

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
May 5, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 5, 2022 at the Chisago County Government Center.

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

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Frank Storm, John Sutcliffe, Chip Yeager, Kelly Corbin, and Dave Whitney. Absent: James McCarthy (excused) and Jolene Wille (excused). Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with five of seven members present.

Approval of Agenda – Motion by John Sutcliffe to approve the agenda; second by Dave Whitney. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the April 5, 2022 Special Work Session meeting minutes as presented; second by Dave Whitney. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None. **Motion** by Frank Storm to approve the April 7, 2022 meeting minutes as presented; second by Dave Whitney. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None. **Motion** by John Sutcliffe to approve the April 21, 2022 Special Work Session meeting minutes as presented; second by Kelly Corbin. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None.

Receive all Materials and Submittals into Record - Motion by Frank Storm to accept all materials and submittals into the record; second by Dave Whitney. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. 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

Justin and Katie Lupkes – Coordinator Gervais provided a brief background on the request for Conditional Use Permit for Major Home Occupation allowing an accessory structure to be used for business purposes in the Rural Residential II (RRII) District. The property is located at 30761 Mattson Lane, Chisago Lake Township, S31, T34, R20, (PID #02.00853.10). Gervais explained that the site is in a unique area where it is surrounded by parcels mostly located in Chisago Lake Township with a few Chisago City parcels “sprinkled” into the area. The applicants’ application materials indicated that the proposed accessory structure will be 30’ x 40’ (1,200 sf); half of the structure will be used for a home décor business known as F.G. Restorations and half will be used for personal storage; the accessory structure will be used to store inventory for online sales and sales within showrooms located offsite; hours of operation will be 8:00 am – 8:00 pm; the business will not be open to the public; there will be no outdoor storage or display; the business will not generate excessive or continuous noise; the applicants will have one business vehicle and possibly one trailer, both of which will be parked inside the accessory structure; and, there will be no employees other than the property owners. The applicants are not proposing sanitation facilities in the accessory structure at this time; therefore, there is no need to upgrade the existing septic system.

The Technical Review Committee met with Katie Lupkes on April 13, 2022 and no concerns were identified with the Major Home Occupation. The Chisago Lake Town Board recommended approval with no conditions at their April 19, 2022 meeting. Katie Lupkes, applicant, was present and available to address questions and concerns. Chair Yeager asked Planning Commission members and the applicant for additional questions and comments. Lupkes indicated she would like to keep options open for future growth and have the opportunity to add one employee within the coming years. She indicated a lot of her items are advertised online and has repeat clients that schedule appointments for pick up directly from her instead of through showrooms. Planning Commission members inquired about the business, future employees, and concluded with a brief discussion if there was a difference between open to the public versus by appointment only. Chair Yeager opened the public hearing and sought comment.

With no additional person wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Frank Storm. The **motion passed** 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Planning Commission members discussed and modified recommended conditions #5 and #6. ***Motion*** by Frank Storm to adopt Resolution No. PC2022-0501 as presented with modified conditions #5 and #6, for a Conditional Use Permit allowing a Major Home Occupation at property located at 30761 Mattson Lane (PID#02.00853.10); second by Kelly Corbin. The **motion passed** 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None. Revised conditions of recommended approval as follows:

1. The Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received March 24, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Major Home Occupation shall be allowed to be conducted within an accessory structure and no outdoor storage or display shall be permitted.
4. Hours of operation shall be 8:00 am – 8:00 pm seven days a week.
5. The Major Home Occupation shall ~~not~~ be open to the public only for item pick-up or drop-off by appointment.
6. There shall be no more than two employees ~~other than~~ in addition to those persons residing in the dwelling.
7. The Major Home Occupation shall be allowed the use of one business vehicle and one trailer and both shall be stored inside the attached garage or accessory structure.
8. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
9. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP 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 Conditional 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.

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

Jennifer and Mark Arriola – Coordinator Gervais provided a brief background on the request for Text Amendment to Zoning Ordinance Section 5.09 Rural Residential II (RRII) District, C. Conditional Uses., 10. Bed and Breakfast (B&B) Establishments, explaining that the proposed Amendment would strike the requirement for the structure to be of historical or architectural significance. The proposed Text Amendment would essentially allow any habitable structure within the RRII District to be considered for B&B purposes. The applicants' written narrative provides an explanation for the requested Text Amendment, with references to the 2017 Chisago County Comprehensive Plan, tourism opportunities, and overall shortage of / need for lodging options. Further, the written narrative explains that B&Bs come in a variety of locations and styles, thereby providing justification for the proposed Text Amendment. The applicants are proposing the following language (deleted language shown ~~struck through~~; added language shown underlined):

Section 5.09 Rural Residential II (RRII) District

C. Conditional Uses

10. Bed and breakfast inns. ~~establishments, as a principal use or accessory use in structures determined by the Zoning Administrator to be of historical or architectural significance.~~

Coordinator Gervais provided a historical perspective, starting with the original 1973 Zoning Ordinance to present day, on B&Bs and B&Bs as a Conditional Use. The applicants' written narrative proposes a Text Amendment to the Agricultural (AG), Rural Residential I (RRI) and Rural Residential II (RRII) Districts; however, the application itself specifically requests a Text Amendment to only Section 5.09 Rural Residential II (RRII) District. Gervais suggested that the Planning Commission may wish to consider the impact of Amending B&B language for one district and not the others, including: AG, RRI, Urban Residential (UR), Rural Village Center (RVC) and Protection and Transfer (PAT) Districts. If the Commission supports the proposed Text Amendment and wishes to see it applied to more zoning districts than just the RRII District, a separate public hearing would need to be scheduled (initiated by the Planning Commission or County Board) or the Commission could incorporate this Amendment – as applied to other zoning districts – into the Zoning Ordinance update. Technical Review was held on April 13, 2022 and no concerns were identified with the proposed Text Amendment. Jennifer Arriola, applicant, was present and available to address questions and concerns. Arriola indicated she was currently looking at properties within Chisago County for a B&B and requested the Text Amendment in order to remove any potential roadblocks, adding that she also supports amending B&B language in other zoning districts. Chair Yeager asked each Planning Commission member and the applicant for additional questions and comments. Chair Yeager opened the public hearing and sought comment.

With no person wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. The **motion passed** 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm indicated he did not support amending the ordinance for one applicant and was surprised that the applicant did not have a specific property in mind. Dave Whitney had concerns that any house could be considered for B&B purposes and believed it would open the door to additional B&Bs. Brief discussion was held on the difference between an AirBnB and B&Bs. Director Schneider indicated an Airbnb or short term rental provides sleeping quarters on a nightly or weekly basis or less than a 30-day period and, conversely, a B&B provides breakfast and interacts with a host in a structure that often has historical or architectural significance. ***Motion*** by Frank Storm to adopt Resolution No. PC2022-0502, a resolution recommending denial of the Text Amendment to Zoning Ordinance Section 5.09 Rural Residential II (RRII) District pertaining to Bed and Breakfast Establishments based on findings that the proposed Text Amendment could have the following impacts on the RRII District: 1) Potential for increase in

traffic, 2) Depending on the size of the property, there could be potential for parking concerns, and 3) Depending on the size of the property, there could be potential for noise concerns; second by Dave Whitney. The **motion passed** for denial 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None.

Public Hearings – Continued Hearings - None

Old Business

Brad Brunet – Coordinator Gervais briefly reviewed the request for Preliminary Plat of Kaminski Estates, involving the creation of two parcels from a 38.8-acre tract. The property is zoned Agricultural (AG) District and located directly north of Dennis Frandsen County Park and East Rush Lake, at the northeast corner of North Lake Drive W. / CSAH 2 and Bayberry Avenue in Nessel Township, S3, T37, R22 (PID #06.00149.00). As originally submitted, both parcels complied with and exceeded the County’s dimensional requirements in terms of lot size, width, and depth; however, the plat did not provide sufficient information to verify compliance with the County’s Home Site Area standard or septic system requirements. Since the April 7, 2022 Planning Commission meeting, the applicant and his consultants have provided an updated Preliminary Plat drawing and soils report that satisfy the Home Site Area standard and septic system requirements. Frank Storm discussed splitting parcels and questioned the need for soil borings to build a house. Chair Yeager asked each Planning Commission member for additional questions and comments. **Motion** by Frank Storm to adopt Resolution No. PC2022-0503, a resolution recommending approval of the Preliminary Plat of “Kaminski Estates” (PID#06.00149.00), with Findings of Fact and conditions presented by staff; second by John Sutcliffe. Conditions are as follows:

1. The Preliminary Plat of Kaminski Estates is approved per plat drawing dated signed April 27, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. Prior to request for Final Plat and when ground and weather conditions allow, the County shall verify the soils report and soil borings for suitability of septic systems and the wetland delineation.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time if requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

New Business

Designation of Acting Chair and Vice Chair for May 19, 2022 Special Work Session

Chair Yeager indicated he will be absent for the May 19, 2022 Special Work Session; however, Vice Chair Jim McCarthy indicated he could run the special work session from his remote meeting location. Discussion followed on viewers being able to see the consultant’s presentation and work session attendees. **Motion** by John Sutcliffe to designate Jim McCarthy as Acting Chair and Frank Storm as backup Acting Chair if remote meeting access is an issue; second by Dave Whitney. The **motion passed** 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None.

Consideration of Zoning Ordinance Section 8.03

Frank Storm discussed impacts to the Planning Commission following the recent County Board redistricting and suggested changes should be considered for Zoning Ordinance Section 8.03 (added language shown underlined):

Section 8.03 Functions of the Planning Commission

- A. The Chisago County Board of Commissioners hereby establishes the Chisago County Planning Commission. Such Planning commission shall consist of members appointed by the County Board.

One member shall be appointed from each Commissioner's District. No ~~more than two (2)~~ less than three (3) members shall be residents of the ~~incorporated~~ unincorporated communities (townships) of Chisago County.

1. The Chisago County Board of Commissioners liaison to the Chisago County Planning Commission shall immediately hereinafter be an ex officio member only and shall not have the privilege of a vote on such Planning Commission.
2. An additional two (2) At-Large members shall be added to the Chisago County Planning Commission, appointed from the unincorporated communities of the County. Such additional At-Large member shall be granted all privileges and responsibilities of membership of the Chisago County Planning Commission including the right to vote. Further, such additional At-Large member shall be appointed to serve a three year term of office.

A thorough discussion was held noting the following concerns/issues: redistricting has created two districts that are incorporated communities; four current Planning Commission members reside in incorporated communities; growing population in incorporated communities may need additional At-large representation; handling of current member terms (resign due to redistricting to start new or fill out terms then reestablish at that time); clarification if Storm was proposing that the Planning Commission increase from seven members to nine members; County Board relinquishing ability to appoint a member from each Commissioner's District; structure of incorporated and unincorporated districts; and need for County Attorney opinion on MN statute as it pertains to Planning Commission membership. Planning Commission members with terms ending December 31, 2022 include Chip Yeager and Kelly Corbin. **Motion** by John Sutcliffe to seek County Attorney opinion and suggestions for Zoning Ordinance Section 8.03; second by Frank Storm. The **motion passed** 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe and Storm. Nays: None.

Communications and Reports

County Board Liaison Report / Update

County Commissioner DuBose reported the following: the County Board denied Jason Spawn's request for CUP for Solid Waste Facility to establish an organic waste composting facility due to public opposition, questions on composting rows/size, lack of sufficient information, and the applicant's unwillingness to provide additional information; the County Board approved Branden Mell's request for an Amendment to a CUP for Commercial Recreation Area with the added condition that the road maintenance agreement between Mell and Nessel Township be considered to include Clover Trail; and the County Board approved Shaun Fiedler's request for Rezoning a 24 acre tract from RRI to AG. DuBose shared that the Department of Environmental Services will be conducting septic inspections and building inspections for City of Taylors Falls; the County Board received a presentation on the Chisago Lakes Lake Improvement District (LID), water quality, channel bogs, and One Watershed One Plan implementation funds; the County Board approved a business incentive for the Economic Development Authority (EDA) grant program with the goal of creating more jobs in the area; and the County Board approved a contract for a design team for the Household Hazardous Waste (HHW) facilities to improve traffic flow, efficiency, and storage capacity. Discussion followed on broadband, the Lake Improvement District Administrator position, lake levels, and anticipated timeline for review of the updated Zoning Ordinance.

Miscellaneous – None

Adjourn Meeting – **Motion** by Frank Storm to adjourn the meeting; second by Dave Whitney. The motion passed 5-0. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe, and Storm. Nays: None. The meeting was adjourned at 8:18 p.m.