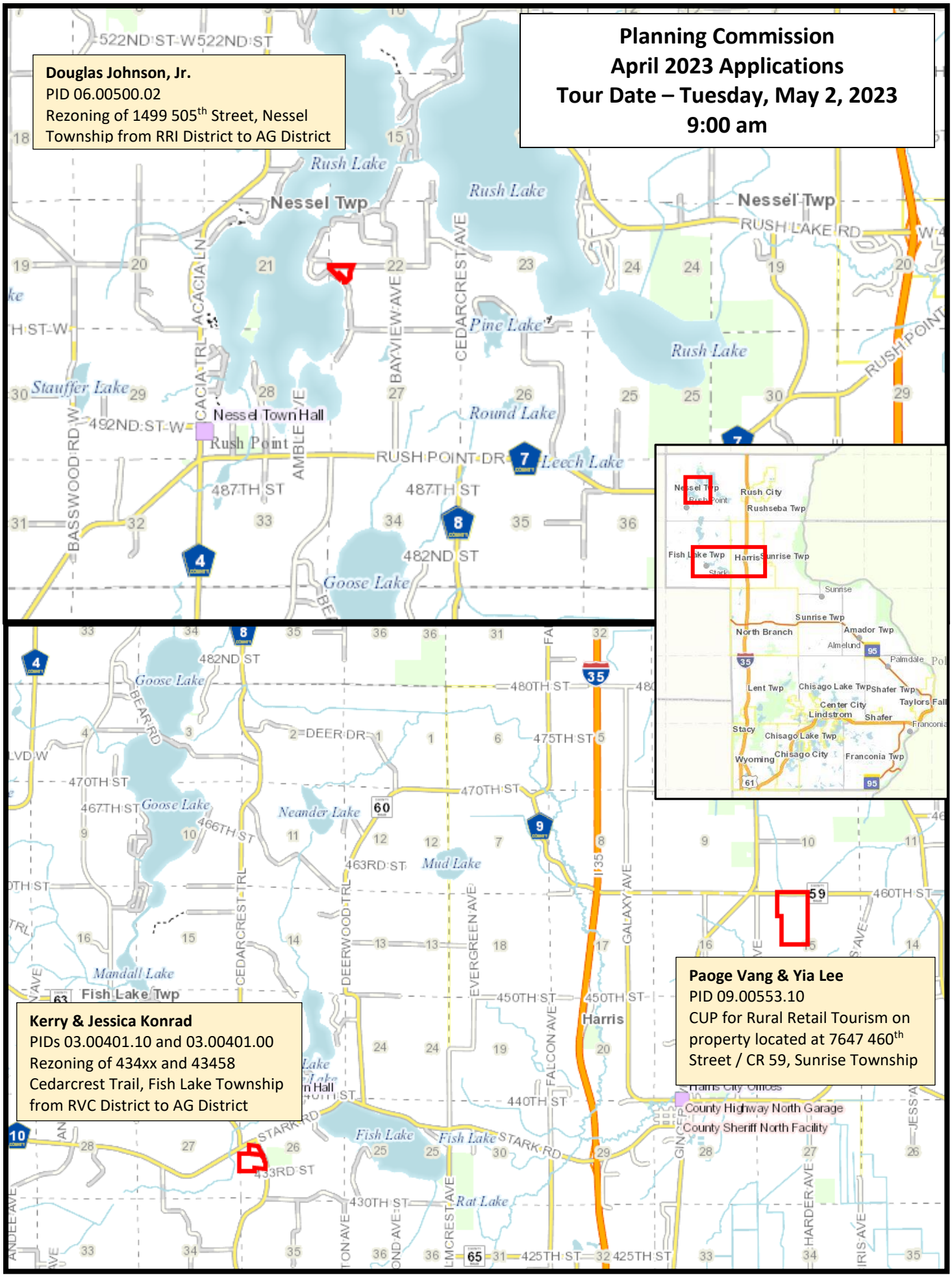
Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
May 4, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

Tour Details: Tuesday, May 2, 2023 at 9:00 am
Departing Chisago County Highway Department, 31325 Oasis Road, Center City, MN

1. **Call to Order – Pledge of Allegiance**
2. **Roll Call: Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
   a. April 6, 2023 Regular Meeting
5. **Receive all Materials and Submittals into Record**
   Previously Distributed:
   a. Meeting packet including staff report with attachments for agenda item 6a, 6b and 6c
6. **Public Hearings – New Applications**
   a. **Douglas Johnson** – Property owner Douglas Johnson is seeking approval of the Rezoning of Lot 2, Block 1, DJ's Dream from Rural Residential I (RRI) District to Agricultural (AG) District. The 8.05± acre property is located at 1499 505th Street, Nessel Township, S22, T37, R22 (PID 06.00500.02).
   b. **Kerry & Jessica Konrad** – Property owners Kerry & Jessica Konrad are seeking approval of the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District. The parcel identified as 03.00401.10 is 5.50± acres in size; and, the parcel identified as 03.00401.00 is 24.49± acres in size with approximately 6.90 acres currently zoned RVC District and approximately 17.59 acres currently zoned AG District. The properties proposed for Rezoning are located at 434xx and 43458 Cedarcrest Trail, Fish Lake Township, S26, T36, R22.
   c. **Paoge Vang & Yia Lee** – Property owners Paoge Vang & Yia Lee are seeking approval of a Conditional Use Permit (CUP) for Rural Retail Tourism on 85.35± acres in the Agricultural (AG) District. Proposed Rural Retail Tourism activities include a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides. The property is located at 7647 460th Street, Sunrise Township, S15, T36, R21 (PID 09.00553.10).
7. **Public Hearings – Continued Hearings**
   None
8. **Old Business**
9. **New Business**
   a. Consideration of Amendments to Planning Commission's 2023 Meeting Schedule
10. **Communications and Reports**
    a. County Board Liaison Report / Update
11. **Miscellaneous**
12. **Adjourn Meeting**
    - The next special work session is scheduled for Thursday, May 18, 2023 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, June 1, 2023 at 7:00 pm.


Planning Commission
April 2023 Applications
Tour Date – Tuesday, May 2, 2023
9:00 am
Douglas Johnson, Jr.
PID 06.00500.02
Rezoning of 1499 505th Street, Nessel Township from RRI District to AG District
Paoge Vang & Yia Lee
PID 09.00553.10
CUP for Rural Retail Tourism on property located at 7647 460th Street / CR 59, Sunrise Township
Kerry & Jessica Konrad
PIDs 03.00401.10 and 03.00401.00
Rezoning of 434xx and 43458 Cedarcrest Trail, Fish Lake Township from RVC District to AG District
Nessel Twp
Rush Lake
Pine Lake
Round Lake
Leech Lake
Stauffer Lake
Goose Lake
Neander Lake
Mud Lake
Mandall Lake
Fish Lake
Rat Lake
Nessel Town Hall
Rush Point
Harris
Fish Lake Twp
Rush City
Rushseba Twp
Sunrise
Sunrise Twp
North Branch
Amador Twp
Almelund
Palmdale
Lent Twp
Chisago Lake Twp
Shafer Twp
Center City
Lindstrom
Shafer
Stacy
Wyoming
Chisago City
Franconia Twp
County Highway North Garage
County Sheriff North Facility
522ND ST W
492ND ST W
487TH ST
482ND ST
480TH ST
475TH ST
470TH ST
467TH ST
463RD ST
460TH ST
450TH ST
440TH ST
433RD ST
430TH ST
425TH ST
RUSH LAKE RD
RUSH POINT DR
BASSWOOD RD W
ACACIA TRL
AMBLEWOOD AVE
BAYVIEW AVE
CEDARCREST AVE
BEAR RD
DEER DR
CEDARCREST TRL
DEERWOOD TRL
EVERGREEN AVE
FALCON AVE
GALAXY AVE
I-35
STARK RD

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
April 6, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 6, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Nadia Broome, Office Support Specialist.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Chris DuBose, Eric Leivian, Chip Yeager, John Sutcliffe, Dave Whitney, Jolene Wille, and Jim McCarthy who was seen and heard at the meeting via electronic means from Cambria Hotel at 1000 Lady Street, Columbia, SC 29201. Absent: none. A quorum was established.

Approval of Agenda – ***Motion*** by Chris DuBose to approve the agenda as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, McCarthy, Whitney, and Yeager. Nays: None.

Approval of Minutes – ***Motion*** by Jolene Wille to approve the February 16, 2023 work session minutes as presented; second by Dave Whitney. The motion passed 4-0-3. Ayes: Wille, DuBose, Whitney, and Yeager. Nays: None. Abstained: McCarthy, Sutcliffe, and Leivian. ***Motion*** by John Sutcliffe to approve the March 2, 2023 regular meeting minutes as presented; second by Chris DuBose. The motion passed 6-0-1. Ayes: Leivian, Sutcliffe, Wille, DuBose, Whitney, and Yeager. Nays: None. Abstained: McCarthy.

Receive all Materials and Submittals into Record – ***Motion*** by John Sutcliffe to accept all materials and submittals into the record; second by Eric Leivian. The motion passed 7-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, McCarthy, Whitney and 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

Keith Johnson and Johnson CSG 2, LLC – Coordinator Gervais provided an overview of property owner Keith Johnson and applicant Johnson CSG 2, LLC's request for approval of an Interim Use Permit (IUP) Amendment in order to modify the landscaping materials required for a community solar garden located west of Oasis Road / CSAH 9 and south of 375th Street, Sunrise Township, S28, T35, R20 (PID# 09.00303.10). The original IUP was approved in November 2021 and included a condition of approval which very specifically required the use of black spruce trees. The applicant later determined that this variety of tree was not well suited for the Minnesota climate. The IUP Amendment request was solely for the modification of the variety of tree used for screening purposes. In the application, the applicant proposed the use of a variety of spruce and fir trees in place of black spruce trees. The application materials explained that this requested modification was based on three factors: 1) Ability to achieve required height and opacity goals for the project; 2) Effectiveness of a coniferous mix rather than the narrow black spruce tree; and, 3) The fact that black spruce is not well suited for Minnesota's climate.

The Technical Review Committee met on March 8, 2023 and no concerns were identified. The Sunrise Town Board met on March 23, 2023 and recommended approval "on the condition that only plantings will be varieties of spruce, cedar or fir, and no pine". The extended review period would expire on June 10, 2023.

Gervais concluded by offering a recommendation of approval with conditions, explaining that the proposed conditions were the exact conditions approved by the County Board in November 2021, with the addition of condition no. 1 to clarify that this approval was an Amendment to the original 2021 approval, added language to proposed condition no. 2, again, to address that this was an Amended IUP, and a modification to condition no. 6 (previously condition no. 5) to address the requested Amendment and the Sunrise Town Board's recommendation.

Chair Yeager invited the applicant to address the Planning Commission. Jeremy Meyer, representative for Johnson CSG 2, LLC, stepped forward. Mr. Meyer had nothing to add to Coordinator Gervais' review.

DuBose commented that proposed condition no. 6 referred to "6' black coniferous trees" and asked if it should instead read "6' coniferous trees". Gervais responded affirmatively. Chair Yeager asked the applicant's representative if he was aware of the proposed language requiring the use of Black Hills spruce, Meyer spruce, Norway spruce and Balsam fir varieties, but prohibiting the use of pine varieties. Meyer responded that he was aware of and satisfied with the proposed condition.

Chair Yeager opened the public hearing. With no persons wishing to speak, ***motion*** by Chris DuBose to close the public hearing; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager Nays: None.

Chair Yeager sought comments from the Planning Commission. DuBose inquired why the Sunrise Town Board had requested that pine trees not be used. McCarthy explained that when red pines grew up the bottom limbs naturally fell off and white pines were naturally thin. McCarthy added that pine trees were nice trees but not ideal for screening purposes.

Motion by Chris DuBose to adopt Resolution No. PC2023-0401, a resolution recommending approval of an Amendment to an Interim Use Permit allowing a Commercial Solar Energy System within 1,320 feet of an existing commercial solar project on property located at 37304 Oasis Road / CSAH 9 in Sunrise Township, as presented and with one change to delete the word "black" from condition no. 6, leaving just "coniferous"; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager Nays: None.

Conditions:

1. This Interim Use Permit (IUP) amends and supersedes the IUP granted by the Chisago County Board of Commissioners on November 17, 2021 (original IUP) granting approval to construct and operate a one-megawatt community solar garden located within a ¼ mile of an existing solar array at 37304 Oasis Road / CSAH 9 in Sunrise Township. The sole Amendment reflects a modification of the landscaping materials approved for screening purposes (condition no. 6).
2. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted herein. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
3. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
4. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the

permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to eb necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.

5. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
6. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot coniferous trees – including Black Hills spruce, Meyer spruce, Norway spruce and Balsam fir varieties, but no pine varieties – spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
7. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.
8. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
9. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as “deer fence” which is of woven wire composition. The fence shall be a minimum of 8’ in height and constructed with wooden posts.
10. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
11. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
13. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer’s estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
14. At time of decommissioning the permittee shall recycle as much of the system’s materials as possible and limit disposal of said materials to the fullest extent possible.
15. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
16. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.

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17. The permittee shall locate and survey all delineated wetland areas.
18. The permittee shall follow the Minnesota DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
19. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
20. Interconnection equipment shall be mounted at grade level whenever possible.
21. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
22. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
23. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Sunrise Homes, Inc. – Coordinator Gervais provided an overview of the request, explaining that property owner Sunrise Homes, Inc., represented by Vincent Charles, was seeking approval of the Preliminary Plat of Zackary Meadows, involving the creation of three lots from a 33.91± acre tract in the Agricultural (AG) District. The property was generally located south of Rush Point Drive / CSAH 7 and east of Anchor Ave, Nessel Township, S34, T37, R22 (PID# 06.00702.10). Gervais explained that the undeveloped subject site was recently split from PID 06.00702.00 through the Minor Subdivision process and that the site included an existing conservation easement area in NE corner of subject site, covering 8.6 acres. Gervais added that the entire easement area was proposed to be located within a single lot, as requested by the Soil and Water Conservation District (SWCD). As proposed the plat showed three new parcels, with all parcels meeting and exceeding dimensional requirements for the AG District.

The Technical Review Committee met on March 8, 2023. Gervais commented that the SWCD provided recommended conditions of approval, including the conservation easement being situated on a single parcel, the installation of signs to identify the easement boundaries, and transfer of the easement to the new property owner(s). Gervais also commented that all driveways would need to be located on Anchor Avenue rather than CSAH 7, and, due to seasonal constraints, the soils and wetland delineation could not be verified but would be required prior to Final Plat. The Nessel Town Board met on March 14, 2023 and recommended approval with no conditions. The review period would expire on June 29, 2023.

Gervais concluded by stating that staff believed that the proposed Preliminary Plat complied with and was consistent with the intent of the County's Zoning and Subdivision Ordinances and recommended approval with conditions.

Chair Yeager invited the applicant to address the Planning Commission. Nick Charles, representing Sunrise Homes, Inc, stepped forward. Mr. Charles had nothing to add to Coordinator Gervais' review.

Chair Yeager sought comments from the Planning Commission. With no comments, Chair Yeager opened the public hearing. With no persons wishing to speak, ***motion*** by Jolene Wille to close the public hearing; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager Nays: None.

Chair Yeager inquired about the type of signage recommended by the SWCD. Gervais explained that she didn't have the sign specifications and added that the SWCD would work directly with the property owner on the design and acquisition of signs. DuBose commented that he had seen those types of signs before and they were approximately the size of a sheet of paper and identified the area as a conservation area.

Motion by Dave Whitney; second by Eric Leivian to adopt Resolution No. PC2023-0402, a resolution recommending approval of the Preliminary Plat of Zackary Meadows, with conditions as presented. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager Nays: None.

Conditions:

1. The Preliminary Plat of Zackary Meadows is approved per plat drawing dated signed January 19, 2023. 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. No access shall be granted from Rush Point Drive / CSAH 7.
3. The existing State of Minnesota Reinvest in Minnesota perpetual conservation easement, recorded as Document No. 289866, shall be situated on no more than one lot and there shall be no modifications to the layout of the easement area.
4. The property owner shall cause the preparation of a survey or otherwise accurately identify the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement boundaries and properly mark, with SWCD approved signage, all corners and at least one sign between corners of the easement. The signs shall be installed at a height of no less than six (6') feet above ground level.
5. The property owner shall coordinate with Chisago SWCD to transfer the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement to Sunrise Homes, Inc. and, if and when Sunrise Homes, Inc. sells the lot which includes the easement, Sunrise Homes, Inc. shall again coordinate with Chisago SWCD to transfer the easement to the new landowner(s).
6. The County shall verify soils / the soils report when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
7. The County shall verify the wetland delineation when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
8. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
9. 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.

Maxwell & Allison Kleven – Coordinator Gervais provided an overview of property owners Maxwell & Allison Kleven's request for an Interim Use Permit (IUP) allowing an accessory structure without the presence of a principal use structure and allowing sanitary facilities within the accessory structure on 13.26± acres in the Agricultural (AG) District. The property was located at 41XXX Ferry Road, approximately 1/3 mile north of the intersection of CSAH 9 and Ferry Road, in Sunrise Township, S5, T35, R20 (PID# 09.00035.10).

Gervais explained that the 13.26-acre undeveloped subject site was zoned Agricultural (AG) District, adding that the property owners intended to construct a dwelling in the future but were uncertain of the timeframe. The proposed 40' x 64' (2,560 sf) accessory structure would be used for personal storage only and not for

commercial purposes. The proposed accessory structure would be approximately 152' from the roadway (Ferry Road) / east property boundary, more than 500' from the west property boundary, more than 240' from the north property boundary, and more than 400' from south property boundary. Gervais stated that all proposed setbacks exceeded minimum requirements.

The Technical Review Committee met on March 8, 2023 and did not identify any issues or concerns with the request. The Sunrise Town Board considered the request on March 23, 2023 and recommended approval "for a period of 12 months with the condition that the water and septic are not installed until the building permit for the house is issued." Gervais cautioned the Planning Commission against recommending approval of the IUP with the conditions recommended by the Town Board being that the Zoning Ordinance allowed the proposed uses with issuance of an IUP. The review period would expire on April 29, 2023.

Gervais concluded by stating that staff believed the proposed Interim Use Permit (IUP) complied with and was consistent with the intent of the County's Zoning Ordinance and offered a recommendation of approval with conditions.

Chair Yeager invited the applicants to address the Planning Commission. Property owners Maxwell & Allison Kleven stepped forward. Neither had anything to add to Coordinator Gervais' review.

Chair Yeager sought comments from the Planning Commission. With no comments, Chair Yeager opened the public hearing. With no persons wishing to speak, ***motion*** by Jolene Wille to close the public hearing; second by Eric Leivian. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager. Nays: None.

Whitney inquired if the applicants had any intention of living in the pole barn while their house was being built. M. Kleven responded that they had no intention of living in the accessory structure. Whitney inquired about the proposed septic system. M. Kleven explained that it would be a holding tank with drain field, adding that the holding tank would be located between the proposed house site and the proposed pole barn. Whitney inquired if the property owners were going to utilize another holding tank for the proposed house or if they intended to install a full septic system. M. Kleven commented that they would prefer a single septic system to be used by both the pole barn and house. Whitney commented that the request only included approval for a toilet and a sink, and inquired if the property owners saw need for a shower in the future. M. Kleven stated that they had no intentions of installing of a shower in the accessory structure. McCarthy stated that he would be supporting Sunrise Town Board's recommendation, commenting that he believed a porta-potty would meet the needs of the property owners until their house was constructed. McCarthy added that he didn't think the proposed septic system would function properly with minimal use.

Motion by Chris DuBose; second by Dave Whitney to adopt Resolution No. PC2023-0403, a resolution recommending approval of an Interim Use Permit allowing an accessory structure and sanitary facilities within said accessory structure on property identified as PID 09.00035.10 in Sunrise Township, with findings of fact and conditions presented. The motion passed 6-1. Ayes: Whitney, Leivian, Sutcliffe, Wille, DuBose, and Yeager. Nays: McCarthy

Public Hearings – Continued Hearings – None

Old Business – None

New Business – None

Communications and Reports

County Board Liaison Report / Update – Director Schneider explained that Commissioner Greene was unable to attend the meeting and offered a brief County Board update. Schneider stated that the County Board considered the Preliminary Plat of Carlson Lake Overlook at its April 5, 2023 meeting and ultimately approved the plat on a 3-2 vote. Chair Yeager inquired about the Board's objections to the plat. Director Schneider commented that there were concerns related to cluster development standards, including the open space dedication as part of the Carlson's Lake Estates cluster development, and testimony from neighboring property owners.

Miscellaneous – Whitney commented that Planning Commission tours typically did not include proposed plat sites and he believed there would be benefit in visiting some of these sites if the proposed plats were complicated or presented concerns. Whitney suggested that the Commission discuss whether or not to include these sites in future tours. In response, Coordinator Gervais commented that staff was not opposed to visiting plat sites and agreed that there may be value. The Commission briefly discussed how best to determine which sites to visit, and, ultimately, it was the consensus of the Commission that if a Commissioner felt it was necessary to visit a specific site, they would notify staff, and the Chair would make the final determination on which sites to include on the tours.

Wille commented that she was unable to attend Tuesday tours due to her work schedule and asked if it would be possible to change the tour schedule. Coordinator Gervais stated that the tour schedule was adopted annually as part of the meeting schedule and any change for 2023 would require an amendment to the adopted 2023 meeting schedule. ***Motion*** by Chris DuBose; second by John Sutcliffe to initiate a review of the 2023 meeting schedule with the purpose of considering a change to tour dates. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager. Nays: None.

Director Schneider informed the Planning Commission of recent changes within the Environmental Services Department, including the retirement of Office Manager Patty Perreault, the promotion of Diane Sander from Office Support Specialist to Office Manager, and the hiring of Nadia Broome as Office Support Specialist. Commission members welcomed Broome.

Chair Yeager indicated that the upcoming meeting schedule included a work session on April 20, 2023, and he shared that he would not be able to attend. After a brief discussion about which members were and were not able to attend, the consensus of the Commission was to cancel the April 20, 2023 work session and not reschedule. ***Motion*** by Chris DuBose; second by Jolene Wille to cancel the April 20, 2023 work session and not hold another work session until the regularly scheduled May 18, 2023 work session. The motion passed 7-0. Ayes: Whitney, Leivian, McCarthy, Sutcliffe, Wille, DuBose, and Yeager. Nays: None.

Adjourn Meeting – ***Motion*** by Chris DuBose; second by John Sutcliffe to adjourn the meeting. **Motion passed** 7-0. Ayes: Wille, Sutcliffe, Leivian, DuBose, McCarthy, Whitney, and Yeager. Nays: None. The meeting was adjourned at 7:44 p.m.

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

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Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Rezoning of 8.05± Acres from Rural Residential I (RRI) District to Agricultural (AG) District
1499 505th Street, Nessel Township
DATE: May 4, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Rezoning of 8.05± acres from Rural Residential I (RRI) District to Agricultural (AG) District.

SITE & APPLICATION INFORMATION

Applicant(s):	Douglas Johnson, Jr.
Property Owner(s):	Douglas Johnson, Jr.
General Location:	1499 505th Street Nessel Township Section 22, Township 37, Range 22
PID:	06.00500.02
Property Area:	8.05± Acres
Current Zoning:	Rural Residential I (RRI) District / Shoreland Management District
Adjacent Zoning:	
North:	Rural Residential I (RRI) District / Shoreland Management District
South:	Rural Residential I (RRI) District / Shoreland Management District
West:	Rural Residential I (RRI) District / Shoreland Management District
East:	Agricultural (AG) District / Shoreland Management District
Date Application Received:	March 2, 2023
Date Application Complete:	March 3, 2023
60-Day Review Period:	May 2, 2023
Extended Review Period:	July 1, 2023

BACKGROUND

Property owner Douglas Johnson, Jr. is requesting the Rezoning of a single parcel from Rural Residential I (RRI) District to Agricultural (AG) District. The subject site is 8.05± acres in size and was platted as Lot 2, Block 1, DJ's Dream in 2022. In conjunction with the request for Preliminary Plat, Johnson requested the Rezoning of Lot 1, Block 1, DJ's Dream (parcel immediately east of subject site) from RRI District to AG District, and that Rezoning was recommended for approval by the Planning Commission and ultimately approved by the County Board.

It's staff's understanding that Johnson is pursuing the Rezoning of Lot 2, Block 1, DJ's Dream in order to have the ability to construct more than 2,000 square feet of accessory storage space, which is the current maximum amount allowed in the RRI District.

SITE & PROPOSAL ANALYSIS

The 8.05-acre subject site is located near the eastern shore of West Rush Lake at the intersection of Bayside Avenue and 505th Street in Nessel Township. Being that the property is not immediately adjacent to Rush Lake, it's considered a non-riparian lot and therefore currently subject to the RRI District dimensional standards. The site has been developed with a dwelling and two detached accessory structures in the southeastern corner and is heavily wooded with a large area of wetland. The images below show current conditions (left) and the wetland area (right). County staff believes, based on aerial images and rough measurements of the two detached structures, that the property is currently in compliance with the RRI District / Zoning Ordinance in terms of the number of detached accessory structures and the overall amount of accessory storage space.

Surrounding properties to the north, west and south are zoned RRI District and range widely in size from .22 acres to 28.9 acres. Properties to the east, including Lot 1, Block 1, DJ's Dream, are zoned AG District and range in size from 5 acres to 40 acres.

As previously stated, the subject site is currently zoned RRI District and the property owner is requesting that it be Rezoned to AG District. Below are descriptions for each district:

- Per Zoning Ordinance Section 5.08, the **Rural Residential I (RRI) District** is intended to provide a transition area between lower density rural areas and those more urban in nature which will: 1) accommodate lower density residential development in areas of existing development and in close proximity to incorporated municipalities and municipal services; 2) provide for the long range orderly growth and expansion of municipalities; and, 3) allow for the efficient extension of municipal services in the future.
- Per Zoning Ordinance Section 5.06, the **Agricultural (AG) District** is intended to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas.

Below is a table which outlines minimum requirements for the RRI and AG Districts with corresponding information for the subject site. The tables shows that the subject site exceeds the minimum dimensional requirements for the AG District.

	Minimum Lot Area	Minimum Lot Width*	Minimum Lot Depth**
RRI District	1 acre	200 feet	200 feet
AG District	5 acres	300 feet	300 feet
Subject Site	8.05 acres	Approx. 922 feet at building setback line (505th Street)	Approx. 500 feet (irregular lot shape)

* Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."

** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."

Based on the minimum dimensional requirements shown above for the RRI District, it's feasible that the property owner could further subdivide the subject site. However, if the proposed Rezoning is approved, the subject site would not support the creation of any additional parcels. The property owner has given no indication that he wishes to further subdivide his property; however, he is interested in having ability to construct additional detached accessory structures. If the property is Rezoned to AG District, the property owner will not be limited in the number of accessory structures or the overall amount of accessory storage space.

REZONING FINDINGS OF FACT

Zoning Ordinance Section 8.08 (Amendments and Rezoning) states that the Planning Commission shall consider possible effects of the proposed Rezoning based upon the following factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #1 *Based on current dimensional requirements for the Agricultural (AG) District, the proposed Rezoning will prohibit further subdivision of the subject site and, therefore, prohibit any additional dwellings. By not allowing the creation or additional parcels or the construction of additional dwellings, the County finds that the proposed Rezoning will stabilize or reduce potential impacts on existing facilities and utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will adjust an existing zoning district boundary between the Rural Residential I (RRI) District and the Agricultural (AG) District. The Department of Environmental Services is not aware of any complaints or issues in the general area of the subject site specifically related to zoning district cohesiveness. Being that the RRI and AG Districts currently abut cohesively, the County finds that the proposed Rezoning will*

not cause undue negative impacts to the subject property or neighboring properties or deter future development.

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *If the Rezoning is approved, the subject site will be developed in accordance with the Agricultural (AG) District standards and it will not be eligible for further subdivision. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion and will, in fact, prevent potential negative impacts by not allowing further subdivision or construction of additional dwellings.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the proposed Rezoning meets the intent of the land use goals identified in Chapter 9 of the Comprehensive Plan by preserving the County's rural character and supporting compatible agricultural and rural residential development in the County.*

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. Further, the County finds that the proposed Rezoning of Rural Residential I (RRI) District to Agricultural (AG) District meets the intent and purposes of the Zoning Ordinance in that the existing uses (dwelling and related accessory structures) and proposed uses (additional detached accessory structure(s)) meet the intent of the AG District and are compatible with the adjacent RRI District.*

REVIEW PROCESS

The Nessel Town Board reviewed the proposed Rezoning at its April 11, 2023 meeting and recommended approval with no conditions.

The Technical Review Committee met on April 12, 2023. No concerns were identified.

Due to timing of application submittal, the initial State mandated 60-day review period expired on May 2, 2023 not allowing sufficient time for all required meetings. Therefore, the review period was extended by 60 days, expiring on July 1, 2023.

STAFF RECOMMENDATION

Staff believes that the proposed Rezoning complies with and is consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** and has prepared a resolution for the Commission's consideration.

OPTIONS

1. Recommend that the County Board **approve** the Rezoning as presented or amended.

2. Should the Planning Commission determine that the proposed Rezoning does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Rezoning based on factors deemed appropriate. *(Note: The Commission will need to include specific finding(s) for denial in its motion, using Zoning Ordinance Section 8.08 for reference.)*

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on July 1, 2023, allowing the Commission to further consider the request at its June 1, 2023 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0501, a resolution recommending approval of the Rezoning of Lot 2, Block 1, DJ's Dream (PID 06.00500.02) from Rural Residential I (RRI) District to Agricultural (AG) District, with findings of fact and conditions as presented or amended.

If the Commission chooses to recommend denial of the request for Rezoning, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Aerial photo (3) – existing zoning
5. Draft Resolution No. PC2023-0501

CC: Doug Johnson, property owner
County file

Permit # 23-156

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 47.00
Base Fee 525.00
Wetland or Septic Fees
Plat Compliance Fee
TOTAL FEE 572.00

Street Location 1499 505th ST **Tax Parcel #** 06.00500.02

Legal Description **E-Mail Address:** [redacted]

Owner: Douglas Johnson JR. **Day Phone** [redacted]

Address 1499 505th ST. Rush City MN 55069

Applicant (if other than owner) **Day Phone** ( ) S22,T37,R22

Address DJ's Dream L2, B1

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☐	Rezoning	☒

Applicable section of ordinance:

Description of request: REZONE TO AG From RR1

If Variance Application, Brief Description of Practical Difficulty

Douglas Johnson Jr. 3-1-23
Signature of Applicant **Date of Application**

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

3/2/23
Date Received

3-3-23
Date Complete

5-2-23
60 / 120 **Day Review Period**

7-1-23
EXTENDED REVIEW PERIOD

Date of Public Hearing: MAY 4, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location: 1499 505th ST.

Legal Description: LOT 2, BLOCK 1, DJ's DREAM

Owner Name: Douglas w Johnson JR, Day Phone: [redacted]

Address: 1499 505th ST Rush City Mn 55069

Applicant: _____ Day Phone: ( )
(if other than owner)

Address: _____

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Rezoning	☒
Interim Use Permit	☐	Ordinance Amendment	☐

Description of Request: REZONE TO AG From RR1

Date of County Public Hearing: MAY 4, 2023

Date of Township Presentation: APRIL 11, 2023

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: _____

Signature of Township Officers: Michelle Meis Betsy Rising
Brad Omli
Randy Eckerle

Douglas Johnson Jr.
Signature of Applicant

3-1-23
Date

Douglas Johnson - Aerial Photo

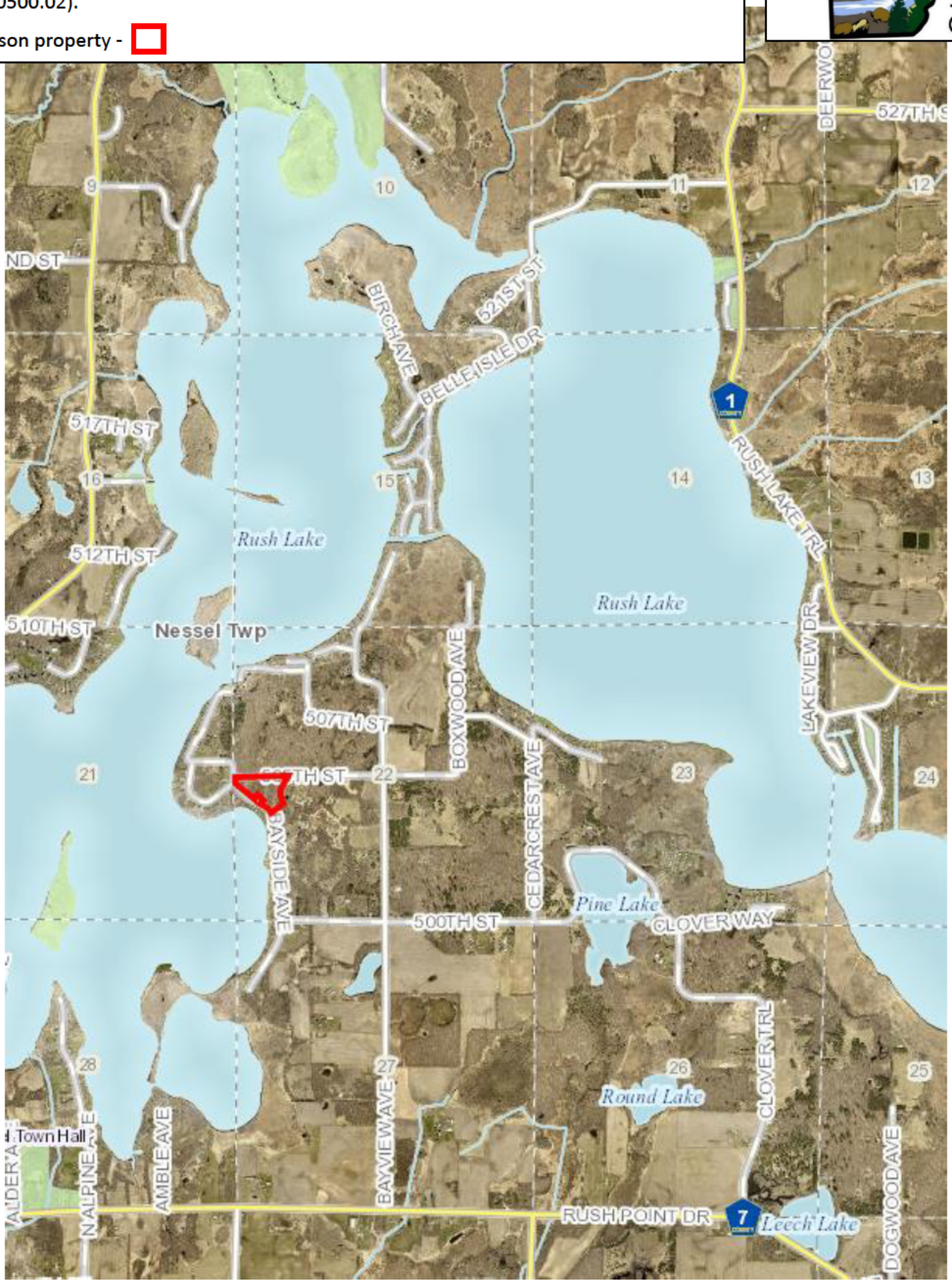
Property owner Douglas Johnson is seeking approval of the Rezoning of Lot 2, Block 1, DJ's Dream from Rural Residential I (RRI) District to Agricultural (AG) District. The 8.05± acre property is located at 1499 505th Street, Nessel Township, S22, T37, R22 (PID 06.00500.02).

Johnson property -

Douglas Johnson - Aerial Photo

Property owner Douglas Johnson is seeking approval of the Rezoning of Lot 2, Block 1, DJ's Dream from Rural Residential I (RRI) District to Agricultural (AG) District. The 8.05± acre property is located at 1499 505th Street, Nessel Township, S22, T37, R22 (PID 06.00500.02).

Johnson property -



Douglas Johnson - Aerial Photo

Property owner Douglas Johnson is seeking approval of the Rezoning of Lot 2, Block 1, DJ's Dream from Rural Residential I (RRI) District to Agricultural (AG) District. The 8.05± acre property is located at 1499 505th Street, Nessel Township, S22, T37, R22 (PID 06.00500.02).

Johnson property -

RESOLUTION NO. PC2023-0501

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE REZONING OF LOT 2, BLOCK 1, DJ'S DREAM (PID 06.00500.02) FROM RURAL RESIDENTIAL I (RRI) DISTRICT TO AGRICULTURAL (AG) DISTRICT

WHEREAS, property owner Douglas Johnson, Jr. submitted an application dated received March 2, 2023 and considered complete on March 3, 2023 for the Rezoning of one parcel from Rural Residential I (RRI) District to Agricultural (AG) District; and

WHEREAS, the 8.05-acre subject site is located at 1499 505th Street in Nessel Township; and

WHEREAS, the subject site is legally described as:

PID 06.00500.02
Lot 2, Block 1, DJ's Dream
Chisago County, Minnesota

WHEREAS, to allow for due process and all required meetings held in consideration of the request, the initial 60-day review period (expiring on May 2, 2023) was extended by the County by 60 days (expiring on July 1, 2023) as allowed by Minnesota statute; and

WHEREAS, notice was provided and on May 4, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Rezonings and made the following findings per Zoning Ordinance Section 8.08:

Factor #1 Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #1 *Based on current dimensional requirements for the Agricultural (AG) District, the proposed Rezoning will prohibit further subdivision of the subject site and, therefore, prohibit any additional dwellings. By not allowing the creation or additional parcels or the construction of additional dwellings, the County finds that the proposed Rezoning will stabilize or reduce potential impacts on existing facilities and utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will adjust an existing zoning district boundary between the Rural Residential I (RRI) District and the Agricultural (AG) District. The Department of Environmental Services is not aware of any complaints or issues in the general area of the subject site specifically related to zoning district cohesiveness. Being that the RRI and AG Districts currently abut cohesively, the County finds that the proposed Rezoning will not cause undue negative impacts to the subject property or neighboring properties or deter future development.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *If the Rezoning is approved, the subject site will be developed in accordance with the Agricultural (AG) District standards and it will not be eligible for further subdivision. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion and will, in fact, prevent potential negative impacts by not allowing further subdivision or construction of additional dwellings.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the proposed Rezoning meets the intent of the land use goals identified in Chapter 9 of the Comprehensive Plan by preserving the County's rural character and supporting compatible agricultural and rural residential development in the County.*

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. Further, the County finds that the proposed Rezoning of Rural Residential I (RRI) District to Agricultural (AG) District meets the intent and purposes of the Zoning Ordinance in that the existing uses (dwelling and related accessory structures) and proposed uses (additional detached accessory structure(s)) meet the intent of the AG District and are compatible with the adjacent RRI District.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the Planning Commission hereby recommends approval of the Rezoning of Lot 2, Block 1, DJ's Dream (PID 06.00500.02) from Rural Residential I (RRI) District to Agricultural (AG) District as requested by Douglas Johnson, Jr.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of May, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Rezoning of Approximately 12.4 Acres from Rural Village Center (RVC) District to Agricultural (AG) District
434xx and 43458 Cedarcrest Trail / CSAH 8, Fish Lake Township
DATE: May 4, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Rezoning of approximately 12.4 acres from Rural Village Center (RVC) District to Agricultural (AG) District.

SITE & APPLICATION INFORMATION

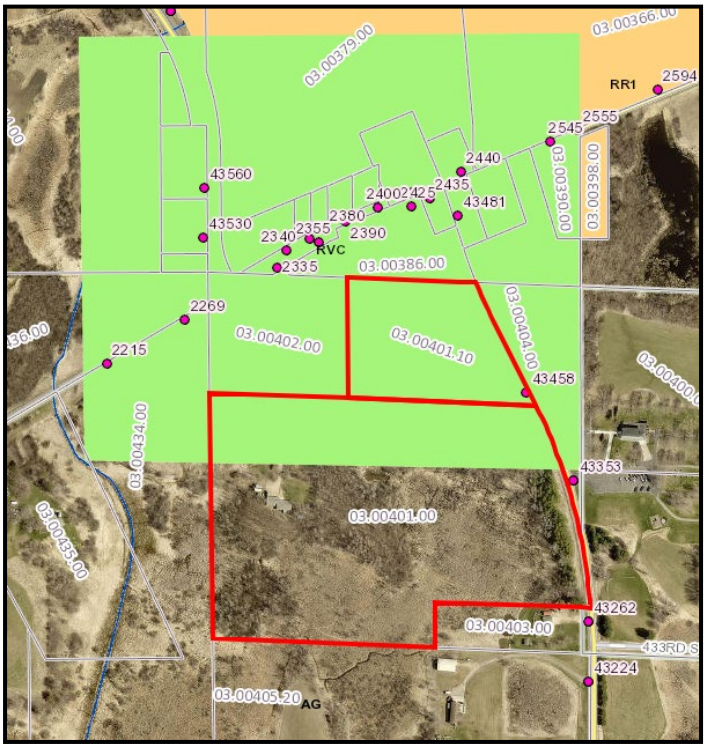
Applicant(s):	Kerry & Jessica Konrad
Property Owner(s):	Kerry & Jessica Konrad
General Location:	434xx and 43458 Cedarcrest Trail / CSAH 8 Fish Lake Township Section 26, Township 36, Range 22
PIDs:	03.00401.10 and 03.00401.00
Subject Area:	12.4± Acres
Current Zoning:	Rural Village Center (RVC) District – PID 03.00401.10 Rural Village Center (RVC) District and Agricultural (AG) District – PID 3.00401.00
Adjacent Zoning:	
North:	Rural Village Center (RVC) District
South:	Agricultural (AG) District
West:	Rural Village Center (RVC) District
East:	Rural Village Center (RVC) District
Date Application Received:	March 23, 2023
Date Application Complete:	March 28, 2023
60-Day Review Period:	May 27, 2023

BACKGROUND

Property owners Kerry & Jessica Konrad are requesting the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District. The parcel identified as 03.00401.10 is 5.50± acres in size; and, the parcel identified as 03.00401.00 is 24.49± acres in size with approximately 6.90 acres currently zoned RVC District and approximately 17.59 acres currently zoned AG District. The Konrads have stated that they are pursuing the Rezoning in order to have the ability to construct a dwelling on the northerly parcel (PID 03.00401.10).

SITE & PROPOSAL ANALYSIS

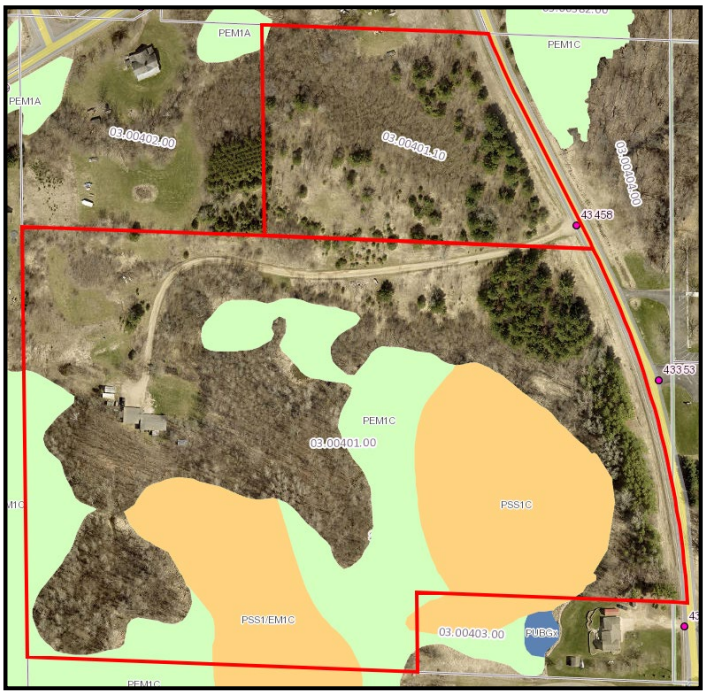
The approximate 12.4-acre subject area is located 375'± south of Stark Road / CSAH 10 on the west side of Cedarcrest Trail / CSAH 8. The subject area is located on the south side of the RVC District surrounding the unincorporated Village of Stark. The area abuts the AG District to the south.



The northerly parcel is currently undeveloped. The site appears to be heavily wooded with elevations ranging from 941' in the extreme northwest corner to 965' along the north property boundary.

The southerly parcel has been developed with a dwelling and four or five detached accessory structures. All structures are located on the portion of land currently zoned AG District. The property is heavily wooded with a large area of wetland.

The adjacent images show current zoning boundaries (top) and the wetland areas (bottom).



Surrounding properties to the north, west and east are zoned RVC District and range in size from .2 acres to 5 acres. Properties to the south, including a portion of PID 03.00401.00, are zoned AG District and range in size from 2 acres to 41 acres.

The RVC District appears to encompass an approximate 64-acre area (approximately 1,805' wide x 1,535' deep). The district was configured in such a way that all interior parcels are completely within the RVC District and at least seven privately owned parcels are split between the RVC District and AG District. Split zoning classifications can present challenges to property owners when determining how to develop their property and to the County when applying zoning regulations. Generally speaking, split zoning classifications are not ideal.

This particular RVC District – being approximately 64 acres in size – is relatively small, and the proposed Rezoning would reduce the district size to approximately 51.6 acres. While there may be some concern about "erosion" of the RVC District, the Fish Lake Town Board did recommend approval and did not offer any comments suggesting that there was concern about the RVC District.

As previously stated, the subject area is currently zoned RVC District and the property owners are requesting that it be Rezoned to AG District. Below are descriptions for each district:

- Per Zoning Ordinance Section 5.11, the **Rural Village Center (RVC) District** is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas.
- Per Zoning Ordinance Section 5.06, the **Agricultural (AG) District** is intended to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas.

Below is a table which outlines minimum requirements for the RVC and AG Districts with corresponding information for the subject properties. The table shows that the subject properties exceed the minimum dimensional requirements for the AG District.

	Minimum Lot Area	**Minimum Lot Width***	**Minimum Lot Depth****
RVC District	1 acre	200 feet	200 feet
AG District	5 acres	300 feet	300 feet
	Actual Lot Area	**Actual Lot Width**	**Actual Lot Depth**
PID 03.00401.10 (north parcel)	5.5 acres	Approx. 493 feet at building setback line	Approx. 570 feet
PID 03.00401.00 (south parcel	24.49 acres	Approx. 760 feet at building setback line	Approx. 1,114 feet

* Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."

** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."

REZONING FINDINGS OF FACT

Zoning Ordinance Section 8.08 (Amendments and Rezoning) states that the Planning Commission shall consider possible effects of the proposed Rezoning based upon the following factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #1 *If the Rezoning is approved, it will allow for development of the subject parcels in accordance with the Agricultural (AG) District rather than the Rural Village Center (RVC) District. Being that the Zoning District states that the AG District is intended for agriculture related uses and low density residential areas and the RVC District is intended for commercial activity, the County finds that the proposed Rezoning will result in less intense development which will stabilize or reduce potential impacts on existing facilities and utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will adjust an existing zoning district boundary between the Rural Village Center (RVC) District and the Agricultural (AG) District. The Department of Environmental Services is not aware of any complaints or issues in the general vicinity of the subject area specifically related to zoning district cohesiveness. Being that the RVC and AG Districts currently abut cohesively, the County finds that the proposed Rezoning will not cause undue negative impacts to the subject property or neighboring properties or deter future development.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *If the Rezoning is approved, the subject area will be developed in accordance with the Agricultural (AG) District. If the property owners choose to develop their land in a manner requiring a Conditional or Interim Use Permit, the County will evaluate traffic impacts at that time. If the property owners choose to develop their land in a manner identified as a Permitted Use, it's presumed that the County has already determined that such use or uses will not cause significant traffic hazards or congestion. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the proposed Rezoning meets the intent of the land use goals identified in Chapter 9 of the Comprehensive Plan by preserving the County's rural character and supporting compatible agricultural and rural residential development in the County.*

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. Further, the County finds that the proposed Rezoning of Rural Village Center (RVC) District to Agricultural (AG) District meets the intent and purposes of the Zoning Ordinance in that the existing and proposed uses (dwellings and related accessory structures) meet the intent of the AG District and are compatible with the adjacent RVC District.*

REVIEW PROCESS

The Fish Lake Town Board reviewed the proposed Rezoning at its April 10, 2023 meeting and recommended approval with no conditions.

The Technical Review Committee met on April 12, 2023. No concerns were identified. Following the meeting, the County Engineer commented that, because the driveway access for the southern parcel is located on the northern parcel, future development of the northern parcel will require a shared driveway or a new driveway access for the southern parcel located on the southern parcel. Ultimately, each parcel is limited a single driveway access.

The application was submitted on March 23, 2023 and deemed complete on March 28, 2023. The State mandated 60-day review period expires on May 27, 2023.

STAFF RECOMMENDATION

Staff believes that the proposed Rezoning complies with and is consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** and has prepared a resolution for the Commission's consideration.

OPTIONS

1. Recommend that the County Board **approve** the Rezoning as presented or amended.

2. Should the Planning Commission determine that the proposed Rezoning does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Rezoning based on factors deemed appropriate. *(Note: The Commission will need to include specific finding(s) for denial in its motion, using Zoning Ordinance Section 8.08 for reference.)*

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the review period expires on May 27, 2023 and the next regularly scheduled Planning Commission meeting is on June 1, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0502, a resolution recommending approval of the Rezoning of PID 03.00401.10 and part of PID 03.00401.00 from Rural Village Center (RVC) District to Agricultural (AG) District, with findings of fact as presented or amended.

If the Commission chooses to recommend denial of the request for Rezoning, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Aerial photo (3) – existing zoning
5. Draft Resolution No. PC2023-0502

CC: Kerry & Jessica Konrad, property owners
County file

Recording Fee $46
Base Fee $525
Wetland or Septic Fees
Plat Compliance Fee
TOTAL FEE $571

Permit # 2023-251

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 43XXX Cedarcrest Trl, Tax Parcel # 03.00401.10
03.00401.00 (Partial)

Legal Description See Att. Deeds E-Mail Address: [redacted]

Owner: Kerry Konrad Day Phone [redacted]

Address 43458 Cedarcrest Trl, Harris MN 55032

Applicant (if other than owner) Day Phone ( )

Address Fish Lake S26, T36, R22

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☐	Rezoning	☒

Applicable section of ordinance:

Description of request: Rezone RUC to Ag

If Variance Application, Brief Description of Practical Difficulty

3-23-23
Signature of Applicant Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

3-23-23
Date Received

3-28-23
Date Complete

5-27-23
60 / 120 Day Review Period

Date of Public Hearing: May 4, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 43XXX Cedarcrest Trl

Legal Description See Att. Deed

Owner Name Kerry Konrad **Day Phone:** [redacted]

Address: 43458 Cedarcrest Trl, Harris, MN 55032

Applicant: _____ **Day Phone:** ( )
(if other than owner)

Address: _____

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Rezoning	☒
Interim Use Permit	☐	Ordinance Amendment	☐

Description of Request: Rezone RVC to Ag

Date of County Public Hearing: May 4, 2023

Date of Township Presentation: APRIL 10, 2023

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions: _____

Signature of Township Officers: Bruce Ebert
James B Ehlert

Signature of Applicant

3-23-23
Date

Kerry & Jessica Konrad - Aerial Photo

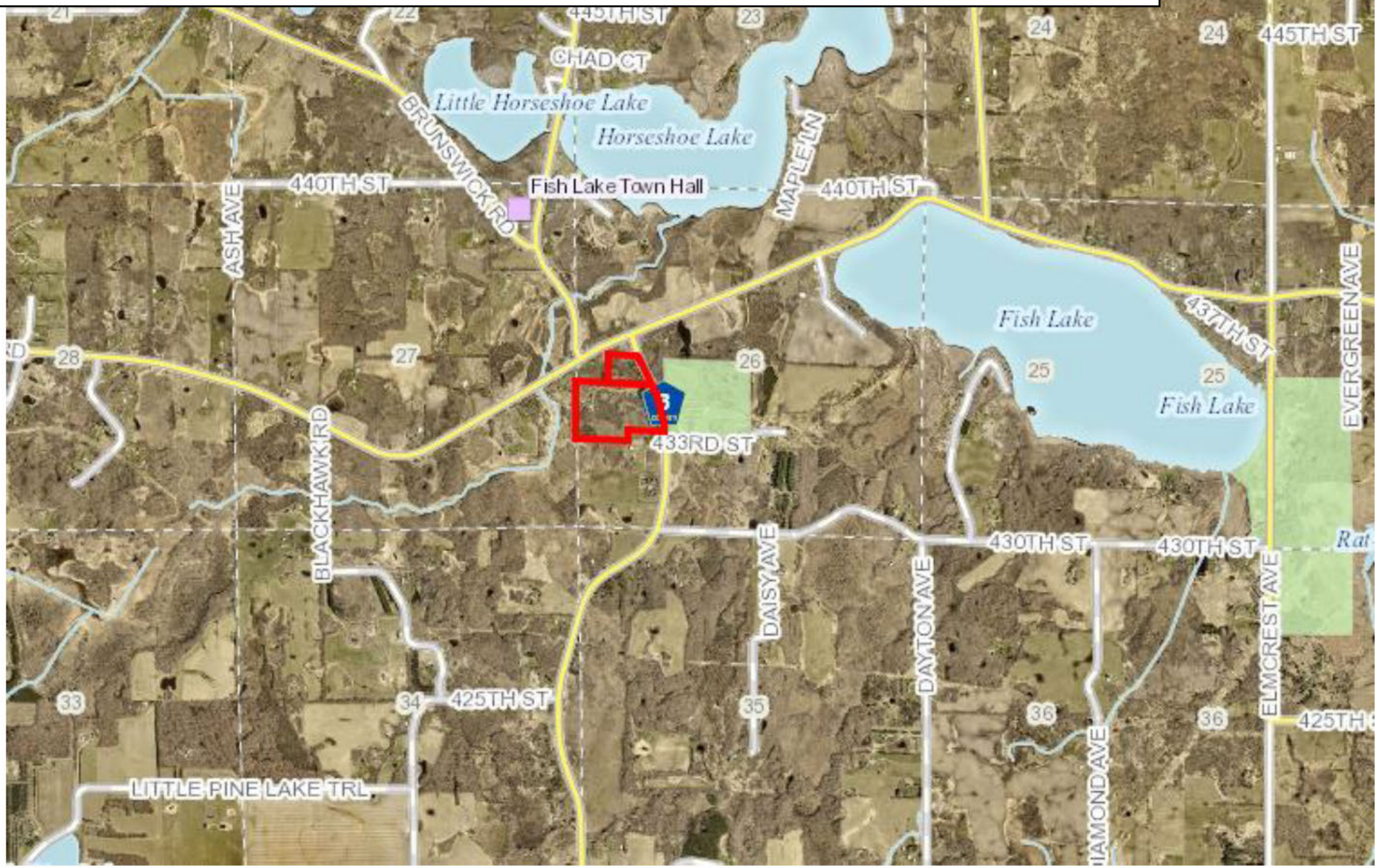
Property owners Kerry & Jessica Konrad are seeking approval of the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District. The parcel identified as 03.00401.10 is 5.50± acres in size; and, the parcel identified as 03.00401.00 is 24.49± acres in size with approximately 6.90 acres currently zoned RVC District and approximately 17.59 acres currently zoned AG District. The properties proposed for Rezoning are located at 434xx and 43458 Cedarcrest Trail, Fish Lake Township, S26, T36, R22.

Konrad property -

Kerry & Jessica Konrad - Aerial Photo

Property owners Kerry & Jessica Konrad are seeking approval of the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District. The parcel identified as 03.00401.10 is 5.50± acres in size; and, the parcel identified as 03.00401.00 is 24.49± acres in size with approximately 6.90 acres currently zoned RVC District and approximately 17.59 acres currently zoned AG District. The properties proposed for Rezoning are located at 434xx and 43458 Cedarcrest Trail, Fish Lake Township, S26, T36, R22.

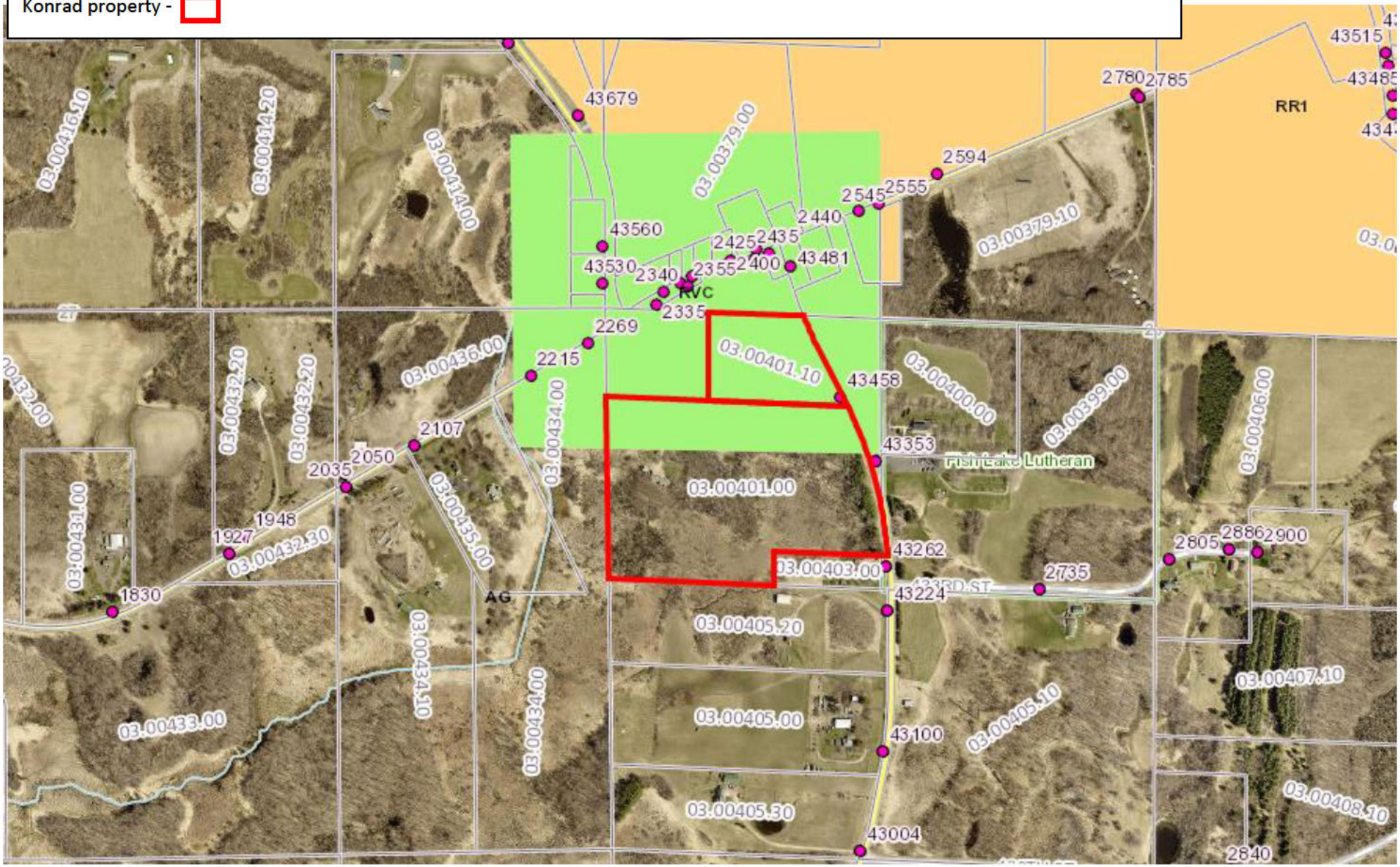
Konrad property -



Kerry & Jessica Konrad - Aerial Photo

Property owners Kerry & Jessica Konrad are seeking approval of the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District. The parcel identified as 03.00401.10 is 5.50± acres in size; and, the parcel identified as 03.00401.00 is 24.49± acres in size with approximately 6.90 acres currently zoned RVC District and approximately 17.59 acres currently zoned AG District. The properties proposed for Rezoning are located at 434xx and 43458 Cedarcrest Trail, Fish Lake Township, S26, T36, R22.

Konrad property -



RESOLUTION NO. PC2023-0502

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE REZONING OF PID 03.00401.10 AND PART OF PID 03.00401.00 FROM RURAL VILLAGE CENTER (RVC) DISTRICT TO AGRICULTURAL (AG) DISTRICT

WHEREAS, property owners Kerry Konrad & Jessica Konrad submitted an application dated received March 23, 2023 and considered complete on March 28, 2023 for the Rezoning of one entire parcel (PID 03.00401.10) and one partial parcel (PID 03.00401.00) from Rural Village Center (RVC) District to Agricultural (AG) District; and

WHEREAS, the approximate 12.4-acre subject area is located at 434xx and 43458 Cedarcrest Trail / CSAH 8 in Fish Lake Township; and

WHEREAS, the subject properties are legally described as:

PID 03.00401.10

That part of the Northwest Quarter of the Southwest Quarter, Section 26, Township 36 North, Range 22 West, Chisago County, Minnesota, described as follows:

Commencing at the Northwest corner of said Northwest Quarter of the Southwest Quarter; thence Southerly, along the West line of said Northwest Quarter of the Southwest Quarter, a distance of 435 feet; thence Easterly, parallel with the North line of said Northwest Quarter of the Southwest Quarter, a distance of 500 feet to the point of beginning; thence Northerly, parallel with the West line of said Northwest Quarter of the Southwest Quarter, to the North line of said Northwest Quarter of the Southwest Quarter; thence Easterly, along said North line to the center line of Cedarcrest Trail (also known as County State Aid Highway No. 8); thence Southeasterly, along the center line of Cedarcrest Trail to a line drawn Easterly, parallel with the North line of said Northwest Quarter of the Southwest Quarter, from the point of beginning; thence Westerly, along said parallel line, to the point of beginning.

Reserving an easement for driveway purposes over and across that part of the above described parcel which lies Southerly of the following described line:

Commencing at the Southwest corner of the above described parcel; thence South 86 degrees 20 minutes 42 seconds East, assumed bearing along the Southerly line of said parcel, 470.00 feet to the point of beginning of the line to be described; thence North 68 degrees 45 minutes 00 seconds East, to the center line of Cedarcrest Trail (also known as County State Aid Highway No. 8) and said line there terminating.

And

PID 03.00401.00

That part of the Northwest ¼ of the Southwest ¼, Section 26, Township 36 North, Range 22 West, Chisago County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest ¼ of the Southwest 1/4; thence southerly, along the west line of said Northwest ¼ of the Southwest ¼, a distance of 435 feet to the point of beginning; thence easterly, parallel with the north line of said Northwest ¼ of the Southwest ¼ a distance of 500 feet; thence northerly, parallel with the west line of said Northwest ¼ of the Southwest ¼, a distance of 435 feet to the north line of said Northwest ¼ of the Southwest ¼ , thence easterly along said north line to the centerline of Cedarcrest Trail(also known as County State Aid Highway No. 8); thence southeasterly, along the center line of Cedarcrest Trail to the east line of said Northwest ¼ of the Southwest ¼; thence southerly, along said east line to a point distance 1155 feet (70 rods) south of the northeast corner of said Northwest ¼ of the Southwest 1/4 , thence westerly, parallel with the south line of said Northwest ¼ of the Southwest 1/4 , a distance of 528 feet (32 rods); thence southerly, parallel with the east line of said Northwest ¼ of the Southwest ¼ to the south line of said Northwest ¼ of the Southwest 1/4 ; thence westerly, along said south line to the southwest corner of said Northwest ¼ of the Southwest ¼; thence northerly, along the west line of said Northwest ¼ of the Southwest ¼ to the point of beginning.

AND

That part of the Northeast ¼ of the Southwest ¼ of said Section 26, lying north of the south 165 feet and lying westerly of the center line of said Cedarcrest trail (also known and County State Aid Highway No. 8).

EXCEPT

That part of the Northwest ¼ of the Southwest ¼, Section 26, Township 36 North, Range 22 West, Chisago County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest ¼ of the Southwest ¼; thence southerly, along the west line of said Northwest ¼ of the Southwest ¼, a distance of 435 feet; thence easterly, parallel with the north line of said Northwest ¼ of the Southwest ¼ a distance of 500 feet to the point of beginning; thence northerly, parallel with the west line of said Northwest ¼ of the Southwest ¼ to the north line of said Northwest ¼ of the Southwest ¼ , thence easterly along said north line to the centerline of Cedarcrest Trail (also known as County State Aid Highway No. 8); thence southeasterly, along the center line of Cedarcrest Trail to a line drawn easterly, parallel with the north line of said Northwest ¼ of the Southwest ¼, from the point of beginning; thence westerly, along said parallel line, to the point of beginning.

Reserving an easement for driveway purposes over and across that part of the above described parcel which lies southerly of the following described line:

Commencing at the southwest corner of the above described parcel; thence South 86 degrees 20 minutes 42 seconds East, assumed bearing along the southerly line of said parcel, 470.00 feet to the point of beginning of the line to be described; thence North 68 degrees 45 minutes 00 seconds East, to the centerline of Cedarcrest Trail (also known as County State Aid Highway No. 8) and said line there terminating.
Subject to Cedarcrest Trail. Subject to and together with any other valid easements, restrictions and reservations,

WHEREAS, notice was provided and on May 4, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Rezonings and made the following findings per Zoning Ordinance Section 8.08:

Factor #1 Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #1 *If the Rezoning is approved, it will allow for development of the subject parcels in accordance with the Agricultural (AG) District rather than the Rural Village Center (RVC)*

District. Being that the Zoning District states that the AG District is intended for agriculture related uses and low density residential areas and the RVC District is intended for commercial activity, the County finds that the proposed Rezoning will result in less intense development which will stabilize or reduce potential impacts on existing facilities and utilities.

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will adjust an existing zoning district boundary between the Rural Village Center (RVC) District and the Agricultural (AG) District. The Department of Environmental Services is not aware of any complaints or issues in the general vicinity of the subject area specifically related to zoning district cohesiveness. Being that the RVC and AG Districts currently abut cohesively, the County finds that the proposed Rezoning will not cause undue negative impacts to the subject property or neighboring properties or deter future development.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *If the Rezoning is approved, the subject area will be developed in accordance with the Agricultural (AG) District. If the property owners choose to develop their land in a manner requiring a Conditional or Interim Use Permit, the County will evaluate traffic impacts at that time. If the property owners choose to develop their land in a manner identified as a Permitted Use, it's presumed that the County has already determined that such use or uses will not cause significant traffic hazards or congestion. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the proposed Rezoning meets the intent of the land use goals identified in Chapter 9 of the Comprehensive Plan by preserving the County's rural character and supporting compatible agricultural and rural residential development in the County.*

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. Further, the County finds that the proposed Rezoning of Rural Village Center (RVC) District to Agricultural (AG) District meets the intent and purposes of the Zoning Ordinance in that the existing and proposed uses (dwellings and related accessory structures) meet the intent of the AG District and are compatible with the adjacent RVC District.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the Planning Commission hereby recommends approval of the Rezoning of PID 03.00401.10 and part of PID 03.00401.00 from Rural Village Center (RVC) District to Agricultural (AG) District as requested by Kerry & Jessica Konrad.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of May, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____
Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Conditional Use Permit for Rural Retail Tourism
7647 460th Street / CR 59, Sunrise Township
DATE: May 4, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) for Rural Retail Tourism in Sunrise Township.

SITE & APPLICATION INFORMATION

Applicant(s):	Paoge Vang & Yia Lee
Property Owner(s):	Paoge Vang & Yia Lee
Location:	7647 460th Street / CR 59 Sunrise Township Section 15, Township 36, Range 21
PID:	09.00553.10
Property Area:	85.35± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	March 7, 2023
Date Application Complete:	March 29, 2023
60-Day Review Period:	May 28, 2023

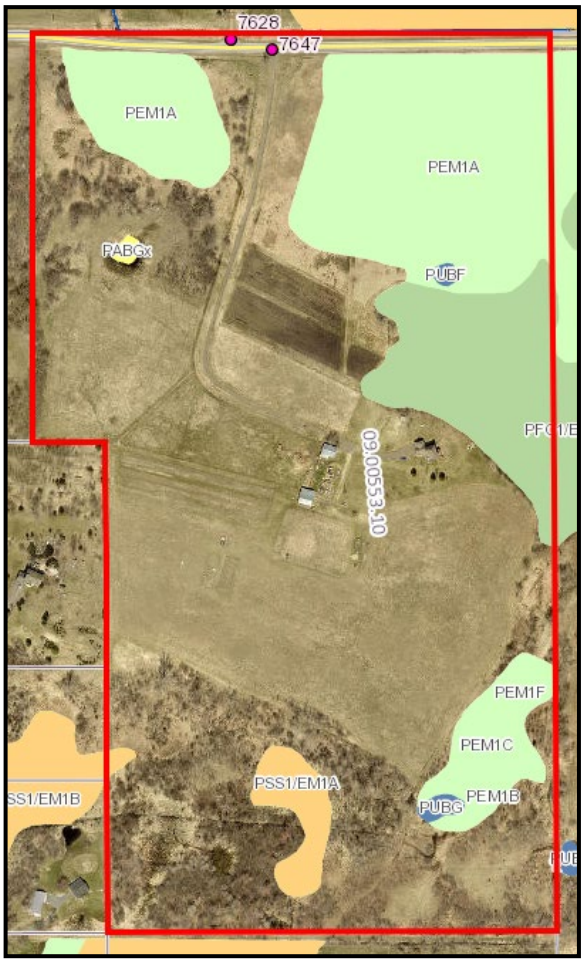
BACKGROUND

Property owners Paoge Vang & Yia Lee are requesting a CUP for Rural Retail Tourism. Proposed Rural Retail Tourism activities include a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides on 85.35± acres in the Agricultural (AG) District. The business will be known as Rainbow Garden Farm and the subject site is located at 7647 460th Street / CR 59 in Sunrise Township.

SITE ANALYSIS

The subject site is located slightly more than a quarter mile (1,500') east of Forest Boulevard / CSAH 30 and approximately six tenths of a mile (3,200') west of Iris Avenue on 460th Street / CR 59. The site is currently developed with a dwelling and detached accessory structures and operates as a farm. The topography of the site includes elevations ranging from 897' in the northeastern quadrant to 922' near

the westerly property boundary (southwest of structures), with areas of open fields, forestation, and wetlands (see adjacent image). Surrounding properties vary widely in size from 10 acres to nearly 200 acres and appear to be developed for residential purposes and/or used for agricultural purposes.



PROPOSAL ANALYSIS

The property owners' original written narrative dated March 1, 2023 shows a total of 13 proposed Rural Retail Tourism activities. Upon staff's request for additional information about the proposed uses, the property owners amended their request by reducing the number of activities to three. Correspondence from the property owners explains that the reduction was intended to "keep things simple" and Vang verbally explained that the reduction was made in an effort to keep the Rural Retail Tourism operation "low impact".

The most current version of the written narrative (stamp dated received March 27, 2023) explains that the property owners intend to offer a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides on their 85.35± acre property. Specific details for each activity include:

- Rainbow Garden Farm plans to grow several products in its farm and garden patch, including pumpkins, flowers, vegetables, herbs, rice, berries, corn, sorghum, millet and more. The goals for these agricultural patches include areas for viewing, photography, and self-picking enjoyment.
- The picnic gathering area will feature canopies with picnic tables, grills, and shade for visitors. The attached site plan shows three separate picnic gathering areas (green polygons) generally located west, east and north of the property owners' dwelling. Based on the County's GIS Viewer, the proposed picnic gathering areas will be situated approximately 250' – 300' from the easterly property boundary (side yard), approximately 685' – 735' from the westerly property boundary (side yard), 875' – 925' from the roadway, and 1,400' – 1,450' to the southerly property boundary (rear yard).
- The property owners plan to offer hayrides, with the use of tractors and hay wagons, from one agricultural patch to the next using a designated trail. The attached site plan shows two separate trails (blue dashed lines), each situated at least 50' from the closest property boundary and the roadway. Staff notes that, based on the County's GIS Viewer, the closest neighboring dwelling is located directly west of the proposed southerly hayride trail. The neighboring dwelling appears to be approximately 185' from the shared property boundary, which equates to an approximate distance of 235' between the dwelling and the proposed southerly hayride trail. The next closest dwelling is located easterly of the proposed northerly hayride trail. This neighboring dwelling appears to be approximately 400' from the shared property boundary and approximately 800' from the proposed northerly hayride trail.

The written narrative also offers the following information:

- Seasons and Hours of Operation – The property owners intend to open Rainbow Garden Farm to the public during spring, summer and fall seasons from 8:00 am to 10:00 pm. The hours may vary slightly with daylight conditions. Staff has included a proposed condition of approval allowing the Rural Retail Tourism use to operate April 1st through November 30th with Rural Retail Tourism activities starting no earlier than 8:00 am and ending no later than 10:00 pm.
- Driveway – Access to the site is gained from 460th Street / CR 59. The property owners report that the driveway is wide enough to accommodate four vehicles between fencing on either side of the driveway. The property owners believe that the driveway width will accommodate passing vehicles as well as emergency vehicles.
- Parking – The site plan shows a parking area (red hatch marks) located southeast of the detached accessory structures within the southerly hayride trail. The written narrative states that the parking area will accommodate 30 or more vehicles. The written narrative also states that additional parking will be available along the driveway for a roadside produce stand. Staff notes that the Agricultural (AG) District allows one seasonal roadside stand as a Permitted Use.
- Sanitary Facilities – Based on conversation with and guidance from County Sanitarian Davidsavor, the property owners intend to utilize porta potties (shown on site plan to be adjacent to picnic gathering area) for their customers / visitors. According to Davidsavor, the use of porta potties is acceptable for "open air" activities and there is no required number of porta potties.
- Anticipated Number of Visitors – The owners of Rainbow Garden Farm are anticipating 20 visitors per day on weekdays and up to 100 visitors per day on weekends.
- Trash – All trash will be collected by a local garbage hauler.
- Timeline – If the CUP is approved, the property owners intend to begin Rural Retail Tourism activities in summer of 2023.

REVIEW PROCESS

As part of the review process, the Technical Review Committee met with Paoge Vang on April 12, 2023. Vang explained that he reduced the number of proposed activities from 13 to three in an effort to ensure that the proposed activity is "low impact" as is intended for Rural Retail Tourism activities. County Sanitarian Davidsavor explained that the use of porta potties is acceptable for "open air" activities and there is no required number of porta potties. Vang and the Committee discussed possible future expansion of Rural Retail Tourism activities if the initial operation is successful, with staff explaining that any expansion would require a CUP Amendment. The committee did not identify any concerns related to the CUP.

The Sunrise Town Board reviewed the proposed CUP at its April 20, 2023 meeting and recommended approval of the CUP with no conditions or comments.

The application was submitted on March 7, 2023 and deemed complete on March 29, 2023. The State mandated 60-day review period expires on May 28, 2023.

RURAL RETAIL TOURISM STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 4.15, shall consider possible effects of the proposed Rural Retail Tourism based upon the following general factors and any other requirements set forth in the Zoning Ordinance or deemed otherwise relevant.

A. Purpose.
In accordance with the stated goals of the Chisago County Comprehensive Development Plan, it is the purpose of this subdivision to:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses;
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

B. Standards.
Rural Retail Tourism Businesses shall meet the following standards:

1. Rural Retail Tourism businesses shall be located within the AG or RVC Zoning Districts;
2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;
3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.

C. Allowed Uses.
Allowed Rural Retail Tourism businesses shall include things as farm or other historical heritage attractions, single family residential rental properties for retreats, crafting, weddings, receptions, bed & breakfasts; small-scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, and other uses determined by the Department to be similar in nature and scope.

D. The terms "small-scale" and "low-impact" shall be construed to refer to land uses which:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

Applications which are determined to be unable to meet the above criteria may be processed as a major commercial conditional use, provided the use is allowed in the relevant Zoning District.

E. All conditional uses for Rural Retail Tourism shall meet the applicable requirements of Section 8.

F. Code Compliance.

An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved CUP for a Rural Retail Tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The proposed CUP is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land use:*

- *To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)*
- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide self-contained sanitary facilities for customers, off-street parking, and access to the subject site will be gained from a well-established and well-maintained County Road (460th Street / CR 59). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will 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;

Finding #3 *Aerial imagery shows that the proposed picnic gathering areas will be screened from the closest property boundary (easterly property boundary) by thick natural vegetative screening and approximately 250' – 300' of distance. The application materials show that the proposed hayride trails will be no closer than 50' to either side yard (westerly and easterly property boundaries) and screened by thick natural vegetative screening to*

the east and south. Therefore, the County finds that the proposed use is sufficiently separated by natural vegetative screening and distance from adjacent properties, so as to not cause undue negative impact nor deter future development.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Rural Retail Tourism uses are considered "open air" activities in that they will take place in the outdoors, through use of agricultural fields, trails, and outdoor seating for picnic gathering areas. The picnic gathering areas will feature canopies; however, these canopies will be situated no closer than 250' – 300' from the closest property boundary (easterly property boundary) and they'll be screened from the easterly neighboring property by thick vegetative screening. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism as a Conditional Use in the AG District. In addition, Sections 4.15 of the Chisago County Zoning Ordinance specifically encourages the development of Rural Retail Tourism with the following specific goals:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Being that the subject property is located on a well-established and well-maintained County Road and the existing driveway access is highly visible from westbound and eastbound traffic and the anticipated visitor count will not exceed 100 within any given day, the County finds no evidence to suggest that the proposed use will not cause traffic hazards or congestion. Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern during his review of this request.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed uses include use of agricultural fields, tractors and hay wagons, and picnic gathering areas. The County finds that the proposed uses are consistent with and compatible with the Agricultural (AG) District and finds no evidence to suggest that the uses will cause negative impacts related to noise, glare or general unsightliness to neighboring properties. Further, the County finds that the proposed uses are adequately screened from neighboring properties by natural vegetative screening and distance.*

STAFF RECOMMENDATION

Staff believes that the proposed Rural Retail Tourism use complies with and is consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides in accordance with application materials kept on file with the Department of Environmental Services (written narrative dated received March 27, 2023 and site plan dated received March 24, 2023) and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This Conditional Use Permit shall allow use of the property for Rural Retail Tourism purposes seven days a week from April 1st through November 30th, with Rural Retail Tourism activities starting no earlier than 8:00 am and ending no later than 10:00 pm.
3. The maximum number of customers / visitors at any given time shall be no more than 100.
4. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
5. There shall be no outdoor amplified music at any time.
6. The permit holder shall accommodate all parking on-site and shall provide a minimum of 30 parking stalls as described in the application materials. The permit holder shall discourage customers from parking on 460th Street / CR 59 to the best of their ability.
7. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
8. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
9. The permit holder shall provide a minimum of two porta potties for customer / visitor use. No Rural Retail Tourism activities shall utilize the existing septic system unless specifically authorized by the Department of Environmental Services.
10. No existing structures shall be utilized for Rural Retail Tourism activities until and unless the structures have been certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

11. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
12. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the review period expires on May 28, 2023 and the next regularly scheduled Planning Commission meeting is on June 1, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0503, a resolution recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property located at 7647 460th Street / CR 59 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
   a. Application
   b. Written narrative dated received March 27, 2023
   c. Site plan dated received March 24, 2023
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0503

CC: Paoge Vang & Yia Lee, property owners
County file

Recording Fee $46—

Base Fee $525—

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE $571—

Permit # 23-00185

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 7647 460th Street Harris, MN 55032

Tax Parcel # 09.0055.3.10

Legal Description Section 15 Township 036 Range 021 SE ¼ of NW ¼. That pt of N 1200 FT of NW ¼ of NW ¼ which lies E of W 100 FT. NE ¼ of NW ¼.

E-Mail Address: [redacted]

Owner: PAOGE VANG AND YIA LEE

Day Phone [redacted]

Address 7647 460th Street Harris, MN 55032

Applicant (if other than owner) _____

Day Phone ( )

Address S15 T36 R21

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☒	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☐	Rezoning	☐

Applicable section of ordinance: Chisago County Zoning Ordinance Section 5.06(C) Section 5.11 (C) and Section 4.15

Description of request: Rural Retail Tourism Business

If Variance Application, Brief Description of Practical Difficulty _____

Signature of Applicant 03/01/2023 Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

3-7-23 Date Received

3-29-23 Date Complete

5-28-23 60 / 120 Day Review Period

Date of Public Hearing: May 4, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 7647 460th Street Harris, MN 55032

Legal Description Section 15 Township 036 Range 021 SE 1/4 OF NW 1/4. THAT PT OF N 1200 FT OF NW 1/4 OF NW 1/4 WHICH LIES E OF W 1100 FT. NE 1/4 OF NW 1/4.

Owner Name PAOGE VANG AND YIA LEE **Day Phone:** [redacted]

Address: 7647 460th Street Harris, MN 55032 [redacted]

Applicant: _____ **Day Phone:** ( )
(if other than owner)

Address: _____

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☒	Rezoning	☐
Interim Use Permit	☐	Ordinance Amendment	☐

Description of Request: Rural Retail Tourism Business Section 5.06(c) section 5.11(c) and section 4.15

Date of County Public Hearing: MAY 4, 2023

Date of Township Presentation: APRIL 20, 2023

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions: NO Additional conditions

Signature of Township Officers:

Mark Clemens

Carl Peterson

Dave Rauser

03/01/2023

Signature of Applicant — Date

CONDITIONAL USED PERMIT PROPOSAL

March 1, 2023,

Modified March 22, 223

OBJECTIVE

Rainbow Garden Farm proposed to integrate Rural Retail Tourism business to this dying farm. The hope is to draw outside revenue from visitors and vendors to resurrect this farm. In order to attract outside visitors, Rainbow Garden Farm plans to introduce several activity of uses on this farm.

ACTIVITIES

1. Hayride
2. ~~Walking trail within the farm~~
3. Picnic gathering
4. ~~Wedding gathering~~
5. ~~Special gathering~~
6. ~~Local products and services promotion gathering~~
7. ~~Food truck and trailer vendors~~
8. ~~From seed to table cooking lessons~~
9. Pick your own fruits or vegetables
10. ~~Fruit and vegetable stands~~
11. ~~Animal feeding and petting~~
12. ~~Corn maze~~
13. ~~Canoe rental~~

FARM AND GARDEN PATCH

Integral to the proposed activities above, Rainbow Garden Farm plans to grow several agricultural patches of pumpkin, flowers, vegetables, herbs, rice, berries, corn, sorghum, millet, and etc. The goals of these agricultural patches are for viewing, photograph, and self-picking enjoyment.

~~BUILDING STRUCTURE~~

~~Wedding and other events that require a building to host, Rainbow Garden Farm plans to rent a portable fabric canopy to house the guests. Rainbow Garden Farm also plans to use existing garden hoop house/greenhouse in the property to house the guests. Event shelters may be constructed in the future if necessary.~~

RECEIVED

MAR 2 7 2023

Chisago County
Dept. of Environmental Services
BG

~~**FOOD AND BEVERAGE**~~

~~All major event foods and beverages are catered by the visitors from outside licensed business kitchen vendors, food trucks and food trailers. Rainbow Garden Farm plans to sell limited convenient foods, beverages, and gifts.~~

TRASH

All trash will be disposed properly with a local garbage hauling company.

SEASONS AND HOURS OF OPERATION

Rainbow Garden Farm plans to open spring, summer, and fall seasons. Hours of operation is 8AM to 10PM, hours may vary due to change of seasonal daylight.

ENTRY/EXIT

Entry and exit points are north of the property from the main road of 460th street.

PARKING

30 or more parking spaces at the designated areas for event visitors. Additional 4 or more customer parking spaces on the side of the driveway away from the main road for visitors stop to purchase fruit, vegetables, and consumable food truck items at the road stands located at entry and exit point.

BATHROOM

At this beginning phase, Rainbow Garden Farm plans to rent out 2 or more portable bathrooms for visitor use. In future years, permanent bathrooms may need to be constructed if high visitor traffic required.

EMERGENCY PLAN

In the event of an emergency, Rainbow Garden Farm relies on local law enforcement and emergency medical care authorities to provide services by dialing 911.

PROPOSED TIMELINE

It is with great hope and faith that this conditional use proposal permit is within the Rural Retail Tourism scope and zoning amendment of the Chisago County of Minnesota. If it is approved by the Sunrise Township and Chisago county government authorities, Rainbow Garden Farm plans to open summer 2023.

AMENDED PROPOSED ACTIVITIES FROM THE ACTIVITIES LIST ON PAGE 1:

(Please note, activities 2,4,5,6,7,8,10,11,12,13 will no longer be proposed, only activities 1,3,9 are proposed, no food and beverages from vendors, no building structure put up)

1. HAYRIDE ACTIVITY

During the business hour of operation, Rainbow Garden Farm plans to use tractors to pull trailer wagons from one agriculture patch to another and around the designated trail. Visitors will ride on trailer wagons. Two (3) trailer wagons and two (3) tractors will perform this hayride activity. Hayride trail is more than 50 feet from neighbors.

3. PICNIC GATHERING ACTIVITY

When visitors come to visit Rainbow Garden Farm, they need a place to sit and eat their food. Rainbow Garden Farm plans to put (3) tarp canopies connected to wooden or metal posts for shade. 20 picnic tables will be used for now. There will be 5 grills on site.

9. PICK YOUR OWN FRUITS OR VEGETABLES GARDEN PATCH ACTIVITY

Rainbow Garden Farm plans to grow several agricultural patches of fruits and vegetables for visitors to self-pick.

DRIVEWAY WIDTH

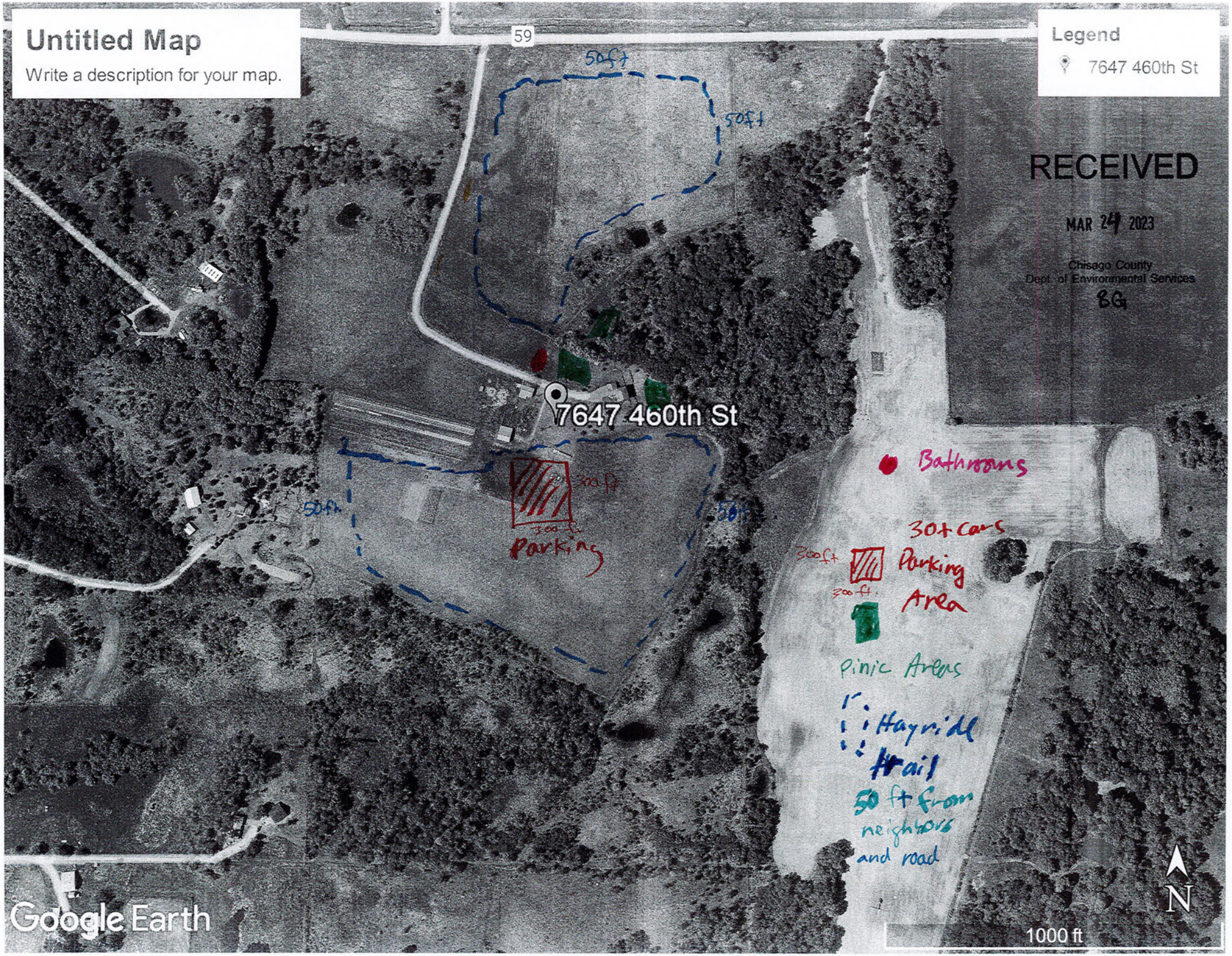
The driveway can fit four cars from left to right fence lines. It has enough space for emergency vehicles to pass.

BATHROOM

Rainbow Garden Farm has called and talked with Troy Davidsavor or Chisago County Environment Services. He stated that under 99 visitors, 2 porta-potty are sufficient to accommodate bathroom use. There will be two rental portable bathrooms for visitors to use.

NUMBER OF VISITOR TRAFFIC ACTIVITY

Rainbow Garden Farm guestimate very low traffic of visitors on the weekdays. It is estimated to be less than 20 visitors per day on weekdays. During the weekends, higher visitor traffic is anticipated between 20 and 100 visitors.


Untitled Map
Write a description for your map.
Legend
7647 460th St
59
50ft
50ft
RECEIVED
MAR 24 2023
Chisago County
Dept. of Environmental Services
BG
7647 460th St
50ft
300 ft
300 ft
Parking
50ft
Bathrooms
30+ cars
300ft
300 ft.
Parking
Area
Picnic Areas
Hayride
Trail
50 ft from
neighbors
and road
N
Google Earth
1000 ft

Paoge Vang & Yia Lee - Aerial Photo

Property owners Paoge Vang & Yia Lee are seeking approval of a Conditional Use Permit (CUP) for Rural Retail Tourism on 85.35± acres in the Agricultural (AG) District. Proposed Rural Retail Tourism activities include a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides. The property is located at 7647 460th Street, Sunrise Township, S15, T36, R21 (PID 09.00553.10).

Vang & Lee property -

Paoge Vang & Yia Lee - Aerial Photo

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Vang & Lee property -

RESOLUTION NO. PC2023-0503

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM ON PROPERTY LOCATED AT 7647 460th STREET / CR 59 IN SUNRISE TOWNSHIP

WHEREAS, property owners Paoge Vang & Yia Lee submitted an application dated received March 7, 2023 and considered complete on March 29, 2023 for a Conditional Use Permit allowing Rural Retail Tourism on property located at 7647 460th Street / CR 59 in Sunrise Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 85.35± acres in size and legally described as:

PID 09.00553.10

The East Half of the Northwest Quarter of Section 15, Township 36, Range 21, Chisago County, Minnesota; AND the South 49.5 feet of the West Half of the Northwest Quarter of Section 15, Township 36, Range 21, subject to roadway easement across said South 49.5 feet; AND That part of the North 1200 feet of the Northwest Quarter of Northwest Quarter of Section 15, Township 36, Range 21, Chisago County, Minnesota, which lies East of the West 1100 feet thereof

WHEREAS, notice was provided and on May 4, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04 C:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The proposed CUP is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land use:*

- *To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)*
- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide self-contained sanitary facilities for customers, off-street parking, and access to the subject site will be gained from a well-established and well-maintained County Road (460th Street / CR 59). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will 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;

Finding #3 *Aerial imagery shows that the proposed picnic gathering areas will be screened from the closest property boundary (easterly property boundary) by thick natural vegetative screening and approximately 250' – 300' of distance. The application materials show that the proposed hayride trails will be no closer than 50' to either side yard (westerly and easterly property boundaries) and screened by thick natural vegetative screening to the east and south. Therefore, the County finds that the proposed use is sufficiently separated by natural vegetative screening and distance from adjacent properties, so as to not cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Rural Retail Tourism uses are considered "open air" activities in that they will take place in the outdoors, through use of agricultural fields, trails, and outdoor seating for picnic gathering areas. The picnic gathering areas will feature canopies; however, these canopies will be situated no closer than 250' – 300' from the closest property boundary (easterly property boundary) and they'll be screened from the easterly neighboring property by thick vegetative screening. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism as a Conditional Use in the AG District. In addition, Sections 4.15 of the Chisago County Zoning Ordinance specifically encourages the development of Rural Retail Tourism with the following specific goals:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Being that the subject property is located on a well-established and well-maintained County Road and the existing driveway access is highly visible from westbound and eastbound traffic and the anticipated visitor count will not exceed 100 within any given day, the County finds no evidence to suggest that the proposed use will not cause traffic hazards or congestion. Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern during his review of this request.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed uses include use of agricultural fields, tractors and hay wagons, and picnic gathering areas. The County finds that the proposed uses are consistent with and compatible with the Agricultural (AG) District and finds no evidence to suggest that the uses will cause negative impacts related to noise, glare or general unsightliness to neighboring properties. Further, the County finds that the proposed uses are adequately screened from neighboring properties by natural vegetative screening and distance.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit, subject to the following conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a farm and garden patch for "pick your own" fruits and vegetables, a picnic gathering area, and hayrides in accordance with application materials kept on file with the Department of Environmental Services (written narrative dated received March 27, 2023 and site plan dated received March 24, 2023) and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This Conditional Use Permit shall allow use of the property for Rural Retail Tourism purposes seven days a week from April 1st through November 30th, with Rural Retail Tourism activities starting no earlier than 8:00 am and ending no later than 10:00 pm.
3. The maximum number of customers / visitors at any given time shall be no more than 100.
4. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
5. There shall be no outdoor amplified music at any time.
6. The permit holder shall accommodate all parking on-site and shall provide a minimum of 30 parking stalls as described in the application materials. The permit holder shall discourage customers from parking on 460th Street / CR 59 to the best of their ability.
7. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
8. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.

9. The permit holder shall provide a minimum of two porta potties for customer / visitor use. No Rural Retail Tourism activities shall utilize the existing septic system unless specifically authorized by the Department of Environmental Services.
10. No existing structures shall be utilized for Rural Retail Tourism activities until and unless the structures have been certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.
11. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
12. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of May, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Consideration of Amendments to 2023 Meeting Schedule
DATE: May 4, 2023

ACTION TO CONSIDER

The Planning Commission will consider possible Amendments to the 2023 meeting schedule, specifically related to tour dates.

DISCUSSION

The Planning Commission adopted its 2023 meeting schedule on December 1, 2022. In addition to regular meeting dates and work session dates, the meeting schedule includes dates for monthly tours. Tours are typically scheduled on the Tuesday prior to regular meetings at 9:00 am.

At the April 6, 2023 meeting, the Planning Commission briefly discussed the possibility of changing the day of the tour and ultimately motioned to initiate a review of the 2023 meeting schedule with the purpose of considering a change to tour dates.

OPTIONS

1. Take no action. The 2023 meeting schedule will remain as-is, with tours scheduled on the Tuesday prior to regular meetings.
2. Amend the 2023 meeting schedule to change tour dates.
3. Table action for further review and consideration.

ACTION REQUESTED

Consider possible Amendments to the 2023 meeting schedule and offer a motion accordingly.

ATTACHMENTS

1. 2023 Meeting Schedule

Chisago County, MN
Planning Commission
2023 Meeting Schedule

Purpose:	Date:	Time:	Location:
Application Deadline for Jan 5 Meeting	Thursday, December 1, 2022	4:00 PM	
Tour	Tuesday, January 3	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, January 5	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, January 19	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Feb 2 Meeting	Friday, December 30, 2022	4:00 PM	
Tour	Tuesday, January 31	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, February 2	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, February 16	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Mar 2 Meeting	Wednesday, February 1	4:00 PM	
Tour	Tuesday, February 28	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, March 2	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, March 16	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Apr 6 Meeting	Wednesday, March 1	4:00 PM	
Tour	Tuesday, April 4	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, April 6	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, April 20	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for May 4 Meeting	Friday, March 31	4:00 PM	
Tour	Tuesday, May 2	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, May 4	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, May 18	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Jun 1 Meeting	Monday, May 1	4:00 PM	
Tour	Tuesday, May 30	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, June 1	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, June 15	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Jul 6 Meeting	Thursday, June 1	4:00 PM	
Tour	Wednesday, July 5	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, July 6	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, July 20	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Aug 3 Meeting	Friday, June 30	4:00 PM	
Tour	Tuesday, August 1	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, August 3	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, August 17	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Sep 7 Meeting	Tuesday, August 1	4:00 PM	
Tour	Tuesday, September 5	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, September 7	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, September 21	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Oct 5 Meeting	Friday, September 1	4:00 PM	
Tour	Tuesday, October 3	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, October 5	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, October 19	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Nov 2 Meeting	Friday, September 29	4:00 PM	
Tour	Tuesday, October 31	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, November 2	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, November 16	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Dec 7 Meeting	Wednesday, November 1	4:00 PM	
Tour	Tuesday, December 5	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, December 7	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, December 21	6:00 PM	Government Center/Lower Conference Room 150B

*Rescheduled Tour and/or Meeting Dates

All Tours, Regular Meetings and Special Work Sessions are open to the public.
Public Comment is reserved for public hearing portions of meetings and at the discretion of the Planning Commission Chair.

Chisago County Government Center
313 N. Main Street
Center City, MN 55012

Chisago County Public Works
31325 Oasis Road
Center City, MN 55012

Adopted by the Planning Commission on 12/01/2022