

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
June 6, 2019**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, June 6, 2019 in Meeting Room 150B of the Government Center.

Also Present: Jessica Jagoe (Land Services Coordinator), Diane Sander (Land Services & Parks Support), Kurt Schneider (Environmental Services Director), Michael Vath, and Susie Sandberg.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. The following Commission members were present: Jim McCarthy, Chair Frank Storm, Shellene Johnson, Charles Yeager, John Sutcliffe and Jim Froberg. Ex Officio: County Commissioner Chris DuBose. Absent: Dave Whiney (excused). A quorum established with members present.

APPROVAL OF AGENDA - On motion by Jim McCarthy and second by John Sutcliffe, the amended meeting agenda with the addition of Discussion Items: Solar Ordinance Revisions and Home Occupations was approved.

APPROVAL OF MINUTES - On motion by Jim Froberg and second by John Sutcliffe, the minutes of the meeting of May 2, 2019 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by John Sutcliffe and second by Jim Froberg all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Planning Commission and the applicants, for their review. Materials available at the entrance of the hearing room included: Amended Agenda, Vath Application and Staff Report, Current Zoning and Proposed Zoning Allowed Land Uses, Staff Reports for Solar Ordinance Review, and Home Occupation Ordinance Review.

INTRODUCTIONS – Director Schneider introduced new Land Services staff to the Commission.

NEW PUBLIC HEARINGS:

Mike Vath - Mr. Vath was present at the meeting to request rezoning of two parcels (PID 01.00348.00 and 01.00326.00) from their current Commercial/Limited Industrial (C/LI) designation to Rural Village Center (RVC) and to amend the text of the RVC district to allow “furniture making, woodworking, wood and furniture restoration with associated retail and show room space” as a permitted use. The Chair reported the Commission and staff visited the property to review Mr. Vath’s application. Mr. Vath commented his address was incorrect on the application and should be listed as 1917 2nd Street N instead of 1817 2nd Street N. Mr. Vath explained he has adored the historic creamery building in Almelund and wanted to restore the building and surrounding property. The historic creamery building would have a furniture/wood-working business, with retail/showroom. The current house on the property would be restored for Vath’s parents to live in. Mr. Vath will do the demolition work and replace the flat roof with a hip roof on the building. Chip Yeager expressed concerns of parking for the house and retail. Mr. Vath explained a parking pad will be located near the house, parking will be accessed from County Road 12, with no access from State HWY 95. Jim McCarthy expressed concerns of long vehicles hanging out into County Road 12. The intersection of County Road 12 and State HWY 95 has a history of accidents.

Susie Sandberg (415 Osceola Ave S) spoke on behalf of a citizen group in support of Mr. Vath's project and his interest in supporting Almelund. No additional person wishing to speak, at the request of the Chair, a motion by John Sutcliffe and second by Chip Yeager, the public hearing was closed.

Jim Froberg requested staff to research the entry coming NW on State Hwy 95 and turning left onto County Road 12 next to creamery. Shellene Johnson asked for clarification on the use of a Bed & Breakfast on the property. Coordinator Jagoe reported the house is non-conforming, but has been lived in within the last six months. Coordinator Jagoe explained Mr. Vath's parents could live there and the house could transition into a Bed & Breakfast. If the single family residential use was discontinued for a period of one year, any future use of the building shall be made to conform with the provisions of the ordinance. Motion by Jim Froberg and second by Chip Yeager to rezone parcel (PID# 01.00348.00 and 01.00326.00) from current designation of "commercial/Limited Industrial" (C/LI) to rural village Center (RVC). Motion carried unanimously. The following are the findings of fact adopted in support of approval:

1. Will the amendment create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? No. The rezoning will simply allow the Zoning designation to change on the property in question, and the text amendment will add a non-controversial and desirable low-impact retail use to the Rural Village Center.

2. Is the amendment sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? The amendment will allow a similar use as those already permitted in the District that surrounds it, and the rezoning will allow the use to take place on the subject property.

3. Will the amendment cause traffic hazard or congestion? The amendment will not affect traffic flows, or patterns, nor will it cause congestion or hazard, it will simply allow an additional low-level custom furniture making business, and associated retail/showroom space in a small town setting. The applicant will be required to move the driveway from its present location, further south, to increase the distance between the access and the intersection of the two highways. No hazard or congestion is expected or anticipated.

4. Is the amendment in the opinion of the County is reasonably related to the land use goals of the County, and the needs of the greater community? Yes. The County's Comprehensive Plan and Zoning Ordinance both identify the goal of enhancing and encouraging new development and appropriate growth in the County's Rural Village Centers.

5. Is the amendment consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls? Yes. As stated in Item #4 directly above, both the Comp Plan and Zoning Ordinance encourage the growth and development of businesses in the County's small rural villages, to attract visitors, retail activity, and enhance the potential for commercial success in Chisago County's unincorporated rural villages.

Discussion was held by the Commission to the proposed text amendment to Section 5.11B to allow for a broader scope of artisan crafts such as glassblowing or pottery with furniture making, and woodworking. Motion by James McCarthy to approve the text amendment to Section 5.11B #11 Furniture making, woodworking, wood turning and refinishing, pottery, glassblowing and other such artisan uses as determined by the Zoning Administrator with associated retail/showroom space, second by Chip Yeager. Motion carried unanimously.

DISCUSSION ITEMS:

SOLAR ORDINANCE REVISIONS – Director Schneider reviewed the table prepared by Assistant Zoning Director, Tara Guy. The County Board would like the Commission to look at the solar ordinance and following concerns: Setbacks, Trees/Vegetative Screening, Ambient Noise, Decommissioning, Saturation/Adjacency, Production Tax/Tax Loopholes, and Review of State Statutes. Staff provided observations for each of the concerns and how it relates to the ordinance. Jim Froberg questioned a solar project near the Washington County border on setbacks. Director Schneider reported the fence was moved back, out of the right-of-way. Chip Yeager stated he has walked by a solar garden and he could not hear the noise from the inverters. Fencing helps keep people away from getting close to the inverters. James McCarthy questioned the decibels of an inverter to a power line transformer and concluded they were pretty quiet. Director Schneider indicated he has video and recordings of the inverters demonstrating how quiet they are. He concluded the Commission could include conditions in permits to centrally locate inverters, choice of inverters, and type of fencing to help minimize ambient noise levels. Chair stated the Commission could do the following: leave the ordinance as is, add additional conditions to future permits, table discussion, or have County Board recommend the Commission to rewrite it. Chair commented after review of the solar ordinance table with staff observations related to the concerns; the ordinance seems to be sufficient. Commissioner Chris DuBose stated Dave Whitney should be present for this discussion. Chair confirmed that Dave Whitney had suggested rewording and not to create a new ordinance. Shellene Johnson would like to discuss the saturation issue and get clarification on solar taxation and fees. Chair stated the Commission does not get involved with taxation or fees and the focus is on land use. The Commission discussed saturation and if it was an issue or a need for solar. Director Schneider indicated that saturation is not the best term since no other agricultural land use is regulated in terms of saturation. There is plenty of land available in the Ag. Zone for solar use. Director Schneider provided a brief overview of the tax structure on 1MW projects with production tax vs smaller projects. Director Schneider added landowners are inquiring about the potential of having a solar project to save their land and as a source of additional income. The Commission could review and determine the following: maximum number of solar panels per parcel, maximum number of projects within a specific geographical area, maximum percentage of individual parcel coverage, maximum number of projects along a single distribution line, maximum length of lineal public road frontage with visible solar arrays, or maximum amount of CSG megawatt production per sub-station. James McCarthy indicated this discussion could be difficult and does not want to take rights away from landowners and determine who could or could not have a solar project with their land. Director Schneider indicated the Commission will need to determine findings on impacts to community and environment, and related to the land use goals of the County. Motion by Chip Yeager and second by Shellene Johnson to table the discussion to review Dave Whitney's information for the next discussion. Motion carried unanimously.

HOME OCCUPATIONS – Director Schneider reviewed a staff report prepared for the Commission on home occupations. It was requested the Commission review current zoning code definitions with zoning districts since each district has home occupations. Director Schneider indicated we do have some home occupations that meld into light industry and becoming inconsistent with number of employees, parking, increased noise and traffic, or outdoor storage. He cautioned the Commission that ignoring zoning district purposes could lead to larger conflicts between land uses and the County Comprehensive Plan. A home occupation in Franconia Township was used as an example of a home occupation that has been very successful and requested a CUP amendment. Home occupation growth can become a difficult transition for some to a commercial zone. One possible consideration is to create an interim use permit that provides a homeowner a specific time frame for mid-range growth and at the end of the permit make the move to a commercial or industrial area. An interim use permit could also allow for case by case review and evaluation of impacts on surrounding area. Chip Yeager questioned if a person sells with an Interim Use

Permit, will that transfer to the new owner. Director Schneider indicated sale of the property would terminate the permit. Jim Froberg indicated the county land use has changed over the years and perhaps the use of Interim Use Permit will help with expanding home occupations. The Chair read from MN Statute 2400.2040 Subp. 38 and definition on home occupation and use statute for the home occupation review. The Chair and James McCarthy had concerns when home occupations need additional utility services such as sewer, water, and how to handle chemicals. Director Schneider commented on the impact and broad reaching ramifications home occupations have on infrastructure. The Commission has been flexible with home occupations. Shellene Johnson indicated she would like to see home occupations stay within the community but acknowledged the review of zoning and Interim Use Permit. Chair requested Coordinator Jagoe to provide more information on Statute, surrounding counties, use of interim use permits instead of conditional use permits, and analysis of previous home occupation permits. Motion by Chair Frank Storm and second by Shellene Johnson to table the discussion and review staff information for the next discussion. Motion carried unanimously.

ADJOURNMENT: There being no further business, upon motion by Jim Froberg and second by Shellene Johnson, the meeting was adjourned at 8:10 p.m.