

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
March 6, 2025**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 6, 2025, 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, Eric Leivian, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: None. 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** 7-0.

Approval of Minutes – Motion by McCarthy to approve the February 6, 2025 regular meeting minutes as presented; second by Whitney. The **motion passed** 7-0.

Receive all Materials and Submittals into Record – Motion by Sutcliffe to accept all materials and submittals into the record; second Yeager. The **motion passed** 7-0. Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports. Copies of all meeting materials were made available for the public.

Public Hearings – New Applications

Larry Hanson – Coordinator Gervais provided background information on Larry Hansen's request for an Interim Use Permit allowing for an accessory structure with sanitary facilities without the presence of a principal use structure, such as a dwelling, on a 12.57± acre property in the Agricultural (AG) District. The subject site was generally located at the southeast corner of the intersection of Rush Lake Trail / CSAH 1 and 527th Street / CR 94 in Nessel Township, S11, T37, R22 (PID 06.00235.11).

Coordinator Gervais shared that the subject site was generally located east of Rush Lake Trail / CSAH 1 and south of 527th Street / CR 94 and was platted as Lot 1, Block 1, Ponytail Addition in 2024. Topography of the subject site consisted of elevations ranging from 929' to 941', and featured areas of heavy forestation and wetlands. The subject site was located within the AG District and was surrounded by the AG District to the north, east, and south. Land directly west was located within the RR District. Surrounding properties ranged in size from two acres to 40 acres, with smaller properties being lakeshore properties and larger properties generally located north of Belle Isle Drive and east of Rush Lake Trail / CSAH 1.

Coordinator Gervais reviewed details of the proposal sharing that the proposed accessory structure would be 30' x 46' (1,680 sf) in size and used for residential purposes only and the property owner had included in the request allowance for sanitary facilities (i.e., toilet and sink). Gervais noted that the application materials did not provide any indication of further development of the site; however, during the February 12, 2025 Technical Review Committee meeting, Hansen shared that he intended to further develop the site with a dwelling and the septic system would be designed with a future dwelling in mind. The site plan indicated that the structure would be at least 600' from all property boundaries; however, utilizing the County's GIS Viewer, Gervais noted that the proposed structure would likely have the following setbacks:

- West – roughly 135' from the west property boundary / 200' from the centerline of Rush Lake Trail / CSAH 1;
- East – roughly 280' from the east property boundary;
- North – roughly 660' from the north property boundary / 720' from the centerline of CR 94; and
- South – roughly 530' from the south property boundary.

The Technical Review Committee met with Larry Hansen on February 12, 2025. Hansen provided details for possible future development of the site with a dwelling and shared that the sidewalls of the proposed accessory structure would be 12' in height. The Committee did not identify any immediate concerns with the request. The Nessel Town Board considered the request on February 11, 2025 and recommended approval with no comments or recommended conditions. The initial 60-day review period was scheduled to expire on March 18, 2025 and, because this timeframe did not accommodate all necessary meetings, the review period was extended by an additional 60 days. The extended review period was scheduled to expire on May 17, 2025.

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 property owner to address the Commission. Larry Hansen was present and approached the Commission. Hansen had no additional information to add to the presentation. McCarthy asked Hansen if the proposed structure would be insulated and heated. Hanson replied that the proposed structure would not be insulated or heated.

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** 7-0.

Whitney, noting that the request included approval for sanitary facilities, inquired if a condition of approval should be added which would require a septic system. Gervais explained that, if the property owner was going to install a bathroom in the structure, he would need to apply for a septic permit at the time of building permit application. Gervais further responded that the Planning Commission could add a condition, however the concern would be handled at time of building permit application whether a condition was added or not. McCarthy inquired if the septic system was going to be a holding tank. Gervais stated that the system, being that it was intended to also serve the future dwelling, would need to be a full septic system. McCarthy followed up by asking if it was known whether the subject site could support a full septic system. Gervais noted that, through the 2024 platting process, the developer demonstrated suitable soils to support both a primary and alternate septic site.

Motion by Sutcliffe to adopt Resolution No. PC2025-0301, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing an accessory structure with sanitary facilities without the presence of a principal use structure on property identified as PID 06.00235.11 in Nessel Township, with Findings of Fact and conditions as presented; second by DuBose. The **motion passed** 7-0.

Recommended conditions:

1. This approval allows for a singular 1,680-sf accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. Further, this approval allows for sanitary facilities (toilet and sink only) within the accessory structure. The accessory structure shall be constructed in general conformance with the application materials dated received January 13, 2025, in terms of size and location, 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, unless the structure meets all building and architectural requirements of the Chisago County Zoning Ordinance and other applicable ordinances / codes. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed by or pursuant to the Chisago County Zoning Ordinance.
3. 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.
4. 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.
5. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct(s) a principal use structure.
6. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Nancy L. Jamieson Revocable Trust – Coordinator Gervais provided background on the request for approval of the Preliminary Plat of Anam Cara Acres involving the creation of three buildable lots from the 10.42± acre tract of land. The subject site was zoned Agricultural (AG) District / Shoreland Management District and located at 3780 Stark Road / CSAH 10 in Fish Lake Township, S25, T36, R22 (PID 03.00339.00).

Gervais reviewed details of the subject site, sharing that it was generally located one-half mile west of Elmcrest Avenue and approximately one-quarter mile east of Deerwood Trail / CR 60 on the north side of Stark Road / CSAH 10. Stark Road / CSAH 10 ran through the far southern portion of the property, yet it was considered to be a riparian property given that it was situated immediately adjacent to Fish Lake. The subject site had been developed with a dwelling and two detached accessory structures, with all structures situated in the southeast corner of the site. Topography of the land located north of Stark Road / CSAH 10, where development would occur, included fairly level elevations and a wetland area in the northwest corner. The subject site and all surrounding properties were located within the AG District. Additionally, properties to the west and east were located within the Shoreland Management District, with the district boundary extending approximately 250' north of the subject site. Surrounding properties ranged significantly in size from five acres to 104 acres; however, immediate neighboring lakeshore properties ranged more closely in size from five acres to 14 acres. The two neighboring properties to the east were platted as Gestson Shores in 2009.

Gervais reviewed details of the proposal sharing that the property owner wished to create three buildable lots from the 10.42± acre subject site, with the lots ranging in size from 2.23± acres to 3.95± acres. Because Fish Lake was classified as a General Development lake, the minimum lot size required was 30,000 sf and the minimum width / frontage required was 125'. Gervais noted that the Preliminary Plat drawing showed an access easement running through the northwest corner of the Home Site Area for Lot 2, Block 1. While no development would likely be allowed within this easement, the County's Ordinances did not expressly prohibit an easement from being located within the Home Site Area and, in addition to this area being intended for buildings, it was also an area intended for a yard where an easement would not be detrimental. Gervais noted that because the subject site was split by Stark Road / CSAH 10, which was located within the platted Right-of-Way, the Preliminary Plat drawing proposed the creation of two separate blocks with a total of six lots. Even though Block 2 was situated between the road and lake and featured three substandard lots, it was staff's opinion, based on Minnesota Statute 505.01, that the plat must be shown this way. It was noted that Gestson Shores, directly east, was platted this same way in 2009. Ultimately, Lots 1-3, Block 2 would not be buildable, but, like the neighboring subdivision, staff had proposed a condition which would require that these substandard lots be combined with the

corresponding lots directly north.

The Plat Review Committee met with Nancy Jamieson on February 12, 2025. The wetland delineation and soils report had not yet been verified due to seasonal constraints, and this would be required prior to submission of request for Final Plat. Additionally, a septic compliance inspection would be required for the existing system located on proposed Lot 3, Block 1. County Engineer Triplett provided written comments expressing concern about the number of driveway accesses from Stark Road / CSAH 10 and providing access to the land-locked property immediately north which was also owned by Nancy L. Jamieson Revocable Trust. Gervais indicated that the County Engineer's concerns had been addressed by way of an amended Preliminary Plat drawing dated amended February 19, 2025. The Fish Lake Town Board considered the request on February 10, 2025 and recommended approval with no conditions or comments. The Ordinance-prescribed 120-day review period was scheduled to expire on June 3, 2025.

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 Commission. Nancy Jamieson was present and approached the Commission. Jamieson had no additional information to add to the presentation.

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

Whitney asked who owned Stark Road / CSAH 10. DuBose and Gervais responded that it was a County-owned road. Whitney further inquired about what would happen if the County decided to widen the road and how that would affect the plat. Gervais responded that the Chisago County Highway Department was currently working on a road improvement project and that the applicant's surveyor had collaborated directly with the Highway Department to ensure that sufficient Right-of-Way was provided. Whitney then asked how often a lot combination was required when the properties were not directly connected, as in the case of the proposed plat. Gervais explained that she believed this was a unique situation but noted that the same process had been used in 2009 with the Plat of Gestson Shores. Gervais further shared that she had spoken with the County Surveyor and the Auditor-Treasurer's Office on the matter, and all parties agreed, based on MN Statute, that this was the best approach. Gervais reiterated that all of the substandard lots could be combined with the corresponding lots directly north by the Auditor-Treasurer's Office.

McCarthy introduced discussion on how the Zoning, Subdivision, and Shoreland Management Ordinances interacted, explaining that he understood that the most restrictive requirements would apply. McCarthy further explained that the minimum requirements for the AG District were five acres with 300' of width / frontage and the minimum requirements for the Shoreland Management District were 30,000 sf with 125' of width, meaning that the most restrictive was five acres with 300' of width / frontage. Gervais acknowledged McCarthy's concern and explained that, historically, the requirements of the Shoreland Management Ordinance had been applied to riparian properties. Director Schneider shared that one particular issue with the property was that it was currently considered a single riparian parcel despite the location of the roadway. Schneider further explained that the plat would have been processed differently if the subject site included two separate parcels with one being riparian and the other being non-riparian. Schneider also noted that, according to the County Surveyor, the only way to subdivide the parcel was by having two separate blocks, as the County Road had severed the property. McCarthy shared that he wasn't concerned about the severing of the property but was instead focused on the lot sizes and questioned why the County wasn't requiring two five-acre lots. McCarthy expressed that he felt the Shoreland Management Ordinance would only allow two lots, and allowing smaller lots was in conflict with the Ordinance. Whitney responded that McCarthy's point would be valid if it weren't already a single parcel. McCarthy countered that he didn't believe the County's Ordinances interacted the way they were being described but he couldn't find any reference in the Ordinances explaining how they should interact.

Moving on, McCarthy commented that, when he looked at other Fish Lake lakeshore properties, this was the only area that was zoned AG District rather than Rural Residential (RR) District, and suggested that, if the properties were Rezoned to RR District, the property owners would be able to subdivide and create smaller lots. Chair Wille acknowledged McCarthy's comment and suggested that it be discussed as part of the larger Zoning Map discussion at the upcoming Special Work Session.

Motion by Whitney to adopt Resolution No. PC2025-0302, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Anam Cara Acres, with conditions as presented; second by Leivian. The **motion passed** 7-0.

Recommended conditions:

1. The Preliminary Plat of Anam Cara Acres is approved per plat drawing dated amended February 19, 2025. 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 arrange for a septic compliance inspection for the existing system located on proposed Lot 3, Block 1 prior to submission of request for Final Plat.
3. The County acknowledges that Lots 1-3, Block 2, Anam Cara Acres are substandard but, due to platted Right-of-Way and pursuant to Minnesota Statute 505.01, must be platted in this manner. Therefore, corresponding lots must be combined, either by Lot Combination or Tie Together, and remain in common ownership as follows: Lot 1, Block 1 together with Lot 1, Block 2; Lot 2, Block 1 together with Lot 2, Block 2; and, Lot 3, Block 1 together with Lot 3, Block 2.
4. 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.
5. Request for Final Plat shall not be submitted until the Chisago County Department of Environmental Services has verified the wetland delineation and soils report submitted as part of the January 30, 2025 request for Preliminary Plat, and the Department has found said delineation to be accurate and said report to comply with all applicable regulations.
6. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Public Hearings – Continued Hearings – None

Old Business – None

New Business – None

Communications and Reports

County Board Liaison Report / Update – County Commissioner Dahlberg reported that the County Board would begin the annual budget process in April, and there were concerns with the Governor's proposed budget as it would pass a lot of expenses on to the Counties. Dahlberg shared details of a recent visit to the Minnesota State Capitol and conversations with other County representatives and State officials regarding budget concerns.

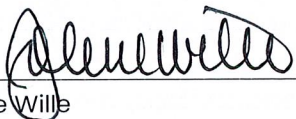
Miscellaneous – None

In consideration of the scheduled March 20, 2025 Special Work Session, McCarthy and Whitney each sought approval for remote attendance as they would be out of town. Gervais explained that approval for remote attendance was at the discretion of the Chair and, if approved, the Commissioners would need to provide addresses for their remote locations. McCarthy inquired about remote location requirements, and Gervais

explained that the location, even if it was a private residence, needed to be open to the public.

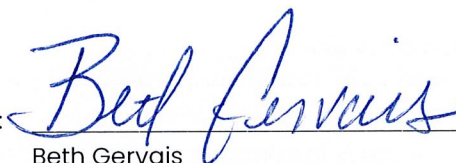
Gervais shared that there were no new planning cases / public hearings scheduled for the April 3, 2025 regular meeting. The Planning Commission discussed and reached consensus to cancel the March 20th Special Work Session and instead utilize the April 3rd regular meeting to discuss Special Work Session items, as both McCarthy and Whitney would be available to attend in-person. **Motion** by DuBose to cancel the March 20, 2025 Special Work Session; second by Whitney. The **motion passed** 7-0.

Adjourn Meeting – Motion by Yeager to adjourn the meeting; second by Leivian. The **motion passed** 7-0. The meeting was adjourned at 7:31 p.m.



Jolene Wille
Chair

ATTEST:



Beth Gervais
Land Services Coordinator