

**CHISAGO COUNTY**  
**PLANNING COMMISSION OFFICIAL PROCEEDINGS**  
**January 5, 2023 - DRAFT**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, January 5, 2023 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: Kathy Blomquist, Dave Whitney, Chip Yeager, Eric Leivian, John Sutcliffe, and Jolene Wille. Absent: Chris DuBose (excused). Also present: Ex Officio County Commissioner Rick Green. A quorum was established with all members present except for DuBose.

**Election of Officers** – Chair Yeager called for nominations for 2023 Chair. Dave Whitney nominated Chip Yeager for Chair; second by John Sutcliffe. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0. Ayes: Blomquist, Whitney, Leivian, Sutcliffe, Wille, and Yeager. Nays: None

Chair Yeager called for nominations for 2023 Vice Chair. John Sutcliffe nominated Chris DuBose for Vice Chair; second by Dave Whitney. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None

**Approval of Agenda – Motion** by Jolene Wille to approve the amended agenda with the addition of 2023 Meeting Schedule to Miscellaneous; second by John Sutcliffe. The motion passed 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

**Approval of Minutes – Motion** by Dave Whitney to approve the December 1, 2022 Regular Meeting minutes; second by Jolene Wille. The motion passed 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

**Receive all Materials and Submittals into Record - Motion** by John Sutcliffe to accept all materials and submittals into the record; second by Jolene Wille. The motion passed 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments and public hearing comment from Scott and Amy Frischmon. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**Glen & Donna Bergin** – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Keystone Pines, involving the creation of three lots from a 20-acre tract. The property is zoned Agricultural (AG) District and located at 42120 Keystone Avenue, Sunrise Township, S36, T36, R21 (PID# 09.00644.00).

Property owners Glen & Donna Bergin were represented by Brad Canaday, applicant to create three parcels from the tract of land located at the intersection of Keystone Avenue / CR 67 and 420<sup>th</sup> Street in Sunrise Township. The property is currently developed with a dwelling and two detached accessory structures. The remaining property is heavily forested with no wetlands or other unique features.

The Technical Review Committee met on December 14, 2022 and had not identified any concerns with the proposed plat. County Engineer Joe Triplett had provided comments regarding accesses for each of the proposed lots, noting that the Chisago County Access Management Ordinance would allow the northern two lots (Lots 1 and 2) one access (requiring a shared driveway) unless the applicant applied for and is granted a Variance from the Chisago County Highway Department. Triplett added that the third proposed lot (Lot 3) would require access from 420<sup>th</sup> Street (township road). The Sunrise Town Board reviewed the proposed Preliminary Plat at its December 15, 2022 meeting and recommended approval with no conditions. B. Canaday and G. Bergin were present and available to address questions and concerns. Chair Yeager asked the property owner and Planning Commission members for additional questions and comments. G. Bergin indicated a Variance was granted by the Highway Department for separate driveways for proposed Lots 1 and 2.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Jolene Wille to close the public hearing; second by Eric Leivian. **Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None. Chair Yeager asked Planning Commission members for additional comments.

***Motion*** by John Sutcliffe; second by Jolene Wille to adopt Resolution No. PC2023-0101, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Keystone Pines, with conditions as presented:

Conditions:

1. The Preliminary Plat of Keystone Pines is approved per plat drawing dated signed November 15, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Proposed Lots 1 and 2 shall have a shared driveway / access unless the Chisago County Highway Department grants a Variance to the Access Management Ordinance allowing separate driveways / accesses from Keystone Avenue / CR 67.
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 is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

**Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

**Stig A. Larson Family Limited Partnership & Jeanne Larson** – Coordinator Gervais provided a brief background on the request for an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (gathering venue) in the Agricultural (AG) District / Shoreland Management District. The original CUP was granted in 2014 when the subject site was 200+ acres in size, and the proposed Amendment would modify the legal description following subdivision of the subject site in 2020 reducing the size to 133.18± acres. The property is located at 15326 318<sup>th</sup> Street, Chisago Lake Township, S25, T34, R20 (PID# 02.00715.00 and 02.00725.00).

Jeanne Larson, President and CEO of Stig A. Larson Corporation, applied for the CUP Amendment on behalf of property owner Stig A. Larson Family Limited Partnership. The proposed CUP Amendment request would modify the legal description for the original CUP that was granted in 2014. When the CUP was originally approved, the property was 200+ acres in size and included four separate parcels. In August 2020, the property was subdivided; currently the property is 133.18± acres in size and includes two separate parcels (two parcels rather than a single parcel due to a section line). The property owner and applicant are satisfied with all existing

conditions and only requested the legal description be Amended. The 2014 CUP described the unique and historic farm venue available for rent for weddings and other special low-impact events at the Larson farm (Elleholm) on Little Lake. Additional materials described the land and all structures, intended use of the property for gatherings, months of operation, pricing for use of the gathering venue, access and parking, staffing, catering, sanitary facilities, and insurance.

Coordinator Gervais explained that up until this point in time, the Planning Commission and County Board have considered all previously approved conditions, amended conditions, and could add new / eliminate previously approved conditions which the applicant may not have specifically requested be added / eliminated; however, a September 2022 Minnesota Counties Intergovernmental Trust (MCIT) training session expounded on [the County] may not add or Amend conditions that have no relationship to the requested Amendment. MCIT guidance was a departure from past practice; therefore, staff sought legal opinion from the County Attorney's Office. Assistant County Attorney Fuge concurred with MCIT guidance on the processing of requests for CUP Amendments, commenting that it would be beyond the scope of review to reconsider or otherwise modify the CUP or conditions of the CUP in any manner other than as related to the request for Amendment.

The Technical Review Committee met on December 14, 2022 and did not identify any concerns with the proposed Amendment but discussed options for sanitary facilities. County Surveyor Paul Gibson reviewed the proposed / updated legal description to ensure its accuracy, and Coordinator Gervais noted that the legal description included in the draft resolution was based on the description provided by the applicant but formatted based on the County Surveyor's comments. The Chisago Lake Town Board reviewed the proposed CUP Amendment at its December 20, 2022 meeting and recommended approval with no conditions. Applicant J. Larson was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Kathy Blomquist asked for clarification on Rural Retail Tourism venues for weddings and events. J. Larson indicated that her primary target will be agricultural and educational events, and weddings will be a lesser priority.

Chair Yeager opened the public hearing and sought comment. Coordinator Gervais read the following comment:

*Scott and Amy Frischmon – 633 Grand Avenue, Chisago Lake Township. We own property adjacent to the Larson farm and support the CUP request. The renovations made to the historic barn on the property are beautiful and we believe J. Larson will be a good steward of the land.*

With no other persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Jolene Wille. **Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None. Chair Yeager asked Planning Commission members for additional comments.

***Motion*** by Jolene Wille; second by Kathy Blomquist to adopt Resolution No. PC2023-0102, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism on property located at 15326 318<sup>th</sup> Street in Chisago Lake Township, with findings of fact and conditions as presented:

Conditions:

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318<sup>th</sup> Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.

2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permittee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.
7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. 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.

**Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

**Public Hearings – Continued Hearings** - None

**Old Business** – None

### **New Business**

**Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure** – Coordinator Gervais provided a brief background and indicated it is an annual review process of Commission / Board structure, meeting order, and procedures, adding that the Commission could offer recommendations for modifications for the County Board’s consideration. This document is shared with the Board of Adjustment and Appeals and any recommendations for modifications from either body will be presented together for County Board consideration. Chair Yeager asked Planning Commission members for comments.

Kathy Blomquist indicated she had a number of items she would like to review and started with her appreciation of the Thursday deadline prior to the meeting date in *Section 9. Agenda and Deadline for Agenda, (B) Deadlines*. She sought clarification on *Section 16. Member Participation, (A)*, asking if “three of more regular meetings” included special work sessions. Director Schneider indicated it was limited to the regular monthly meeting but could seek clarity for surety.

Kathy Blomquist and Dave Whitney pointed out that the requirement for one-month advance notice to remotely attend a meeting contained in *Section 17. Member Attendance, (B)* seemed like an extreme length of time for notifying staff. Dave Whitney commented that it was difficult for active people to plan that far in advance. Both Commissioners supported and recommended, “...no less than ~~one month~~ two weeks in advance of the meeting...”.

Kathy Blomquist asked for the rationale for identifying an annual remote attendance maximum of three meetings in *Section 17. Member Attendance, (A)*. Chair Yeager indicated that practices during the COVID-19 pandemic and the return to in-person meetings had directed and influenced discussion on this matter. Dave Whitney indicated that the Planning Commission's meeting schedule includes 12 regular meetings per year and 12 special work sessions per year, commenting that there is a scheduled meeting every two weeks. Whitney continued that members want to live a robust lifestyle with extended vacations, but the remote limitation does not provide the opportunity to serve on the board and live life. The limitation of three remotely attended meetings diminishes value in members participating remotely. John Sutcliffe noted that the general procedure focused on in-person participation and not remote participation. Chair Yeager suggested the following modification, "...advance written request and approval by the Chair at his or her sole discretion, ~~provided that no member shall remotely attend more than three (3) meetings, regular or special, in any one year, unless authorized in advance by majority vote of the County Board.~~" Kathy Blomquist and Dave Whitney supported Chair Yeager's proposed modification.

Discussion followed by members if the Chair or County Board should make the decision on attendance and members abusing the absence / remote participation policies. Discussion expanded from *Section 17. Member Attendance, (A)* to include *Section 16. Member Participation, (A)* in regard to absence. Dave Whitney commented that the County Board should not be involved with making the decision if a member wants to participate remotely 3 or more times. Eric Leivian commented that three meetings does seem too little but added that a cap is needed. Leivian further added that, if an absence / abuse was found, it should go to the County Board for discussion. Director Schneider clarified that *Section 16, (A)* pertains to the 12 regular meetings per year and *Section 17, (A)* pertains to remote attendance at either regular or special work sessions per year. Schneider offered that an alternative could include defining attendance in *Section 17, (A)* to establish a cap on remotely attending regular meetings and establish a cap on remotely attending special work sessions. Director Schneider added that remote attendance indicates the member is present for the meeting and this would not be considered an absence. Commissioner Rick Green stated that missing three regular meetings is missing a quarter of the yearly meetings and County Board should have a voice in the matter. Discussion continued on the possible increase of the cap on remote attendance.

Kathy Blomquist suggested the following modification, "*Section 16. Member ~~Attendance Participation~~ and Section 17. Member Remote Attendance.*" Kathy Blomquist expounded on *Section 16.*, "an absence from three or more regular meetings ...", suggesting that "or more" should be eliminated. Blomquist commented that missing more than three meetings demonstrates that the member does not have the ability to attend. Blomquist further commented that remote attendance is different; audience and board members can see the remote member attending the meeting via on-screen / projection presence. In her experience, the problem is members never attend meetings if their absences are considered excused absences. An absence should be considered an absence and there should be no differentiation between excused and unexcused. Remote meeting participation demonstrates meeting attendance. As previously stated, Kathy Blomquist suggested an additional modification to *Section 16. Member Participation, (A)*, "An absence from three ~~or more~~ regular meetings in one calendar year may be considered grounds for removal by the County Board." Jolene Wille offered support for the limit of three remote meetings, expressing concerns that hearing and conversing with members via on-screen / projection can be difficult. Wille added that every member has things come up during the year that may prevent them from attending in-person or remotely. Jolene Wille supported the general policy on attending meetings in-person. Discussion continued and encompassed Planning Commission tours and acknowledgment that attendance for tours is not required.

Chair Yeager asked Planning Commission members for thoughts on the suggested modification of *Section 16. Member Participation, (A)*, "An absence from three ~~or more~~ regular meetings in one calendar year may be

considered grounds for removal by the County Board.” **By consensus**, the Commission supported the policy as currently written, “*Section 16. Member Participation, (A)*, “An absence from three or more regular meetings in one calendar year may be considered grounds for removal by the County Board.”

Discussion was held on a suggested change to *Section 17. Member Attendance* regarding remote meetings. Suggestions included a new maximum number, or individual maximum numbers for regular meetings and special work session meetings. John Sutcliffe pointed out that some special work session meetings do get cancelled and suggested a limit on remote attendance for just regular meetings. It was clarified that special work sessions include zoning ordinance update special work sessions and, once the zoning ordinance update is complete, special work session meetings may become less frequent. Director Schneider stated that a specific number of absences is not absolute; it simply alerts the County Board of a member being absent from meetings. It is the County Board’s discretion to consider or act on grounds of removal. Schneider added that the recommended limit on absences is a discretionary point, and the Planning Commission Chair and staff can help assess attendance issues and possible notification to the County Board. Jolene Wille commented that it appears to have been a non-issue in the past and, if it becomes an issue, it will become apparent with staff and other Commission members. She suggested leaving *Section 16* and *Section 17* as currently written.

**By consensus**, the Planning Commission supported the following modification, *Section 17. Member Remote Attendance*.

**By consensus**, the Planning Commission supported the currently titled, *Section 16. Member Participation*. Kathy Blomquist reiterated that the issue of excused and unexcused absences could become a problem if not addressed in the policy.

Dave Whitney suggested a modification to *Section 17. Member Remote Attendance, (A)*, “...provided that no member shall remotely attend more than ~~three (3)~~ four (4) meetings, regular or special, in any one year...” Kathy Blomquist clarified that *Section 16. Member Participation, (A)* deals with regular meeting attendance, whereas *Section 17. Member Remote Attendance, (A)* pertains to regular “or” special meetings. Eric Leivian suggested a modification to *Section 17*, “...provided that no member shall remotely attend more than three (3) regular meetings and three (3) special meetings, ~~regular or special~~, in any one year...” Kathy Blomquist stated that she did not realize how restrictive remote attendance was going to be and indicated her intention to submit her resignation from the Planning Commission as she gathered her materials to leave the meeting. Fellow Commissioners and staff encouraged Blomquist to reconsider, commenting that the County Board may modify the language related to remote attendance irrespective of the Planning Commission’s discussion and preference. Kathy Blomquist stated that she was retired, enjoys traveling, and described her experience on the North Branch City Council with no restrictions on remote meeting attendance. Director Schneider indicated that the Commission’s proposed modifications are recommendations only and the County Board may agree, disagree, or have different thoughts altogether. Director Schneider encouraged Kathy Blomquist to wait and evaluate her decision based on the County Board’s discussion and action on the matter. Kathy Blomquist stated that, due to travel plans, she would be over her limit of remote attendance right away in the year and does not want special authorization from the County Board to exceed her limit of three remote attendances. Jolene Wille indicated that the limit was discretionary and suggested waiting to see how 2023 works; there may or may not be an issue. If there is an issue it can be discussed and modified in 2024. Discussion followed on remote attendance notification, timing of input from the Board of Adjustment and Appeals (BOAA), and decision by the County Board.

**By consensus**, the Planning Commission supported the following modification, *Section 17. Member Attendance, (B)* “...no less than ~~one month~~ two weeks in advance of the meeting...”

Discussion followed on whether a majority of members should be in-person at meetings, indicating a limit on how many members could attend remotely. Director Schneider commented that remote attendance does add pressure and responsibility to staff to ensure that technology is working properly and potentially working through unforeseen issues during a meeting. Schneider added that a requirement for a majority of members to attend in-person reduces the risk of lack of a quorum if unforeseen power or connection issues arise during remote attendance. The Planning Commission had functional and well attended remote meetings throughout the COVID-19 pandemic and, following COVID, the Commission placed importance on in-person meetings. Director Schneider concluded that the limit on the number of remotely attended meetings may have been picked arbitrarily but there has not been an issue to-date with the current number. Kathy Blomquist described her experience on the North Branch City Council and concerns with unforeseen technology issues related to remote attendance. She again indicated that she does not want special consideration for remote attendance and, if the Planning Commission prefers in-person attendance, it would be best to submit her resignation. Director Schneider reiterated that the County does have the technology necessary to operate virtual / hybrid meetings and will work through any issues as they arise. Dave Whitney suggested *Section 17 Member Remote Attendance (A)*, "...provided that no member shall remotely attend more than three (3) regular meetings and three (3) special meetings, in any one year, unless authorized in advance by majority vote of the County Board." Kathy Blomquist had concerns with more than two people attending remotely and difficulty in hearing discussion.

**Motion by** Dave Whitney to modify *Section 17. Member Remote Attendance, (A)* "...provided that no member shall remotely attend more than ~~three (3)~~ six (6) meetings, regular or special, in any one year..." **Motion failed for lack of a second.**

**Motion by** Dave Whitney to modify *Section 17. Member Remote Attendance, (A)* "...provided that no member shall remotely attend more than three (3) regular meetings and three (3) special meetings, regular or special, in any one year...", unless authorized in advance by majority vote of the County Board." Second by Jolene Wille. **Motion passed** 5-1. Ayes: Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: Blomquist.

**Motion by** Dave Whitney to modify *Section 5. Quorum*, "...a quorum is identified as a majority of members present and remotely attending." and *Section 11. Rules of Procedure for Meetings, (C)*, "...majority vote of the members present and remotely attending." Second by John Sutcliffe. **Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

Dave Whitney indicated that he was satisfied with the current practice of receiving an electronic meeting packet / link to the electronic meeting packet on the Friday prior to tour as addressed in *Section 9. Agenda and Deadline for Agenda, (D) Delivery of Agenda to Members*, but suggested that the language be modified to require that the materials be provided at least four days in advance rather than two. Coordinator Gervais sought clarification from Dave Whitney as to whether he was suggesting that the hard copy mailed packets be provided earlier or if he was satisfied with electronic materials being provided on this advanced schedule. Coordinator Gervais explained that the link to electronic packets is distributed on the Friday prior to tour / meeting date and hard copies are placed in the mail. Mail delivery has been delayed within recent months and staff is unable to control delivery dates. Dave Whitney clarified that he was satisfied with receipt of the link to the electronic materials and was not suggesting that the hard copy mailed packets be provided earlier.

**Motion by** Dave Whitney to modify *Section 9. Agenda and Deadline for Agenda, (D) Delivery of Agenda to Members*, "At least ~~two~~ four calendar days before the meeting,..." Second by Jolene Wille. **Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None.

## Communications and Reports

**County Board Liaison Report / Update** – County Commissioner Rick Green reported the 2023 Chair is Commissioner Ben Montzka; 2023 Vice Chair is Commissioner Marlys Dunne. The County Board has two new Commissioners; District #1 Jim Swenson and District #5 Dan Dahlberg. A few of the Commissioners met with the Governor on the countywide broadband project and estimated project cost. It was recommended the County Board wait and see if additional funding becomes available following legislative session. County Administration has been working on labor contracts.

**Miscellaneous**

**2023 Meeting Schedule** – Dave Whitney indicated that his comments pertaining to the 2023 meeting schedule were resolved in previous discussion. He indicated that regular meetings and special work sessions have been scheduled every two weeks. It does make the commitment of attending meetings more difficult, but it has been fine to maintain flexibility in schedules. Discussion followed on distribution of the draft Zoning Ordinance update. Director Schneider reported that staff had been in direct contact with the consultant and hoped to receive and distribute current draft materials on Friday, January 6<sup>th</sup> or Monday, January 9<sup>th</sup>. Schneider added that verbal updates from the consultant on the draft materials has been positive and forthcoming; however, obtaining electronic materials from the consultant for review and distribution has been very challenging. With concern about the Commission’s ability to review the draft materials in preparation for the January 19<sup>th</sup> work session, Schneider encouraged Commissioners to focus their review efforts on large scale ordinance changes that reflect Commission direction and communication to the consultant and staff will focus on review and edit of line-by-line to identify any typos, grammatical errors, formatting issues, etc. Director Schneider indicated that staff and Chair Yeager would assess the draft materials and determine if the January 19<sup>th</sup> work session should be held or canceled, adding that, if it is cancelled, staff will work directly with the consultant in effort to obtain a better product for a productive work session.

**Adjourn Meeting – Motion** by John Sutcliffe to adjourn the meeting; second by Jolene Wille. **Motion passed** 6-0. Ayes: Blomquist, Whitney, Yeager, Leivian, Sutcliffe, and Wille. Nays: None. The meeting was adjourned at 8:38 p.m.

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Chip Yeager  
Chair

ATTEST: \_\_\_\_\_  
Beth Gervais  
Land Services Coordinator