

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
May 2, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, May 2, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and, Sarah Scheunemann, Office Support Specialist – Land Services.

Chair Wille 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: Dave Whitney, Jim McCarthy, Eric Leivian, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: None. A quorum was established with all members present. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – Motion by Chip Yeager to approve the agenda as presented; second by Eric Leivian. The **motion passed 7-0.**

Approval of Minutes – Motion by John Sutcliffe to approve the April 4, 2024, regular meeting minutes as presented; second by Chris DuBose. The **motion passed 7-0.**

Receive all Materials and Submittals into Record – Motion by Chris DuBose to accept all materials and submittals into the record, including an email correspondence from Brad & JayDee Mahs in regard to the Hay Zaiser request for IUP dated April 25, 2024; second Eric Leivian. The **motion passed 7-0.** Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports and attachments and the Mahs correspondence dated April 25, 2024. Copies of all materials were made available to the public.

Public Hearings – New Applications

Garrett & Brianna Schueller – Coordinator Gervais provided background on the request for an Interim Use Permit (IUP) allowing for an accessory structure without the presence of a principal use structure on a 10± acre property in the Agricultural (AG) District. The subject site was generally located 1/3 of a mile west of Brunswick Road / CR63 on the north side of 440th Street in Fish Lake Township, S22, T36, R22 (PID 03.00299.00).

Gervais reviewed details of the subject site and surrounding area, explaining that the subject site was located in the AG District and was completely surrounded by properties within the AG District. Gervais noted that the subject site was currently undeveloped and, because the property owners owned a home in close proximity to the subject site, they did not intend to construct a dwelling on the subject site. Gervais went on to state that the proposed accessory structure would be used for personal storage and that no sanitary facilities were proposed. The accessory structure would be 60' X 80' (4,800 sf) with 18' sidewalls. The new structure would be 150' from the center of 440th Street, 125' from the west property boundary, 145' from the east property boundary and approximately 430' from the rear property boundary. Gervais commented that all proposed setbacks exceeded the minimum requirements.

The Technical/Plat Review Committee met on April 10, 2024, and no concerns were identified. The Fish Lake Town Board reviewed the proposed IUP and recommended approval with no conditions. The initial State mandated review period was scheduled to expire on May 12, 2024. Because this timeframe would not

accommodate all necessary meetings, staff extended the review period by an additional 60 days. The extended review period was scheduled to expire on July 11, 2024.

Gervais concluded by offering a recommendation of approval with conditions and reviewed options available to the Planning Commission.

Chair Wille invited the property owners to address the Planning Commission. Garrett Schueller was present and was satisfied with Coordinator Gervais' presentation.

Chair Wille opened the public hearing and sought comment. With no members of the audience wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Chris DuBose. The ***motion passed 7-0.***

Motion by Dave Whitney to adopt Resolution No. PC2024-0501, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 03.00299.00 in Fish Lake Township, as presented; second by Chip Yeager. The ***motion passed 7-0.***

Conditions:

1. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the site plan dated received March 6, 2024, and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. No overnight or residential living quarters / use shall be allowed within the accessory structure.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim 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 Interim 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.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Kenneth Rice – Coordinator Gervais provided background on the request for the reapproval of the Preliminary Plat of Paradise Woods involving the creation of three lots from a 58.21-acre tract of land. The subject site was zoned Agricultural (AG) District and located immediately southwest of the intersection of Lofton Avenue / CSAH 34 and 320th Street in Chisago Lake Township, S30, T34, R20 (PID 02.00823.00).

Coordinator Gervais explained that the applicants had applied for a Preliminary Plat in May 2022 and that the County Board granted approval in November 2022. Per Subdivision Ordinance Section 3.06 B., a request for Final Plat must be submitted within one year of Preliminary Plat approval; however, the applicants did not submit a request for Final Plat within one year and the 2022 Preliminary Plat approval was deemed null and void. Gervais noted that the current request was consistent with the Preliminary Plat approved in 2022. Gervais continued to review details of the subject site and surrounding area, explaining that the subject site was located in the AG District, as were all surrounding properties. Gervais noted that the subject site was currently undeveloped and commented that all three proposed lots complied with the County's dimensional requirements for the AG District.

The Technical /Plat Review Committee met on April 10, 2024. Gervais noted that the soils report and wetland delineation were verified by County staff in 2022. Staff noted in 2022 that the topography of the proposed lots may present challenges for the placement of septic systems and structures; however, the soils were ultimately deemed suitable. The Committee didn't identify any other concerns. The Chisago Lake Town Board reviewed the proposed Preliminary Plat on April 16, 2024, and recommended approval "contingent on the signing of developer's agreement outlining road construction costs and transfer of turnaround to the township and escrow agreement for legal and engineering fees. The ordinance prescribed 120-day review period was scheduled to expire on July 23, 2024.

Gervais continued by sharing a concern related to the existence of a drainage easement covering the eastern 770' of the subject site, including all of proposed Lot 3 and more than half of proposed Lot 2. Very little was known to County staff about the easement other than the legal description indicated that the easement was granted in favor of the property owner. Gervais shared that the applicant and his consultant were aware of the issue and were currently researching options / remedies. Gervais stated that the County received written testimony from the adjacent jurisdiction of the City of Chisago City, noting that the comments provided were directly related to the existing 770' drainage easement and the potential drainage impact on neighboring properties.

Gervais concluded by offering a recommendation to table the request until the applicant was able to provide more information about the drainage easement and, if warranted, possible remedies.

Chair Wille invited the applicants to address the Planning Commission. Kenneth & Kimberly Rice were present along with their land surveyor, Shawn Kupcho. Kupcho stated that the applicants' title company had searched for the original easement document but it could not be found. The applicants' attorney was working on documents to release the easement. He continued by stating that there were drainage easements shown on the perimeter of all proposed lots and there were no plans to change the drainage of the site or alter any of the wetlands. Kim Rice explained that she spoke with her attorney prior to the Planning Commission meeting and the attorney was currently drafting documents for the release of the easement. Kim Rice continued by stating that her attorney found that the easement was owned by former property owner Tony Hanson and it still appeared to be under his ownership. It did not appear that the easement was owned by anyone south of subject site. However, their attorney was going to draft a release to vacate the easement to prevent any future confusion. Ken Rice then spoke and explained that proposed development would not be intruding on the drainage easement with the plat drawing showing the building sites and septic areas outside of the wetland areas. He concluded by sharing that they were not trying to change or alter the wetland areas and that they were working to clear up the confusion of the easement on the land they already own.

Chris DuBose asked the applicants if there had been any progress with Chisago Lake Township in regard to the developer's agreement. Kim Rice responded that she spoke with her attorney about the developer's agreement prior to the Planning Commission meeting and learned that the Township's attorney had just recently forwarded a draft developer's agreement to their attorney for review.

Jim McCarthy asked if the applicants had a developer's agreement with the Township following the 2022 Preliminary Plat approval. Chris DuBose stated that the County had approved a condition requiring that a developer's agreement be submitted in conjunction with request for Final Plat, and the applicants had not yet submitted a request for Final Plat.

Chip Yeager asked if the 30' wide electrical easement shown on the Preliminary Plat drawing was going to an issue with future development. Ken Rice responded that it was an overhead line and wouldn't be a problem. Rice added that the electric provider was willing to relocate the easement and line if desired by the property owner.

Chair Wille opened the public hearing and sought comment.

Quintin LeTourneau of 12927 288th Street, Chisago Lake Township questioned why the County was not requiring the road adjacent to the proposed plat to be paved. At Chair Wille's direction, Gervais responded that the road was a township road and, as such, road improvements were under the Township's purview as Road Authority. It would be up to the Township, not the County, to make paving a requirement.

Motion by Chris DuBose to continue the public hearing to June 6, 2024 in order to allow the applicants time to address the 770' drainage easement as well as the concerns identified by the City of Chisago City; second by Dave Whitney. The **motion passed** 7-0.

Kyle Hay & Kelly Zaiser – Coordinator Gervais provided background on the request for Interim Use Permit (IUP) allowing for an accessory structure without the presence of a principal use structure on a 34± acre property in the Agricultural (AG) District. The subject site was generally located between Stark Road / CSAH 10 and Brunswick Road / CR 63 on Anchor Avenue in Fish Lake Township, S21, T36, R22 (PID 03.00278.00).

Coordinator Gervais reviewed the scope of the request, highlighting features of the property and explaining that the property was located in the AG District, as were all surrounding properties. Gervais noted that the subject site was currently undeveloped and that the property owners intended to construct a dwelling on the subject site in the near future; however, they didn't have an exact timeline and therefore chose to pursue an IUP. To demonstrate their intention to further develop the subject site with a dwelling, the property owners provided a soils report identifying primary and alternate septic sites. Gervais stated that the proposed accessory structure would be 40' X 60' (2,400 sf) with 16' sidewalls. The accessory structure appeared to meet all required setbacks.

The Technical/Plat Review Committee met on April 10, 2024. Hay confirmed that the proposed accessory structure would not have sanitary facilities and would not have living quarters or be used for overnight accommodations. The Committee did not identify any concerns. The Fish Lake Town Board reviewed the proposed IUP on April 8, 2024, and recommended approval with no conditions. The State mandated 60-day review period was scheduled to expire on May 26, 2024.

Gervais concluded by offering a recommendation of approval with conditions and reviewed options available to the Planning Commission.

Chair Wille invited the property owners to address the Planning Commission. Kyle Hay approached the Commission and stated that he had nothing to add but understood that there were written testimonies with questions and he would be happy to address any questions from the Commission. The Planning Commission had no questions for Hay.

Chair Wille opened the public hearing and sought comment. With no members of the audience wishing to speak, ***motion*** by Chris DuBose to close the public hearing; second by John Sutcliffe. The ***motion passed*** 7-0.

Motion by Chris DuBose to adopt Resolution No. PC2024-0503, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 03.00278.00 in Fish Lake Township, as presented; second by Eric Leivian. The ***motion passed*** 7-0.

Conditions:

1. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general accordance with the application materials dated received March 27, 2023 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. No overnight or residential living quarters / use shall be allowed in the accessory structure.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure.
4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim 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 Interim 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.
6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Bridget Korman & Lorelei Walker – Coordinator Gervais provided background on the request Conditional Use Permit (CUP) for Rural Retail Tourism in the Agricultural (AG) District. The proposed Rural Retail Tourism activity was a wedding/gathering venue. The 20± acre subject site was located at 15323 260th Street in Franconia Township, S25, T33, R20 (PID 04.00411.20).

Gervais provided details for the proposed venue, explaining that it would accommodate a maximum capacity of 175 people and was primarily intended to serve as a wedding venue with the potential of hosting smaller events like workshops or meetings. Gervais continued to review details of the subject site and surrounding area,

explaining that the subject site was currently developed with a dwelling and a couple of detached accessory structures. One accessory structure was a 14' X 16' (224sf) detached garage, and the other was a 36' X 40' (1,440 sf) pole building. Nearby properties ranged in size from five acres to 85 acres and appeared to be used for both residential and agricultural purposes. Gervais provided a lengthy summary of the proposed Rural Retail Tourism activity, including details about existing and proposed structures, days and hours of operation, the maximum event capacity, traffic flow, parking, restrooms/sanitation, food and alcohol, and noise generation and mitigation.

The Technical/Plat Review Committee met on April 10, 2024, and primarily discussed septic related issues (proposed location, possibility of utilizing a time-dosed system, etc.). The applicants had clarified that they intended to install a full septic system for the proposed venue. The applicants were advised to speak with the Building Official regarding a change of occupancy for the existing 36' X 40' pole building and 14' X 16' single-stall garage. The Committee did not identify any other concerns. The Franconia Town Board reviewed the proposed CUP on April 9, 2024. Gervais noted that the Township form didn't indicate a recommendation of approval or denial; however, the Town Board provided comments and a recommended condition. The Town Board would like to see the request processed as an Interim Use Permit (IUP) rather than a CUP. They would also like the parking lot to have a gravel surface rather than left as a grassy field. The Franconia Town Board would like the applicants to talk with neighboring property owners regarding the existing dirt bike track to ensure that the uses were compatible. Gervais shared that she spoke with Town Board Chair Kuhnly following the Town Board's April 9th meeting and explained that the County must process the request as a CUP per the Zoning Ordinance. Additionally, Kuhnly explained to Gervais that a surfaced parking lot would create less of an impact on 260th Street (i.e., less dirt and debris would be brought onto the road surface). The State mandated 60-day review period was scheduled to expire on May 27, 2024.

Gervais concluded by offering a recommendation of approval with conditions and reviewed options available to the Planning Commission.

Chair Wille invited the property owners to address the Planning Commission. Bridget Korman & Lorelei Walker approached the Commission and stated that they had reviewed staff's recommended conditions of approval and would like more flexibility in terms of screening. They explained that they would prefer to be able to plant some deciduous trees rather than all evergreens as recommended by staff, as they did not want to shade their existing grape vines.

Chris DuBose asked the applicants if the non-wedding events would be seasonal or year-round. The applicants responded that all events would be seasonal.

Eric Leivian asked the applicants if they had a maximum number of people for the smaller non-wedding events. The applicants stated that it would be no more than 100 people and more likely around 50 people, if they even offered the facility for these smaller non-wedding events. The applicants shared that they weren't entirely sure if they would offer the facility for non-wedding events but wanted to include it as an option.

Jim McCarthy asked if the proposed 40' X 60' structure would be insulated. The applicants responded that they weren't sure and were still exploring options with their architect. McCarthy then asked if the weddings and other events would primarily be indoors or outdoors. The applicants stated that events would primarily be indoors, with the exception of wedding ceremonies, which may be outdoors, weather permitting.

Chris DuBose asked the applicants if they intended to have multiple weddings within the same weekend or if they would limit the facility to one wedding per weekend. The applicants responded that the facility would likely

be limited to one wedding per weekend initially but they may be open to multiple weddings in one weekend in the future.

Eric Leivian asked the applicants about the proposed maximum noise level of 95db and if they planned to monitor noise levels at the sound source. The applicants responded that they would monitor noise levels at the border of the property. Leivian questioned if the proposed 95db complied with State rules. Jim McCarthy responded that State rules allowed 55db at night and 65db during the day at the property boundary. The applicants commented that they would keep noise levels within the allowable range so as not to be obnoxious.

Chip Yeager sought clarification from staff on the recommended condition of approval pertaining to hours of operation and if staff intended to limit Friday and Saturday hours to 8:00 am to 12:00 pm or if it was meant to be 8:00 am to 12:00 am. Gervais clarified that the condition should read 8:00 am to 12:00 am.

Chair Wille opened the public hearing and sought comment.

Paul Bergson of 25655 Quail Ridge Trail, Franconia Township explained that he had lived on his property for 30 years. He stated that the road needed a lot of work and couldn't handle any additional traffic, and a turn lane should be considered. Bergson also commented that he was concerned with the septic system and the wetlands. In addition, he was concerned with the venue size and questioned the need for a sprinkler system and exits in case of a fire. Bergson stated that he was against the project; he didn't want to listen to loud music as he enjoyed the sounds of nature.

Duane & Debby Lee of 15428 Panola Drive, Franconia Township explained that their property was located 1½ miles south of the proposed venue, where they have lived for 35 years. The Lees shared their concerns with the noise from the venue every weekend, explaining that they enjoyed the quiet and they wanted to work with the new neighbors but were concerned that the sound could be an issue.

Patrick Lee of 14857 260th Street, Franconia Township voiced concern with enforcement of the noise rules. In addition, he asked if they were going to have parties until midnight on Sunday night. Lee continued by explaining that people had to wake up for work the next morning. Lee stated that he was usually in bed by 9:00 or 10:00 pm. Lee stated that he moved to the area to enjoy the quiet. Lee concluded by expressing concern about the safety of the road, indicating that there would be an increase in drunk driving, there were no walkways or shoulders on the road, and the road could not handle any more traffic.

Brandon & Ryann Bigelbach of 15470 260th Street, Franconia Township. B. Bigelbach stated that their house was closest to the proposed venue. They were currently expecting a baby, and the newborn's bedroom was approximately 400' from the venue. They moved to the area from St. Paul and they moved for the quiet. B. Bigelbach emphasized the size and scale of the venue. He estimated that 75 cars for a 175-person venue was too conservative and believed that the number of cars would be between 90-100. Plus, factoring in the additional non-wedding events, there were about 20,000 additional cars per year driving down 260th Street and 20,000 cars sitting in the parking lot. B. Bigelbach questioned why the public was not notified of the Franconia Town Board meeting on April 9th. He stated that it was their right to know about the meeting. His understanding was that neighbors located within 350' of the proposed venue were notified of the public hearing and he believed that, due to the proposed size and scale of the venue, notifications should have been sent to a larger group of neighboring property owners. B. Bigelbach recommended that a broader notice radius be used, suggesting that a 3–5-mile radius would be sufficient. B. Bigelbach then referenced the staff report and questioned staff's draft findings #2 and #7, and continued by explaining that 260th Street is a road with no shoulders or turn lanes and was falling apart and he would like to know if a traffic study was conducted in preparation of these findings. B.

Bigelbach believed that the application was insufficient if there was not a traffic study completed. R. Bigelbach concluded by expressing concern with the proposed 11:00 pm stop time for music, explaining that the noise was going to impact their sleep schedules and impact their weekends from May through October.

Tim Norton of 16880 Panola Drive, Franconia Township voiced concern with the condition of the road. He stated it was worn out and had potholes. Norton stated that there was a significant amount of farm traffic and other agricultural traffic on the road, and there were at least five different farms on that road. Norton mentioned that there have been times when people have almost been involved in head-on accidents because people don't slow down and they pass the large equipment. Norton concluded by reaffirming that his main concerns were traffic and road conditions.

Erika Huffman of 15237 260th Street, Franconia Township stated that she owned property immediately west of the subject site. She stated that they liked the rural area and the quiet nature. They liked their neighbors and the area, and they believed approval of the CUP would disrupt this. They understood that things change and people have different dreams and ideas, but, as the proposal was considered, it must be assumed that the business would be successful and the permissions and maximums would be realized. Huffman stated that the scale of the proposed venue was not proportional to the land available and the proximity of the neighboring houses. 175 people three days a week over a six-month period would equate to 10,000 people. They were concerned with the loss of privacy and increased noise pollution. The noise level was going to be high and Huffman questioned how this would be monitored. Huffman believed that the current proposal wasn't ready and additional restrictions were necessary. Huffman commented that the subject site was located in an agricultural area, not an agribusiness area. Huffman concluded by reiterating her concerns with road conditions and safety.

Jesse & Shelley Ganley of 15573 260th Street, Franconia Township. J. Ganley explained that they owned the farm directly east of the subject site. S. Ganley continued by stating that the farm had been in the family since 1963. Their property line was in close proximity to where the applicants were proposing to build a new structure. They raised cattle and explained that there had been multiple studies on cattle showing that cattle were affected by disturbances, lights, noise, and noise pollution, and they needed to have their rest time. S. Ganley would like the parameters of the proposal tightened up. She stated that she wasn't against the proposed venue but things needed to be better defined. She was concerned with the sewer system and pollution, the anticipated noise levels, and quiet hours. S. Ganley commented that Minnesota statute required quiet hours from 10:00 pm to 7:00 am. S. Ganley expressed her concern with the safety of the farmers driving their equipment on 260th Street with the influx of vehicles driving to and from the facility. S. Ganley also expressed concerns about the property having only one entrance and exit. She questioned how emergency service vehicles would be able to get to the property when the entrance was busy with people leaving and coming. S. Ganley also voiced concerns about the potential impact of balloons and fireworks on her cattle and the potential for venue guests walking up to their fence and interfering with the cattle. S. Ganley concluded by stating she was against the proposal as presented.

Francis Freiderich of 26210 Pheasant Run, Franconia Township stated that he lived across the street from the subject site. He moved to the country to get away from the cities and noise. He enjoyed the nature and the quiet. He stated that the road is bad and that there was a lot of traffic and large farm equipment on the road.

Ken Novack of 15144 260th Street, Franconia Township stated that when he initially learned of the proposal, it was presented as an intimate wedding venue, and he didn't believe that 175 people sounded intimate. Novack was concerned that the venue would grow beyond the original proposed scope. Novack continued by expressing concerns with drunk drivers and the road not being properly lit. In addition, he also mentioned that most of the venue activity would be close to the road on the front part of the property. Novack concluded by stating that a

parking lot and a large pole building close to the road would ruin the ambiance of the area.

John Guider of 26229 Pheasant Run, Franconia Township expressed concerns about noise pollution, road conditions, hours of operation, and runoff into the wetlands. He asked who would enforce the conditions of approval and follow through if there were violations. Guider explained that a single entrance and exit would back traffic up on 260th Street, adding that people were already driving too fast on the road. He also believed that the road couldn't handle the increased traffic. Guider stated that there would be liquor consumption with no places nearby for people to stay overnight and no Uber or similar services available. Guider stated that he was against the wedding venue.

Eric Ekman of 15115 260th Street, Franconia Township stated that he lived two properties west of the subject site and had a dirt bike track on his property. Ekman explained that he had a lot of respect for his neighbors and only used the dirt bikes for a couple of hours at a time with his kids. His main concerns with the proposed venue were road safety and road condition. Ekman stated that the road had no shoulders; kids used the street to go to neighbors' houses on pedal bikes; and, the increased traffic would make the road more dangerous. He also voiced concern about how loud the music would be. He referenced that the applicants stated they weren't sure if the new building was going to be insulated, then followed up by questioning what was going to stop the amplified music. Ekman also commented that after events were over, people would be unlocking their cars and all the chirping of unlocking vehicles would be happening at midnight. Ekman concluded by stating he was against the proposed venue.

Sonny Sparby of 18442 Osceola Road, Franconia Township stated that there were a couple of errors in the staff report. Sparby read Finding #2 from the staff report: *"The Franconia Town Board, serving as Road Authority, did not indicate any concern with the proposed demand on 260th Street."* Sparby stated this was not true as he was a member of the Franconia Town Board and the Road Supervisor, and he voiced concerns about this topic during the Town Board meeting. Sparby stated that another item that wasn't addressed was the headlights coming out of the venue and shining into houses. Sparby explained that when the proposal was initially presented to the Town Board, the venue would be open Friday, Saturday and Sunday, 8:00 am to midnight, and now it was also presented as Sunday through Thursday, 8:00 am to 10:00 pm. Sparby said he was also concerned with the enforcement of the ordinances and conditions. Sparby suggested that the request be tabled until all concerns had been addressed.

Jacqueline Dahms of 15590 260th Street, Franconia Township shared that they built their home two years ago and believed that 260th Street was very dangerous. Dahms was concerned about the amount of traffic due to cutting across to Osceola, the amount of wildlife on the road, and the fact that there was no shoulder on the road. Dahms concluded by expressing concern with the potential for drinking and partying.

With no other members of the audience wishing to speak, ***motion*** by Chris DuBose to close the public hearing; second by Dave Whitney. The **motion passed** 7-0.

Chris DuBose asked the applicants if they intended to have fireworks during events. The applicants responded that they had no intention of having fireworks. DuBose then addressed the question that was presented during the Town Board meeting about processing the request as an IUP rather than a CUP, explaining that the Zoning Ordinance required the request to be processed as a CUP. DuBose then suggested that the Planning Commission discuss processing more uses as IUPs rather than CUPs at the June 6, 2024 public hearing to consider adoption of the updated Zoning Ordinance. An audience member questioned the difference between an IUP and a CUP. Chris DuBose explained that an IUP was a temporary permit with a sunset and a CUP could potentially last forever.

DuBose continued by stating that enforcement of conditions was a significant concern, adding that the County needed to work better at enforcing conditions even if it meant having to hire additional staff. DuBose also inquired if the County Engineer could review the request and provide feedback specifically regarding the impact on 260th Street.

Jim McCarthy, hearing audience concerns about Rural Retail Tourism uses and their impacts on surrounding properties, shared that the County was currently working on a Zoning Ordinance update and invited the public to come and voice their opinions on June 6th.

Chris DuBose stated that he wasn't feeling inclined to provide relief on screening requirements, as requested by the applicants, and presented the following ideas as possible conditions of approval to help mitigate some of the concerns expressed by the audience:

- The access to the parking lot shall be at least 100' from 260th Street;
- Music shall only be allowed one day a week;
- The applicants shall work with the Road Authority on parking lot improvements;
- Hours of operation on Sunday through Thursday shall be limited to 8:00 am to 8:00 pm;
- The proposed structure shall be insulated; and
- The applicants shall install a light at the entrance to the driveway.

Dave Whitney recommended tabling the request and sending it back to the Township so that the Town Board / Road Authority could review potential road impacts and allow residents to express their roadway related concerns directly to the Road Authority. Whitney also expressed concern with inconsistencies between the proposal and staff's recommended conditions of approval. He believed that another reason to table the request would be to allow Commissioners additional time to review the proposal and develop appropriate conditions of approval. Whitney encouraged fellow Commissioners to send their suggested conditions to Coordinator Gervais.

Motion by Dave Whitney to table the request to June 6, 2024; second by Chris DuBose. Prior to the vote, Jim McCarthy encouraged fellow Commissioners to spend time developing conditions of approval in order to move the request forward. McCarthy suggested the following:

- Limit the number of large events, with more than 50 people, to Friday and Saturday;
- Limit the hours of operations so that quiet hours started at 10:00 pm;
- No outdoor music allowed;
- The pole barn shall be insulated;
- Limit the noise levels; and
- Require that the applicants monitor and document noise levels.

Dave Whitney responded that he believed his motion to be valid, explaining that the County needed time to consider appropriate conditions and that it wouldn't be wise to act on the request immediately.

Chip Yeager called the question. The **motion passed** 6-1 with Jim McCarthy voting against the motion.

Gervais reminded the Commissioners that the review period was scheduled to expire on May 27, 2024 and recommended that the Commission take action to extend the review period.

Motion by Chris DuBose to extend the review period by an additional 60 days to allow sufficient time for due process; second by John Sutcliffe. The **motion passed** 7-0.

Public Hearings – Continued Hearings – None

Old Business – None

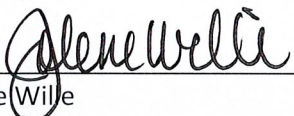
New Business – None

Communications and Reports

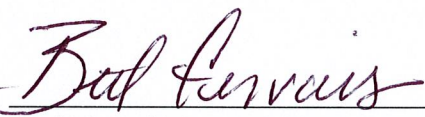
County Board Liaison Report / Update – County Commissioner Greene showed Commission members the new Chisago County logo that was recently approved by the Board of Commissioners and asked Commission members for their feedback. Greene explained that the logo was well received among the Board members. County Commissioner Dalberg explained the benefits of having a simplified logo, including cost savings to the County.

Miscellaneous - Motion by Chip Yeager to cancel the special work session scheduled for May 16, 2024; second by Eric Leivian. The **motion passed** 7-0.

Adjourn Meeting – Motion by Eric Leivian to adjourn the meeting; second Chip Yeager. The **motion passed** 7-0. The meeting adjourned at 8:39 PM.



Jolene Wille
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator