

CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
July 2, 2020 - *DRAFT*

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 2, 2020 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

The Chair McCarthy 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: Jim McCarthy, Frank Storm, John Sutcliffe, Shellene Johnson, Dave Whitney, Jim Froberg, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. A quorum was established with members present.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand” icon on computer or \*9 by listening by phone, and Chair McCarthy leading with meeting order and procedures.

**APPROVAL OF AGENDA** – Motion to approve the amended agenda with the addition of Additional Comment from Commissioner Whitney, 12 - Public Hearing Comments, and Applicant Request To Be Tabled: Glenn and Krisa Carlson by Jim Froberg. Second by Dave Whitney. Motion carried unanimously.

**APPROVAL OF MINUTES** – Motion to approve the June 4, 2020 minutes by Frank Storm. Second by Jim Froberg. Motion carried unanimously.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Motion that all applications, submittals, reports with attachments, and other materials were adopted into the record by reference made by Frank Storm. Second by Dave Whitney. Motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Additional Comment from Commissioner Whitney, 2 - Public Hearing Comments for JC Homes PID#06.00133.20, 6 - Public Hearing Comments for Wheeler PID#04.00440.00, 4 - Public Hearing Comments for IPS Solar/Eichten PID#02.00948.10. Copies of all correspondence and meeting materials were made available for electronic distribution.

**Public Hearing Items:**

**Kevin & Marcia Carlson**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

**Submitted Public Correspondence:**

*Jon Poge* – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has

already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

### **JC Homes, Inc.**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

Submitted Public Correspondence:

*Jon Poge*z – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

### **JC Homes, Inc.**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

Submitted Public Correspondence:

*Jon Poge* – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

### **David Wheeler**

Coordinator Jagoe explained this Planning Case started as a code enforcement and only dealing with indoor storage. Coordinator Jagoe presented background information on the Wheeler Conditional Use Permit (CUP) application for a Major Home Occupation to allow 7 employees, dock sales, and identified indoor storage/detailing/minor repairs with transport to/from site of approximately 110 boats on a seasonal basis.

Property is 20.75 acres, zoned Agriculture (AG), and close to the Chisago County/Washington County line off of Olinda Trail (County Road 25). An aerial photo from Geographic Information Systems (GIS) of the property was displayed showing a house with attached garage that equals approximately 2,000 square feet and pole barn. Due to date of aerial photo it did not display the second pole barn, north of the house on the property. One pole barn is 50 x 200 ft. and second pole barn is 60 x 70 ft. In total, 14,200 square ft. of detached accessory building space is located on the property. Coordinator Jagoe reviewed the newly adopted Home Occupation Language by the County Board in November 2019. The Home Occupation has two categories: Minor and Major. The following Major Home Occupation was displayed:

*“Any occupation carried on by a homeowner or family member residing on the premises, such that the use is incidental and secondary to the use of the dwelling for dwelling purposes; that it does not change the character of the dwelling or neighborhood; are allowed as moderate business activities from the home determined to be suitable on a case by case basis; are deemed to be of a size, scale and intensity that will not adversely affect the health, safety, or welfare of the public; and that the home and residency on the subject property remains the principal focus of the location. A major home occupation shall comply with the requirements set forth in Section 4.04 C.”*

Mr. Wheeler’s request qualifies as a Major Home Occupation due to the number of employees and identified storage use. Coordinator Jagoe reviewed the Major Home Occupation Purpose as an avenue for suitable business growth or other suitable home occupations beyond that which is permitted under Section 4.04B and the Major Home Occupation Intent of this provision to allow for the case by case consideration of the suitability of a Major Home Occupation proposal as a conditionally permitted home based activity. The suitability of each proposed home occupations shall be evaluated and determined upon specific consideration of the size of the property, scale of the business, and environmental (health, safety, welfare) conditions unique to the proposal.

Mr. Wheeler’s Business Proposal was displayed. It is a seasonal operation, general business is Monday through Friday (8 am to 5 pm) starting April 5<sup>th</sup> through October 31<sup>st</sup> of each year. Inside storage of boats and dock sales will be conducted by phone during winter months. Two owners are onsite full time, up to five employees are onsite from 8-8:30 am and 5 pm daily during summer operation. Approximately, 10-20 unscheduled customer visits happen per year at the property. Approximately, 90 boats are moved to/from site per year. Storage is indoor only. There will be no outdoor storage of the following: boats, docks, employee vehicles and business equipment. No additional landscaping or screening was proposed.

An aerial photo of the property was displayed identifying future proposed plans that included future storage: Pole barn addition 80 x 60 ft., New pole barn 60 x 160 ft., new shed 20 x 40 ft. A total future building square footage of 15, 200 square feet. Overall, a total accessory building floor area of 29,400 square feet. Coordinator Jagoe reviewed proposed Condition #4: All work, except loading and unloading of material, must be conducted within the existing two detached accessory structures of boat and business storage and parking space as proposed. Any future construction of a pole building for the home occupation would require an amendment to the CUP to verify scale and site suitability for expansion. The Planning Commission should consider due to proposed size/scale of accessory storage space.

Franconia Township Board recommended approval with no conditions at their June 9, 2020 meeting. Technical Review was held on June 9, 2020 and indicated the CUP application process was started as a result of a code enforcement letter with outdoor storage of boats. Building Official would need verification from the Applicant that the new building that was constructed from new occupancy. A Building Permit would be needed for work completed to retrofit building. The 60 – Day Deadline is July 28, 2020. Staff had recommended approval of a CUP amendment for Major Home Occupation as requested by Mr. Wheeler

based on the narrative and site plan on record as provided by the Applicant, Findings of Fact as presented in Staff Report with 7 conditions. Coordinator Jagoe indicated Mr. Wheeler was available to address questions from the board. Mr. Wheeler reported business is being conducted in one building only. Future plans have been identified with a ten year outlook. Miller Mobile Marine is more of a service crew that operates offsite and we do not conduct dock sales. The business does dock repairs on site with no one on the property but the homeowner working on the small repairs. Chair McCarthy called on each Planning Commission Board member for questions/concerns.

Submitted Public Correspondence:

*Jon Poge* – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

**Jonathan Peterson**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

Submitted Public Correspondence:

*Jon Poge* – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

### **Innovative Power Systems (IPS Solar)**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

Submitted Public Correspondence:

*Jon Poge*z – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of

property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

### **Innovative Power Systems (IPS Solar)**

Coordinator Jagoe presented background information on the Hudak preliminary plat application for Hudak Acres. Original lot size was 31 acres, zoned Agriculture, with proposed subdivision of two lots. The new parcel, Lot 1 is 5 acres and parent parcel, Lot 2 is 25.8 acres. Due to seasonal constraints, soil borings and wetland delineation are scheduled to be completed in spring 2020. Chisago County executed a 60-day extension for review of the Preliminary Plat due to the Declaration of Local Emergency under the Executive Order issued to June 26, 2020. Township Board recommended approval with no conditions at their March 10, 2020 meeting.

Submitted Public Correspondence:

*Jon Poge* – 52110 Acacia Trail, contacted staff with a question on the location of the current septic system. A copy of the preliminary plat was emailed identifying the septic system location on the survey. No further questions or comments were received.

*Dan Copy* – 52460 Acorn Avenue W, contacted staff and stated he is against the subdivision and splitting off the five acres from the 30 acre parcel. Mr. Copy said properties should be required to remain 20 acre lots or larger. He has observed wilderness areas are being reduce by people moving into area. Mr. Hudak has already split five acre lots on another property and believes his intention is to keep splitting off five acre lots. Mr. Copy is adamant against reducing wilderness areas.

Coordinator Jagoe identified two members from the public on audio and asked if they would like to speak on the Hudak preliminary plat, but neither wished to comment. With no additional person wishing to speak, motion by Frank Storm to closed the public hearing. Second by Shellene Johnson and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Chip Yeager commented he understood the neighbors concern; however, Mr. Hudak can do the land division as long as he follows County procedures and ordinances. John Sutcliffe indicated he did not see any problems with the application. Shellene Johnson asked for clarification on the aerial photo and minor subdivision ordinance that was approved May 15, 2019. The subdivision ordinance states after June 1, 1999 all subdivision of property less than 20 acres are required to be platted. Dave Whitney had no questions. Frank Storm did not have any problems with the application. Chair McCarthy had no issues.

**Motion** by John Sutcliffe to approve Preliminary Plat “Hudak Acres” for one five acre lot as outlined in the Staff’s report and subject to:

1. Submittal of soil borings and wetland delineation that are verified and determined to be satisfactory before filing of final plat.

Second by Frank Storm. Motion carried unanimously.

**ADJOURNMENT:** There being no further business, motion by Jim Froberg and second by Dave Whitney to adjourn. Meeting was adjourned at 8:30 p.m.

