

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
MARCH 1, 2018**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 1, 2018 in Meeting Room 150B of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, Chris DuBose, John Sutcliffe and Charles Yeager.

Ex Officio: Commissioner Rick Greene

Also Present: Tara Guy, Assistant Zoning Director
Steve Putman, Code Enforcement Officer

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. The Chair called for election of Vice-Chair for the year 2018. Jim Froberg nominated John Sutcliffe. Dave Whitney nominated Chris DuBose. When put to a vote, DuBose was elected Vice-Chair on a 4-3 vote.

APPROVAL OF AGENDA - On motion by Froberg and second by DuBose, the meeting agenda was approved as published.

APPROVAL OF MINUTES - On motion by Whitney and second by Sutcliffe, the minutes of the meeting of February 1, 2018 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by Sutcliffe and second by Yeager 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 :

Mike Syncyn - Mr. Syncyn was present at the meeting to request approval of a preliminary plat of two lots on 24 acres. This is located in Fish Lake Township, Sec. 34, T.36, R.22, at 42591 Blackhawk Rd.

(PID #03.00526.20). The Fish Lake Township Board had recommended approval with no conditions. The Plat Review Committee had met and reviewed the plat. The wetlands have been groundtruthed and found to be accurate, with no impact proposed in association with the development. The soil borings have not been groundtruthed, and as such, the PRC recommends conditional approval of the preliminary plat, pending field verification of the soil boring data that has been submitted. The Chair called for public comment, but there was no one present to offer testimony. After brief discussion, Jim Froberg moved to recommend approval of the preliminary plat, subject to satisfactory field verification of the soil borings when weather permits. John Sutcliffe seconded it and the motion was carried unanimously.

Angel Permaloff - Ms. Permaloff was present at the meeting to request an Interim Use Permit to conduct a craniosacral therapy business as a home occupation. This is located in Franconia Township, Sec.26, T.33, R.20, at 25310 Olinda Trail (PID #04.00427.20). The Franconia

Township Board had recommended approval with no conditions. Ms. Permaloff explained that she offers craniosacral therapy services to mothers, babies, and families at her home, Monday through Friday between 7:00 a.m. and 6:00 p.m. She is

Planning Commission continued.....Page 2
March 1, 2018

seeking a maximum of 14 clients per day in order to accommodate entire families she treats, but generally doesn't serve that many individual clients per day. Most client visits occur on Mondays, Wednesdays and Fridays. She has been operating the practice since moving to the property, and only recently realized that she needed an Interim Use Permit to do so. The Commission had visited the property and noted its relative privacy and distance from the road and neighbors. They concurred it was consistent with other approved home-based service provider IUPs, and would generate little noticeable impact to the surrounding area. Chairman Storm asked if Ms. Permaloff carried liability insurance, and she replied that she did. He stated he wished to include liability insurance as a condition of approval on the IUP. The Chair called for public comment, but there was no one present to offer testimony. After further brief discussion, Chris DuBose moved to adopt the Staff analysis in the Staff Report as findings in support of approval, and to recommend approval of the IUP with conditions. The following are the adopted findings of fact:

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 5-2 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 are not intended to grow beyond their original low activity level are encouraged to remain as home occupations, with appropriate conditions and performance standards. Additionally, in Section 6 (Economic Development) of the Comp Plan, the following goals are specifically identified, to support and encourage home occupations:

- Encourage entrepreneurship;
- Encourage home-based businesses and rural tourism;
- Allow and encourage businesses that help expand the County's economic base without expanding associated service requirements.

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. The proposed use will not create any demand at all on existing parks, streets, schools, or other public facilities or utilities.

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? /4. **Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?** The use will be conducted entirely within the dwelling, will generate no noise, glare, waste, vibration, or change in the appearance of the dwelling. As such, there will be no

negative impact or adverse effect upon neighboring properties. Since the immediate area has already been developed in a rural/residential manner, no significant further development is anticipated, and consequently, no deterrence to further development.

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? Yes.

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 language

Planning Commission continued.....Page 3

March 1, 2018

of the Chisago County Zoning Ordinance, Agricultural Zone, Section 5.06 D, Interim Uses, and in Section 4.04 which outlines appropriate performance standards for home occupations.

6. Will the use cause traffic hazard or congestion? No. The only additional traffic to and from the site will be the client visits during weekdays. There will be no drive-by or retail traffic associated with this land use, and no hazard or congestion will result from the business.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No.

The following are the recommended conditions of approval for the IUP:

1. This is an Interim Use Permit allowing the conduct of a craniosacral practice and related services as a home occupation.

2. The days and hours of allowed client visits for this home occupation shall be Monday through Friday from 7:00 a.m. to 6:00 p.m.

3. There shall be no employees outside of the family employed at this business.

4. There shall be a maximum of 14 client visits per day .

5. All client parking shall be provided and maintained on-premise.

6. Signage at the property shall conform with Section 4.14 of the Chisago County Zoning Ordinance.

7. There shall be no hazardous waste generated by the conduct of this business.

8. There shall be no change in the appearance of the dwelling.

9. There shall be no noise generated by the conduct of this business.

10. All business and associated activities shall be confined to the interior of the home.

11. 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.

12. IUP shall terminate upon the sale of the property to anyone outside of the family.

13. The permittee shall maintain liability insurance covering the practice and property during the life of the business.

Jim Froberg seconded it and the motion was carried unanimously.

Zoning Ordinance Amendment - The Chair reopened the public hearing, which had been recessed on January 4, 2018, in order to consider and take testimony upon the final draft of proposed revisions to Section 7.31 of the Chisago County Zoning Ordinance, governing solar energy systems. A work session had taken
Planning Commission continued.....Page 4
March 1, 2018

place on February 1, 2018, from which the Planning Commission had generated a list of desired revisions to the Ordinance and instructed Staff to prepare the revisions for final public hearing at this meeting. Tara explained that they had done so, and had distributed the revised text to the members and audience, with old language struck out, and new language incorporated in red text. The Chair called for public testimony on the revised text, and using the speaker's sign-up sheet, called upon those wishing to testify, one-by-one. The following is a record of those who spoke and a summary of their comments. **Teresa Rongitsch** spoke first, noting that Chisago County has been recognized for being receptive to solar energy, and for "removing barriers" in order to encourage such development. She stated her belief that the County had been less receptive to residents' concerns, and had been deficient in the original public notice concerning adoption of solar energy ordinance. **Andy Melka** of Minnesota Solar Connection spoke on behalf of the solar industry. He raised several issues in the draft text of the revisions that he feels will be problematic. He doesn't favor the community meeting being hosted by the developer, feeling there would be questions of reliability raised. He felt that the hard and fast screening requirements in the new text should be allowed some flexibility, based upon individual site characteristics. **Dann Adair** (11465 Loftman Trail) spoke as a resident of the County since the 1980s, and someone living near the large North Star project, stating he couldn't be more proud of Chisago County's progress in the field of solar energy. He felt the revisions took all concerns into account, and asked the County to keep up the good work. **Carolyn Norelius** (29365 Neal Avenue) opined that "rezoning" should be required for every solar installation, neighbors notified, and the tax classification be adjusted to reflect the commercial use of the land. She considers it to be "spot zoning" and says screening should be required on every installation, and a significant escrow account be established and maintained to guarantee proper decommissioning. **Jake Jay** (25358 Olinda Trail) spoke and stated that he just built a new home directly across from a proposed installation. He considers them an eyesore, needing far better screening, and also has concerns about potential health risks, and is disappointed in the County for not paying more attention to the taxpayers. **Angel Permaloff** (25310 Olinda Trail) offered comment on the revisions. She is happy with the new community notice provision, but thinks that all installations should be processed as Interim Use Permits. She finds the proposed setbacks to be inadequate, wishing to see 600 feet of separation between the solar gardens and any neighboring residence. She suggested adding berming as an option for additional screening. She would like more information on the tax assessor's data, such as who the buyers and sellers were in the sales that were cited (i.e. were they bought/sold by the solar company). She also submitted written comments from other residents, and data she had compiled from a survey she had mailed out to numerous County residents. **Wade Vitalis** (20297 Edward

Boulevard) spoke to compliment the County on the public process they have engaged in as they revise the ordinance text. He's a lifelong resident of the County, and noted that among other changes he has witnessed, are the numerous houses built by people moving to the County. He supports solar energy, and appreciates the County's efforts to encourage development. **Pat Jacobson** (25030 Olinda Trail) spoke to observe that Ms. Permaloff had been required to obtain an IUP for her extremely low level home business, and that solar installations should have to meet the same standards. **Matt Crescenzo** (24543 Olinda Trail) spoke to agree with those who consider them an eyesore. He believes in solar energy, but wishes them to be out of sight. **Pat Collins** spoke, identifying himself as a science teacher at the middle school and 31-year resident of the County. He noted that there many changes have taken place since he first moved here, including busy blacktopped roads and new homes, and observed that change is necessary. He stated that his concern is primarily for the environment and future of our children and the "mess" we will leave behind. **Bruce Chapman** 25310 Olinda Trail spoke to say he had recently moved to the area, and originally thought that the solar installations were a good use of nonproductive land. He commented that the solar panels themselves are unobtrusive, but the large poles and wires are not. He concluded that he would like to see them approved on a case-by-case basis. When there

Planning Commission continued.....Page 5
March 1, 2018

were no additional persons wishing to speak, at the request of the Chair, upon motion by Chris DuBose and second by Jim Froberg, the public hearing was closed at 7:43 p.m. and a five minute break called.

Deliberation: The Planning Commission commenced deliberation on the revisions. Lengthy discussion followed on the merits of the different types of permit, the methods and intensity of required screening, impact to wetlands, maximum height, the possible community meeting format, including the Townships in the process as a host for the community meeting, and various other details in the original and revised text. Chris DuBose wished to see the maximum footprint size for an Administrative Permit reduced to five acres, as he originally proposed. Staff pointed out that doing so would eliminate any Administrative Permits, as the changed PUC rules now only allow solar garden projects of one megawatt, and those projects require an area footprint of six to nine acres. The idea of requiring community outreach meeting for Administrative Permits was discussed. Chris DuBose, Jim McCarthy and Jim Froberg expressed concern at the concept of the Township Boards hosting the community meetings and creating a record of the proceedings. Adoption of performance standards for every project versus individually crafted permit conditions was also discussed.

After lengthy discussion, Chris DuBose moved to eliminate the administrative permits and make all commercial installations an Interim Use Permit. Jim Froberg seconded it. More discussion ensued, with the motion eventually being put to a vote. Voting in favor of processing all commercial installations as Interim Use Permits were Froberg, DuBose, McCarthy, and Yeager. Voting to process installations with a footprint of less than ten acres as Administrative Permits were Whitney, Storm and Sutcliffe. Further discussion followed, with Dave Whitney pointing out that continuing discussion on this version of the revisions would be pointless, since the entire document needs to be rewritten now. Steve Putman asked if performance standards should be included in the revised text relative to Interim Use Permits, or eliminated as they were only devised originally to apply to Administrative Permits as hard and fast standards. Additional discussion followed on fixed performance standards versus individually crafted conditions based

upon site conditions. Steve pointed out that all flexibility is lost when performance standards are introduced into ordinance language. Tara added that performance standards are unnecessary if each project is going to be examined individually by the Commission as an IUP, and have specific conditions added. Discussion on screening standards continued, as the Commission considered Director Kurt Schneider's memo on custom designed screening plans, to allow greater flexibility on an individual basis. Eventually consensus was reached that the performance standards should remain in the language and be made applicable to all commercial projects. When discussion had concluded, Jim Froberg moved to instruct Staff to rewrite the revised Ordinance text to eliminate the Administrative Permits, and process all commercial installations as Interim Use Permits, and to move the performance standards originally proposed for Administrative Permits to the Interim Use Permit requirements. Chip Yeager seconded it and the motion was carried unanimously.

ADJOURNMENT - There being no further business, Jim Froberg moved to adjourn, Chip Yeager seconded it and the meeting was adjourned at 9:04 p.m.