

**CHISAGO COUNTY  
PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
MAY 5, 2016**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 5, 2016 in the County Board room of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, John Sutcliffe, Gene Olson and Craig Mold.

Ex Officio: Commissioner Rick Greene

Also Present: Tara Guy, Assistant Zoning Director

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established.

**APPROVAL OF AGENDA** - On motion by Sutcliffe and second by Mold, the meeting agenda was approved as published.

**APPROVAL OF MINUTES** - Chair Frank Storm opened discussion on the conditions of approval on the Sno-Barons CUP amendment which had been recommended by the Planning Commission at the March 3<sup>rd</sup> meeting. He objected to the language of Condition # 26 as recommended by the Planning Commission, stating that the track testing on Thursday was not part of the original proposal, and should not have been allowed. Since it was, however, part of the actual Planning Commission record and recommendation, the minutes were determined to be correct. On motion by Olson and second by Froberg, the minutes of the meeting of March 3, 2016 were approved as presented.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Whitney and second by Mold, 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. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

**NEW PUBLIC HEARINGS :**

**Brian Breaw** - Mr. Breaw was present at the meeting to request an Interim Use Permit to conduct a home based contracting business, to seasonally maintain and repair golf carts at his home property. This is located in Franconia Township, Sec.30, T.33, R.19, at 25540 Redwing Avenue (PID #04.00271.10). The Franconia Township Board had recommended approval with no conditions. Mr. Breaw explained that he contracts with a number of golf courses in east central Minnesota and western Wisconsin to repair and maintain golf carts at his home, during the winter season. He travels on the road most of the summer to various golf courses to perform maintenance and repair on-site, but during the winter he stores approximately 150 carts in the field behind his pole barn, and repairs them in his barn. The carts are moved to the property in November, and moved out in April. There is no retail or other customer traffic to and from his property, no other employees, no signage or any other impact from the business. The Chair called for public comment, but there was no one present to offer testimony. Ten neighbors had signed a statement of support for the application. The Commission were

unanimous in their feeling that the proposed home based contracting business was consistent with the intent of the Ordinance, and would not be a negative impact to neighboring properties. After brief discussion, Jim Froberg moved to adopt the Staff analysis as findings of fact in support of approval, and recommend approval of the IUP with the proposed conditions. John Sutcliffe

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seconded it, and further discussion ensued. Dave Whitney offered a friendly amendment to include the customary IUP condition on home businesses, that the IUP will terminate upon the sale of the property to someone outside the family. Froberg and Sutcliffe accepted the amendment to their motion, and the motion was carried unanimously, based upon the following findings contained in the Staff analysis:

**1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. One of the goals of the Chisago County Comprehensive Development Plan specifically encourages the development of home occupations. Section 6-2 of the County's Comprehensive Plan states in pertinent part that one purpose of the Agricultural Zone is to encourage and promote home occupations. Fledgling businesses are allowed to develop and hopefully flourish, and if desirable or applicable, eventually move to a commercial business zone, or industrial park when the business growth warrants it. Small scale home occupations which remain low-level are permitted to remain as home occupations, with performance standards. Additionally, in Section 7 (Economic Development) of the Comp Plan, the following goal is specifically identified: "Goal - Provide for a range of economic diversity and development opportunities in the County. ...Goal # 7 - Home occupations shall be continued to be allowed in all districts provided that performance standards are met. "

**2. Will the use 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. There will be no demand at all, let alone an excessive demand, made upon public facilities or amenities should this home business be allowed to continue

**3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development?** The proposed use is considered by Staff to be sufficiently compatible with the character of the neighborhood so as to not cause any undue negative visual, or other, impacts. The existing structures have an attractive appearance, and do not differ substantially in aspect from the customary large accessory structures associated with rural residences in outlying Chisago County. The storage of the carts remains primarily behind the large pole barn, out of sight, with a small amount of overflow storage area north of the building. The immediate surrounding area has been developed into large tract residential lots, except for the remaining farm across the road, with no large, undeveloped parcels remaining available for further development. The property has an appearance that is consistent with similar rural residential properties, and other home occupations.

**4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?** The structure is existing, and no addition buildings are planned. Storage of the carts is behind the building, and in a small area on the north side. As noted above, the property is heavily wooded on the periphery, and as such, there is little visible impact.

**5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?** As discussed in Item #1 in this section, the County's Comprehensive Plan specifically includes goals and policies meant to encourage and support home occupations. The support of this goal is provided for in the Chisago County Zoning Ordinance, Section 5.06 D, Interim Uses, which specifically provides for home-based contracting businesses and other home occupations. Planning Commission continued.....Page 3  
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**6. Will the use cause traffic hazard or congestion?** No.

**7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** No. Please refer to the discussion in Items #3 and 4 above.  
The following are the conditions of approval as recommended by the Commission:

1. This is an Interim Use Permit to conduct a home-based contracting business.
2. The days and hours of operation shall be Monday through Saturday from 8:00 a.m. to 5:00 p.m. with the bulk of the maintenance and repair work performed between mid-November and May 1<sup>st</sup> annually.
3. There shall be no more than one additional employee outside of the family employed in the business.
4. There shall be no retail sales, no showroom or any other customer-associated business conducted on premise.
5. There shall be no influx of additional traffic, nor change in the appearance of the dwelling.
6. There shall be no storage of any goods or materials outdoors, with the exception of the carts awaiting maintenance and repair.
7. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
8. This IUP will terminate upon the sale of the property to anyone outside of the family.

**STAFF REPORTS - PLANNER UPDATE:**

**Sign Ordinance** - Planner Ken Roberts was present to offer some background information and recommendations on necessary amendments to Section 4.14 of the Zoning Ordinance concerning signs. A US Supreme Court Ruling last year affected how signs can be regulated by communities, specifically, how signs can be regulated using "content" as a descriptor. Ken had prepared a draft document which amended some of the existing language to make it content neutral, added a number of definitions, and revised language concerning nonconformities. He gave an overview of the suggested changes to the Commission, who had a number of questions

and comments. When his summary concluded, Chair Frank Storm suggested that the new language was a lot to process in one evening, and he'd appreciate more time to review it. Additionally, the Chair stated that he would prefer to see the existing language in the Zoning Ordinance simply "tweaked" to bring it into compliance with the new SCOTUS ruling, rather than a wholesale overhaul on the entire section. He especially noted that the proposed draft contained five pages of definitions, many of which were not even referenced in the text of the draft language. The other members concurred, and Ken agreed to revisit the language and return with the requested streamlined revisions.

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**Comprehensive Plan:** Ken then presented information on a recommended update to the Chisago County Comprehensive Development Plan. He noted that the plan was nearly ten years old, having been adopted in 2007, and he provided an outline of the Plan Elements which are in need of specific updates, such as demographics, housing, infrastructure, communications, etc. He also noted that the update should reference the new Parks and Trails Master Plan, the Water Plan and Public Work's road plan. He also suggested adding a "resilience planning" element which could guide the County as it responds to changing conditions. The Commission agreed that it was time to undertake a partial update of the Plan, and concurred that such an action should be recommended to the County Board for consideration.

When discussion had concluded, upon motion by Whitney and second by Froberg, the Commission voted to have Staff return to the existing sign ordinance language as a base to work from, and make simpler revisions to bring the section into compliance, and also to recommend to the County Board that an update to the County's Comp Plan be undertaken. The motion carried unanimously.

**ADJOURNMENT** - There being no further business, the meeting was adjourned at 8:17 p.m.