

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
September 3, 2020

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, September 3, 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 electronically: 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, with Chair McCarthy leading following meeting order and procedures.

APPROVAL OF AGENDA –Motion to approve the amended agenda with the addition of one public comment by Frank Storm. Second by Dave Whitney. Motion carried unanimously.

APPROVAL OF MINUTES – Chip Yeager noted a correction, “....meter reading technology is about line of a site sight... Shellene Johnson requested the following addition, “Shellene Johnson questioned if the solar garden was over a one-megawatt due to notation 1.458 MW on the site plan. Evan Carlson and another representative with IPS Solar did confirmed 1.458 MW for DC size and indicated the project AC output would be remained a one-megawatt solar garden.” Motion to approve the amended August 6, 2020 minutes by Frank Storm. Second by Shellene Johnson. 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 Jim Froberg. Second by John Sutcliffe. Motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Comment for Carlson PID#02.00498.00 and PID#02.00498.10. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Glenn and Krisa Carlson

Coordinator Jagoe presented background information on the Carlson’s preliminary plat application for “Oasis East West”. Original parcel size was 80 acres, zoned Agricultural (AG), with proposed subdivision of four lots. Three lots are over ten acres and one lot is over five acres. Street frontage will be Oasis Road and 347th Street. Technical Review was held on August 12, 2020 and the subject parcels are not located in a flood plain and there are no severe slope conditions impacting the proposed development. County Wetland Specialist verified there are no wetland impacts. The Township would be the road authority for access on the newly created lots off of 347th Street and County Highway has indicated that one access would be allowed off of Oasis Road. Between Lots 1 and 2, Block 2, there is a 40 x 60 bump out of right-of-way (ROW) that is being dedicated because there is a box culvert under the road in this location for drainage. There are no new roads as part of the proposal. County staff has found the soil verification to be accurate and satisfactory. Chisago Lake Township Board recommended approval with no conditions at their August 18, 2020 meeting. Glenn and Krisa Carlson with Kelly Jordan, Surveyor was available to address questions and concerns.

Dave Whitney questioned the size of the two 20 acre parcels, one looked smaller in size. Kelly Jordan indicated the site plan was not to scale, but the parcels are the same size. Chip Yeager inquired to the road access location from Oasis Road.

Submitted Public Correspondence:

Scott and Kathryn Hageny – 13965 346th Court, homes located in the subdivision adjacent to 347th Street are subject to extensive covenants and restrictions. We would like to see the new lots strictly limited to residential use and prohibit mobile homes. We would like to see the integrity of our adjoining subdivision maintained.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Oasis East West preliminary plat, but no one wished to comment. With no additional person wishing to speak, ***motion*** by Chip Yeager to closed the public hearing. Second by Jim Froberg and carried unanimously. Each Planning Commission member was asked for additional questions and comments. Commissioner Yeager inquired if the county could address the covenant and restrictions. Coordinator Jagoe indicated subdivision covenants are considered private and the county would not be involved. Chair McCarthy questioned if the subdivision would have any attachment to the adjacent subdivision covenant. Coordinator Jagoe reviewed the AG District permitted uses. ***Motion*** by Jim Froberg to approve Preliminary Plat “Oasis East West” for four residential lots as outlined in the Staff’s report. Second by Shellene Johnson. Roll call vote was taken and motion carried unanimously.

7M Lakes LLC

Coordinator Jagoe presented background information on Shaun Fiedler’s preliminary plat application for “7M Lakes First Addition”. Original lot size is 27 acres, zoned Rural Residential I (RRI) within the Shoreland Overlay, with a proposed two lot subdivision. Lot One (riparian) is 2.3 acres and Lot Two 1.6 (nonriparian). The proposed preliminary plat has been designed to add a cul-de-sac onto the 33 feet of existing ROW of Crest Way. The Township is the road authority and will determine design and construction specifications. From the County’s perspective, the proposed preliminary plat would comply. Nessel Township Board reviewed the preliminary plat on August 11, 2020 and had no objections, but there were not enough members present to vote. Technical Review was held on August 12, 2020 and no other issues or concerns were identified.

Shaun Fiedler was present to address questions and concerns. Mr. Fiedler reported he will provide Nessel Township engineering design for the cul-de-sac. Commissioner Sutcliffe stated Nessel Township Board did not vote, since a quorum was not established with one board member abstaining from voting. Township Board did support the preliminary plat. Dave Whitney questioned if Crest Way had a cul-de-sac. Mr. Fielder provided background information on the cul-de-sac and discussed the option for adjacent landowners to request the Township to vacate ROW. Commissioner Whitney questioned on future development. Mr. Fielder indicated the 20 acre lot will only sustain one building site. Overall, the parcel is going to stay fairly similar and not have any major development. Commissioner Froberg inquired if anything else could be installed instead of the cul-de-sac and if it was a private road. Mr. Fiedler indicated only a cul-de-sac would work due to setbacks and ROW and it would be considered a Township road.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the 7M Lakes First Addition preliminary plat, but no one wished to comment. With no additional person wishing to speak, ***motion*** by Jim Froberg to closed the public hearing. Second by John Sutcliffe and carried unanimously. Each Planning Commission member was asked for additional questions and comments. ***Motion*** by John Sutcliffe to approve Preliminary Plat “7M Lakes First Addition” for two residential lots as outlined in the Staff’s report. Second by Jim Froberg. Roll call vote was taken and motion carried unanimously.

Old Business:

David Wheeler

Coordinator Jagoe reviewed the previous motion by the Planning Commission on July 2, 2020 and the County Board on July 15, 2020. Coordinator Jagoe presented David Wheeler’s revised Major Home Occupation Conditional Use Permit (CUP) request. The revised plan identified existing two detached accessory buildings

used for the home occupation. No additional buildings were being proposed. A screening plan was provided with 100 Spruce trees ranging from 5-6 feet tall that will be planted in the fall of 2020 and/or spring of 2021. The revised Business Proposal included: Seasonal installation and removal of docks April 5 through October 31; Incidental minor boat/motor repair during seasonal operation with mechanical issues first addressed at the boat owner's property; One employee on premise daily; Company will have one fulltime and five part-time employees with up to six employees on site 8-8:30 am and 5 pm; and Outdoor Storage Operation included a total of 52 boats/personal watercrafts stored inside the accessory buildings which would be fully enclosed during winter months. Coordinator Jagoe reviewed the July 2, 2020 recommendation of denial and findings if the Planning Commission's action was unchanged. Staff also presented a recommended approval of the Conditional Use Permit for Major Home Occupation based on the revised narrative and site plan on record. Planning Commission's recommendation will be reviewed by the County Board on September 16, 2020. The public hearing was closed on July 2, 2020 and the Planning Commission will discuss the revised Major Home Occupation CUP request.

Chair McCarthy asked each Planning Commission member for questions and comments. Chip Yeager indicated he had concerns on the scope and size of the home occupation. Commissioner Yeager stated David Wheeler's request is too large and out of scale for a home occupation. He questioned if the home is adjunct to the business or the business adjunct to the home.

Shellene Johnson supported Yeager's comments and she still had concerns with the contracted boat storage in the business plan. Commissioner Johnson stated the Home Occupation purpose is secondary to the principal use of the home as a residence. Mr. Wheeler's request with boat storage increases the scale of his home occupation and use of the property. Employees and minor repairs are within business hours, but boat storage during the winter months goes beyond the scope of a home occupation. The business with boat storage has become primary use and home residence as secondary use. She supports home occupations; however, the scale of boat storage is too big. Concerns of increased traffic during the spring and fall with 52 boats coming and going would be a minimum of 104 trips could cause traffic congestion. It would be significant and the intensity of traffic would be noticeable along with delivery and employees. Home Occupation 4.04 C4 – No outdoor display or storage of goods or materials is permitted. This property is in the Agricultural District and under 5.06 Agricultural District it does not state storage as a permitted use. Home Occupation 4.04 C7 – Should the home occupation be repair, the items repaired shall be of the size of nature that repair and storage can occur within the accessory structure. She expressed concern that the property has two accessory structures. Commissioner Johnson would support the home occupation request if the boat storage was removed and the existing accessory buildings be used for residential use, minor dock repairs, and storage for equipment and supplies. Due to excessive traffic that would be generated from boats coming and going from storage on the property; it changes the scale of the business and intent of the home becomes secondary.

John Sutcliffe requested clarification on the boat storage if it was inside or outside. Shellene Johnson reviewed Mr. Wheeler's original request and responses during the tour on their intent of adding future accessory storage buildings for boat storage. She stated it would be hard for future requests as to the nature and intent of our home occupation ordinance. She added Mr. Wheeler was utilizing the property for boat storage instead of storage of his personal equipment. Commissioner Sutcliffe indicated the revised request removed the larger boat storage and limited the number of boats for indoor storage. Commissioner Johnson stated the building permit that was issued to Mr. Wheeler for personal use only, but he was using it for his business. The fact that the buildings were already there, does not mean they should be part of his home occupation since the intent of the building permit was for personal use.

Jim Froberg indicated he was not concerned about the generated traffic from the property and supports the home occupation request. Frank Storm indicated he did not have any questions at this time and requested permission to make a motion and he would voice his concerns at that time. Dave Whitney supported

Commissioner Johnson's concerns on traffic being an issue but could not understand why the Planning Commission had such concerns on the boat storage component of the business plan. Commissioner Whitney stated this was a great opportunity for the community and happy to see the accessory buildings being screened.

Chair McCarthy stated the Planning Commission has not allowed boat storage as a CUP. He stated that he was not supportive of serial CUP's and the application has not changed much by still stating there may be future buildings. The Agricultural District does allow accessory buildings for storage, but a CUP request allows the Planning Commission to review the intent of the application and discuss the suitability for a Major Home Occupation on a case by case basis. The Planning Commission will take into consideration the scale and scope of the business to determine if the home occupation is suitable for the surrounding area. Chair McCarthy stated home occupations do not allow commercial storage and the request under review appears to be an intensive use and should be in a commercial zoning district.

Commissioner Froberg asked if the applicant was going to speak. Coordinator Jagoe reported a representative for Mr. Wheeler was present to address questions and concerns with the Commission. Chair McCarthy stated if Planning Commission members had questions for the applicant this would be the time to ask. With no further questions, Commissioner Storm stated he supported Commissioner Johnson's concerns. **Motion** by Frank Storm recommend that the County Board approve a Conditional Use Permit to Miller Mobile Marine for the following:

1. Allow office within residence for dock sales and operation of it off site business.
2. Allow detailing and minor repair of boat in the existing accessory building.
3. Allow storage of business vehicles, trailer or affiliated equipment parked/stored in large storage shed.
 - a. Note; Building permit states "a building for residential storage only".

Special Conditions:

1. The days and hours of the operation are Monday through Friday from 8AM to 5PM year round.
2. There can be no promoted or invited customer traffic to the site.
3. All work, except loading and unloading of material, must be conducted within the existing two detached accessory structures for business storage and parking space as proposed.
4. The use must conform with all relevant criteria of Section 4.04C of the Chisago County Zoning Ordinance as follows:
 - a. Only those persons residing in the home and up to six employees may be employed on site with this home occupation.
 - b. No business affiliated signage is permitted.
 - c. The outdoor display and/or storage of business affiliated goods, materials, employee vehicles, trailers, and equipment is prohibited.
 - d. Solid waste and recycling containment and screening shall be identified on the site development plan and screened and enclosed with a board on board or other comparable refuse and recycling enclosure area as approved by the county.
5. All existing and future proposed construction shall be verified and built in accordance with relevant building and construction permit requirements in effect at that time. Pursuant to the review and

inspection of the County Building Official all proposed structures shall be in accordance with the State Building Code resulting in issuance of a Certificate of Occupancy.

7. No more than six boats being repaired or awaiting repair are permitted on the property at any one time.
8. Once repaired the boats must be removed from the property within ten working days.

Second by Shellene Johnson. Frank Storm indicated the motion was based on the finding that boat storage was not a permitted use, not conditional use, and was not a home occupation. He stated that was commercial storage and not the intent of the home occupation ordinance.

Chair McCarthy asked staff to confirm if any storage has been permitted since the adoption of the zoning ordinance code. Coordinator Jagoe indicated she could not answer that question with limited historical knowledge and would have to research previously reviewed CUP's. Chair McCarthy conducted a roll call vote. The motion passed with Frank Strom, Shellene Johnson, Chip Yeager, John Sutcliffe, and Chair McCarthy in favor. Opposed was Jim Froberg and Dave Whitney. Recommendation will be reviewed by the Chisago County Board on September 16, 2020.

Discussion followed as to number of planning cases next month's review. Coordinator Jagoe indicated one preliminary plat had been submitted. Commissioner Froberg inquired if the Planning Commission could discuss the one acre buildable. Shellene Johnson indicated she had drafted language from surrounding counties. Commissioner Chris DuBose stated the one acre buildable is an important issue and should be discussed. Coordinator Jagoe indicated she will place it on next month's agenda.

ADJOURNMENT: There being no further business, motion by Jim Froberg and second by Chip Yeager to adjourn. Meeting was adjourned at 8:10 p.m.