



Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
June 6, 2024 | 7:00 pm

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

**Having previously visited both subject properties included on the agenda,
the Planning Commission's Wednesday, June 5, 2024 tour has been canceled.**

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call and Determination of a Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes**
 - a. May 2, 2024 Regular Meeting
- 5. Receive all Materials and Submittals into Record**

Previously Distributed:

 - a. Complete meeting packet including staff reports with attachments for agenda items 6a, 7a, and 8a
- 6. Public Hearings – New Applications**
 - a. **Zoning, Subdivision, and Shoreland Management Ordinance Amendments** – Chisago County is seeking comment on the proposed repeal of the 2008 Chisago County Zoning Ordinance, 1999 Chisago County Subdivision Ordinance and 1992 Shoreland Management Ordinance in their entireties and adoption of new ordinances in their place. The purpose of the proposed amendments is to address outdated and/or obsolete regulations; to allow for new or modified land uses; to modernize and organize the ordinances to make them easier to interpret; and, to ensure that the ordinances are compliant with State and Federal standards. Most, if not all, sections of the above ordinances will be impacted by the proposed amendments.
- 7. Public Hearings – Continued Hearings**
 - a. **Kenneth Rice** – Property owner Kenneth Rice is requesting 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 is 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).
- 8. Old Business**
 - a. **Bridget Korman & Lorelei Walker** – Property owners Bridget Korman & Lorelei Walker are requesting approval of a Conditional Use Permit for Rural Retail Tourism in the Agricultural (AG) District. The proposed Rural Retail Tourism activity is a wedding / gathering venue. The 20± acre subject site is located at 15323 260th Street in Franconia Township, S25, T33, R20 (PID 04.00411.20).
- 9. New Business**
- 10. Communications and Reports**
 - a. County Board Liaison Reports – Commissioners Greene and Dahlberg
- 11. Miscellaneous**
- 12. Adjourn Meeting**
 - The next special work session is scheduled for Thursday, June 20, 2024 at 6:00 pm.
 - The next regular meeting is scheduled for Thursday, **July 11**, 2024 at 7:00 pm.

Planning Commission

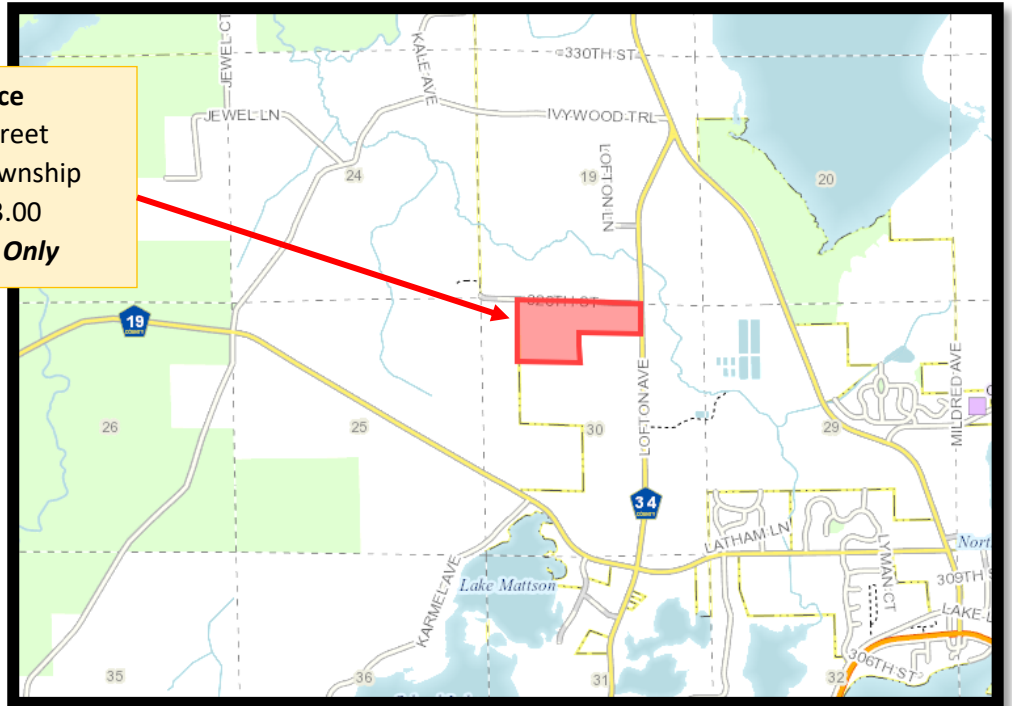
Tour Date and Time:

Wednesday, June 5, 2024 at 9:00 am

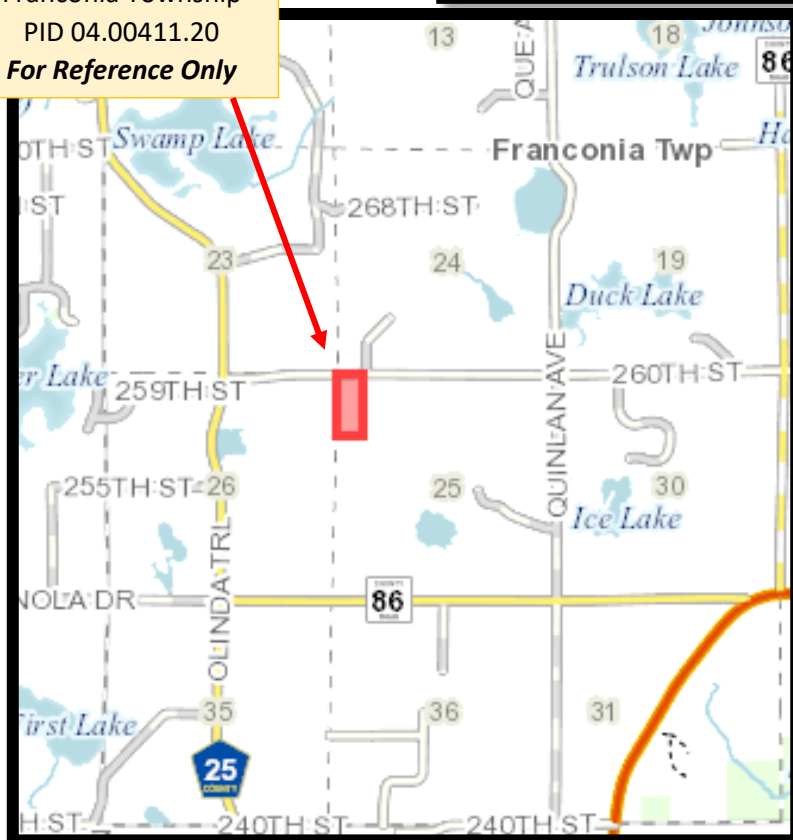
Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012

THE TOUR HAS BEEN CANCELED ~ THE MAP IS FOR REFERENCE ONLY

Kenneth Rice
xxxxx 320th Street
Chisago Lake Township
PID 02.00823.00
For Reference Only



**Bridget Korman &
Lorelei Walker**
15323 260th Street
Franconia Township
PID 04.00411.20
For Reference Only



**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 be 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



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Zoning, Subdivision, and Shoreland Management Ordinance Amendments
 DATE: June 6, 2024

ACTION TO CONSIDER

Chisago County is seeking comment on the proposed repeal of the 2008 Chisago County Zoning Ordinance, 1999 Chisago County Subdivision Ordinance and 1992 Shoreland Management Ordinance in their entirety and adoption of new ordinances in their place. The purpose of the proposed amendments is to address outdated and/or obsolete regulations; to allow for new or modified land uses; to modernize and organize the ordinances to make them easier to interpret; and, to ensure that the ordinances are compliant with State and Federal standards. Most, if not all, sections of the above ordinances will be impacted by the proposed amendments.

The Chisago County Planning Commission Work Group and consultant Bolton & Menk have been focusing on the development of Zoning Ordinance, Subdivision Ordinance, and Shoreland Management Ordinance updates. At this time, the Planning Commission is conducting a public hearing in order to solicit feedback on the draft ordinances with the ultimate goal of presenting the draft ordinances to the Chisago County Board of Commissioners for adoption.

The draft ordinances have been made available for viewing in-person at the Department of Environmental Services and on the Chisago County website pursuant to public hearing notification efforts initiated on May 2, 2024: [Environmental Services/Zoning & Parks | Chisago County, MN - Official Website \(chisagocountymn.gov\)](https://www.chisagocountymn.gov/Environmental-Services/Zoning-&Parks). Legal publication of ordinance viewing availability and public hearing opportunity were also published in the Chisago County Press (Official County Newspaper) and the County News Review newspapers on May 2, 2024.

LAND USE ISSUES

The Planning Commission Work Group identified the following general land use issues necessitating an update of the 2008 Zoning Ordinance, 1999 Subdivision Ordinance, and 1992 Shoreland Management Ordinance:

- **New and modified uses.** People want to use their land in new or different ways, and the County needs to be responsive to requests to do so.
- **Managing impacts.** There are concerns about potential and actual impacts of adjacent uses, in terms of what should be allowed or prohibited and how it can be mitigated.
- **Transitional areas.** As areas grow and change, there are questions about what is appropriate compared to less developed areas.
- **Outdated regulations.** The current ordinance language has been incrementally updated over time, but in some cases is obsolete or incomplete in guidance.

PURPOSE OF PROPOSED AMENDMENTS

The Planning Commission Work Group identified the following general purpose and goals for the proposed ordinance amendments:

- **More user friendly.** Clean, modernize, and organize ordinances to make them easier for people to interpret and use.
- **Legally compliant.** Ensure that ordinances are up to date with current state and federal legal standards.
- **Streamlined processes.** Updating processes to work better and provide more streamlined approaches to development review and approval.
- **More development options.** Revised and expanded definitions of compatible land use types to allow property owners more flexibility.
- **Improved land use controls.** Updated and more detailed regulations to address spillover impacts and conflicts between uses.

ZONING ORDINANCE PRIMARY CHANGES

- Updated and expanded guidance for both **rural retail tourism** and **major home occupations** to address issues with properties having adverse impacts on adjacent properties. The County's regulations have been challenged in the past for lack of specificity.
- Added detail regarding **accessory dwelling units**, including design, size, and location standards to ensure compatibility while giving property owners flexibility.
- Consolidated and clarified definitions for **RR** and **UFR** districts, including lot sizes and uses.
- Updated and developed guidance for **campsites** to better manage intensity and potential impacts.
- Added **duplex** and **townhome** type development options in RR and UFR districts.
- Added in some new uses like **EV charging stations** and **large scale battery storage**, so there will be guidance if they are proposed.
- Updated guidance for mitigating impacts like **noise limits** and **vegetative screening**.
- Updated **PUD** and **cluster development** guidance to simplify language and approach.

SUBDIVISION ORDINANCE PRIMARY CHANGES

- Updated **dimensions** for subdivision planning so it can more rationally fit.
- Updated and clarified guidance for **preliminary and final plat** processes to address unclear and/or outdated language, including adding definitions.
- Changed **parkland dedication** to provide more flexibility for in lieu cash contributions.
- Provided clearer language regarding requirements for and jurisdiction over **roadway design, signage, and other infrastructure**.

SHORELAND MANAGEMENT ORDINANCE PRIMARY CHANGES

- Major update of ordinance to align with **DNR model language**, governed by state statute.
- Includes multiple updates to **definitions and criteria**, including images and directions to clarify the guidance and how it applies.

- Note that the **St. Croix River overlays** overlap with shoreland areas. They are also governed by another part of state statute. For areas within both, the stricter applies (which varies by criteria).
- This ordinance is subject to **DNR review and approval**. It reflects their guidance and has been provided for their staff review.

The Shoreland Management Ordinance is subject to review and conditional approval from the Minnesota Department of Natural Resources (DNR). The DNR requires that a notice of the public hearing and the draft ordinance be provided at least 10 days before the public hearing. The DNR will review the draft ordinance and provide comments for review at the public hearing. Additionally, the DNR will provide conditional approval if the draft ordinance is substantially compliant with the shoreland rules. The public hearing notice and draft ordinance were provided to the DNR on April 30, 2024 and, as of the completion of this staff report, the County had not received any comment or correspondence from the DNR.

WHAT'S NOT INCLUDED

- All **nuisance and licensing** issues. Some topics are better addressed by other regulations rather than zoning, for better and more consistent enforcement.
- Updates to the **county zoning map**, including any new districts. This will be addressed via a subsequent step, in consultation with cities and townships.
- Full guidance on **emerging issues**. With some topics, there is still emerging discussion regarding the best way to regulate. This will be addressed in future work sessions and ordinance amendments.

WRITTEN TESTIMONY

As of the completion of this staff report, the County had not received any written testimony from the public for inclusion in the public hearing record.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission receive a presentation from consultant Bolton & Menk; open the requisite public hearing and receive public testimony into the record; offer opportunity for independent Planning Commissioner comment; and, deliberate on how the Commission wishes to proceed.

OPTIONS

1. **Conduct the Public Hearing** and collect input for the record. **Close or Continue** the public hearing to a specific date in order to solicit additional testimony.
2. **Close the public hearing and table the matter** to further deliberate / develop / incorporate public hearing and jurisdictional partners (DNR, Townships, etc.) received comments and amendments within the Ordinances. Further deliberation / development could take place at an upcoming special work session or at a regular Planning Commission meeting.
3. Finalize recommendation copies and **ordinance recommendation(s) of approval** and present the recommended ordinance(s) to the County Board of Commissioners for formal review, adoption, publication, and recording.

ACTION REQUESTED

Open the requisite public hearing and receive testimony into the record concerning the proposed Zoning Ordinance, Subdivision Ordinance, and Shoreland Management Ordinance. Offer the opportunity for independent Planning Commissioner comment and amendment proposal(s); and, deliberate on how the Planning Commission wishes to proceed with additional formal deliberation or adoption recommendation(s) to the County Board of Commissioners.



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Paradise Woods
 SW Corner of 320th Street and Lofton Avenue / CSAH 34, Chisago Lake Township
 DATE: June 6, 2024

ACTION TO CONSIDER

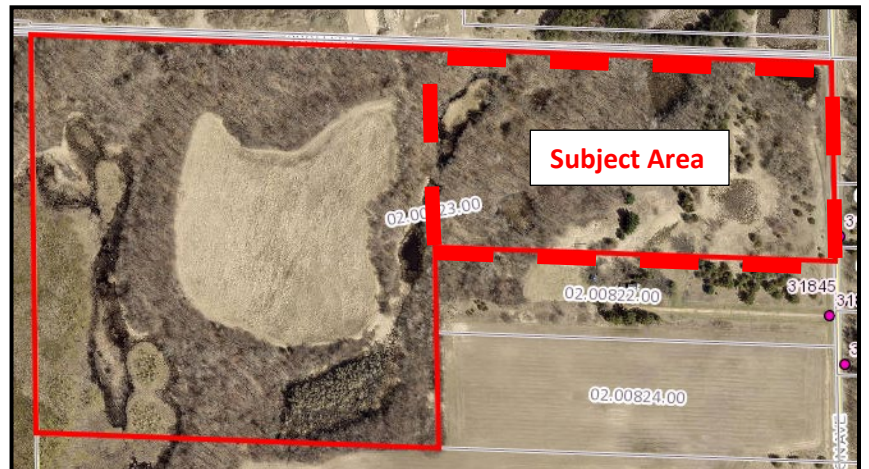
The Planning Commission opened the requisite public hearing for the Preliminary Plat of Paradise Woods on May 2, 2024 and ultimately motioned to continue the public hearing to its June 6, 2024 meeting. Upon closure of the public hearing, the Commission will consider the request which involves the creation of three parcels from a 58.2± acre tract of land in Chisago Lake Township.

SITE & APPLICATION INFORMATION

Property Owner(s): Kenneth Rice
 Applicant(s): Kenneth & Kimberly Rice
 General Location: SW Corner of 320th Street and Lofton Avenue / CSAH 34
 Chisago Lake Township
 Section 30, Township 34, Range 20
 PID: 02.00823.00
 Property Area: 58.2± Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Agricultural (AG) District
 West: City of Chisago City / R-2 Low/Medium Density Residential
 East: Agricultural (AG) District
 Date Application Received: March 22, 2024
 Date Application Complete: March 25, 2024
 120-Day Review Period: July 23, 2024

BACKGROUND & DISCUSSION

Applicants Kenneth & Kimberly Rice are seeking reapproval of the Preliminary Plat of Paradise Woods. The applicants wish to create a total of three new parcels from the 58.2± acre tract of land with the proposed parcels ranging in size from 5.81 acres to 6.88 acres. The balance of the land, being approximately 38.5 acres, is exempt from the platting process.



The Planning Commission opened the requisite public hearing on May 2, 2024 and, with concerns about an existing 770' wide drainage easement covering part of proposed Lot 2, Block 1 and all of Lot 3, Block 1 as well as storm water runoff and natural water flow concerns submitted by the City of Chisago City, the Commission motioned to continue the public hearing in order to allow the property owner / applicants time to address both matters.

For detailed information about the subject site and request, please refer to the May 2, 2024 public hearing packet / Planning Commission meeting packet.

The property owner / applicants provided the County with additional information on May 30, 2024 in an effort to address concerns identified during the May 2, 2024 public hearing. The majority of the attached information pertains to efforts to confine the 770' wide drainage easement to the delineated wetland areas located on proposed Lots 2 and 3, Block 1. The May 30th written correspondence indicates that the property owner / applicants don't have a clear understanding of the concerns submitted by the City of Chisago City; however, they do believe that if the concerns are related to drainage runoff from the road improvement, this issue has already been addressed with Chisago Lake Township's engineer.

WRITTEN TESTIMONY

The County has not received any written testimony since the May 2, 2024 Planning Commission meeting.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission discuss outstanding concerns with the property owner / applicants, accept any new testimony into the public record and then close the public hearing, and further consider the request for Preliminary Plat.

If the Planning Commission determines that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances and supports a recommendation of approval, staff encourages the Commission to consider the following conditions of approval. Staff notes that recommended condition no. 4 references the proposed Agreement to Confine Easement.

1. The Preliminary Plat is approved per plat drawing signed dated May 26, 2022 and amended most recently on March 21, 2024. Any deviation from the approved plat drawing, except as provided herein, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Lofton Avenue / CSAH 34. All driveways must access 320th Street.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. Prior to or in conjunction with submission of a request for Final Plat, the applicant shall submit documentation to the Department of Environmental Services demonstrating that proposed Lots 2 and 3, being wholly or partially located within a drainage easement, are buildable. One such option to satisfy this condition is to submit a fully executed and recorded copy of an agreement to confine the easement to delineated wetland areas on proposed Lots 2 and 3.
5. The applicant shall enter into a developer's agreement with Chisago Lake Township and the agreement shall, at a minimum, outline road construction costs, transfer of the proposed

turnaround to the township, and the escrow agreement for legal and engineering fees. A copy of the signed developer's agreement shall accompany the request for Final Plat, and the request for Final Plat will not be considered complete unless accompanied by the signed agreement.

6. 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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Paradise Woods with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Paradise Woods 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. The ordinance prescribed 120-day review period expires on July 23, 2024. If the request is tabled, it will need to be included on the Planning Commission's July 11, 2024 agenda and will require that a recommendation is made that same evening and presented to the County Board for consideration on July 17, 2024, unless the property owner / applicants are willing to provide an extension or waiver of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0602, a resolution recommending approval of the Preliminary Plat of Paradise Woods, with conditions as presented or amended.

ATTACHMENTS

1. Additional information provided by applicants on May 30, 2024
2. Draft Resolution No. PC2024-0602

Email Correspondence

Sent by Applicants Kenneth & Kimberly Rice to Land Services Coordinator Beth Gervais

May 30, 2024

Hello Beth,

Ken and I have been diligently working on resolving the easement issue. We have come up with a proposal for a confined easement, which would cover only the low-lying areas of the land and exclude the high ground within the 770' easement area. Our thorough wetland delineation and soil boring investigations have confirmed that the high ground does not contain any wetlands. Furthermore, the natural drainage for this area has been directed towards the proposed confined easement area, and it does not affect the highland of the 770' existing easement. Additionally, the drainage easement explicitly excludes any water flow from culverts or other water sources on our property or the neighboring properties.

Despite our efforts, we have been unable to trace the origin of this easement. However, according to state records, the drainage easement appears to belong to us. In order to prevent any potential future conflicts, we have taken the proactive step of having our attorney draft an Agreement to Confine the Easement, which we have presented to the property owners. We kindly request these property owners to relinquish any potential ownership they may have to this easement.

This is a precautionary measure advised by our attorney to avoid future disputes in case documents emerge later indicating ownership by parties other than ourselves. I have been in communication with one property owner, while the other has been in the hospital. We are hoping to have a discussion with him within the next week.

Regarding Leah Nelson's questions, I am unclear about the specific area of the plat she is concerned about in terms of runoff. If she is concerned about the drainage runoff from the road improvement, this has been addressed with our engineer from Widseth and the Township's engineer from Stantec.

The following documents are attached to this email:

1. Proposed drainage easement
2. Agreement to Confine Easement presented to the neighboring property owners
3. Earliest Contract for Deed documents referencing the drainage easement (obtained from our closing company, Title Smart)
4. Deed prior to our ownership that also references the easement in favor of the property owner
5. Copy of the Preliminary plat, which shows the elevations of the property

I hope this information will provide clarity and demonstrate our diligent effort to resolve this issue.

Thank You

Kim

DRAINAGE EASEMENT EXHIBIT



PROPOSED DRAINAGE EASEMENT DESCRIPTIONS:

Commencing at the Quarter corner of said Section 30, thence South 01 degree 03 minutes 52 seconds East, as assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter, thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet, 569.02 feet to the Point of Beginning of the easement to be described; thence North 26 degrees 46 minutes 00 seconds East, 47.00 feet; thence North 45 degrees 27 minutes 30 seconds East, 98.00 feet; thence North 00 degrees 57 minutes 00 seconds East, 94.00 feet; thence North 82 degrees 00 minutes 00 seconds East, 61.29 feet; thence South 55 degrees 16 minutes 00 seconds East, 86.00 feet; thence North 28 degrees 55 minutes 00 seconds East, 148.00 feet; thence North 86 degrees 36 minutes 30 seconds East, 62.50 feet; thence North 00 degrees 45 minutes 00 seconds East, 130.50 feet; thence North 84 degrees 03 minutes 00 seconds East, 86.00 feet; thence South 13 degrees 02 minutes 00 seconds East, 31.00 feet; thence South 49 degrees 21 minutes 30 seconds West, 78.50 feet; thence South 05 degrees 25 minutes 30 seconds East, 70.00 feet; thence South 83 degrees 21 minutes 00 seconds East, 69.00 feet; thence South 22 degrees 44 minutes 00 seconds East, 103.00 feet; thence South 17 degrees 33 minutes 30 seconds West, 86.00 feet; thence South 73 degrees 20 minutes 30 seconds West, 113.30 feet; thence North 83 degrees 52 minutes 30 seconds West, 54.00 feet; thence North 53 degrees 35 minutes 09 seconds West, 97.00 feet; thence South 36 degrees 11 minutes 18 seconds West, 143.00 feet to said South line of the North 659.40 feet; thence North 87 degrees 57 minutes 19 seconds West along said South line of the North 659.40 feet, a distance of 185.78 feet to the Point of Beginning.

An easement for drainage purposes over and across that part of the Northwest Quarter of Section 30, Township 34, Range 20, Chicago County, Minnesota is described as follows:

Commencing at the Quarter corner of said Section 30; thence South 01 degree 03 minutes 52 seconds East, assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet of the Northwest Quarter of the Northeast Quarter, 1,235.91 feet to the Point of Beginning of the assessment to be described; thence continue South 87 degrees 57 minutes 19 seconds East along said South line of the North 659.40 feet, a distance of 70.35 feet to the East line of said Northwest Quarter of the Northeast Quarter; thence North 01 degree 06 minutes 17 seconds West along said East line of the Northwest Quarter of the Northeast Quarter, 643.87 feet to the South line of the North 16.50 feet of said Northwest Quarter of the Northeast Quarter; thence North 87 degrees 57 minutes 19 seconds West, along said South line of the North 16.50 feet of the Northwest Quarter of the Northeast Quarter, 308.28 feet; thence South 38 degrees 00 minutes 00 seconds East, 98.11 feet; thence South 52 degrees 13 minutes 50 seconds East, 85.00 feet; thence South 37 degrees 35 minutes 45 seconds East, 188.15 feet; thence South 01 degree 11 minutes 54 seconds East, 373.88 feet to the Point of Beginning.

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

DRAINAGE EASEMENT EXHIBIT

PROPOSED DRAINAGE EASEMENT DESCRIPTIONS:

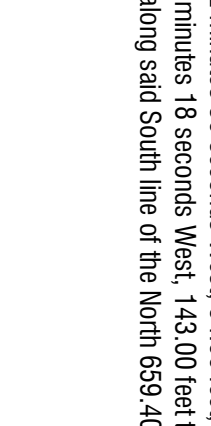
An easement for drainage purposes over and across that part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 34, Range 20, Chisago County, Minnesota is described as follows:

Commencing at the North Quarter corner of said Section 30; thence South 01 degree 03 minutes 52 seconds East, assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet, 568.02 feet to the Point of Beginning of the easement to be described; thence North 26 degrees 46 minutes 00 seconds East, 47.00 feet; thence North 45 degrees 27 minutes 30 seconds East, 98.00 feet; thence North 00 degrees 57 minutes 00 seconds East, 94.00 feet; thence North 82 degrees 00 minutes 00 seconds East, 61.29 feet; thence South 55 degrees 16 minutes 00 seconds East, 86.00 feet; thence North 28 degrees 56 minutes 00 seconds East, 148.00 feet; thence North 86 degrees 36 minutes 30 seconds East, 62.50 feet; thence North 00 degrees 45 minutes 00 seconds East, 130.50 feet; thence North 84 degrees 03 minutes 00 seconds East, 86.00 feet; thence South 13 degrees 02 minutes 30 seconds East, 31.00 feet; thence South 49 degrees 21 minutes 30 seconds West, 78.50 feet; thence South 05 degrees 25 minutes 30 seconds East, 73.00 feet; thence South 83 degrees 21 minutes 00 seconds East, 69.00 feet; thence South 22 degrees 44 minutes 00 seconds East, 103.00 feet; thence South 17 degrees 33 minutes 30 seconds West, 86.00 feet; thence South 73 degrees 20 minutes 30 seconds West, 113.50 feet; thence North 83 degrees 52 minutes 30 seconds West, 54.00 feet; thence North 53 degrees 35 minutes 09 seconds West, 97.00 feet; thence South 36 degrees 11 minutes 18 seconds West, 143.00 feet to said South line of the North 659.40 feet; thence North 87 degrees 57 minutes 19 seconds West along said South line of the North 659.40 feet, a distance of 185.78 feet to the Point of Beginning.

AND

An easement for drainage purposes over and across that part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 34, Range 20, Chisago County, Minnesota is described as follows:

Commencing at the North Quarter corner of said Section 30; thence South 01 degree 03 minutes 52 seconds East, assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet of the Northwest Quarter of the Northeast Quarter, 1235.91 feet to the Point of Beginning of the easement to be described; thence continue South 87 degrees 57 minutes 19 seconds East along said South line of the North 659.40 feet, a distance of 70.35 feet to the East line of said Northwest Quarter of the Northeast Quarter; thence North 01 degree 06 minutes 17 seconds West along said East line of the Northwest Quarter of the Northeast Quarter, 643.87 feet to the South line of the North 16.50 feet of said Northwest Quarter of the Northeast Quarter; thence North 87 degrees 57 minutes 19 seconds West, along said South line of the North 16.50 feet of the Northwest Quarter of the Northeast Quarter, 308.28 feet; thence South 38 degrees 00 minutes 00 seconds East, 98.11 feet; thence South 52 degrees 13 minutes 50 seconds East, 85.00 feet; thence South 37 degrees 35 minutes 45 seconds East, 188.15 feet; thence South 01 degree 11 minutes 54 seconds East, 373.88 feet to the Point of Beginning.

DATE:	May 3, 2024	DATE		AMENDMENTS		BY		PREPARED FOR: K & J CONSTRUCTION
SCALE:	AS SHOWN							I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY:	JMM							
CHECKED BY:	SMK							
FILE NUMBER:	2022-10366							Shawn M. Kupcho L.S. DATE: 5/3/24 L.C. NO. 49021

N 1/4 corner of the
Sec. 30, Twp. 34, Rng. 20

DRAINAGE EASEMENT EXHIBIT

North line of the NW 1/4 of the NE 1/4

320TH STREET

PID NO. 02.00827.00
CHISAGO LAKE TOWNSHIP

South line of the North 16.50 feet
of the NW 1/4 of the NE 1/4

PID 02.00823.00
KENNETH N RICE

East line of the NE 1/4 of the NW 1/4
Also the West line of the NW 1/4 of
the NE 1/4
S01°03'52"E 660.37

568.02

659.40

Point of
Beginning

South line of the North 659.40 feet
of the NW 1/4 of the NE 1/4

PID 02.00822.00
BENJAMIN JOSEPH HICKMAN

70.35

Point of
Beginning

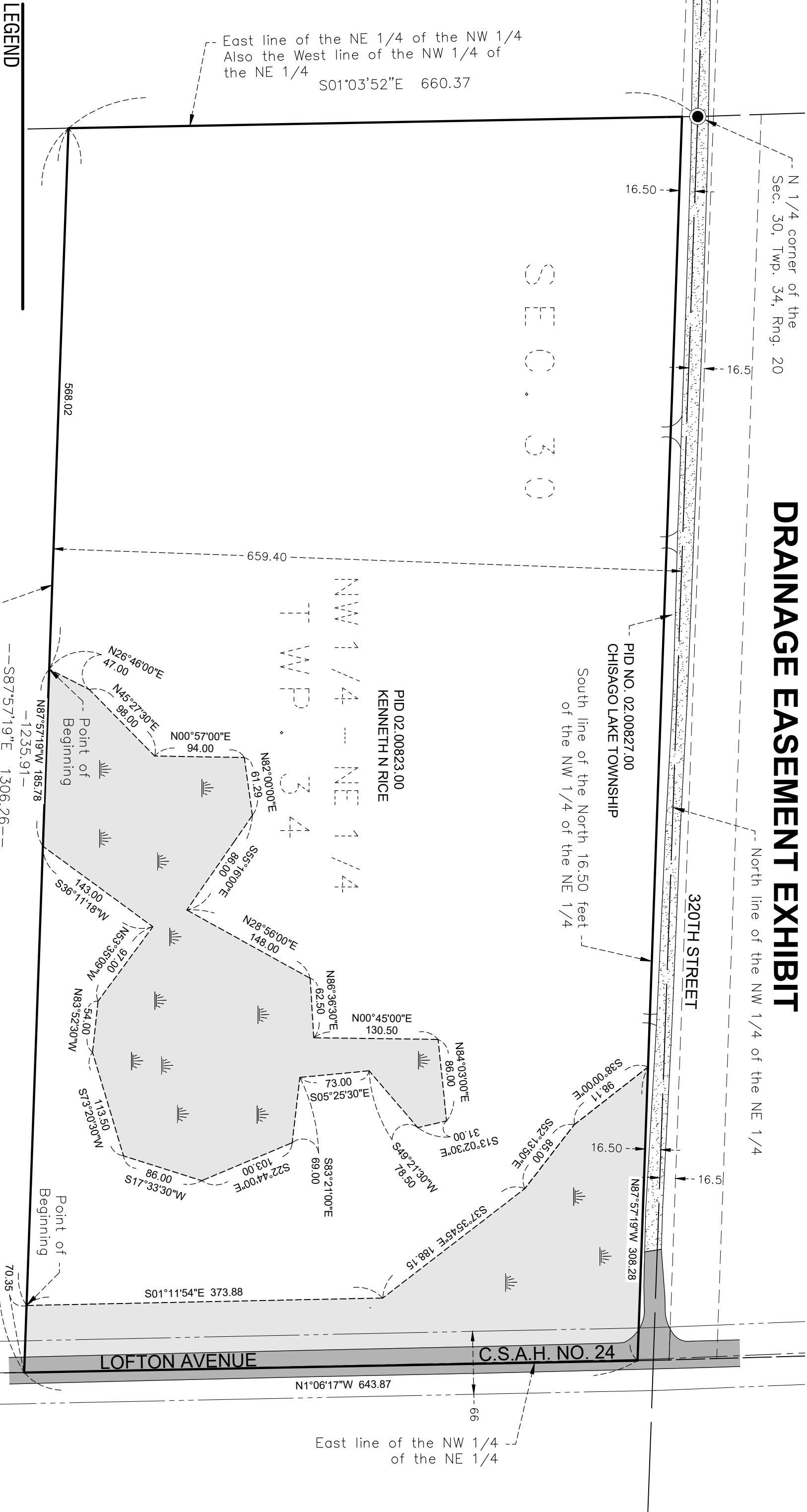
S01°11'54"E 373.88

LOFTON AVENUE

N1°06'17"W 643.87

East line of the NW 1/4
of the NE 1/4

C.S.A.H. NO. 24



LEGEND



DENOTES A CHISAGO COUNTY
SECTION CORNER MONUMENT



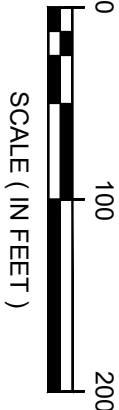
GRAVEL SURFACE



PROPOSED DRAINAGE
EASEMENT AREA



BITUMINOUS SURFACE



SCALE (IN FEET)

DATE: May 3, 2024
SCALE: AS SHOWN
DRAWN BY: JMM
CHECKED BY: SMK
FILE NUMBER: 2022-10366

AMENDMENTS

BY

PREPARED FOR: K & J CONSTRUCTION

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED
LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Shawn M. Kupcho U.S.

DATE: 5/3/24

LIC. NO. 49021

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

SHEET 2 OF 2 SHEETS

AGREEMENT TO CONFINE EASEMENT

Deed Tax: \$1.65

Dated: _____

RECITALS

WHEREAS: Kenneth N. Rice (“Rice”) is the fee owner of real property in Chisago County, Minnesota, legally described as:

That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement in favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

WHEREAS: The Earl L. Tangen Revocable Trust Agreement dated September 24, 2020 (“Tangen”) is fee owner of the real property in Chisago County, Minnesota, legally described as:

The South 13 acres of the following described tract:

The Northwest Quarter of the Northeast Quarter (NW ¼ of NE ¼), Section Thirty (30), Township Thirty-Four (34), Range Twenty (20), excepting therefrom that part deeded for road purposes and excepting therefrom the North 659.4 feet thereof, subject to public roads and further excepting therefrom the North 54 feet of the foregoing described tract.

Chisago County, Minnesota.

WHEREAS: Benjamin Joseph Hickman, an unmarried person (“Hickman”) is the fee owner of real property in Chisago County, Minnesota, legally described as:

All that part of the Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), Section 30, Township 34, Range 20, Chisago County, Minnesota, lying North of the South line of the North 54 feet of the South 13 acres of said Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), and lying South of the North 659.4 feet of said Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), Section 30, Township 34, Range 20, Chisago Count, Minnesota.

WHEREAS: There appears in the contract for deed dated May 1, 1964 and recorded as Document No. 113857 in the Chisago County, Recorder, an easement across the East 770 feet of the property owned by Rice and benefiting the properties owned by Tangen and Hickman for drainage of said properties.

WHEREAS: Rice is in the process of obtaining a plat for his property. As part of the plat, Rice has designed a drainage path for the aforementioned properties that is more confined than simply the East 770 feet of his property that achieves appropriate drainage.

WHEREAS: The parties hereto agree to confine the existing easement across the property of Rice to the described area herein.

NOW, THEREFORE IT IS AGREED BY THE PARTIES:

1. For consideration of \$1.00, Lisa Perzichilli, as trustee of the Earl L. Tangen Revocable Trust Agreement dated September 24, 2020 and Benjamin Joseph Hickman, an unmarried person, hereby conveys the easement across the East 770 feet of the real property located in Chisago County, Minnesota and described as:

That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement in favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

To Kenneth N. Rice.

2. The aforementioned easement is now terminated and vacated.
3. Kenneth N. Rice, married to Kimberly L. Rice, hereby conveys an easement for the purposes of drainage across the real property located in Chisago County, Minnesota, described as:

An easement for drainage purposes over and across that part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 34, Range 20, Chisago County, Minnesota is described as follows:

Commencing at the North Quarter corner of said Section 30; thence South 01 degree 03 minutes 52 seconds East, assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet, 568.02 feet to the Point of Beginning of the easement to be described; thence

North 26 degrees 46 minutes 00 seconds East, 47.00 feet; thence North 45 degrees 27 minutes 30 seconds East, 98.00 feet; thence North 00 degrees 57 minutes 00 seconds East, 94.00 feet; thence North 82 degrees 00 minutes 00 seconds East, 61.29 feet; thence South 55 degrees 16 minutes 00 seconds East, 86.00 feet; thence North 28 degrees 56 minutes 00 seconds East, 148.00 feet; thence North 86 degrees 36 minutes 30 seconds East, 62.50 feet; thence North 00 degrees 45 minutes 00 seconds East, 130.50 feet; thence North 84 degrees 03 minutes 00 seconds East, 86.00 feet; thence South 13 degrees 02 minutes 30 seconds East, 31.00 feet; thence South 49 degrees 21 minutes 30 seconds West, 78.50 feet; thence South 05 degrees 25 minutes 30 seconds East, 73.00 feet; thence South 83 degrees 21 minutes 00 seconds East, 69.00 feet; thence South 22 degrees 44 minutes 00 seconds East, 103.00 feet; thence South 17 degrees 33 minutes 30 seconds West, 86.00 feet; thence South 73 degrees 20 minutes 30 seconds West, 113.50 feet; thence North 83 degrees 52 minutes 30 seconds West, 54.00 feet; thence North 53 degrees 35 minutes 09 seconds West, 97.00 feet; thence South 36 degrees 11 minutes 18 seconds West, 143.00 feet to said South line of the North 659.40 feet; thence North 87 degrees 57 minutes 19 seconds West along said South line of the North 659.40 feet, a distance of 185.78 feet to the Point of Beginning.

AND

An easement for drainage purposes over and across that part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 34, Range 20, Chisago County, Minnesota is described as follows:

Commencing at the North Quarter corner of said Section 30; thence South 01 degree 03 minutes 52 seconds East, assumed bearing along the West line of said Northwest Quarter of the Northeast Quarter, 660.37 feet to the South line of the North 659.40 feet of said Northwest Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 19 seconds East, along said South line of the North 659.40 feet of the Northwest Quarter of the Northeast Quarter, 1235.91 feet to the Point of Beginning of the easement to be described; thence continue South 87 degrees 57 minutes 19 seconds East along said South line of the North 659.40 feet, a distance of 70.35 feet to the East line of said Northwest Quarter of the Northeast Quarter; thence North 01 degree 06 minutes 17 seconds West along said East line of the Northwest Quarter of the Northeast Quarter, 643.87 feet to the South line of the North 16.50 feet of said Northwest Quarter of the Northeast Quarter; thence North 87 degrees 57 minutes 19 seconds West, along said South line of the North 16.50 feet of the Northwest Quarter of the Northeast Quarter, 308.28 feet; thence South 38 degrees 00 minutes 00 seconds East, 98.11 feet; thence South 52 degrees 13 minutes 50 seconds East, 85.00 feet; thence South 37 degrees 35 minutes 45 seconds East, 188.15 feet; thence South 01 degree 11 minutes 54 seconds East, 373.88 feet to the Point of Beginning.

Lisa Perzichilli, as trustee of the Earl L. Tangen Revocable Trust Agreement dated September 24, 2020 and Benjamin Joseph Hickman, an unmarried person. Said easement is to be perpetual and to run with the land.

[Signatures on the following page]

Lisa Perzichilli, as trustee of the
Earl L. Tangen Revocable Trust
Agreement dated September 24,
2020

Subscribed and sworn before me by Tony N. Hanson, as trustee of the Lisa Perzichilli, as
trustee of the Earl L. Tangen Revocable Trust Agreement dated September 24, 2020, this
____ day of May 2024.

[Seal]

Notary Public

My Commission Expires_____

Benjamin Joseph Hickman

Subscribed and sworn before me by Benjamin Joseph Hickman, an unmarried person, this
____ day of May 2024.

[Seal]

Notary Public

My Commission Expires_____

Kennith N. Rice

Kimberly L. Rice (Consenting
Spouse)

Subscribed and sworn before me by Kennith N. Rice and Kimberly L. Rice, husband and wife, this ____ day of May 2024.

[Seal]

Notary Public

My Commission Expires_____

This document was prepared by:

B. Steven Messick
Atty. Reg. No. 0389735
MESSICK LAW, PLLC
444 Cedar Street, Suite 1150
Saint Paul, MN 55101
(651) 505-0085
steve@messicklaw.com

This Agreement, Made and entered into this 1st day of

May, 1964, by and between Helen Frank Lewis and Ruth E. Lewis, husband and wife, part 1.22 of the first part, and Tage Edward Hanson and Nellie Hanson, husband and wife

parties of the second part;

Witnesseth, That the said part 1.22 of the first part, in consideration of the covenants and agreements of said parties of the second part, hereinafter contained, hereby sell and agree to convey unto said parties of the second part, as joint tenants and not as tenants in common, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, by a Warranty Deed, accompanied by an abstract evidencing good title in part 1.22 of the first part at the date hereof, or by an owner's duplicate certificate of title, upon the prompt and full performance by said parties of the second part, of their part of this agreement, the tract of land, lying and being in the County of Chicago and State of Minnesota, described as follows, to-wit:

TRACT A.

That part of Section 30, Township 34 North, Range 20 West, Chicago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1 - rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1 - rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also, the East 770 feet is subject to a drainage easement in favor of the owner of the property described as; All of the NW 1/4 of NW 1/4 of said Section 30 except the North 659.4 feet thereof.

Said tract A contains 60 acres, more or less.

And said parties of the second part, in consideration of the premises, hereby agree to pay said part 1.22 of the first part, at Lindstrom, Minnesota as and for the purchase price of said premises, the sum of Thirty-seven hundred and no/100 - - - - DOLLARS, in manner and at times following, to-wit:

\$1000.00 on or before the execution of this contract, the receipt whereof is hereby acknowledged;

2700.00 payable \$500.00 per year on principal and interest @ 5% per annum from January 1, 1964. First payment to be made January 1, 1965 with privilege granted to pay any additional amount on ~~principal~~ principal at any time without penalty.

Soil Bank Payment due in fall of 1964 will belong to Lewis.

It is further agreed that payments on principal of this contract are to be applied to the First Mortgage Loan at Security State Bank of Lindstrom and a release of this land from said mortgage will be secured when contract is fulfilled.

Said parties of the second part further covenant and agree as follows: to pay, before penalty attaches thereto, all taxes due and payable in the year 1965, and in subsequent years, and all special assessments heretofore or hereafter levied;

also that any buildings and improvements now on said land, or which shall hereafter be erected, placed, or made thereon, shall not be removed therefrom, but shall be and remain the property of the part 1.22 of the first part until this contract shall be fully performed by the parties of the second part; and at their own expense, to keep the buildings on said premises at all times insured in some reliable insurance company or companies, to be approved by the part 1.22 of the first part, against loss by fire for at least the sum of None DOLLARS,

and against loss by windstorm for at least the sum of None DOLLARS, payable to said part 1.22 of the first part, their heirs or assigns, and, in case of loss, should there be any surplus over and above the amount then owing said part 1.22 of the first part, their heirs or assigns, the balance shall be paid over to the said parties of the second part as their interest shall appear, and to deposit with the part 1.22 of the first part policies of said insurance. But should the second parties fail to pay any item to be paid by said parties under the terms hereof, same may be paid by first part 1.22 and shall be forthwith payable, with interest thereon, as an additional amount due first part 1.22 under this contract and shall be paid to the payment of principal or interest due hereunder, or of any part thereof, to be by second parties

113857

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State of **Minnesota**,

County of **Chisago**

**AFFIDAVIT OF SURVIVORSHIP—
JOINT TENANCY OR REMAINDERMAN**

Estate of **Tage Edward Hanson**, deceased.

Nellie Hanson, of **Rt. 1, Lindstrom,**

Minnesota, being duly sworn, on oath says that she is the surviving joint tenant-remainderman of the decedent named herein.

That **Tage Edward Hanson** died on the **25th** day of **April**, **1957**, at the age of **60** years at **Chisago Lakes Hospital**

State of **Minnesota** with residence at **Rt. 1, Lindstrom** County

of **Chisago** State of **Minnesota** (Address)

That a duly certified copy of the record of his death as contained herein or attached hereto is made a part hereof.

That said decedent at and prior to death was the owner of an interest as joint tenant-remainderman in the hereinafter described property in which the following named person(s) is/are surviving joint tenant-remainderman.

Name	Age	Relationship to Decedent	Residence
Nellie Hanson	47	Spouse	Lindstrom, Rt. 1, Minnesota

That the respective interests of decedent and survivor(s) as joint tenants-remaindermen were created by an instrument of conveyance dated **April 9, 1957**, and filed for record **April 10, 1957**, and recorded in the office of the Register of Deeds of **Chisago** County, Minnesota, in Book **81** of Deeds page **15**, in the following described property, to-wit:

East Half of Southeast Quarter (E½ of SE¼), Section Nineteen (19), Township Thirty-four (34), Range Twenty (20). That part of Lots 2 and 3, Section 20, Township 34, Range 20 described as follows, to-wit: Beginning at a point where the west line of Lot 2 in said Section 20 intersects with the center line of State Aid Road No. 2 as now located; thence southeasterly along the center line of said road, a distance of 196 feet; thence southwesterly and directly perpendicular to the center line of said road, a distance of 217 feet 8 inches to the west line of said Section 20; thence north along said Section line a distance of 300 feet 6 inches to the place of beginning, excepting that part of said land used for public highway purposes. (Homestead)

That the respective interests and survivors as joint tenants were created by an instrument of conveyance dated **April 9, 1957**, and filed for record **April 10, 1957**, and recorded in the office of the Register of Deeds of **Chisago** County, Minnesota, in Book **81** of Deeds, Page **15**, in the following described property, to-wit:

Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of Section Nineteen (19), Township Thirty-four (34), Range Twenty (20), **Chisago** County, Minn. (Homestead)

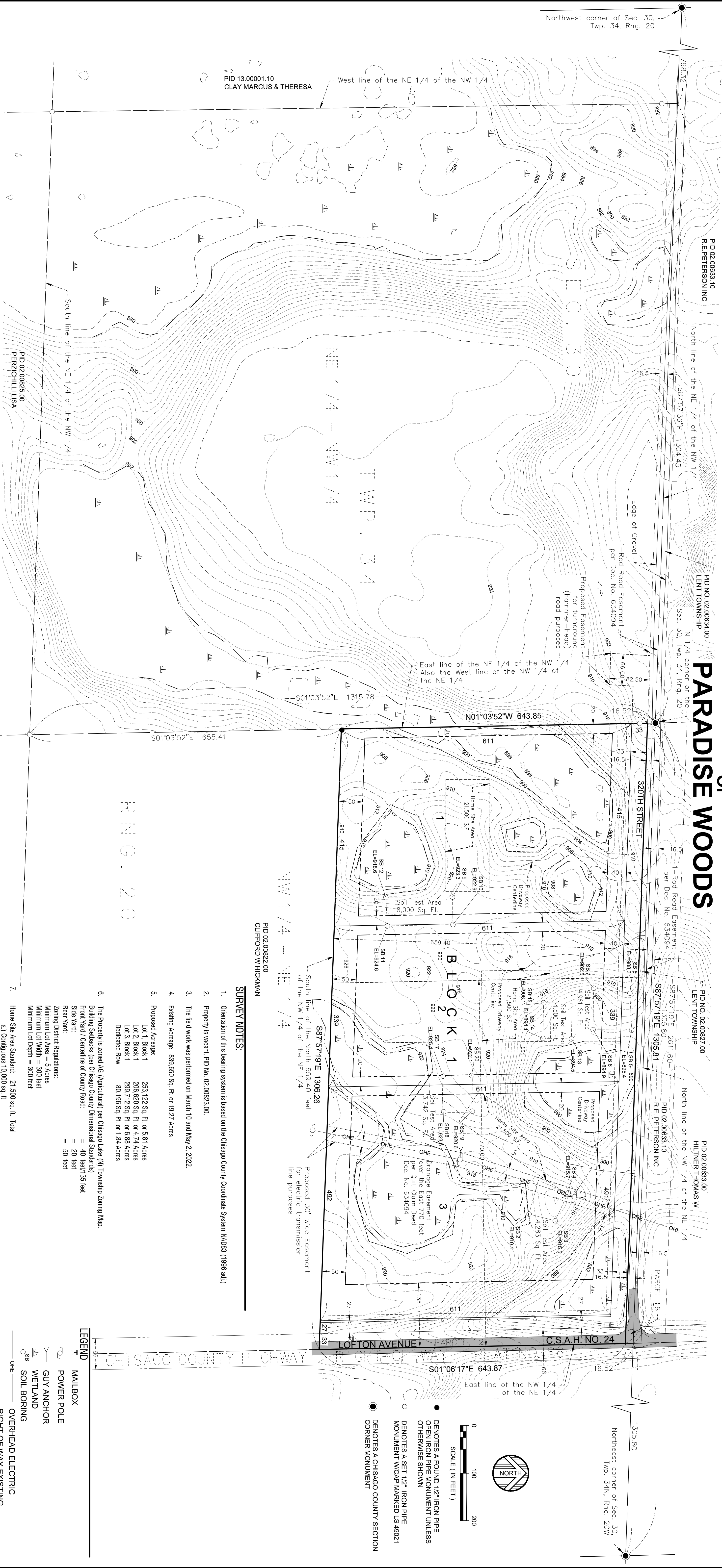
That the respective interest of decedent and survivor as joint tenants, were created by an instrument of conveyance dated **May 1, 1964**, and filed for record **September 24, 1964**, and recorded in the office of the Register of Deeds of **Chisago** County, Minnesota, in Microfilm **113857**, in the following property, to-wit:

That part of Section 30, Township 34 North, Range 20 West, **Chisago** County, Minn., described as follows:

The Northeast Quarter of Northwest Quarter (NE¼ of NW¼), subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the NW¼ of NE¼, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also, the East 770 feet is subject to a drainage easement in favor of the owner of the property described as: All of the NW¼ of NE¼ of said Section 30 except the North 659.4 feet thereof. Said Tract A contains 60 acres, more or less.

119726

PRELIMINARY PLAT
OF
PARADISE WOODS



PROPERTY DESCRIPTION:

(Quit Claim Deed Doc. No. 634094)
That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

OWNER & DEVELOPER

K AND J CONSTRUCTION
5965 HAMPSHIRE AVE. N.
CRYSTAL, MN 55428
(651) 900-1567

LAND SURVEYOR

WIDSETH
5368 286TH ST.
WYOMING, MN 55092
PHONE (651)464-3130
FAX (651)464-4822

SOIL TESTING:

JOSH PUTT LLC #4063
26716 FENWICK AVENUE
WYOMING, MN 55092
(651) 900-1567

WETLAND SPECIALIST:

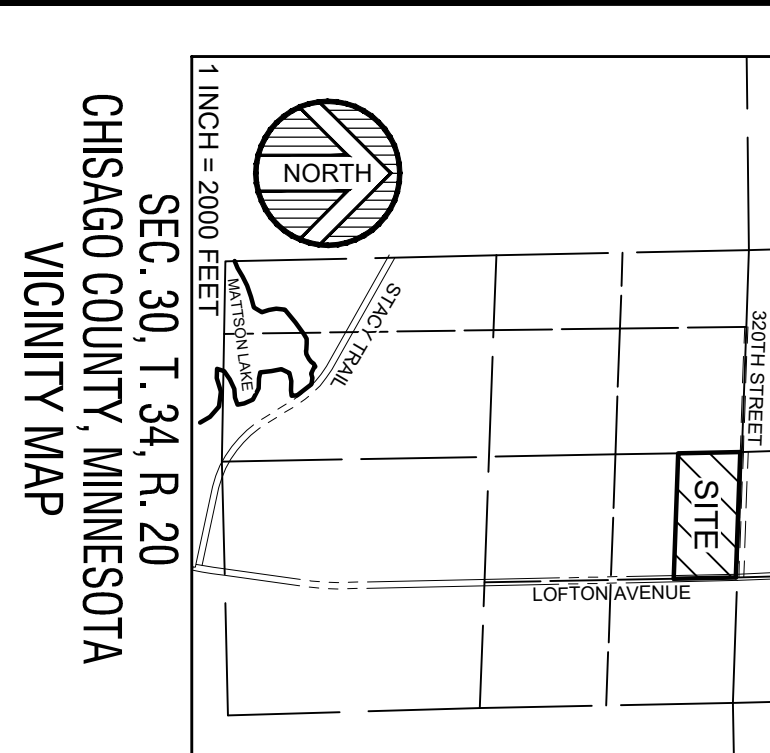
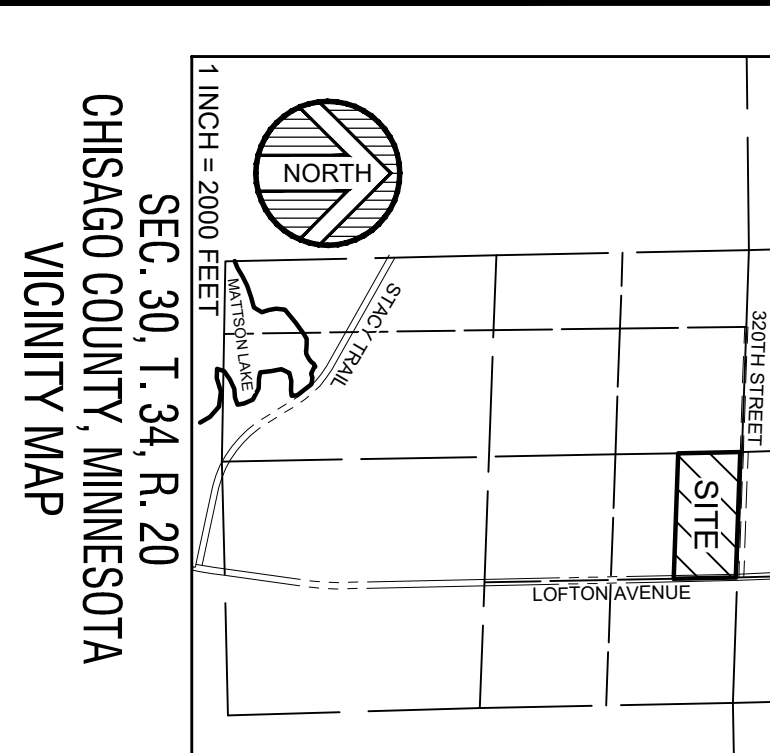
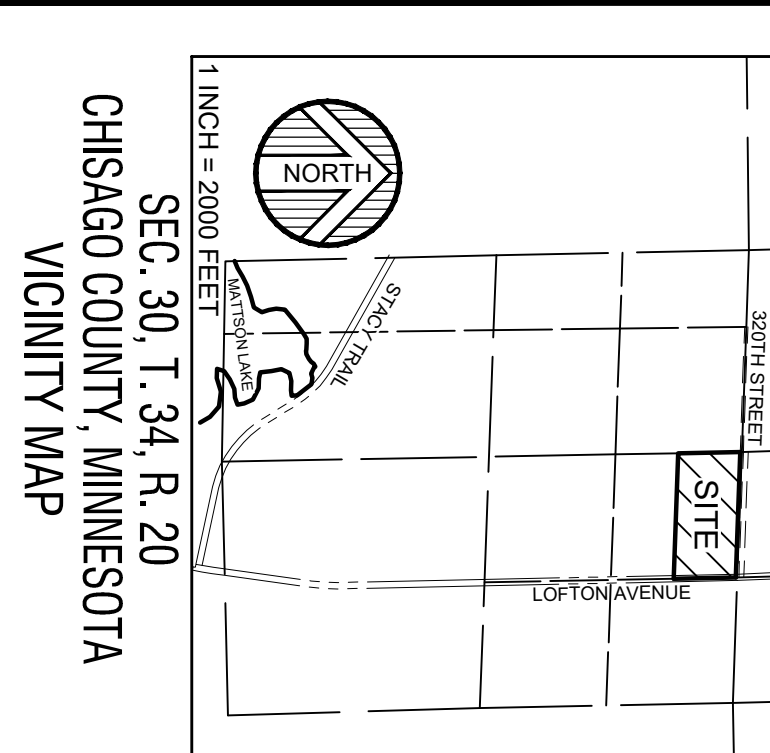
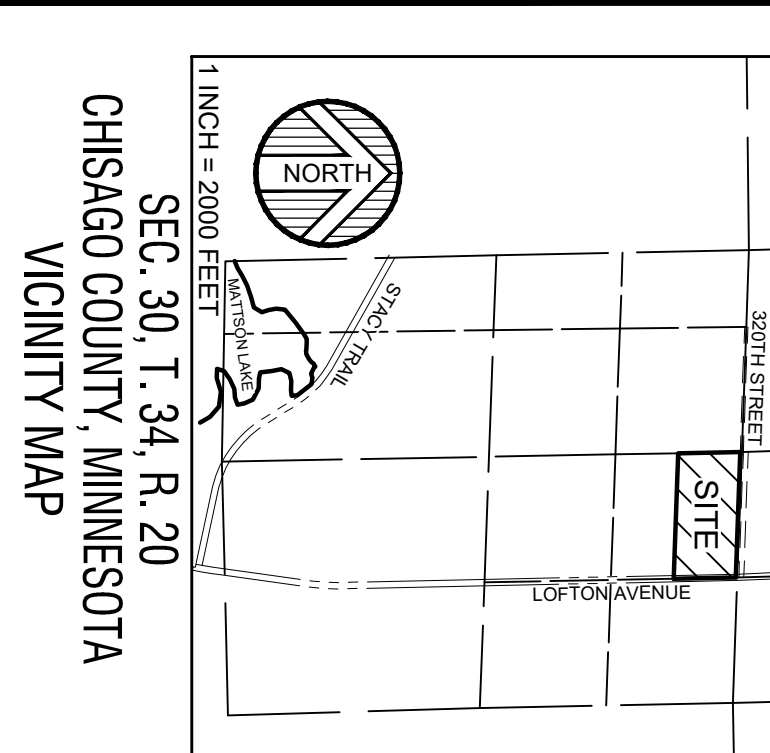
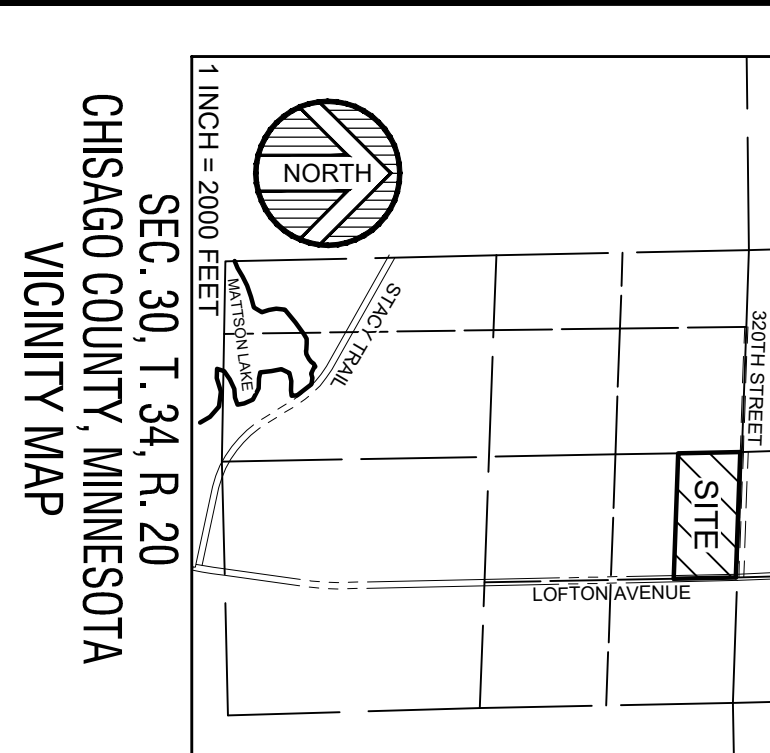
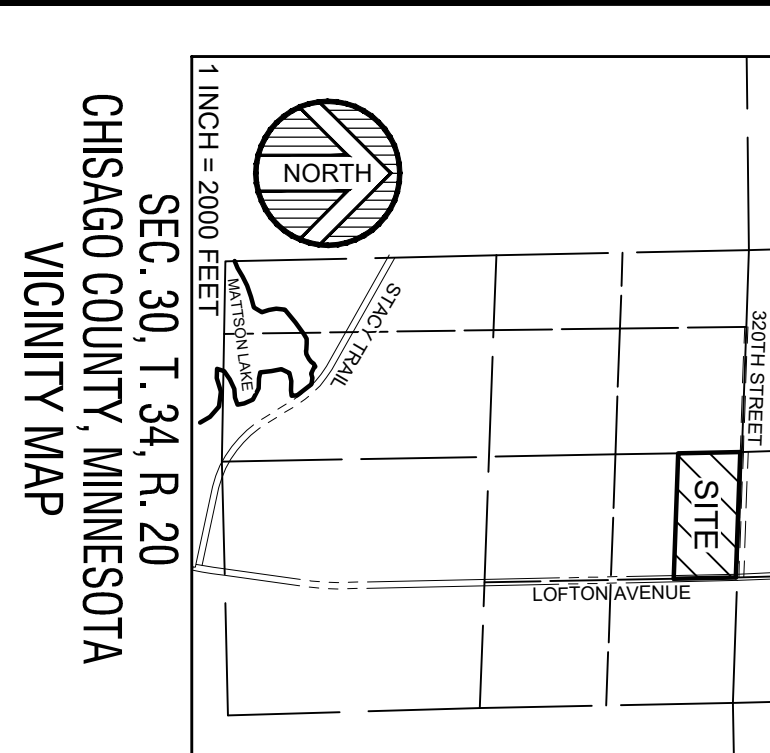
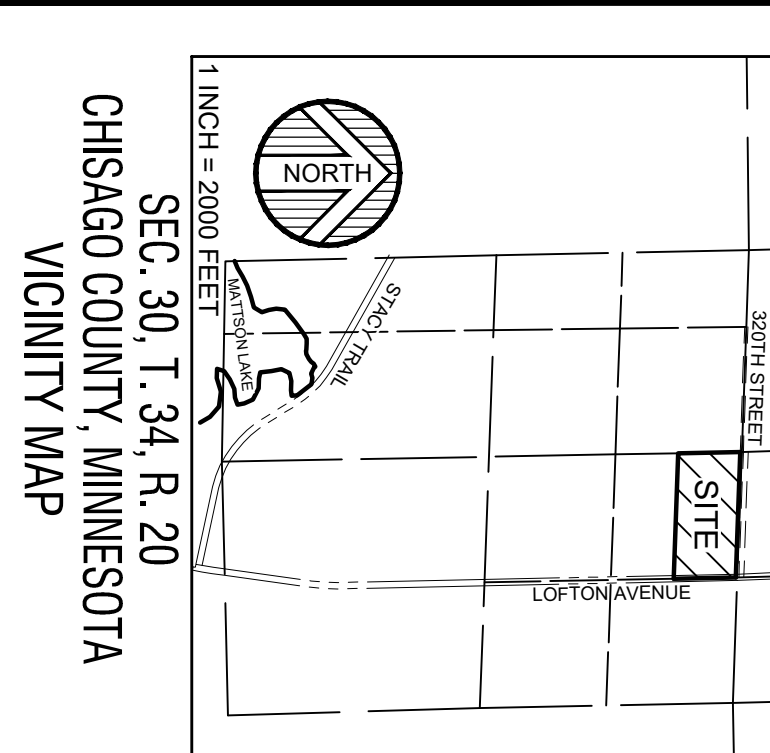
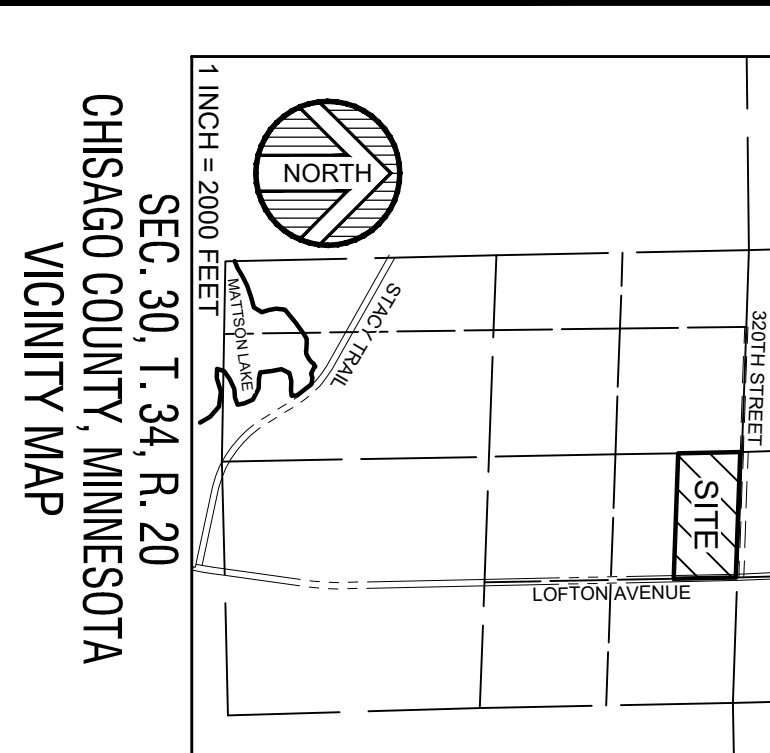
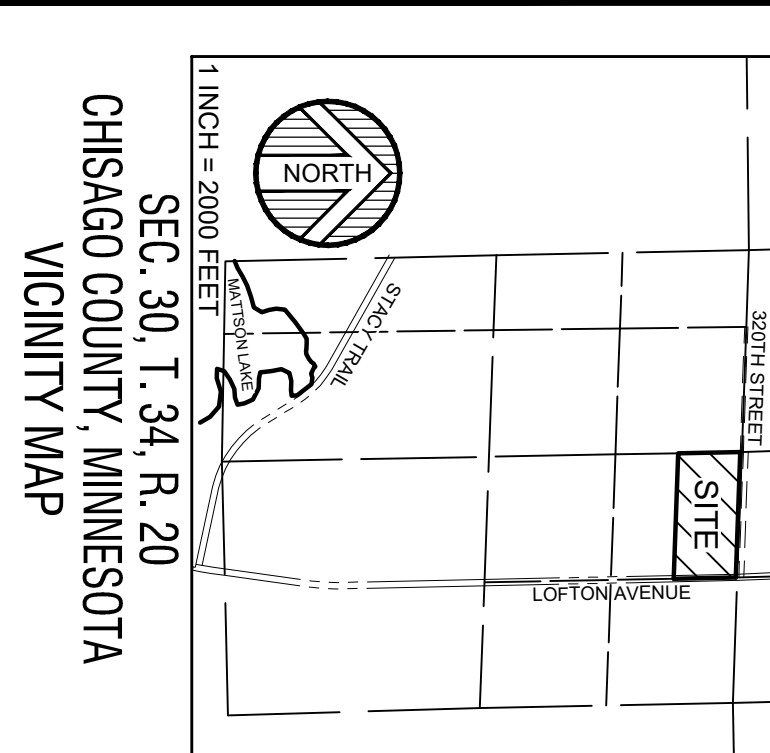
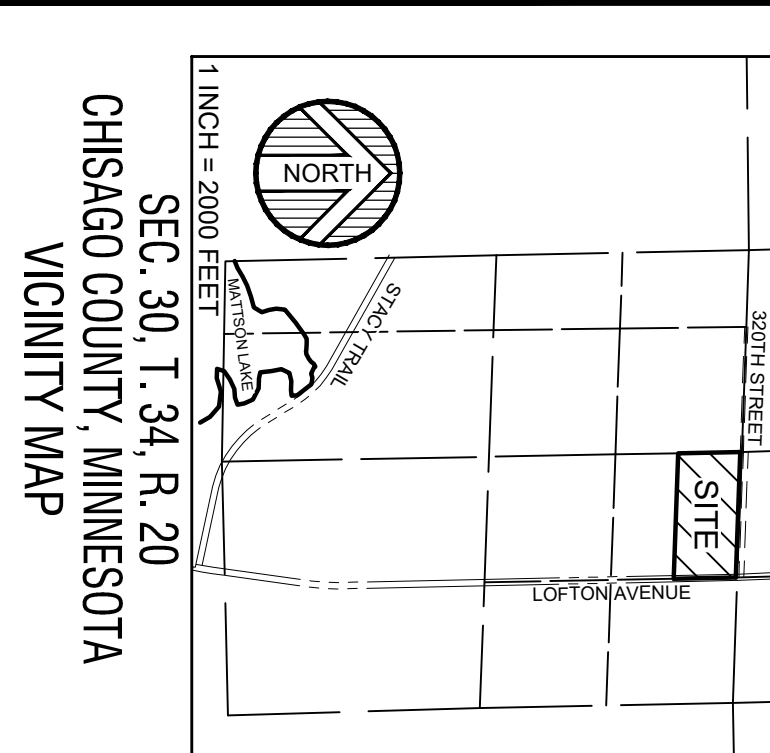
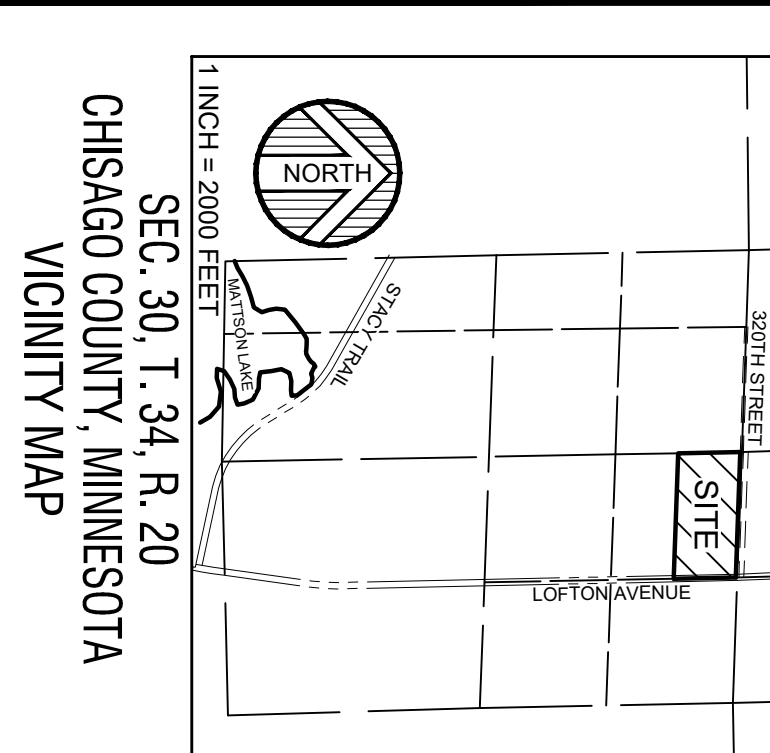
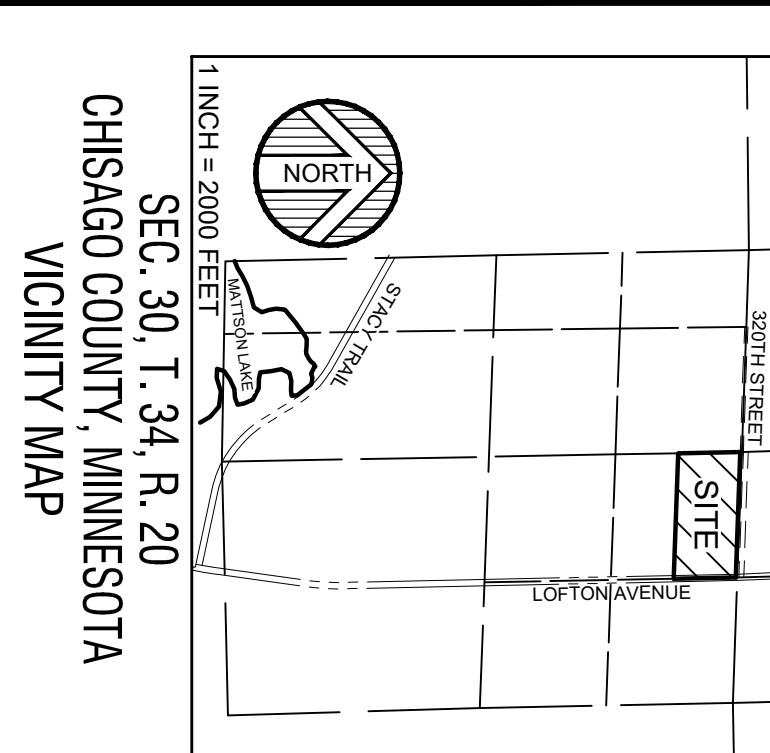
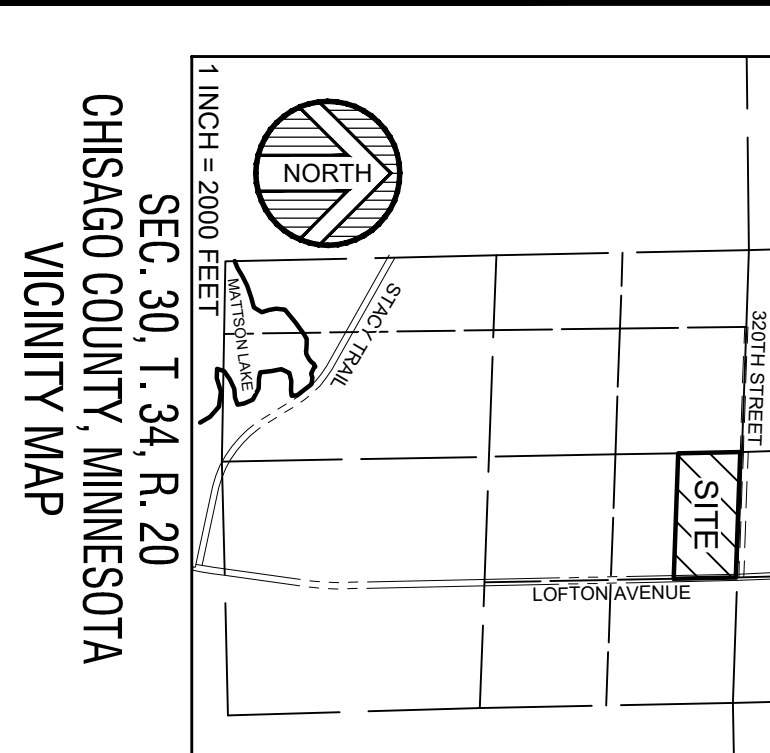
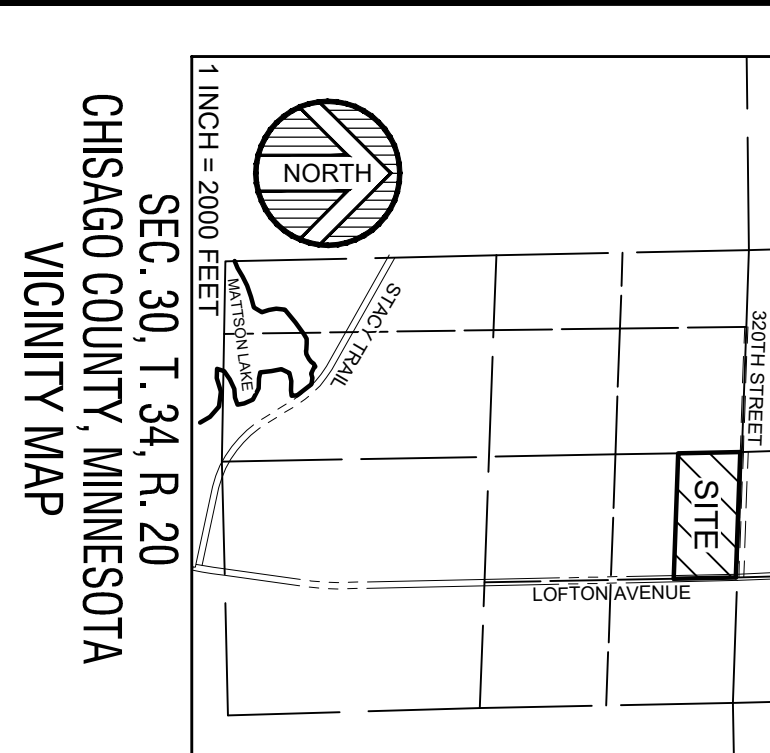
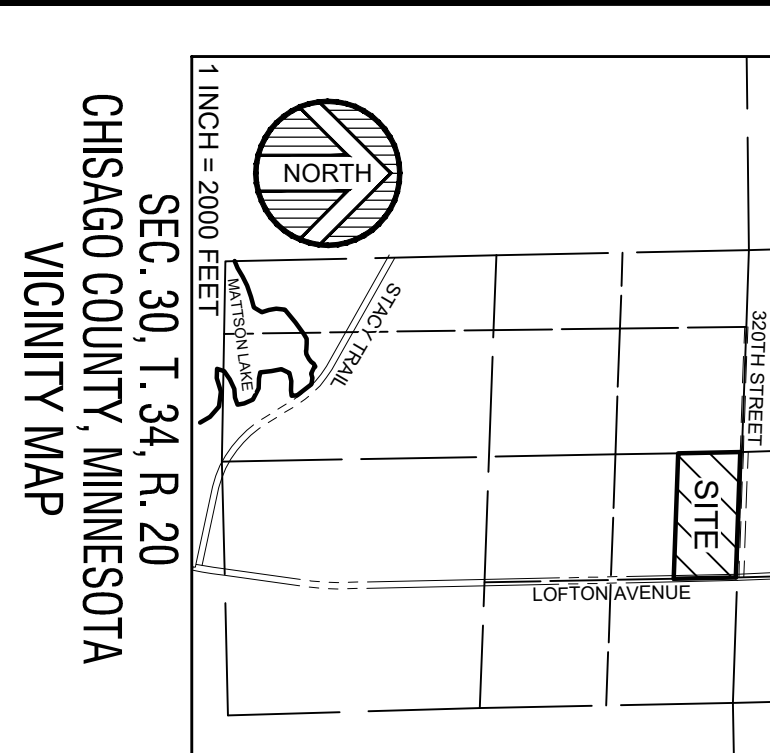
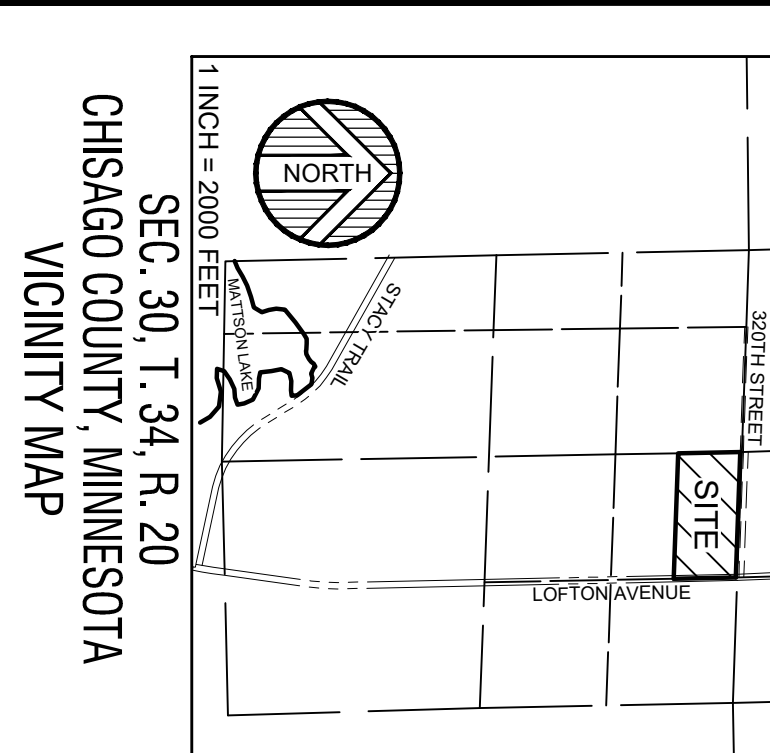
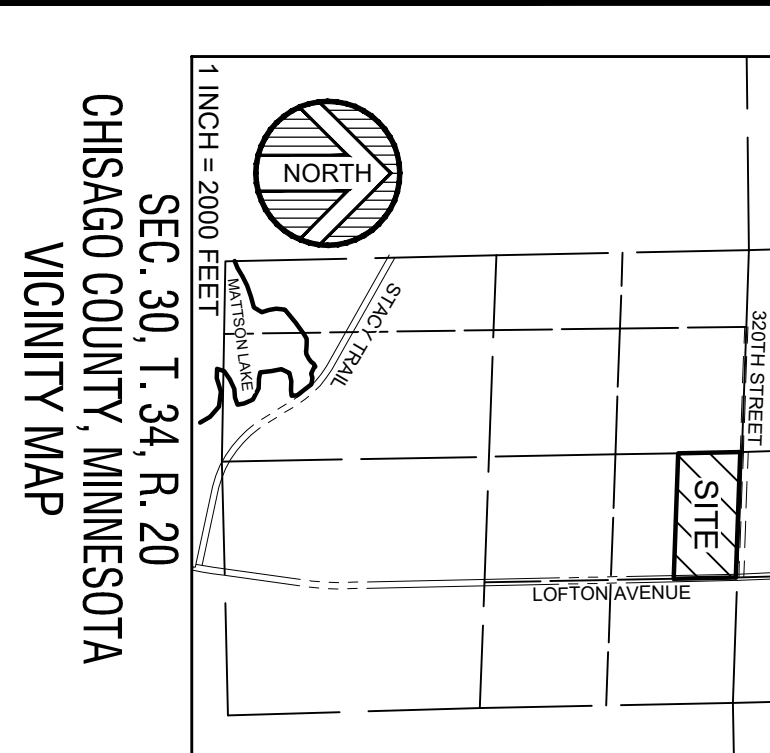
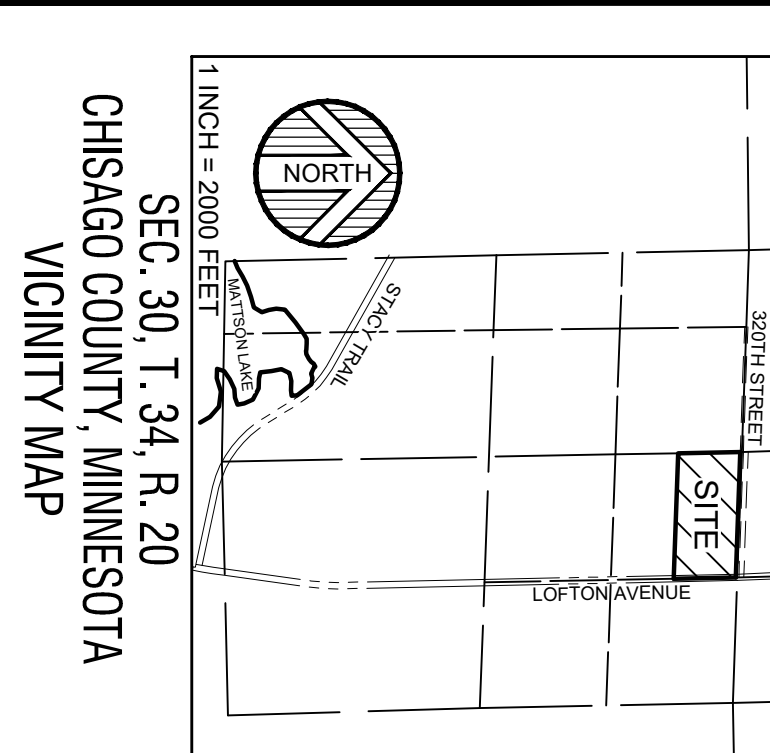
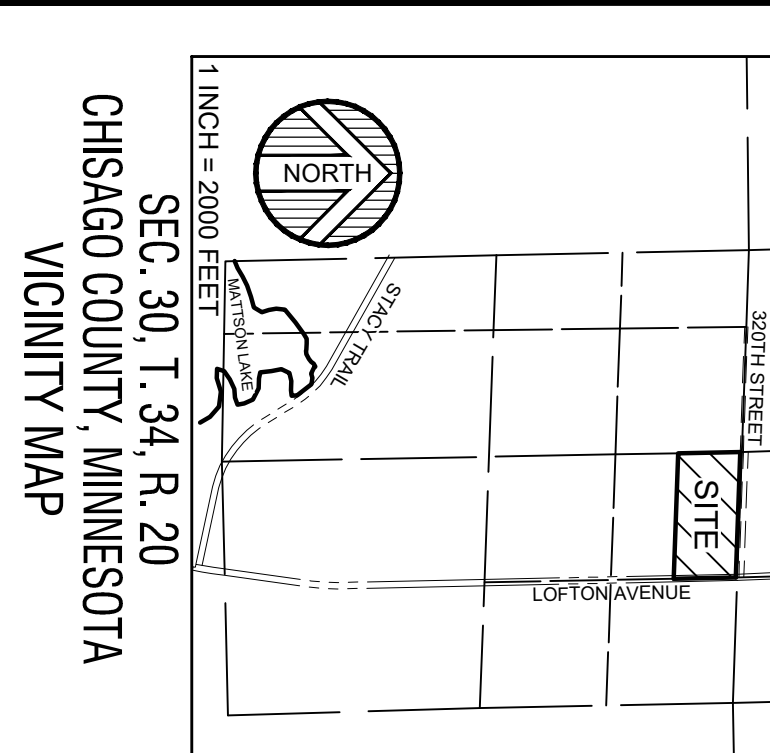
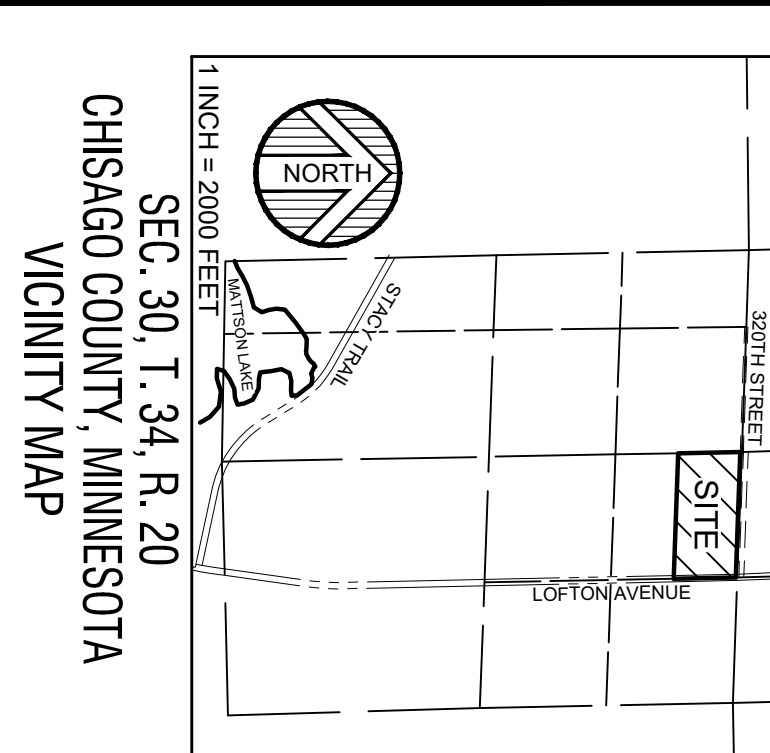
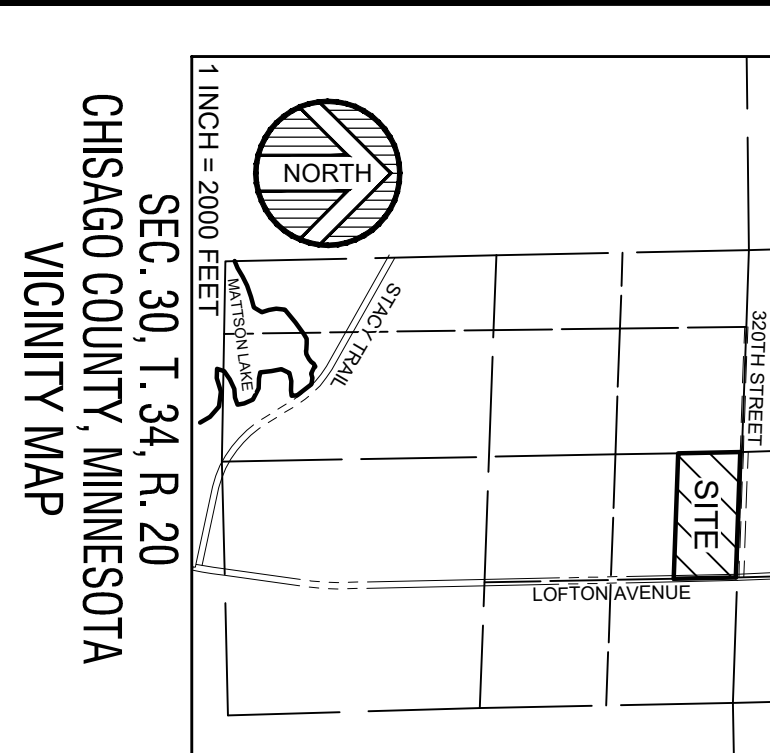
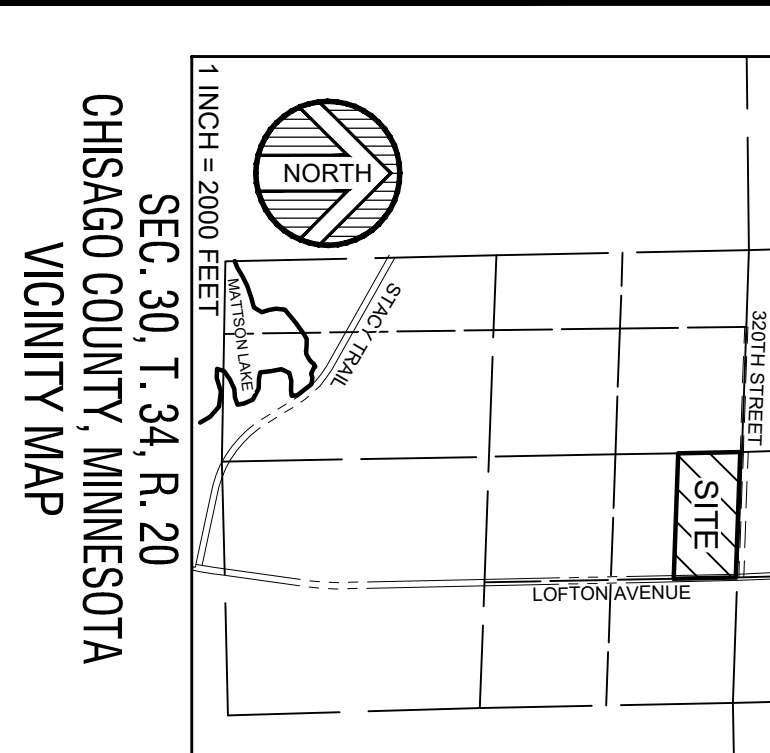
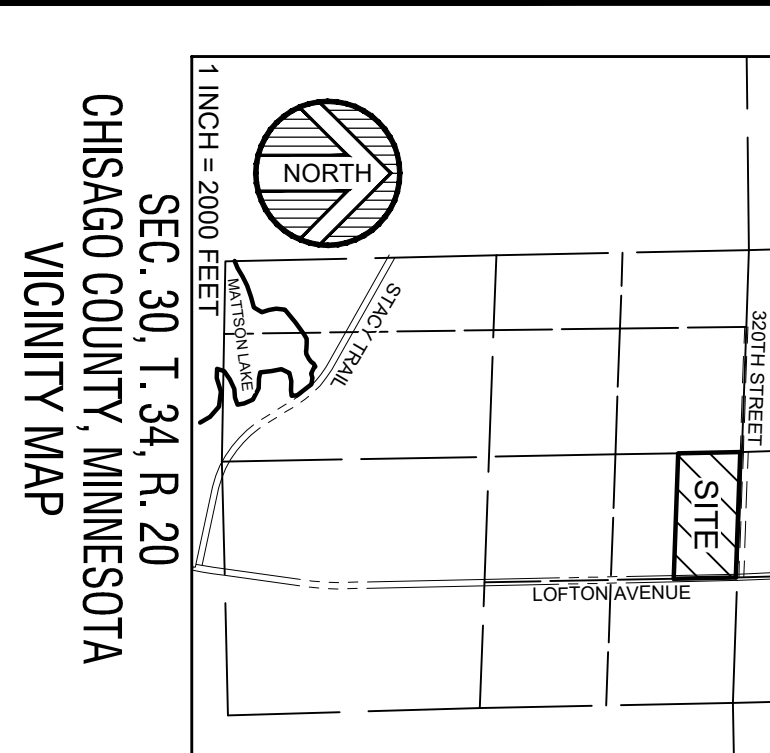
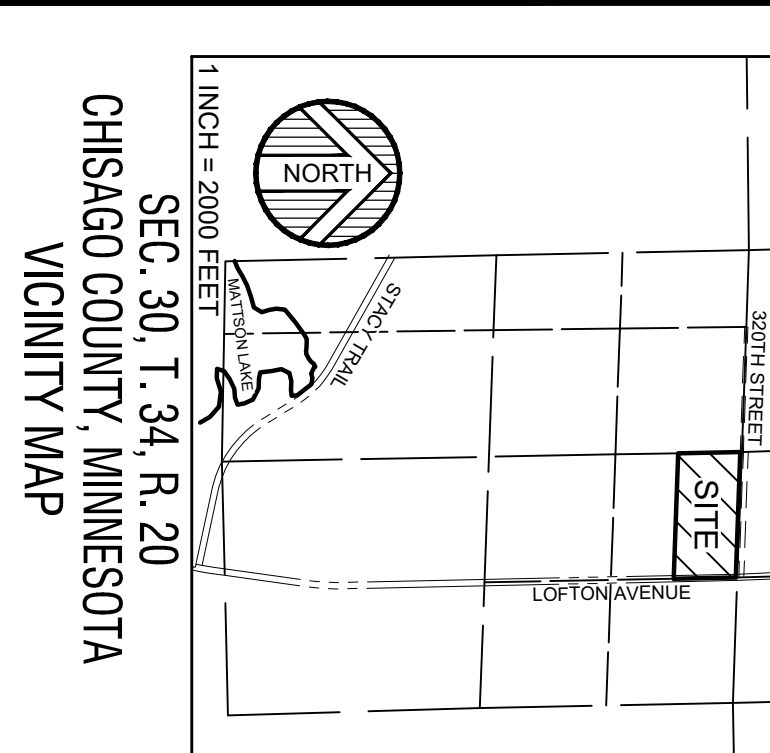
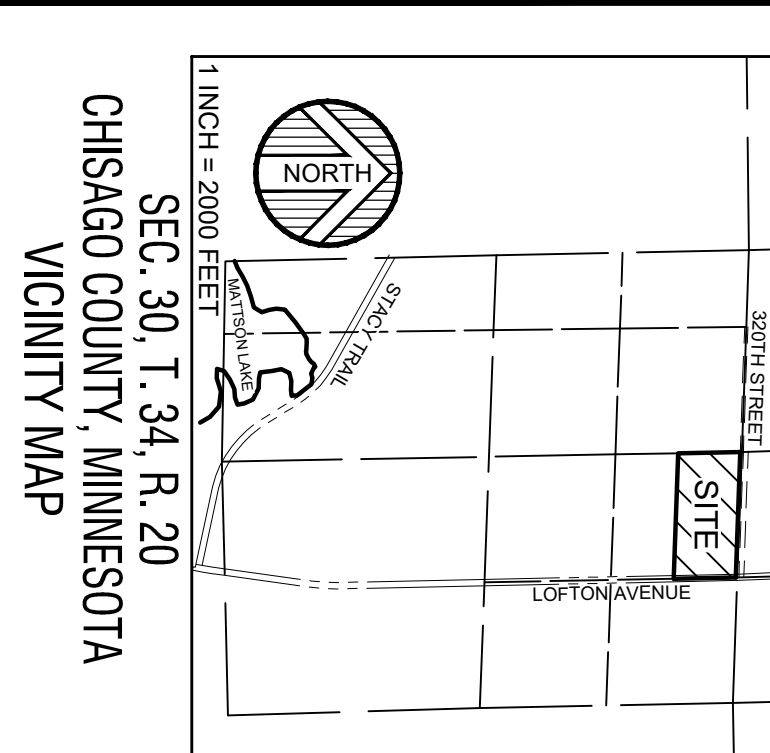
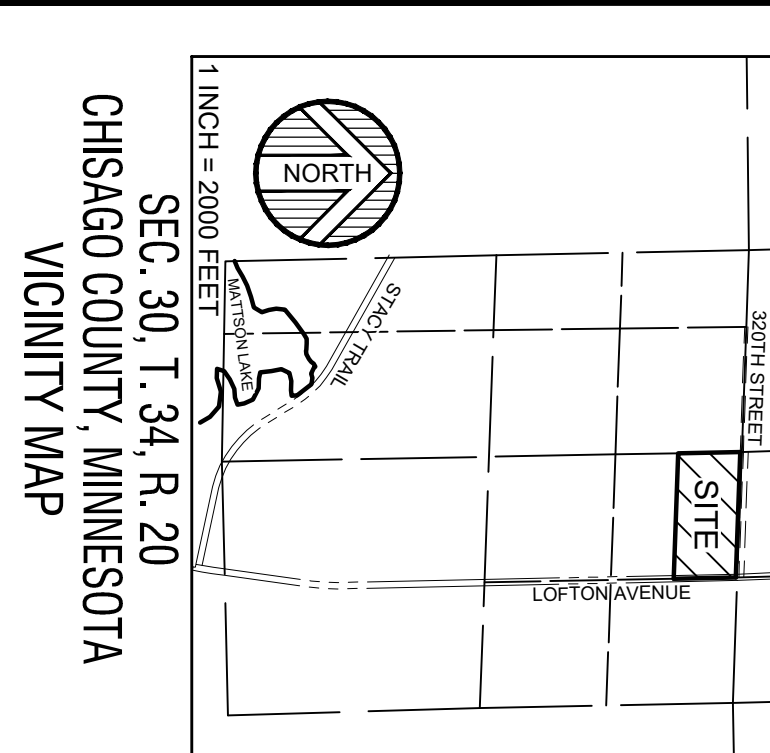
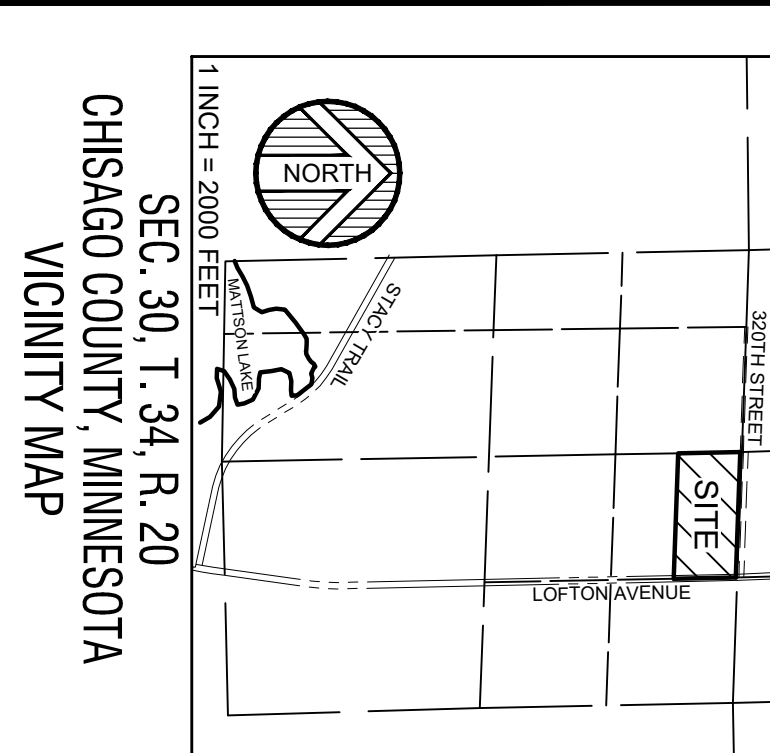
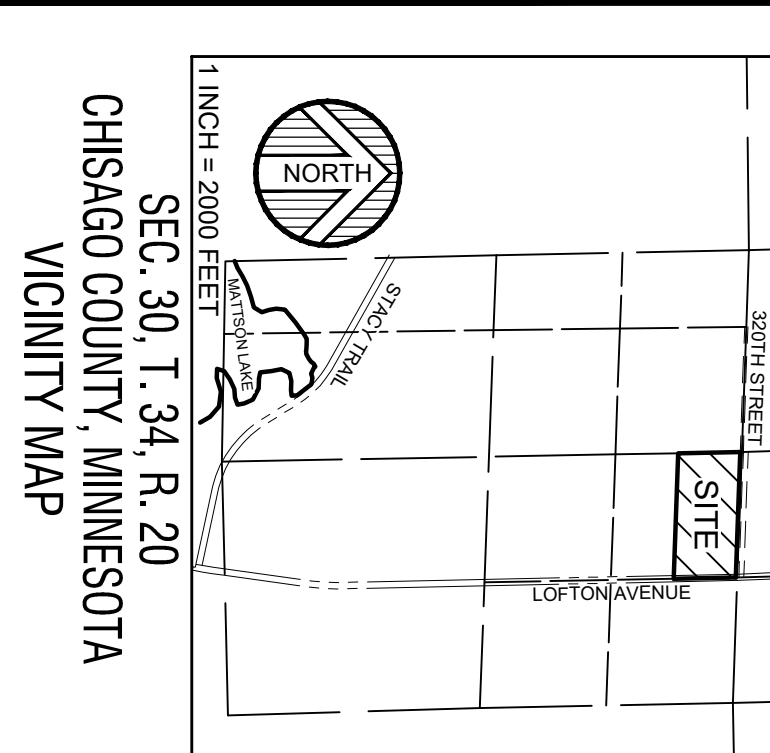
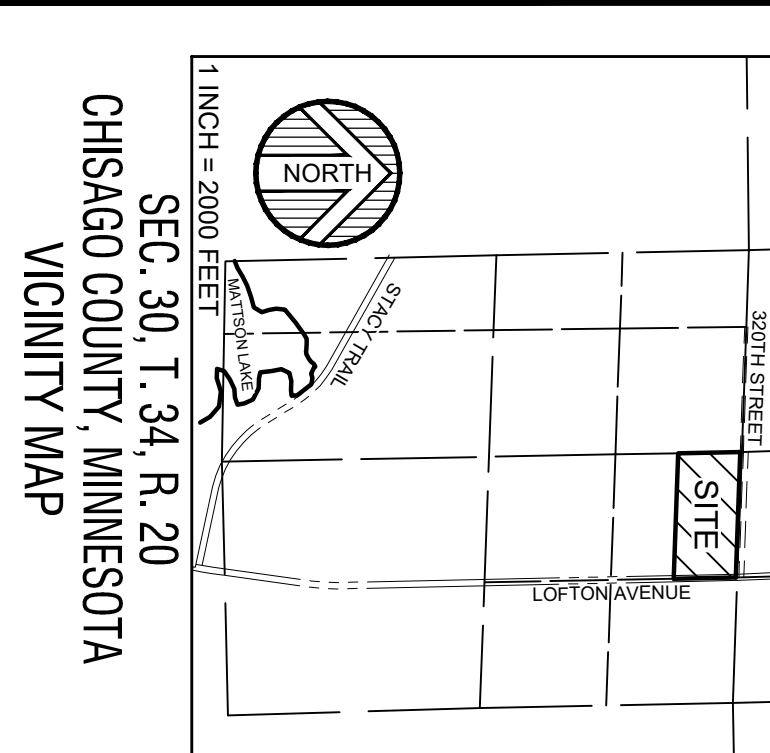
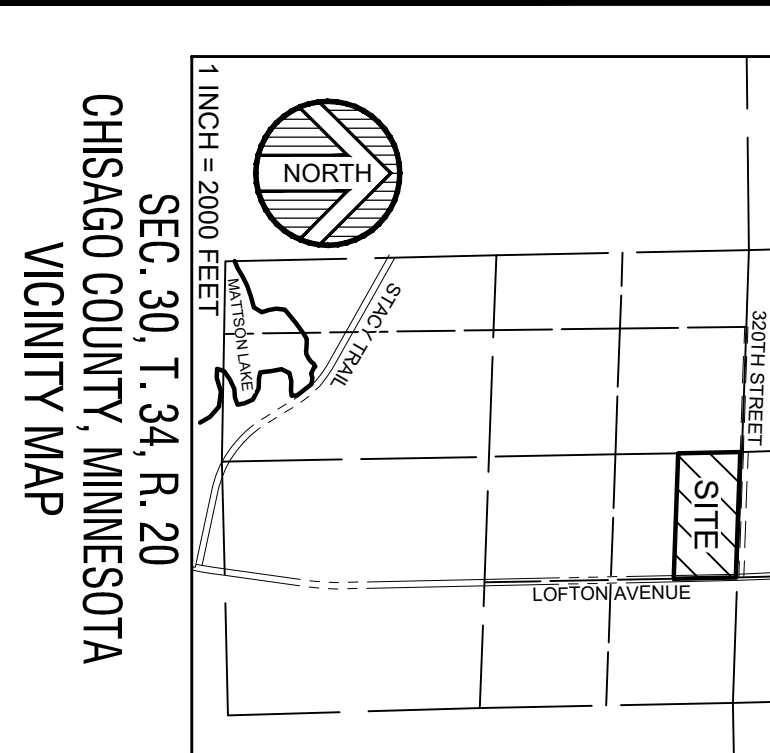
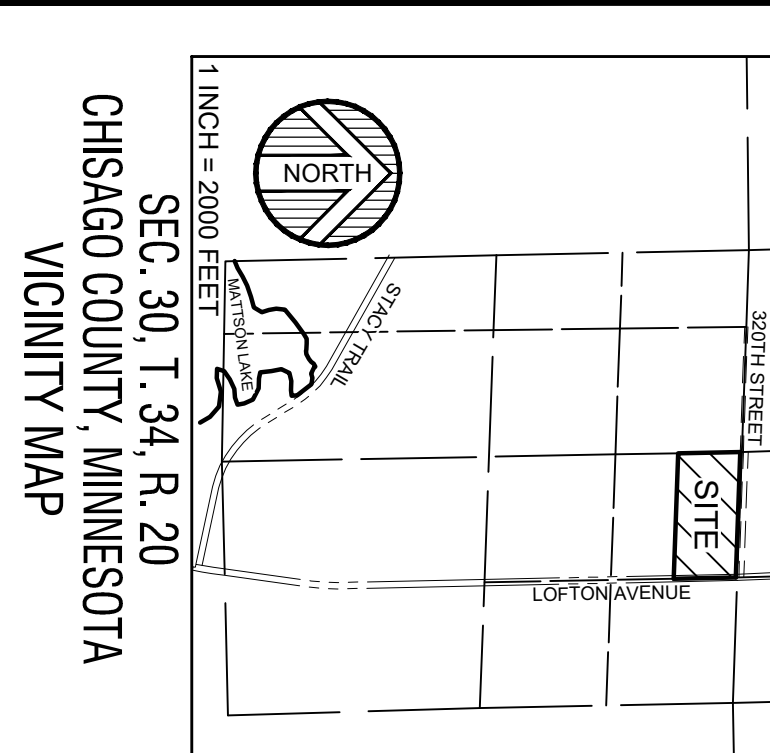
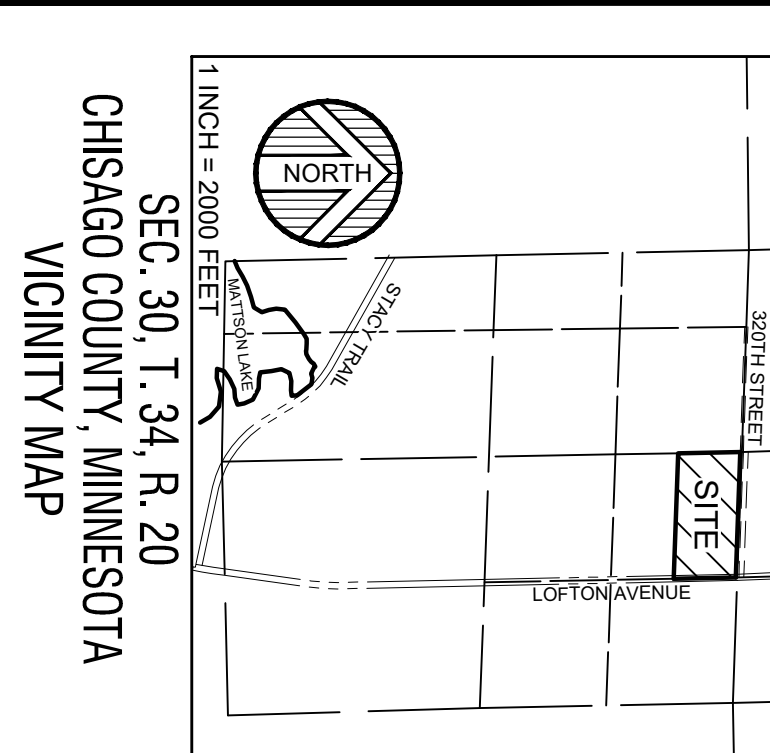
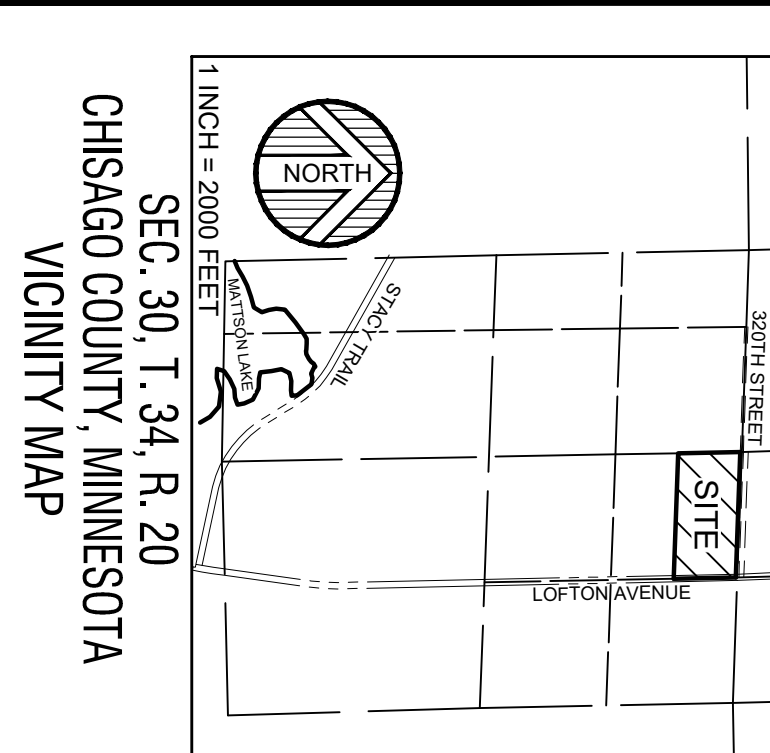
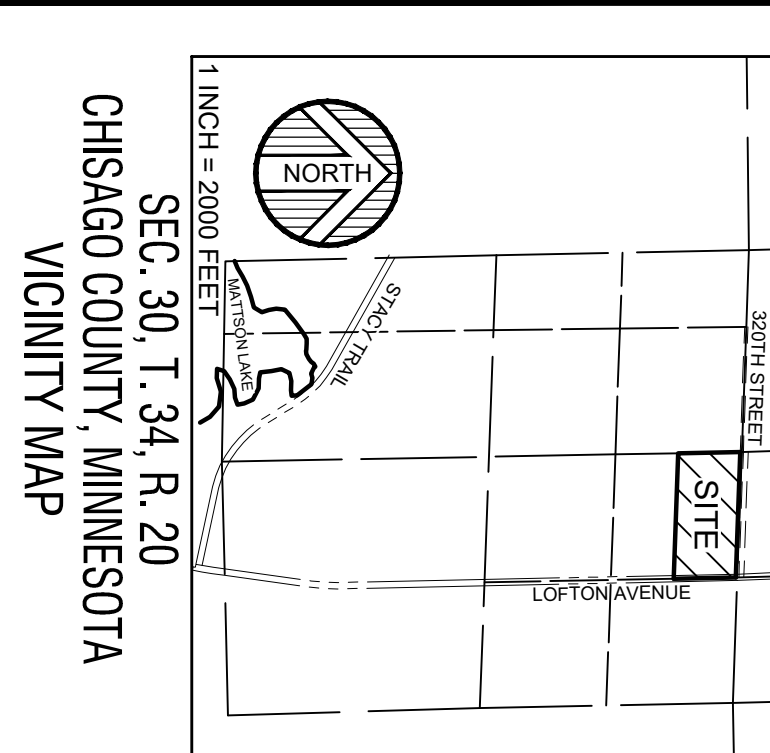
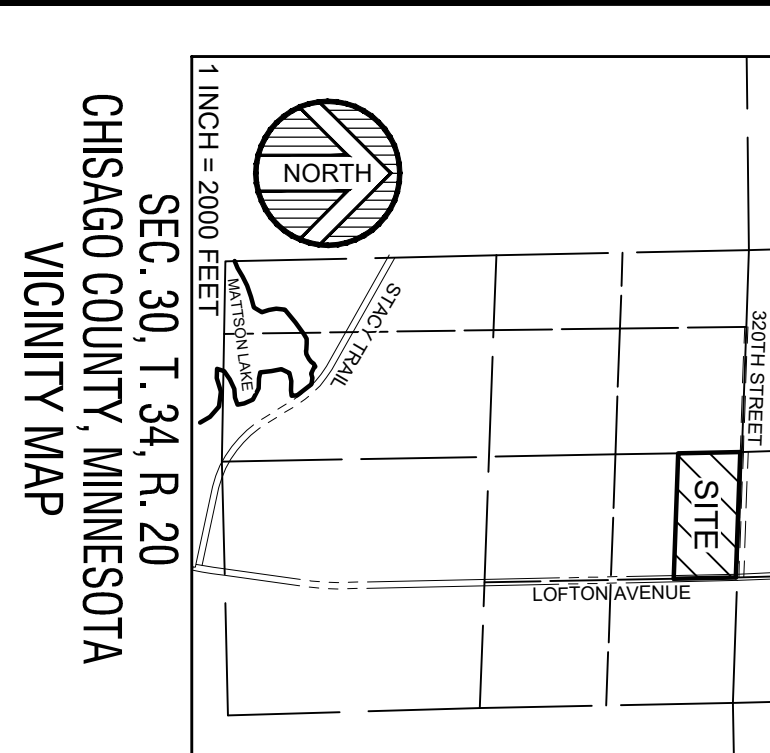
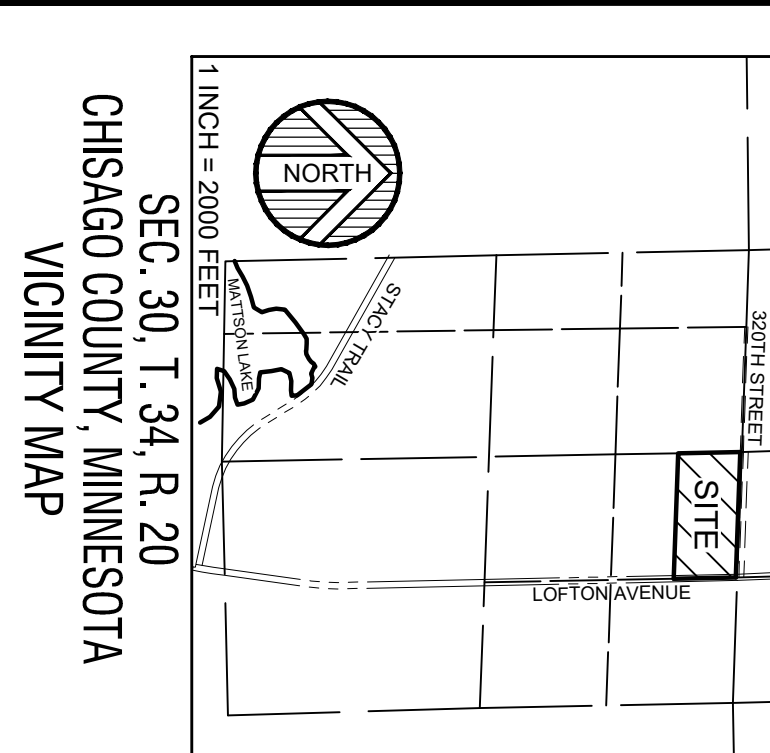
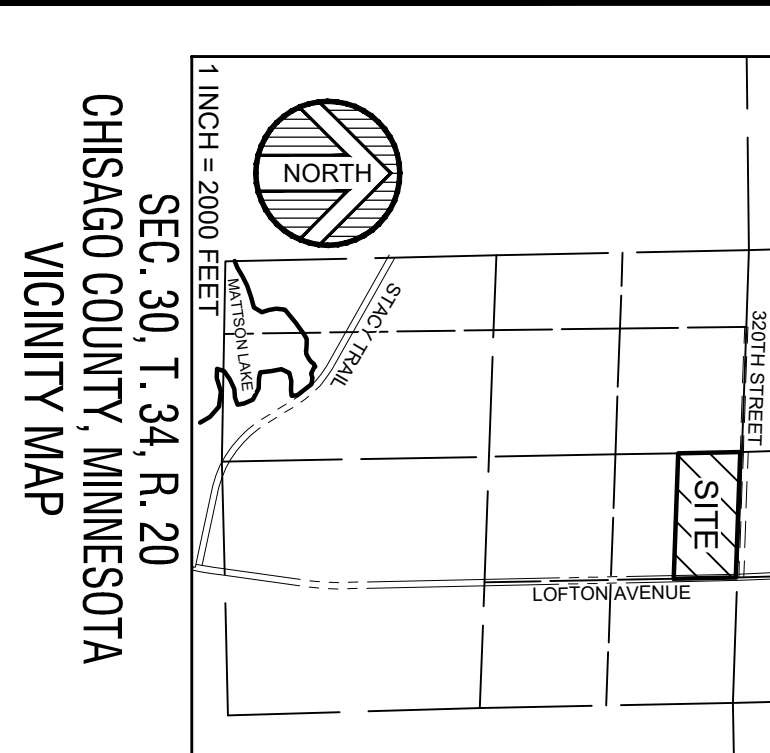
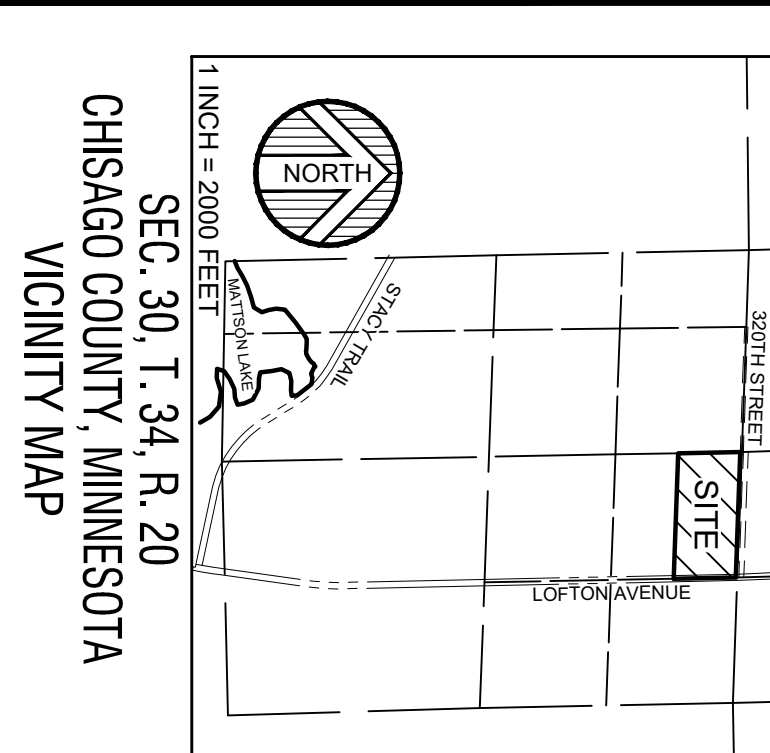
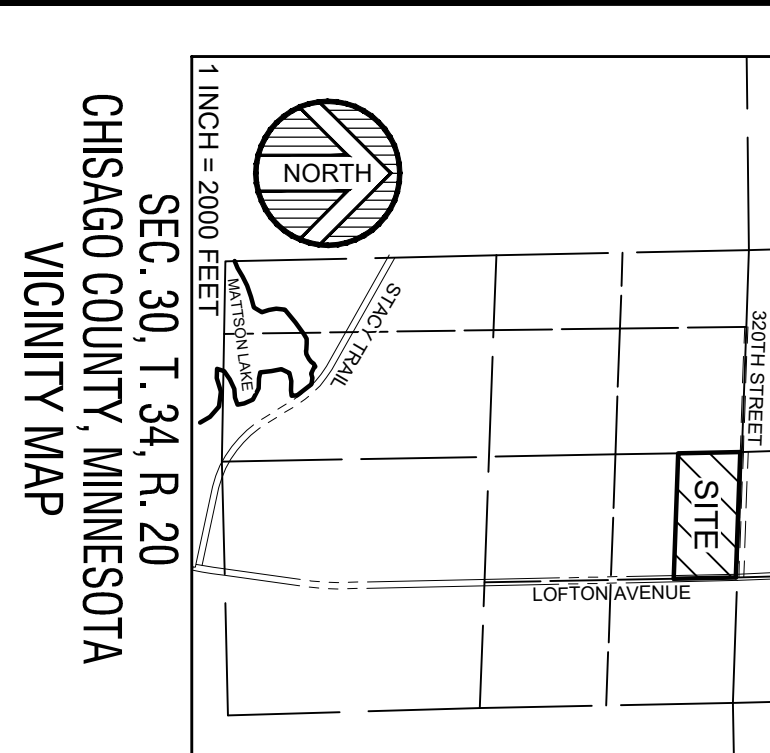
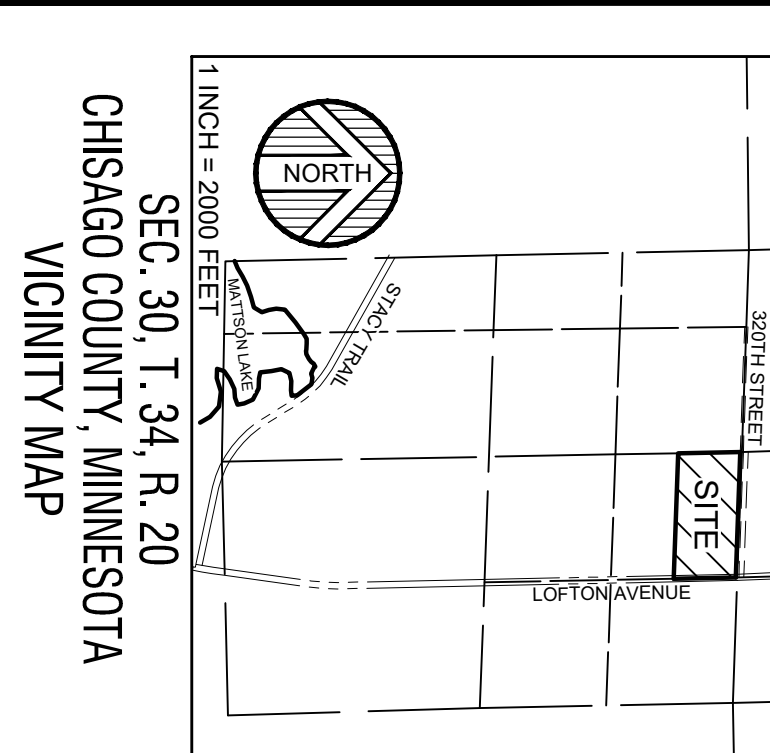
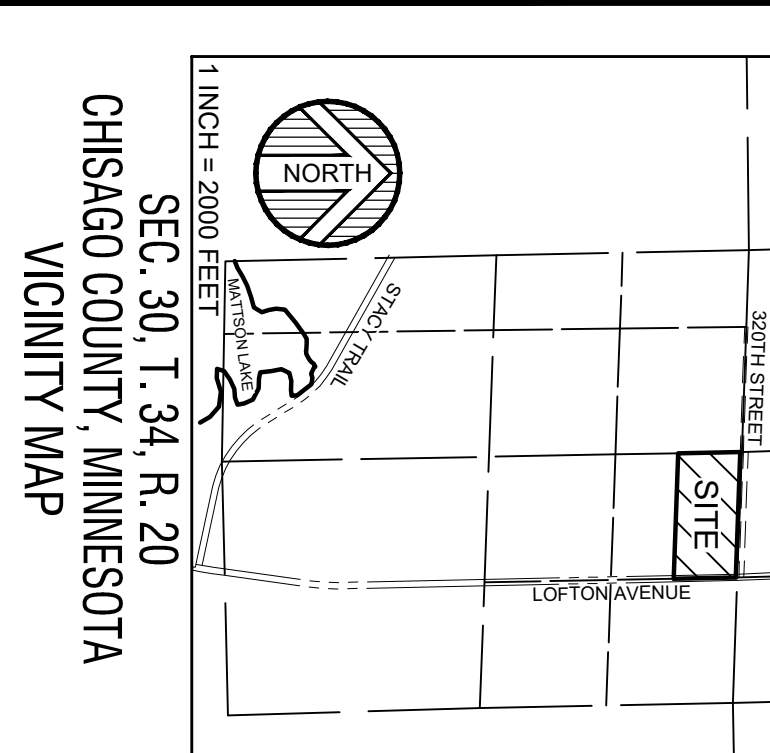
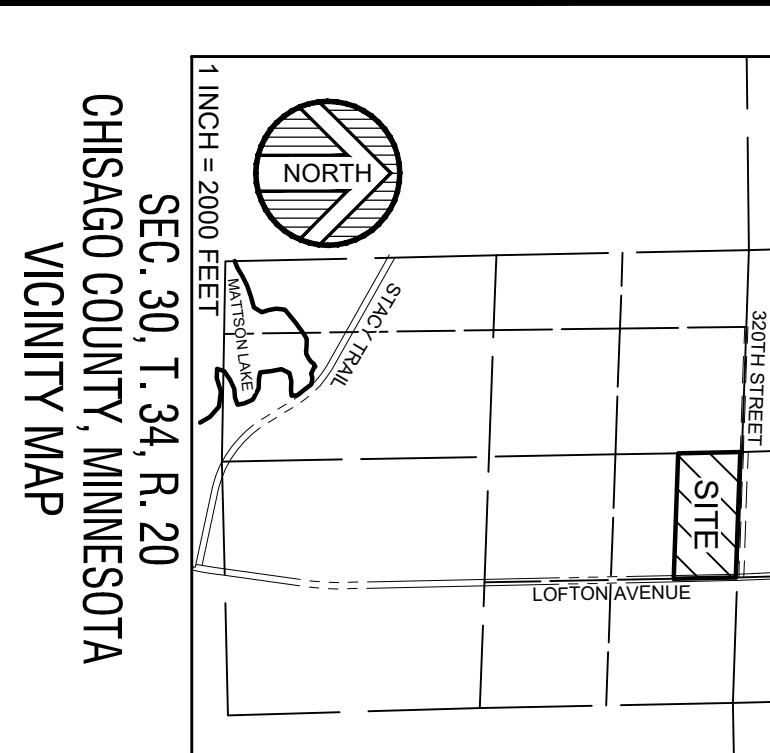
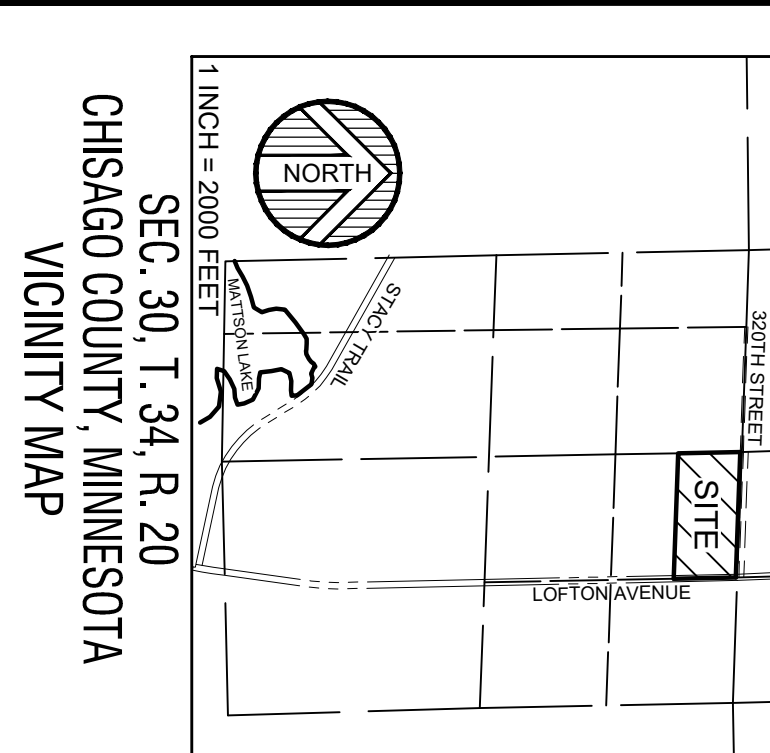
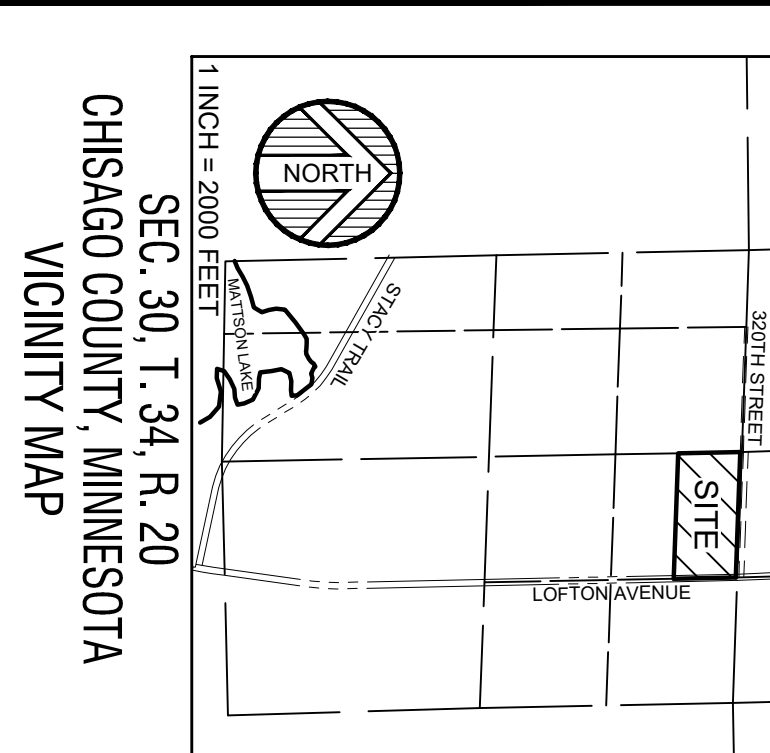
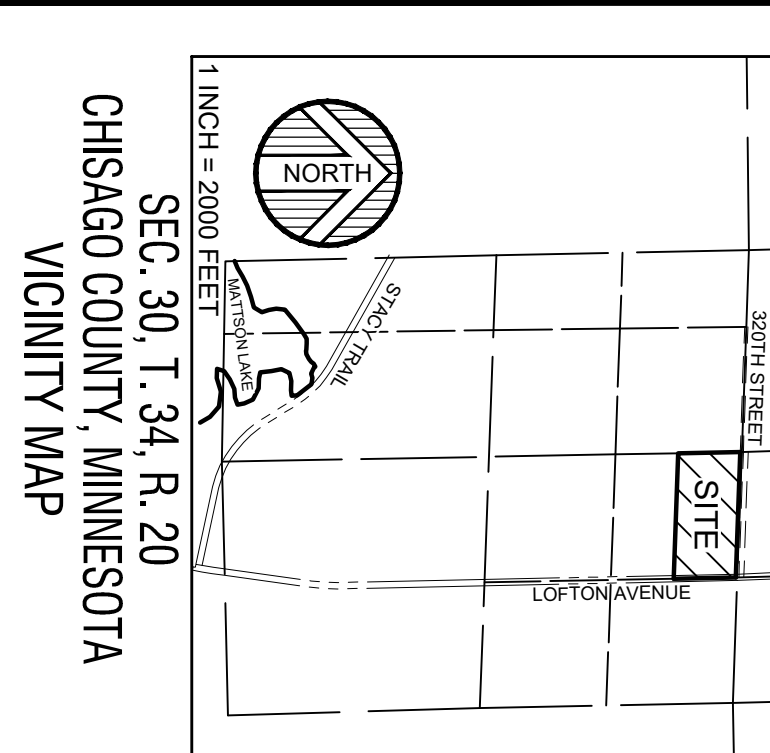
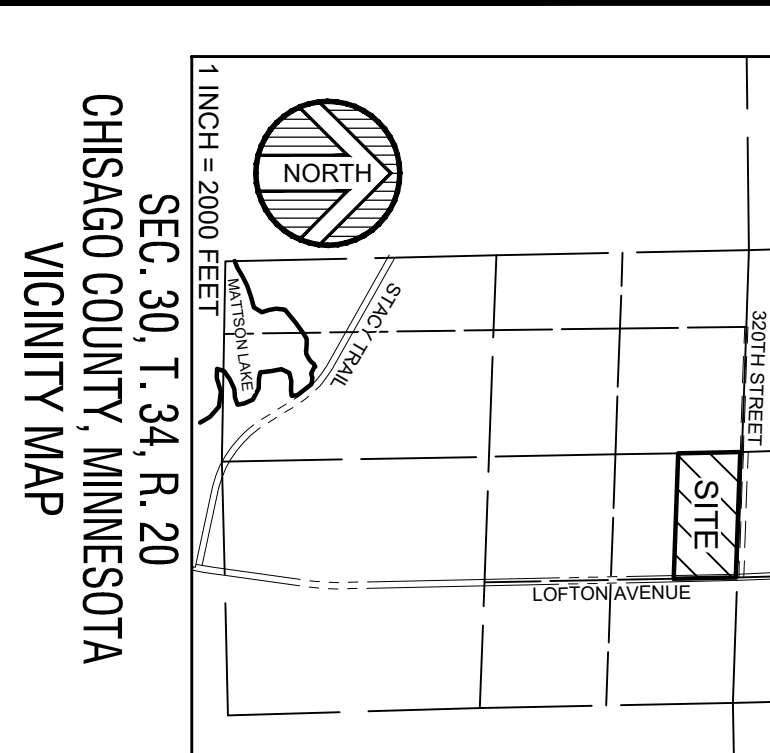
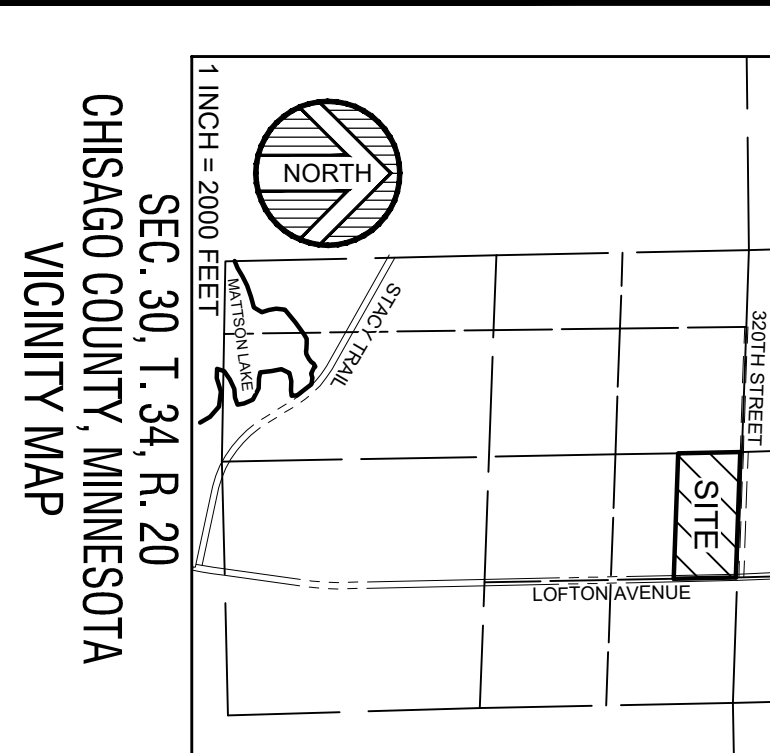
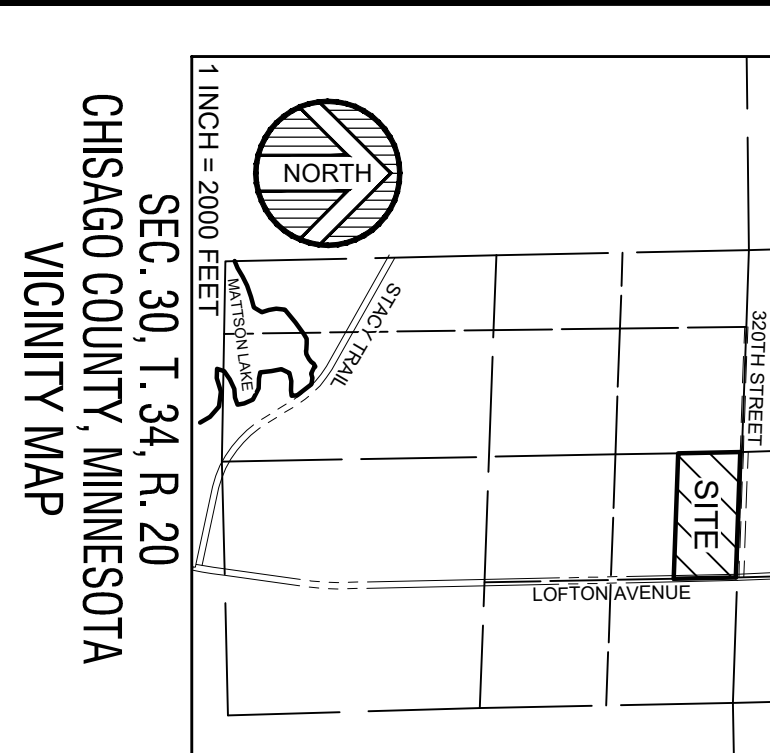
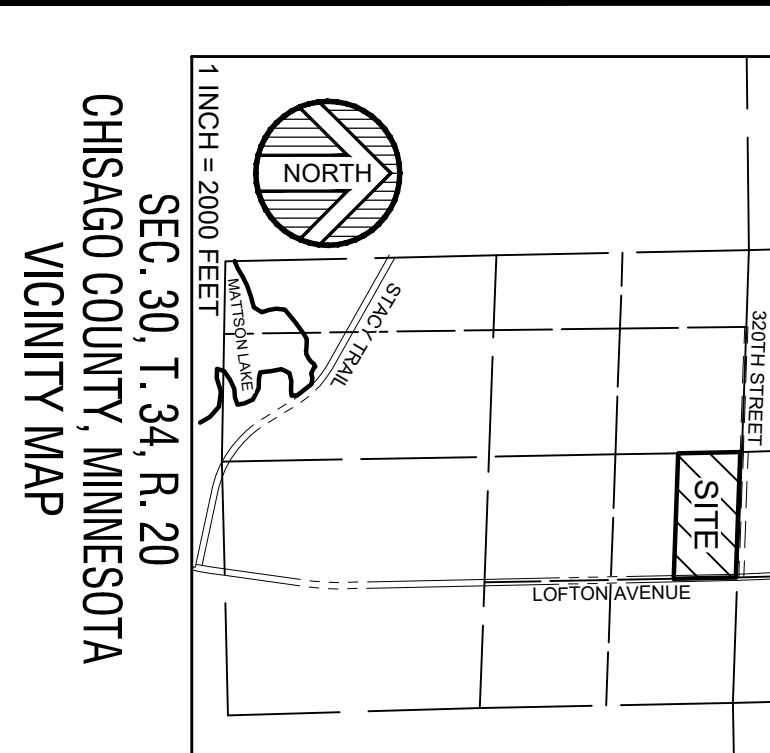
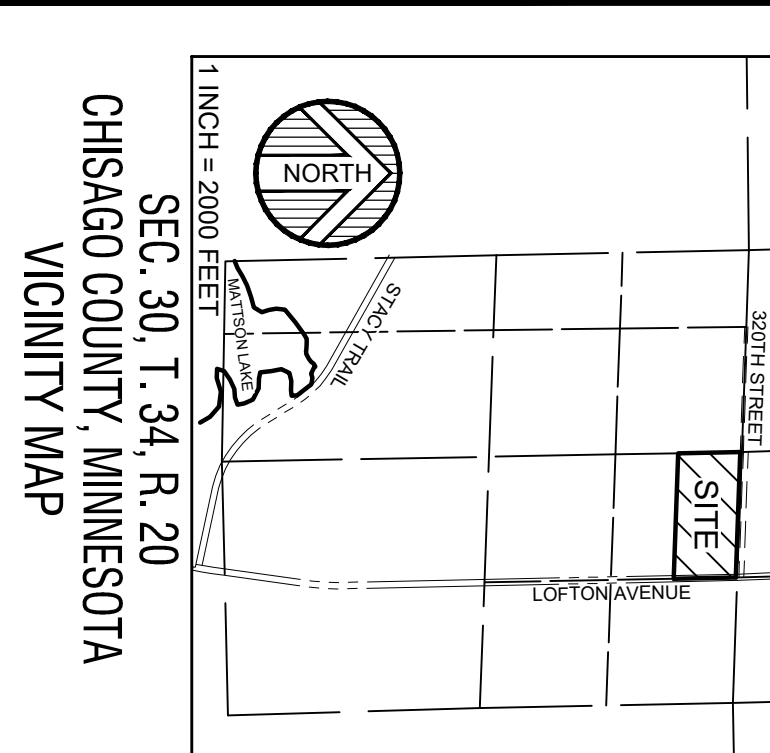
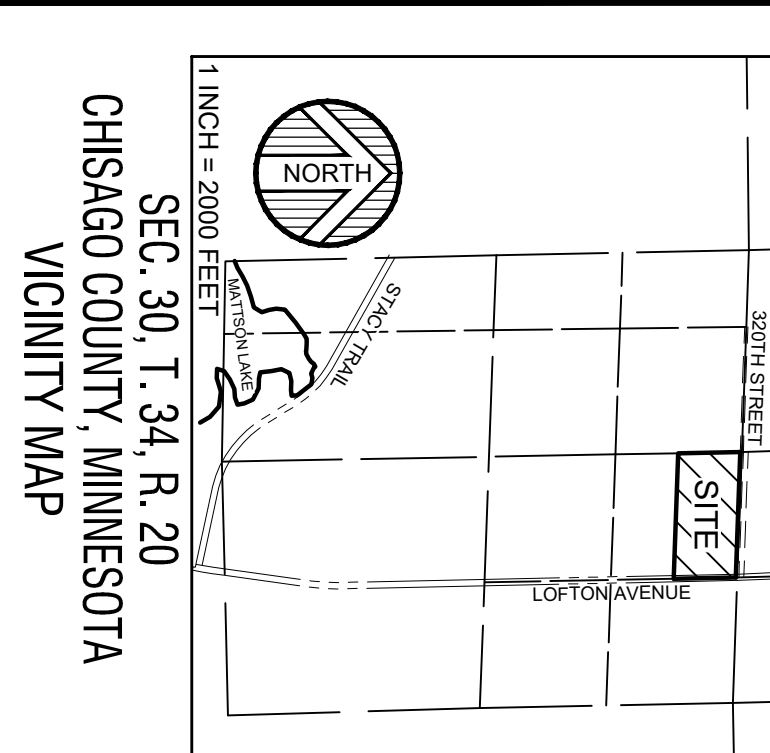
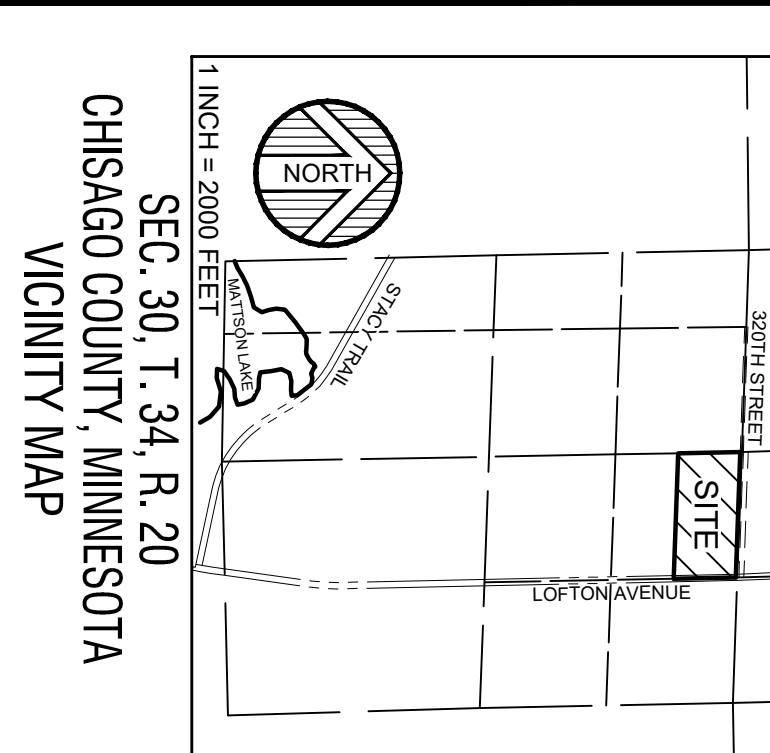
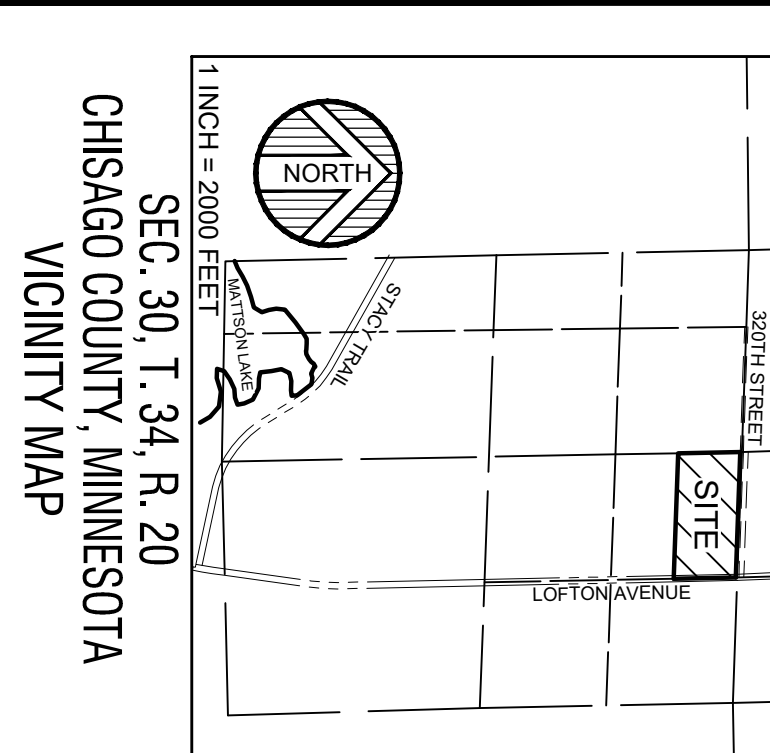
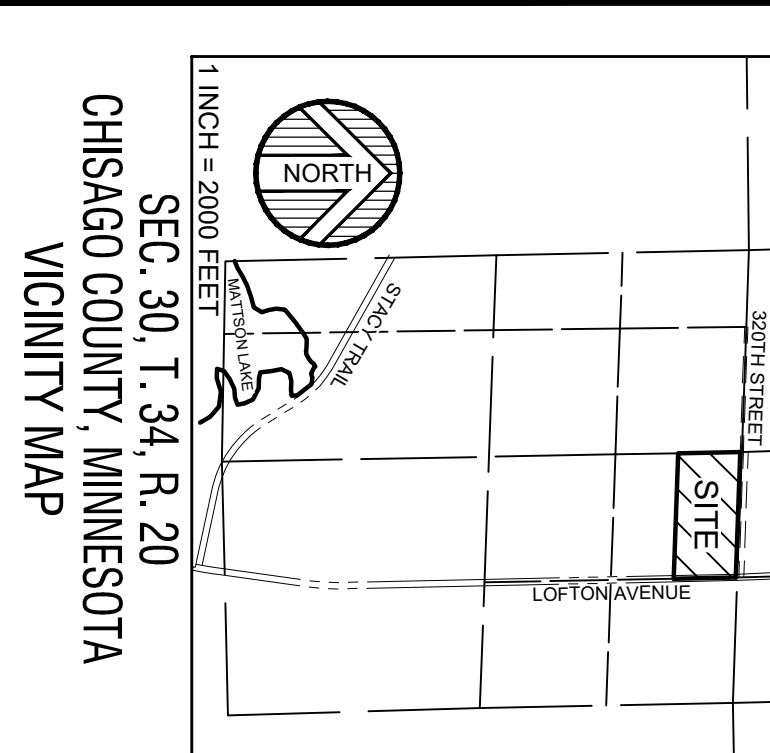
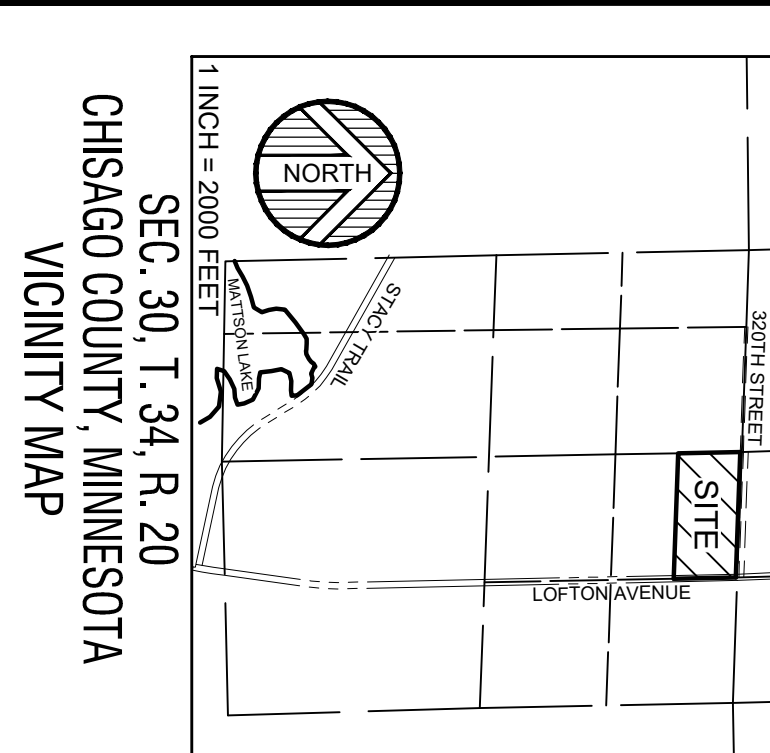
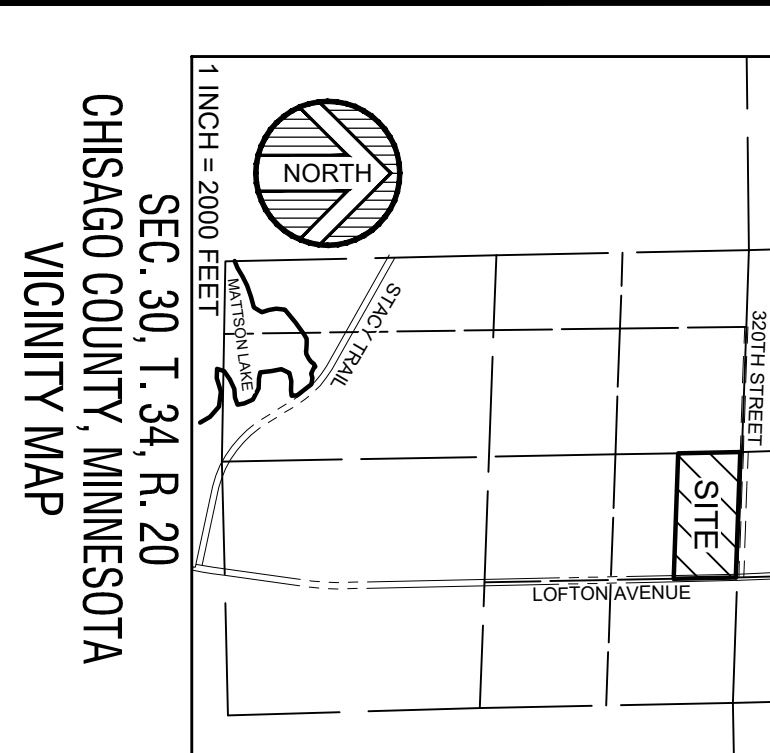
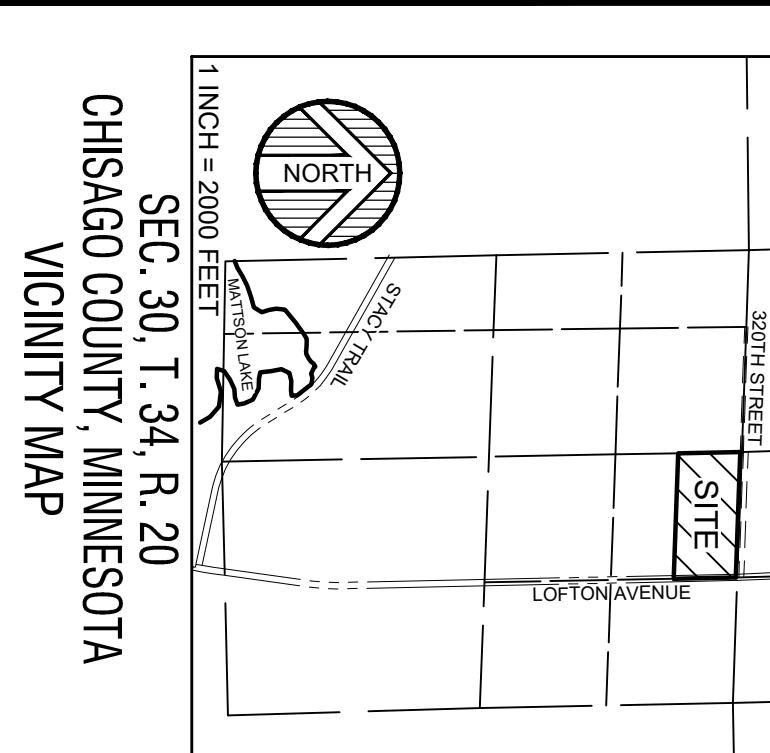
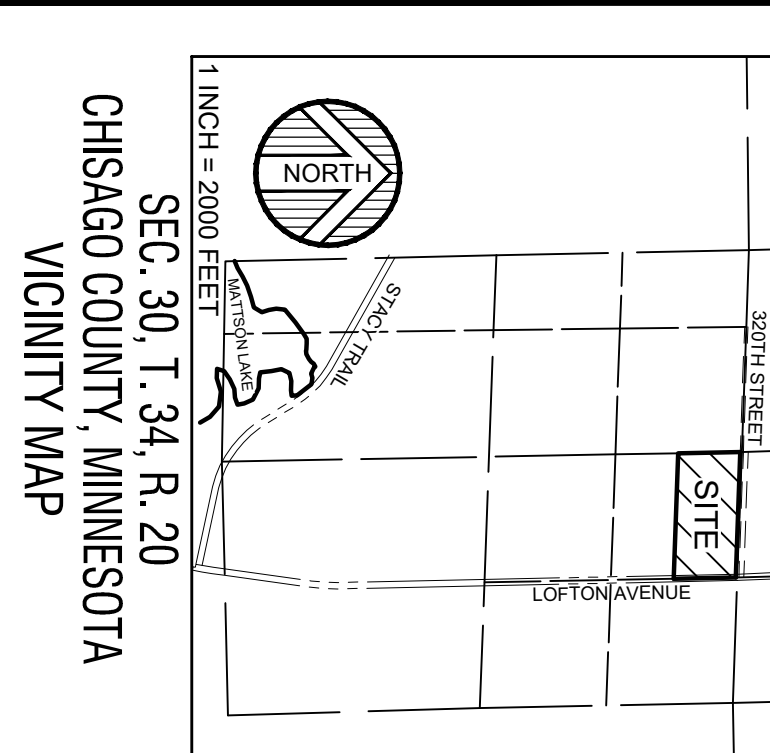
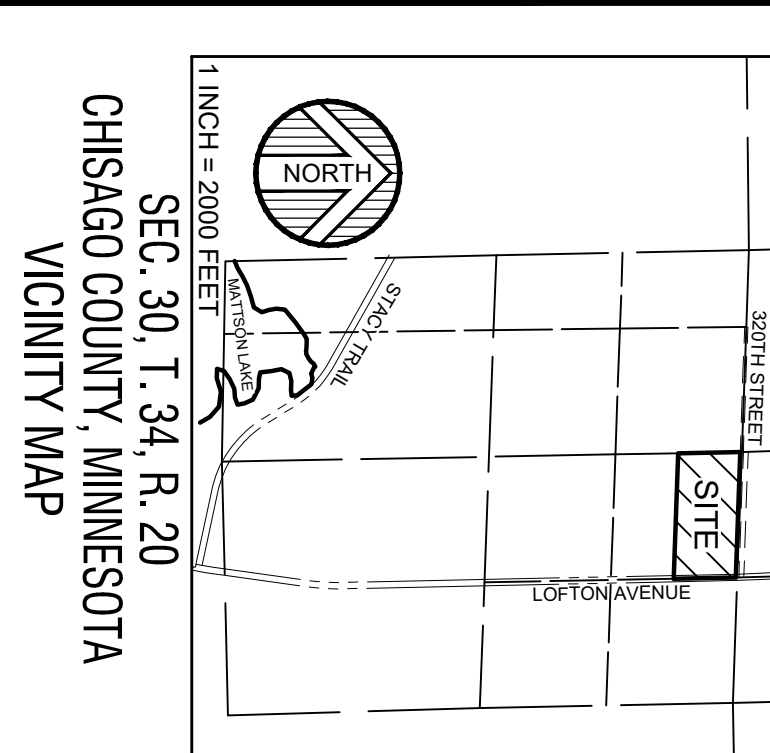
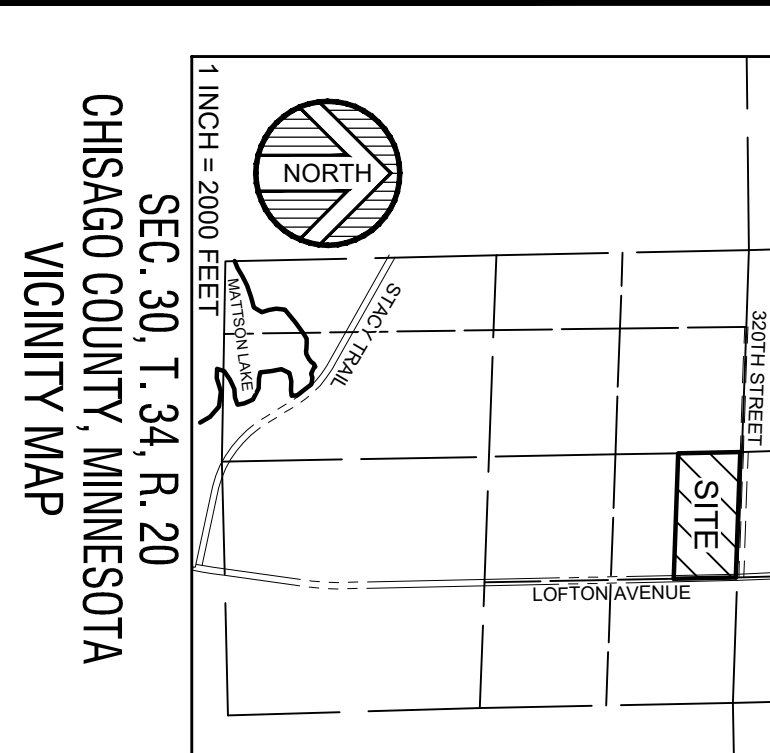
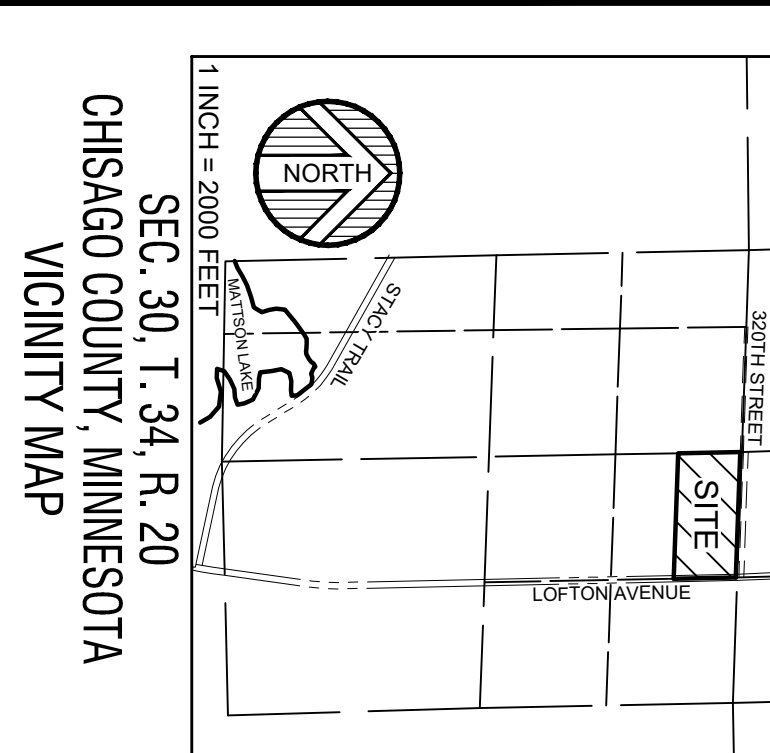
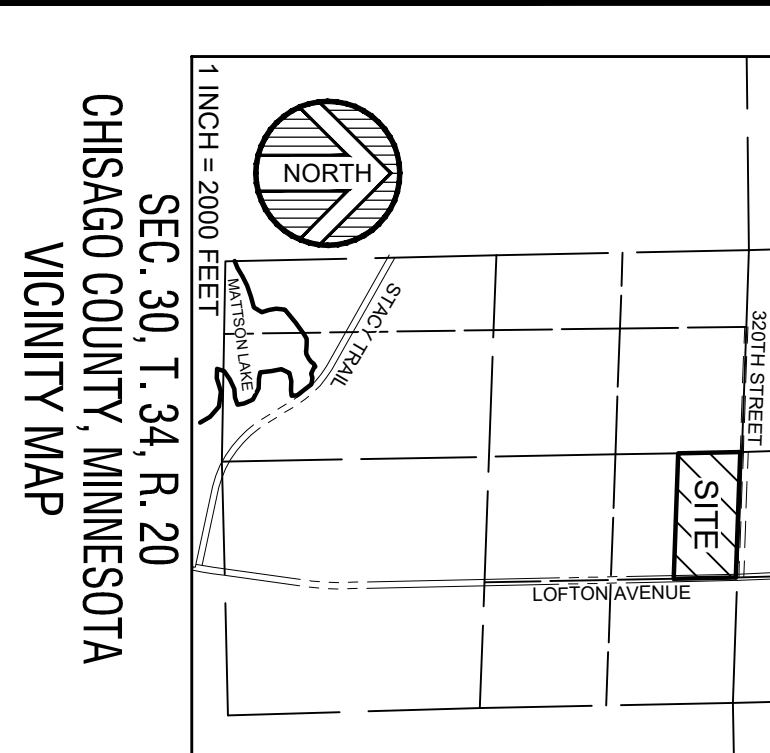
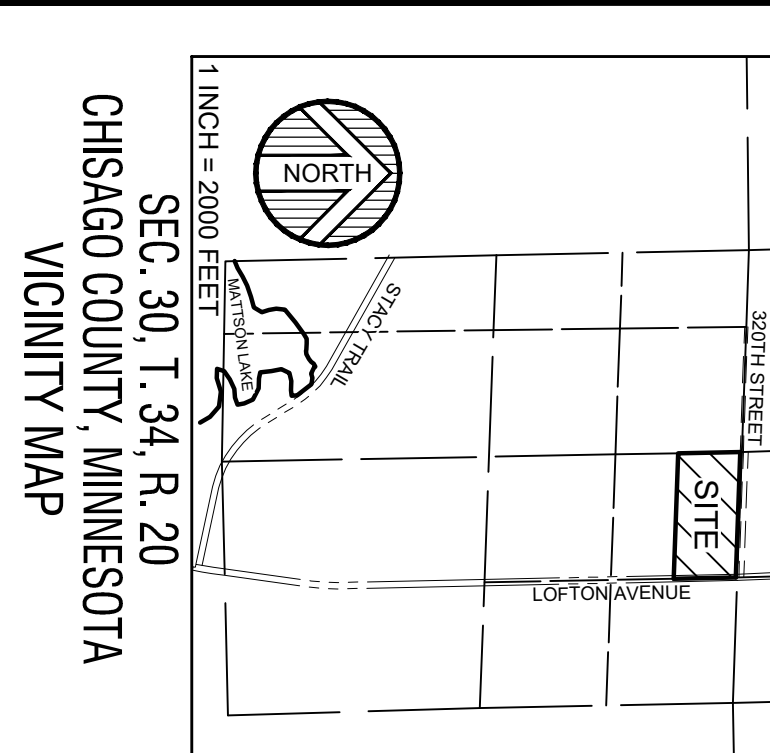
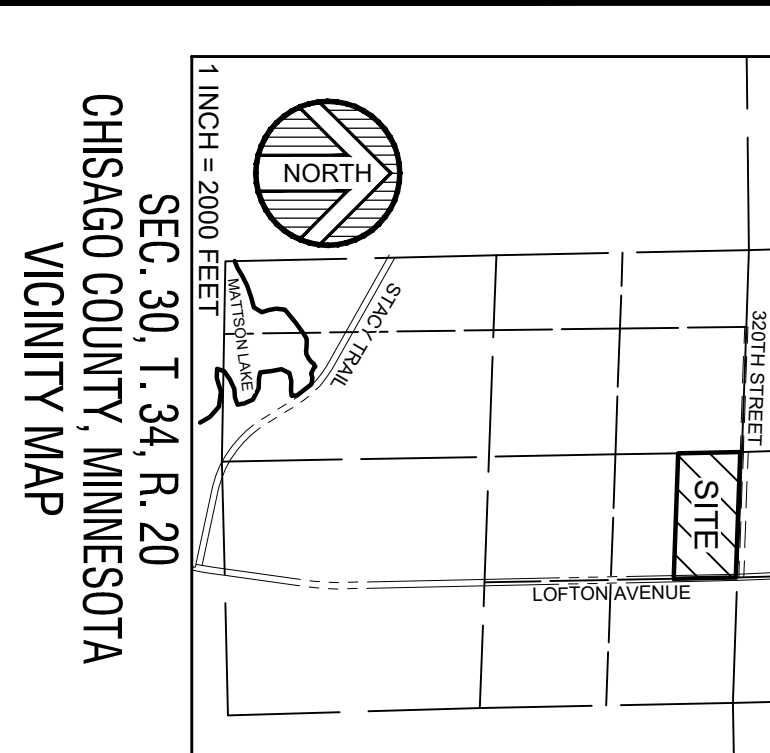
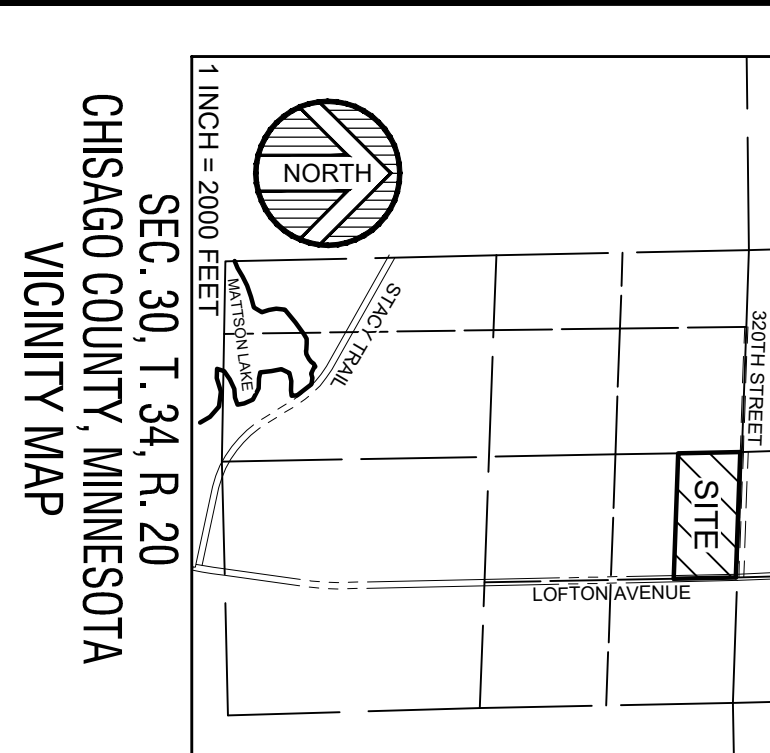
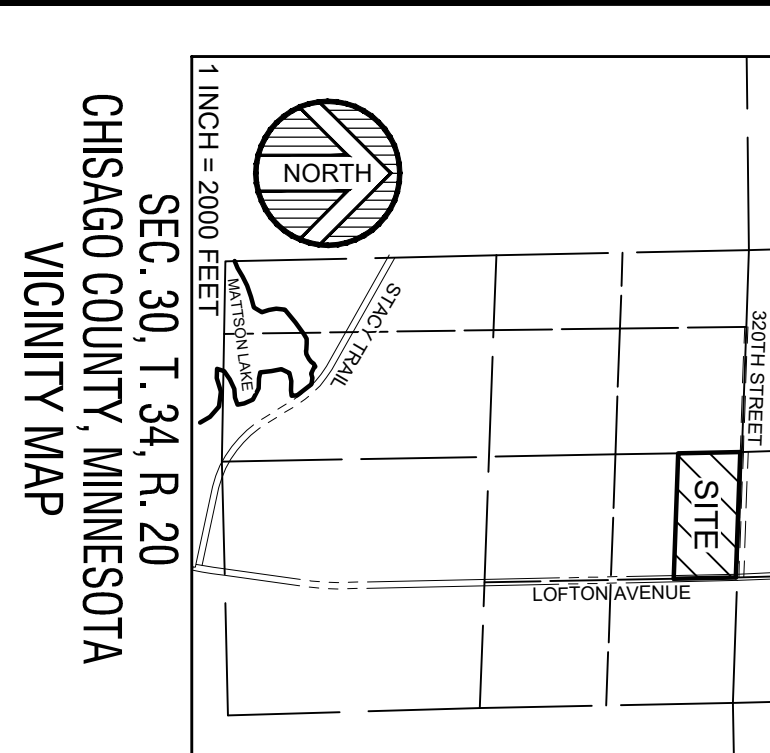
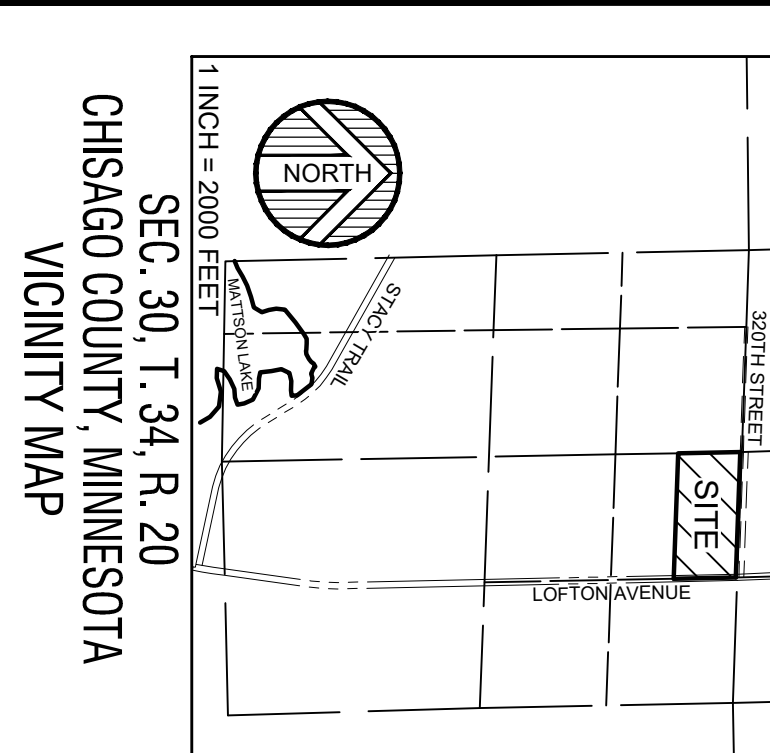
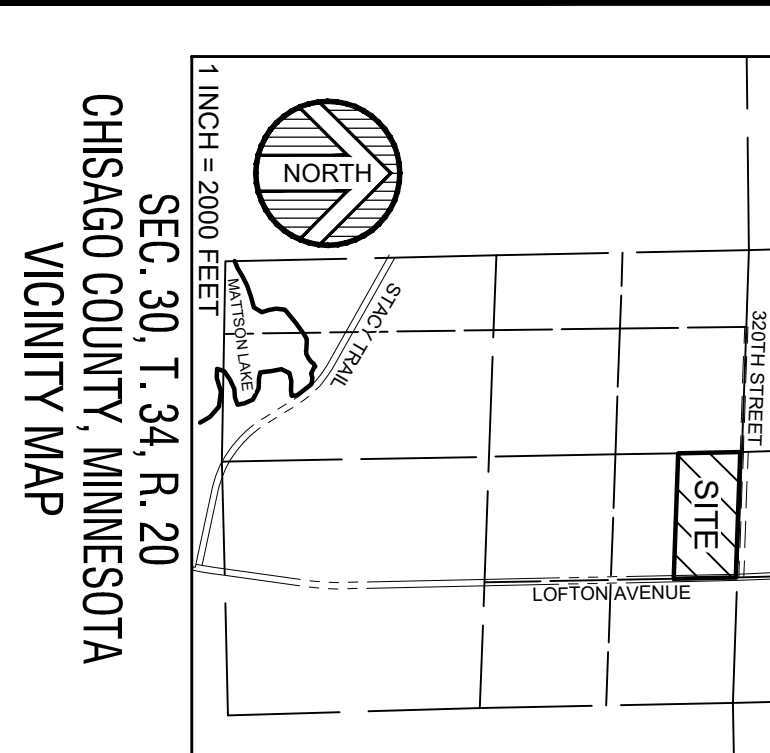
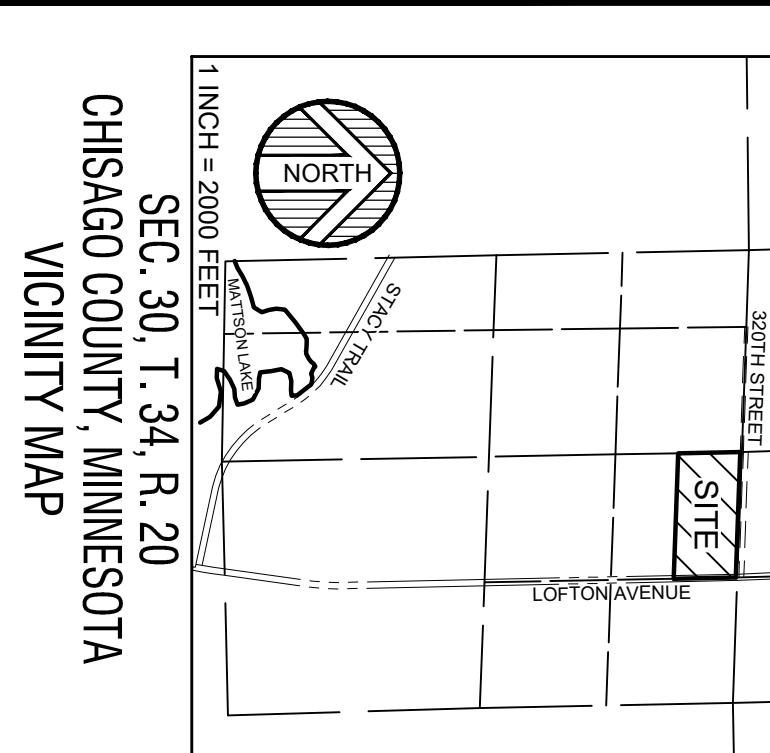
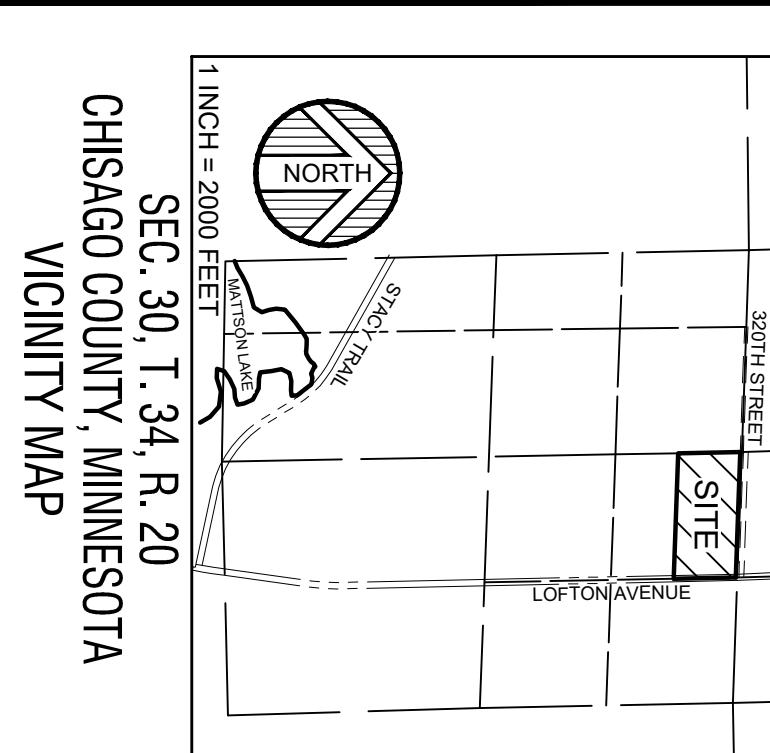
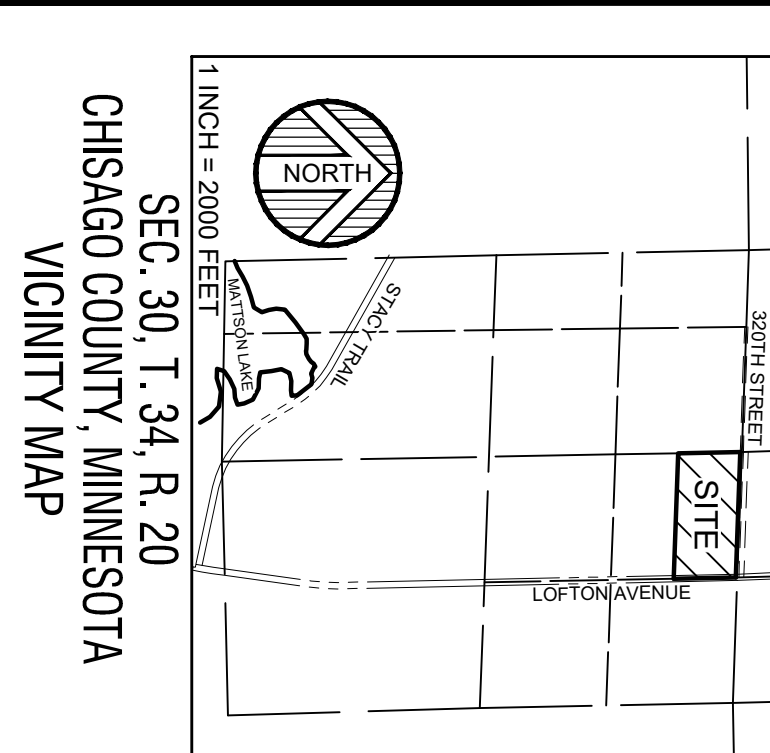
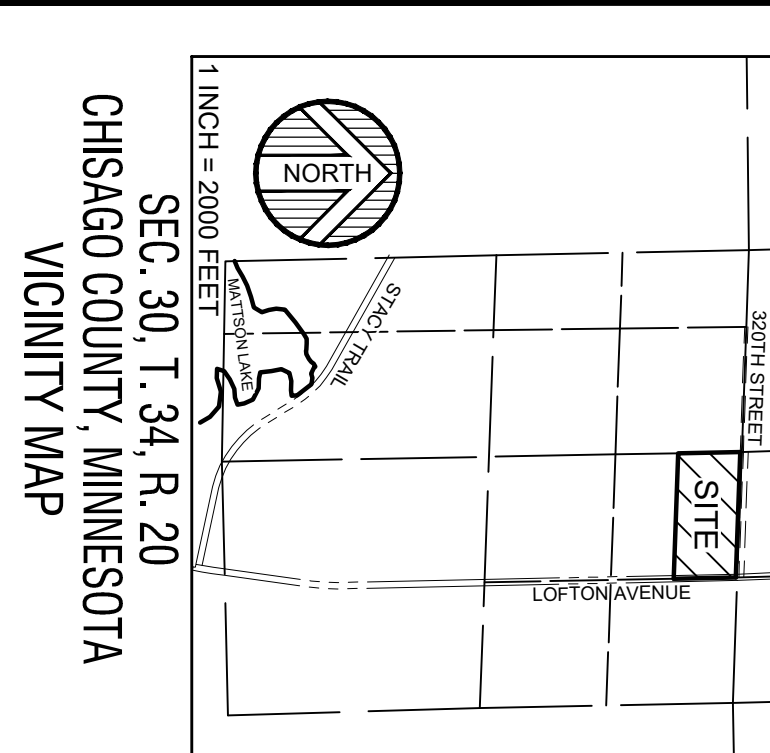
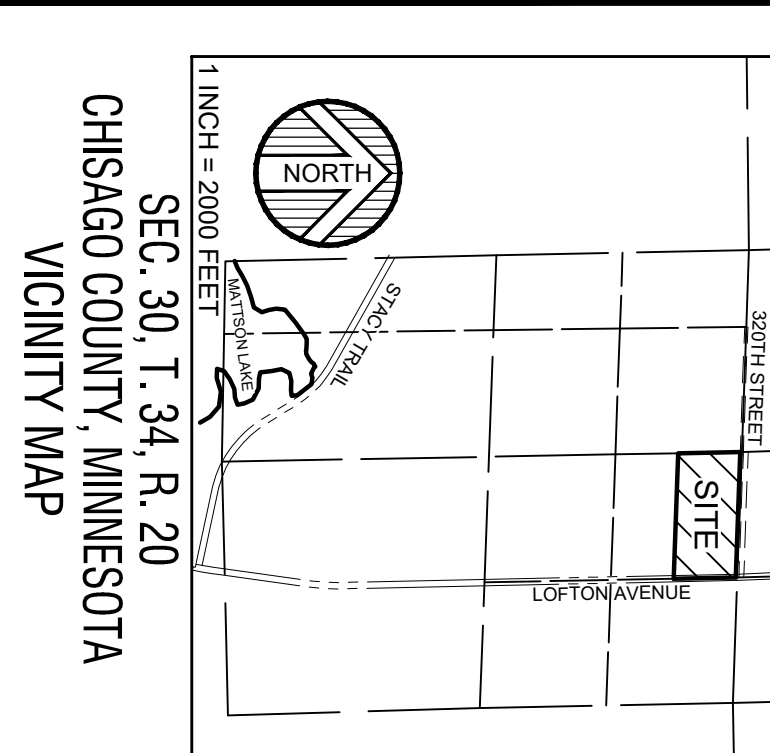
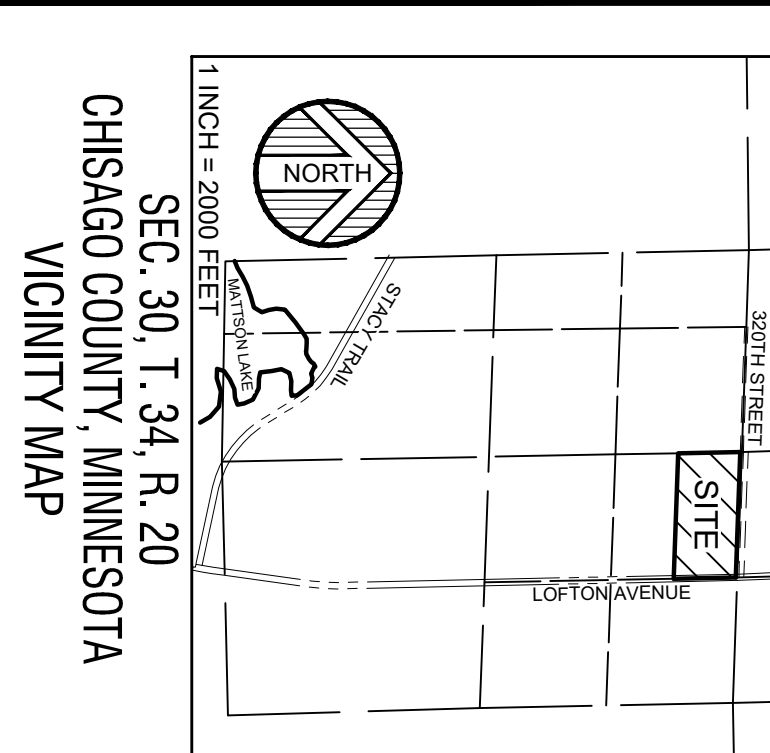
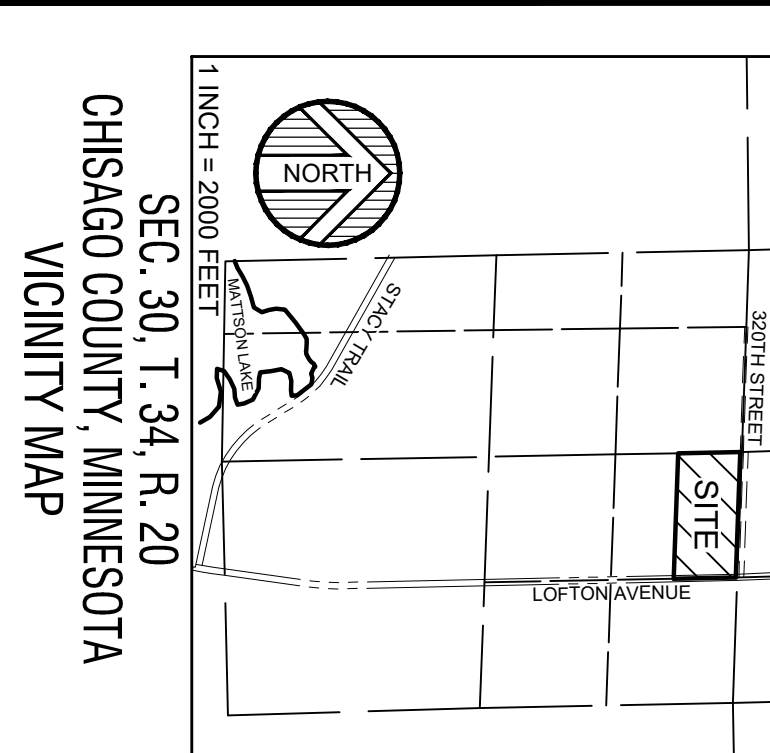
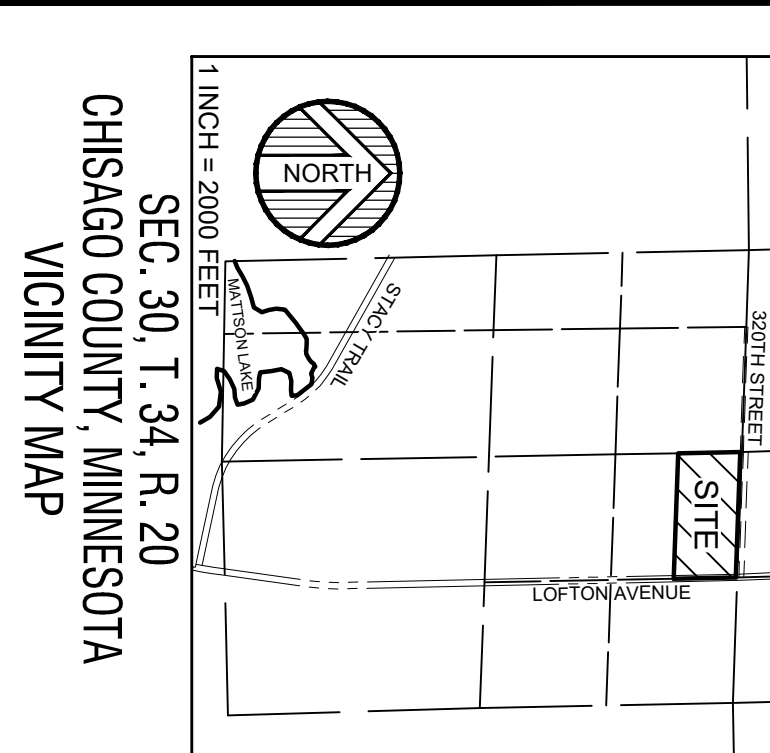
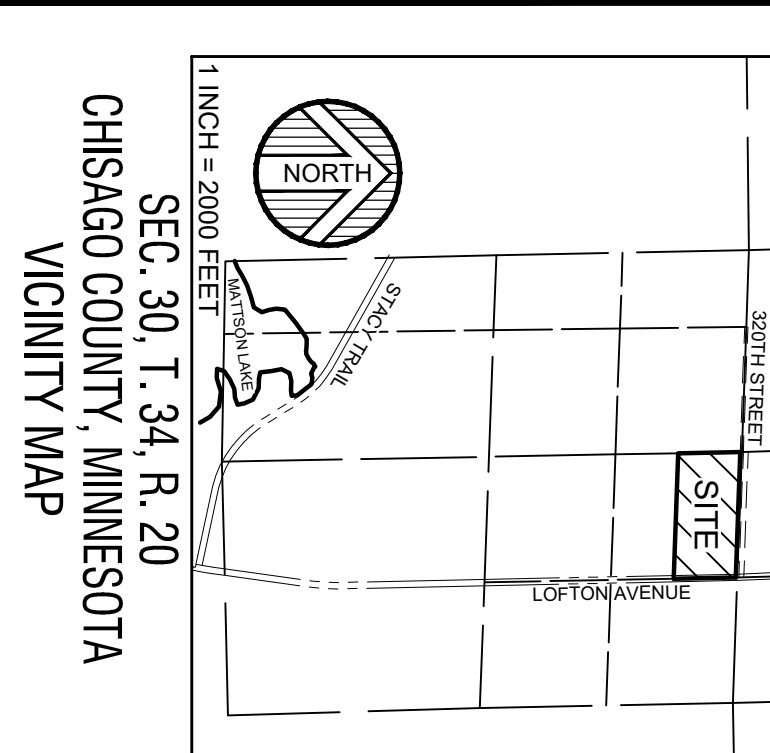
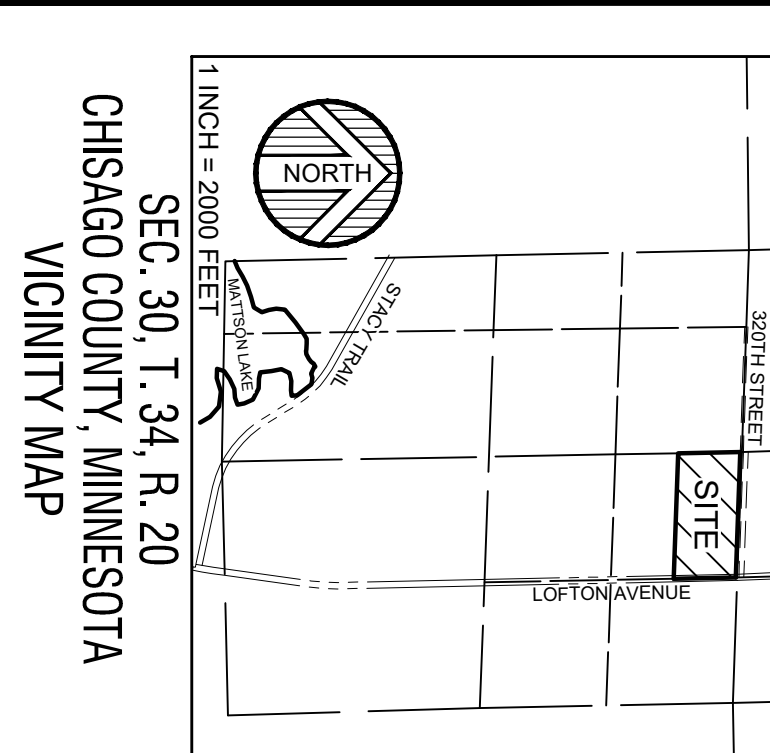
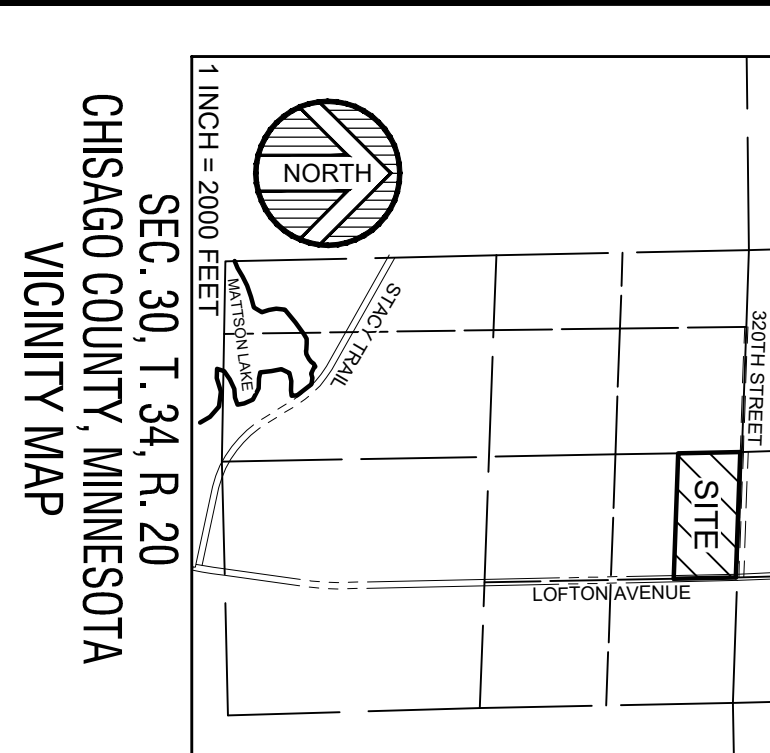
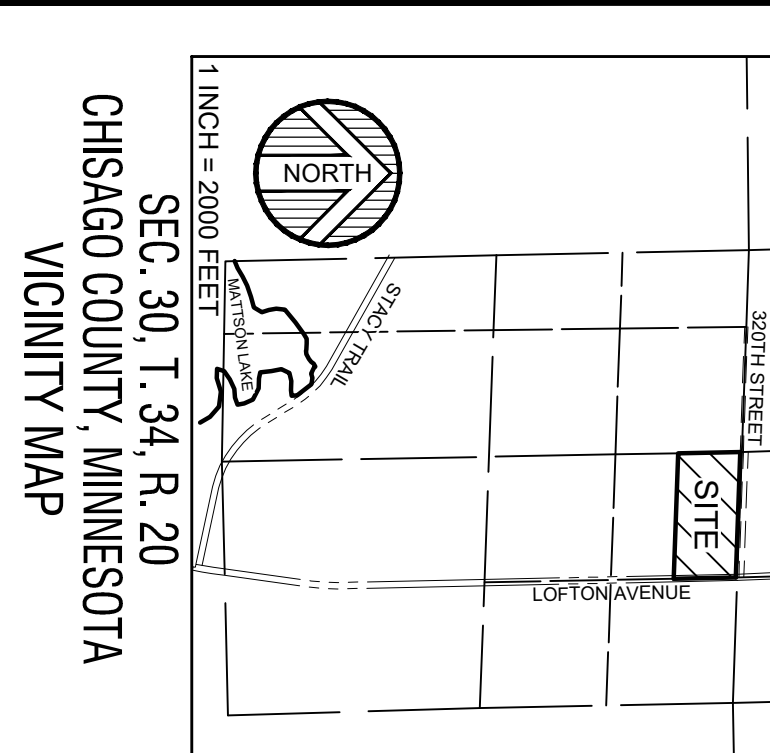
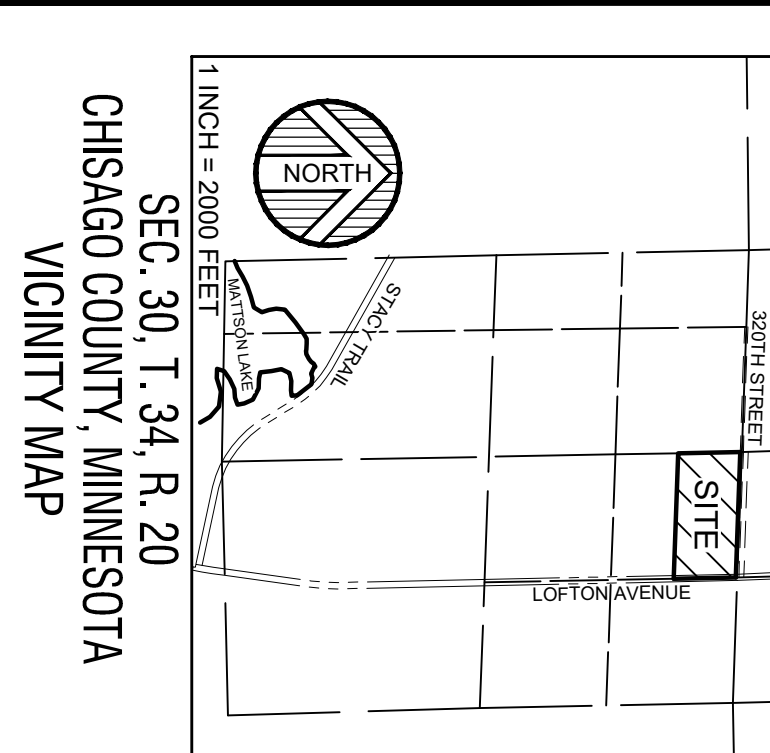
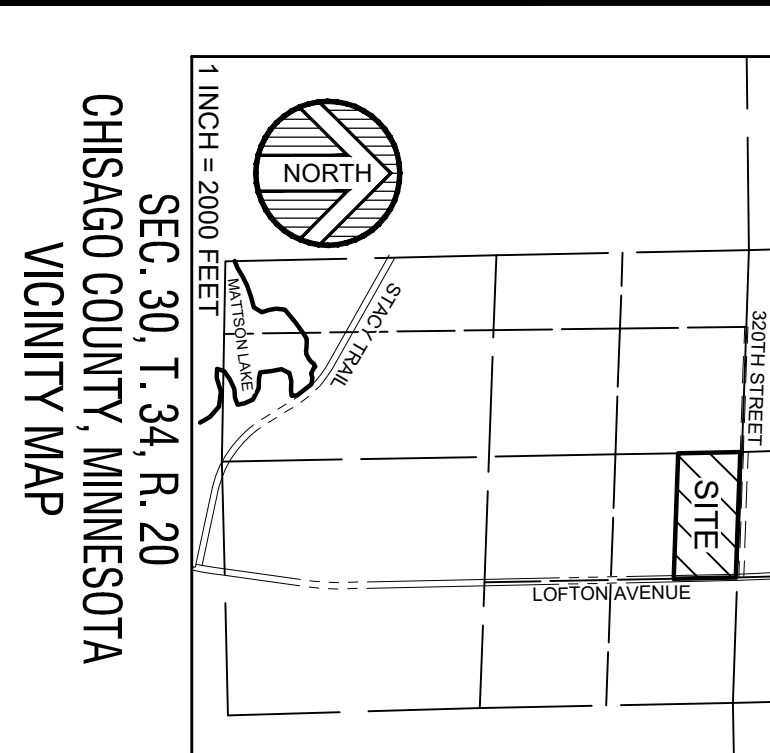
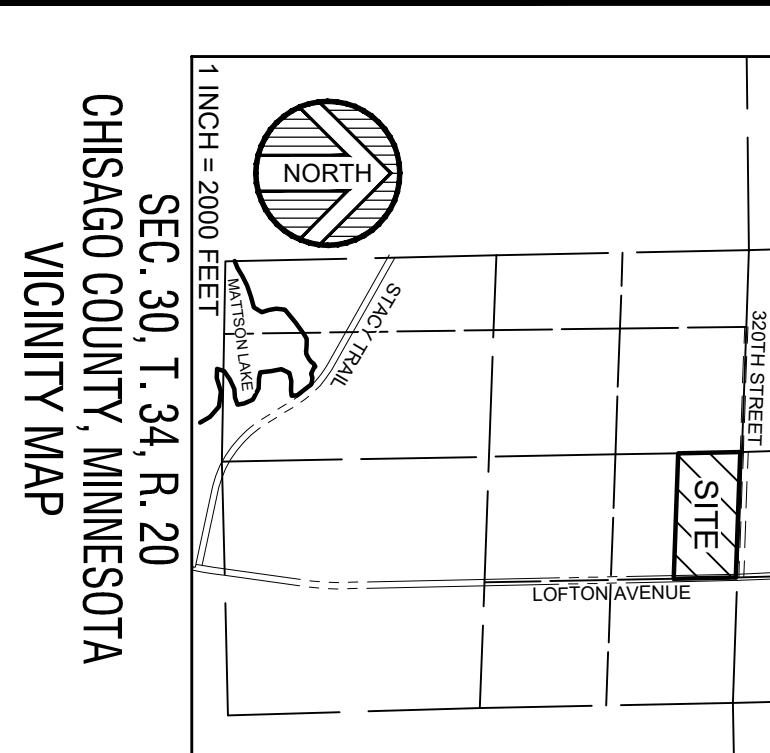
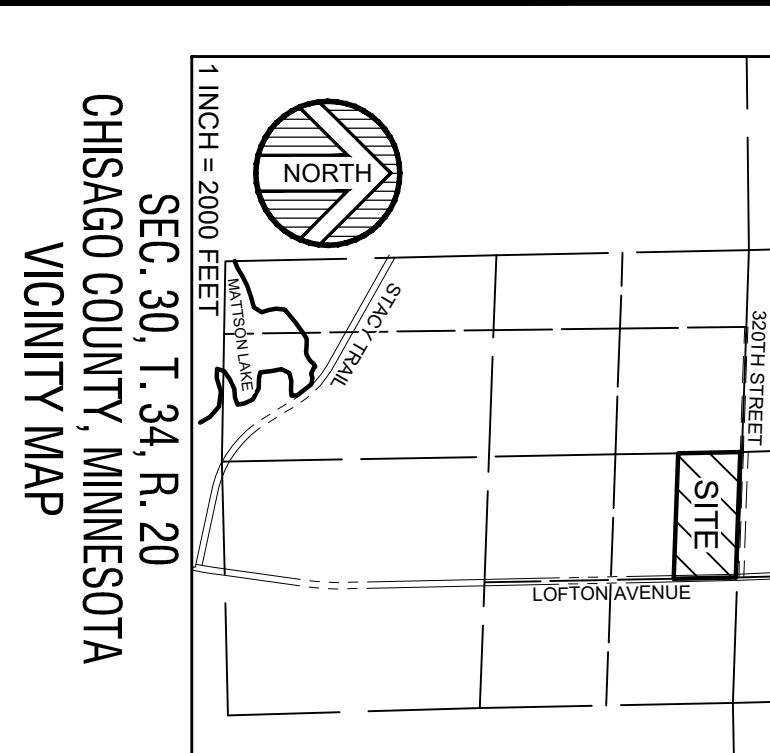
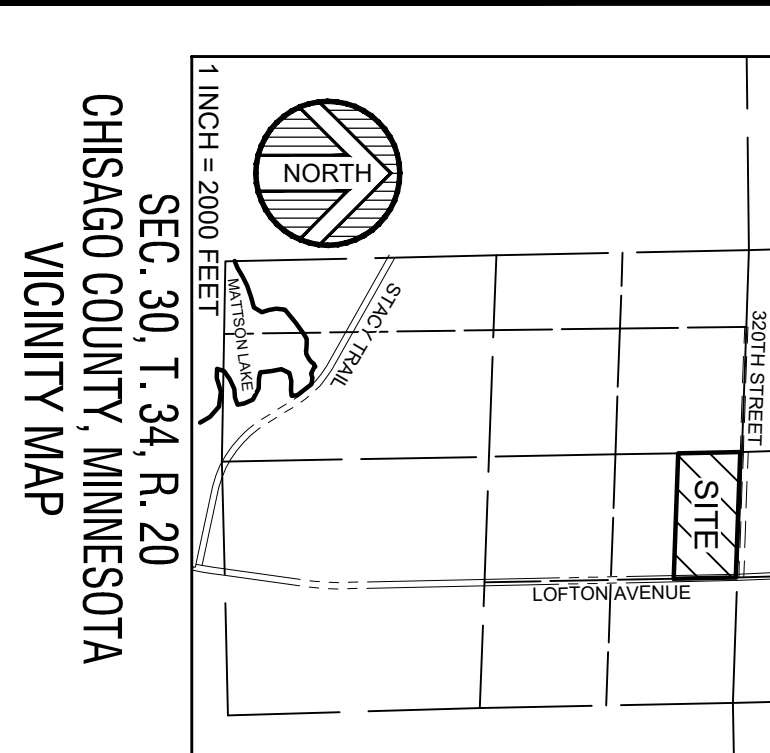
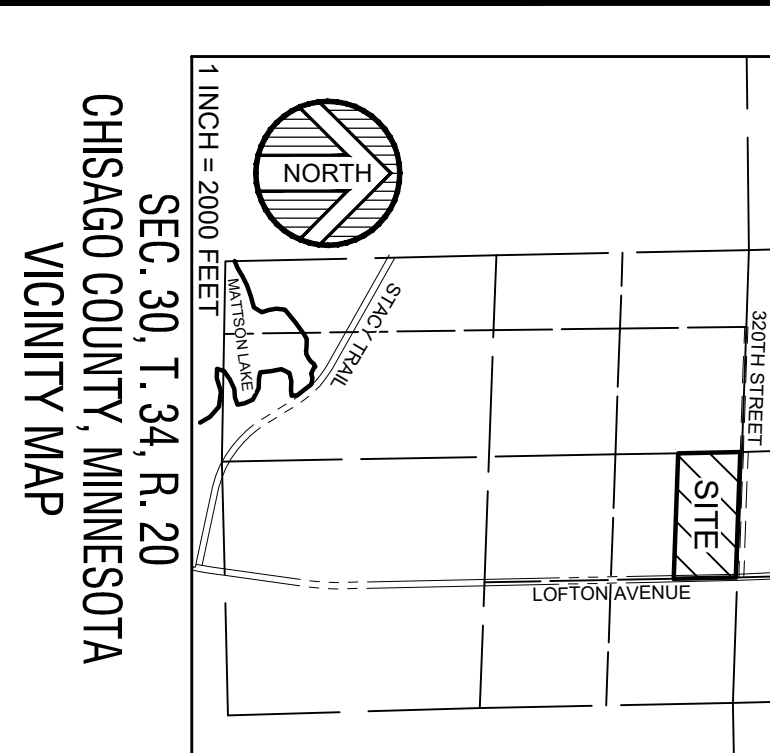
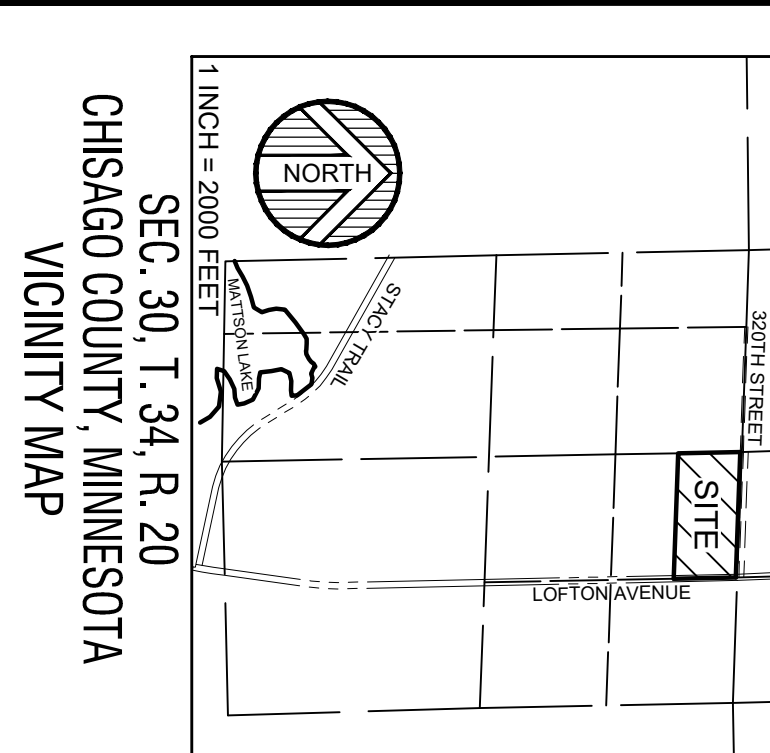
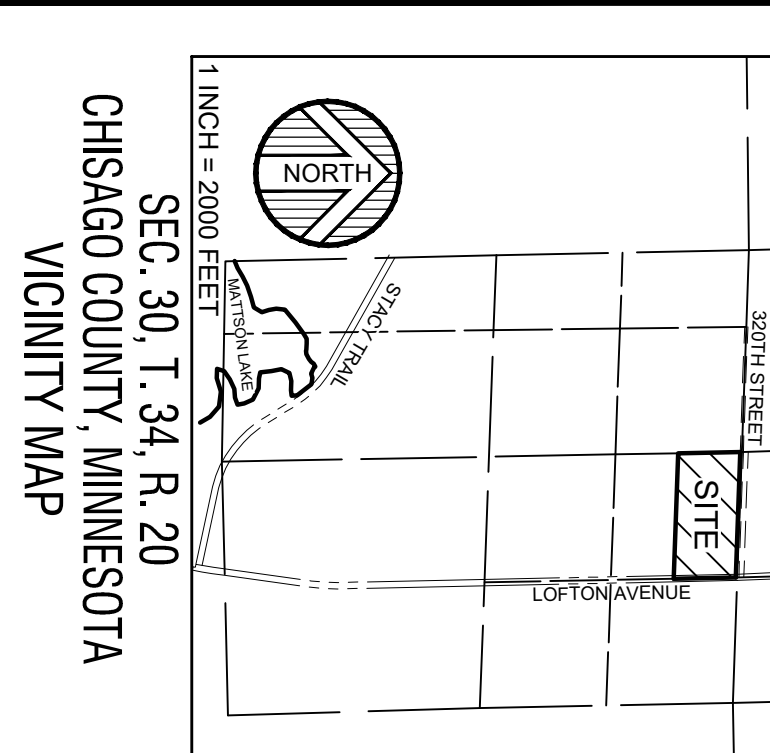
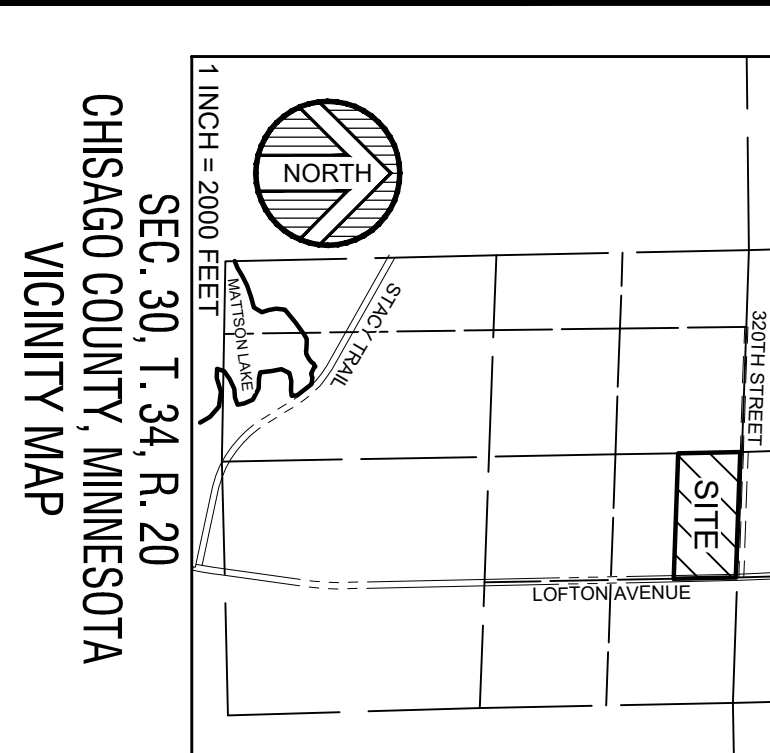
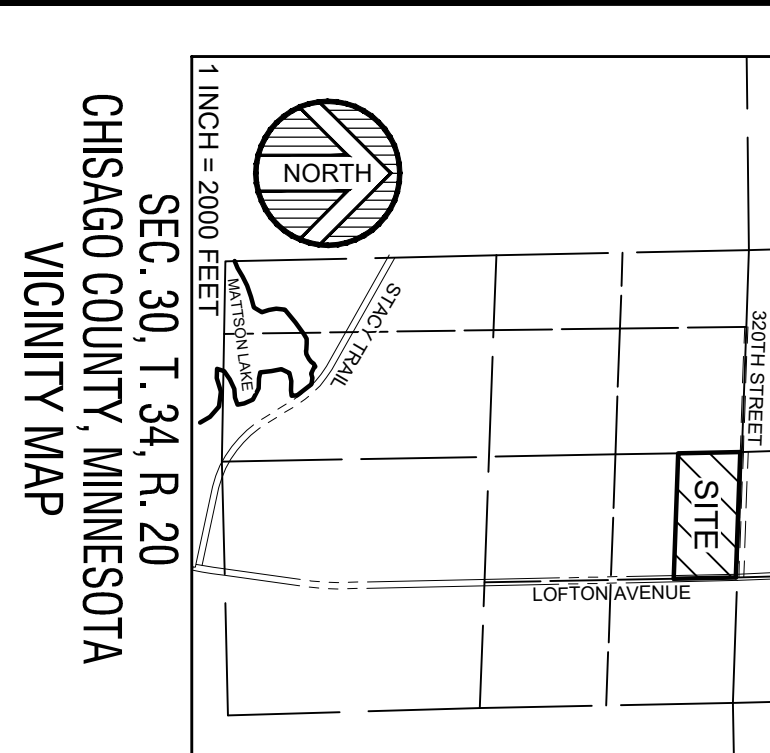
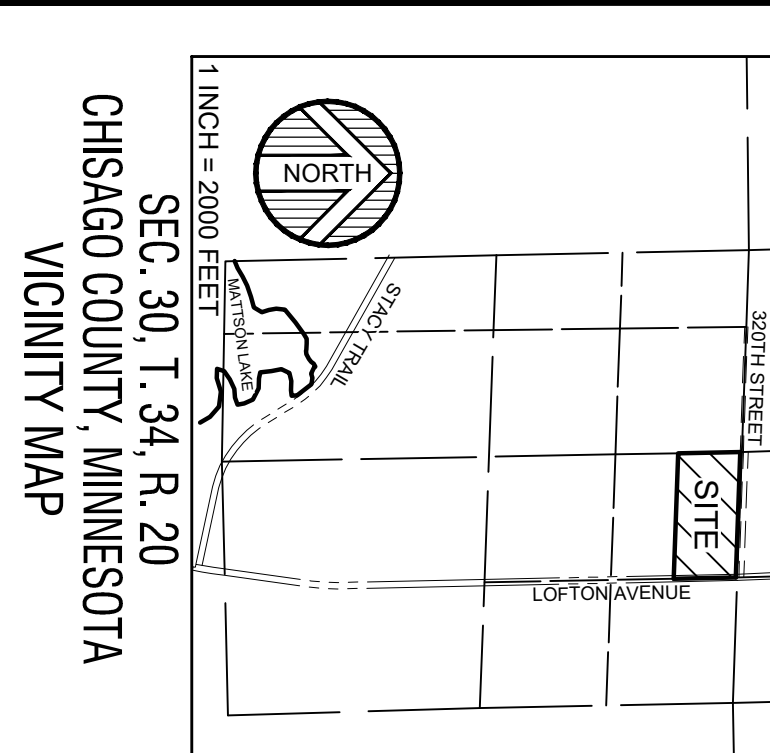
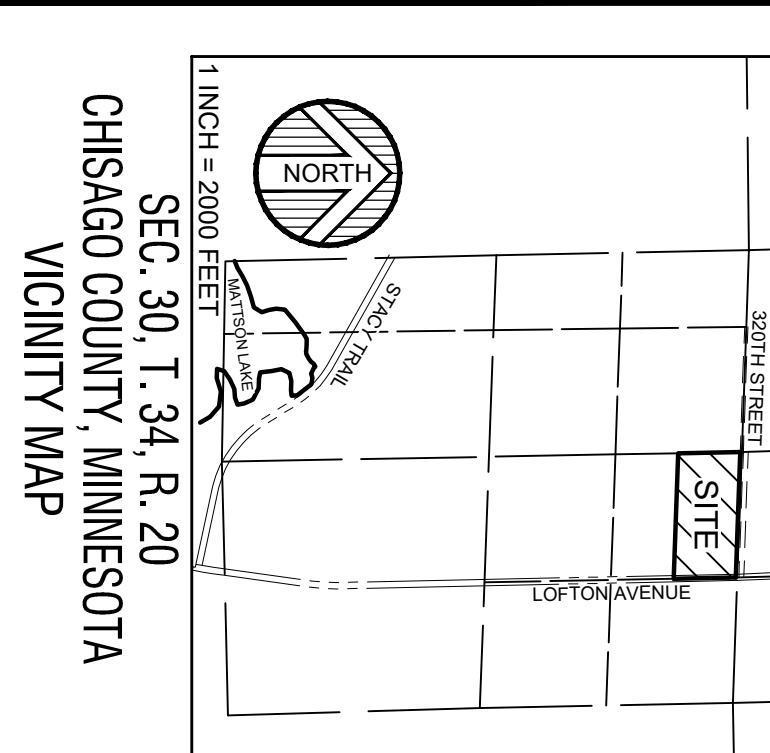
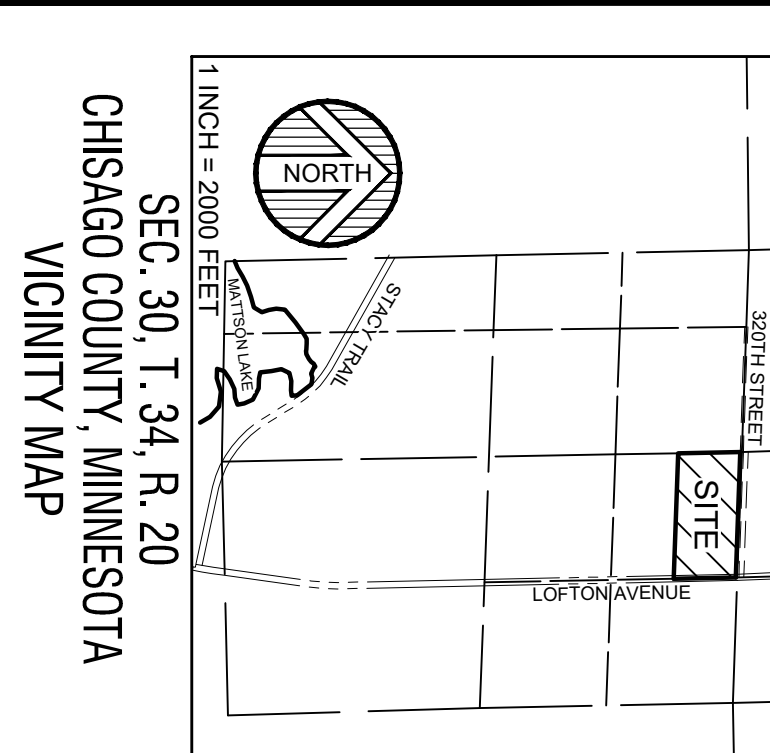
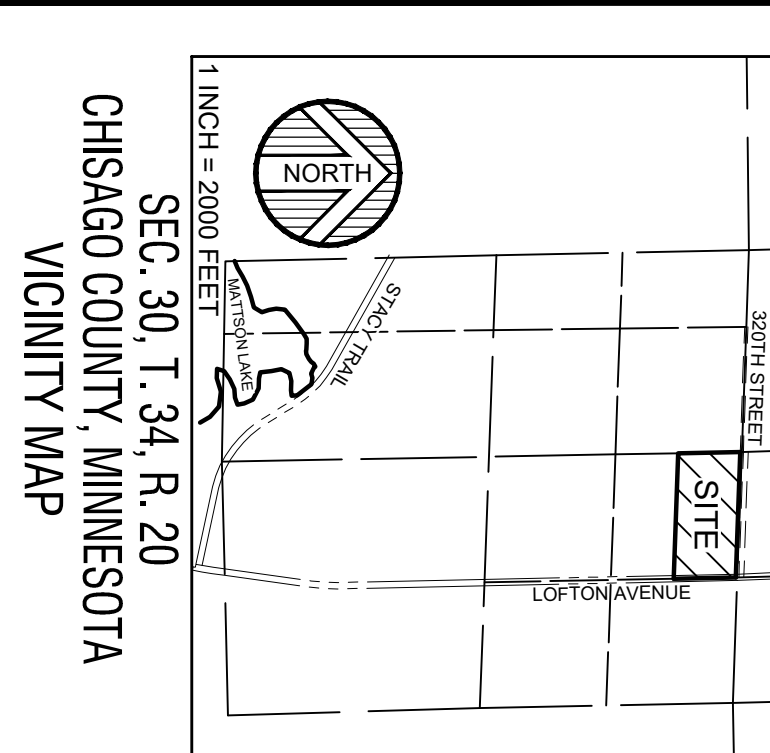
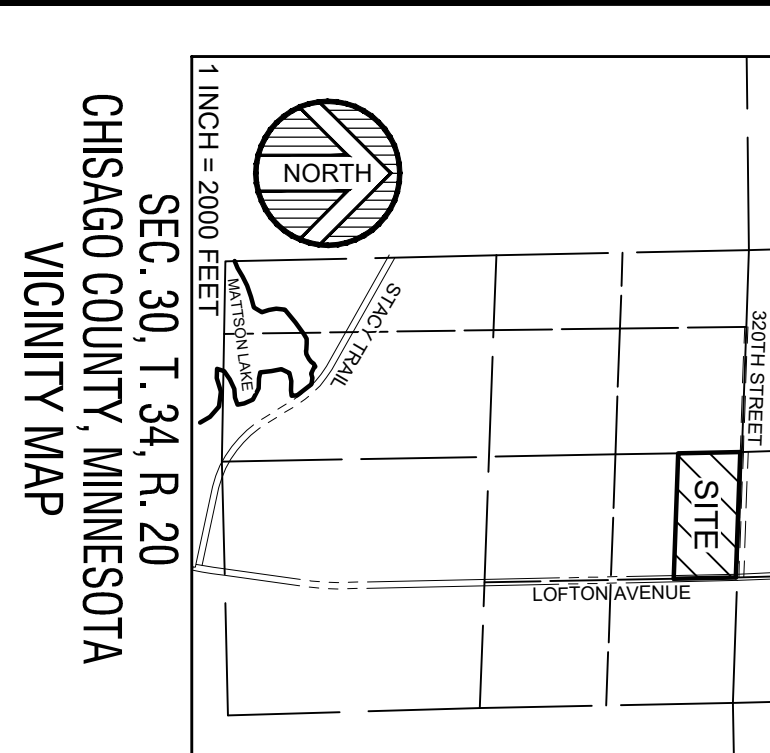
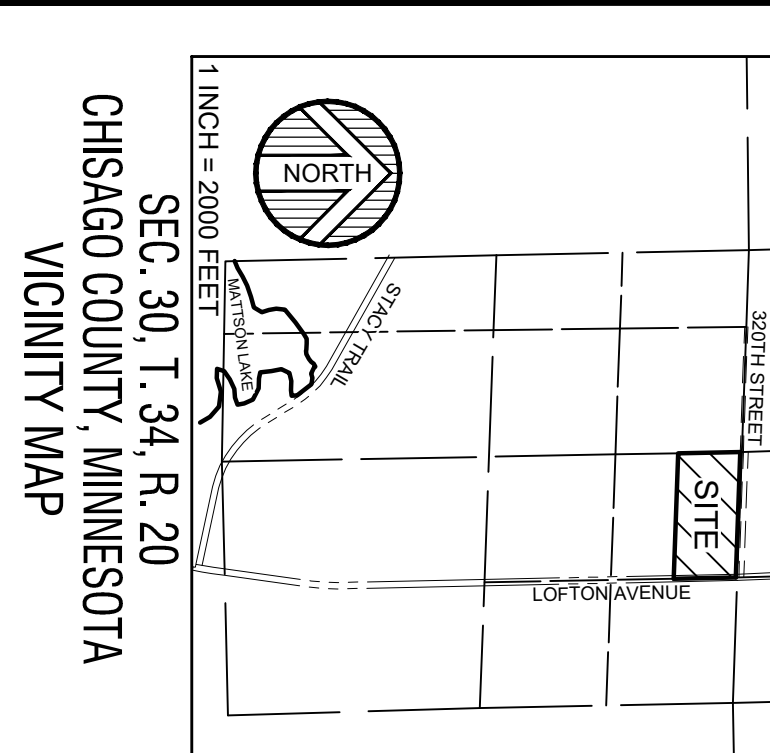
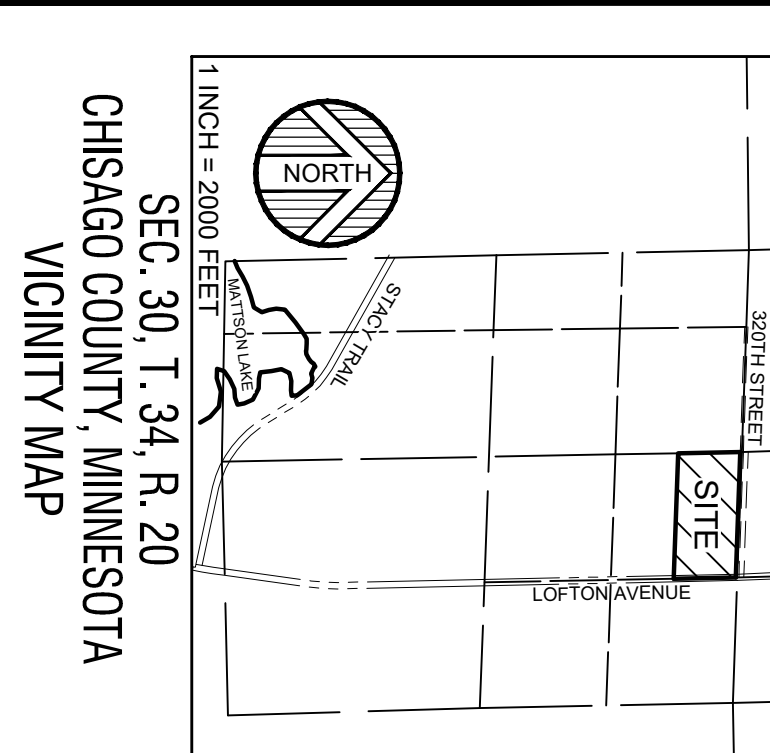
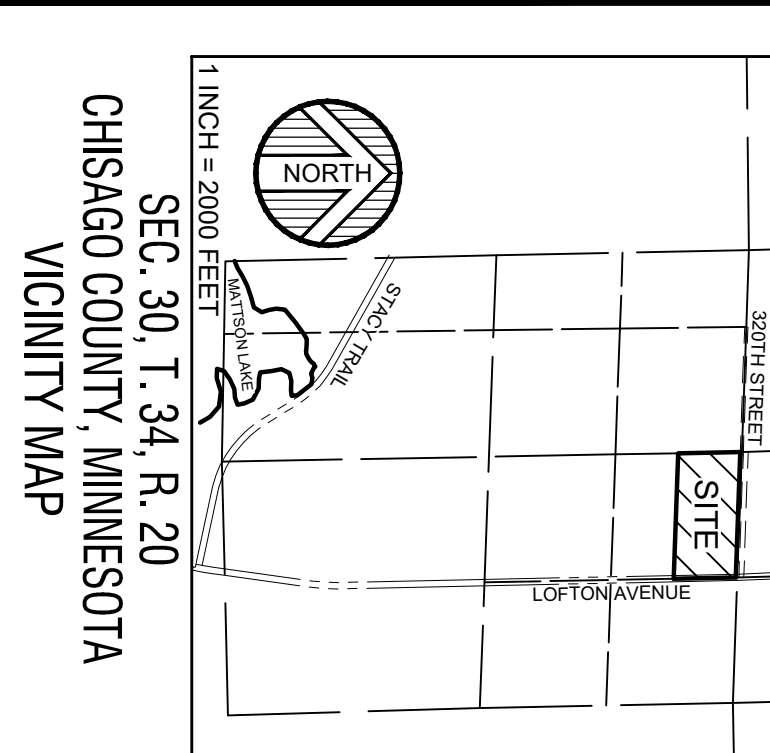
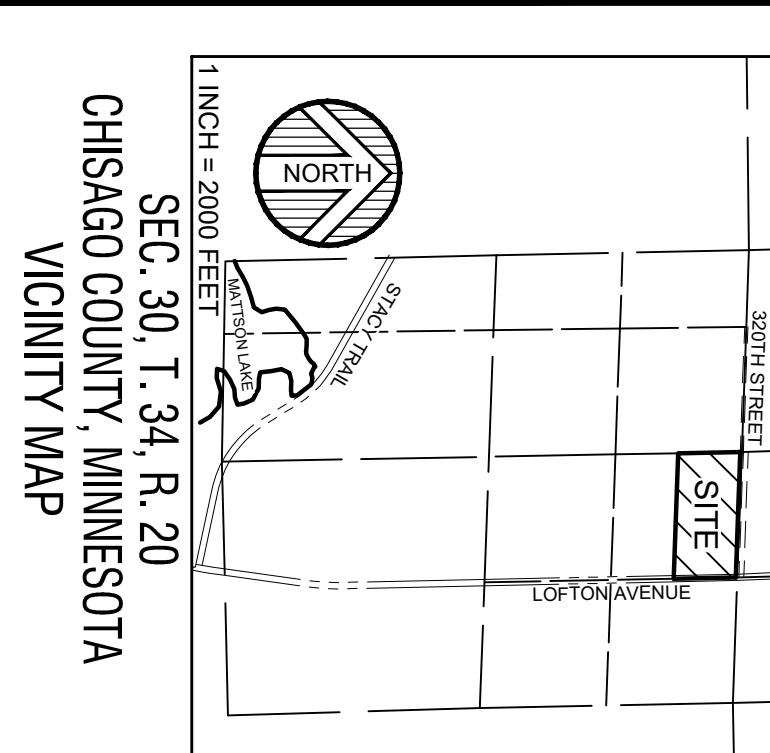
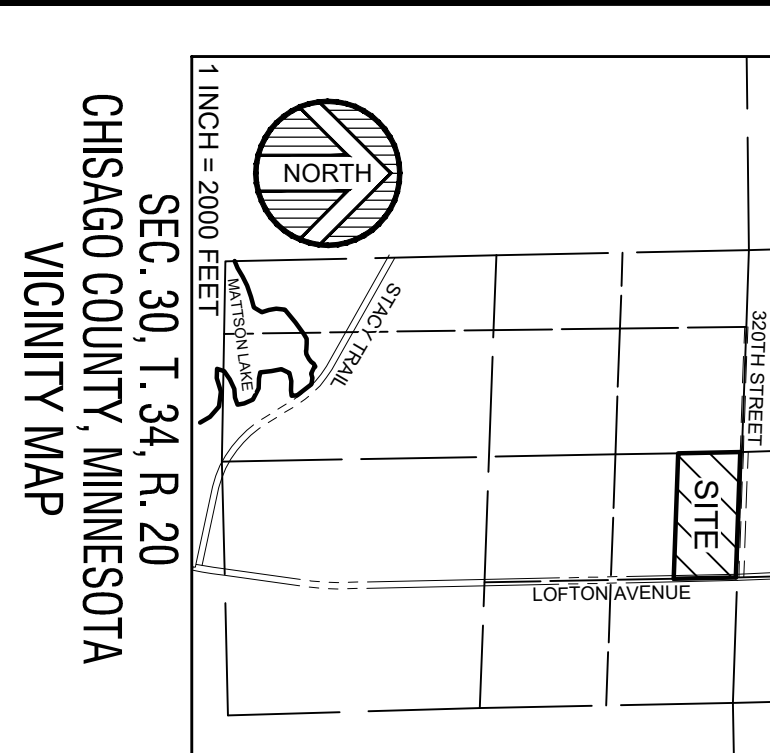
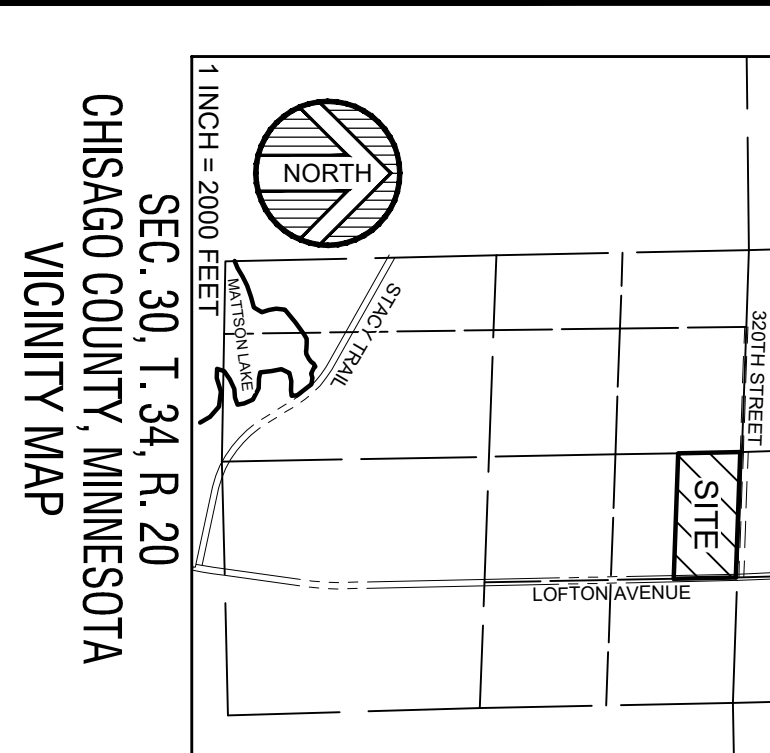
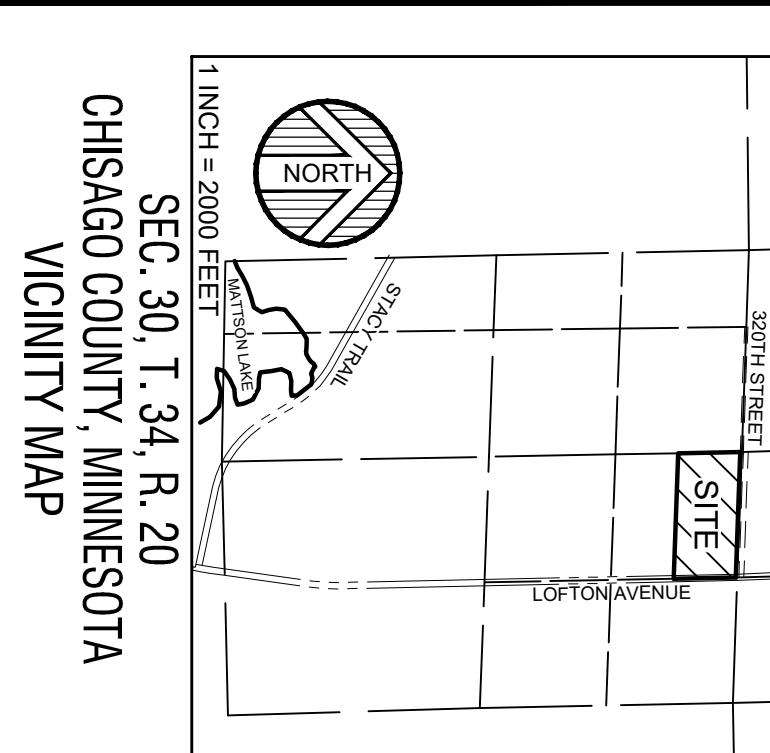
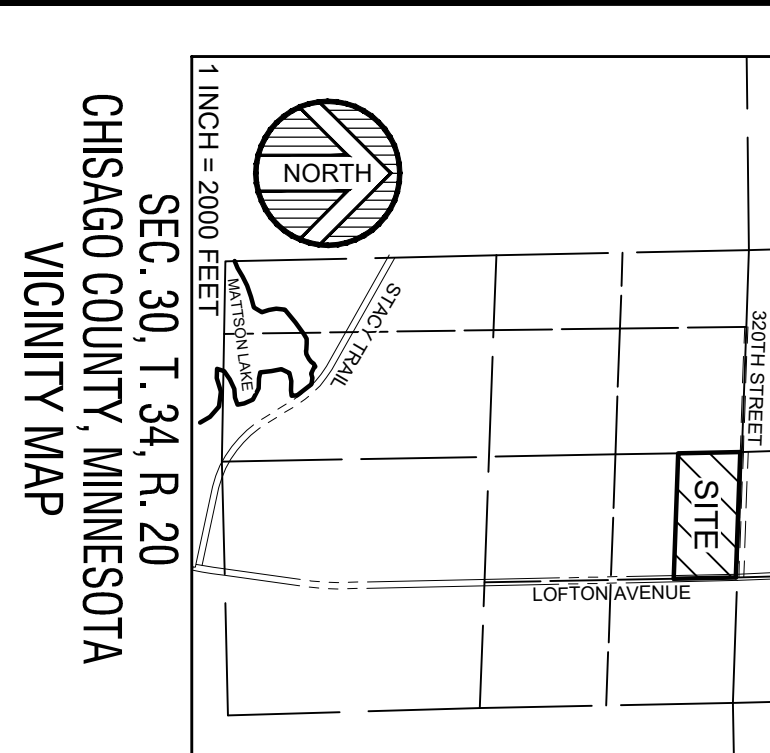
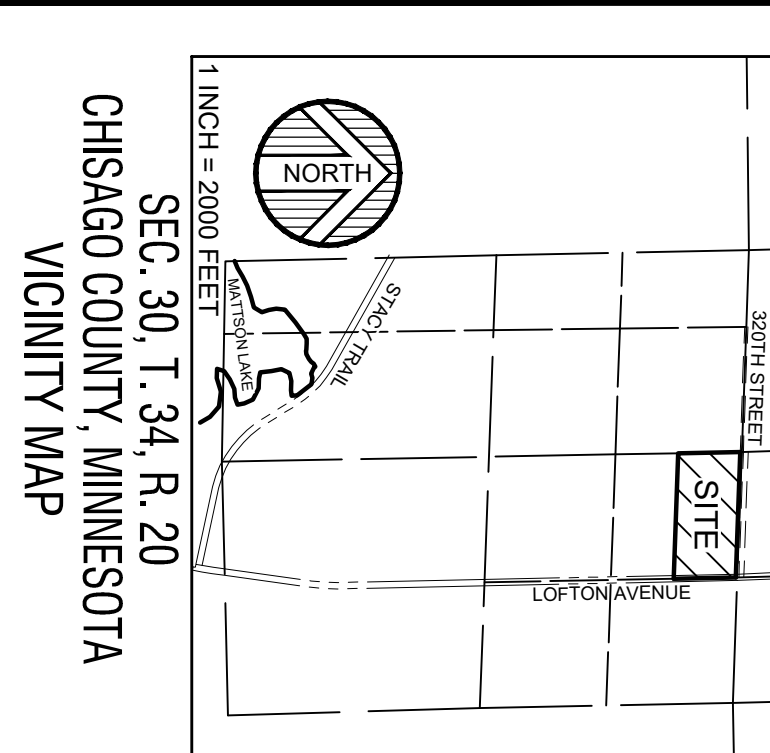
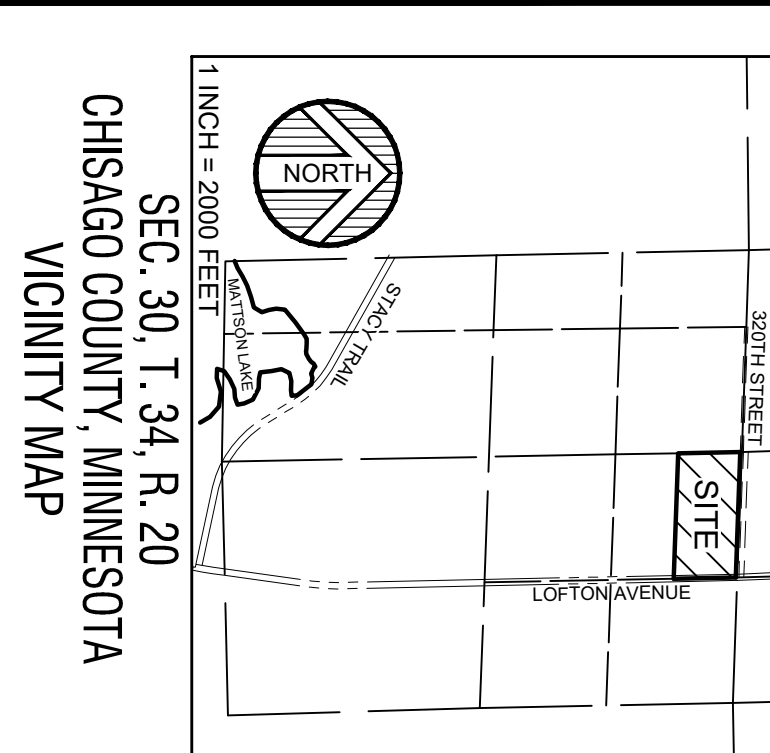
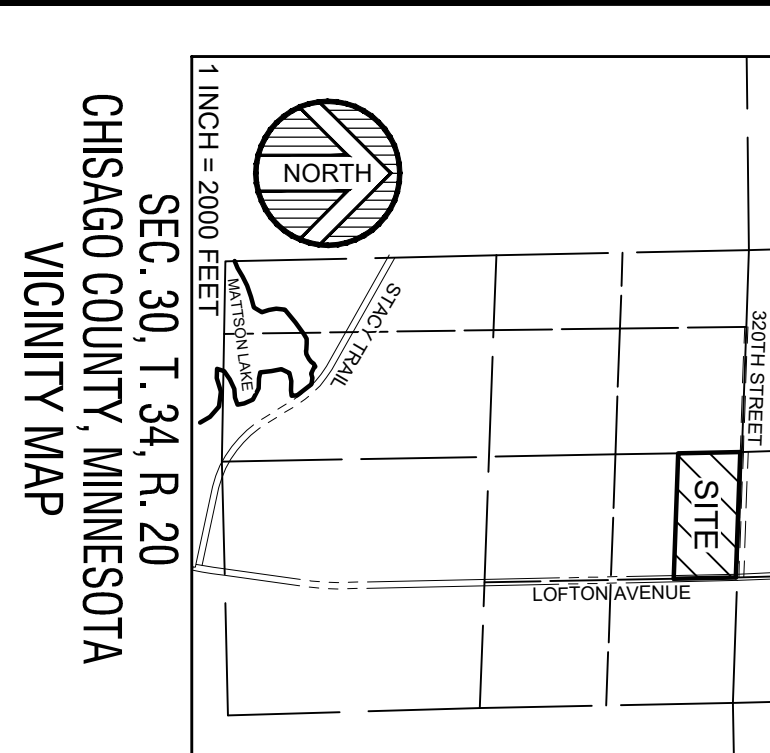
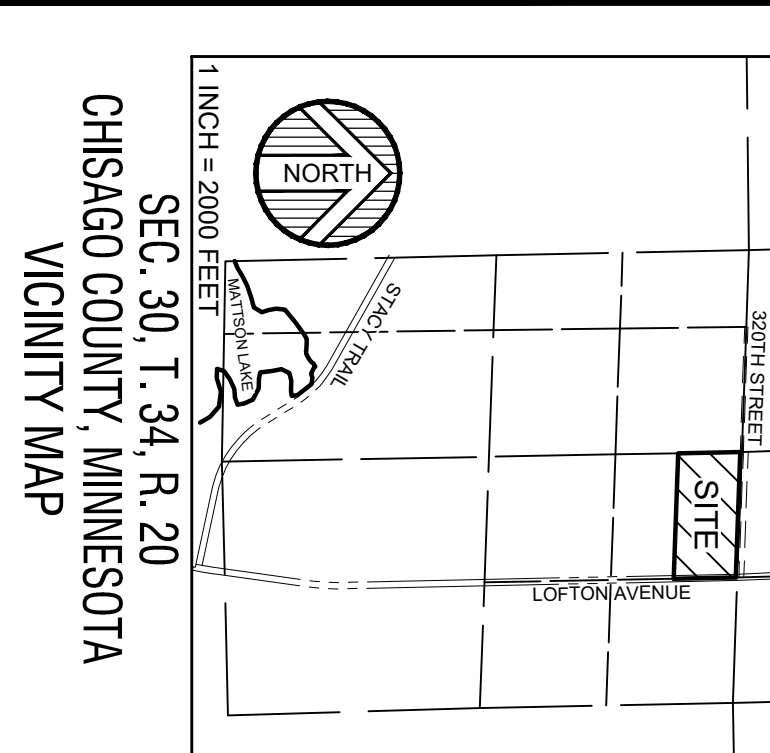
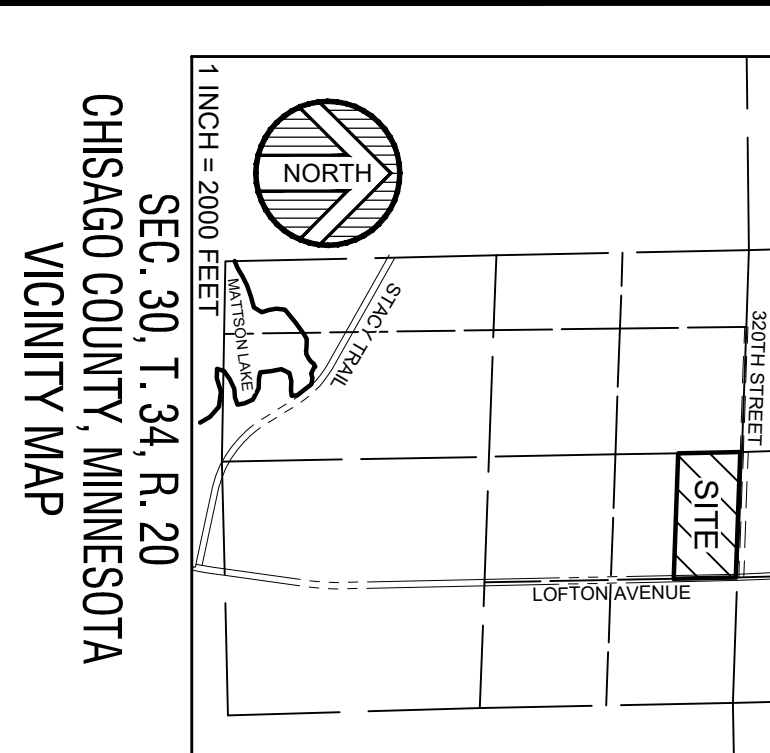
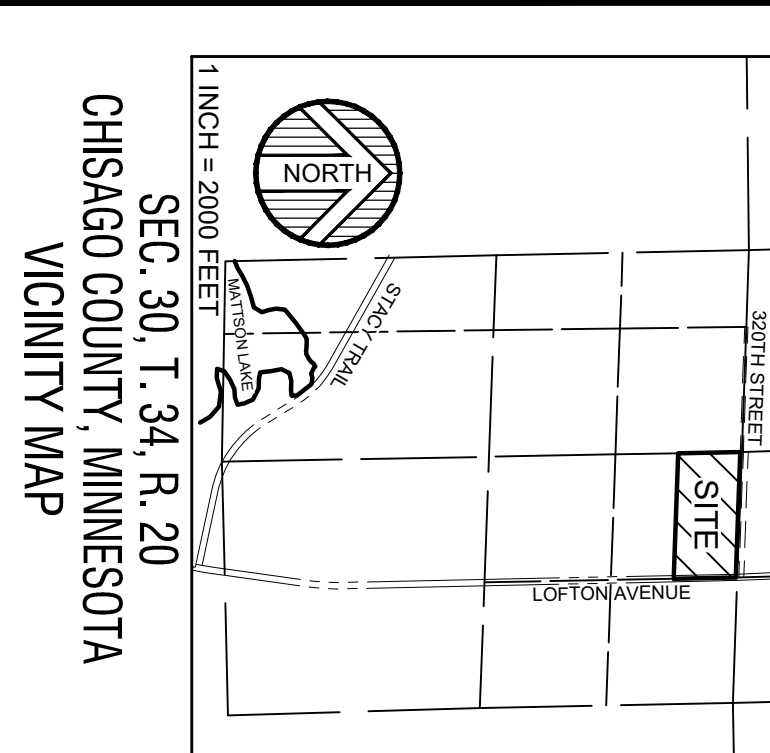
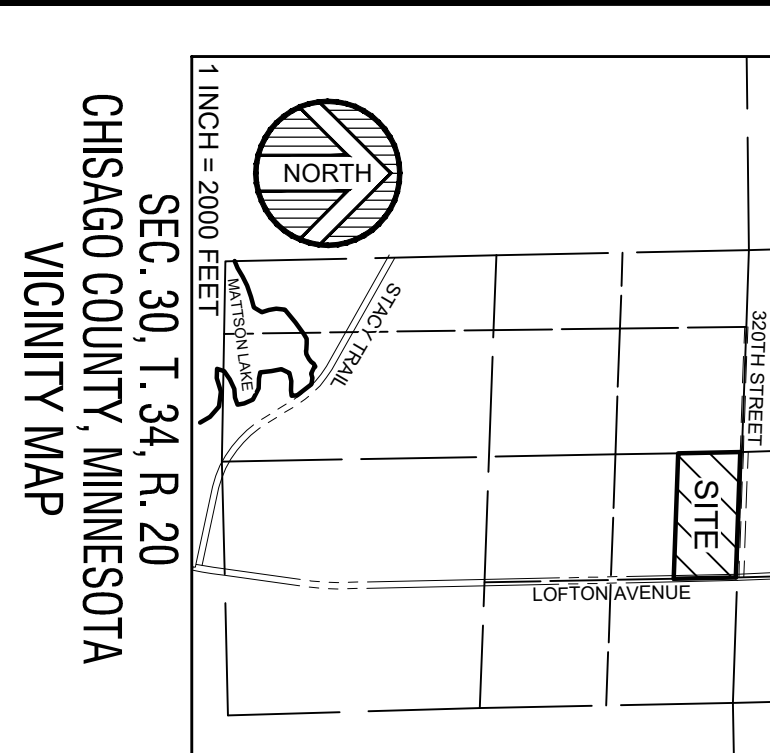
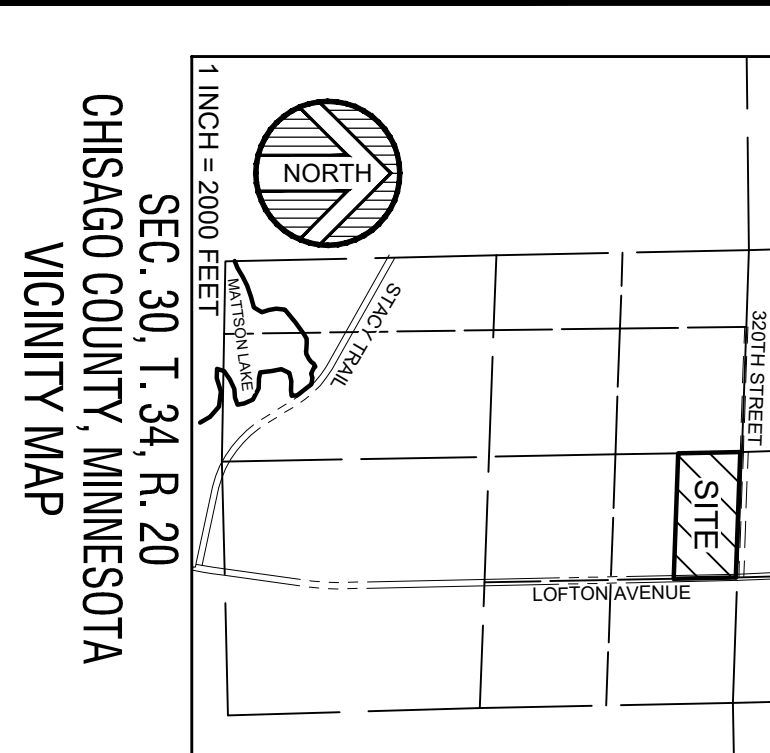
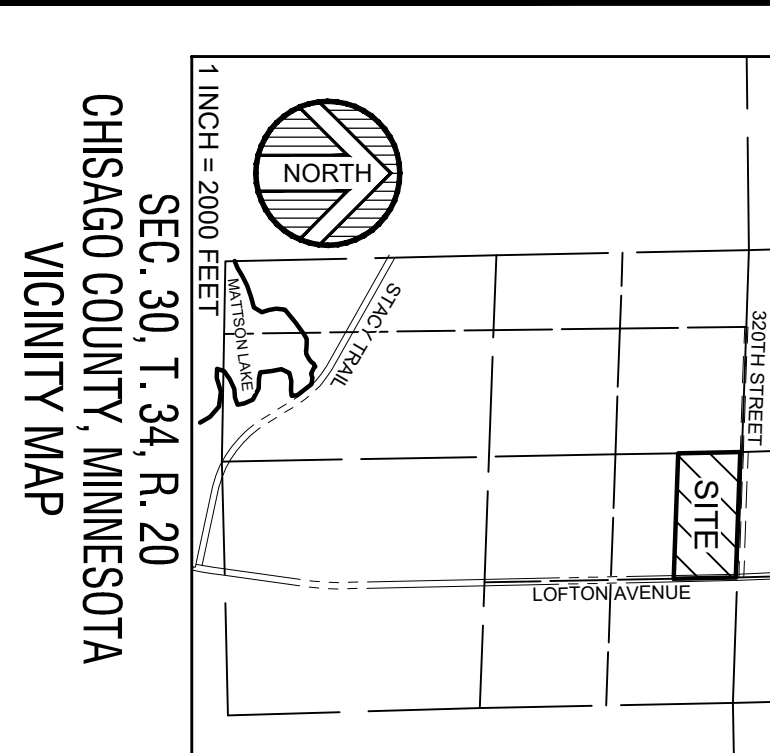
JACOBSON ENVIRONMENTAL, PLLC
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
(612) 802-5619

SURVEY NOTES:

- Orientation of this bearing system is based on the Chisago County Coordinate System (1996 ad.)
- Property is vacant. PID No. 02.00823.00.
- The field work was performed on March 10 and May 2, 2022.
- Existing Acreage: 839,650 Sq. Ft. or 19.27 Acres
- Proposed Acreage:
Lot 1, Block 1 253,122 Sq. Ft. or 5.81 Acres
Lot 2, Block 1 206,620 Sq. Ft. or 4.74 Acres
Lot 3, Block 1 299,712 Sq. Ft. or 6.88 Acres
Dedicated Row 80,198 Sq. Ft. or 1.84 Acres
- The Property is zoned AG (Agricultural) per Chisago Lake (N) Township Zoning Map.
Building Setbacks (per Chisago County Dimensional Standards)
Front Yard / Centerline of County Road: = 40 feet/35 feet
Side Yard: = 20 feet
Rear Yard: = 50 feet
Zoning District Regulations:
Minimum Lot Area = 5 Acres
Minimum Lot Width = 300 feet
Minimum Lot Depth = 300 feet
Home Site Area Standard: 21,500 sq. ft. Total
a) Contiguous 10,000 sq. ft.
i. 2 feet above 100 year flood contour
ii. 2 feet above the highest anticipated water level
iii. Meets the building requirements in section 4.07
b) 11,500 sq. ft. additional area
i. Above the 100 year flood contour
ii. A minimum 5,000 sq. ft. of which is contiguous with the principal building site pad
- Contours shown are LIDAR derived on the NAD83 datum provided by MnDNR. The electronic LIDAR data was ordered and received on 5/4/2022.
- The property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FRM Map No. 270250275D effective date April 17, 2012.
- Benchmark: MnDOT Geodetic Benchmark "Northern" Elev. = 913.46 MWD 88
- The North 1 rod of the NW 1/4 of the NE 1/4 was deeded to the Township of Lent in Instrument No. 69169. The provided Quit Claim Deed Document Number 634094 describes an easement over the North 1 rod of the NW 1/4 of the NE 1/4 and does not except the North 1 rod.

LEGEND

- MAILBOX
- POWER POLE
- GUY ANCHOR
- WETLAND
- SOIL BORING
- OVERHEAD ELECTRIC
- RIGHT OF WAY EXISTING
- BOUNDARY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- QUARTER LINE
- SIXTEENTH LINE
- SECTION LINE
- DELINEATED WETLAND
- BUILDING SETBACK
- DENOTES RIGHT OF ACCESS DEDICATED TO CHISAGO COUNTY
- BITUMINOUS SURFACE



RESOLUTION NO. PC2024-0602
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF PARADISE WOODS

WHEREAS, property owner Kenneth Rice submitted an application dated received March 22, 2024 and considered complete on March 25, 2024 for the Preliminary Plat of Paradise Woods; and

WHEREAS, the subject site is generally located at the southwest corner of 320th Street and Lofton Avenue / CSAH 34 in Chisago Lake Township and within the Agricultural (AG) District; and

WHEREAS, the subject site is 58.2± acres in size and legally described as:

PID 02.00823.00

That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement in favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

WHEREAS, notice was provided and on May 2, 2024 the Planning Commission opened the requisite public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner / applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission motioned to continue the public hearing to its June 6, 2024 meeting in order to allow the property owner / applicants time to address concerns about the 770' drainage easement shown on Lots 2 and 3, Block 1 as well as storm water runoff and natural water flow concerns submitted by the City of Chisago City; and

WHEREAS, the Planning Commission heard from the Land Services Coordinator, the property owner / applicants, and invited members of the public to comment before closing the public hearing on June 6, 2024; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Paradise Woods was consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat is approved per plat drawing signed dated May 26, 2022 and amended most recently on March 21, 2024. Any deviation from the approved plat drawing, except as provided herein, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Lofton Avenue / CSAH 34. All driveways must access 320th Street.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

4. Prior to or in conjunction with submission of a request for Final Plat, the applicant shall submit documentation to the Department of Environmental Services demonstrating that proposed Lots 2 and 3, being wholly or partially located within a drainage easement, are buildable. One such option to satisfy this condition is to submit a fully executed and recorded copy of an agreement to confine the easement to delineated wetland areas on proposed Lots 2 and 3.
5. The applicant shall enter into a developer's agreement with Chisago Lake Township and the agreement shall, at a minimum, outline road construction costs, transfer of the proposed turnaround to the township, and the escrow agreement for legal and engineering fees. A copy of the signed developer's agreement shall accompany the request for Final Plat, and the request for Final Plat will not be considered complete unless accompanied by the signed agreement.
6. 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.

Adopted by the Planning Commission of Chisago County, Minnesota, this 6th day of June, 2024.

Chris DuBose
Eric Leivian
Jim McCarthy
John Sutcliffe

Dave Whitney
Jolene Wille
Chip Yeager

Jolene Wille
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
 15323 260th Street, Franconia Township
 DATE: June 6, 2024

ACTION TO CONSIDER

Following the May 2, 2024 public hearing, the Planning Commission will further consider a request for Conditional Use Permit (CUP) for Rural Retail Tourism in Franconia Township. The proposed Rural Retail Tourism activity is a wedding / gathering venue.

SITE & APPLICATION INFORMATION

Applicant(s): Bridget Korman & Lorelei Walker
 Property Owner(s): Bridget Korman & Lorelei Walker
 Location: 15323 260th Street
 Franconia Township
 Section 25, Township 33, Range 20
 PID: 04.00411.20
 Property Area: 20.00± 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 28, 2024
 Date Application Complete: March 28, 2024
 60-Day Review Period: May 27, 2024
 Extended Review Period: July 26, 2024

BACKGROUND

Property owners Bridget Korman & Lorelei Walker are requesting a CUP for Rural Retail Tourism in order to establish and operate a wedding / gathering venue on their 20.00± acre property in Franconia Township. The Planning Commission conducted the requisite public hearing for this request on May 2, 2024 and ultimately motioned to table the request to allow time for the Franconia Town Board / Road Authority to further consider the request in regard to roadway and/or traffic impacts; to allow citizens opportunity to voice their roadway and/or traffic concerns directly to the Town Board / Road Authority; to allow the Town Board / Road Authority opportunity to offer additional input to the County for consideration at the Planning Commission's



June 6th meeting; and, to allow additional time for the Planning Commission to review the application materials and consider appropriate conditions of approval. The Commission also motioned to extend the initial State mandated 60-day review period by an additional 60 days as allowed per MN Statute 15.99. The extended review period will expire on July 26, 2024.

For detailed information about the subject site and original request, please refer to the May 2, 2024 staff report / Planning Commission meeting packet.

AMENDED APPLICATION MATERIALS

In response to the May 2, 2024 public hearing / Planning Commission meeting, Korman & Walker provided the County with amended application materials on May 10, 2024. These materials were provided to Franconia Township for review at the Town Board's May 14, 2024 meeting.

Upon review of the amended materials, staff has provided the table below to show what appears to be the most significant changes. The applicants have also provided suggested conditions of approval which account for their amended request as well as concerns expressed during the May 2, 2024 public hearing process. For a complete proposal description, please refer to the attached written narrative stamp dated May 10, 2024.

	Original Request	Amended Request
Buildings and Structures	Use of existing 36' x 40' pole building and 14' x 16' single-stall garage; Proposed construction of new 40' x 60' structure and gazebo	Use of existing 36' x 40' pole building and 14' x 16' single-stall garage; Proposed pole building addition with the addition being no greater than 2,000 sf and being located east of the existing pole building, gazebo on the south side of the existing pole building / proposed addition (size unknown), and proposed storage building on the west side of the driveway (size unknown)
Days and Hours of Operation	Weddings + Other Celebrations: Fridays – Sundays, May through October, with event set-up beginning as early as 9:00 am and events ending by 12:00 am Smaller Events: 8:00 am to 5:00 pm	Weddings + Other Celebrations: Fridays – Sundays, May through October, with a limit of two events with more than 50 people per week; Set-up to begin no earlier than 8:00 am and events ending by 10:00 pm on Fridays and Saturdays and ending by 8:00 pm on Sundays Smaller Events: Mondays – Thursdays, May through October; 8:00 am – 5:00 pm
Maximum Event Capacity	175 people	125 people

Traffic Flow	75 vehicles per event	60 or fewer vehicles anticipated for events
Noise Generation and Mitigation	Amplified music proposed to cease by 11:00 pm	Amplified music proposed to cease by 9:00 pm on Fridays and Saturdays and 7:00 pm on Sundays; Weekday events are not expected to have a significant noise impact
Screening	---	100' row of additional evergreen trees along the east property boundary, with four existing evergreen trees incorporated into this screening; Evergreen trees along the west side of the proposed parking lot (refer to attached site plan for more detail)

REVIEW BY FRANCONIA TOWN BOARD

The Franconia Town Board met on May 14, 2024 and considered the amended application materials / CUP request. The Town Board provided the County with an updated Township Presentation Form indicating a recommendation of denial with a comment that “having a venue like this will cause congestion hazards, accidents, and will have safety issues on this road (260th St.)”.

WRITTEN TESTIMONY

As previously noted, the Planning Commission conducted the requisite public hearing on May 2, 2024 and, after receiving written and verbal testimony, the Commission took action to close the public hearing on the same date. Since the May 2nd public hearing / Planning Commission meeting, the County has received letters and emails from several area property owners. However, given that the public hearing was closed, this new material may not be disseminated or made part of the record unless action is taken to call for and schedule a new public hearing. The attached legal opinion memo from Assistant County Attorney Fuge, dated May 31, 2024, outlines the procedural considerations of opening the record and additional hearing actions.

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. Staff notes that alternate proposed findings have also been provided in *italics* to identify areas of concern identified through the public hearing and Town Board review processes.

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); and*

- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18); and*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22); and*
- *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); and*
- *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 Rural Retail Tourism activity will utilize on-site sanitary facilities, private utilities, off-street parking for guests, and, due to the nature of the proposed activity as a gathering venue, the use will have no impact on schools or other public facilities or utilities. Access to the subject site will be gained from an improved / paved well-established and maintained Township Road (260th Street). While The Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]", the County finds no quantifiable evidence to suggest that the road will not support increased traffic levels. The County further 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.*

-OR-

The proposed Rural Retail Tourism activity will utilize on-site sanitary facilities, private utilities, off-street parking for guests, and, due to the nature of the proposed activity as a gathering venue, the use will have no impact on schools or other public facilities or utilities. However, the County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, the poor condition of the public roadway and the ability of the current roadway to handle the increased level of traffic. Further, the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]".

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 *The subject site is 20.00± acres in size and, based on the amended application materials, the primary structures (not including the proposed gazebo) intended to be utilized for Rural Retail Tourism activity are situated no closer than 150' from the edge of the public roadway (260th Street) and no closer than 100' from the nearest property boundary (east property boundary). The County finds that distance and existing vegetation and the implementation of a condition requiring additional screening adjacent to a portion of the west and east property boundaries will aid in mitigating potential negative impacts associated with the structures and the parking lot.*

- 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 activity will primarily take place within existing and proposed structures. Given the “destination” nature of the proposed wedding / gathering venue, it will be within the permit holder’s best interest to maintain an appealing appearance of the structures as well as the subject site. Further, the County finds that the subject site is presently well-maintained and finds no evidence to suggest that this condition would change upon approval of the proposed use.*
-
- 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 identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Section 4.15 of the Chisago County Zoning Ordinance 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; and*
 - *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; and*
 - *Enhance Chisago County’s appeal to visitors who are drawn to its rural atmosphere; and*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses; and*
 - *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 *The subject site is located adjacent to and gains access from a Township Road (260th Street). While The Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use “will cause congestion, hazards, accidents, and will have safety issues on [260th Street]”, the County finds no quantifiable evidence to suggest that the proposed traffic levels will create traffic hazards or cause congestion and notes the improved / paved condition and well-maintained status of the roadway.*

-OR-

The subject site is located adjacent to and gains access from a Township Road (260th Street). The County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, the poor condition of the public roadway, potential conflicts with agricultural equipment traffic, the lack of street lighting which would enhance safety, and the ability of the current roadway to handle the increased level of traffic. Further,

the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use “will cause congestion, hazards, accidents, and will have safety issues on [260th Street]”.

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

Finding #8 *While the County received a significant amount of public testimony during the May 2, 2024 public hearing related to concerns about noise, the County finds that through the implementation of conditions specifically pertaining to noise and glare, potential negative impacts associated with noise (i.e., playing or performing of music, hours of operation, etc.) and glare (i.e., possible installation of exterior lighting) can be mitigated. Further, the County finds, that with proper screening / landscaping mitigation efforts, there is no evidence to suggest that the proposed use will have an unsightly appearance which would negatively impact neighboring properties.*

-OR-

The County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, potential negative impacts associated with noise. The primary concerns were related to the playing or performing of music, vehicle disturbances, and general disturbance of the “peace and quiet” enjoyed by neighboring residents. The County finds that there are no remedies or conditions of approval which would mitigate the noise levels resulting from the proposed use.

STAFF RECOMMENDATION

While neighboring property owners and the Franconia Town Board / Road Authority have expressed concerns with the proposed Rural Retail Tourism activity, staff does believe that the proposed use complies with and is consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan; that the proposed use is consistent with other same or similar Rural Retail Tourism venues previously permitted within the County; and, that potential negative impacts can be reasonably mitigated through the implementation of conditions of approval. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the Planning Commission’s deliberation of the record materials and May 2, 2024 public hearing record, **staff recommends approval** of the CUP with conditions and has prepared a draft resolution for the Commission’s consideration. Staff notes that the recommended conditions of approval are largely based on the original conditions presented in the May 2, 2024 staff report as well as suggested amendments provided by the applicants on May 10, 2024.

Alternatively, if the Commission does not believe that the proposed use is consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan or that potential negative impacts cannot be reasonably mitigated through the implementation of conditions of approval, staff has prepared a draft resolution – which recommends denial – for the Commission’s further development and consideration.

Recommended Conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the establishment and operation of a gathering venue for events including, but not limited to, weddings, family reunions, celebrations, workshops, and meetings. Any significant deviation from the approved use or future expansion of the use, 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. The maximum event capacity shall be limited to ~~175~~ 125 people, including guests, staff and service personnel.
3. In addition to the construction and use of new structures, including ~~an approximate 2,400-sf structure~~ a pole building addition of 2,000 sf or less and a gazebo, Rural Retail Tourism activity may also take place within existing structures, including a 36' x 40' pole building and a 14' x 16' single-stall garage, provided that the existing structures are 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. A storage building will also be allowed for business items, equipment, and a staging / prep area.
4. Structures utilized for Rural Retail Tourism activity, whether existing or new, shall be located no closer than 110' from any property boundary, except for a potential covered ceremony site which would be no closer than 60' from any property boundary.
5. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week ~~year-round, May 1st through October 31st~~, and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation.
Sunday through Thursday – 8:00 am to 10:00 pm
Friday and Saturday – 8:00 am to 12:00 pm
Monday through Thursday – 8:00 am to 5:00 pm
Friday and Saturday – 8:00 am to 10:00 pm
Sunday – 8:00 am to 8:00 pm

There shall be a maximum of two events with more than 50 guests per week.

6. The maximum number of employees – in addition to the permit holder(s) – on-site at any given time is five (5). This condition is not intended to prohibit the permit holder(s) from having more than five (5) employees but, rather, to limit the number of employees on-site at the same time.
7. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed; acoustic music played or performed during wedding ceremonies shall be excluded from this requirement. There shall be no outdoor amplified music at any time.
8. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards. No noise in excess of State decibel limits resulting from said use, including the playing of music, shall be transmitted beyond the subject site's property boundaries. Fireworks shall be strictly prohibited.
9. The permit holder(s) shall install screening between the existing and proposed structures intended for Rural Retail Tourism activity and the east property boundary. The screening shall be installed at a point beginning ~~120'~~ 100' south of the edge of the public roadway (approximate southernmost point of the northern vineyard) and extending south a distance of ~~175'~~ 100'. Allowable screening options include a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center which meet or exceed 75% opacity within three years of the approval date. Existing mature evergreen trees shall be allowed to be incorporated into the required screening, even though spacing of these trees is 22' on center. Additionally, evergreen tree screening shall be installed adjacent to the western boundary of the parking lot.

10. The permit holder(s) shall accommodate all Rural Retail Tourism related parking on-site, including parking for guests, staff, service providers / personnel and deliveries, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. No parking shall be allowed on 260th Street.
11. All areas designated for off-street parking shall be surfaced with gravel or other hard surface in order to prevent dirt and debris from being deposited onto the public roadway.
12. Any exterior lighting shall be downcast in order to prevent negative impact to neighboring properties.
13. The permit holder(s) shall ensure adequate ~~year-round~~ access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
14. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
15. Any liquor service in conjunction with the Rural Retail Tourism activity shall be in accordance with all applicable Minnesota Department of Public Safety regulations and Chisago County liquor licensing requirements.
16. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
17. The permit holder(s) shall ~~install a full septic system and~~ provide sanitary facilities (~~i.e., water closets~~) in compliance with County and State rules to be utilized for Rural Retail Tourism activity and, further, the existing septic system which serves the dwelling shall not be used for Rural Retail Tourism activity unless specifically authorized by the Chisago County Department of Environmental Services.
18. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
19. Annual certification of the Conditional Use Permit is required. The permit holder(s) 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 a second public hearing and/or further review and consideration, pursuant to Assistant County Attorney Fuge's legal opinion memo dated May 31, 2024. If the request is tabled and a second public hearing is scheduled, it will need to be included on the Planning Commission's July 11, 2024 agenda and will require that a recommendation is made that

same evening and presented to the County Board for consideration on July 17, 2024, unless the property owners / applicants are willing to provide an extension or waiver of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0603, a resolution recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property located at 15323 260th Street in Franconia Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Amended application materials dated May 10, 2024:
 - a. Written narrative
 - b. Suggested conditions of approval
 - c. Site plan
2. Township form dated May 14, 2024
3. Correspondence from Korman & Walker dated May 31, 2024
4. Legal opinion memo from Assistant County Attorney Fuge dated May 31, 2024
5. Draft Resolution No. PC2024-0603 (recommendation of approval)
6. Draft Resolution No. PC2024-0603 (recommendation of denial)

MAY 10 2024

Chicago County
Dept. of Environmental Services

BG

Business Plan Description

Project Address: 15323 260th Street, Lindstrom, MN 55045

Property Owners/Applicants: Bridget Korman & Lorelei Walker

Type of Business: Wedding/Event Venue

Summary of Intended Operation

We live in a single family home on 20 acres about 6 miles SE of Lindstrom. Our acreage includes two small vineyards, each around 1 acre in size. The landscape is composed of rolling hills, a pond, with a wooded area toward the rear. We believe the rural and scenic nature of the property is ideal for a small wedding venue.

While there are several other venues in the area, there is no shortage of couples looking for a beautiful spot for their special day (or other events such as family reunions, graduations, birthday parties, anniversary celebrations, etc). Each venue has it's own niche and ours would present a smaller scale with a more intimate feeling. There are other locations which can accommodate 200-300 or even more guests, but that is not what everyone wants or needs, so we want to provide a slightly different option.

Buildings and Structures

A 36x40 (1440 sq ft) insulated and finished pole barn currently exists. We plan to make alterations to this structure, such as adding restrooms, raising the interior ceiling height, replacing siding, modernizing the interior and exterior lighting, and adding new outward-swinging double doors. It will also be certified to be structurally sound by an engineer. Any additional work will be done to meet current standards for conversion to Assembly Use A-2.

As the size of this building is insufficient, we intend to extend the building to the East. The roofline would follow the existing one and the area will be insulated. The exact dimensions of this addition are still to be determined by the architect, but the square footage will be under 2000 square feet and will be over 100 ft from the property boundary.

All work will be performed by the appropriate contractors licensed by the State of MN and will meet all required standards and codes.

A small one-car garage in front of the pole barn is also under consideration for conversion to usable prep area space.

In the future, we may construct a gazebo a short distance downhill from these buildings for ceremonies to be performed. This would offer a covered, yet open-air spot with a beautiful pond and vineyard view. The structure would be simple in design, without any electricity or plumbing.

We also plan to have a storage building constructed on the parking side of the property to house both business and personal property. Sizing to be determined after further evaluation of equipment and tool needs. All required building codes will be followed.

Days and Hours of Operation

The venue will be seasonal, operating from May through October. The space will be available to rent for weddings and other celebrations Fridays through Sundays, with a limit of two events with more than 50 people per week. Setup would begin no earlier than 8am and events would end by 10pm on Friday and Saturdays and 8pm on Sundays.

If there is a demand for it, we may also rent the space for smaller events like workshops, meetings, classes and retreats on weekdays. The hours of operation would be 8am-5pm, Mondays-Thursdays.

Maximum Event Capacity

We would like to limit our capacity to 125 people. We will market our venue to events with up to 100 guests, but this slightly higher number builds in a buffer for other people on site utilizing the septic system (such as caterers, photographers, DJ's, planners, etc.). It will also ensure adequate facilities for occasional errors or miscalculations in guest number by clients.

Traffic Flow

260th Street is a township maintained road that connects Olinda Trail and MN State Highway 95 (also known as the St. Croix Scenic Byway). It is a well-travelled connecting corridor and we see a multitude of vehicles passing by each day. Our neighbor across the street runs a busy auto shop, seeing dozens of trips in and out every weekday. This does not seem to have any impact on traffic flow, other than the slowing down required to make a turn into the driveway. With 60 or fewer cars expected for our events, we do not foresee any challenges other than some minor slow-downs near the beginning of events.

Parking Provisions

There is currently an open, grassy field approximately one acre in size at the front NW corner of the property that will be dedicated to parking. An access will be added off of our existing gravel driveway. The area will be surfaced with gravel to prevent mud from being tracked onto the roadway.

We've attached a document from the University of Tennessee's Institute of Agriculture showing parking estimates for farm direct or agritourism field parking. Their calculations indicate a "real world" expectation of approximately 80-100 automobiles per acre on an imperfect field (not perfectly flat, square or accommodating of lined spaces). Internet research advises to expect a maximum of one vehicle for every two wedding guests, but possibly less since many families tend to carpool. With the relatively flat and open field we have, we believe we should have more than adequate parking for an event attended by 100 people plus any service staff. Additionally, there is extra space for overflow parking, if ever necessary, in our driveway (beyond the parking and venue areas, thus not blocking any emergency vehicle access). Under no circumstance would parking along 260th Street be allowed.

There will also be a region reserved next to the venue on the north side for ADA parking spaces, as well as for a loading zone for caterers, florists, etc.

Restrooms/Sanitation

We plan to create 2-3 restrooms, at least one of which will be ADA accessible. Assembly Group A-2, which includes "banquets halls" requires a minimum of two water closets per 150 attendees.

Effluent from these facilities will be directed to a new septic system dedicated to the venue. Placement of mound or drain field is currently pending, based on the septic designer's soil tests and review.

Food & Alcohol

Customers will be required to use a caterer properly licensed by the State of Minnesota. There will not be a kitchen and no cooking will be allowed onsite. Alcohol will be permitted either through the licensed caterer or we will pursue our own liquor license. A bartender will be necessary and "self serve" distribution of alcohol will be prohibited. Service will stop at least one hour prior to the end of the event.

Noise Generation

Most would agree that music is a requirement at weddings and parties, so we do expect most weekend events will have either a band or DJ services. As we live on-site, we will be there to enforce state and local noise regulations. Our contract will specify that amplified music must end by 9pm on Fridays and Saturdays and 7pm on Sundays. Weekday events are not expected to have a significant noise impact.

Screening

We plan to plant additional evergreen trees along approximately 100 feet of the East property boundary. There are currently four large evergreen trees growing there that would be incorporated into this screening.

We also intend to plant evergreen trees along the West side of the parking area.

Waste Removal & Recycling

The generation of waste from events is unavoidable, but will of course vary depending on the number of guests and food/beverage serving type. We currently use Waste Management for our own household garage and recycling needs and they do offer commercial services, including dumpsters of various sizes and collection schedules. We will need to evaluate the amount of waste generated as we go along to determine the best sizing option for our venue. We also plan to highly encourage the separation and collection of all recyclable waste (cans, bottles, paper, etc).

Safety & Accessibility

We will prioritize the safety of our guests (as well as any supporting personnel present) and abide by all safety regulations, such as, but not limited to: proper smoke and fire detection/alarms, adequate fire extinguishers in clear sight, the correct number and size of outward-swinging exit doors. A designated smoking area will be located at least 50 feet from any buildings, with proper butt disposal provided.

Our location is 10 minutes or less from 5 different fire stations/departments (Lindstrom, Shafer/Franconia, Scandia, Osceola, Center City). We will also require the driveway to remain clear during events to maintain sufficient space should an emergency vehicle need access.

Employees

We intend to do most of the work ourselves, but may need to hire occasional help from independent contractors, which would be seasonal and somewhat sporadic in nature. No full or part time employees would be expected in the beginning.

Depending on success and work load, we may consider hiring several part-time positions in the realm of event management, groundskeeping, bartending, etc. One never knows what the future holds in terms of our own physical health, but we wouldn't anticipate having more than 5 part time employees to carry out operations.

Projected Impact to Neighborhood

We feel that there will be minimal negative impacts to our neighborhood and we will work to limit areas of conflict. Being zoned for Rural Retail Tourism, we think our venue is a good fit. We will endeavor to preserve the rural and scenic nature of Chisago County, highlight a local agricultural crop (wine grapes), and also spotlight the beauty, uniqueness and character of the area; encouraging wedding guests from near and far to return to further explore the area, creating more revenue and growth to the region. We will strive to form strong partnerships with other local businesses, such as caterers, bakers, florists, hair and beauty salons, photographers, musicians/DJs, lodging establishments, plant nurseries, etc.

An article on the website of the Minnesota Senate Republican Caucus states that on average, small event venues for weddings and community events "attract 8,000 to 20,000 visitors to their area and can provide an economic impact of over \$3 million per year for local communities".* Being seasonal and filling the small size niche, our venue will certainly land on the low side of these figures, but the affect on the local economy is still significant.

Additionally, a big goal of a venue is that of beauty and serenity, so this will ensure that the grounds will be well maintained and further enhanced. We hope that neighbors and community members view our business as an asset, offering another option for smaller and more intimate gatherings as well as sharing the charm and allure of the place we call home.

* <https://www.mnsenaterepublicans.com/senator-housleys-bipartisan-wedding-barn-bill-passes-senate-unanimously-eases-regulations-on-small-businesses/>

1. This Conditional Use Permit for Rural Retail Tourism allows for the establishment and operation of a gathering venue for events including, but not limited to, weddings, family reunions, celebrations, workshops, and meetings. Any significant deviation from the approved use or future expansion of the use, 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. The maximum event capacity shall be limited to **175 125** people, including guests, staff and service personnel.
3. In addition to the construction and use of new structures including an approximate **2,400-sf structure** **addition of 2000 sf or less** and a gazebo, Rural Retail Tourism activity may also take place within existing structures, including a 36' x 40' pole building and a 14' x 16' single-stall garage, provided that the existing structures are 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. **A storage building will also be allowed for business items and equipment and a possible staging/prep area.**
4. Structures utilized for Rural Retail Tourism activity, whether existing or new, shall be located no closer than 110' from any property boundary. **Except for a potential covered ceremony site, which would be no closer to 60' from boundary.**
5. Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week **year-round May-October** and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation. **Sunday through Thursday 8:00 am to 10:00 pm. Monday-Thursday 8am-5pm; Friday-Saturday 8am-10pm and Sunday 8am-8pm Friday and Saturday 8:00 am to 12:00 pm**
There would be a maximum of two events with more than 50 people per week.
6. The maximum number of employees – in addition to the permit holder(s) – on-site at any given time is five (5). This condition is not intended to prohibit the permit holder(s) from having more than five (5) employees but, rather, to limit the number of employees on-site at the same time.
7. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed; acoustic music played or performed during wedding ceremonies shall be excluded from this requirement. There shall be no outdoor amplified music at any time.
8. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards. No noise in excess of State decibel limits resulting from said use, including the playing of music, shall be transmitted beyond the subject site's property boundaries. **Fireworks will be strictly prohibited.**

9. The permit holder(s) shall install screening between the existing and proposed structures intended for Rural Retail Tourism activity and the east property boundary. The screening shall be installed at a point beginning ~~120'~~ **100'** south of the edge of the public roadway (approximate southernmost point of the northern vineyard) and extending south a distance of ~~175'~~ **100'**. Allowable screening options include a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center which meet or exceed 75% opacity within three years of the approval date.
Existing mature evergreens allowed to be incorporated into screening, even though spacing is 22' on center.
Evergreen screening will also be installed on West side of parking area.
10. The permit holder(s) shall accommodate all Rural Retail Tourism related parking on-site, including parking for guests, staff, service providers / personnel and deliveries, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. No parking shall be allowed on 260th Street.
11. All areas designated for off-street parking shall be surfaced with gravel or other hard surface in order to prevent dirt and debris from being deposited onto the public roadway.
12. Any exterior lighting shall be downcast in order to prevent negative impact to neighboring properties.
13. The permit holder(s) shall ensure adequate ~~year-round~~ access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
14. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
15. Any liquor service in conjunction with the Rural Retail Tourism activity shall be in accordance with all applicable Minnesota Department of Public Safety regulations and Chisago County liquor licensing requirements.
16. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
17. The permit holder(s) shall install a full septic system and sanitary facilities (i.e., water closets) in compliance with County and State rules to be utilized for Rural Retail Tourism activity and, further, the existing septic system which services the dwelling shall not be used for Rural Retail Tourism activity unless specifically authorized by the Chisago County Department of Environmental Services.
18. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.

19. 19. Annual certification of the Conditional Use Permit is required. The permit holder(s) 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.



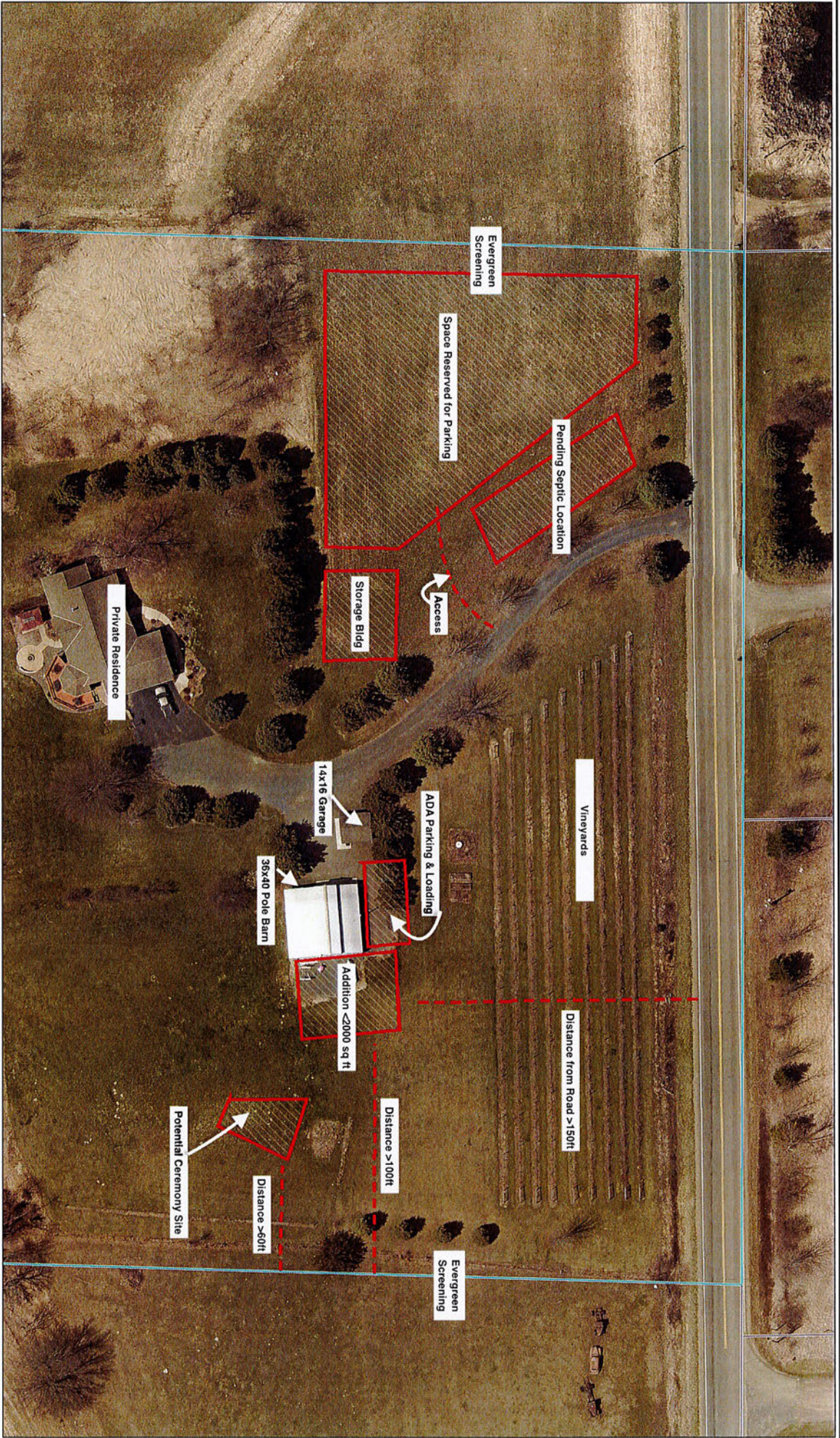
15323 260th St Site Plan

RECEIVED

Date: 5/10/2024
Time: 9:11:35 AM



These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.





Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form



RECEIVED
5/17/2024
DC

Township Franconia S/T/R 25/033/020 PID# 04.00411.20

Project Address 15323 260th St, Lindstrom MN 55045

Property Owner(s) Bridget Korman & Loralei Walker

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Bridget Korman & Loralei Walker

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
☐ Administrative Appeal

Planning Commission

- ☒ Conditional Use Permit (CUP)
☐ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP

- ☐ Preliminary Plat
☐ Rezoning
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Wedding/Event Venue -
See attached Business Plan Description

Bridget Korman Loralei Walker
Applicant Signature

03/28/2024
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.

Date of County Public Hearing MAY 2, 2024

Date of Township Presentation MAY 14, 2024

Township Action Taken (Township Use Only)

- ☐ Recommendation of Approval ☒ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Having a venue like this will cause congestion, hazards, accidents
and will have safety issues on this road (260th St)

Signatures of Township Officials or Authorized Personnel

[Signature]

[Signature]

[Signature]

May 31, 2024

Chisago County
Planning Commission
313 N Main St
Center City, MN 55012

Re: Conditional Use Permit re: 15323 260th Street, Franconia Township; Addendum to Application

To the Commissioners:

Thank you for your time and your patience in addressing our application at the public hearing on May 2, 2024.

We were surprised by the reaction of our neighbors to our CUP application. If we could do this over again, we would have spent more time talking to people about their concerns before we made the application. We had absolutely no desire to cause conflict or to be a burden on our neighbors. Our goal is to create a new local small business that will add to the vibrancy and prosperity of this community.

That said, we truly appreciate the Planning Commission's decision to table this matter at the last hearing and to allow additional time to hear feedback and make modifications to our proposal. While we don't think it is possible to address every concern raised at the public hearing, we believe that there are reasonable conditions that will accommodate the community and allow a new small business in Chisago County.

Please see below for our comments and proposed modifications related to County staff's conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the establishment and operation of a gathering venue for events including, but not limited to, weddings, family reunions, celebrations, workshops, and meetings. Any significant deviation from the approved use or future expansion of the use, 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. **This condition is fine with us.**
2. The maximum event capacity shall be limited to 175 people, including guests, staff and service personnel. **Based on traffic, parking, and other concerns raised by our neighbors, we propose a max capacity of 125 people. Initially, the max capacity will be 99 people. In talking to County staff, we understand that to be the maximum**

allowed before a full septic is required. Only if and when a full septic system is installed would we increase our max capacity to 125. Given this reduction from our initial application, there should be no concerns over traffic and parking.

3. In addition to the construction and use of new structures including an approximate 2,400 sf structure and a gazebo, Rural Retail Tourism activity may also take place within existing structures, including a 36' x 40' pole building and a 14' x 16' single-stall garage, provided that the existing structures are 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. **The maximum size of the structure will be reduced from 2,400 sf to 2,000 sf, based in part on the reduction in max capacity. We would also request that this condition include another small new structure. We will need a storage shed for business equipment and staging.**
4. Structures utilized for Rural Retail Tourism activity, whether existing or new, shall be located no closer than 110' from any property boundary. **This condition is fine with us. However, we may need to use a covered ceremony site that is closer depending on the weather. To the extent that a temporary covering is a structure, we would request that it be allowed as close as 60' from a property line.**
5. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week year-round and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation. Sunday through Thursday – 8:00 am to 10:00 pm Friday and Saturday – 8:00 am to 12:00 pm. **We plan to host events during the May-October season only. We have heard and understand the concerns about noise after 10pm. As such, we are changing the proposed hours of operation as follows:**

Monday-Thursday 8am-5pm;

Friday-Saturday 8am-10pm;

and Sunday 8am-8pm

(Music and any Alcohol service will stop an hour prior to ending time)

Finally, we propose that there be a maximum of two events per week with more than 50 people.

6. The maximum number of employees – in addition to the permit holder(s) – on-site at any given time is five (5). This condition is not intended to prohibit the permit holder(s) from having more than five (5) employees but, rather, to limit the number of employees on-site at the same time. **This condition is fine with us.**
7. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed; acoustic music played or

performed during wedding ceremonies shall be excluded from this requirement. There shall be no outdoor amplified music at any time. **This condition is fine with us.**

8. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards. No noise in excess of State decibel limits resulting from said use, including the playing of music, shall be transmitted beyond the subject site's property boundaries. **This condition is fine with us. In addition, we want to be clear that no fireworks will be allowed under any circumstances.**
9. The permit holder(s) shall install screening between the existing and proposed structures intended for Rural Retail Tourism activity and the east property boundary. The screening shall be installed at a point beginning 120' south of the edge of the public roadway (approximate southernmost point of the northern vineyard) and extending south a distance of 175'. Allowable screening options include a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center which meet or exceed 75% opacity within three years of the approval date. **We propose the following modification to this condition: The screening shall be installed at a point beginning 75' south of the edge of the public roadway and extending south a distance of 125'. Existing mature evergreens may be incorporated into the required screening (even though spacing is 22' on center), provided that opacity requirement is met. Additional screening shall be installed on the West side of the parking area. We feel starting closer to the road improves screening for neighbors, but we are flexible with additional screening. We just don't want any screening that would impact the line of sight from the end of the driveway, for safety reasons.**
10. The permit holder(s) shall accommodate all Rural Retail Tourism related parking on-site, including parking for guests, staff, service providers / personnel and deliveries, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. No parking shall be allowed on 260th Street. **This condition is fine with us. We do expect parking area will be somewhat smaller than initially planned given the reduction in max capacity.**
11. All areas designated for off-street parking shall be surfaced with gravel or other hard surface in order to prevent dirt and debris from being deposited onto the public roadway. **This condition is fine with us.**
12. Any exterior lighting shall be downcast in order to prevent negative impact to neighboring properties. **This condition is fine with us.**
13. The permit holder(s) shall ensure adequate year-round access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles. **We plan to host events**

during the May-October season only, so would like this to apply to just those months.

14. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations. **This condition is fine with us.**
15. Any liquor service in conjunction with the Rural Retail Tourism activity shall be in accordance with all applicable Minnesota Department of Public Safety regulations and Chisago County liquor licensing requirements. **This condition is fine with us.**
16. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance. **This condition is fine with us.**
17. The permit holder(s) shall ~~install a full septic system and~~ provide sanitary facilities (~~i.e., water closets~~) in compliance with County and State rules to be utilized for Rural Retail Tourism activity and, further, the existing septic system which services the dwelling shall not be used for Rural Retail Tourism activity unless specifically authorized by the Chisago County Department of Environmental Services. **We will reserve and protect an area for a future soil treatment area (septic mound) on the advice of the County Sanitarian.**
18. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes. **This condition is fine with us.**
19. Annual certification of the Conditional Use Permit is required. The permit holder(s) 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. **This condition is fine with us.**

At the last meeting, there was a concern raised about hiring staff to enforce CUP conditions. We want to assure the Planning Commission, that this will not be an issue with our business. If this CUP is approved, we will absolutely comply with all conditions with no need for any staff enforcement.

Our goal is to create a space that will add beauty and serenity to the community. We want to create a small business that our community will be proud of. We sincerely hope that the Planning Commission will recommend approval of the CUP consistent with the recommendation of staff.

Thank you.

Sincerely,

Bridget Korman & Lorelei Walker



**Office of the Chisago County Attorney
Janet Reiter, County Attorney**

313 North Main Street, Suite 373
Center City, MN 55012
Phone (651) 213-8400
Facsimile (651) 213-8401

May 31, 2024

LEGAL OPINION MEMO

To: Jolene Wille, Planning Commission Chairperson
From: Jeffrey B. Fuge, Assistant County Attorney *JBF.*
Re: Conditional Use Permit Application of Bridget Korman and Lorelei Walker

Planning Commission Chairperson Wille:

The County Attorney Office provides this legal opinion memo to the Planning Commission Chairperson and the Planning Commission relative to the pending application for conditional use permit made by Bridget Korman and Lorelei Walker. The Planning Commission will resume its deliberations on the pending application at its meeting scheduled for June 6, 2024. The legal opinion memo discusses the procedures that are necessary for the Planning Commission to follow in order to complete those deliberations and make a recommendation on the application consistent with law as found in relevant statutes and County policy provisions that govern the Planning Commission procedures.

Background

The legal opinion memo starts with a discussion of the procedural history of the application before the Planning Commission.

At its meeting on May 2, 2024, the Planning Commission took up review of the application of Bridget Korman & Lorelei Walker for a Conditional Use Permit to operate a wedding and gathering event business on their 20 acre parcel located in Franconia Township. The Planning Commission held a public hearing on the application during the meeting. At the conclusion of the public hearing, the Planning Commission closed the public hearing on a vote of 7-0.

The Planning Commission then engaged in brief deliberations before receiving a motion to table the application to the June 6, 2024 meeting. The Planning Commission adopted the motion to table the application to the June 6, 2024 meeting on a vote of 6-1. The Planning Commission then took up and adopted a motion to extend the time to act on the application an additional 60 days after May 27, 2024 on a vote of 7-0.

The Planning Commission adjourned the May 2, 2024 meeting without considering a motion to reopen the public hearing and the Planning Commission did not take up a motion to continue the public hearing. Effectively, the record on application was closed when the Planning Commission adopted its motion to close the public hearing on the application.

The County Attorney's Office reaches this conclusion based on the express language found in The Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure ("Policy"). The County Board adopted the Policy to provide governance over the Planning Commission. The relevant express language of the Policy is found states:

"Once the (public) hearing is closed, the record is complete and no further input or evidence from the public is allowed."

See The Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure, Section 13 (F) 1 (h). Section 13 (F) 1 (h) is straight forward and unambiguous, and no further analysis is required to find and apply its plain meaning.

The County has received letters and other documentation from the public concerning the application after the May 2, 2004 meeting. The letters and other documentation would have been read into the record on the application had such information been submitted to the County before the public hearing or during the public hearing.

Issue and Analysis

In the broadest sense, the issue presented to the Planning Commission Chairperson is how to proceed on deliberating on the application and making a recommendation to the County Board, given the existence of documentation received after the public hearing. More specifically, the issue raises the following questions, one substantive and one procedural in nature.

Considering Information Received After the Closure of the Public Hearing.

1. The first question to be considered is substantive: Does the Planning Commission have the discretionary authority to consider the materials that the County received after closure of the public hearing on May 2, 2024 when it deliberates and makes a recommendation on the application, as scheduled for June 6, 2024? Asked in another way, does the Planning Commission have the discretion to rely on the information that was received after the May 2, 2024 public hearing in the developing its rationale for its recommendation to the Board?

The short answer to this substantive question is no. The Planning Commission has only the authority as assigned by the County Board of Commissioners. *See* Minnesota Statute section 394.30, Subd. 5. Acting on the authority given by the Legislature to the county board of commissioners in section 394.30, Subd 5, the Chisago County Board of Commissioners adopted The Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure ("Policy") *See* County Board Resolution No. 24/0221-3. As noted above, the Policy governs the Planning Commission.

Section 13 (F) 1 of the Policy sets out the public hearing format. The Policy gives the Planning Commission Chairperson or other acting presiding officer two options at the conclusion of a public hearing. The Policy gives the Planning Commission Chairperson the discretion to request a motion to close the public hearing. Similarly, the Planning Chairperson has the discretion to request a motion to continue a public hearing.

To close the public hearing, the Planning Commission must adopt a motion to close the public hearing. Closing the public hearing effectively closes the record on application. As cited above, the Policy at Section 13 (F) 1 (h) states: “Once the (public) hearing is closed, the record is complete and no further input or evidence from the public is allowed.”

Effectively, the statement found at Section 13 (F) 1 (h) prohibits the Planning Commission from bringing into the record on application any information that the County receives once the public hearing is closed. Said in another way, the cited language of the Policy found at Section 13 (F) 1 (h) does not give the Planning Commission any discretion to expand the record and requires the Planning Commission to base its recommendation on the information that had been received before the Planning Commission adopts a motion to close the public hearing.

This conclusion is further supported in the additional instruction found in Section 13 (F) 1 (U) of the Policy. Section 13 (F) 1 (U) states:

“If the public hearing is closed, the Planning Commission or Board of Adjustment and Appeals may take action on the application before them. The Commission or Board may formulate a recommendation which outlines the parameters under which an approval would be granted or a denial. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision or the record needs to be reviewed to draft written findings consistent the decision subject to 60-day law.”

See The Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure, Section 13 (F) 1 (U).

The Policy at Section 13 (F) 1 (U) has limited meaning: Section 13 (F) 1 (U) allows the Planning Commission to continue its deliberations and complete its recommendation based on the closed record. Section 13 (F) 1 (U) does not contain any language that would allow the Planning Commission to consider information that is not contained in the closed record in the event that the Planning Commission continues its deliberations to a subsequent meeting and complete its recommendation at that subsequent meeting.

Based upon the cited language found at Section 13 (F) 1 (h) and (U) of the Policy, the County Attorney’s Office would have to reach the general conclusion that the Planning Commission does not have the discretion to consider the letters and other documentation that the County received from the public after the May 2, 2004 unless relevant statutes or Policy provisions provides an exception that would allow for a process for the Planning Commission to re-open the record and call for a second

public hearing. As a threshold in the analysis, the County Attorney's Office has the legal opinion that the Policy does provide for such an exception and that process is discussed below. State law and the Policy require that one public hearing is held prior to a final determination on an application for a conditional use permit. Neither state law nor the Policy contain a prohibition against holding a second public hearing on an application.

Absent such exception, however, the Planning Commission Chair must call for two motions when bringing the application to the floor at the meeting on June 6, 2024 for the Planning Commission:

First, the Planning Commission Chairperson must entertain a motion to take the application from the table. The motion to take the application from the table is procedurally required to allow the Planning Commission to resume its deliberations and conclude its work before the County Board considers the application.

Second, the Planning Commission Chairperson must entertain a motion to recommend to the County Board that it either approve or deny the application and such motion to recommend should articulate the basis or reasons for adoption or denial, as appropriate. As recommended above, the basis, or reasoning, of the Planning Commission must come from and be supported by information received into the record at the time that the public hearing is closed. (Certainly, it is appropriate for the Planning Commission Chairperson could entertain, in the alternative, a motion to forward the application to the County Board without recommendation.)

Re-Opening the Record on Application.

2. The second question to be considered is procedural and asks: What procedure must the Planning Commission follow to properly re-open the closed record on application and bring into the record that documentation that was received from the public after the close of the May 2, 2024 public hearing?

Before outlining the process that the Planning Commission must use to re-open the record on the application, should the Planning Commission wish to do so, the County Attorney's Office reiterates our opinion that the Planning Commission has the discretion to re-open the record of any pending application for a conditional use permit so long as doing so does not prevent the County Board from making a timely decision consistent with the statutory 60-day to decision mandate.

Consistent with state law, the Planning Commission acted to extend the time for determining the pending application from May 27, 2024 to July 27, 2024. As such, the Planning Commission has sufficient time to exercise its discretion to re-open the record on the pending application before the regular County Board meeting on July 17, 2024.

To reopen the record and make its recommendation in a timely manner, the Planning Commission must follow the following procedure:

- At its regular meeting scheduled for June 6, 2024, the Planning Commission must adopt the following motions.
 1. Motion to take the application from the table for further consideration.
 2. Motion to reopen the record on the pending Conditional Use Permit application of Bridget Korman and Lorelei Walker.
 3. Motion to call for a second public hearing on the pending Conditional Use Permit application of Bridget Korman and Lorelei Walker to be held at the July 11, 2024. (The Planning Commission has moved its regular meeting for July from the holiday on July 4, 2024).

Assuming the Planning Commission adopts the motion to reopen the record and the motion to call for a second public hearing, as framed above, the Planning Commission will have to timely post and publish notice of public hearing – no less than 10-days before the date of the second public hearing - and reach a recommendation decision at its July 11, 2024 meeting. The Planning Commission would follow the procedure for considering conditional use permit applications as found in the Zoning Ordinance and the Policy in the exact manner that the Planning Commission followed in considering the application at its May 2, 2024 meeting.

cc: Beth Gervais, Land Services Coordinator

RESOLUTION NO. PC2024-0603

**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 15323 260TH STREET IN FRANCONIA TOWNSHIP**

WHEREAS, property owners Bridget Korman & Lorelei Walker submitted an application dated received and considered complete on March 28, 2024 for a Conditional Use Permit allowing Rural Retail Tourism on property located at 15323 260th Street in Franconia Township; and

WHEREAS, the property owners desire to establish and operate a wedding / gathering venue on their 20.00± acre property; and

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

WHEREAS, the subject site is legally described as:

PID 04.00411.20

That part of the Northwest 1/4 of Section 25, Township 33, Range 20, Chisago County, Minnesota, described as follows: to wit: The North 1452 feet of the West 600 feet of the Northwest 1/4 of Section 25, Township 33, Range 20, Chisago County, Minnesota.

WHEREAS, notice was provided and on May 2, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owners, and invited members of the public to comment; and

WHEREAS, upon closure of the public hearing, the Planning Commission tabled the request to its June 6, 2024 meeting and extended the State mandated review period in order to allow time for the Franconia Town Board / Road Authority to further consider the request in regard to roadway and/or traffic impacts; to allow citizens opportunity to voice their roadway and/or traffic concerns directly to the Town Board / Road Authority; to allow the Town Board / Road Authority opportunity to offer additional input to the County for consideration at the Planning Commission's June 6th meeting; and, to allow additional time for the Planning Commission to review the application materials and consider appropriate conditions of approval; and

WHEREAS, in response to the May 2, 2024 public hearing, the applicants submitted an amended request on May 10, 2024; and

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

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); and

- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18); and*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22); and*
- *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); and*
- *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	<i>The proposed Rural Retail Tourism activity will utilize on-site sanitary facilities, private utilities, off-street parking for guests, and, due to the nature of the proposed activity as a gathering venue, the use will have no impact on schools or other public facilities or utilities. Access to the subject site will be gained from an improved / paved well-established and maintained Township Road (260th Street). While The Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]", the County finds no quantifiable evidence to suggest that the road will not support increased traffic levels. The County further 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.</i>
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	<i>The subject site is 20.00± acres in size and, based on the amended application materials, the primary structures (not including the proposed gazebo) intended to be utilized for Rural Retail Tourism activity are situated no closer than 150' from the edge of the public roadway (260th Street) and no closer than 100' from the nearest property boundary (east property boundary). The County finds that distance and existing vegetation and the implementation of a condition requiring additional screening adjacent to a portion of the west and east property boundaries will aid in mitigating potential negative impacts associated with the structures and the parking lot.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	<i>The proposed Rural Retail Tourism activity will primarily take place within existing and proposed structures. Given the "destination" nature of the proposed wedding / gathering venue, it will be within the permit holder's best interest to maintain an appealing appearance of the structures as well as the subject site. Further, the County finds that the subject site is presently well-maintained and finds no evidence to suggest that this condition would change upon approval of the proposed use.</i>

- 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 identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Section 4.15 of the Chisago County Zoning Ordinance 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; and*
 - *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; and*
 - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere; and*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses; and*
 - *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 *The subject site is located adjacent to and gains access from a Township Road (260th Street). While The Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]", the County finds no quantifiable evidence to suggest that the proposed traffic levels will create traffic hazards or cause congestion and notes the improved / paved condition and well-maintained status of the roadway.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 *While the County received a significant amount of public testimony during the May 2, 2024 public hearing related to concerns about noise, the County finds that through the implementation of conditions specifically pertaining to noise and glare, potential negative impacts associated with noise (i.e., playing or performing of music, hours of operation, etc.) and glare (i.e., possible installation of exterior lighting) can be mitigated. Further, the County finds, that with proper screening / landscaping mitigation efforts, there is no evidence to suggest that the proposed use will have an unsightly appearance which would negatively impact neighboring properties.*

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 establishment and operation of a

gathering venue for events including, but not limited to, weddings, family reunions, celebrations, workshops, and meetings. Any significant deviation from the approved use or future expansion of the use, 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. The maximum event capacity shall be limited to 125 people, including guests, staff and service personnel.
3. In addition to the construction and use of new structures, including a pole building addition of 2,000 sf or less and a gazebo, Rural Retail Tourism activity may also take place within existing structures, including a 36' x 40' pole building and a 14' x 16' single-stall garage, provided that the existing structures are 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. A storage building will also be allowed for business items, equipment, and a staging / prep area.
4. Structures utilized for Rural Retail Tourism activity, whether existing or new, shall be located no closer than 110' from any property boundary, except for a potential covered ceremony site which would be no closer than 60' from any property boundary.
5. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week, May 1st through October 31st, and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation.
 - Monday through Thursday – 8:00 am to 5:00 pm
 - Friday and Saturday – 8:00 am to 10:00 pm
 - Sunday – 8:00 am to 8:00 pm

There shall be a maximum of two events with more than 50 guests per week.

6. The maximum number of employees – in addition to the permit holder(s) – on-site at any given time is five (5). This condition is not intended to prohibit the permit holder(s) from having more than five (5) employees but, rather, to limit the number of employees on-site at the same time.
7. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed; acoustic music played or performed during wedding ceremonies shall be excluded from this requirement. There shall be no outdoor amplified music at any time.
8. Noise generated from the approved Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards. No noise in excess of State decibel limits resulting from said use, including the playing of music, shall be transmitted beyond the subject site's property boundaries. Fireworks shall be strictly prohibited.
9. The permit holder(s) shall install screening between the existing and proposed structures intended for Rural Retail Tourism activity and the east property boundary. The screening shall be installed at a point beginning 100' south of the edge of the public roadway (approximate southernmost point of the northern vineyard) and extending south a distance of 100'. Allowable screening options include a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center which meet or exceed 75% opacity within three years of the approval date. Existing mature evergreen trees shall be allowed to be incorporated into the required screening, even though spacing of these trees is 22' on center. Additionally, evergreen tree screening shall be installed adjacent to the western boundary of the parking lot.
10. The permit holder(s) shall accommodate all Rural Retail Tourism related parking on-site, including

parking for guests, staff, service providers / personnel and deliveries, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. No parking shall be allowed on 260th Street.

11. All areas designated for off-street parking shall be surfaced with gravel or other hard surface in order to prevent dirt and debris from being deposited onto the public roadway.
12. Any exterior lighting shall be downcast in order to prevent negative impact to neighboring properties.
13. The permit holder(s) shall ensure adequate access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
14. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
15. Any liquor service in conjunction with the Rural Retail Tourism activity shall be in accordance with all applicable Minnesota Department of Public Safety regulations and Chisago County liquor licensing requirements.
16. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
17. The permit holder(s) shall provide sanitary facilities in compliance with County and State rules to be utilized for Rural Retail Tourism activity and, further, the existing septic system which serves the dwelling shall not be used for Rural Retail Tourism activity unless specifically authorized by the Chisago County Department of Environmental Services.
18. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
19. Annual certification of the Conditional Use Permit is required. The permit holder(s) 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 6th day of June, 2024.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

RESOLUTION NO. PC2024-0603
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING DENIAL OF A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM ON
PROPERTY LOCATED AT 15323 260TH STREET IN FRANCONIA TOWNSHIP

WHEREAS, property owners Bridget Korman & Lorelei Walker submitted an application dated received and considered complete on March 28, 2024 for a Conditional Use Permit allowing Rural Retail Tourism on property located at 15323 260th Street in Franconia Township; and

WHEREAS, the property owners desire to establish and operate a wedding / gathering venue on their 20.00± acre property; and

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

WHEREAS, the subject site is legally described as:

PID 04.00411.20

That part of the Northwest 1/4 of Section 25, Township 33, Range 20, Chisago County, Minnesota, described as follows: to wit: The North 1452 feet of the West 600 feet of the Northwest 1/4 of Section 25, Township 33, Range 20, Chisago County, Minnesota.

WHEREAS, notice was provided and on May 2, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owners, and invited members of the public to comment; and

WHEREAS, upon closure of the public hearing, the Planning Commission tabled the request to its June 6, 2024 meeting and extended the State mandated review period in order to allow time for the Franconia Town Board / Road Authority to further consider the request in regard to roadway and/or traffic impacts; to allow citizens opportunity to voice their roadway and/or traffic concerns directly to the Town Board / Road Authority; to allow the Town Board / Road Authority opportunity to offer additional input to the County for consideration at the Planning Commission's June 6th meeting; and, to allow additional time for the Planning Commission to review the application materials and consider appropriate conditions of approval; and

WHEREAS, in response to the May 2, 2024 public hearing, the applicants submitted an amended request on May 10, 2024; and

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

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); and*

- To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18); and
- To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22); and
- 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); and
- 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 Rural Retail Tourism activity will utilize on-site sanitary facilities, private utilities, off-street parking for guests, and, due to the nature of the proposed activity as a gathering venue, the use will have no impact on schools or other public facilities or utilities. However, the County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, the poor condition of the public roadway and the ability of the current roadway to handle the increased level of traffic. Further, the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]".*

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 *The subject site is 20.00± acres in size and, based on the amended application materials, the primary structures (not including the proposed gazebo) intended to be utilized for Rural Retail Tourism activity are situated no closer than 150' from the edge of the public roadway (260th Street) and no closer than 100' from the nearest property boundary (east property boundary). The County finds that distance and existing vegetation and the implementation of a condition requiring additional screening adjacent to a portion of the west and east property boundaries will aid in mitigating potential negative impacts associated with the structures and the parking lot.*

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 activity will primarily take place within existing and proposed structures. Given the "destination" nature of the proposed wedding / gathering venue, it will be within the permit holder's best interest to maintain an appealing appearance of the structures as well as the subject site. Further, the County finds that the subject site is presently well-maintained and finds no evidence to suggest that this condition would change upon approval of the proposed use.*

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 identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Section 4.15 of the Chisago County Zoning Ordinance 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; and*
- *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; and*
- *Enhance Chisago County’s appeal to visitors who are drawn to its rural atmosphere; and*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses; and*
- *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

The subject site is located adjacent to and gains access from a Township Road (260th Street). The County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, the poor condition of the public roadway, potential conflicts with agricultural equipment traffic, the lack of street lighting which would enhance safety, and the ability of the current roadway to handle the increased level of traffic. Further, the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14, 2024 meeting and expressed concern to the County that the proposed use “will cause congestion, hazards, accidents, and will have safety issues on [260th Street]”.

Factor #8

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

Finding #8

The County received a significant amount of public testimony during the May 2, 2024 public hearing in which neighboring property owners expressed concern about, among other things, potential negative impacts associated with noise. The primary concerns were related to the playing or performing of music, vehicle disturbances, and general disturbance of the “peace and quiet” enjoyed by neighboring residents. The County finds that there are no remedies or conditions of approval which would mitigate the noise levels resulting from the proposed use.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends denial of the request for Conditional Use Permit based on the findings above.

Adopted by the Planning Commission of Chisago County, Minnesota, this 6th day of June, 2024.

Chris DuBose

Eric Leivian

Jim McCarthy

John Sutcliffe

Dave Whitney

Jolene Wille

Chip Yeager

Jolene Wille

Chair

ATTEST: _____

Beth Gervais

Land Services Coordinator