

**CHISAGO COUNTY**  
**PLANNING COMMISSION OFFICIAL PROCEEDINGS**  
**May 4, 2023**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 4, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Office Manager.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Dave Whitney, James McCarthy, Eric Leivian, Chip Yeager, John Sutcliffe, and Chris DuBose. Absent: Jolene Wille (excused). Also present: Ex Officio County Commissioner Rick Green. A quorum was established with all members present except for Wille.

**Approval of Agenda** – Chair Yeager acknowledged the Planning Commission’s receipt of a document titled ‘State of Minnesota In Court of Appeals A22-0982 In the Matter of the Application of Jim Goodpaster and Sherry Timmermann Goodpaster for a Conditional Use Permit’ from staff and inquired if it should be added to the agenda or if it was intended for informational purposes. Coordinator Gervais confirmed that the document was intended for informational purposes. Yeager stated that the document could be addressed under Miscellaneous if any Commissioner wished to discuss it. Jim McCarthy requested adding a discussion about the ‘Expansion of the Rural Village Center (RVC) District’ under Miscellaneous. **Motion** by Chris DuBose to approve the amended agenda; second by John Sutcliffe. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

**Approval of Minutes** – **Motion** by John Sutcliffe to approve the April 6, 2023 Regular Meeting minutes as presented; second by Dave Whitney. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

**Receive all Materials and Submittals into Record** - **Motion** by Dave Whitney to accept all materials and submittals into the record; second by John Sutcliffe. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, 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**

**Douglas Johnson** – Coordinator Gervais provided a brief background on the request for the Rezoning of Lot 2, Block 1, DJ’s Dream (PID 06.00500.02) from Rural Residential I (RRI) District to Agricultural (AG) District, explaining that the 8.05± acre property was located at 1499 505<sup>th</sup> Street in Nessel Township near the eastern shore of West Rush Lake at the intersection of Bayside Avenue and 505<sup>th</sup> Street. The subject site was developed with a dwelling and two detached accessory structures and was platted in 2022. Gervais reviewed zoning of surrounding properties and explained that the subject site met all dimensional standards for the AG District.

The Technical Review Committee met on April 12, 2023 and had not identified any concerns with the proposed Rezoning. The Nessel Town Board reviewed the proposed Rezoning at its April 11, 2023 meeting and recommended approval with no conditions. The extended review period was scheduled to expire on July 1, 2023.

Gervais stated that staff believed the Rezoning to comply with and be consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan and recommended approval.

Property owner Douglas Johnson was present and available to address questions and concerns. Johnson had nothing to add. Chair Yeager asked the property owner and Planning Commission members for additional questions and comments. Dave Whitney inquired about accessory storage space standards for the two Rural Residential Districts. Gervais responded that the standards were the same for both Rural Residential Districts.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Chris DuBose to close the public hearing; second by Dave Whitney. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

Chair Yeager asked Planning Commission members for additional comments. ***Motion*** by John Sutcliffe to approve 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) to Agricultural (AG) District, as presented; second by Eric Leivian. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

**Kerry & Jessica Konrad** – Coordinator Gervais provided a brief background on the request 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. Gervais explained that the parcel identified as 03.00401.10 was 5.50± acres in size; and, the parcel identified as 03.00401.00 was 24.49± acres in size with approximately 6.90 acres zoned RVC District and approximately 17.59 acres zoned AG District. Gervais stated that the reason for the proposed Rezoning was to allow the construction of a new dwelling on the northern subject parcel, and further stated that the RVC District did not allow dwellings as a Permitted, Conditional or Interim Use. The subject area was generally located 375'± south of Stark Road / CSAH 10 on the west side of Cedarcrest Trail / CSAH 8. Gervais reviewed zoning of surrounding properties and explained that the subject properties met all dimensional standards for the AG District.

Gervais commented that the RVC District in and surrounding the historic Village of Stark appeared to encompass an approximate 64-acre area. The district was configured in such a way that all interior parcels were completely within the RVC District and at least seven parcels were split between the RVC District and the AG District. Gervais explained that split zoning classifications could present challenges to property owners when determining how to develop their property and to the County when applying zoning regulations. In an attempt to address concerns about the "erosion" of the RVC District, Gervais stated that the Fish Lake Town Board recommended approval of the Rezoning and did not offer any comments suggesting that there was concern about the RVC District.

The Technical Review Committee met on April 12, 2023 and had not identified any concerns with the proposed Rezoning. The Fish Lake Town Board reviewed the proposed Rezoning at its April 11, 2023 meeting and recommended approval with no conditions. The review period was scheduled to expire on May 27, 2023.

Gervais stated that staff believed the Rezoning to comply with and be consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan and recommended approval.

Property owner Kerry Konrad was present and available to address questions and concerns. Konrad shared that he and his wife intended to sell the northern subject parcel to family members so they could build a home and commented that he believed the proposed home would increase property taxes. Konrad commented that there were existing dwellings in the RVC District and inquired if it would be possible to obtain a Conditional Use Permit

or other zoning approval for the construction of a new dwelling. Gervais responded that there were legal non-conforming dwellings in the RVC District but new dwellings would not be allowed.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Chris DuBose. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

Chair Yeager asked Planning Commission members for additional comments. Jim McCarthy questioned whether it would be more appropriate to Rezone the subject properties to either Rural Residential I (RRI) District or Rural Residential II (RRII) District. Coordinator Gervais responded that Rezoning to either the RRI District or RRII District could be considered spot zoning due to the fact that the subject properties did not abut either the Rural Residential Districts, and, therefore, would be prohibited by State law. Dave Whitney commented that he believed the proposed Rezoning to be spot zoning and believed Rezoning to either RRI or RRII would be more appropriate. Gervais clarified that the subject properties abutted the AG District and Rezoning to AG District was the only feasible option. Planning Commissioners reviewed zoning of surrounding properties. Dave Whitney commented that the general area could be Rezoned as part of the County's Zoning Ordinance update effort and the Konrad's Rezoning, if approved, could potentially be temporary. Chris DuBose responded that it would not be wise of the County to modify the zoning classification of the Konrad's properties if their current Rezoning request was approved. Director Schneider commented that the Planning Commission could consider adding dwellings as a Conditional Use in the RVC District as part of the Zoning Ordinance update. Jim McCarthy shared a concept for a zoning district which would allow mixed uses including both commercial and residential. Konrad commented that the northern subject parcel would likely never be developed commercially and would only be sold to a family member for the purpose of constructing a dwelling. Konrad also commented that the previous property owner had trouble selling the property due to the RVC District zoning classification.

***Motion*** by Dave Whitney to approve 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, as presented; second by Chris DuBose. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

**Paoge Vang & Yia Lee** – Coordinator Gervais provided a brief background on the request for a Conditional Use Permit (CUP) for Rural Retail Tourism on 85.35± acres in the Agricultural (AG) District, explaining that the proposed Rural Retail Tourism activities included a farm and garden patch for “pick your own” fruits and vegetables, a picnic gathering area, and hayrides. The property was located at 7647 460<sup>th</sup> Street in Sunrise Township (PID 09.00553.10). Gervais commented that the site was currently developed with a dwelling and detached accessory structures and operated as a farm. Gervais provided detail about the proposed activities as well as hours of operation, driveway conditions, parking accommodations for customers, sanitary facilities, the anticipated number of visitors, and the property owners' timeline to begin operating.

The Technical Review Committee met with Vang on April 12, 2023 and no concerns were identified. The Sunrise Town Board reviewed the proposed CUP at its April 20, 2023 meeting and recommended approval with no conditions. The review period was scheduled to expire on May 28, 2023.

Gervais suggested that the proposed Rural Retail Tourism activity complied with and was consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan and recommended approval with draft Findings of Fact and twelve conditions.

Property owner Paoge Vang was present and available to address questions and concerns. Vang spoke about and questioned whether the term “picnic” was too broad and explained that he intended to offer space for both

small and large group picnics. Vang also expressed concern about exact locations of porta potties and wanted ability to slightly adjust locations based on ground conditions at any given time. Vang stated that he was not proposing to allow amplified music but explained that there may be singing and acoustic music. Chris DuBose questioned the driveway and ability for customer vehicles and emergency vehicles to pass on the grassy areas adjacent to the driveway, adding that, at the time of the Planning Commission's May 2, 2023 tour, the grassy areas were quite wet. Vang explained that he would not allow parking along the driveway aside from a small parking area for the proposed roadside produce stand. Commission members briefly discussed a possible condition to address parking concerns. John Sutcliffe questioned parking related to the proposed produce stand and method of keeping people from parking on 460<sup>th</sup> Street / CR 59. Vang commented that he could install parking signs on his property and not place the produce stand immediately adjacent to the road. John Sutcliffe questioned the proposed number of guests at large picnic events. Vang responded that he did not anticipate more than 60 people at any given time but included a limit of 99 people in his proposal.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Eric Leivian. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

Chair Yeager asked Planning Commission members for additional comments. Dave Whitney expressed safety concerns related to parking on 460<sup>th</sup> Street / CR 59. Chris DuBose suggested amending proposed condition no. 6 in a manner that would address Whitney's concerns. ***Motion*** by Chris DuBose to amend proposed condition no. 6 to remove "The permit holder shall discourage customers from parking on 460<sup>th</sup> Street / CR 59 to the best of their ability." and instead prohibit parking on 460<sup>th</sup> Street / CR 59 and add language stating that there shall be no parking on the driveway which may impede emergency vehicle access; second by John Sutcliffe. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

Dave Whitney shared that he had seen a firepit on the subject site during the Planning Commission's May 2, 2023 tour and he expressed concerns related to safety. ***Motion*** by Dave Whitney to add condition no. 13, a condition stating that fires must follow the Minnesota DNR's campfire safety guidelines; second by Jim McCarthy. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

Dave Whitney raised the issue of noise and expressed concern with staff's proposed conditions relating to noise. Planning Commissioners and staff discussed State noise standards and options for amending proposed condition no. 4. ***Motion*** by Dave Whitney to amend proposed condition no. 4 to remove the phrase "undue or objectionable" and instead require that "No noise in excess of State decibel limits resulting from said uses ....."; second by Jim McCarthy. **Motion passed** 6-0. Ayes: Whitney, McCarthy, Leivian, Yeager, Sutcliffe, and DuBose. Nays: None.

***Motion*** by Chris DuBose to the approve Resolution No. PC2023-0503, a resolution recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property located at 7647 460<sup>th</sup> Street / CR 59 in Sunrise Township, as amended; second by John Sutcliffe. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

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 1<sup>st</sup> through November 30<sup>th</sup>, 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 in excess of State decibel limits~~ resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
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~~ There shall be no parking on 460<sup>th</sup> Street / CR 59 to the best of their ability. Further, there shall be no parking on the driveway which may impede emergency vehicle access.
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.
13. Fires must follow the Minnesota DNR's campfire safety guidelines.

**Public Hearings – Continued Hearings – None**

**Old Business – None**

### **New Business**

**Consideration of Amendments to Planning Commission's 2023 Meeting Schedule** – Coordinator Gervais explained that the Planning Commission had briefly discussed the tour schedule at the April 6, 2023 meeting with the intent of considering a modification to tour dates. Gervais further explained that the issue was raised by Commissioner Wille who was absent from the May 4, 2023 meeting. **Motion** by Chris DuBose to table the discussion until the June 1, 2023 meeting; second by Jim McCarthy. **Motion passed** 6-0. Ayes: McCarthy,

Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None.

### Communications and Reports

**County Board Liaison report / Update** – County Commissioner Green commented that the federal government may be seeking the return of unobligated ARPA funds and, as a result, the County Board would be considering options for the use of any unobligated funds.

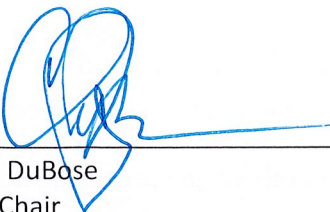
### Miscellaneous

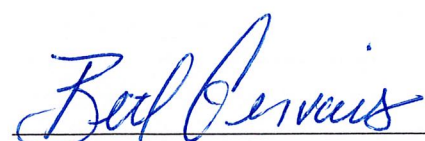
**Expansion of the Rural Village Center (RVC) District** – Jim McCarthy discussed updating the County's Zoning Map in conjunction with the Zoning Ordinance update effort and shared concerns and interest from Sunrise Township Officials and business owners about the possibility of expanding the boundaries of the Rural Village Center (RVC) District to allow for more or expanded commercial activity and the possible Rezoning or creation of a new zoning district to allow for new housing options to support the commercial activity. McCarthy also suggested another option would be to amend the RVC District regulations to allow for new housing. McCarthy provided fellow Commissioners and staff with a handout detailing five ideas related to the expansion of the RVC District. Eric Leivian offered support for McCarthy's proposal to expand the RVC District and create ability for additional housing, including multifamily housing, surrounding the RVC District. Chris DuBose commented that he believed it would be good to leave properties surrounding the RVC District in the AG District so that larger lots would be available for future expansion and development, and offered support for allowing new housing in the RVC District as a Conditional Use. Dave Whitney expressed concern with split zoning classifications and suggested that the Planning Commission address this during its review of the Zoning Map. Whitney also suggested direct involvement from the townships when determining how best to update the Zoning Map. The Planning Commission discussed options for sharing information with the townships. Director Schneider suggested that staff provide township Zoning Maps to each township with an RVC District and request that the Town Board provide input on the district's current configuration, possible expansion of the district, and the possibility of allowing new housing within the district. Whitney suggested that, in addition to the maps, the County provide each of the townships with examples of what other communities were doing in an effort to generate ideas at the local level. Schneider offered the idea of generating a draft letter for review at the Commission's next work session.

**St. Croix Valley Pottery Tour** – Chair Yeager shared that the annual St. Croix Valley Pottery Tour was scheduled for May 12-14, 2023 and he was pleased to see that three of the eight tour sites had received Conditional Use Permit (CUP) approval from the County within the past few years. Dave Whitney inquired about the status of the other five tour sites. Coordinator Gervais shared that she completed a quick review of all tour sites and confirmed that three had recently received CUP approval, one was located in the City of North Branch, and the remaining four were likely considered legal non-conforming uses and were allowed to continue operating without a CUP so long as they did not expand.

### Adjourn Meeting

**Motion** by Dave Whitney to adjourn the meeting; second by Chris DuBose. **Motion passed** 6-0. Ayes: McCarthy, Sutcliffe, Leivian, DuBose, Whitney, and Yeager. Nays: None. The meeting was adjourned at 8:22 p.m.

  
Chris DuBose  
Vice Chair

ATTEST:   
Beth Gervais  
Land Services Coordinator