

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
May 6, 2021

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 6, 2021 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, and Kurt Schneider; Environmental Services Director.

Chair Johnson 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: Jim McCarthy, Shellene Johnson, Frank Storm, Dave Whitney, John Sutcliffe, 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”, with the Chair Johnson leading and following meeting order/procedures.

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of twenty public comments made by Frank Storm. Second by Chip Yeager. **Motion amended** by Chip Yeager to add Wild Mountain Properties, LLC to Old Business. Second by Frank Storm. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

APPROVAL OF MINUTES – Motion to approve the April 1, 2021 minutes by Jim Froberg. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none. Chair Johnson noted County Attorney provided legal opinion on the motion to rescind from the April 1, 2021 meeting and declaration the motion failed.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by Frank Storm. Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Staff Reports, sixteen - Public Hearing Comments for Green PID #03.01189.00 and four – Public Hearing Comments for Heggerston PID#02.00546.00. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Kathleen Green – Property is located east of Cedarcrest Trail off of 466th Street, Fish Lake Township; Sec.10, T.36, R.22 (PID #03.01189.00). Kathleen Green, Property Owner, is requesting a Conditional Use Permit (CUP) for Recreational Camping to operate a private campground for up to four campsites. Coordinator Jagoe provided an overview of Green’s application. The lot was created in 1976 part of Hilding Beach Plat 2. The lot is 0.92 acre and by today’s standards considered legal nonconforming. It does not meet current dimensional lot size requirements; lot is 133 feet wide by 300 feet deep. The parcel is zoned Agriculture (AG) with Shoreland Overlay due to proximity within 1,000 feet of Goose Lake. The subject property is currently undeveloped. Property has been used as a family campground and Ms. Green applied for the CUP to legally establish. The campground will be for family members with no more than four campsites. Campsites will not be open to public or for rent. Recreational vehicles would remain on the property year round. Trash service will be arranged and each recreational vehicle will be self-contained for water and responsible for obtaining their own water and disposing of sewage waste. Each campsite will have 2,000 square feet of area which is the Department of Health minimum spacing requirements. Ms. Green is proposing to plant additional trees in

a single row along both side yards. Tree species, height, or spacing were not specified. Fish Lake Township recommended approval with no conditions at their April 12, 2021 meeting. Township Board stated a preference that campers stay in place on the lot as much as possible rather than haul them in and out creating more traffic on the road. Technical Review was held April 14, 2021 and recommended 40 feet setback from front property line and suggested observance of quiet hours. Ms. Green was present to address concerns and questions. She stated her family has been here for many years and camping for many years. Her Grandfather divided the land for family members to enjoy. She explained that letter from the Code Enforcement Officer indicated they were out of compliance with the zoning ordinance with the campers being parked longer than 48 hours and exceeding thirty consecutive days. Ms. Green concluded she would like to keep the campers on the property instead of pulling them out every weekend, which is wear and tear on camper and township road. My family would like to stay the whole weekend, not just for 48 hours. My family takes care of the campers and yard and the sewage is disposed of properly. Chair Johnson asked each Planning Commission member for additional questions and comments.

Frank Storm asked if one camper will be left on property year round and approximately how many campers are present during major summer holidays. Ms. Green indicated that was negotiable but would like to store it over the winter. During holidays it varies but ranges from 2 to 14 people. John Sutcliffe inquired if all four campers will be stored year round. Ms. Green indicated not all four campers would be there year round, possibly two campers. The family has other vacations so campers will not be there during the entire summer season. She stated upon learning she was not in compliance, her family started to move campers in and out. Chair Johnson opened the public hearing and noted there were numerous public comments for Planning Commission review. Chair Johnson indicated if the public would like to review the comments, they could request them from staff. Coordinator Jagoe read the list of names and addresses of written public comments submitted in advance of the meeting:

Steve and Erika Costelle - 2165 466th Street

Mary Mullner - 46480 Beach Road

Delores Sudeith - 46660 Beach Road

James Kubitschek - 46530 Beach Road

Violet Kubitschek - 46530 Beach Road

Barbara and Bill Weisz - 46560 Beach Road

Arlen and Karen Peterson - 46708 Beach Road

Paul and Mary Ann Swanson - 46400 and 46440 Beach Road

Paul Melquist - 46736 Beach Road

Vicki Hanson - 46750 Beach Road

Sharon and David Stocker - 46757 Beach Road

Jim Peterson - 46620 Beach Road

Bradley and Amy Klick - 46600 Beach Road

Larry and Teresa Luginbill - 46659 Beach Road

Eric and Susan Swanson - 46460 Beach Road

Tamara Eichman (Daughter of James and Violet Kubitschek) - 46530 Beach Road

Public in electronic attendance:

Lee Hanson – 46750 Beach Road, I am opposed to this application. We purchased our home on a lake not a campground. It is a campground and increases the amount of traffic on Beach Road when everyone is there. It is a residential area and the ordinance should be upheld. They do not obey DNR's no wake restriction. They are noisy and park all over. I am opposed to this application.

Amy Klick – 46600 Beach Road, I submitted our objection to issuing this permit. Ms. Green said it was just family, is not true. I counted 18 cars that boxed everyone in. I took pictures of the large RVs, there has been more than just four RVs. Ms. Green yelled at me for ten minutes and accosted me. I have asked people to slow down, they spin their wheels on the road and traffic is terrible on the weekend. We cannot have our windows open due to all the dust and have had people run around on our property. They have firecrackers going off all the time. We did not sign up for this when we purchased our property. It's a quasi-resort that is going on.

David Pederson – 46680 Beach Road, I live directly across the street 34 years. First, my lot was just a cabin and now as a full-time residence. I am opposed to this application. Beach Road is mostly quiet and residential with retired and mostly retired families. We get along except for one – Kathy Green, who is more combative than friendly. They own all this property because of her grandfather many years ago. They have more RVs on the lake side lot. They hook up water and sewer in addition to RVs across the street. Kathy and her family have always done what they want without obtaining any permits. Not until a neighbor called and complained. Four campsites with 28-34 ft length RVs look like a trailer park. Most neighbors look forward to Sunday when they leave. If the application is granted, they will stay the whole summer. Dogs are a concern. Quietness and respectable is not going to happen. Most of the submitted comments are opposed to the application.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Green CUP application. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Frank Storm inquired if the Sherriff's Department has been called out and if the lot could be built on. Coordinator Jagoe indicated Sherriff's Department did not note any complaints receive during Tech Review and Code Enforcement Officer did receive a complaint which started process. The lot is considered legal nonconforming, a platted lot of record. If the lot could meet septic ordinance for septic design prior to 1997, yes, the lot may be buildable if they also met building and zoning code requirements. Jim McCarthy stated he understood concerns of campground and commented on acceptable land use and density with tabling the application. Dave Whitney and Jim Froberg inquired to the benefit of tabling the application. Jim McCarthy suggested tabling to County Board with moratorium to address concerns. Chair Johnson indicated if a moratorium was done, the application would proceed under current zoning ordinances. Chair Johnson agreed not to table the application. **Motion** by Dave Whitney to recommend denial of the Conditional Use Permit for a Recreational Camping Area to operate a year round campground as requested for the property at XX Beach Road, PID #03.01189.00 based on the following Findings of Fact:

1. The Applicant has presented a land use in conflict with the purpose and goals of Chisago County's Zoning Ordinance and Comprehensive Plan which reference identifying and finding a balance between promotion of natural amenities and protecting the quality of the surrounding settings.
2. The parcel is a legal nonconforming lot of record which does not meet present day dimensional requirements in the AG District which is a minimum lot size of five acres. Due to the substandard lot size, the parcel is not comparable to characteristics of the AG District and is more consistent in size and land use with the adjacent residential and shoreland parcels.
3. The proposed land use does not meet the purpose of recreational camping areas for providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.
4. The Applicant has not provided sufficient detail to ensure caretaker responsibilities and monitoring of site conditions to ensure that campground operations will be supported in a safe and efficient manner.
5. The Applicant has not demonstrated or provided mitigating steps on how site operations and layout of a recreational camping area will not adversely impact adjacent residential landowners.

Second by Jim Froberg. The motion to recommend denial was approved 6 - 1 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, and Johnson. Nays, McCarthy. Jim McCarthy stated Horseshoe Lake was approved on same size lots. Chip Yeager indicated to Chair Johnson he would be stepping away for a few minutes. Chair Johnson acknowledged his short absence.

Monte and Vicki Canfield - Property at 15432 310th Street, located north of County Road 37, Chisago Lake Township; Sec.25, T.34, R.20, (PID #02.00726.00). Kelly Jordan, on behalf of Property Owners, Monte and Vicki Canfield, is seeking approval of a preliminary plat of three lots, out of a 36 acre tract. Coordinator Jagoe provided an overview of Canfield's property. The property is zoned Agriculture (AG), three lots are approximately five acres in size with a 20 acre lot exempt from platting. The 20 acre parcel to the north is provided access via a 33 foot easement located on the east side of Lot 3 of the proposed plat. Chisago Lake Township approved the preliminary plat at their April 20, 2021 meeting with no conditions. Plat Review was held April 14, 2021 the new parcels are not located in the floodplain and no severe slope conditions are impacting the proposal. There are no new roads. Public Works Director has no issues with the proposal or two new driveway accesses. Wetland Specialist verified delineated wetlands. The parcel prior to subdivision can utilize up to 2,500 square feet of wetlands filled by exemption. Each crossing will require a wetland permit from the County. Tony Randall was present for Kelly Jordan and Property Owners, Mr. and Mrs. Canfield. Jim Froberg inquired about the easement and access to Kent Larson's property. Mr. Randall indicated there has been a conversation with Mr. Larson, but nothing has been noted in a written document/agreement. Mr. Randall indicated that could be an option for access; however, the proposal has the 33 foot easement next to it. Dave Whitney had the same question about access to the 20 acre lot.

Chair Johnson opened the public hearing. Coordinator Jagoe indicated this application did not receive any public comments submitted in advance of the meeting. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Canfield preliminary plat at PID#02.00726.00. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none. Chair Johnson asked each Planning Commission member for additional questions and comments. **Motion** by Jim Froberg to recommend approval of the preliminary plat "Meadowlark Estates" as requested for PID#02.00726.00 for three residential lots as outlined in the Staff's report, site plan, and narrative of record with conditions.

Conditions:

1. Obtaining the necessary permit(s) from the County for any wetland impacts or crossing as applicable for each lot.

Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

Craig and Debra Heggerston - Property at 16143 Furuby Road, Chisago Lake Township; Sec.13, T.34, R.20, (PID #02.00546.00). Brody Heggerston, on behalf of Property Owners, Craig and Debra Heggerston, is seeking a Conditional Use Permit for Rural Retail Tourism to allow a gathering venue for events and weddings. Coordinator Jagoe provided an overview of Heggerston's property. The property size is 33 acres with existing dwelling, detached accessory building and two barns. The property is zoned Agriculture (AG) with a previous use of an equestrian center and horse stable and referred to as "Majestic Oak Ranch". The proposal includes hosting wedding and events for up to 298 attendees, primarily Friday through Sunday from 9 am to 11 pm. Rentals will be responsible for hiring licensed caterers and/or liquor service as required by the rental agreement. No indoor plumbing improvements, three outdoor porta-potties will be provided and food grade commercial hose. Parking will be towards the road/south side of existing driveway in a 440 ft by 125 ft area. Chisago Lake Township approved the CUP application at their April 20, 2021 meeting with no conditions. Technical Review was held April 14, 2021 with no identified concerns or impacts. County Highway Director indicated the applicant will need to install a commercial driveway access. Mr. Brody Heggerston was present to address concerns and questions from the Planning Commission. Mr. Heggerston indicated he was in the military, will adhere to requirements, and be a good neighbor. He is looking for ways to build a business and income during COVID. Mr. Heggerston indicated he has spoken to a few neighbors who support the business, would do a decibel test and can provide further details on traffic flow for the site. His business would bring

people in and boost the local economy and be a veteran owned business. Chair Johnson asked each Planning Commission member for additional questions and comments.

Frank Storm and Chip Yeager inquired to number of porta-potties and location. Mr. Heggerston indicated there would be three porta-potties, with one being Americans with Disabilities (ADA) accessible. Jim McCarthy expressed concern about the campground and that was a separate land use. John Sutcliffe inquired about the commercial entrance to the property. Chair Johnson inquired about who lived on the property, who is present during events, and plans for house rental. Mr. Heggerston indicated that he and his parents live on the property and indicated the focus was to start the wedding venue and then focus on incorporating the house for participants/renters to stay onsite during the event/weekend. He would be on site during the event; however, a wedding planner would be hired while he was away for military services. Events will be focused from May through end of October depending on temperatures/weather. Chair Johnson inquired to number of events during the week. Mr. Heggerston indicated it would be limited with events mainly on Friday through Sunday. Chair Johnson opened the public hearing and indicated if the public would like to review the comments, they could request them from staff. Coordinator Jagoe read the list of names and addresses of written public comments submitted in advance of the meeting:

Erick and Holly Parsons – 16070 Furuby Road
Steve and Toni Lundahl – 15827 Furuby Road

Bill and Lynne Hicks – 16350 Furuby Road
Craig and Janell Gornik – 16345 Furuby Road

Lynne Hicks – 16350 Furuby Road, We reject the proposal for the wedding venue. Mr. Heggerston did not contact us. Staff hired would not live in the area and are not part of the neighborhood and will not be vested in the neighborhood. We have concerns about crowd noise, traffic, safety, and security. We purchased the farm to avoid noise and traffic. Strangers will be provided alcohol and have drunk behavior/driving or wandering onto neighbors property. We spent our life savings on our property now our property values will go down. Again, we reject the proposal for the wedding venue.

Craig Gornik – 16345 Furuby Road, I agree with Lynne and Mr. Heggerston did not contact me either. We can hear basic conversations from Heggerston's property while they are doing yard work. We can hear it clearly and with events during the week and weekends would be like living next to the bar. I have concerns with parking in the hay field during wet weather conditions. They would not be able to park on site, but on the road causing safety issues. We have put all our money into our place, who is going to pay the neighbors with reduced property values.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Heggerston CUP application. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

Chip Yeager and Chair Johnson expressed concerns with parking on site. Jim McCarthy and Chip Yeager questioned the capacity limitation at 298. Coordinator Jagoe indicated it was requested by the applicant. Capacity was consistent with rural retail tourism and building code occupancy. Chip Yeager indicated he would be more comfortable with capacity of 200 attendees. Chair Johnson had concerns with year round events and suggested May 1, through October 1 and limit one event during week to start out with smaller crowds. Chair Johnson was unclear of the scope of intent for the property with weddings, small gatherings and camping. Chip Yeager suggested limiting Condition #2 from year round to May 1 through October 1 and perhaps reducing hours of operation and one event per week. Chair Johnson indicated the property could host two weddings a day, that is roughly 600 people on Friday, Saturday and Sunday. Chair Johnson indicated further clarification was need for parking, time and guest accommodations.

Jim McCarthy noted the Planning Commission has not limited seasonally but could do two days a week with maximum of 200 people. ***Motion*** by Chair Shellene Johnson to recommend to table action and extend the

initial 60-day period on proposed Conditional Use Permit application for Rural Retail Tourism to gather additional application information. Further information and/or clarification needed for parking plans or improvements to parking area, maximum number of attendees, number of events per week, and times of operation (seasonal or year round use). Second by Chip Yeager. **Amended Motion** by Chair Shellene Johnson to recommend to table action and extend the initial 60-day period on proposed Conditional Use Permit application for Rural Retail Tourism for staff to work with the applicant to gather additional information. Second by Chip Yeager. Dave Whitney suggested reviewing previous wedding venue applications for guidance. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

Old Business:

Zoning Ordinance Review & Update

Committee Report/Discussion on One Acre Buildable and Septic Ordinance

Chair Johnson reported the subcommittee has met on numerous occasions. They have reached agreement on some items and continue to work to move this topic forward. John Sutcliffe and Frank Storm requested to see discussion or suggestions that the subcommittee has been working on for review. Chair Johnson noted Dave Whitney has an outline. County Commissioner DuBose indicated the County Board is anxious to review this topic. Frank Storm suggested the subcommittee should prepare separate outlines; Planning Commission could review the different opinions. Jim McCarthy indicated he would insert his edits into Dave Whitney's outline to provide a good foundation for next month's discussion. Chair Johnson indicated the subcommittee's outline of One Acre Buildable suggestions with individual edits will be sent to Coordinator Jagoe by May 12, 2021 for distribution. **By consensus**, the Planning Commission will review and discuss One Acre Buildable edits and added the topic to the June meeting agenda.

Wild Mountain Properties, LLC

Chip Yeager noted the Wild Mountain Properties Amended Conditional Use Permit was tabled by the Planning Commission, but the County Board approved it. Director Schneider reported the County Board did review additional materials provided by the applicant, such as the proposed campground rules and removing the microbrewery building. The applicant removed the microbrewery operation and gathering venue building voluntarily. It does not happen often, but the County Board does have that ability to vary from Planning Commission's recommendation. County Board decided to take a different course of action and adjusted condition six and added conditions to incorporate campground rules and permanent property boundary markers. County Commissioner DuBose indicated the additional materials provided did not warrant any additional delay to the applicant.

New Business:

County Board Referral – Zoning Ordinance Accessory Building(s)

County Commissioner DuBose indicated a discrepancy in the zoning ordinance for stand alone accessory buildings and provided examples of accessory building situations. County Commissioner DuBose's discussed the need to change the accessory buildings zoning ordinance for reasonable use of the buildings. Director Schneider indicated the County Board would like the Planning Commission to review accessory building requirements. Chip Yeager asked if the Planning Commission only needed to review the highlighted yellow text language or the entire Accessory Building section. Director Schneider reviewed permitted, conditional and interim uses in the Agricultural Zoning District. The review would not necessarily call for an entire rewrite. Jim McCarthy and Dave Whitney indicated they supported waiting and reviewing the ordinance as a whole instead of specific sections at a time. County Commissioner DuBose pointed out flaws in the ordinance. He indicated the County Board is requesting this to be a higher priority instead of waiting as the Planning Commission continues the regular zoning ordinance review process. Chair Johnson volunteered to assist with developing draft language changes and would like to review for the June meeting. Discussion followed on opinions of reviewing the ordinance and direction provided by the County Board. Dave Whitney suggested

sending a list of concerns on accessory buildings to staff, so they could consolidate and distribute the list for review. The Planning Commission could then come to a consensus on items of discussion for the June meeting and move into targeted text changes in the ordinance. Chip Yeager reviewed language from the County's Comprehensive Plan. Chip Yeager and Frank Storm supported the zoning ordinance was written to focus first on agriculture and secondly on residential. **By consensus**, Planning Commission members can provide input and County Commissioner DuBose will develop a draft for Planning Commission review. Chair Johnson noted Zoning Ordinance Accessory Building(s) will be added to the June meeting agenda.

Communications and Reports

County Commissioner DuBose provided a brief review of County Board items that included: Wild Mountain Winery, Accessory Building Zoning Ordinance, construction projects/bids, reestablishment of ditches and water resources presentation. City of North Branch completed a wireless internet system. A ladder system was utilized for installation. An example of the tower is located at County Road 14 and 375th Street. Planning Commission could review the tower and discuss allowing that particular type of tower under the zoning ordinance.

Director Schneider reported an update on Request For Proposal (RFP) for a consultant/planner to assist with zoning work and ordinance development. Currently funding and position are being assessed. **Motion** by Chair Shellene Johnson to cancel the Planning Commission's Special Work Session May 20th meeting. Second by Frank Storm. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none. Discussion followed on the continuation of electronic meetings or in-person meetings. Governor Walz has loosened COVID restrictions in Minnesota and County Board could determine when in-person meeting could be conducted. County Commissioner DuBose indicated the County Board may leave it up to individual boards to continue electronic or in-person meeting. Director Schneider indicated the meeting format is included as part of public notification and would be in-person or electronic, but stated challenges remain with a holding a hybrid meeting.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Jim Froberg to adjourn. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Meeting was adjourned at 9:51 p.m.