

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
October 3, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, October 3, 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, Jim McCarthy, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: Eric Leivian (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 Whitney. The **motion passed** 6-0.

Approval of Minutes – Motion by DuBose to approve the September 5, 2024, regular meeting minutes as presented; second by Sutcliffe. The **motion passed** 6-0.

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

Public Hearings

Virginia Carlson – Coordinator Gervais provided background on the request for the 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 was zoned Agricultural (AG) District and located at 11803 Olson Road in Sunrise Township, S5, T35, R20 (PID 09.00049.00).

Gervais reviewed details of the subject site, sharing that the subject site along with properties to the north and west were located within the AG District, whereas properties to the east and one property to the south were located within the Rural Residential I District as they were part of or near the historic Sunrise village center. Gervais noted that surrounding properties ranged in size from five acres to 55 acres, with most surrounding properties developed for residential use and/or used for agricultural purposes. Gervais reviewed the applicants request, noting that the proposal was to create one new 10± acre lot from the 50.7± acre subject site, with the 40± acre remnant/residual parcel being exempt from the platting process as it was 20 acres or larger with at least 500' in all dimensions. Gervais commented that proposed Lot 1, Block 1, Hirsch Homestead complied with the County's dimensional requirements for the AG District.

The Plat Review Committee considered the request on September 11, 2024. The wetland delineation and soils report had been verified and found to be accurate and the Committee did not identify any immediate concerns. The Sunrise Town Board reviewed the proposed Preliminary Plat at its September 19, 2024, and recommended approval with no comments or recommended conditions. The ordinance prescribed 120-day review period was scheduled to expire on December 3, 2024.

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 Virginia Carlson was present and addressed the Planning Commission. Carlson had no additional information to add.

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 Sutcliffe. The **motion passed** 6-0.

McCarthy commented on the zoning of the subject site, noting that the County was nearing completion of the Zoning Ordinance update and, following adoption, the County would be reviewing the Zoning Map. McCarthy noted that the subject site was bordered on two sides by the Rural Residential I District and one of the objectives of the Zoning Ordinance update was to expand the areas available for higher density development, with the logical areas for Rezoning and higher density development being adjacent to the Rural Village Center District. McCarthy stated that this was an opportunity for the applicant to Rezone the property. McCarthy stated that he wanted to address this because, to his knowledge, the request for Preliminary Plat had not been reviewed by the Sunrise Township Planning Commission. Gervais responded that she was not aware if the request for plat had or had not been reviewed by the Township's Planning Commission. Carlson clarified that she had attended both the Sunrise Township Planning Commission meeting and the Sunrise Town Board meeting, and they had both recommended approval. McCarthy stated that he had talked to someone on the Sunrise Township Planning Commission and they were not aware of the Preliminary Plat. Carlson reiterated that she had attended the meeting. McCarthy commented that this didn't add up and he wanted to make the applicants aware of the potential zoning change. *(Clerk's Note: Sunrise Township Planning Commission meeting minutes indicated that the Planning Commission considered the request on September 10, 2024 and offered a recommendation of approval with no conditions.)*

Motion by Sutcliffe to adopt Resolution NO. PC2024-1001, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Hirsch Homestead, as presented; second by DuBose. The **motion passed** 6-0.

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.

Mariah Van Heel – Coordinator Gervais provided background on the request for the approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on a 29± acre property in the Agricultural (AG) District. The subject site was 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).

Gervais reviewed details of the subject site, sharing that topography of the subject site included pockets of forestation and three distinct wetland areas. Gervais mentioned that the site was located in the AG District and was entirely surrounded by properties in the AG District. Properties in the general area ranged in size from 10 to

80 acres, with the majority of properties developed for residential purposes and/or used for agricultural purposes. Gervais reviewed the applicant's request, noting that the site plan indicated an existing / proposed driveway access from Pottery Trail between the large stands of trees and the south property boundary. Gervais shared that the application materials indicated that the proposed accessory structure would be 40' x 80' (3,200 sf) in size and used for personal storage, and the property owner intended to further develop the property with a dwelling in the future. Gervais noted that the application did not include a request for sanitary facilities within the proposed accessory structure; therefore, no sanitary facilities would be allowed until and unless the property was further developed with a principal use structure.

The Technical Review Committee met with Mariah Van Heel on September 11, 2024. The Committee did not identify any immediate concerns. The Amador Town Board considered the request at its September 17, 2024 meeting and recommended approval with no comments or recommended conditions. The State mandated 60-day review period was scheduled to expire on October 4, 2024. However, because this timeframe would not accommodate all necessary meetings, staff extended the review period by an additional 60 days with the extended review period expiring on December 3, 2024.

Coordinator 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 applicant to address the Planning Commission. Property owner Mariah Van Heel was present and addressed the Planning Commission. Van Heel reiterated that she planned on building a house in the future.

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

Yeager asked Van Heel what the flooring of the pole building would be. Van Heel responded that it would be dirt / gravel. Yeager added that, if sanitary facilities were added to the structure in the future, the floor would need to be improved with concrete.

Motion by Sutcliffe to adopt 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, as presented; second by Yeager. The **motion passed** 6-0.

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.

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

Gervais reviewed details of the subject site, sharing that the subject site and all surrounding properties were located within the AG District. Gervais noted that the southwest corner of the subject site was located within the Shoreland Management District due to the proximity to Goose Lake; however, as a non-riparian property, it would be subject to the regulations of the underlying AG District, and further shared that the portion of the property which was located within the Shoreland Management District was the portion shown to be exempt from the plat. Gervais noted that adjacent properties ranged in size from five to 35 acres, with properties in the surrounding area ranging more widely from 1-2 acres (those adjacent to Goose Lake) to 111 acres (to the east) and developed for residential use and/or used for agricultural purposes.

Gervais reviewed details of the proposed plat, sharing that the property owners were proposing the creation of three lots, ranging in size from 5± acres to 7.5± acres, from the 40± acre tract of land. Gervais indicated that the 20.63± acre remnant parcel, located west of the three proposed lots, was exempt from the platting process as it was 20 acres or larger with at least 500' in all dimensions. Gervais stated that proposed Lot 3 was shown to be developed with a dwelling and three detached accessory structures. Gervais mentioned that the Preliminary Plat drawing identified two existing building foundations adjacent to the proposed west property boundary, with one of the foundations being located within the required structural setback area. Gervais noted that the foundation itself was not necessarily an encroachment as it no longer constituted a structure; however, if the plat was approved and the proposed west property boundary was created, the Department of Environmental Services would not allow a structure to be constructed on the foundation and would encourage the property owners to remove the foundation. Gervais stated the proposed lots complied with the County's dimensional requirements.

The 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. The ordinance prescribed 120-day review period was scheduled to expire on December 25, 2024.

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

Chair Wille invited the property owners and/or applicant to address the Planning Commission. Property owner David Nichols and applicant Dennis Batty were present and addressed the Planning Commission. Nichols thanked staff for the recommendation to remove the foundation located within the required setback area. Nichols indicated that they had already received a bid for removal, and they would be moving forward with the project.

McCarthy asked if the remnant parcel was primarily wetland and, if so, he had concerns about building on it in the future. Nichols clarified that quite a bit of the property was wetland, however, there was a buildable area on the corner.

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

Motion by DuBose to adopt Resolution NO. PC2024-1003, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of Preliminary Plat of Goose Lake Acres, as presented; second by Whitney. The **motion passed** 6-0.

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.

Planning Commissioner DuBose recused himself for the Alan & Marilyn Johnson and Chris DuBose request for the approval of the Preliminary Plat of Fjellansbole and sat in the audience as he was the applicant.

Alan & Marilyn Johnson and Chris DuBose – Coordinator Gervais provided background on the request for the 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 was zoned Agricultural (AG) District and located at 11293 335th Street in Chisago Lake Township, S17, T34, R20 (PID 02.00601.00).

Gervais reviewed details of the subject site, sharing that the subject site and all surrounding properties were located within the 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 were located within the Sunrise Lake Overlay (SO) District and Shoreland Management District. Gervais shared that surrounding properties ranged widely in size from five to 75 acres with most surrounding properties having been developed for residential use and/or used for agricultural purposes. Gervais mentioned that the remnant/exempt portion of the subject site was located immediately west of the 59-acre Sunrise Lake Aquatic Management Area. Gervais reviewed details of the proposed plat and

noted that the 60± acre remnant parcel was exempt from the platting process as it was 20 acres or larger with at least 500' in all dimensions. Gervais stated that the proposed lot was shown to be located in the northwest corner of the subject site, utilizing all of the Lindo Trail frontage, and the balance of the subject site, being at least 20 acres in size with at least 500' in all dimensions, would not require any frontage on a public road. Gervais mentioned that the applicant's surveyor had noted that the elevations on the proposed lot constituted a bluff and that the Chisago County Shoreland Management Ordinance required a 30' setback from Top of Bluff. The surveyor had shown the required setback on the Preliminary Plat drawing along with demonstration that the required Home Site Area and septic sites were located such that they had ability to meet all required setbacks. Gervais added that the proposed lot complied with the County's dimensional requirements.

The 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 and 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 the Lindo Trail acreage was not accessible from the main house due to wetland and pond and it met septic and building requirements. The ordinance prescribed 120-day review period was scheduled to expire on December 25, 2024.

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. Applicant Chris DuBose was present and addressed the Planning Commission. DuBose shared that he had known the Johnsons for many years and they had reached out to him to help them through the platting process, and indicated that a neighbor of the subject site was present in the audience and that they would be the party purchasing the new lot.

Whitney asked if the proposed Preliminary Plat would land lock the remainder parcel. DuBose responded that the remainder parcel had access to 375th Street from the south and that, whether the plat was approved or not, access from the existing dwelling to the north would likely be impossible due to topography. DuBose further explained that there was a pond and a creek that ran through the property and the property owners would need to build a bridge in order to gain access to the north portion of their property.

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

Motion by Yeager to adopt Resolution NO. PC2024-1004, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Fjellansbole Acres, as presented; second by Whitney. The **motion passed** 5-0.

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.

Commissioner DuBose rejoined the Planning Commission.

Jamie Jacobson & Lisa Logue – Coordinator Gervais provided background on the request for the approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on a 20± acre property in the Agricultural (AG) District. The subject site was generally located between Elmcrest Avenue and Falcon Avenue / CSAH 9 on the north side of 520th Street in Nessel Township, S7, T37, R21 (PID 06.000320.10).

Gervais reviewed details of the subject site, sharing that the site plan and the County's GIS Viewer showed an existing driveway in the southwest corner of the subject site, approximately 90' east of the west property boundary. Gervais mentioned that the subject site was located in the AG District and entirely surrounded by properties in the AG District, with surrounding properties ranging in size from 10 to 116 acres and having been developed for residential purposes and/or used for agricultural purposes. Gervais shared that the application materials indicated that the proposed accessory structure would be 54' x 64' (3,456 sf) in size and used for personal use, and that the owners intended to further develop the subject site with a dwelling in the next three years. Gervais emphasized that the application did not include a request for sanitary facilities within the proposed accessory structure, thus no sanitary facilities would be allowed.

The Technical Review Committee met with Jamie 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 State mandated 60-day review period was scheduled to expire on October 27, 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 Jamie Jacobson and Lisa Logue were present and addressed the Planning Commission. The property owners had nothing additional to add.

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

Motion by DuBose to adopt 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, as presented; second by Sutcliffe. The **motion passed** 6-0.

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.

Public Hearings – Continued Hearings

None

Old Business

None

New Business

None

Communications and Reports

County Board Liaison Reports – County Commissioner Greene stated that, during the County Board meeting on October 3, 2024, the Board approved the voluntary surrender of the Goodpaster CUP which had allowed a winery. County Commissioner Dahlberg reported that the County was originally going to increase the wheelage tax by \$10 but unfortunately missed the deadline, so the change would not take place until 2026. County Commissioner Dahlberg also reported that the District 5 Tour would take place on October 11, 2024 and they would be meeting at the new Sunrise Townhall. Dahlberg was hopeful that construction of the new Townhall would be far enough along that they would be able to tour the new facility.

Miscellaneous – Whitney asked when the Planning Commission could expect to receive the final version of the Zoning Ordinance. Director Schneider commented that staff had provided a near final draft to the County Board in September and staff was nearly complete with their review and would be sending their comments to the consultant shortly thereafter. The goal was to provide the final draft to the County Board in October or November.

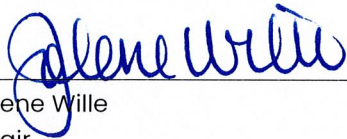
Whitney asked if there was any reason for Commission members to review the final draft Zoning Ordinance. Schneider stated that, based on his review, it appeared to be mostly fine tuning and making sure that all the reference points were accurate. Schneider stated that the only content issue that staff had identified was related to the Board of Adjustment and Appeals, noting that the draft ordinance didn't include information such as the Board's composition; therefore, staff had drafted language to be inserted along with a statute reference. In addition, staff had drafted content pertaining to cannabis related uses and setback requirements. Schneider shared that the County Board would soon be considering the adoption of an ordinance related to cannabis

licensing. Gervais shared that her review of the draft ordinances would focus on comparing the draft ordinances with work session meeting minutes to make sure all the issues had been addressed as intended by the Commission.

Sutcliffe referenced the September 5, 2024 Planning Commission meeting and the identified issue of Essential Services not being listed as a Conditional Use in all zoning districts as was indicated in the section specifically pertaining to Essential Services. Schneider responded that staff had added a definition for Bulk Fuel and Bulk Gas to the draft Zoning Ordinance as well as having added the use to the use table. McCarthy added that, when he read through the Essential Services section, he thought of Battery Storage and asked if that should be included. Schneider noted that the Commission had already added Battery Storage as a Conditional Use. Whitney asked Schneider to review his most recent written comments on the draft ordinances to make sure his concerns had been addressed by the consultant.

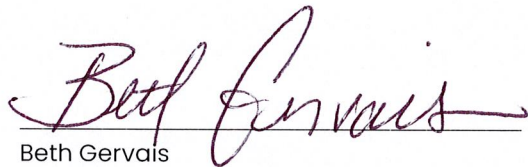
Motion by DuBose to cancel the special work session scheduled for October 17, 2024; second by Yeager. The **motion passed** 6-0.

Adjourn Meeting – Motion by Yeager to adjourn the meeting; second by Sutcliffe. The **motion passed** 6-0. The meeting adjourned at 7:43 PM.



Jolene Wille
Chair

ATTEST:



Beth Gervais
Land Services Coordinator