

**CHISAGO COUNTY**  
**PLANNING COMMISSION OFFICIAL PROCEEDINGS**  
**March 2, 2023**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 2, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Office Manager.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Chris DuBose, Eric Leivian, Chip Yeager, John Sutcliffe, and Jolene Wille. Absent: Dave Whitney (excused). Also present: Ex Officio County Commissioner Rick Greene. A quorum was established with all members present except for D. Whitney.

**Approval of Agenda – Motion** by Chris DuBose to approve the agenda as presented; second by John Sutcliffe. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

**Approval of Minutes – Motion** by Jolene Wille to approve the February 2, 2023 regular meeting minutes as presented; second by Eric Leivian. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

**Receive all Materials and Submittals into Record – Motion** by Chris DuBose to accept all materials and submittals into the record; second by John Sutcliffe. The motion passed 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications – None**

**Public Hearings – Continued Hearings – None**

**Old Business**

**Robert & Jessica Randall** – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two lots from an 11.28-acre tract previously platted as Outlot A, Carlson’s Lake Estates. The property is generally located south side of 280<sup>th</sup> Street, west of Quarry Road, and east of Quinlan Avenue, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

The Planning Commission conducted a public hearing and considered the request on February 2, 2023 and tabled the request in order for staff to gather more information relating to an existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), gather testimony from adjacent landowners specifically relating to their understanding of the purpose of Outlot A, Carlson’s Lake Estates as common open space, and research the landlocked status of Outlot B, Carlson’s Lake Estates. Since the February 2<sup>nd</sup> public hearing, staff had direct conversations with applicant / surveyor Kelly Jordan, easement grantee Neil Heinecke, neighboring property owner Michael Brusseau (Lots 4 & 5, Block 1, Carlson’s Lake Estates), and Assistant County Attorney Fuge in order to address the Planning Commission’s concerns. Discussion and concerns considered included:

- The existing easement covering most of proposed Lot 2, Carlson Lake Overlook (Heinecke easement), surveyor Kelly Jordan provided an updated Preliminary Plat drawing which identified the boundaries of the easement.
- Neil Heinecke explained to staff that he paid grantors Robert & Jessica Randall \$5,000 in 2013 for the easement. Heinecke further explained that he and the Randalls had not agreed to any vacation or change to the existing easement but were in discussions regarding possible remedies and/or compensation for Heinecke's easement interest.
- Neighboring property owner Michael Brusseau explained to staff that he and his wife both distinctly recall being told by their realtor (Robert Randall) prior to purchasing Lot 5, Block 1, Carlson's Lake Estates in 2013 that the property immediately east (Outlot A, Carlson's Lake Estates / subject site) was unbuildable and would always be unbuildable. Brusseau also reported to staff that the 2013 conversation with his realtor was a verbal communication and he had no written documentation to support the status of Outlot A as common open space.
- Staff met with Assistant County Attorney Fuge to gain a better understanding of all concerns identified by the Planning Commission.
  - In regard to the Heinecke easement, Attorney Fuge stated that the easement did not preclude the County from approving the proposed plat. Fuge explained that the easement was a private matter to be resolved between the grantors (Robert & Jessica Randall) and grantee (Neil Heinecke).
  - In regard to the common open space status of Outlot A, Carlson's Lake Estates, Attorney Fuge suggested that, without evidence demonstrating that Outlot A was formally dedicated as common open space, the County did not have a solid basis for prohibiting subdivision or future development of Outlot A.
  - In regard to Outlot B, Carlson's Lake Estates having been platted in 2006 as a landlocked tract of land, Attorney Fuge stated that Outlot B was outside of the scope of the current request and, therefore, outside of the scope of the Planning Commission's review.
  - Attorney Fuge suggested that staff's original recommendation of approval was an appropriate recommendation based on lack of evidence demonstrating that Outlot A, Carlson's Lake Estates was expressly approved and memorialized as common open space as part of the Carlson's Lake Estates cluster development and based on the fact that the proposed subdivision complies with the minimum standards for the creation of new parcels as established by the Chisago County Zoning, Subdivision, and Shoreland Management Ordinances.

Coordinator Gervais concluded by offering a recommendation of approval with conditions. Chris DuBose asked staff clarifying questions about proposed Condition No. 3, which related to the Heinecke easement. Gervais provided a response which offered possible resolutions to the easement encumbrance. **Motion** by Chris DuBose; second by Eric Leivian to adopt Resolution No. PC2023-0301, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Carlson Lake Overlook, with conditions as presented:

**Conditions:**

1. The Preliminary Plat of Carlson Lake Overlook is approved per plat drawing dated signed December 29, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.

2. This approval specifically allows the previously platted Outlot A, Carlson's Lake Estates to be replatted as Lots 1 and 2, Carlson Lake Overlook, with the express intention of creating two buildable lots.
3. Lot 2, Carlson Lake Overlook shall not be improved until and unless the easement encumbrance (Chisago County Recorder Document # A-554113) is resolved by the easement grantors and grantee. At time of building permit application, the applicant shall provide sufficient evidence, as determined by the Department of Environmental Services, demonstrating that the encumbrance has been resolved.
4. Approval of the Carlson Lake Overlook subdivision shall not invalidate the 2006 approval of Carlson's Lake Estates as a cluster development. Further, Lots 1 – 5, Block 1, Carlson's Lake Estates shall be considered legal conforming lots of record and shall be afforded all rights due to legal conforming lots of record, and approval of the Carlson Lake Overlook subdivision shall not otherwise adversely limit or prohibit development of Lots 1 – 5, Block 1, Carlson's Lake Estates.
5. Verification of the submitted soils report and wetland delineation shall be completed by the Department of Environmental Services when ground conditions allow and shall be required prior to submission of request for Final Plat.
6. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
7. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

**Motion passed** 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None.

**New Business** – None

#### **Communications and Reports**

**County Board Liaison Report / Update** – County Commissioner Greene reported on settled labor discussions with most of the County's bargaining units.

**Planning Commission and Board of Adjustment and Appeals Policy on Commission / Broad Structure, Meeting Order and General Procedure** – Chair Yeager stated that both the Planning Commission and the Board of Adjustment and Appeals had completed their annual reviews of the policy, and the County Board had recently considered and adopted the recommended amendments. Each Commissioner was provided with a copy of the adopted policy.

**Chisago County Transportation Plan** – Director Schneider provided a copy of the Chisago County Transportation Plan which included, among other items, a draft vision and goals and maps that illustrated growth areas / population projections, existing traffic volumes, and programmed projects for 2023-2027. Brief discussion followed on the gravel pit located in Sunrise Township. It was recommended that a larger map of the growth areas / population projection be made available to the Commission for easier viewing and discussion at the next special work session.

**Miscellaneous** – Chair Yeager reported that he and Jolene Wille attended a Chisago County HRA-EDA sponsored economic summit and he won a drawing for a \$1,000 grant. Yeager explained that the purpose of the grant was intended to focus on the reduction of barriers and promote inclusion through increased public awareness efforts. Director Schneider indicated that the grant would be used to modernize an information kiosk at the Environmental Services Department counter and boost social media posts. Schneider added that boosting social

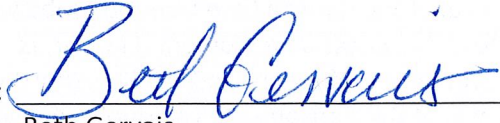
media posts will assist local municipalities and townships and their residents in receiving information on regulatory issues and department activities.

**Adjourn Meeting – Motion** by John Sutcliffe to adjourn the meeting; second by Jolene Wille. **Motion passed** 5-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, and Yeager. Nays: None. The meeting was adjourned at 7:24 p.m.



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Chip Yeager  
Chair

ATTEST:



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Beth Gervais  
Land Services Coordinator