

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 7, 2022

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

Staff Present: Beth Gervais, Land Services Coordinator 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: Dave Whitney, Kelly Corbin, James McCarthy, John Sutcliffe, Chip Yeager, Jolene Wille, and Frank Storm. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present.

Approval of Agenda – Motion by Frank Storm to approve the agenda; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the June 2, 2022 Regular Meeting minutes as presented; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. **Motion** by Dave Whitney to approve the June 7, 2022 Special Work Session meeting minutes as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Receive all Materials and Submittals into Record - Motion by Frank Storm to accept all materials and submittals into the record with the addition of one written public hearing comment from Mark Behrens and one memo from Director Schneider; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff reports with attachments, Director Schneider Memo on Zoning Ordinance Section 8.03 Amendment Update, and Public Hearing comment from Mark Behrens. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Darrick and Chantel Kvale – Coordinator Gervais provided a brief background on the reapproval for the Preliminary Plat of Kvale Estates in the Agricultural (AG) District. The property is located at 13995 270th Street in Chisago Lake Township, (PID# 02.00226.00).

The Preliminary Plat was originally submitted and approved by the County Board in August 2020. Per Subdivision Ordinance Section 3.06 B., requests for Final Plats must be submitted within one year of Preliminary Plat approval. Because the property owners and applicant did not submit a request for Final Plat within one year, the 2020 Preliminary Plat approval was deemed void.

The subject site is located approximately 1½ miles south of the City of Lindstrom. While the City has extraterritorial authority over subdivision within certain areas surrounding the City, staff confirmed with Lindstrom City Administrator Olinger that the site is outside of the City's extraterritorial jurisdiction. The site fronts three separate public roadways, including 270th Street to the north, Oakman Avenue to the east, and 268th Street to the south; all three roads are township roads. The applicants are requesting to create two lots from a 20-acre tract, with the new lots being 5.74 acres (Lot 1) and 12.63 acres (Lot 2) in size. The remaining 1.48 acres will be dedicated as public Right-of-Way. The Kvales currently reside on proposed Lot 2.

Technical Review was held on June 8, 2022 and no issues or concerns were identified. The Chisago Lake Town Board reviewed the proposed Preliminary Plat at its June 21, 2022 meeting and recommended approval with no conditions.

Applicants Darrick and Chantel Kvale were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. Chair Yeager opened the public hearing and sought comment. The following written public hearing comment was submitted in advance of the meeting:

Mark Behrens – 14096 270th Street. “I support the reapproval of the Preliminary Plat of two lots from a 19.85 acre tract at 13995 270th Street. I am the direct neighbor.”

With no additional person wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Kelly Corbin. **Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments; there were none.

Motion by Frank Storm; second by Jim McCarthy to adopt Resolution No. PC2022-0701, a resolution recommending approval of the Preliminary Plat of Kvale Estates, as presented, with the following conditions:

1. The Preliminary Plat of Kvale Estates is approved per plat drawing dated signed May 10, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. 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.

Motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

Graham and Jeri Webster Living Trust – Coordinator Gervais provided a brief background on the Preliminary Plat of Webster Meadows in the Rural Residential II (RR II) / Upper St. Croix Overlay (UO) Districts. The property is located at 34745 Wild Mountain Road in Shafer Township, (PID# 08.00131.10).

The property owners are seeking approval of the Preliminary Plat in order to subdivide one 20-acre parcel into a newly platted lot of 15.89 acres. The remaining 3.44 acres is proposed to be combined with the adjoining 20-acre parcel to the south (PID 08.00131.20). The Websters currently own both parcels – PIDs 08.00131.10 and 08.00131.20. The plat drawing also shows that .67 acres will be dedicated as public Right-of-Way.

The site is located immediately east of Wild Mountain Road and approximately ¼ mile west of the St. Croix River. The existing and proposed uses of both proposed parcels comply with the intent of the RR II District and UO District. Soils information and Home Site Area were verified by County staff. The Technical Review Committee met on June 8, 2022 and the County Engineer advised only one access will be provided; this access will serve proposed Lot 1, Block 1. The Websters, who reside on the southern parcel, currently access their property by easement on the southwest corner of the parcel; a second access is not proposed or requested. The Shafer Town Board reviewed the proposed Preliminary Plat at its June 9, 2022 meeting and recommended approval with no conditions.

Applicants Graham and Jeri Webster were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. Chair Yeager commented on the buildable area slightly overlapping the Wild Mountain Road setback. Coordinator Gervais responded that a sufficient 21,500 square foot Home Site Area was shown to meet the 135-foot roadway setback and further explained that septic systems are not subject to the same setback requirements as structures. Chair Yeager opened the public hearing and sought comment. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Jolene Wille. The ***motion passed*** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments; there were none.

Motion by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-0702, a resolution recommending approval of the Preliminary Plat of Webster Meadows, as presented, with the following conditions:

1. The Preliminary Plat of Webster Meadows is approved per plat drawing dated signed May 6, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. Proposed Parcel A shall be combined with PID 08.00131.20 upon approval and recording of the Final Plat of Webster Meadows. The applicant shall be responsible for facilitating the lot combination.
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.

Motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

Stephen and Maureen Schroeder – Coordinator Gervais provided a brief background on the Schroeder’s request for Interim Use Permit (IUP) to allow an accessory structure for personal storage / use without the presence of a principal dwelling and allowing the accessory structure to have sanitary facilities.

The IUP would allow an accessory structure (pole building) on the Schroeder’s 15-acre property without the presence of a single family dwelling and to allow said accessory structure to have sanitary facilities. This request is an “after-the-fact” application for Interim Use Permit. The pole building was constructed in 2010 after being issued a site permit for an agricultural structure. In 2010 the site had an agricultural tax classification, and the Schroeders signed a statement to certify that the structure was intended strictly for agricultural purposes. Based on the written narrative provided with application and records provided to the Department of Environmental Services, it appears the Schroeders made improvements to the structure between 2012-2013. Improvements included installation of a full septic system and sanitary facilities (sink, toilet and shower) in the pole building. These improvements were done in order to use the building to work on collector cars. The use of the pole building for collector cars means that the structure is no longer an agricultural structure. Staff confirmed the current tax classification is seasonal recreational residential. No building or septic permits were applied for or issued for the 2012-2013 improvements. The property owners are aware that permits are required and intend to apply for these after-the-fact permits if the IUP is granted.

The Schroeders own a 20-acre parcel (PID# 01.00182.00) immediately west of the subject site which has been developed with a single-family home and related accessory structures. The Schroeders are currently in the

process of selling the 15-acre subject site with the pole building and are requesting an IUP in order to bring the illegal non-conforming structure and sanitary facilities into compliance with the Zoning Ordinance. Chisago County Zoning Ordinance Section 4.08.1 was amended in 2021 to allow the construction of accessory structures prior to or without the construction of principal use structures in the AG District with approval of an Interim Use Permit. The applicants are requesting the sanitary facilities, plumbing and heating system be allowed to remain in the pole building; however, per Zoning Ordinance Section 4.08.1, G., the shower will need to be removed. Additionally, staff is recommending that the applicants convert the septic system to a holding tank only to prevent further / future intensification of the unlawful use of the structure to date. The Technical Review Committee met with the applicant on June 8, 2022 and discussed the need to remove the shower and conversion of the full septic system to a holding tank to prevent unlawful use of the accessory structure. The Amador Town Board reviewed the proposed IUP on June 21, 2022 meeting and recommended approval with no conditions.

Applicants Stephen and Maureen Schroeder were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. John Sutcliffe asked a clarifying question on well depth/submersible well pump and Frank Storm asked a clarifying question on the plumbing. S. Schroeder indicated he thought it was a deep well and that the shower drain did have a 180° pipe fitting and/or gooseneck.

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 Dave Whitney. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments.

Frank Storm suggested an addition to proposed Condition #3 to require that the shower drain be plugged with cement (see below). Dave Whitney asked if a shower could stay if a house was built. Coordinator Gervais indicated per Zoning Ordinance Section 4.08.01, G. the shower is prohibited and will need to be removed from the pole building. Jim McCarthy commented that the Agricultural Site Permit is helpful to farmers since it is affordable, efficient, and prevents delays in building; however, violators jeopardize the use of the permit. Dave Whitney discussed the expenses of the septic system and suggested allowing some flexibility for proposed Condition #5; Whitney suggested adding language that would require the conversion of the septic system to a holding tank only if a building permit for a primary structure is not applied for within three years. Frank Storm commented that the Zoning Ordinance prohibits the accessory structure from having a shower. John Sutcliffe added that cutting and capping the septic system is minimal and that, if a primary structure is constructed, it would most likely require installation of a new septic system. Chair Yeager asked the Planning Commission for consensus of the recommended additions to Condition #3 and Condition #5. **By consensus**, Planning Commission members approved the addition to Condition #3 and **by consensus**, approved to leave Condition #5 as is.

3. The accessory structure is permitted to have a sink and water closet, but not a shower. The existing shower shall be removed and drain be plugged with cement.

Motion by Frank Storm; second by Jim McCarthy to adopt Resolution No. PC2022-0703, a resolution recommending approval of an Interim Use Permit Amendment allowing an accessory structure with sanitary facilities on property identified as PID# 01.00181.20, as presented and with the following amendment:

1. This approval grants an after-the-fact Interim Use Permit allowing a singular accessory structure for personal storage / use without the presence of a principal use structure (single family dwelling) and allowing said

accessory structure to have sanitary facilities prior to the construction of the principal structure.

2. An after-the-fact building permit is required for the construction of the accessory structure and all related plumbing and heating work. An after-the-fact septic permit is also required. All required inspections shall be performed and any necessary corrections shall be made to bring the structure and septic system into compliance with applicable state and local construction codes.
3. The accessory structure is permitted to have a sink and water closet, but not a shower. The existing shower shall be removed and drain be plugged with cement.
4. No overnight or residential living quarters / use shall be allowed in the accessory structure.
5. The existing septic system shall be converted to a holding tank. The permittee is permitted to close off the existing drain field and retain it for future lawful use in association with a future single family dwelling.
6. In accordance with Chisago County Zoning Ordinance Section 4.08.1, A.3 and F., this Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal structure (single family dwelling).
7. Any change to the approved accessory structure involving structural alterations, enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
8. 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.
9. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

Kenneth Rice – Coordinator Gervais provided a brief background on the Preliminary Plat of Paradise Woods in the AG District. The property is located on the SW corner of 320th Street and Lofton Avenue/CSAH 24 in Chisago Lake Township, (PID# 02.00823.00).

The applicant wishes to create a total of four parcels from the 58.2-acre tract of land, leaving an approximate 35-acre tract from the plat (remainder). This 35-acre remainder tract is exempt from the platting process as it's greater than 20 acres in size. The four proposed lots range in size from 5 acres to 8.5 acres, when including the dedicated Right-of-Way. The site is currently undeveloped land with the majority of wetland areas located on the 35-acre remainder (not included in the plat) with significant contours in the general area of proposed Lots 2 and 3, Block 2.

Surrounding properties range widely in size from 2 acres (immediately east) to 79 acres (immediately south) and the property immediately north is a legally operating gravel pit. Land located immediately west is located in the City of Chisago City. All proposed parcels comply with the County's dimensional requirements in terms of lot size, width, and depth. Additionally, the soils information and Home Site Area were verified by County staff. The Technical Review Committee met on June 8, 2022. The following items were identified and/or discussed during the meeting:

- The Wetland Specialist reviewed and approved the wetland delineation report.

- The Code Enforcement Officer reviewed the soils report and verified home site area and suitability for septic systems. The Code Enforcement Officer noted that the topography of the proposed lots may present challenges for the placement of septic systems and structures.
- The County Engineer stated that no access will be granted from Lofton Avenue / CSAH 24.

The Chisago Lake Town Board reviewed the proposed Preliminary Plat at its June 21, 2022 meeting and recommended approval but noted roadway concerns. The Town Board stated that special consideration needs to be given to the status of 320th Street, commenting, “Maps / GIS shows 320th Street as owned by Lent Township and only cartway width (33 feet) and currently maintained by Chisago Lake Township”.

Based on the Town Board’s comment and being that the Subdivision Ordinance requires that proposed lots have frontage on a public road, staff conferred with the Assistant County Attorney to determine whether or not 320th Street – as a cartway – meets the definition of a public road. The County Attorney’s Office offered the following opinion: “Based upon current information provided by the Township and subject to information from the Township that determines otherwise, the strip of land (320th Street) is a public road.” This opinion is partially based on an opinion issued by the Minnesota Attorney General in 1952 that cartways are public roads. With the County Attorney’s Office’s opinion and staff’s understanding that 320th Street is a public road, staff has included recommended conditions of approval which address compliance with road standards and the need to obtain written approval from the Township on road design and construction.

Applicant Kenneth Rice and Kim Rice were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. John Sutcliffe inquired if there was a written agreement in place for the road and/or road maintenance. Sherry Stirling, Chisago Lake Town Board Chair, was present to address questions and concerns on behalf of the Township. Stirling commented that the Town Board does support the Preliminary Plat; however, there are concerns with the road as 320th Street has been treated as a cartway. The road/cartway stretches between Chisago Lake and Lent Townships. The road was built at the request of Petersen Inc. for the gravel pit. The cartway is owned by Lent Township and maintained by Chisago Lake Township with Peterson Inc. supplying the gravel. Stirling indicated that Lent Township is willing to quit claim deed ownership of 320th Street to Chisago Lake Township. Discussion followed on timeline for the quit claim deed, road design requirements (pertaining to road width and blacktop), and who would be responsible to improve the cartway to meet minimum road design standards. Frank Storm asked the applicant if he had time to review design standards and costs for the road improvements. Rice commented that he was not aware that he would need to upgrade the road and blacktop it. County Commissioner DuBose indicated that this is an opportunity to improve the road and encouraged the Planning Commission to not let it pass to a later date. John Sutcliffe commented that the cost of road improvements should not fall solely on the developer since the gravel pit also utilizes the road.

Motion by Frank Storm; second by Jolene Wille to recommend tabling the Preliminary Plat of Paradise Woods in order to allow additional time for the applicant to review the road design standards and determine estimated costs. Coordinator Gervais commented that the public hearing had not yet occurred; **Motion withdrawn** by Storm and Wille in order to open the public hearing.

Chair Yeager opened the public hearing and sought comment.

Sherry Stirling – Chisago Lake Township / Chisago Lake Town Board Chair. “Proposed Condition #5 states that the Final Plat shall dedicate public road Right-of-Way in accordance with Chisago County Subdivision Ordinance Sections 4.05 and 4.07; this should cover any road updates from a substandard road/cartway.”

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by John Sutcliffe. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager
Nays: None.

Motion by Frank Storm; second by Jolene Wille to table the request for Preliminary Plat of Paradise Woods in order to allow additional time for the applicant to review the road design standards and determine estimated costs. **Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager
Nays: None.

Public Hearings – Continued Hearings - None

Old Business - None

New Business - None

Communications and Reports

County Board Liaison Report / Update

County Commissioner DuBose reported the following:

- American Rescue Plan Act (ARPA) funds were used to increase vocational programs at the school district.
- The County Board adjusted the mileage reimbursement rate; approved Dale Evangelical Free Church's request for Conditional Use Permit (CUP); approved James Birkholz & Judith Erickson's request for CUP Amendment allowing the expansion of Pleasant Valley Orchard; denied Jim & Sher Investments LLC's request for CUP to operate a winery and gathering venue, commenting that the County Board indicated the winery request was too intensive for the subject site, abutted a Rural Residential I platted development, and overall five acres was too small; and, discussed the Planning Commission terms and proposed update to Zoning Ordinance 08-03 Section 8.03 Functions of Planning Commission. DuBose gave a brief overview of the discussion and suggested that there should be some flexibility built into the draft ordinance language in terms of City and Township representation.
- County Board is moving forward with Hometown Fiber to develop a cost estimate for the whole county and individual areas for broadband installation.
- An estimate will be developed for demolition of the former county jail.
- The County Sanitarian position has been filled.
- The Economic Development Authority (EDA) grant program recently reviewed two applications.

Miscellaneous

Chair Yeager indicated that the Planning Commission needed to reschedule the July 21, 2022 Special Work Session with Bolton & Menk due to the consultant's scheduling conflict. Members of the Commission discussed frustration with frequent rescheduling of work sessions and the lack of draft language provided by the consultant. ***By consensus***, Planning Commission members will conduct a Doodle poll to determine the rescheduled meeting date and utilize Director Schneider and/or the County Board to draft a letter of dissatisfaction to Bolton & Menk.

Adjourn Meeting – *Motion* by Frank Storm to adjourn the meeting; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. The meeting was adjourned at 8:01 p.m.