be exempt from the plat.

The property owners are proposing to create three new lots from the 40± acre subject site, with the 20.63± acre remnant parcel, located west of the three proposed lots, being exempt from the platting process as it's 20 acres or larger with at least 500' in all dimensions. Proposed Lot 3 is shown to be developed with a dwelling and three detached accessory structures. Additionally, the Preliminary Plat drawing shows two existing building foundations adjacent to the proposed west property boundary. One of these foundations is located within the required structural setback area. The foundation itself is not necessarily an encroachment as it no longer constitutes a structure; however, if the plat is approved and the proposed west property boundary is created, the Department of Environmental Services will not allow a structure to be constructed on this foundation and would encourage the property owners to remove the foundation.

Elevations of the southernmost proposed lot are relatively level, ranging from approximately 947' to 955', whereas elevations for the two northern proposed lots range more significantly from approximately 920' to 953'. The subject site features significant wetland areas (shown highlighted in green and yellow in the adjacent image), with the majority of wetlands being located on the portion of the property which is exempt from the plat. The Preliminary Plat drawing shows wetland areas scattered throughout proposed Lots 1 – 3, with the majority of wetlands being located adjacent to the west property boundary of Lots 1 and 2. These wetland areas do not appear large enough to prevent development of the proposed lots and, further, the Preliminary Plat drawing shows sufficient Home Site Areas outside of the wetland areas.



Adjacent properties range in size from five acres to 35 acres, with properties in the surrounding area ranging more widely from 1 – 2 acres (adjacent to Goose Lake) to 111 acres (to the east). Most surrounding properties have been developed for residential use and/or are 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, all lots comply with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1, Block 1	7.51 acres	450'±	669'±	21,500 sf
Lot 2, Block 1	5.01 acres	365'±	669'±	21,500 sf
Lot 3, Block 1	5.19 acres	515'±	440'±	Already developed

* 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 / Plat Review Committee met with David Nichols and Dennis Batty on September 11, 2024. Wetland Specialist Fertig commented that the wetland delineation and soils report had been verified and found to be accurate. The Committee did not identify any immediate concerns.

The Nessel Town Board reviewed the proposed Preliminary Plat at its September 10, 2024 meeting and recommended approval with no comments or recommended conditions.

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 December 25, 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 Goose Lake Acres with conditions and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. The Preliminary Plat of Goose Lake Acres is approved per plat drawing dated signed August 13, 2024. 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. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Goose Lake Acres 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 Goose Lake Acres based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Goose Lake Acres.
4. **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 December 25, 2024 allowing the Planning Commission to further consider the request at its November 7, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1003, a resolution recommending approval of the Preliminary Plat of Goose Lake Acres, with conditions as presented or amended.

ATTACHMENTS

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. PC2024-1003



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 24-~~000~~ 1731

Township Nessel S/T/R 34/37/22 PID# 06.00707.00

Project Address 48300 Cedarcrest Trail, Rush City, MN 55069

Property Owner(s) David & Sherry Nichols

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED]

Email [REDACTED]

Applicant(s) Dennis Batty, Dennis Batty & Associates, Inc., Architects

Mailing Address (If Different from Project Address) 22770 Imperial Avenue N, Forest lake, MN 55025

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) platting of existing 40 acre parcel into 3 lots plus a remnant.

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

☐ Full Legal Description

☐ Detailed Site Plan

☐ Detailed Written Narrative

☐ Plat Drawings

David Nichols Sherry Nichols
Applicant Signature

08/21/2024

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

Recording Fee

\$ 46

Plat Fee — No Road(s) / With Road(s)

\$ 150

Septic Compliance Fee

\$ _____

Wetland Fee

\$ _____

TOTAL FEE

\$ 696

Dates

Application Received

8-21-24

Application Complete

8-27-24

60 / 120 Day Review Period

12-25-24

Extended Review Period



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Nessel S/T/R 34/37/22 PID# 06.00707.00

Project Address 48300 Cedarcrest Trail, Rush City, MN 55069

Property Owner(s) David & Sherry Nichols

Mailing Address (if Different from Project Address)

Phone# [REDACTED]

Email [REDACTED]

Applicant(s) Dennis Batty, Dennis Batty & Associates, Inc., Architects

Mailing Address (if Different from Project Address) 22770 Imperial Avenue N, Forest Lake, MN 55025

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) platting of existing 40 acre parcel into 3 lots plus a remnant.

David Nichols Sherry Nichols
Applicant Signature

08/21/2024

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 OCT 3, 2024

Date of Township Presentation SEPT. 10, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

Michelle Meis

Brad Munn

David L. H.

Sherry Nichols

PROPERTY DESCRIPTION: (per Quit-Claim Deed Doc. No. A-321451)

The Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section Thirty-four (34), Township Thirty-seven (37), Range Twenty-two (22), Chicago County, Minnesota.

That part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Thirty-four (34), Township Thirty-seven (37), Range Twenty-two (22), Chicago County, Minnesota described as follows:

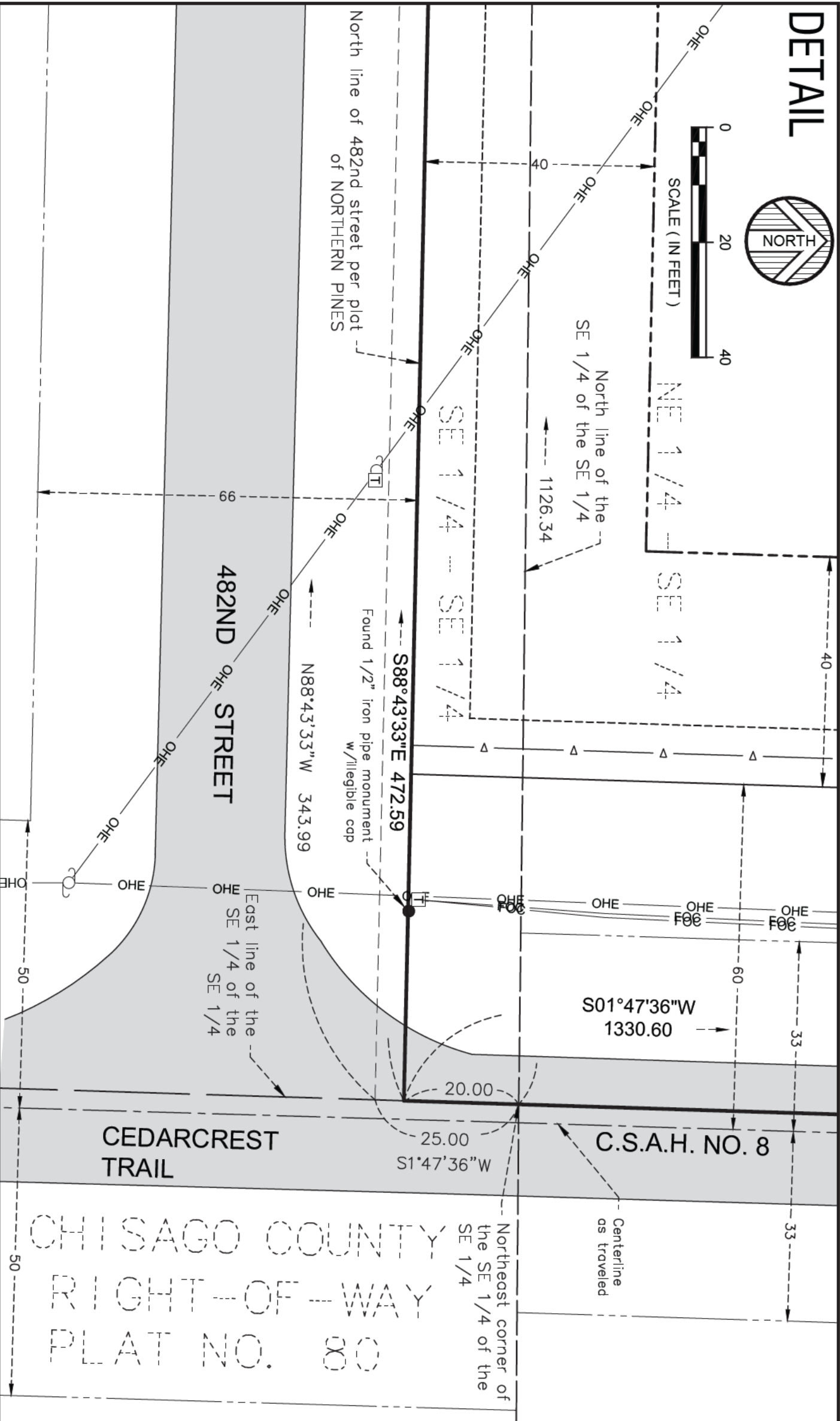
Beginning at the northeast corner of said SE 1/4 of the SE 1/4, thence South 01 degrees 47 minutes 36 seconds West, assumed bearing, along the east line of said SE 1/4 of the SE 1/4, a distance of 25.00 feet; thence North 88 degrees 43 minutes 33 seconds West a distance of 343.99 feet; thence North 87 degrees 43 minutes 38 seconds West a distance of 782.18 feet, more or less, to the north line of said Southeast Quarter of the Southeast Quarter, thence easterly, along said north line, a distance of 1126.34 feet to the point of beginning and said line thence remaining.

SURVEY NOTES:

- Orientation of this bearing system is based on the Chicago County Coordinate System NAD83 (1996 adf).
- Property Address: 48300 Cedarcrest Trail, Rush City, Minnesota, 55069.
- The portion of the property included in the proposed plat lies within Zone X, areas determined to be outside the 0.2% annual chance flood plan per FEMA Flood Insurance Rate Map No. 270250040D, effective April 17, 2012.
- Contours shown are LNA&R derived on the MAND08 datum provided by MNDNR and used and revised on June 18, 2024.
- The field work was performed on June 18 and June 27, 2024.
- Total Acreage: PFD No. 06-00707.00 = 1,746.033 Sq. ft. or 40.08 Acres (measured to north right of way line of 482nd Street)
- Proposed Lot Areas:
 - Lot 1, Block 1: 327,093 Sq. ft. or 7.51 Acres
 - Lot 2, Block 1: 218,162 Sq. ft. or 5.01 Acres
 - Lot 3, Block 1: 226,286 Sq. ft. or 5.19 Acres
- Dedicated Right of Way of C.S.A.H. No. 8: 75,002 Sq. ft. or 1.74 Acres
- Remnant Parcel: 898,560 Sq. ft. or 20.63 Acres (measured to north right of way line of 482nd Street)
- The property is zoned as (Ag) Agricultural (per Nessel Township Zoning Map)
- Building Setbacks: (per Chicago County Dimensional Standards)
 - Front yard (from County Road right of way): 40 feet
 - Side yard: 20 feet
 - Rear yard: 50 feet
- Home Site Area Standard: 21,500 sq. ft.
 - a.) Building Pad/Site Area: 10,000 sq. ft.
 - i. 2 feet above nearest 100 year flood contour.
 - 100 year flood elevation of Goose Lake - Elev. = 918.0 MAND08 per Stillwater Elevations for Chicago County
 - 1/4 mile ± West of subject property
 - ii. 2 feet above the highest anticipated water level
 - highest Anticipated Water Level = 942.0 MAND08 based on lowest elevation of C.S.A.H. No. 8 near northeast corner of proposed lot 2
 - iii. Meets the building requirements in section 4.07
 - b.) 11,500 sq. ft. Additional Area
 - i. Above the 100 year flood contour
 - ii. A minimum 5,000 sq. ft. of which is contiguous with the principal building site pad

SOIL BORING	BORING ELEVATION	SOIL	ELEV. AT MOTTED
SOIL BORING 1	949.0	947.0	
SOIL BORING 2	948.5	947.3	
SOIL BORING 3	949.3	948.1	
SOIL BORING 4	950.3	948.8	
SOIL BORING 5	947.8	946.6	
SOIL BORING 6	949.0	948.0	
SOIL BORING 7	947.2	946.1	
SOIL BORING 8	948.7	947.4	
SOIL BORING 9	950.7	949.5	
SOIL BORING 10	945.9	944.8	
SOIL BORING 11	945.3	944.1	
SOIL BORING 12	945.9	944.9	
SOIL BORING 13	945.7	944.7	
SOIL BORING 14	945.8	944.8	
SOIL BORING 15	946.2	944.9	
SOIL BORING 16	944.1	943.0	

DETAIL



LEGEND

- DENOTES A FOUND 1/2" IRON PIPE MONUMENT W/ CAP MARKED 25344 UNLESS OTHERWISE SHOWN ON DRAWING
- DENOTES A CHISAGO COUNTY SECTION CORNER MONUMENT
- ⊕ ELECTRIC METER
- ⊕ ELECTRIC POLE
- SOIL BORING
- ⊕ TELEPHONE PEDESTAL
- ⊕ SEPTIC CLEANOUT
- ⊕ WATER WELL
- ⊕ LIFT STATION
- ⊕ WETLAND SYMBOL
- RIGHT OF WAY LINE
- BOUNDARY LINE
- QUARTER LINE
- SIXTEENTH LINE
- SECTION LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- OVERHEAD ELECTRIC
- DENOTES RIGHT OF ACCESS
- DENOTES RIGHT TO CHISAGO COUNTY
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- BUILDING WALL HATCH
- DELINEATED WETLAND AREA
- OWNER/DEVELOPER: DAVID NICHOLS, 48300 CEDARCREST TRAIL, RUSH CITY, MN 55069
- SURVEYOR/ENGINEER: WIDSETH SMITH, 5368 286TH ST., WYOMING, MN 55092
- SOIL TESTER: JOSH PLATT, PO BOX 45, SHAFER, MN (651) 464-3130
- WETLAND SCIENTIST: WIDSETH SMITH, 5368 286TH ST., WYOMING, MN 55092
- SOIL TESTER: JOSH PLATT, PO BOX 45, SHAFER, MN (651) 464-3130

PRELIMINARY PLAT OF GOOSE LAKE ACRES

OTTERSON JEREMIE R
PID: 06.00700.00

DEBENEK CHARLES
PID: 06.00700.10

East 1/4 corner of Sec. 34, Twp. 37, Rng. 22

DIMAGGIO FRANK
PID: 06.00720.10



DATE: August 13, 2024
SCALE: AS SHOWN
DRAWN BY: JAS
CHECKED BY: SMK

FILE NUMBER: 2024-11009

DATE	AMENDMENTS

BY	PREPARED FOR: DAVID NICHOLS
	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
	<i>Shawn M. Kupcho</i>
	Shawn M. Kupcho L.S.

WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

David & Sheryl Nichols and Dennis Batty – Property owners David & Sheryl Nichols and applicant Dennis Batty are requesting approval of the Preliminary Plat of Goose Lake Acres involving the creation of three lots, ranging in size from 5± acres to 7.5± acres, from a 40± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 48300 Cedarcrest Trail / CSAH 8 in Nessel Township, S34, T37, R22 (PID 06.00707.00).



David & Sheryl Nichols and Dennis Batt – Property owners David & Sheryl Nichols and applicant Dennis Batt are requesting approval of the Preliminary Plat of Goose Lake Acres involving the creation of three lots, ranging in size from 5± acres to 7.5± acres, from a 40± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 48300 Cedarcrest Trail / CSAH 8 in Nessel Township, S34, T37, R22 (PID 06.00707.00).



RESOLUTION NO. PC2024-1003
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF GOOSE LAKE ACRES

WHEREAS, property owners David Nichols & Sheryl Nichols and applicant Dennis Batty submitted an application dated received August 21, 2024 and considered complete on August 27, 2024 for the Preliminary Plat of Goose Lake Acres; and

WHEREAS, the property owners wish to create three lots, ranging in size from 5± acres to 7.5± acres, from the 40± acre subject site; and

WHEREAS, the subject site is located at 48300 Cedarcrest Trail / CSAH 8 in Nessel Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 06.00707.00

The Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section Thirty-four (34), Township Thirty-seven (37), Range Twenty-two (22), Chisago County, Minnesota.

AND

That part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Thirty-four (34), Township Thirty-seven (37), Range Twenty-two (22), Chisago County, Minnesota described as follows:

Beginning at the northeast corner of said SE 1/4 of the SE 1/4; thence South 01 degrees 47 minutes 36 seconds West, assumed bearing, along the east line of said SE 1/4 of the SE 1/4, a distance of 25.00 feet; thence North 88 degrees 43 minutes 33 seconds West a distance of 343.99 feet; thence North 87 degrees 43 minutes 38 seconds West a distance of 782.18 feet, more or less, to the north line of said Southeast Quarter of the Southeast Quarter, thence easterly, along said north line, a distance of 1126.34 feet to the point of beginning and said line there terminating.

WHEREAS, notice was provided and on October 3, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Goose Lake Acres was 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 Goose Lake Acres is approved per plat drawing dated signed August 13, 2024. 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. 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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of October, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Fjellansbole Acres
 11293 335th Street, Chisago Lake Township
 DATE: October 3, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Fjellansbole Acres, involving the creation of one 7.2± acre lot from a 67.7± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s): Alan & Marilyn Johnson
 Applicant(s): Chris DuBose
 Location: 11293 335th Street
 Chisago Lake Township
 Section 17, Township 34, Range 20
 PIDs: 02.00601.00
 Property Area: 67.7± Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Agricultural (AG) District / Sunrise Lake
 East: Agricultural (AG) District / Sunrise Lake
 Overlay (SLO) District
 West: Agricultural (AG) District / Sunrise Lake
 Overlay (SLO) District
 Date Application Received: August 22, 2024
 Date Application Complete: August 27, 2024
 120-Day Review Period: December 25, 2024

BACKGROUND

Property owners Alan & Marilyn Johnson and applicant Chris DuBose are seeking approval of the Preliminary Plat of Fjellansbole Acres, involving the creation of one 7.2± acre lot from the 67.7± acre subject site located at 11293 335th Street in Chisago Lake Township. The approximate boundaries of the proposed lot are shown as a red dashed line in the adjacent image.



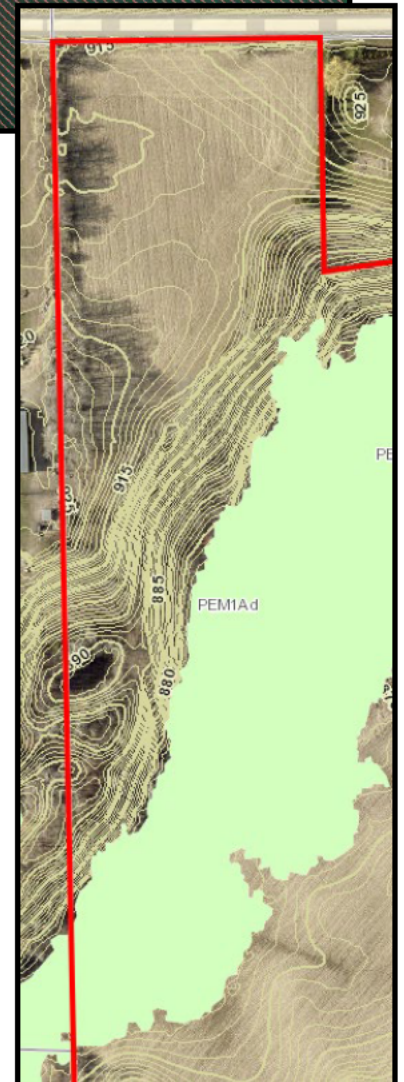
SITE & PROPOSAL ANALYSIS

The 67.7± acre subject site is generally located south of Lindo Trail and east of 335th Street on the northwest shore of Sunrise Lake, with frontage on both 335th Street and Lindo Trail. Staff notes that 335th Street runs west-east for approximately one-quarter mile and essentially becomes the driveway into the subject site and existing dwelling. The proposed lot is shown to be located in the northwest corner of the subject site, utilizing all of the Lindo Trail frontage. The balance of the subject site, being greater than 20 acres in size with at least 500' in all dimensions, is exempt from the platting process and would technically not be required to have any frontage on a public road.



The subject site and all surrounding properties are located within the Agricultural (AG) District and, due to proximity to Sunrise Lake, the southern half of the subject site along with properties to the west, south, and east are located within the Sunrise Lake Overlay (SO) District and Shoreland Management District. The proposed lot is located entirely outside of the SO District and Shoreland Management District and, if the plat is approved, would only be subject to the AG District regulations.

Topography of the proposed lot includes elevations ranging fairly significantly from 915' at the north property boundary / Lindo Trail down to approximately 870' in the southwest corner of the lot. The surveyor has noted on the Preliminary Plat drawing that these elevations constitute a bluff. Being that the Chisago County Shoreland Management Ordinance requires a 30' setback from Top of Bluff, the surveyor has also shown this required setback and that the required Home Site Area and septic sites are located such that they meet all required setbacks, including the 30' Top of Bluff setback. Additionally, the site features areas of heavy forestation and wetlands along the southerly property boundary. The adjacent image illustrates elevations for the proposed lot as well as wetland areas per the National Wetland Inventory. Due to elevations and wetland areas,



it's highly unlikely that the area of the proposed lot is accessible from the southern portion of the subject site / existing dwelling.

Surrounding properties range widely in size from five acres to 75 acres with most surrounding properties having been developed for residential use and/or being used for agricultural purposes. Additionally, the remnant / exempt portion of the subject site is located immediately west of the 59-acre Sunrise Lake Aquatic Management Area.

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 lot. As proposed, the lot complies with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1, Block 1	7.2 acres	350'	Approx. 878' (average of west and east property boundaries)	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 / Plat Review Committee met with Chris DuBose on September 11, 2024. Wetland Specialist Fertig commented that the wetland delineation and soils report had been verified and found to be accurate. The Committee did not identify any immediate concerns.

The Chisago Lake Town Board reviewed the proposed Preliminary Plat at its September 17, 2024 meeting and recommended approval with no recommended conditions and the comment that Lindo acreage is not accessible from main house due to wetland and pond and meets septic and building requirements.

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 December 25, 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 Fjellansbole Acres with conditions and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. The Preliminary Plat of Fjellansbole Acres is approved per plat drawing dated signed August 5, 2024 and shown to be amended last on August 12, 2024. 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. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Fjellansbole Acres 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 Fjellansbole Acres based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Fjellansbole Acres.
4. **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 December 25, 2024 allowing the Planning Commission to further consider the request at its November 7, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1004, a resolution recommending approval of the Preliminary Plat of Fjellansbole Acres, with conditions as presented or amended.

ATTACHMENTS

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. PC2024-1004



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 24-1716

Township CHISAGO LAKE S/T/R 17-34-20 PID# 02 00 601.00

Project Address 11293 335th ST LINDSTROM, MN 55045

Property Owner(s) ALAN + MARILYN JOHNSON

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED] Email _____

Applicant(s) ~~ALAN + MARILYN JOHNSON~~ CHRIS DuBOSE

Mailing Address (If Different from Project Address) 12865 LAKE BLVD BOX 112 LINDSTROM MN 55045

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) SPLIT A 7.3 ACRE PARCEL
OFF OF A ~~67.7~~ ACRE PIECE

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

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

[Signature]
Applicant Signature

8/22/24
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		Dates	
Base Fee	\$ <u>500</u>	Application Received	<u>8-22-24</u>
Recording Fee	\$ <u>40</u>	Application Complete	<u>8-27-24</u>
Plat Fee – No Road(s) / With Road(s)	\$ <u>150</u>	60 <u>120</u> Day Review Period	<u>12-25-24</u>
Septic Compliance Fee	\$ _____	Extended Review Period	_____
Wetland Fee	\$ <u>200</u>	Permit # 24-1716-W	
TOTAL FEE	\$ <u>890</u>		



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township CHISAGO LAKE S/T/R 17-34-20 PID# 0200601.00

Project Address 11

Property Owner(s) ALAN & MARILYN JOHANSON

Mailing Address (If Different from Project Address) _____

Phone# _____ mail _____

Applicant(s) CHRIS DUBOSE

Mailing Address (If Different from Project Address) 12865 LAKE BLVD BOX 112 LINDSTROM MN 55045

Phone# _____ Email _____

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) SPLIT A 7.3 ACRE PARCEL
FROM A LARGER 67.7 ACRE PARCEL

[Signature]
Applicant Signature

8/22/24
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 OCT 3, 2024 Date of Township Presentation SEPT 17, 2024

Township Action Taken (Township Use Only)

- ☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Under acreage is not accessible from main house
do so wetland & pond meet special building
requirements

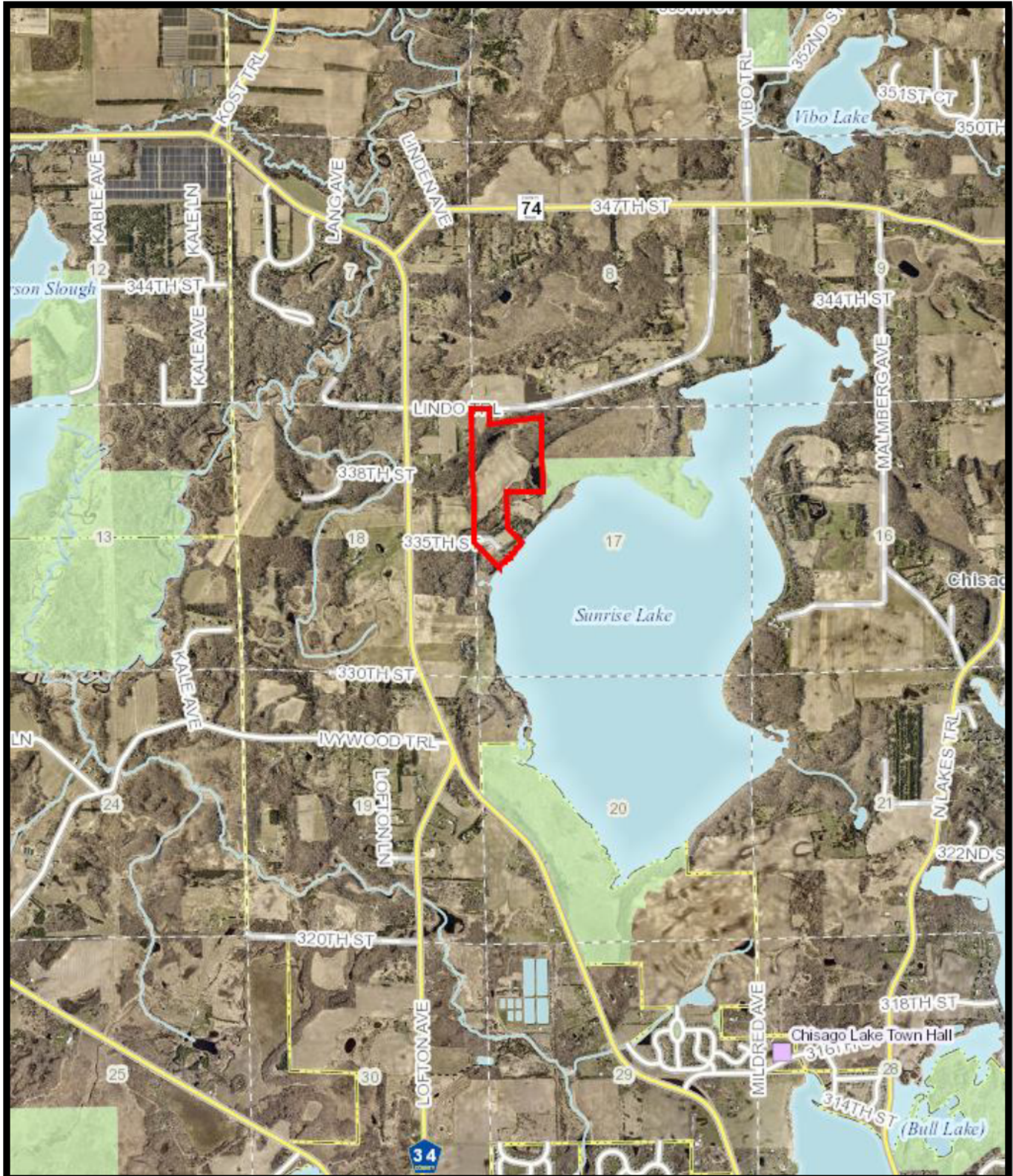
Signatures of Township Officials or Authorized Personnel

[Signature] [Signature]
[Signature] [Signature]

Alan & Marilyn Johnson and Chris DuBose – Property owners Alan & Marilyn Johnson and applicant Chris DuBose are requesting approval of the Preliminary Plat of Fjellansbole Acres involving the creation of one 7.2± acre lot, with frontage on Lindo Trail, from a 67.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11293 335th Street / CSAH 14 in Chisago Lake Township, S17, T34, R20 (PID 02.00601.00).



Alan & Marilyn Johnson and Chris DuBose – Property owners Alan & Marilyn Johnson and applicant Chris DuBose are requesting approval of the Preliminary Plat of Fjellansbole Acres involving the creation of one 7.2± acre lot, with frontage on Lindo Trail, from a 67.7± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 11293 335th Street / CSAH 14 in Chisago Lake Township, S17, T34, R20 (PID 02.00601.00).



RESOLUTION NO. PC2024-1004
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF FJELLANSBOLE ACRES

WHEREAS, property owners Alan Johnson & Marilyn Johnson and applicant Chris DuBose submitted an application dated received August 22, 2024 and considered complete on August 27, 2024 for the Preliminary Plat of Fjellansbole Acres; and

WHEREAS, the property owners wish to create one 7.2± acre lot from the 67.7± acre subject site; and

WHEREAS, the subject site is located at 11293 335th Street in Chisago Lake Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 02.00601.00

The Northwest Quarter of the Northwest Quarter and Lot 6, all in Section 17, Township 34, Range 20,

Also part of Lot 7 in Section 17, Township 34, Range 20, described as follows, to-wit:

Commencing at the quarter section post between Sections 17 and 18, Township 34, Range 20, variation 14° East, running thence south 45° East 9 chains and 50 links to the bank of Sunrise Lake, thence in a Northeasterly direction along the margin of said lake to the point where the quarter section line running east through Section 17 intersects the said lake, thence west along the quarter section line 13 chains and 90 links, to the point of beginning.

EXCEPT THE FOLLOWING TWO PARCELS:

That part of Government Lots 6 and 7 of Section 17, Township 34, Range 20, described as follows:

Commencing at the quarter corner section post between Sections 17 and 18; thence North a distance of 800 feet along the section line; thence East, assumed bearing, a distance of 660 feet to the point of beginning, thence South, assumed bearing, for a distance of 528 feet, thence deflecting 45° East, continuing Southeasterly for a distance of 260 feet, more or less, to the lakeshore; thence Northeasterly along the lakeshore a distance of 780 feet, more or less, to the Southerly extension of the East line of Government Lot 6; thence North, along the East line of Government Lot 6 to a point East, assumed bearing, of the point of beginning; thence West, assumed bearing, a distance of 660 feet, more or less, to the point of beginning, and there ending.

AND

That part of the Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) of Section 17, Township 34, Range 20, described as follows:

Commencing at the Northwest corner of the NW1/4 of NW1/4, thence East along the North line of the NW1/4 of NW1/4, a distance of 350 feet which is the point of beginning, thence South and parallel to the West line of the NW1/4 of NW1/4 a distance of 306 feet; thence Northeasterly to a point on the East line of the NW1/4 of NW1/4, which is located 174 feet South of the Northeast corner of the NW1/4 of NW1/4, thence North along said East line a distance of 174 feet to the Northeast corner thereof; thence West on the North line of the NW1/4 of NW1/4 to the point of beginning.

WHEREAS, notice was provided and on October 3, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Fjellansbole Acres was 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 Fjellansbole Acres is approved per plat drawing dated signed August 5, 2024 and shown to be amended last on August 12, 2024. 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. 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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of October, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Interim Use Permit for Accessory Structure
 xxxxx 520th Street, Nessel Township
 DATE: October 3, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing an accessory structure for personal use and storage without the presence of a principal use structure.

SITE & APPLICATION INFORMATION

Property Owner(s): Jaime Jacobson & Lisa Logue
 Applicant(s): Jaime Jacobson & Lisa Logue
 General Location: Between Elmcrest Avenue and Falcon Avenue / CSAH 9 on the north side of 520th Street
 Nessel Township
 Section 7, Township 37, Range 21
 PID: 06.00030.10
 Property Area: 20± 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: August 27, 2024
 Date Application Complete: August 28, 2024
 60-Day Review Period: October 27, 2024

BACKGROUND

Property owners Jaime Jacobson & Lisa Logue have applied for an Interim Use Permit (IUP) to allow a singular accessory structure (pole building) on their 20± acre property without the presence of a principal use structure, such as a dwelling.



SITE & PROPOSAL ANALYSIS

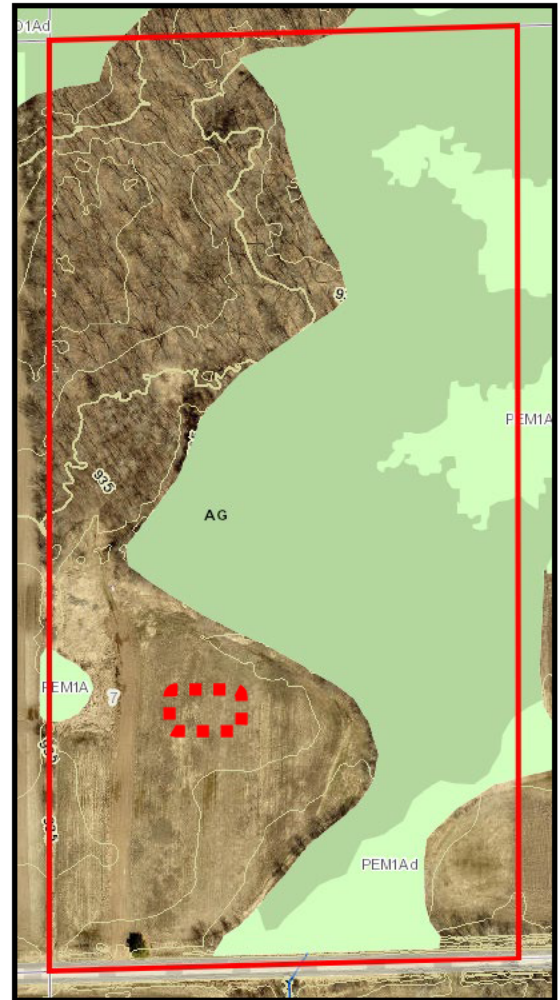
The 20± acre subject site is generally located east of Elmcrest Avenue and west of Falcon Avenue / CSAH 9 on the north side of 520th Street in Nessel Township. Topography of the site includes fairly level elevations ranging from 932' to 937'. Additionally, the site appears to be heavily wooded with a significant amount of wetlands (refer to adjacent image). The attached site plan and the County's GIS Viewer show an existing driveway in the southwest corner of the subject site, approximately 90' east of the west property boundary.

The application materials indicate that the proposed accessory structure will be 54' x 64' (3,456 sf) in size with 14' side walls. The written narrative explains that the structure will be for personal use only and not for commercial use. The narrative also explains that the property owners intend to further develop the subject site with a dwelling in the next three years. Staff notes that, with IUP approval, the property owners would not be required to further develop the site with a dwelling.

The site plan, while not to scale, shows that the proposed location of the accessory structure is approximately 336' from the south property boundary (520th Street), 165' from the west property boundary, 800' from the north property boundary, and 570' from the east property boundary. The required setbacks are 40' from Township Right-of-Way / 73' from centerline, 20' from side yards, and 50' from rear yard. While the proposed setbacks don't align with the actual property dimensions, it's clear that the proposed location far exceeds all required setbacks.

The subject site is located in the AG District and is entirely surrounded by properties in the AG District. Properties in the general area range widely in size from 10 acres to 116 acres, with the majority of properties having been developed for residential purposes and/or being used for agricultural purposes.

The application does not include a request for sanitary facilities within the proposed accessory structure; therefore, no sanitary facilities will be allowed until and unless the property is further developed with a principal use structure.



REVIEW PROCESS

The Technical Review Committee met with Jaime Jacobson & Lisa Logue on September 11, 2024. The Committee did not identify any immediate concerns with the request.

The Nessel Town Board considered the request at its September 10, 2024 meeting and recommended approval with no comments or recommended conditions.

The application was submitted on August 27, 2024 and deemed complete on August 28, 2024. The State mandated 60-day review period is scheduled to expire on October 27, 2024.

WRITTEN TESTIMONY

No written testimony was received upon completion of the staff report.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Nessel Town Board, serving as Road Authority, did not provide any written concern regarding the impact on 520th Street or surrounding Township roads following its September 10, 2024 review of the request.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

- Finding #3 Given the size of the subject site (20± acres), the existing forestation / vegetation located north, east, and south of the proposed structure, the current agricultural use of the property to the west, the size of adjacent properties, and the fact that the structure is proposed to exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 The proposed accessory structure is intended for the property owners' personal use and storage, and the property owners have stated in their application materials that it will not be used for commercial use. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a single family dwelling, which is a Permitted Use in the same zoning district – and will not cause traffic hazard or congestion. Further, the Nessel Town Board, serving as Road Authority, did not communicate any concerns related to traffic hazards or congestion on 520th Street or surrounding Township roads following its September 10, 2024 review of the request.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

STAFF RECOMMENDATION

Staff believes that the proposed Interim Use Permit (IUP) complies with and is consistent with the intent of the County's Zoning Ordinance. 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 IUP with draft Findings of Fact (see above) and conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. This approval allows for a singular 3,456 sf accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the application materials dated received August 27, 2024 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure or the permit holder requests an Amendment to this Interim Use Permit.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Amendment to this Interim Use Permit.
5. 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.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.

7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. *(Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Interim Use Permit.
4. **Table the request** to allow for submission of additional supporting documentation and/or further review and consideration. Being that the current review period expires on October 27, 2024 and the next regularly scheduled Planning Commission meeting is on November 7, 2024, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1005, a resolution recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 06.00030.10 in Nessel Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Draft Resolution No. PC2024-1005



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 2024-1748

Township Nessel S/T/R 7/37/21 PID# 06.00030.10
Project Address 520th Street Rush City Mn 55069
Property Owner(s) Jayne Jacobson Lisa Logue
Mailing Address (If Different from Project Address) 50546 Shorewood Cir Rush City Mn 55069
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Lisa Logue Jayne Jacobson
Mailing Address (If Different from Project Address) 50546 Shorewood Cir Rush City Mn 55069
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)

Build Pole Building on property without a principal structure.

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

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

Jayne Jacobson / Lisa Logue
Applicant Signature

8/27/2024
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		Dates	
Base Fee	\$ <u>650</u>	Application Received	<u>8-27-24</u>
Recording Fee	\$ <u>46</u>	Application Complete	<u>8-28-24</u>
Plat Fee - No Road(s) / With Road(s)	\$ _____	60/ 120 Day Review Period	<u>10-27-24</u>
Septic Compliance Fee	\$ _____	Extended Review Period	_____
Wetland Fee	\$ _____		
TOTAL FEE	\$ <u>696</u>		



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Newel S/T/R 7/31/21 PID# 06.00030.10
Project Address 520th ST Rush City MN 55069
Property Owner(s) Jaime Jacobson Lisa Logue
Mailing Address (if Different from Project Address) 50546 Shorewood Cir Rush City MN 55069
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Jaime Jacobson Lisa Logue
Mailing Address (if Different from Project Address) 50546 Shorewood Cir Rush City MN 55069
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)

Build pole Building on property for personal use

Jaime Jacobson

8/27/2024
Date of Application

Applicant Signature

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 OCT 3, 2024

Date of Township Presentation SEPT 10, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

Michelle Mei

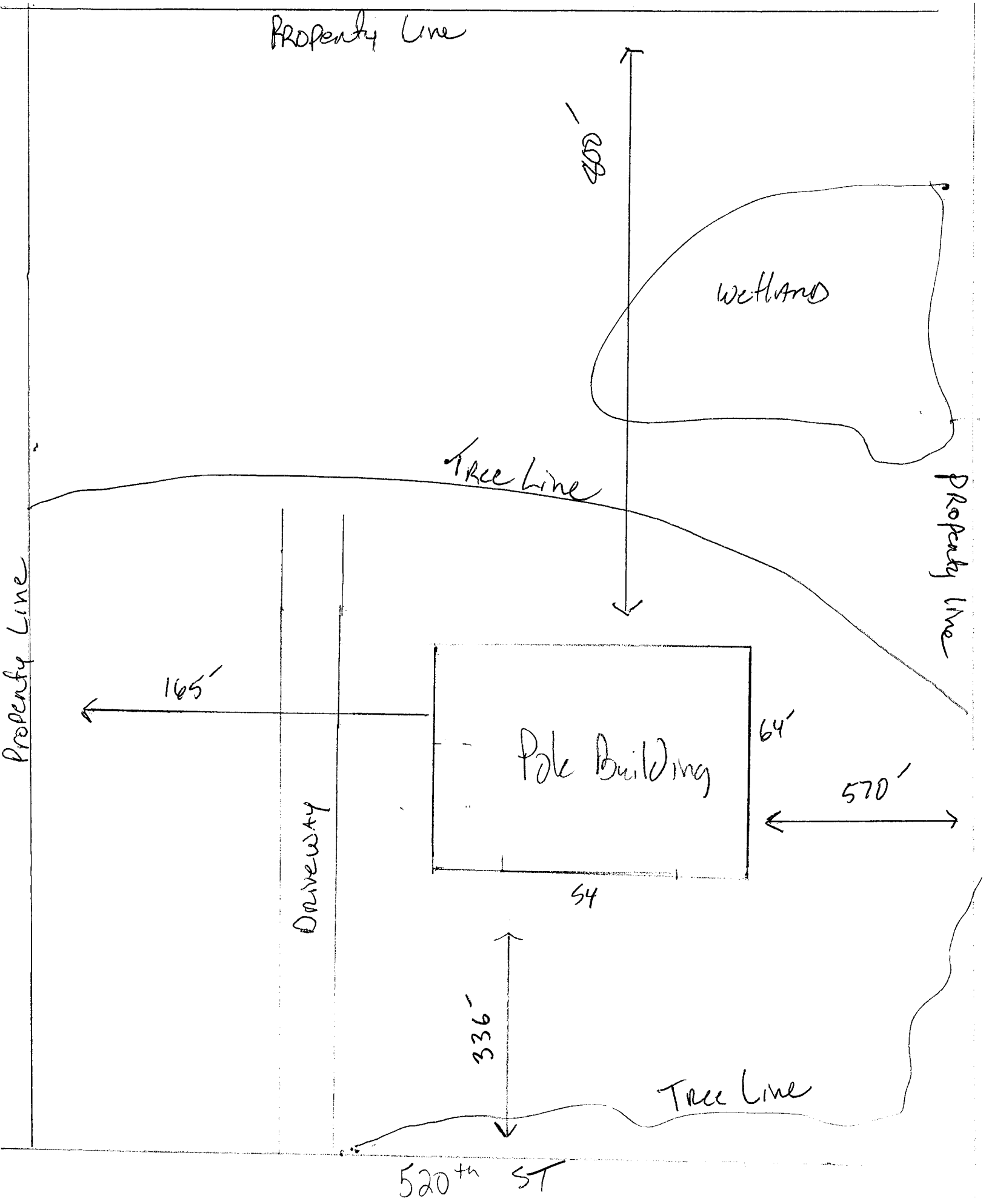
Brand Miller

[Signature]

[Signature]

August 27th, 2024

LIBA Logue and Jarne Jacobson would like to build a pole shed on our 20 Acres. The size of the building will be 64' x 54' w x 14' side walls. The building will be for personal use only, nothing commercial. There will be no bathroom in the building, therefore no septic will be installed on the pole shed. We do plan on building a home on the property in the next 3 years.



Jaime Jacobson & Lisa Logue – Property owners Jaime Jacobson & Lisa Logue are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 20± acre property in the Agricultural (AG) District. The subject site is generally located between Elmcrest Avenue and Falcon Avenue / CSAH 9 on the north side of 520th Street in Nessel Township, S7, T37, R21 (PID 06.00030.10).



Jaime Jacobson & Lisa Logue – Property owners Jaime Jacobson & Lisa Logue are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure, such as a dwelling, on a 20± acre property in the Agricultural (AG) District. The subject site is generally located between Elmcrest Avenue and Falcon Avenue / CSAH 9 on the north side of 520th Street in Nessel Township, S7, T37, R21 (PID 06.00030.10).



RESOLUTION NO. PC2024-1005
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING AN ACCESSORY
STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE STRUCTURE ON
PROPERTY IDENTIFIED AS PID 06.00030.10 IN NESSEL TOWNSHIP

WHEREAS, property owners Jaime Jacobson & Lisa Logue submitted an application dated received August 27, 2024 and considered complete on August 28, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at xxxxx 520th Street in Nessel Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 20± acres in size and legally described as:

PID 06.00030.10

The West Half of the Southwest Quarter of the Southeast Quarter (W ½ of SW ¼ of SE ¼) of Section Seven (7), Township Thirty-seven (37) North, Range Twenty-one (21) West, Chisago County, Minnesota.

Subject to and together with any valid easements, reservations, restrictions and covenants, if any.

WHEREAS, notice was provided and on October 3, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Nessel Town Board, serving as Road

Authority, did not provide any written concern regarding the impact on 520th Street or surrounding Township roads following its September 10, 2024 review of the request.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Given the size of the subject site (20± acres), the existing forestation / vegetation located north, east, and south of the proposed structure, the current agricultural use of the property to the west, the size of adjacent properties, and the fact that the structure is proposed to exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The proposed accessory structure is intended for the property owners' personal use and storage, and the property owners have stated in their application materials that it will not be used for commercial use. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a single family dwelling, which is a Permitted*

Use in the same zoning district – and will not cause traffic hazard or congestion. Further, the Nessel Town Board, serving as Road Authority, did not communicate any concerns related to traffic hazards or congestion on 520th Street or surrounding Township roads following its September 10, 2024 review of the request.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit, subject to the following conditions:

1. This approval allows for a singular 3,456 sf accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the application materials dated received August 27, 2024 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure or the permit holder requests an Amendment to this Interim Use Permit.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Amendment to this Interim Use Permit.
5. 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.

6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of October, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator