

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
September 1, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, September 1, 2022 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: James McCarthy, John Sutcliffe, Chip Yeager, Jolene Wille and Frank Storm. Absent: Dave Whitney. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present except Whitney.

Approval of Agenda – Motion by John Sutcliffe to approve the agenda as presented; second by Jolene Wille. The motion passed 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the August 4, 2022 Regular Meeting minutes as presented; second by John Sutcliffe. The motion passed 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. **Motion** by Jolene Wille to approve the August 8, 2022 Special Work Session Meeting minutes as presented; second by Frank Storm. The motion passed 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. **Motion** by John Sutcliffe to approve the August 18, 2022 Special Work Session Meeting minutes as presented; second by Jolene Wille. The motion passed 5-0. Ayes: 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; second by John Sutcliffe. The motion passed 5-0. Ayes: 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. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

SP Farms LLC – Coordinator Gervais provided a brief background on the Preliminary Plat of “SP Farms Plat One” located in the Agricultural (AG) District. The property is generally located east of Olinda Trail / CSAH 25 and west of Olympic Trail, Franconia Township, S14, T33, R20 (PID# 04.00370.20).

The property owners are seeking approval of the Preliminary Plat to create one 5-acre parcel from the 79.8 acre tract of land. The remaining acreage is exempted from the platting process since it is larger than 20 acres. The site is generally located east of Olinda Trail / CSAH 25, south of Chisago Boulevard / CSAH 23 and west of Olympic Trail. The Technical Review Committee met on August 10, 2022 and the County Engineer requested the driveway access be located as far north as possible due to visibility and safety concerns. The Engineer explained that having the access as far north as possible will locate it closer to the midpoint of the curve and as far away from the intersection just to the south of the subject site. Wetland delineation has not yet been verified by County Staff and will be required prior to submission of the Final Plat. The Franconia Town Board reviewed the proposed Preliminary Plat at its August 16, 2022 meeting and recommended approval with no conditions. Applicant Peter Storlie was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Jim McCarthy discussed

the driveway location request from the County Engineer and Storlie indicated he was willing to accommodate the request. Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Jim McCarthy. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. **Motion** by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-0901, a resolution recommending approval of the Preliminary Plat of SP Farms Plat One as requested by SP Farms LLC, with the following conditions:

Conditions:

1. The Preliminary Plat of SP Farms Plat One is approved per plat drawing dated signed July 27, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The driveway access from Olinda Trail / CSAH 25 shall be located as far north as possible due to visibility and safety concerns.
3. Prior to request for Final Plat, the County shall verify the wetland delineation.
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. 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 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Byron & Judy Dahlheimer – Coordinator Gervais provided a brief background on the Preliminary Plat of “North Dairy” located in the Agricultural (AG) District. The property is generally located east of Oasis Road / CSAH 9 and north of Park Trail / CSAH 12 in Chisago Lake Township, S26, T34, R20 (PID# 02.00742.00).

The property owners are seeking approval of the Preliminary Plat to create one 5-acre parcel from a 34.7-acre tract. The remaining acreage is exempted from the platting process since it is larger than 20 acres. The site is located at the northeast corner of Oasis Road / CSAH 9 and Park Trail / CSAH 12. The Technical Review Committee met on August 10, 2022. The County Engineer is requiring the existing driveway access located adjacent to the eastern property boundary to be used as a shared driveway. Wetland delineation and soils information were reviewed and verified by County staff. No other issues were identified. The Chisago Lake Town Board reviewed the proposed Preliminary Plat at its August 16, 2022 meeting and recommended approval with no conditions.

Applicants Byron and Judy Dahlheimer 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. With no persons wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Jolene Wille. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. **Motion** by Jolene Wille; second by John Sutcliffe to adopt Resolution No. PC2022-0902, a resolution recommending approval of the Preliminary Plat of North Dairy as requested by Byron Dahlheimer, with the following conditions:

Conditions:

1. The Preliminary Plat of North Dairy is approved per plat drawing dated signed July 29, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The existing driveway access located adjacent to the eastern property boundary shall be used / shared with Lot 1, Block 1, North Dairy. No new access(es) will be permitted.
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 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Mike & Erica Heinen – Coordinator Gervais provided a brief background on the proposed Ordinance Amendment explaining that the Heinen’s are proposing to add “*Slaughterhouse and Meat Processing Facilities*” as a Permitted Use in the Agricultural (AG) District with specific performance standards relating to licensing and compliance with state and federal regulations, a maximum number of animal units processed each week, and a minimum lot size for said use. Gervais further explained that the Zoning Ordinance currently excludes custom processing or slaughter of animals. The County’s original Zoning Ordinance, adopted in 1970, allowed such uses as processing and packaging of agricultural products, including livestock; slaughterhouses; and, rendering plants with approval of a Special Use Permit (now referred to as either a Conditional Use Permit or Interim Use Permit). It is unknown why these uses were intentionally prohibited in the current Zoning Ordinance; however, there is speculation that the reasons may have included negative impacts on septic systems and/or a method to curb non-traditional and/or illegal slaughter of animals.

The Technical Review Committee reviewed the proposed Ordinance Amendment on August 10, 2022 with a lengthy discussion regarding potential impacts on septic systems / handling of sewage, land use impacts, and related state regulations.

Mike and Erica Heinen were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. Frank Storm questioned if the applicants were planning to open a slaughterhouse if the Ordinance Amendment was approved and, if so, the location of the facility. M. Heinen explained the facility would be located in the large building near the back of his property on Vibo Circle. Jim McCarthy indicated he has cattle production on his farm and may have a conflict of interest; however, he stated a CUP was denied for a composting site due to smell and traffic and cautioned that slaughterhouse and meat processing facilities may cause similar concerns. Jim McCarthy concluded that a tour of a processing facility would be helpful. Chair Yeager opened the public hearing and sought comment.

Senator Mark Koran – 35855 Lincoln Road, Lent Township. Senator Koran provided a brief overview of Minnesota Legislature efforts to reestablish small farms and create new farming opportunities. The legislature has spent a lot of time discussing and has set aside resources for meat processing. The skills of the butcher have fallen away; however, schools are now experiencing waiting lists for such programs. Dollars have been dedicated for resources to assist small farms, establishing a small farm, and opportunity to provide meat locally. Slaughterhouse and meat processing facilities are the last piece of the farming life cycle. The proposed

Ordinance Amendment would help establish local meat processing facilities, a critical component to feed ourselves first instead of the world. Koran stated that he's very supportive of the proposed Ordinance Amendment.

Max Gustafson – 11890 Mentzer Trail, Chisago Lake Township. I have a vested interest in the request since I raise cattle and own property near the Heinen's. I sell processed meat to the public, in quarters and halves. There is currently a shortage of this type of processing facility. Currently, I must reserve slots to process meat two years prior to the cattle being ready; it's a real challenge. There is demand for the product. I have a wait list which I can't fulfil. The concept of work and live locally creates a strong interest in the product. It's a real shame during pandemic the obscene profits slaughterhouses were making and taking advantage of the supply chain issue. Farmers were not seeing/making the same profit. Gustafson explained that he transports his cattle to Wisconsin for processing. Farming is not getting any easier with increased input prices. The general public enjoys the rural character of Chisago County, but we need to provide opportunities to people who own the land to make a fair return on their land. I support this request.

Byron Dahlheimer – 33091 Oasis Road, Chisago Lake Township. I was wondering if the proposed meat processing would include deer processing as well or if it could be added to the Ordinance Amendment. Proposed ordinance language has a limit on the number of processed animals; however, fall deer harvest would generate a larger amount.

With no additional persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Jolene Wille. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. In response to Jim McCarthy's earlier comments, M. Heinen added that rendering is collected in containers, cooled, and picked up daily for removal/processing creating a difference between the proposed slaughterhouse and meat processing facilities and composting facilities. Chair Yeager supported staff's recommendation of a 20-acre minimum for slaughterhouse and meat processing facilities, commenting that setbacks from neighboring properties will be much less of a concern on 20+ acres than 10 acres as proposed. Frank Storm discussed his support for the request and recommended that staff review Sherburne County's Zoning Ordinance which appears to have more performance standards. Jim McCarthy added that it would be nice to see a facility in-person instead of guessing what a meat processing facility would look like. Chair Yeager added that the Planning Commission has the option of requesting that the County Board extend the review period for this request. ***Motion*** by Frank Storm and second by Jim McCarthy to request that the County Board extend the review period by 60 days in order to review Zoning Ordinances for other counties and to work with the applicants to arrange a tour of an existing meat processing facility. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Ordinance Amendment, Chisago County Subdivision Ordinance No. 99-2 – Public Comment is sought on Amending Subdivision Ordinance No. 99-2, Sections 2, 3.06 and 3.07, pertaining to acceptable forms of title evidence for plat approvals. Director Schneider provided a brief background on the Ordinance Amendment pertaining to acceptable forms of and current requirements for title evidence, explaining that the County's current Ordinance is based on State requirements that were in place when the County adopted the Subdivision Ordinance in 1999. Schneider explained that a legal memo prepared by Assistant County Attorney Fuge was provided in the staff report with additional background information, commenting that MN Statute was amended in 2015 to expand the acceptable forms of title evidence that County ordinances could require. Current MN Statute allows for five forms of title evidence, including Abstract of Title, Certificate of Title (Torrens), Title Opinion, Title Commitment, or Title policy. The County Attorney's Office has not offered a recommendation on the proposed Amendment, explaining that the issue is a matter of establishing policy.

Review of the suggested ordinance language followed. Frank Storm asked clarifying questions on the legal memo. Commissioner DuBose commented on Title Commitment/Title Insurance vs Title Opinion and the related costs to landowners, adding that a Title Opinion is just an opinion. Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Jolene Wille. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm asked additional questions pertaining to consistency with State Statute. **Motion** by Frank Storm and second by Jim McCarthy to recommend approval of the Ordinance Amendment as presented. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None.

Public Hearings – Continued Hearings - None

Old Business

Ordinance Amendment, Chisago County Zoning Ordinance No. 8.03 – Director Schneider provided a brief overview of the prior review and edited draft amendments pertaining to Planning Commission membership terms and residency location following redistricting of the County in 2022. The Planning Commission was provided three drafts for consideration:

1. Original August 4, 2022 public hearing draft;
2. Public hearing draft with Chair Yeager’s and Commissioner Whitney’s suggested amendments; and
3. Public hearing draft with Commissioner Storm’s suggested amendments and a County Board Resolution to establish a Planning Commission Workgroup/Supernumeraries

Chair Yeager asked Planning Commission members for comments. Frank Storm questioned who edited his draft resolution (draft #3 noted above). Director Schneider indicated he had edited the draft and did not use exact language; rather, he used a published draft which included Commissioner Storm’s concepts. Frank Storm questioned if subsection C.1. needed to have the date of January 1, 2023; Director Schneider indicated it did not. Frank Storm questioned if the remaining two voting members referenced in subsection C.2. were intended to be “at large” members or if that was being removed; Director Schneider indicated that the two members would be “at large.” Frank Storm questioned in subsection D. if there was a need to keep the sentence, “The County Board may also designate any county officer or employee as an ex-officio member of the Planning Commission with no voting privileges.”; Director Schneider indicated it was existing language and that it could be amended. Frank Storm asked a clarifying question as to the sixth WHEREAS clause in the draft resolution which referenced a six-month duration for the workgroup, commenting that he preferred this to be open-ended or until the Zoning Ordinance update is complete since the update process is taking a considerable amount of time. Schneider indicated that the clause could be amended and the workgroup could be kept open-ended or until the update process is finished. Jim McCarthy indicated he supported the open-ended or until finished option for the workgroup. Discussion followed with Commissioner DuBose providing input on County Board appointments to the Planning Commission. Frank Storm maintained that he did not support the short term appointment in the ordinance, stating that this language does not belong in the ordinance since it is dealing with a short term/unique circumstance created by the County redistricting. Discussion followed between Commission members and Commissioner DuBose on the need for flexibility in filling vacancy appointments, district locations, and determination of qualification for Planning Commission candidates. **By consensus**, the Planning Commission offered support for providing flexibility in filling vacancy appointments and maintaining existing Planning Commission members on the workgroup/supernumeraries until the Zoning Ordinance update has been completed. **Motion** by Frank Storm and second by John Sutcliffe directing staff to update draft #3, Commissioner Storm’s draft, and draft Resolution No. 22/0921-X for the next Planning Commission meeting with the following changes:

Suggested Edits to draft #3:

1. Remove first part of C.1. (lines 51 through part of 54) and start with the section with “The terms of those members....”
2. Add clarifying language in C.2. as follows, “The remaining two voting at large members....”
3. Add language that includes the concept of flexibility for finding qualified candidates if a limited number of applications are submitted, offering the County Board flexibility to select a Planning Commissioner from a different district to fill appointed vacancy positions with qualified candidates.
4. Remove the following language in D. ~~The County Board may also designate any county officer or employee as an ex-officio member of the Planning Commission with no voting privileges.~~
5. Add language in L. as follows, “From time to time, the county Board may authorize the establishment of workgroups which could include internal members and external stakeholders for the development of ordinances.....”.

Motion passed 5-0. Ayes: McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None

New Business – None

Communications and Reports

County Board Liaison Report / Update

County Commissioner DuBose reported that the County Board recently discussed the on-going topic of Planning Commission membership. DuBose also reported that the County Board approved three Conditional Use Permits which included two private campgrounds and an open storage yard; the County Board has spent a large amount of time on labor negotiations and the 2023 budget, noting that increased costs in labor, fuel and equipment have been challenging; and, the recently completed salary study indicated a significant gap in staffing wages compared to similar counties, commenting that some departments are not receiving adequate pay and that, combined with a labor shortage, is making it difficult to fill certain positions.

Miscellaneous – None

Adjourn Meeting – **Motion** by Frank Storm to adjourn the meeting; second by Jolene Wille. **Motion passed** 5-0. Ayes: McCarthy, Sutcliffe, Storm, Wille, and Chair Yeager. Nays: None. The meeting was adjourned at 8:13 p.m.