Chisago COUNTY USA | PLANNING COMMISSION

Meeting Agenda
July 11, 2024 | 7:00 pm

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

Tour Date and Time: Wednesday, July 10, 2024 at 9:00 am
Departing from Chisago County Highway Department, 31325 Oasis Road, Center City, MN 55012

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. June 6, 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, 6b, 6c, 6d, 6e, and 6f.
6. **Public Hearings**
   a. **Bridget Korman & Loralei Walker** – Property owners Bridget Korman & Loralei 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).

   b. **Timothy & Deanna Turcotte** – Property owners Timothy & Deanna Turcotte are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 40.80± acre property in the Agricultural (AG) District. The subject site is generally located at the intersection of 360th Street and Tern Avenue in Shafer Township, S3, T34, R19 (PID 08.00020.00).

   c. **Redline Management, LLC and Curtis Forster** – Property owner Redline Management, LLC and applicant Curtis Forster are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 31.81± acre property in the Agricultural (AG) District. The subject site is generally located approximately 2.85 miles east of Government Road on the south side of 540th Street in Rushseba Township, S5, T37, R20 (PID 07.00006.00).

   d. **Karen Buddhist Association, Inc.** – Property owner Karen Buddhist Association, Inc. and applicant Kyaw Kyaw Lwin are requesting an Amendment to a Conditional Use Permit allowing the establishment and maintenance of a place of worship. The proposed Amendment includes, but may not be limited to, expanded hours of operation and an increased maximum number of attendees. The 58.7± acre subject site is located within the Agricultural (AG) District at 43695 Peaceful Valley Road in Sunrise Township, S25, T36, R21 (PID 09.00604.00).

e. **Roy & Kelly Ramberg and Kelly Jordan** – Property owners Roy & Kelly Ramberg and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Kost Ranch involving the creation of one lot from a 183.2± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 36320 Kost Trail / CSAH 11 in Sunrise Township, S31, T35, R20 (PID 09.00359.00).

f. **Kenneth Knoss and Larry Hansen** – Property owner Kenneth Knoss and applicant Larry Hansen are requesting approval of the Preliminary Plat of Ponytail Addition involving the creation of one lot from a 46± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street in Nessel Township, S11, T37, R22 (PID 06.00235.10).

7. **Public Hearings – Continued Hearings**
   None

8. **Old Business**
   None

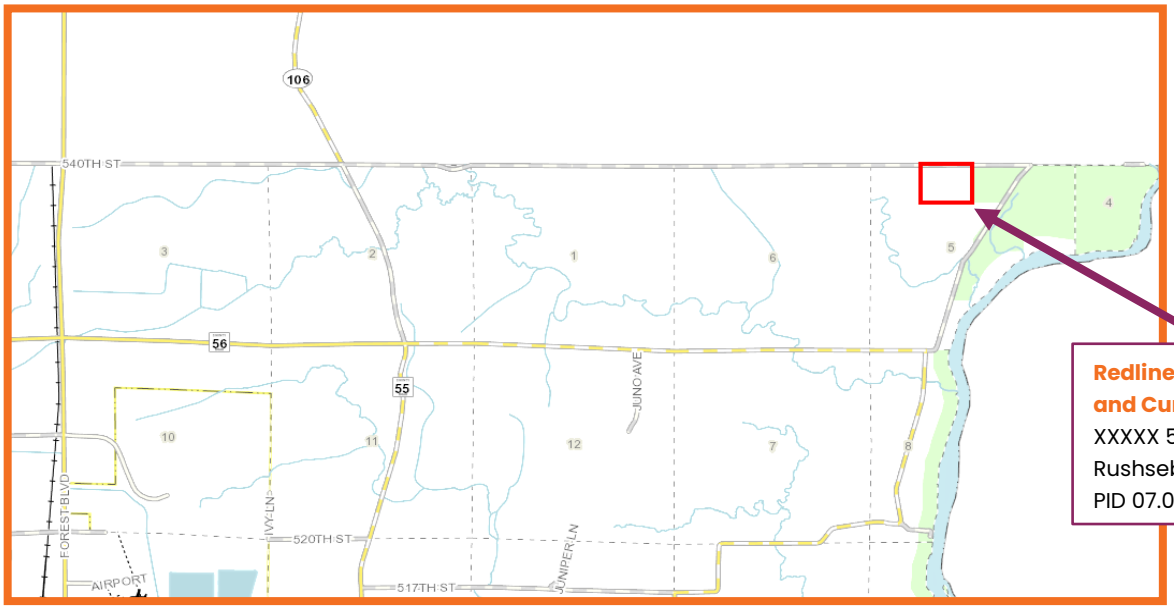
9. **New Business**

10. **Communications and Reports**
    a. County Board Liaison Reports – Commissioners Greene and Dahlberg

11. **Miscellaneous**

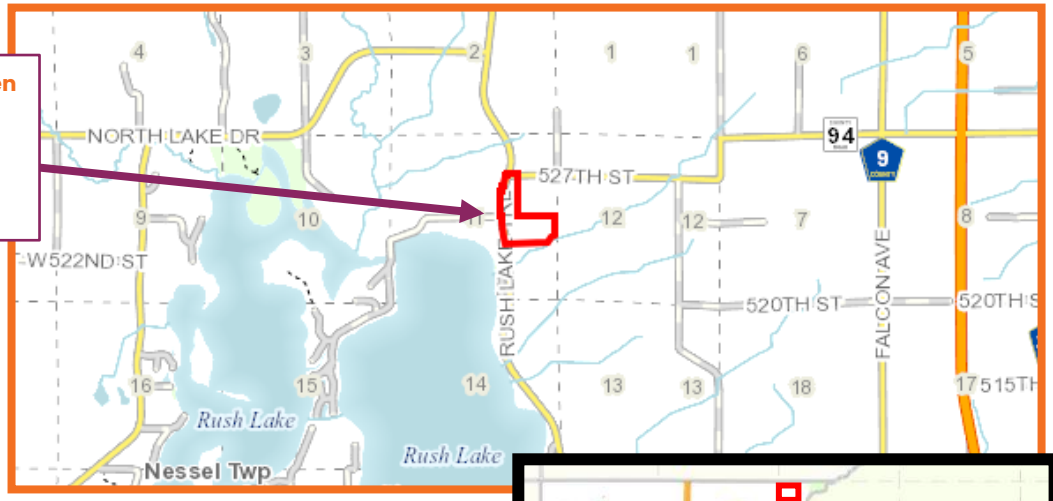
12. **Adjourn Meeting**
    - The next special work session is scheduled for Thursday, July 18, 2024 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, August 1, 2024 at 7:00 pm.

Planning Commission
Tour Date and Time:
Wednesday, July 10, 2024 at 9:00 am
Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012

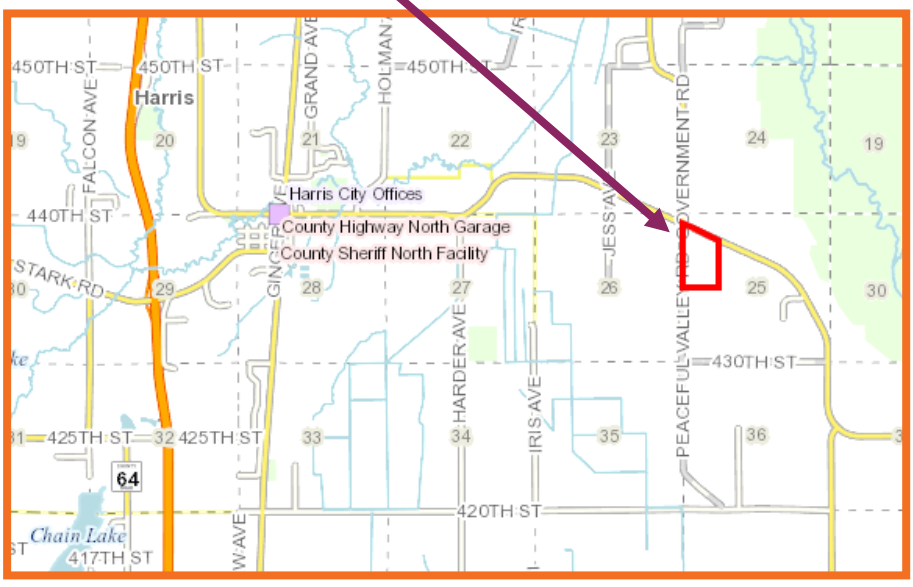


Redline Management, LLC and Curtis Forster
XXXXX 540th Street
Rushseba Township
PID 07.00006.00

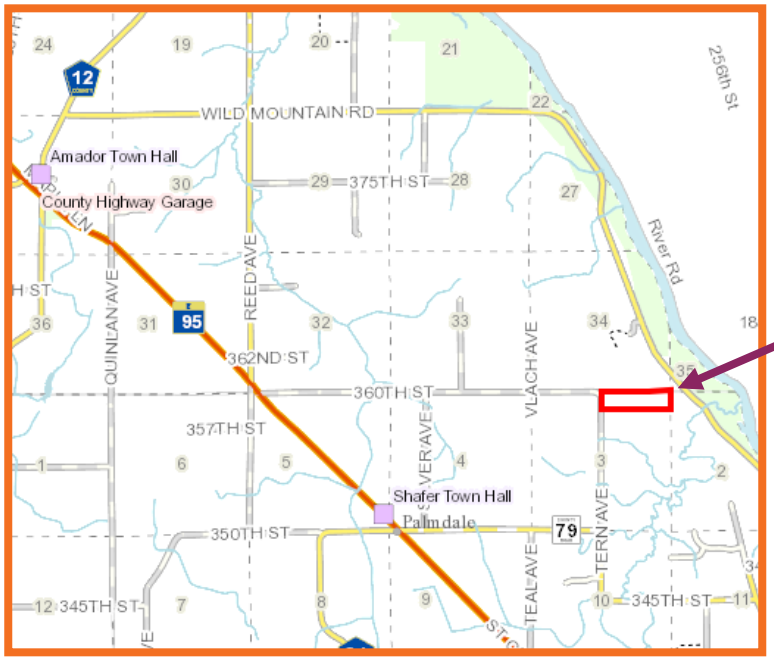
Kenneth Knoss and Larry Hansen
XXXXX Rush Lake Trail / CSAH 1
Nessel Township
PID 06.00235.10
FOR REFERENCE ONLY



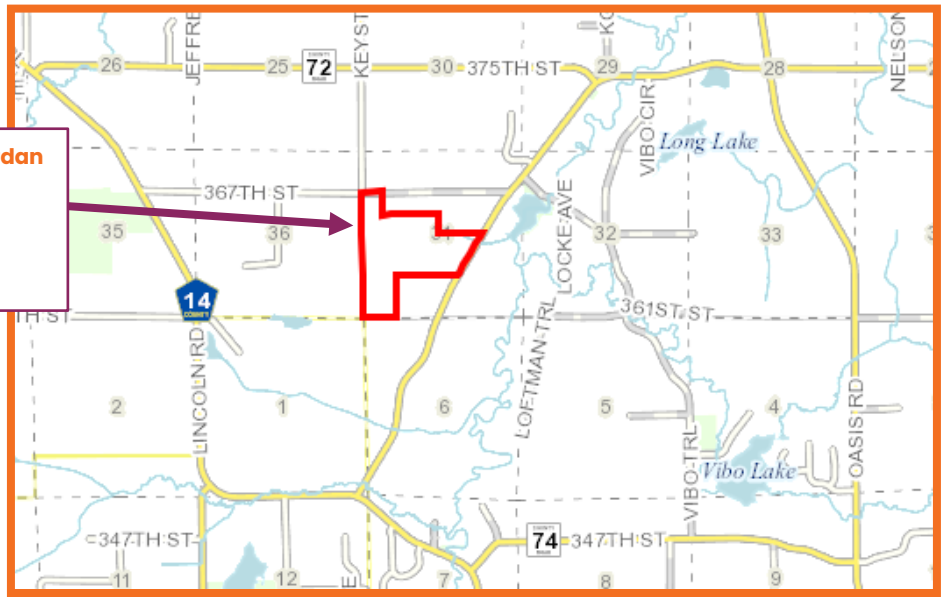
Karen Buddhist Association, Inc. and Kyaw Kyaw Lwin
43695 Peaceful Valley Road
Sunrise Township
PID 09.00604.00





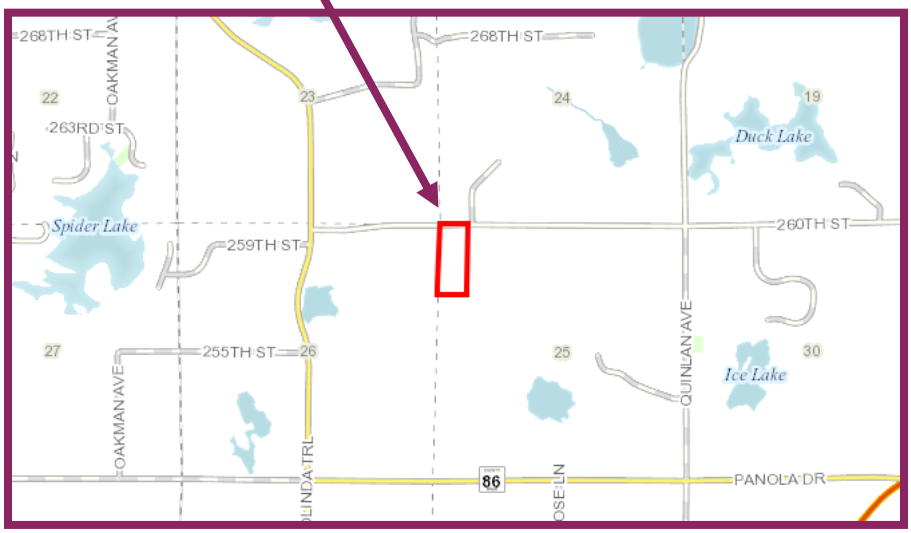


Timothy & Deanna Turcotte
XXXXX Tern Ave
Shafer Township
PID 08.00020.00



Roy & Kelly Ramberg and Kelly Jordan
36320 Kost Trail / CSAH 11
Sunrise Township
PID 09.00359.00
FOR REFERENCE ONLY

Bridget Korman & Loralei Walker
15323 260th Street
Franconia Township
PID 04.00411.20





CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
June 6, 2024

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, June 6, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; Jeff Fuge, Assistant County Attorney; 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 – Chair Wille asked, in the interest of efficiency, if the Commission would like to move Old Business (item 8a) and Public Hearing – Continued Hearings (item 7a) items before Public Hearings – New Applications items (item 6a) on the agenda. ***Motion*** by DuBose to approve the agenda as revised, so that following item 5 (Receive all Materials and Submittals into Record), the order would be item 8a, followed by item 7a, followed by item 6a; second by Sutcliffe. The **motion passed** 7-0.

Approval of Minutes – ***Motion*** by Leivian to approve the May 2, 2024, regular meeting minutes as presented; second by Sutcliffe. The **motion passed** 7-0.

Receive all Materials and Submittals into Record – ***Motion*** by Sutcliffe to accept all materials and submittals into the record, including a memo from Director Schneider in regard to the County Board's request of the Planning Commission to re-open the public record for the Korman Walker request for CUP for Rural Retail Tourism, and comments from Commissioner Whitney on the Korman Walker request for CUP for Rural Retail Tourism; second by DuBose. 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 the two added items described above.

Old Business

Bridget Korman & Loralei Walker – Coordinator Gervais began by explaining that Korman and Walker were applying for a Conditional Use Permit for Rural Retail Tourism and the Planning Commission had conducted the requisite public hearing on May 2, 2024 and ultimately tabled the request to the June 6, 2024 meeting. Gervais reviewed details of the subject site and the original application materials. Gervais stated that, following the May 2nd meeting and based on feedback from the Planning Commission and testimony received by the Planning Commission, the applicants had amended their application and submitted new materials on May 10th. The amended application

materials were passed along to Franconia Township for further consideration at its May 14, 2024 meeting. Gervais then reviewed differences between the original application materials and the amended application materials.

Coordinator Gervais recapped the review process, explaining that the Franconia Town Board first considered the request on April 9, 2024 and didn't provide the County with a recommendation of either approval or denial but did offer comments and a recommended condition; the Technical Review Committee met on April 10, 2024; the Planning Commission conducted the public hearing on May 2, 2024 and ultimately motioned to table the request to June 6, 2024 and extend the review period by an additional 60 days; the County received amended application materials from the applicants on May 10, 2024; the Franconia Town Board considered the amended application materials on May 14, 2024 and provided the County with a recommendation of denial, commenting that "having a venue like this will cause congestion hazards, accidents, and will have safety issues on this road (260th St.)"; and, the extended review period was scheduled to expire on July 26, 2024.

Coordinator Gervais noted that, following the May 2, 2024 public hearing, the County continued to receive public testimony; however, given that the Planning Commission closed the public hearing on May 2nd and based on Assistant County Attorney Fuge's legal opinion memo dated May 31, 2024, the testimony received after May 2nd could not be disseminated to the Planning Commission or the County Board. Gervais noted that all such testimony was placed in the project file and would only be disseminated if a second public hearing was scheduled.

Coordinator Gervais then provided a recommendation of approval along with recommended conditions of approval, and concluded by reviewing options available to the Planning Commission.

Director Schneider identified and emphasized the memo which he had provided and which was earlier received into the record. Schneider stated that the memo related to an action that the County Board had taken on June 5, 2024 pertinent to the CUP request, explaining that the County Board requested that the Planning Commission re-open the public record for the Korman Walker request for CUP for Rural Retail Tourism which was closed at the May 2, 2024 Planning Commission meeting. Schneider explained that Assistant County Attorney Fuge's legal opinion memo, included in the staff report, provided advice and direction on scheduling a second public hearing.

Assistant County Attorney Fuge explained that the Planning Commission would first need to entertain a motion to take the item from the table, placing the matter squarely before them and giving the Commission the procedural basis to move forward.

Motion by DuBose to take the application from the table for further consideration; second by Sutcliffe. The **motion passed** 7-0.

DuBose sought clarification on the suggested second motion identified in Fuge's legal opinion memo (motion to re-open the public record). Assistant County Attorney Fuge responded that the County Attorney's Office would allow the Planning Commission to determine for itself if it wished to re-open the public record. DuBose commented that the Planning Commission received a lot of

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testimony during the May 2, 2024 public hearing and many of the people who provided testimony were present at the June 6, 2024 meeting as well. DuBose commended the public for being vocal, involved, and communicating with the Planning Commission. DuBose added that it was important to let the public speak.

Motion by DuBose to re-open the public record on the pending Conditional Use Permit request; second by Whitney.

Whitney inquired, if the public record was re-opened, when the public testimony which was received after the May 2, 2024 public hearing could be released to the Planning Commission. Fuge responded by recommending that the previous motion be amended to not only open the public record but to call for a second public hearing to be held on July 11, 2024. Fuge explained that, upon calling for a second public hearing, the materials received to date could be disseminated to the Planning Commission at any point because they would ultimately be received into the record during the course of the July 11th public hearing.

Motion by DuBose to amend his previous motion to include calling for a second public hearing on July 11, 2024; second by Whitney.

McCarthy commented that from his previous experiences, the Planning Commission had continued public hearings due to incomplete applications or when staff had identified unresolved issues. McCarthy inquired if staff believed the application to be incomplete or if there were unresolved issues. Gervais responded that she believed the application to be complete.

DuBose stated that his personal motivation for re-opening the public record and calling for a second public hearing was so the Planning Commission could request the completion and submission of a traffic study prior to the July 11, 2024 public hearing.

Chair Wille asked if there was any further discussion about the motion. Seeing none, Chair Wille called for a vote. The amended **motion passed** 7-0.

DuBose commented that he had requested at the May 2, 2024 meeting that the County Engineer review 260th Street and comment on any issues that may be created by the proposed CUP. DuBose noted that he spoke directly with the County Engineer following the May 2nd meeting and the County Engineer stated that 260th Street was a Township Road and the County had no authority over the roadway and, therefore, declined to get involved. DuBose noted that one of his reasons for wanting to re-open the public record was so that the Planning Commission could request that a traffic study be done, a traffic study which would be paid for by the applicants using the Township Engineer.

Motion by DuBose to require that the applicants initiate a traffic study for 260th Street at their expense and completed by the Township Engineer; second by McCarthy.

McCarthy expressed concern with the suggested traffic study, commenting that, based on his background in traffic engineering and the estimated traffic volumes, the traffic study results would reveal no need for a turn lane. McCarthy added that he visited the subject site and viewed the roadway and did not believe a traffic study would be difficult or expensive, but he didn't want to cause need for the Road Authority to hire an engineer for this study. DuBose clarified that he had proposed the study be paid for by the applicants and not the township / Road Authority.

Chair Wille asked if there was any other discussion or questions on the issue of traffic. Seeing none, Chair Wille called for a vote. Whitney requested a roll call vote.

Whitney - Nay
McCarthy -Nay
Leivian – Nay
Yeager – Nay
DuBose – Aye
Sutcliffe– Nay
Chair Wille – Nay

The **motion failed** 1-6.

Whitney sought clarification from Assistant County Attorney Fuge on proper wording of motions related to the request for CUP. Fuge responded by explaining that, to conclude the June 6, 2024 discussion, the motion to continue the entire matter to July 11, 2024 would certainly be in order.

Motion by Whitney to conclude the Planning Commission's June 6, 2024 discussion of the proposed Korman Walker CUP and continue the entire matter on July 11, 2024; second by Sutcliffe. The **motion passed** 7-0.

Public Hearings – Continued Hearings
Kenneth Rice - Coordinator Gervais began by explaining that the Planning Commission opened the public hearing for this request at its May 2, 2024 meeting and ultimately motioned to continue the public hearing to June 6, 2024 in order to allow the applicants time to address concerns identified through the review process. Gervais then recapped the history of the Preliminary Plat of Paradise Woods, highlighting that the Preliminary Plat received approval in November 2022 but the applicants failed to submit request for Final Plat within one year as required by the Chisago County Subdivision Ordinance. Coordinator Gervais noted that the current request was consistent with the 2022 approval and she then reviewed details of the subject site and proposed subdivision.

Coordinator Gervais explained that the main concern identified through the review process was a drainage easement covering the eastern 770' of the subject site, which included all of proposed Lot 3 and more than half of proposed Lot 2. Additionally, the County received written testimony from the adjacent jurisdiction of the City of Chisago City questioning the drainage impact.

Coordinator Gervais recapped the review process, explaining that the Technical / Plat Review

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Committee met on April 10, 2024 and noted that topography of the proposed lots may present challenges for the placement of septic systems and structures but, ultimately, found that the soils were suitable. The Committee did not identify any other concerns. The Chisago Lake Town Board met on April 16, 2024 and recommended approval "contingent on signing of developer's agreement outlining road construction costs and transfer of turnaround to township and escrow agreement for legal and engineering fees. The ordinance prescribed 120-day review period was scheduled to expire on July 23, 2024. The Planning Commission opened the public hearing on May 2, 2024 and ultimately took action to continue the hearing to June 6, 2024 in order to allow the applicants time to address the 770' drainage easement as well as concerns identified by the City of Chisago City.

Coordinator Gervais stated that 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 information pertained 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 indicated that the property owner / applicants didn't have a clear understanding of the concerns submitted by the City of Chisago City; however, they did believe that, if the concerns were related to drainage runoff from the road improvement, the issue had already been addressed with the Chisago Lake Township Engineer.

Coordinator Gervais concluded by recommending 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. Gervais also reviewed options available to the Planning Commission.

Chair Wille invited the property owner / applicants to address the Planning Commission. Applicants Kenneth & Kimberly Rice were present along with Frank Brodeen of Widseth. Kimberly Rice stated that they had met with their neighbors on both sides and were waiting for the neighbors to sign an agreement to confine the existing drainage easement. Kenneth Rice commented that the runoff wouldn't affect properties within the City of Chisago City, adding that any runoff from construction would be self-contained. They spoke with neighboring property owner Benjamin Hickman and shared that Hickman had no issues with the proposed plat. Kenneth Rice stated that he had assured Hickman that drainage would not change as all drainage would flow to the delineated wetland areas.

Chair Wille asked the Planning Commission if they had any questions for the applicants.

Whitney asked if the 320th Street Right-of-Way was 66' in width. Kenneth Rice responded that it was a two-rod easement or 33' currently but, through the platting process, they would be adding an additional 33' which would result in a 66' Right-of-Way. Whitney inquired if the Road Authority was requiring 320th Street to be paved. The applicants responded that paving wasn't being required but the road would need to be upgraded to Chisago Lake Township standards. Whitney inquired if road improvements would be included in the developer's agreement between the developer and the township. The applicants responded that the agreement would address road improvements.

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McCarthy sought clarification on the drainage pattern, speculating that the City's drainage concerns were related to expansion of 320th Street and the resulting additional runoff. Frank Brodeen responded with an explanation of high points and low points and drainage patterns in these areas, adding that there were certain areas where drainage would flow toward the roadway. McCarthy asked if the increased runoff would flow into the two wetland areas nearest the roadway. The applicants responded in the affirmative.

Chair Wille asked if there were any additional questions from the Planning Commission. Seeing none, Chair Wille opened the continued public hearing and sought comment.

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

Motion by Whitney to add a seventh condition of approval which would require the owners of parcels in Paradise Woods to pay their portion of future street improvements, such as paving.

Yeager inquired if this was a matter that the County could get involved in, given that it was a township road. Director Schneider responded by stating it would be appropriate for the Planning Commission to discuss the adjacent roadways as they related to the development; however, the township was the Road Authority and only the Road Authority had authority to establish specific and varied road improvement policies and assessments. DuBose commented that recommended condition no. 5 already addressed what Commissioner Whitney was requesting.

With no second, the motion failed.

Motion by DuBose to adopt Resolution No. PC2024-0602, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Paradise Woods, as presented; second by Sutcliffe. The **motion passed** 7-0.

Public Hearings – New Applications

Zoning, Subdivision, and Shoreland Management Ordinance Amendments – Coordinator Gervais explained that Chisago County was seeking comment on the proposed repeal of the 2008 Chisago County Zoning Ordinance, the 1999 Chisago County Subdivision Ordinance, and the 1992 Shoreland Management Ordinance in their entireties and adoption of new ordinances in their place. Gervais shared that the purpose of the proposed amendments was 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 the ordinances were compliant with State and Federal standards. Gervais shared that the draft ordinances had 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. 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.

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Coordinator Gervais noted that the Shoreland Management Ordinance was subject to review and conditional approval from the Minnesota Department of Natural Resources (DNR), adding that the public hearing notice and draft ordinance were provided to the DNR on April 30, 2024 and, as of the June 6, 2024 meeting, the County had not received any comment or correspondence from the DNR.

Coordinator Gervais then turned the presentation over to Consultant Haila Maze with Bolton & Menk. Consultant Maze began by offering a brief history of the ordinance update efforts and a review of the purpose of the ordinance updates. Maze then provided detail on what she viewed as the most significant changes to the Zoning Ordinance, including:

- Rural Retail Tourism and Major Home Occupations - considering minimum lot size, management impacts, and other factors to the approval and management of these sites.
- Adding the allowance for Accessory Dwelling Units.
- Consolidated and clarified definitions for the Rural Residential and Urban Fringe Residential Districts.
- Updated and developed guidance for campsites and campsite areas.
- Options for duplexes and townhomes within the Rural Residential and Urban Fringe Residential Districts.
- Adding new uses such as electric vehicle charging stations, large scale battery storage, and additional information related to cannabis.
- Updated guidance for mitigating impacts like noise and screening.
- Updated guidance for the Planned Unit Development and cluster development subdivision options.

Next, Maze reviewed the most significant changes to the Subdivision Ordinance, including:

- Updated dimensions for subdivisions and platting.
- Updated and clarified guidance for Preliminary and Final Plat processes. Streamlining the process and taking out unnecessary steps.
- Changed parkland dedication to provide more flexibility.
- Clearer language for roadway design, signage, and other infrastructure.

Maze continued by reviewing the primary changes to the Shoreland Management Ordinance. Maze indicated that the major consideration for the ordinance update was to align with the DNR model ordinance which included several updates to definitions and criteria, including more illustrations and clarification on how the St. Croix River overlay districts overlap with shoreland areas.

Consultant Maze reviewed the steps that had been taken to solicit public engagement for the proposed ordinance amendments, as well as the necessary steps for moving forward.

Chair Wille opened the public hearing and sought comment.

Amy Doeun 53100 Fairfield Avenue, Rushseba Township, spoke specifically about Accessory Dwelling Units, explaining that she would like to see the maximum square footage increased to 770 ft or 800 ft. The increased area would allow greater accessibility and allow for a second bedroom if the resident(s) needed overnight care.

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Jeska Noordergraaf 39750, Poor Farm Road, Sunrise Township, started off by addressing the building site approval process. Noordergraaf stated that Sunrise Township has had problems with some houses being built in wetland areas resulting in basements needing to have sump pumps running all the time. Noordergraaf refenced the proposed building requirements under Zoning Ordinance Section 4.07. Noordergraaf's concern with water diversion was that residents could be diverting water toward the ditches and roadway which could cause problems with flooding. Noordergraaf stated that she interpreted the ordinance to require that water levels be at least two feet below the structure foundation and questioned, if it was a dry year, would that be realistic and suggested that the requirement should be greater than two feet.

Noordergraaf's second concern was with the public hearing notification process, suggesting that the notification boundary be increased to one mile. To explain her concern, Noordergraaf stated that her closest neighbor was about two miles away, which meant that Noordergraaf wouldn't receive notice of a public hearing if the neighbor were going to do something.

Noordergraaf's third concern was in regard to horses, explaining that there were two areas within the Zoning Ordinance – Sections 5.08 and 5.13 – in which horses were listed but the acreage of land differed. She questioned why there were two different acreages listed. Noordergraaf suggested that this issue should be revisited.

Noordergraaf's fourth concern related to vehicles displayed for sale along the side of the road and in ditches. Noordergraaf commented that she wanted to maintain the beauty of Chisago County and the display of vehicles should be regulated.

Noordergraaf concluded by sharing concerns related to agricultural structures and her desire to improve the aesthetics of these structures, referencing that Goodhue County had examples of matching structures which provided a more pleasing experience.

Erika Huffman 15237 260th Street, Franconia Township, spoke in regard to Rural Retail Tourism. Huffman stated that she agreed with Noordergraaf's comment about increasing the public hearing notification distance to one mile or even two miles being that in the AG District there was quite a bit of distance between houses. Additionally, Huffman suggested that there were other Minnesota counties and other rural areas in the Midwest which have a separate category for wedding venues. Huffman added that she would like to see Rural Retail Tourism allowed as an Interim Use Permit with an initial sunset of three years to ensure that the use fits the area.

Huffman concluded by suggesting that the Zoning Ordinance should include regulations for shooting ranges and gun clubs.

Mike Mielke 49861 498th Street Court, Nessel Township, explained that he would like to see a more seasonal approach for recreational vehicles rather than 30-out-of-60 days or 30-out-of-90 days, suggesting the season be from Mother's Day/fishing opener through Labor Day.

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Adam Grobove 11191 Willcox Road, Sunrise Township, shared his appreciation and support for the hard work involved in updating the ordinances. Grobove believed the proposed updates were going in the correct direction.

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

DuBose opened the discussion by addressing the maximum allowable amount of accessory storage space within the Rural Residential and Urban Fringe Residential Districts, explaining that draft Zoning Ordinance Section 4.09 Accessory Structures and Uses in "UFR" and "RR" Districts, F. allowed for a maximum of 1,000 sf or 5% of the total lot area, whichever was greater, but the total could not exceed 2,400 sf. DuBose commented that this total currently included attached garages and he would like to exclude attached garages.

Whitney asked if DuBose also wished to increase the maximum allowable square footage for accessory storage space. DuBose responded that he was satisfied with 2,400 sf but, by including attached garages, it prevented some property owners from adding another building. DuBose suggested the line could read "does not include attached garages in the square footage computation" and suggested that staff could finalize the exact verbiage. Yeager commented that DuBose's suggested amendment would reduce the number of Variance requests.

Motion by DuBose to amend draft Zoning Ordinance Section 4.09 such that it would not include attached garages in the square footage computation, as well as amend the definition of "Accessory Storage" such that it does not include attached garages; second by Sutcliffe. The **motion passed** 7-0.

McCarthy suggested deleting the Rural Transit Center (RTC) District from the Zoning Ordinance as the only RVC District was now located within the City of Stacy and not under the County's zoning jurisdiction.

Motion by McCarthy to delete the Rural Transit Center (RTC) District from the Zoning Ordinance; second by Yeager. The **motion passed** 7-0**.**

McCarthy next commented that draft Zoning Ordinance Section 5.08 Rural Residential (RR) District listed Commercial Recreation Areas as a Permitted Use and suggested that it be listed as a Conditional Use as was the case for other zoning districts.

Motion by McCarthy to identify Commercial Recreation Areas as a Conditional Use within Zoning Ordinance Section 5.08 Rural Residential (RR) District rather than as a Permitted Use; second by DuBose. The **motion passed** 7-0.

DuBose introduced the topic of processing more uses as Interim Use Permits (IUPs) rather than Conditional Use Permits (CUPs), as this discussion had come up in recent conversations with township officials. DuBose commented that IUPs were temporary, so, if they weren't functioning the

way they should, the IUP activity would be easier to discontinue; whereas, CUPs were intended to be permeant and went with the land. DuBose requested that staff provide an explanation of how enforcement may differ between IUPs and CUPs.

Director Schneider provided insight into the differences between IUPs and CUPs and enforcement of the two permit types. Schneider explained that IUPs and CUPs were essentially the same thing and would be enforced in the same manner. The main difference between an IUP and a CUP was that IUPs were intended to be temporary and included a sunset clause. The sunset could be related to, among other things, a change of ownership or a specific duration of time. Otherwise, IUPs and CUPs were processed in the same manner. Director Schneider added that the Planning Commission may wish to consider economic considerations, meaning that significant investments may be made by property owners and they may be less willing or interested in making these investments if they have a temporary approval (IUP) rather than a permanent approval (CUP). DuBose thanked Schneider for his response and indicated that he continued to support the use of CUPs rather than transitioning more to IUPs.

Whitney commented that conditions of approval need to be measurable and enforceable, adding that it was the Planning Commission's responsibility to establish and recommend measurable and enforceable conditions thereby making it easier for the County to enforce. DuBose agreed with Whitney's comment and opined that it was a three-way partnership between the Planning Commission, staff, and the County Board. DuBose explained that the Planning Commission needed to create conditions that were enforceable; staff needed to be able to enforce the conditions; and, the County Board needed to provide staff with the necessary resources to enforce.

Whitney stated that he wanted the Planning Commission to discuss the items presented through the public hearing process. Whitney started the discussion with the issue of the public hearing notification boundary, commenting that he would like the boundary to be increased to one or two miles. Whitney asked Coordinator Gervais how difficult it would be for staff if the notification boundary was increased. Gervais responded by explaining that the County followed Minnesota statutory requirements for public hearing notices and there were different requirements for different types of requests. Gervais added that the notification boundary could be increased but it could not be decreased. In response to Whitney's question, Gervais stated that the increased notification boundary wouldn't necessarily make the process more difficult but it would impact the cost of the public hearing notification process.

Sutcliffe asked if the notification boundary could be based on density. Director Schneider reiterated that Minnesota statute prescribes the minimum requirements for public hearing notifications and the County currently followed statutory requirements. Schneider commented that the County could increase the notification boundary but suggested that it be consistent and carried out in the same manner for every public hearing process (i.e., CUPs, IUPs, Plats, etc.). Schneider went on to state that an increased distance would involve more administrative work and more postage but he didn't believe it to be infeasible.

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Motion by Whitney to increase the public hearing notification boundary to 1.5 miles; second by Leivian. The **motion passed** 6-1 (DuBose voting against the motion).

Whitney next addressed the concern about the inconsistency between Zoning Ordinance Sections 5.08 Rural Residential (RR) District and 5.13 Rural Transit Center (RTC) District in regard to acreage required for the keeping of horses. The RR District established a maximum of one horse per two acres and the RTC District established a maximum of one horse per 2.5 acres.

Motion by Whitney to require a minimum of two acres per horse in the Rural Residential (RR) District and Rural Transit Center (RTC) District; second by DuBose.

Director Schneider noted that the Planning Commission had previously motioned to delete the RTC District, thereby eliminating the need to modify the RTC District.

The **motion passed** 7-0.

Whitney next addressed the square footage allowance for Accessory Dwelling Units, offering support for an increase from a maximum of 720 sf to a maximum of 770 sf.

Motion by Whitney to increase the maximum allowable square footage of Accessory Dwelling Units from 720 sf to 770 sf; second by DuBose.

Yeager mentioned that 720 sf was the minimum required for the principal dwelling and the current maximum allowed for ADUs, suggesting that the proposed increase may create an overlap between the two dwellings. Chair Wille questioned whether it would be an overlap being that it was two different uses. DuBose commented that the draft Zoning Ordinance required that ADUs be smaller than principal dwellings. Ultimately, the Planning Commissioners determined that there wouldn't be an overlap as the ADU would still be required to be smaller in size than the principal dwelling.

Director Schneider suggested an increase to 780 sf as it would allow a more standard construction dimension, such as 26' X 30', which might be more advantageous from a construction standpoint.

Whitney amended his motion to increase the maximum allowable square footage of Accessory Dwelling Units from 720 sf to 780 sf; DuBose accepted the amendment.

The **amended motion passed** 7-0.

McCarthy introduced the topic of wedding venues, noting that the County had previously approved several requests for wedding venues but also believed that there were concerns with these types of operations in the Agricultural (AG) District. McCarthy went on to explain that these operations were not a low intensity use, as was intended for Rural Retail Tourism activities, and that he understood why neighbors complained. McCarthy noted that he had heard that only one or two counties in Minnesota specifically allowed wedding venues within their AG Districts.

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Motion by McCarthy to eliminate wedding venues as an allowable Rural Retail Tourism activity; second by Whitney for further discussion.

Whitney stated that he liked the idea of removing wedding venues as an allowable Rural Retail Tourism activity and would like to see wedding venues as a separate use classification with established performance standards / conditions to address such issues as screening and noise. Whitney suggested eliminating wedding venues temporarily until the amended Zoning Ordinance was adopted by the County Board and then continuing work to develop language specific to wedding venues which could be added back into the ordinance at a later date.

Chair Wille inquired if staff received many complaints on existing wedding venues. Coordinator Gervais responded that she was not personally aware of any complaints received by the County.

Leivian commented that he didn't object to wedding venues becoming a separate use classification but questioned if eliminating the use temporarily was the best course of action. DuBose, Yeager, and Chair Wille concurred. Chair Wille stated that she understood the concern as it related to the pending Korman Walker proposal but still didn't believe that eliminating the use was prudent, especially after staff stated that they weren't receiving complaints related to the existing venues.

Whitney spoke about an existing wedding venue located on Lofton Avenue and 256th Street, stating that it was a large wedding venue and it created considerable neighborhood issues. Whitney shared that the noise could go and be heard as late as midnight, even though the owners built a new building that was semi-soundproof. Whitney stated the County needed to address noise concerns and other negative impacts. DuBose commented that the County had improved conditions of approval over the past few years such that conditions pertaining to noise and screening had been refined. DuBose added that the pending Korman Walker proposal seemed to be more restrictive as compared to the venue mentioned by Whitney (Lofton Avenue and 256th Street). Chair Wille suggested that it may be good to develop some general requirements for wedding venues in the future.

McCarthy inquired if the development of new performance standards / conditions for wedding venues would impact existing wedding venues. Assistant County Attorney Fuge responded by explaining that all properties are unique and the Planning Commission had the ability to recommend conditions relevant to the unique property and no two permits / approvals would be the same.

Sutcliffe sought clarification on the implementation of performance standards and if they could be modified on a case-by-case basis. Assistant County Attorney Fuge responded by stating that any Conditional Use Permit that has been granted in the past was essentially grandfathered. Fuge added that boiler plate performance standards could not be changed by the Planning Commission on a case-by-case basis.

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The **motion failed** 1-6 (Whitney, Leivian, Yeager, Sutcliffe, DuBose, and Wille voting against the motion).

DuBose stated that he wanted to address the use of recreational vehicles on undeveloped properties. Chair Wille suggested that the question was whether they should be allowed seasonally or limited to 30-out-of-60 days as was the current limitation. Sutcliffe added that enforcement on this regulation was limited and he was personally aware of a lot of campers that sat on properties longer than 30 days at a time. Sutcliffe commented that Mike Mielke, who spoke during the public hearing, offered a good suggestion by allowing recreational vehicles on a seasonal basis. Yeager suggested adding language to the ordinance which would restrict the use to a seasonal schedule. DuBose stated that the current ordinance was difficult to enforce and that he didn't have a problem with someone keeping a recreational vehicle in their driveway and using it for the whole summer.

McCarthy inquired if there was concern about people living in recreational vehicles. Director Schneider provided general background on the topic by stating that the ordinance currently allowed the use of a recreational vehicle on unimproved property for 30-out-of-60 days but this regulation was difficult to enforce because the Department of Environmental Services did not have the capacity to chalk tires and monitor daily activity. Schneider added that, when the department received complaints, the department relied on the willingness of neighbors to testify and be a witness in court when tickets were issued. Schneider continued by explaining that many of these unimproved properties were considered unbuildable and the use of recreational vehicles may be the most reasonable use of the property. Schneider concluded by commenting that staff was agreeable to a modification which would make the regulation easier to monitor and enforce, and also welcomed the idea of an administrative permit for the use of recreational vehicles beyond the established limit. DuBose noted that the draft Zoning Ordinance already included the allowance for Interim Use Permits (IUPs) to extend the amount of time for the use of recreational vehicles. McCarthy expressed concern with the use of recreational vehicles turning into a campground. Whitney questioned whether the County should require an IUP and offered support for the use of administrative permits. DuBose responded that an IUP was more appropriate as it would allow the Planning Commission to address unique circumstances. McCarthy concurred with DuBose's comment, adding that the County could approve an IUP for a campground and establish a sunset based on what was appropriate for the subject site.

Director Schneider sought clarification from the Planning Commission on whether the ordinance should allow the use of recreational vehicles on unimproved property for no more than 30-out-of-60 days or no more than 30-out-of-90 days as was included in the draft Zoning Ordinance, as he didn't recall discussion to change that timeframe. The Planning Commission did not recall changing 60 to 90 and generally agreed that it should return to 60.

Director Schneider suggested that allowance for IUPs may result in an increased workload for staff and advocated for the use of administrative permits instead. Whitney stated that he liked the administrative permit process, adding that, from the applicant's perspective, it would cost less and would require less time for approval. Whitney questioned if there could be an allowance for

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administrative permits and IUPs for extended use. Director Schneider suggested that the Planning Commission consider a seasonal administrative permit for something like a 90-day period and, if someone proposed keeping the recreational vehicle on the property for more than 90 days, it could be processed as an IUP. Sutcliffe offered support for Schneider's suggestion. DuBose suggested that, if the recreational vehicle was on five acres or more and it met all of the required structural setbacks, it could be processed as an administrative permit. Alternatively, if the recreational vehicle was on less than five acres and/or didn't meet the required structural setbacks, it would require issuance of an IUP. Chair Wille agreed with the five acre distinction. Yeager offered that it would result in a streamlined and improved land use controls for the long-term. DuBose restated his suggestion that a recreational vehicle, which was occupied for more than 30 days and intended to be used longer than a 30-out-of-60 day period or if it was on five acres or more and met all structural setbacks, could be approved with an administrative permit; and, recreational vehicles which didn't meet these criteria would be eligible for an IUP.

Motion by DuBose to allow the use of recreational vehicles for more than 30-out-of-60 days with the issuance of an administrative permit if the property was five acres or larger and the recreational vehicle met all required structural setbacks and, if the property was less than five acres or the recreational vehicle could not meet all required structural setbacks, it would be eligible for an Interim Use Permit; second by Chair Wille.

Director Schneider questioned whether other permanent structures or improvements (i.e., decks, septic systems, etc.) would be allowed on the same property.

DuBose amended his motion to specify that no permanent structures or improvements would be allowed on the same property; Wille accepted the amendment.

The **amended motion passed** 7-0.

Director Schneider suggested that the previous action resulted in an administrative permit without any limit on the amount of time the recreational vehicle may be placed on the property, which meant that a recreational vehicle could be placed on the property indefinitely. Schneider added that the Planning Commission may want to specify that a "single" recreational vehicle would be allowed through the issuance of an administrative permit or IUP.

Motion by DuBose, to add to his previous motion, that recreational vehicles approved by administrative permit or IUP would be limited to use between April 1 and October 1 and a maximum of one recreational vehicle would be allowed per parcel; second by Chair Wille. The **motion passed** 7-0.

Director Schneider introduced the topic of Cannabis and Cannabinoid use, explaining that draft Zoning Ordinance Section 5.10 Rural Village Center (RVC) District, B. identified "cannabinoid retailer" as a Permitted Use and he recalled the Planning Commission discussing this as a Conditional Use. Schneider continued by stating that, as the County learned more about how to handle any potential licensing and land use requests related to cannabis retail operations, the County would

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have at least a very limited scope area within the County – in the RVC District – where the County could grant Conditional Use Permits. As a Permitted Use, they wouldn't be subject to the County land use process and would be able to operate without zoning approval so long as they had the appropriate licensing. Schneider sought clarification from the Planning Commission on this matter.

McCarthy questioned why a cannabinoid retailer would be handled differently than a liquor establishment which was identified as a Permitted Use in the RVC District. Director Schneider responded that cannabis was an emerging zoning and land use issue and the County may want to consider requiring a CUP until more was known about the potential impacts of a retail cannabis operation on neighboring properties.

Motion by DuBose to identify cannabinoid retailer as a Conditional Use within the Rural Village Center (RVC) District rather than a Permitted Use; second by Sutcliffe. The **motion passed** 4-3 (McCarthy, Leivian, and Whitney voted against the motion).

Yeager introduced the topic of political campaign signs and proceeded to read from draft Zoning Ordinance Section 4.16 Signs, D. 12. Yeager questioned the election cycle and when signs could be placed in relation to the election cycle and when they had to be removed following an election. Yeager added that the ordinance required signs to be removed within seven days of an election and suggested increasing that to 10 days, similar to the City of Wyoming.

Following some general discussion related to the election cycle, Yeager stated that State law allowed the placement of signs 46 days before the State Primary and State General Election and 10 days for removal following the election. Whitney suggested adopting State language.

Motion by Yeager to adopt Minnesota Statute language related to political signs; second by Whitney. The **motion passed** 7-0.

With no further discussion, ***motion*** by Whitney to move the draft Zoning, Subdivision, and Shoreland Management Ordinances forward to the County Board for consideration and adoption, as amended; second McCarthy. The **motion passed** 7-0.

Director Schneider advised the Planning Commission that staff would incorporate all amendments from the June 6, 2024 meeting and complete final formatting in order to prepare clean final draft copies to present to the County Board. Schneider added that this work would take some time and the ordinances would be presented to the County Board at the next earliest opportunity. Schneider also suggested that the final draft ordinances be reviewed by the County Attorney's Office for final format and final resolutions of adoption.

DuBose requested that the Planning Commission be notified when the ordinances would be presented to the County Board and that the meeting be noticed so that the Planning Commission could attend. Director Schneider agreed to DuBose's requests.

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Coordinator Gervais added that the County had yet to receive conditional approval from the DNR for the draft Shoreland Management Ordinance, and it would be ideal to have the conditional approval in-hand before presenting the ordinance to the County Board. Director Schneider stated that staff would advise the DNR of the Planning Commission's June 6, 2024 action to move the ordinance forward.

New Business – None

Communications and Reports
County Board Liaison Report / Update – Commissioner Greene shared that there would be a ribbon cutting for the new mountain bike trail at Ki-Chi-Saga Park on June 7, 2024 beginning at 10:00 am. Greene also informed the Commission that there would be another ribbon cutting for the new addition to the Sunrise Prairie Trail on June 7, 2024 beginning at 12:00 pm.

Commissioner Dahlberg stated that he would forgo his report due to the time.

Director Schneider reported that the County had successfully worked with three landowners along the Swedish Immigrant Trail to acquire land for a 2.5 mile trail addition.

Miscellaneous – The Planning Commission discussed possible methods for improving communication to the general public related to public hearing rules.

Motion by Yeager to cancel the June 20, 2024 Special Work Session; second by Sutcliffe. The **motion passed** 7-0.

Adjourn Meeting – ***Motion*** by Leivian to adjourn the meeting; second by Whitney. The **motion passed** 7-0. The meeting adjourned at 9:20 PM.

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

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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: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a second public hearing to consider a 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 & Loralei Walker
Property Owner(s):	Bridget Korman & Loralei 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 & Loralei 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.

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. Following the May 14th meeting, the Town Board provided the County with a new 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.)".

The Commission again considered the request for CUP on June 6, 2024 and ultimately motioned to re-open the record and call for a second public hearing to be held on July 11, 2024. The purpose of calling for a second public hearing is to allow for additional public testimony.

For detailed information about the subject site, the original request and the amended request, please refer to the May 2, 2024 and June 6, 2024 staff reports / Planning Commission meeting packets.

WRITTEN TESTIMONY

As previously mentioned, 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. However, the County continued to receive written testimony after May 2nd despite closure of the public hearing. Based on a legal opinion memo provided by Assistant County Attorney Fuge, dated May 31, 2024, the Planning Commission was not able to view or consider any testimony received after the May 2nd public hearing until and unless action was taken to re-open the record and call for a second public hearing.

Given the amount of written testimony received by the County and in order to allow sufficient time to review said testimony prior to the July 11, 2024 public hearing, the Planning Commission received "weekly batches" on June 7, June 21, June 28, and July 3, 2024.

The table below shows written testimony submitted to the Department of Environmental Services between April 18, 2024 and completion of the staff report:

Name(s)	Address	Date Rec'd
Al Schmidt	15709 260th Street, Franconia Township	April 18, 2024
Brandon Bigelbach	15470 260th Street, Franconia Township	May 6, 2024
William Bielefeld	25820 Quinlan Avenue, Franconia Township	May 14, 2024
Al Schmidt	15709 260th Street, Franconia Township	April 18, 2024
Stauner Insurance Agency	629 S. Lake Street, Forest Lake	May 12, 2024
Hans-Joachim G. & Karen L. Jung	15323 260th Street, Franconia Township	May 12, 2024
Beth Novack (2)	15144 260th Street, Franconia Township	May 13, 2024
Duane & Debby Lee	15428 Panola Drive, Franconia Township	May 14, 2024
Jennifer Barniskis	14686 259th Street, Franconia Township	May 14, 2024
Patrick Collins	15995 260th Street, Franconia Township	May 21, 2024
Carolyn Brue	15995 260th Street, Franconia Township	May 21, 2024
Angel Phillps Permaloff	25310 Olinda Trail, Franconia Township	June 3, 2024
Jennifer Barniskis	14686 259th Street, Franconia Township	June 5, 2024
Brandon Bigelbach	15470 260th Street, Franconia Township	June 5, 2024
Ryann Bigelbach	15470 260th Street, Franconia Township	June 5, 2024
Brandon Bigelbach	15470 260th Street, Franconia Township	June 5, 2024
John Guider	Not Provided	June 5, 2024
Beth & Ken Novack	15144 260th Street, Franconia Township	June 6, 2024
Shelley Ganley	15573 260th Street, Franconia Township	June 6, 2024
Erika & Tony Huffman	15237 260th Street, Franconia Township	June 6, 2024
Paul Bergson	25655 Quail Ridge Trail, Franconia Township	June 6, 2024
Carolyn Brue	15995 260th Street, Franconia Township	June 6, 2024
Laurie Permaloff	25310 Olinda Trail, Franconia Township	June 17, 2024
Ryann Bigelbach	15470 260th Street, Franconia Township	June 26, 2024
Beth Novack	15144 260th Street, Franconia Township	June 27, 2024
Jesse & Rochelle Ganley and Carolyn Brue & Pat Collins	15573 260th Street, Franconia Township and 15995 260th Street, Franconia Township	June 28, 2024
Erika & Tony Huffman	15237 260th Street, Franconia Township	June 28, 2024
Al Schmidt	15709 260th Street, Franconia Township	July 1, 2024
Owen Kuhnly	14912 260th Street, Franconia Township	July 2, 2024
William Bielefeld	25820 Quinlan Avenue, Franconia Township	July 2, 2024
Brandon Bigelbach	15470 260th Street, Franconia Township	July 3, 2024
Catherine Veith-Bruno	14633 259th Street, Franconia Township	July 3, 2024

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* in the attached draft resolution for recommendation of denial to address 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 County finds that the proposed Conditional Use Permit 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*:

Natural Resources Goal: *Prime scenic views and historic landscapes will be recognized as an important local amenity and a desirable local amenity drawing outside revenue from visitors that is vital to the local economy.*

Natural Resources Policy: *Identify and protect the quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas for flora study and wildlife viewing and public spaces open to low-impact outdoors recreation (p 2-43).*

Agricultural Goal: *Preserve and conserve prime or the best agricultural land and related natural resources in order to maintain farms and farm related economy as economically viable in Chisago County.*

Agricultural Policy: *Promote farm, commercial recreation and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18).*

Economic Development Goal: *Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.*

Economic Development Policies:

- *Promote natural amenities in the County as assets to economic development and business opportunity (p 6-22); and*
- *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*
- *Promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22).*

Land Use / Growth Management Goal: *Plan for the orderly, efficient growth of commercial and industrial development in the County.*

Land Use / Growth Management Policies:

- *Allow for home occupations, rural retail tourism and limited rural businesses on homesteads in agricultural areas as well as small, community-based retail in the County's unincorporated rural village centers (p 9-9).*

- *Commercial recreation, home occupations and rural retail tourism opportunities should be allowed in the Agricultural district as long as performance standards are established and met.*

Further, the Comprehensive Plan provides the following purpose and intent descriptions for the Agricultural areas:

- *Includes areas intended for exclusive resource related use: areas intended primarily for agriculture and other resource uses, with limited rural residential development; recreational commercial and other resource related business uses; rural retail tourism uses; natural resource areas protected by easement or acquisition or limited due to site constraints; and areas which will accommodate a very limited amount of subdivision activity (p 9-11).*
- *Anyone building in this District should accept and understand the rural environment as it is found. Anyone building or living in this district also should be aware that residential development is not the primary or sole purpose of this district. Chisago County intends and allows a wide variety of land uses and activities in this District including farming and livestock operations, rural retail tourism, animal kennels, renewable energy resources and commercial recreation. The County does not consider farm or agricultural activities public nuisances provided those activities do not violate any State statute or rule or any other laws or ordinances (p 9-12).*

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. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site. 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 Road Authority did not provide the County with any quantifiable evidence to suggest that the road will not support increased traffic levels.*

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. The County finds that the subject site is presently well-maintained and further finds that there is no record of complaints or code enforcement efforts on this matter. Further, 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.*

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 Agricultural 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 Road Authority did not provide the County with any quantifiable evidence to suggest that the road will not adequately support increased traffic levels. Therefore, the County finds no quantifiable evidence to suggest that the proposed traffic levels will cause traffic hazards or congestion and, instead, notes the improved / paved condition and well-maintained status of the existing 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 and July 11, 2024 public hearings related to concerns about negative impacts resulting from the proposed use, the County finds that, through the implementation of conditions of approval, 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 reasonably 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.*

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 July 11, 2024 public hearing and Planning Commission's deliberation of all record materials, **staff recommends approval** of the CUP with conditions and has prepared a corresponding draft resolution for the Commission's consideration.

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 corresponding draft resolution – which recommends denial – for the Commission's consideration and further development.

Staff notes that Rural Retail Tourism has been identified by the County as an allowable use within the AG District with approval of a Conditional Use Permit. In other words, Rural Retail Tourism is a permitted use when conditions of approval are implemented by the County. If the County identifies potential negative impacts resulting from the proposed use, conditions can and should be implemented to mitigate these impacts. If the County finds that negative impacts cannot be reasonably mitigated, the County may and should consider denial. Staff further notes that the Comprehensive Plan supports Rural Retail Tourism as demonstrated in staff's draft Findings of Fact. If the County finds that the Comprehensive Plan includes goals and policies which are contrary to the proposed use, these specific goals and policies should also be incorporated into the Findings of Fact to support denial.

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. All Rural Retail Tourism activity shall be conducted in accordance with the application materials dated received May 10, 2024 and kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. 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 a Conditional Use Permit Amendment.
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
6. There shall be a maximum of two events with more than 50 guests per week.

7. 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.
8. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed unless the permit holder(s) utilize(s) equipment, such as silent disco headphones. Structures utilized for the playing or performing of music shall be insulated and climate controlled (i.e., heated and cooled) to accommodate this requirement. Acoustic music played or performed outdoors during wedding ceremonies shall be excluded from this requirement; however, there shall be no outdoor amplified music at any time.
9. 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.
10. The permit holder(s) shall install an on-site sound system featuring a sound / decibel limiter. All Rural Retail Tourism activities shall be required to utilize the on-site sound system.
11. Fireworks shall be strictly prohibited.
12. The permit holder(s) shall install screening adjacent to 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 200'. 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.
13. The permit holder(s) shall install screening between the full length of the parking lot and the west property boundary. 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.
14. 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 or surrounding roadways.
15. 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.
16. Access to off-street parking / the parking lot shall be gained from the existing driveway. The parking lot access shall be located no closer than 125' to the edge of the improved

surface of 260th Street to allow for vehicle stacking.

17. Any exterior lighting shall be downcast in order to mitigate negative impact to neighboring properties.
18. The permit holder(s) shall ensure adequate access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
19. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
20. 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.
21. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
22. 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.
23. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
24. 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 cannot be reasonably mitigated through the implementation of conditions or 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.

Because the extended review period for this request expires on July 26, 2024, the Planning Commission does not have the ability to continue the public hearing or table the request unless the applicants provide an extension or waiver of the review period. The Commission must offer a recommendation of either approval or denial in order for the County Board to make a final determination on July 17, 2024.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0701, 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. Written testimony (received April 18 – July 3, 2024)
2. Draft Resolution No. PC2024-0701 (recommendation of approval)
3. Draft Resolution No. PC2024-0701 (recommendation of denial)

Korman Walker CUP Request for Rural Retail Tourism
PID 04.00411.20

Written Testimony Received by Chisago County Department of Environmental Services

Name(s)	Address	Date Received	Date Provided to PC
Al Schmidt	15709 260th Street	April 18, 2024	Included in May 2, 2024 Staff Report
Brandon Bigelbach	15470 260th Street, Franconia Township	May 6, 2024	July 5, 2024
William Bielefeld	25820 Quinlan Avenue, Franconia Township	May 14, 2024	
Stauner Insurance Agency	629 S. Lake Street, Forest Lake	May 12, 2024	June 7, 2024
Hans-Joachim G. & Karen L. Jung	15323 260th Street, Franconia Township	May 12, 2024	
Beth Novack (2)	15144 260th Street, Franconia Township	May 13, 2024	
Duane & Debby Lee	15428 Panola Drive, Franconia Township	May 14, 2024	
Jennifer Barniskis	14686 259th Street, Franconia Township	May 14, 2024	
Patrick Collins	15995 260th Street, Franconia Township	May 21, 2024	
Carolyn Brue	15995 260th Street, Franconia Township	May 21, 2024	
Angel Phillps Permaloff	25310 Olinda Trail, Franconia Township	June 3, 2024	
Jennifer Barniskis	14686 259th Street, Franconia Township	June 5, 2024	
Brandon Bigelbach	15470 260th Street, Franconia Township	June 5, 2024	
Ryann Bigelbach	15470 260th Street, Franconia Township	June 5, 2024	
Brandon Bigelbach	15470 260th Street, Franconia Township	June 5, 2024	
John Guider	Not Provided	June 5, 2024	
Beth & Ken Novack	15144 260th Street, Franconia Township	June 6, 2024	
Shelley Ganley	15573 260th Street, Franconia Township	June 6, 2024	
Erika & Tony Huffman	15237 260th Street, Franconia Township	June 6, 2024	
Paul Bergson	25655 Quail Ridge Trail, Franconia Township	June 6, 2024	
Carolyn Brue	15995 260th Street, Franconia Township	June 6, 2024	June 21, 2024
Laurie Permaloff	25310 Olinda Trail, Franconia Township	June 17, 2024	
Ryann Bigelbach	15470 260th Street, Franconia Township	June 26, 2024	June 28, 2024
Beth Novack	15144 260th Street, Franconia Township	June 27, 2024	
Jesse & Rochelle Ganley and Carolyn Brue & Pat Collins	15573 260th Street, Franconia Township and 15995 260th Street, Franconia Township	June 28, 2024	
Erika & Tony Huffman	15237 260th Street, Franconia Township	June 28, 2024	
Al Schmidt	15709 260th Street, Franconia Township	July 1, 2024	July 3, 2024
Owen Kuhnly	14912 260th Street, Franconia Township	July 2, 2024	
William Bielefeld	25820 Quinlan Avenue, Franconia Township	July 2, 2024	
Brandon Bigelbach	15470 260th Street, Franconia Township	July 3, 2024	
Catherine Veith-Bruno	14633 259th Street, Franconia Township	July 3, 2024	July 5, 2024

Beth M. Gervais

From: Al Schmidt [redacted]
Sent: Thursday, April 18, 2024 10:43 AM
To: Planning & Zoning
Subject: Bridget Korman/Loralei Walker Conditional Use Permit Comments

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Good Morning,
I wish to add the comments below to the Planning Commision meeting on Thursday May 2 concerning the Bridget Korman/Loralei Walker Conditional Use Permit. I have never done this before, if this is not the correct method to add comments to the meeting please let me know the correct way to do so, thanks.

Planning Commission,
I wish to comment on the conditional use request for the wedding/gathering conditional use permit that is being submitted by Bridet Korman/Loralie Walker. I live at 15709 260th Street which is one house away from the submitted conditional use request. I have lived at the residence 29 years, and am against this request. The area is currently a very serene area that is void of light and noise pollution that is encountered in most areas. There are no trees to suppress the light or noise pollution, this area is open, and has a horse farm to the west and a multi animal farm to the east of the property. The amount of light and noise this request will bring is a quality of life issue, I live here. Traffic is also a concern, 260th is a township road and does not handle the current traffic well, this will only increase that traffic. I do not look forward to living with large crowds, noise, etc. on a continuous basis, I moved to the country to get away from issues such as this. This request will bring in other types of issues as well, I can go into much deeper detail if needed as to why this request should be turned down. It should also be noted the requestors have lived in the area less than one year. Please turn down this request, it only benefits 2 people and puts the burden of this commercial endeavor on the rural neighbors.
Thanks
Al Schmidt

Beth M. Gervais

From: Brandon Bigelbach [redacted]
Sent: Monday, May 6, 2024 4:16 PM
To: okuhnly@franconiamn.us; officialtownclerk@gmail.com; franconiamnofficialtreasurer@gmail.com
Cc: Planning & Zoning; Richard J. Greene; Beth M. Gervais; chris.dubose@chisagocountymn.gov; dave.whitney@chisagocountymn.gov
Subject: Urgent Concerns Regarding the Conditional Use Permit for the Proposed Wedding Venue at 15323 260th Street

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Dear Members of the Franconia Township Board,

I hope this message finds you well, please forward to others who should be informed. My name is Brandon Bigelbach. My wife, Ryann, and I live at 15470 260th Street. I am writing to express significant concerns regarding the proposed commercial wedding venue at 15323 260th Street. These concerns were formally presented during the May 2nd meeting with the Chisago County Planning Commission, where the decision to proceed was tabled due to concerns raised by the community and insufficiencies in the CUP application. Over a dozen members of the community expressed concerns and/or opposition to the development at the county meeting.

Primary Concerns

- **Insufficient Public Notice:** The notification process for this CUP application has not adequately informed all impacted residents, particularly given the scale of the proposed development **attracting over 20,000 visitors annually and covering 20 acres**. Properties within 350 feet of the address were notified of the May 2nd county hearing on April 11th, after the township's April 9th meeting and decision to pass its recommendation to approve the CUP. Under Minnesota Statute 462.357, subd. 3, while specific protocols are mandated for areas of 5 acres or less, the significant size of this project begs the question:
  - *What is the township's precedent for notifying the public in cases involving larger areas, especially those with extensive community impact?*

- **Traffic and Road Safety:** During the May 2nd county meeting, the township's road supervisor, Mr. Sonny Sparby, contested the adequacy of findings in the CUP application, specifically Findings #2 and #7, which assert that 260th Street can adequately handle the anticipated influx in traffic. 260th Street is not equipped for high traffic volumes, lacks shoulders and turn lanes, has dangerous blind spots, is regularly used by farm tractors and heavy agricultural equipment, and requires costly annual maintenance. The proposed venue adds potential for drinking and driving. Given these serious concerns regarding safety of life:
  - *What measures will the township board take to ensure that these critical safety concerns are addressed before its recommendations are made to the county?*

- **Noise Pollution:** The proposal for events to run until 12AM midnight, with amplified music until 11PM three nights per week, poses a significant disturbance to the peace and character of our neighborhood, impacting both the quality of life and potentially property values.

- **Environmental Impact:** With events anticipated to park over 100 cars routinely, there is justified concern regarding soil and water pollution. Additionally, the proximity to neighboring livestock raises questions about the impact on animal welfare and safety.

Given the potential adverse effects of this proposed development, it is crucial that these issues are thoroughly addressed before further consideration of the CUP. As such, I request the board to:

- Provide clarity on notification procedures for developments exceeding 5 acres.
- Reassess its traffic and road safety findings.
- Consider the long-term effects on community well-being and local ecosystems when making your recommendation to the County Planning Commission.

I trust that the Franconia Township Board will take these concerns seriously and advocate for the safety, well-being, and interests of its residents. We look forward to your response and to a transparent discussion at the upcoming board meeting on May 14, 2024.

Thank you for your attention to these critical matters.

Best Regards,
Brandon Bigelbach
[redacted]

Beth M. Gervais

From: Kurt M. Schneider
Sent: Wednesday, July 3, 2024 3:40 PM
To: Beth M. Gervais
Subject: FW: CUP for the property on 260th

Kurt Schneider | Environmental Services Director
Environmental Services
313 N Main St. Suite 240, Center City, MN 55012
Kurt.Schneider@chisagocountymn.gov
Phone: 651-213-8374 or Call me on Teams!

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From: William A. Bielefeld [redacted]
Sent: Tuesday, May 14, 2024 4:03 PM
To: Kurt M. Schneider <Kurt.Schneider@chisagocountymn.gov>
Subject: RE: CUP for the property on 260th

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Kurt,
You can add any comments of mine you think are appropriate or that apply.
I wasn't sure who had jurisdiction of the road so I started with the City as that is my mailing address.

I 'll look into the Township Road Authority and Engineer.

Thank you again,
Wm.

William Bielefeld
Engineering Specialist II

[redacted]
444 Cedar Street, Suite 1500, Saint Paul, MN 55101

TKDA

From: Kurt M. Schneider <Kurt.Schneider@chisagocountymn.gov>
Sent: Tuesday, May 14, 2024 3:22 PM
To: William A. Bielefeld [redacted]
Subject: RE: CUP for the property on 260th

You don't often get email from kurt.schneider@chisagocountymn.gov. Learn why this is important

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William,
Would you like your comments below to be added to the land use file? The public hearing has already occurred, but we will be assembling any comments received post-hearing and seeking guidance on how they can be shared with the Planning Commission and/or County Board.

Also, to clear up any confusion you may have please know that the subject road is not within the City of Lindstrom and does not include nor is it subject to any city oversight or city design standards or traffic monitoring, etc. from the City or its officials. The types of comments that appear to be getting referenced and offered by the City in your email would be better directed if they were from the Township Road Authority, Township Engineer, etc.

Kurt Schneider | Environmental Services Director
Environmental Services
313 N Main St
Suite 240
Center City, MN 55012
Kurt.Schneider@chisagocountymn.gov
Phone: 651-213-8374

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From: William A. Bielefeld [redacted]
Sent: Tuesday, May 14, 2024 2:15 PM

To: Kurt M. Schneider <Kurt.Schneider@chisagocountymn.gov>; EnvServices <EnvServices@chisagocountymn.gov>
Cc: Rochelle Ganley [redacted]
Subject: RE: CUP for the property on 260th

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Kurt,
Thank you for the quick response. Yes, that is the CUP I was referring too.
I reached out to Mr. Fraley for any information he could provide specifically like traffic studies and road design of 260th. His comments that I was concerned with are highlighted in Cyan, as follows: There is not a current traffic study, the road is not designed for this amount of traffic or use, adding turn lanes, additional signage reduced speeds possibly upgrading the road design would all be at the owners expense.
I think the people wanting this change has no idea of the costs involved and to be fair to them I believe someone in an official capacity should explain this to them.
TKDA has no formal capacity.
I live on 26oth and Quinlan I'm just using my resources to gather information. I know most of the people on in the area and have been answering questions.
To be fair, I think people should be able to do what they want if all the regulations and codes are followed and there is no negative impact.
I would hate to see these people spend a great deal of money and time on something that will never happen unless 260th is upgraded.

Regards,
Wm.

William Bielefeld
Engineering Specialist II

[redacted]
444 Cedar Street, Suite 1500, Saint Paul, MN 55101

TKDA

From: Kurt M. Schneider <Kurt.Schneider@chisagocountymn.gov>
Sent: Tuesday, May 14, 2024 12:59 PM
To: William A. Bielefeld [redacted] EnvServices <EnvServices@chisagocountymn.gov>
Cc: Rochelle Ganley [redacted]
Subject: RE: CUP for the property on 260th

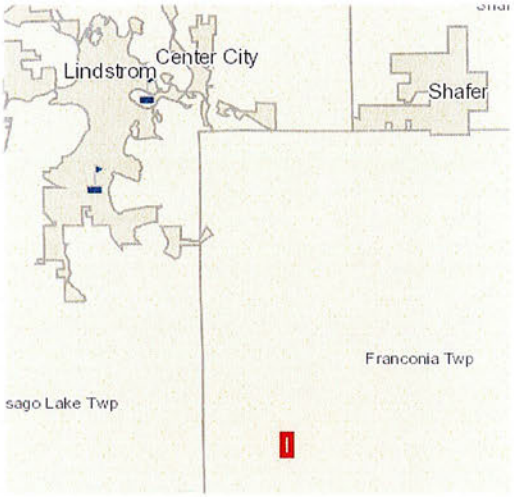
You don't often get email from kurt.schneider@chisagocountymn.gov. Learn why this is important

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William,
Thank you for your email. I presume your email is intended to refer to the Conditional Use Permit request at the property addressed as 15323 260th Street in Franconia Township. The communication chain below has several signature lines and is a bit confusing so if you could please confirm and add a bit more detail about concerns/recommendations it will be appreciated. Please provide added detail confirming the location and clarifying as to the City of Lindstrom's and/or Public Works Director Fraley

role and comment(s) as well as TKDA's and/or your role and comment(s). The added clarity may be helpful for the County Planning Commission land use application process under consideration on June 6th.

I suspect the meeting you have referenced this evening is the Franconia Township Board meeting. As the statutorily designated Road Authority for 260th Street I am aware that the Township was intending to take up additional consideration of this matter and that they first discussed it at their May meeting. As noted with the quick snapshot of the Twp. and City boundary map below, the subject property in red (15323 260th Street) is approximately 3 miles southeast of the City of Lindstrom boundary.



Regards,

Kurt Schneider | Environmental Services Director
Environmental Services
313 N Main St
Suite 240
Center City, MN 55012
Kurt.Schneider@chisagocountymn.gov
Phone: 651-213-8374

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From: William A. Bielefeld [redacted]
Sent: Tuesday, May 14, 2024 11:47 AM
To: EnvServices <EnvServices@chisagocountymn.gov>
Cc: Rochelle Ganley [redacted]
Subject: CUP for the property on 260th

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To whom it may concern,

I reached out to the City of Lindstrom below is the response I received.
I've highlighted the specific comments I'm concerned about.
I would think prior to moving forward everyone should be aware of what's required and potential costs associated with specifically Road upgrades to accommodate this proposal.
I will be at the meeting this evening.

Regards,
Wm.

William Bielefeld
Engineering Specialist II

[redacted]
444 Cedar Street, Suite 1500, Saint Paul, MN 55101

TKDA

From: Matt Fraley mfraley@cityoflindstrom.us
Sent: Tuesday, May 14, 2024 6:58 AM
To: William A. Bielefeld [redacted]
Subject: 260th

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William, the message I received from our contact us is not within the City of Lindstrom. I would assume this is meant for Chisago Lakes or Franconia Township.

Thanks,

I was not at the last meeting,
I was told that a traffic study had been done.
I was told that any traffic study is not a current study.
For an additional 180 cars one way for potential multiple events, this road IS NOT designed for this.
I would anticipate turning lanes and additional signage and reduced speed limits all at the new owners expense.

As this is clearly not some eminent domain issue it will not benefit, but adversity impact the entire township with the additional cost to upgrade 260th

Matt Fraley
Public Works Director
City of Lindstrom
mfraley@cityoflindstrom.us
Office: 651-257-0610
Cell : 651-325-1769

LINDSTRÖM
AMERICA'S LITTLE SWEDEN

William Bielefeld
Engineering Specialist II

[redacted]
444 Cedar Street, Suite 1500, Saint Paul, MN 55101

TKDA

Stauner Insurance Agency

629 S Lake Street
Forest Lake, MN 55025



Rochelle,

Adding an event venue will certainly add risk with increased street traffic, as well as public access to the fencing containing your cattle. If we begin to see claims this will surely put your insurance at risk.

Depending on the size and activity of the venue UW could make a determination that your property poses an unacceptable risk due to the proximity of breeding livestock and the public. Carrier may drop your coverage.

Thanks,

Chris
651-209-1811
Cstauner@farmersagent.com

Beth M. Gervais

From: Hans Jung [redacted]
Sent: Sunday, May 12, 2024 6:28 PM
To: okuhnly@franconiamn.us; Planning & Zoning
Subject: Comments Concerning Conditional Use Permit for Wedding Venue on 260th St.

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We reside on the property at the west corner of 260th St. and Pheasant Run, directly opposite the proposed wedding venue site at 15323 260th St. We are aware of the controversy that has arisen concerning this proposed business, but had decided to re-frame from taking part in the discussion because of our own mixed feelings concerning the proposal even though we are one of the four residences closest to the site. However, we have now spoken with both the owners of the potential wedding venue property and neighbors opposed to the project, along with more distant area residents asking our opinion. Because we are concerned that our views may not be accurately portrayed by others, we now feel obliged to make our views clear. Because of prior commitments we will be unable to attend either the Franconia Township or Chisago Planning Commission meetings.

We are not opposed to the Conditional Use Permit for the wedding/event center as outlined in the amended proposal.

We were concerned with excessive late night noise and light pollution with the proposal as initially submitted. We were less concerned with traffic issues as 260th St. already carries a large volume of traffic, including at night. However in light of the alterations to the proposal submitted by the owners of this venue, we are now much less concerned with noise and light issues. The most important change was the replacement of an open-air structure where music would be broadcast to now a completely indoor venue for music which should reduce noise that might impact us at our residence to acceptable levels. The limitation of two weekend (Friday through Sunday) events of 50+ persons during the proposed operating season of May to October, with event closing times of 10 pm for Friday and Saturday/8 pm Sunday (amplified music ending at 9 and 7 pm, respectively) would also significantly reduce potential impacts on our ability to enjoy outside amenities at our home. We foresee no issues with small scale events during normal 8 am to 5 pm business hours Monday through Thursday. Our concern about light pollution has been addressed as all outdoor lighting is to be downcast, and hopefully shut–off after events end. We believe that the owners of this proposed venue have made significant changes to their conditional use permit application that show a willingness to minimize potential adverse impacts of their enterprise on the neighborhood.

We are of the opinion that residents should have more freedom to engage in their preferred activities in a sparsely populated semi-rural environment than in a dense urban environment. We personally find a number of activities that occur in the area to be a nuisance; including things such as semi-automatic gunfire, driving of non-street legal vehicles on township roads (often by minors), snowmobiles roaring through the road ditches late at night, motorcycle groups driving down 260th St. during warm weather, etc. However, we also suspect some neighbors may not have enjoyed the noise and odor associated with the horses, cattle, chickens (including roosters), and geese we previously housed on our property. We also used to cause traffic slow-downs on 260th St. when it was still a gravel road and we drove our draft horses on the roadway. Our use of a tractor or chainsaw early on weekend mornings is probably also an irritant to some residents. All of these activities which one or another person might enjoy and someone else dislikes are simply facts of life when living outside city limits.

There is an auto shop directly west of us on the adjoining property. We will admit to having had some concerns about this enterprise when it first began over a decade ago. However, the owners have been nothing but excellent neighbors and have made special efforts (such as constructing an earth berm between our properties) to minimize any disturbance. We hope that the owners of the wedding venue would work with their neighbors in the same fashion to minimize negative impacts from their business and suspect this would be the case given their willingness to modify their requested conditional use permit.

Yes, a wedding/event venue directly across the road from us will be noticeable; however, its impacts hopefully will be no greater than some other activities in the neighborhood. Just yesterday evening we heard music being played at another neighbor's property as we sat on our porch. And this Sunday morning we were tilling our field with the tractor at 8 am.

We trust that the Franconia Town Board, the Chisago Planning Commission, and ultimately the Chisago County Board will consider all aspects of this proposal and make an informed decision.

Hans-Joachim G. and Karen L.
Jung
26056 Pheasant
Run
Lindstrom, MN 55045

RECEIVED
KJS 5-13-24

Dear Dan,

My name is Beth Novack and I live at 15144 260th St. I am writing today to urge you to vote "no" on the conditional use permit for the proposed wedding venue at 15323 260th St. due to hazards, safety issues, and negative effects this venue would have on the existing neighbors and the surrounding area.

When we first met Bridget Korman and Lorelei Walker at a neighbor gathering in October of 2023, everybody really seemed to hit it off. We got together socially about 6-8 times since then. As we got to know them, the talk of the wedding venue came up. Lorelei described it as an "intimate wedding venue" and there was mention of building a small gazebo in the future to host outdoor wedding ceremonies. I assumed this meant weddings with a size of about 50 people, having maybe 10-12 weddings throughout the "wedding season", and I was okay with that.
At first, I was not planning to go to the public hearing, and then I read the proposal. This proposal was nothing like what was mentioned to us neighbors! The seasonal "intimate wedding venue" was expanded to a 365 day/year venue with up to 175 people on site, alcohol being served with no security, and extended hours including opportunity for weekday business meetings/retreats. If approved, this type of venue poses many hazards, has numerous safety issues, and will negatively affect our area.

The hazards of this venue are many. Because the site of the events is only 180 feet from the road, there will be "gawker slowdown" which will lead to more accidents. Drivers will want to see what's going on and will not be paying attention to the road. Cars exiting the venue will pose a risk to other drivers on the road because the trees near the end of the driveway block the view of the road from the driveway. I know this from experience because I am very close friends with the former property owners, and would have to pull right to the edge of the driveway before turning west on 260th to get to my house.
If a fire broke out at the venue, there is a great risk of it spreading to the farm outbuildings directly to the east of the venue. Our area relies on volunteer fire departments, so there is a longer response time than those areas that have a fully staffed fire department. Since there are no fire hydrants in our rural community, the fire fighters must bring water or access it from area wells or ponds.

There are safety issues that will be added if this conditional use permit is approved. Many of the guests at the evening events will be drinking alcohol, and several of those will most likely be intoxicated upon leaving the venue. Adding in an unfamiliar road with no shoulders and no lighting is a recipe for disaster. Accidents are sure to happen which could result in property damage, personal injuries, or death.

As a home childcare provider for 20 years, I also see safety as an issue with weekday events. Although my home is about 800 feet off the road, I currently walk down my driveway with my 9 daycare kids twice each day to get kids on and off the school bus. Because our road is on the route for both Chisago Lakes district and the Forest Lake district, buses are traveling down 260th St. from 6:30-8:30 a.m., and 2:45-4:40 p.m. Those travel times could also correspond with start and end times for business events hosted at the venue. The afternoon Chisago elementary bus travels east on 260th St. from Olinda Trail. It stops at 4:00 at my home which is on the north side of the road. The children have to cross the road in front of the bus to get to my driveway. If there are inattentive or intoxicated drivers coming from the venue, I fear one of the children being hit by a car. I don't know about you, but I would not want to be the one to make that phone call to the parent.

In addition to the hazards and safety concerns already listed, there will be numerous negative effects on the area if the proposed venue is approved. Our area is a very peaceful place filled with the sounds and sights of nature. Much of that will be lost if a loud, busy wedding venue is added to the neighborhood. Homes will be more difficult to sell, there will be more trash on the road and in the ditches, the road conditions will deteriorate faster, and the loud music and sounds of key fobs at midnight will be an annoyance to the people and livestock in the neighboring properties.

The worst part, if the conditional use permit is granted, is that the burden and expense of this venue would be shared by all neighbors who have lived here for many years, while the profits would be shared by the two property owners who have lived in their home for less than 9 months.

For these reasons, I am asking that you vote "no" on the conditional use permit requested by Bridget Korman and Lorelei Walker.

Thank you for your consideration.

Beth Novack



Dear Marlys,

My name is Beth Novack and I live at 15144 260th St. I am writing today to urge you to vote "no" on the conditional use permit for the proposed wedding venue at 15323 260th St. due to hazards, safety issues, and negative effects this venue would have on the existing neighbors and the surrounding area.

When we first met Bridget Korman and Lorelei Walker at a neighbor gathering in October of 2023, everybody really seemed to hit it off. We got together socially about 6-8 times since then. As we got to know them, the talk of the wedding venue came up. Lorelei described it as an "intimate wedding venue" and there was mention of building a small gazebo in the future to host outdoor wedding ceremonies. I assumed this meant weddings with a size of about 50 people, having maybe 10-12 weddings throughout the "wedding season", and I was okay with that.
At first, I was not planning to go to the public hearing, and then I read the proposal. This proposal was nothing like what was mentioned to us neighbors! The seasonal "intimate wedding venue" was expanded to a 365 day/year venue with up to 175 people on site, alcohol being served with no security, and extended hours including opportunity for weekday business meetings/retreats. If approved, this type of venue poses many hazards, has numerous safety issues, and will negatively affect our area.

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If a fire broke out at the venue, there is a great risk of it spreading to the farm outbuildings directly to the east of the venue. Our area relies on volunteer fire departments, so there is a longer response time than those areas that have a fully staffed fire department. Since there are no fire hydrants in our rural community, the fire fighters must bring water or access it from area wells or ponds.

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As a home childcare provider for 20 years, I also see safety as an issue with weekday events. Although my home is about 800 feet off the road, I currently walk down my driveway with my 9 daycare kids twice each day to get kids on and off the school bus. Because our road is on the route for both Chisago Lakes district and the Forest Lake district, buses are traveling down 260th St. from 6:30-8:30 a.m., and 2:45-4:40 p.m. Those travel times could also correspond with start and end times for business events hosted at the venue. The afternoon Chisago elementary bus travels east on 260th St. from Olinda Trail. It stops at 4:00 at my home which is on the north side of the road. The children have to cross the road in front of the bus to get to my driveway. If there are inattentive or intoxicated drivers coming from the venue, I fear one of the children being hit by a car. I don't know about you, but I would not want to be the one to make that phone call to the parent.

In addition to the hazards and safety concerns already listed, there will be numerous negative effects on the area if the proposed venue is approved. Our area is a very peaceful place filled with the sounds and sights of nature. Much of that will be lost if a loud, busy wedding venue is added to the neighborhood. Homes will be more difficult to sell, there will be more trash on the road and in the ditches, the road conditions will deteriorate faster, and the loud music and sounds of key fobs at midnight will be an annoyance to the people and livestock in the neighboring properties.

The worst part, if the conditional use permit is granted, is that the burden and expense of this venue would be shared by all neighbors who have lived here for many years, while the profits would be shared by the two property owners who have lived in their home for less than 9 months.

For these reasons, I am asking that you vote "no" on the conditional use permit requested by Bridget Korman and Lorelei Walker.

Thank you for your consideration.

Beth Novack

Beth M. Gervais

From: Duane Lee [redacted]
Sent: Tuesday, May 14, 2024 9:51 AM
To: Planning & Zoning
Cc: Debby Lee; Duane Lee
Subject: Wedding Venue at 260th Street

This is an external email message!
This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Franconia Township Board

25156 Trail North

Shafer, Mn 55074

Dear Franconia Township Board:

This letter is regarding the proposed Wedding Venue located on 260th Street.

Our main concern is the noise level. The proposed Events are planned for Friday, Saturday, and Sunday until 12 AM, with the ability to host events seven days a week. These wedding events will occur during the weekend time frame, when people in the area are outside enjoying the all too short Minnesota summer, only to be inconvenienced by loud noise from music and general celebrations.

We feel these Events create too many intrusions on other people's ability to enjoy their property and seems to be out of balance with the general needs and consensus of the neighboring community.

A secondary concern is traffic that will impact the immediate residents that live on 260th Street. One hundred and seventy-five people at each event would significantly increase traffic levels, noise and light pollution as people leave the Events at night.

We ask you to consider these and other concerns as you address whether to approve or deny the CUP application.

Sincerely,

Duane and Debby Lee

15428 Panola Drive

Lindstrom, MN 55045

Kurt M. Schneider

From: Jen B. [redacted]
Sent: Tuesday, May 14, 2024 11:28 AM
To: EnvServices
Subject: Opposition to CUP Korman Walker RRT Application

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I'm writing to let you know that I am opposed to the CUP application submitted by Walker and Korman.

First, I am concerned about the noise and the negative burden it creates for neighbors and livestock. The applicants state that the max noise level they will enforce is 95DBA. This level is well above the allowed level and violates the MN Pollution Control Agency sound regulations. The property falls into Noise Area Classification (NACL 1) which cannot exceed 65DBA in the evening (10 pm - 7 am). The fact that the applicants did not address the details of the standard is concerning. How will they enforce the noise if they don't know what the standard is? Furthermore, because weddings, by their nature, are celebrations, noise will be even harder to control. The Commission advised that the noise will have to be contained within the building, with closed doors and windows. However there is no mention that the building is going to be insulated or climate controlled, so again, enforcement should be questioned. Finally, the recommended screens on the other borders do nothing to mitigate noise. These facts place the burden on others rather than on the applicants.

Second, I am very concerned about the potential traffic hazards. 260th is a township road with an unmarked speed limit of 50 mph. There are no shoulders. It is well traveled with increased flow on weekends especially from motorcycle convoys, hotrods (just ask anyone that lives on the road), tourists, and emergency vehicles. It's a direct route to hwy 95 and Osceola and many drivers take advantage of the ease of access it provides. The applicants state that there will be little impact due to the increased influx of cars. They base this assessment on a neighboring business' traffic. To compare the two is apples to oranges and speculative at best. Slowing cars turning into the driveway, especially due to event timing, will impact traffic in both directions.

Third, In addition to traffic, the glare from headlights will shine directly into homes. Up to 75 cars is not an insignificant amount of glare. And, if the new proposed zoning for Rural Retail Tourism is approved, the number of cars will only increase. Again, the burden is placed upon others and not the applicants.

Finally, as one neighbor stated, this business benefits two people. I concur and am opposed to the CUP because it will create negative impacts by intrusion of noise, traffic, glare, and other potential adverse effects. It ruins the peace, safety, privacy, and neighborly spirit that the people of our area value deeply.

Sincerely,
Jennifer A. Barniskis
259th/Olinda

Beth M. Gervais

From: Pat Collins [redacted]
Sent: Tuesday, May 21, 2024 10:32 AM
To: Planning & Zoning
Subject: Comments about Korman-Walker CUP application

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My wife and I live at 15995 260th St, Lindstrom, MN 55045 and have great concerns about the proposed wedding venue just down the road on 260th. These comments apply to the initial application and the revised application.
Our road is just not constructed for a business of this type. 260th is narrow, has no shoulders and has tractors, bikers, bicyclers, walkers, joggers and many deer crossing the road that create hazards for cars and their drivers. The hilly topography is not conducive for more traffic and as so often happens, people hurrying to get to a wedding when they are late, disregard the speed limit.

The music will also create quality of life issues which is why we all live here. The Pollution Control Agency is clear on decibel levels as is Chisago county. This venue would violate Chisago county zoning ordinance 7.05 that objectionable noise not be transmitted beyond the boundaries of the property.

We also have concerns about groundwater as we all drink from wells and increased load will require upgrades in septic systems to ensure the safety of our drinking water

The neighbors have spoken and are adamant about this small business being a poor fit for the proposed location. We are all for small businesses but this one has too many strikes against it.
Sincerely,

Patrick Collins
[redacted]

Beth M. Gervais

From: Carolyn Brue [redacted]
Sent: Tuesday, May 21, 2024 1:04 PM
To: Planning & Zoning
Subject: Comments on Korman Walker CUP Application

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Hi - my name is Carolyn Brue and I live with my husband at 15995 260th Street. I offer the following comments on the above CUP application.

1. Noise.

The revised application removes the decibel level threshold of 95 dB (which exceeded MPCA standards) but continues to ask for amplified music. Chisago County Zoning Ordinance 7.05 states that no undue or objectionable noise may be transmitted beyond the boundaries of the property. Chisago County is also required to consider possible effects of a proposed use, including that existing nearby properties are not adversely affected by intrusion of noise, glare or general unsightliness.

Amplified music ending at 9 pm on Fridays and Saturdays and 7 pm on Sundays is objectionable. This is borne out by Chisago County's conditions on other properties with CUPs. Winery on 32XXX Upland Road was limited to indoor music only. Similarly, the orchard at 7647 460th Street in Sunrise Township (no outdoor amplified music at any time).

The fact that the applicants will be on site to enforce the noise limit is irrelevant. They will be busy with the wedding activities. In addition, they will not be able to assess the decibel level at nearby properties.

Nearby property owners are adversely affected, in particular the neighbor to the east with the cattle operation.

The MPCA requires local governments to take reasonable measures to prevent the approval of land use activities that will violate state noise standards immediately upon establishment of the land use. Given the concerns raised on noise by many neighbors, Chisago County must be particularly diligent in assuring that noise conditions are stringent.

Music from wedding venues is a typical problem that takes law enforcement to become involved. In this Wisconsin venue, police were called 60 times in three years when the venue host continued to hold events with live music, even though the permit did not allow it. https://www.12news.com/article/life/valley-wedding-short-venue-wasnt-zoned-for-loud-music/75-4e7bae70-687a-4358-8502-f8a962f0dd43

Chisago County could consider asking applicants to work with a consultant on a noise management plan. See https://www.parkerjonesacoustics.com/insights/articles/managing-noise-from-weddding-venues

2. Traffic.

The application states that it does not envision traffic impacts. Chisago County is required to consider traffic hazards and congestion.

Traffic is and will be an issue. 260th Street is a very busy road, with bikes, motorcycles, cars and farm implements. It is in poor condition already - heavily potholed. It has no shoulders on either side. The speed limit is 55 mph, which is regularly exceeded.

The Franconia Township Board voted to recommend denial of the CUP at least in part because of traffic and road concerns.

A traffic study should be considered. I understand there are costs to these studies, but it seems paying for this could be a condition of the permit.

At the Franconia Township meeting, the chair indicated he had done an informal traffic study which showed some 1500 cars on the weekend and 1346 cars on the weekend. There are no turn lanes on 260th. It is unclear how the venue will be lit or signed to show attendees where the location is, but both require County consideration. In particular, lighting could become its own nuisance issue because of glare.

A final consideration is that the traffic will be heavy one hour before the event and one hour after. Consideration should be given to traffic during peak hours and how that will be managed.

3. Application is not sufficiently thorough.

I am a retired lawyer who practiced in the compliance area for nearly 30 years. My read of both the original and revised application is it needs to be more thorough before it can be approved. There should be detailed drawings of the exact location and size of additional buildings - the application should include *location of all buildings and their square footage as well as the proposed floor plan of any building and use indicated*.

The application should address fire suppression. It should also address security.

It is hard to envision the Planning Commission or the full Board can properly review the application without more detailed descriptions of the buildings, their locations, and their infrastructure as well as more analysis of traffic, noise and parking.

Please let me know if you have any questions.

Carolyn Brue
[redacted]

Chisago County Planning Commission

Re: Bridget Korman and Loralei Walker CUP

Hearing Date: June 6, 2024

Dear Planning Commissioners,

Thank you for your time and focus on helping guide conscientious and productive use of properties in our communities.

I am Angel Phillips Permaloff, from 25310 Olinda Trail in Franconia Township and I also own property immediately adjacent to the subject parcel, along their SW property line that is part of our Ag Homestead. We run fiber sheep, laying hens and have a small dairy herd of Jersey Cattle.

I am here to speak in favor of this CUP being approved because small home-based businesses contribute greatly to the vitality and vibrancy of our community.

Franconia Township is somewhat unique as it lacks a town center, or even a gas station or coffee shop to anchor it. What we do have going for us here in the Ag district are numerous and varied small home-based businesses and the creative entrepreneurs that run them!

We have our own Rural Marketplace:

Appropriately, we have our farms, large and small. There are multiple tracts of land that are in production for commodity crops that are trucked out of the township for processing. But more importantly, across Franconia Township you can also connect with small farms that offer milk, meat, eggs, produce, fruit, flowers, honey, maple syrup, wine grapes, pumpkins and home baked goods! We are growing our own Real Food Network!

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JUN 0 3 2024

Chisago County
Dept. of Environmental Services
BG

In addition to that, we have cabinet makers, light industry, boat storage, golf cart storage, automobile mechanics, motorcycle accessory specialists, multiple landscape specialists, a stair hardware distributer, ice-fishing outfitters/guides, sailing instructors, therapeutic bodyworkers and 2 families, that I know of, that run private event centers that create space for life's celebratory occasions.

The Ag District is, of course, not only filled with farms, but also residential properties. Considerate neighbors make life pleasant and enjoyable for all. With residential properties being located near farms and home-based businesses, there is necessarily some creative tension, especially in the noise department.

- Dogs barking
- Pool Parties / Music
- Chain-saws running
- Motor Vehicle traffic sounds - not only on roads, but also ATV's, motor bikes, snow mobiles, lawn mowers, and farm implements
- And, of course, there's also cows bellowing!

The purpose of a CUP, as I understand it, is to formalize some neighborly consideration in the case of a home-based business to ensure that thoughtful choices are agreed upon and enforced, to balance the needs of residential and small businesses use.

In the case of Bridget and Loralei, a 20-acre home parcel is no small investment! Finding a constructive use for the property in Agra-tourism that serves the community in a positive way is a smart move!

I believe that reasonable consideration and provisions are evident in this CUP application, for the most part. I would question only the stipulation about music only being allowed indoors. Larger area event centers, like Panola Valley Gardens, just down the block, are not restricted to indoor-only music. In fact, that venue is outdoor only and it states on their website, "Our audio system will fill the gardens with music, adding to the days atmosphere". I've never heard of a neighbor's complaint about that. At the very least, in the case of the CUP being discussed, I feel that there should be music allowed outdoors for

the ceremonies themselves. I think we can all agree that it's hard to imagine a wedding without the traditional wedding march playing in the background.

I don't believe that this CUP impacts me personally in any negative way. For my own purposes, I will be fortifying my livestock fencing along the subject property to include electrical wires. 1,000 lb horned animals are not for petting and signage will be posted to warn residents and their guests away from the electric fence that will be there to protect my animals and keep them off my neighbors' properties, as well as prevent accidental trespass onto our personal property. I feel it is our responsibility to maintain our own physical boundaries along property lines. I feel that Bridget and Loralei have been open and cooperative with neighbors and willing to consider their needs. I also feel that we, as a community, should welcome their presence and the addition of a new resource for our area.

As for the state of the roadway on 260th – The road is currently long overdue to be replaced. It is one big series of patches that have all but merged into one another. Maybe this will be the year that our Township collectively agrees that it's time to finally fund replacement.

Thank you for your time and consideration as our township blossoms!

Sincerely,

Angel Phillps Permaloff

I'm writing to let you know I oppose the CUP wedding venue application by Korman and Walker.

I submitted my original opposition to Kurt Schneider by email and in person at the Township meeting on May 14, 2024.. Since then, I've read the updated application. I see that many of the noise and glare issues have been addressed, however, a significant safety issue of the application has not been addressed - the location of the venue directly bordering a working cattle farm.

Rural Retail Tourism is considered agrotourism. Agrotourism is protected under MN Statute 604A.40 AGRITOURISM; IMMUNITY FROM LIABILITY. Farmers are also protected by laws granting them the right to farm. The Ganley farm shares a border with the Korman/Walker property. This incredibly unique location has the potential to set a legal precedent in the event of injury caused by attendees who may, out of curiosity, want a closer look at a newborn calf, or a full-grown cow, or both.

At the Township meeting on May 14, Rochelle Ganley submitted a letter to the Township that she is at risk of losing her insurance due to the inherent risk. Supporting farmers is part of the Chisago County Comprehensive plan. The plan specifically includes the following: **Prevent incompatible land use in agricultural areas and encourage urban land uses in or near incorporated areas to help maintain the ability of owners to operate farms economically in Chisago County.** The venue is incompatible and would affect the ability of the Ganley farm to operate economically due to loss of insurance and perceived risk of injury/death by curious attendees.This risk alone should be enough to dissuade the Board of Commissioners from approving the Korman/Walker application.

Furthermore the application does not meet Section 4.15 Rural Retail Tourism Businesses D:5: ***Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.*** The adverse effect, in this case, is the risk created by the venue attendees who may be injured or worse if they engage with the cattle.

This location of the venue is so unique in proximity to the cattle farm that it could set a legal precedent in MN case law. The current farm is protected by MN Right to Farm laws while the venue would be protected by Agritourism laws.I cannot stress enough the inherent risk the venue places upon the livelihood of the farm. At the very least, the public hearing should **not** be closed until this is addressed by the Planning Commission and the Board. Or, optionally, the Board could not recommend the CUP and close the matter immediately.

Thank you,
Jennifer Barniskis
14686 259th Street

RECEIVED

JUN 0 5 2024

Chisago County
Dept. of Environmental Services
BG

Beth M. Gervais

From: Chase E. Burnham
Sent: Wednesday, June 5, 2024 4:38 PM
To: Kurt M. Schneider; Beth M. Gervais
Subject: FW: Online Form Submittal: Citizen's Forum Submission

Please include in the 'potential' new record.

Thanks,

Chase Burnham | County Administrator
County Administration
313 N Main St
Room 170
Center City, MN 55012
Chase.Burnham@chisagocountymn.gov
Phone: 651-213-8877

'Chisago County was created by the State of Minnesota to serve, protect, and enhance the quality of life for those we serve.'

NOTICE: E-mail correspondence to and from Chisago County may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, June 5, 2024 4:24 PM
To: Chase E. Burnham <Chase.Burnham@chisagocountymn.gov>
Subject: Online Form Submittal: Citizen's Forum Submission

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Citizen's Forum Submission

Chisago County Citizen's Forum Submission

You are welcome to submit a comment, statement, question or proposal to the County Board at least two (2) hours prior to the start of a scheduled County Board Meeting, so that it may be copied and distributed to the County Board. The County Commissioners may choose to read in full or parts of submissions aloud after recognizing the author.

It is requested that you provide your full name and address, including commissioner's district, if known. All the letters should be written to make a comment, statement, question or proposal to the County Board. All letters shall be directed to the Board as a whole, and not to individual commissioners. All submissions should be written in a respectful manner and or tone and refrain from the use of profanity.

First Name	Brandon
Last Name	Bigelbach
Address	15470 260th Street
City	Franconia
State	MN
Zip	55045
County Commissioner District	District #2 - Rick Greene
Comment, Statement, Question or Proposal to the County Board	My name is Brandon Bigelbach. I live at 15470 260th Street. I am directly impacted by the proposed wedding venue development at 15323 260th Street. The public record for this CUP application was closed by the County Planning Committee after its May 2nd public hearing. I respectfully request a second public hearing for this application be administered. The Planning Committee voted to table its recommendation for the application on May 2nd due to insufficiencies in the application. Since then, crucial new information related to the application has surfaced, which has been barred from entering the public record and application. Significant concerns regarding traffic and road safety on 260th Street were raised by residents and Franconia Township. These concerns have gone unresolved. The CUP application has continued to change, as recently as May 31st. The public deserves the right to voice input on these changes.

Why is crucial information from residents, which directly contributes to the completeness of the application, being ignored?

A second public hearing is needed to ensure that all relevant information and community concerns are adequately considered, providing a fair and transparent decision-making process.

Email not displaying correctly? View it in your browser.

Beth M. Gervais

From: Ryann Bigelbach [redacted]
Sent: Wednesday, June 5, 2024 9:38 PM
To: Planning & Zoning
Subject: Conditional Use Permit Application - 15323 260th Street

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Good Evening,

My name is Ryann Bigelbach and I live at 15470 260th street. We have been in attendance for the meetings regarding the CUP application for the proposed wedding and event venue. I'd like to express my opposition to this application due to the safety concerns that have been called out by fellow neighbors and by the township. In addition to the safety concerns, the disruption to the neighborhood and the nearby properties.

As it has been expressed throughout this process, these applications rarely get denied so although I oppose the approval of this application I would like to send over some additional conditions for the planning commission to consider enforcing if they are to recommend approval.

- Limit late night events to one event per week during their open season of May - October
- Require the existing and proposed structures be properly insulated with heating and cooling to accommodate windows and doors being closed during events
- Require screening on the north side of the existing and proposed structures, as the grapevines do not provide adequate screening for the duration of their open season
- Utilize shuttle services for guests for events over attendance of 50
    - For context, we've attended weddings in the past where parking on site was not allowed and we had to provide our accommodations for the bride and groom to coordinate shuttle services due to limited parking, dangerous driving conditions, and alcohol being served at the event
- Require additional security be hired for weddings

Another point that has been brought up throughout the process, even by the sheriff at the Township meeting, is being able to enforce conditions and the difficulties that have come from that in the past. Respectfully, I ask that there be some clear expectations on how the many neighbors that have showed up and voiced their opinions are able to take action on conditions that are not followed.

I appreciate that there has been a lot of communication around this application and I want to thank you all for taking the time to read and hear all of our concerns.

Regards,
Ryann Bigelbach
[redacted]

Beth M. Gervais

From: Brandon Bigelbach [redacted]
Sent: Wednesday, June 5, 2024 11:03 PM
To: Planning & Zoning
Subject: Request to Re-open Public Record for CUP Application at 15323 260th Street

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Dear Members of the Chisago County Planning Commission,

I hope this message finds you well. My name is Brandon Bigelbach, and I live at 15470 260th Street. I am directly impacted by the Korman/Walker proposed wedding venue development at 15323 260th Street. I am writing to urge the commission to re-open the public record on the pending CUP application to ensure that all relevant information and community concerns are adequately considered. The record should be reopened for the following reasons:

- **Critical New Information:** At the May 2nd public hearing, the Planning Commission's recommendation was tabled due to insufficiencies in the application. Since then, critical new information has surfaced from residents, which contributes to the completeness of the application.
    - ***Example***: The Ganley farm, which shares a border with the Korman/Walker property, received a letter from their insurance company indicating a risk of losing their insurance due to the inherent risks posed by the development. This suggests the development could impose undue hardship on neighbors' livelihoods, violating zoning principles.

  Considering the application was tabled to ensure its thoroughness, why exclude pertinent information from the public that contributes to the completeness and accuracy of the application?

- **Unresolved Traffic and Road Safety Concerns**: Significant concerns regarding traffic and road safety on 260th Street were raised by many residents and Franconia Township. No evidence has been provided to determine the design standard of 260th Street. No traffic and road safety study has been conducted to confirm whether 260th Street can safely handle the increased traffic volume. No conditions have been recommended in the application to require the completion of a traffic study. Legitimate concerns related to the safety of life remain unaddressed in the process and the application.

- **Changes to the CUP**: The CUP has continued to change since the May 2nd public hearing, with the most recent changes on May 31st. The public deserves the right to provide input on these changes. Why do the applicants and application coordinator have the right to make continuous modifications to the application, but residents don't have the right to provide feedback for the record related to these changes?

While I am opposed to the application due to the safety concerns and disruption to the neighborhood it presents, if the Planning Commission were to move forward with a recommendation to approve the CUP, I recommend the following actions and conditions:

Courses of Action:

- The Planning Commission should motion to reopen the record to the public and hold a second public hearing.

- The County and/or Road Authority should provide an answer to the design standard of 260th Street and assess if it safely accommodates current traffic volumes.

Conditions for the CUP:

- Applicants should fund a road and traffic safety study to assess if 260th Street can safely handle the increased traffic volumes caused by the development.
- Applicants should install a barrier along the east property line to address the concerns mentioned in the 'Critical New Information' example.
- The applicants' structure must be insulated, heated, and cooled. *Current conditions require the structure to be closed while music is played, but there are no conditions requiring the structure to be insulated, heated, or cooled, which are necessary for it to remain closed.*
- Applicants should ensure security is present at all wedding events. *During the May 14th Franconia Township meeting, the local sheriff indicated that enforcement of disturbances and conditions by police on weekends would be unlikely. Security would lessen the enforcement burden on neighbors and promote a safe environment.*
- Applicants should install a noise barrier/screening on the northeast area of the property. *My home is closest to the structure at just 400 feet. The proposed grape vines are insufficient for screening, as I can see right through them.*

I trust that the Planning Commission will take these concerns seriously and advocate for the safety, well-being, and interests of its residents. I look forward to a transparent discussion at the upcoming meeting tomorrow and I appreciate you taking the time to read and hear concerns.

Thank you,
Brandon Bigelbach
[redacted]

From: Fred [redacted]
Sent: Wednesday, June 5, 2024 10:39 PM
To: Marlys L. Dunne <Marlys.Dunne@chisagocountymn.gov>
Subject: proposed wedding venue on 260th st.

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Hello Ms. Dunne,

My name is John Guider (sorry about the confusion with the name in the email title long story) I am emailing you in regards to this proposed wedding venue. The application that was submitted lacks a lot of information & I do not understand why it is even being considered. I am directly impacted by this development & I never received a postcard about this instead I had to rely on neighbors to provide me with the information. I think that there is also insufficient public notice as well, it is pretty tough to provide public testimony when you are not even notified.

I would also like to know why the CUP keeps changing but no public feedback? Also, how is this even being considered? There have been no formal plans submitted for anything yet, and there have been no setbacks disclosed, how are they building all these new structures? Are they going to be stick framed like a conventional house, a pole building? What about heating & cooling? In my 23 years as a general contractor anytime I applied for permits I always had to have detailed plans so what do they not have to?

Furthermore, the Township has already declined this the neighbors have all spoken out against this as well, so why is this even still in consideration? We have a wedding venue already 2 blocks away from this proposed venue along with another 10 wedding venues within a 10-mile radius & which excludes bars, churches & community centers, how many more do we need?

Some of my concerns are as follows.

Noise & light pollution.

The road is unsafe for pedestrians the road has no shoulders do we really need the increased traffic?

Times & days of operation I believe is too frequent & too late.

The noise will be disturbing to the people that live nearby along with peoples live stock.

What are the plans for water runoff from the new structures, where is all that water going to go?

What about enforcement of the CUP? Typically CUP's do not get enforced very well.

Their driveway is not wide enough to accommodate 2-way traffic so it will get backed up onto 260th St now.

Why is there not a turn lane being required for their property?

They are planning on serving alcohol so with no taxi's or shuttles in the area & no place for people to stay if they are intoxicated where are these intoxicated people supposed to go?

What about the neighboring farms who is going to be held responsible if someone wanders into a pasture & gets hurt by an animal?

What is this venue going to do for property values? They sure will not make property values increase.

What is going to happen to crime? It most certainly will go up with all these "outta town" people coming in & seeing what else is around.

This entire idea is not fit for a rural area, this is a setting for an event center in the city where the noise is not an issue nor is the traffic.

John Guider
[redacted]

Beth M. Gervais

From: Beth Novack [redacted]
Sent: Thursday, June 6, 2024 10:40 AM
To: Beth M. Gervais
Subject: proposed wedding venue

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Good morning planning commission members,

We are writing today, first and foremost, to request that the public hearing on the proposed wedding venue on 260th St. be reopened. We feel that this is a reasonable request due to the numerous changes that have been made on the application since the public hearing was closed on May 2nd, and to the response of the applicants to the conditions you placed on their application.

We want to thank you for listening to the concerns of the people in our area and applying conditions to the application based on what you heard. Although some of the concerns have been addressed, there are still safety issues that need attention.

First, we believe that the applicants should be required to hire 1-2 off duty peace officers for any event where alcohol is served, smaller events would only require one, while larger events would require two. This is not an unreasonable request, and is actually quite common at weddings. In fact, we were just at a wedding at a private golf club in Washington County where a peace officer was present.

Second, since the Franconia Township board unanimously agreed that approval of the CUP for the wedding venue should be denied based on road safety issues, we believe that speaks volumes about the safety concerns of the venue. If the county board still feels like the CUP should be approved, we would ask that the land owners be responsible for having a turn lane and bypass lane put in along their road frontage to help with traffic flow. Even though the applicants lowered their occupancy and do not feel that there will be a problem with traffic, 90% of the vehicles entering and exiting the venue will be doing so in about a 15-20 minute time span. Event guests typically arrive shortly before the event begins, and leave at the end time.

Third, we would like to see additional screening on the north side of the venue. We do not believe that 4ft tall grape vines constitute an adequate screening between the road and the venue, and would cause additional safety hazards due to gawker slowdown.

Our final concern is regarding additional storage buildings. There is no mention that these structures need to be permanent. We would like additional structures to be permanent so as to avoid temporary structures such as storage containers or the tarp type car ports/shelters.

Thank you for your time and consideration to our concerns.

Sincerely,

Beth and Ken Novack
15144 260th St.
[redacted]

Beth M. Gervais

From: Rochelle Ganley [redacted]
Sent: Thursday, June 6, 2024 11:03 AM
To: Planning & Zoning
Subject: Walker/Korman
Attachments: IMG_20240606_054848.jpg

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Good Morning,

My concern is that the original incomplete application for the conditional use permit and information not provided until after the public hearing was closed. How can we have full insight when this cup is still morphing?

Example: the proposed location of the gazebo was just added after they closed the public hearing. The guests are not going to look at the building or the road, I wouldnt think. They are going to look out over the pond which puts them right next to our cattle. Which is 40' away. Now, you have to seat the 100+ guests ... that brings them right up to my fence and/or along side it. They will be clapping, whistling, cheering, jumping up and down, whooping and hollering, one can only imagine from attending other weddings. No screening is going to stop the cattle from being startled, especially new calves.

What do cattle do when a crowd reacts like that? Fight or flight behavior. Have you seen a herd of cattle ready for fight or flight. This is a mixture of bulls, newly born calves, new moms, heifers, steers. If you are not familiar with cattle behaviors the u of mn extension has a lot of great information on flight or fight with cattle. They also can not see well in the dark, they are color blind and also don't have depth perception. Dry summers they are locked into the barnyard 100% of the time and in the fall come Sept.

Who is responsible? The people who caused the reaction ? Or Jesse and I ? That poses a high risk threat to our farm.

If you toured the property you will notice that the Walker/Korman property line is inside our barnyard fence approx 15' + or more in places. Which makes the gazebo even closer that what it actually shows in the pictures or plans.

Who holds 100% liability?

State statute for the agtourism 640A.40 gives the venue immunity from liability.

Where will that liability fall?.. Jesse and I.

This is open information.

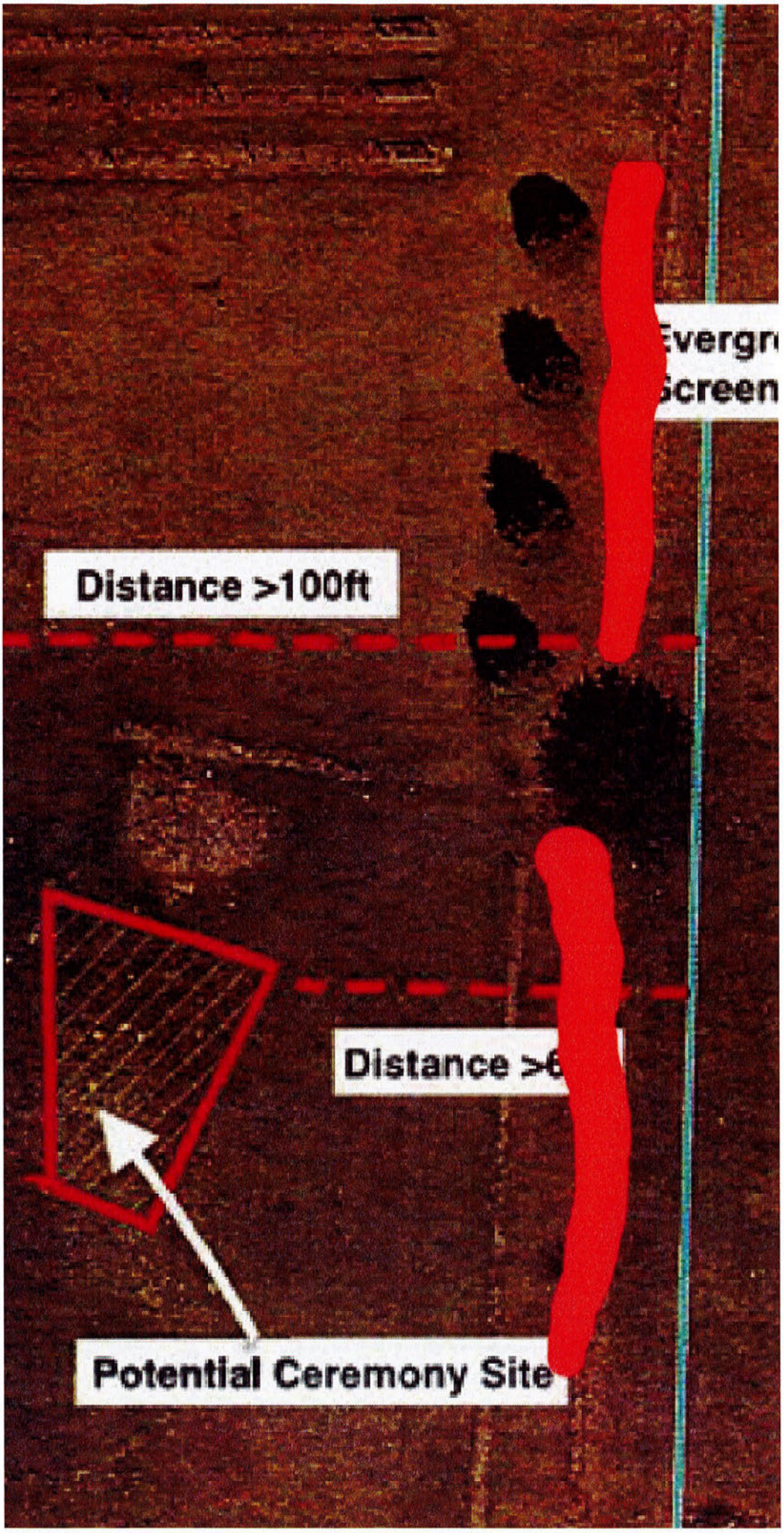
Thank you for your time and feel free to reach out.

Shelley Ganley

[redacted]

15573 260th
Lindstrom, MN

The thick red line is the actual cattle fence.


Evergr
Screen
Distance >100ft
Distance >6
Potential Ceremony Site

June 6, 2024

To: Beth Gervais, Land Services Coordinator
Chase Burnham, County Administrator
Chisago County Board of Commissioners (Marlys Dunne, Rick Greene, Dan Dahlberg, Jim Swenson, Ben Montzka)

CC: Chisago County Planning Commission Members

From: Tony and Erika Huffman, 15237 260th St., Franconia Township

RE: Korman/Walker request for CUP for wedding/gathering venue

In follow-up to the public hearing session at the May 2, 2024, Chisago County Planning Commission and the Franconia Township Board meeting held on May 14, 2024, we would like to provide additional comments regarding the Korman/Walker CUP application for a wedding/gathering venue at 15323 260th St. in Franconia Township.

The public hearing held on May 2nd was for the original CUP application and was closed at the meeting. However, based on additional information, the CUP application has been revised by the owners/applicants and therefore, it is only fair and appropriate that the public hearing be reopened to allow for response to the new information contained in the revised application.

Our property is immediately adjacent to the Korman/Walker property along the length of the western edge, and we do not support a Rural Retail Tourism business, i.e. a wedding/gathering venue, at this location. A wedding/reception/gathering venue is a commercial use, not a Rural Retail Tourism business. The concentrated volume of people, music and alcohol along with the hours of operation puts this type of business in a different category altogether and it must have carefully crafted conditions of approval in order to ensure harmony with the existing agricultural zoning and use.

Firstly, the findings of fact throughout the staff report are weak and do not capture the full scope of the dissent presented at the public hearing. Examples are presented below:

- Factor #7 - *The proposed use will not cause traffic hazard or congestion*
    - The findings of fact indicate the County received a significant amount of public testimony during the May 2nd public hearing in which neighboring property owners expressed concerns about the safety of 260th Street such as the poor condition of the public roadway, lack of streetlights, potential conflicts with agricultural equipment traffic, among other things. Ultimately, the CUP request was tabled at the May 2nd meeting to allow the Franconia Town Board/Road Authority to further consider the roadway and/or traffic impacts.
    - Accordingly, the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14th, 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]". In direct conflict with this statement, the County is blatantly disregarding this information and "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."

We strongly disagree with the conclusion that the increased traffic levels will not create traffic hazards as there are additional significant concerns regarding the current design and use of 260th Street as noted below.

- There are no shoulders on either side of the road; only inches of pavement beyond the white lines and a very narrow gravel buffer before the ditch.
- The current travel speeds are frequently excessive and given the number of intersecting driveways and the limited visibility due to hills and heavily wooded areas. Road safety must be a concern and consideration for this CUP request. We live ½ mile from the west end of 260th Street where there is a stop sign at the intersection with Olinda Trail. The speed of traffic as we wait to pull out of our driveway is shocking and regularly over 50 mph in this short stretch with a stop sign ahead.
- There are 17 driveways within ½ mile each direction from the proposed wedding/gathering venue site making this area a "low density residential" area rather than a usual Agricultural zone.
- 260th Street is a collector street connecting to MN State Highways 95 and 243 (which also provides crossing point for the St. Croix River) as well as the Osceola, WI regional business area. Additional traffic congestion because of a wedding/gathering venue will significantly increase the risk and undoubtedly decrease the quality and safety of the 260th Street roadway for all who use it.

Given these facts, we **request the following condition of approval** be added. This condition is consistent with conditions required for the approval of a zoning use permit for a wedding venue in Scandia, MN[1]:

- A *MnDOT consultation and a formal traffic study completed to generate "quantifiable evidence" to either support or refute the assertion that the proposed traffic levels will create traffic hazards or cause congestion.*

- Factor #8 – *The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare, or general unsightliness.* The findings of fact state "The county

[1] Redeemed Farm (Scandia, MN)

finds that there are no remedies or conditions of approval which would mitigate the noise levels resulting from the proposed use."

- We strongly disagree with this finding and **request the following conditions of approval** be required, which are consistent with the conditions placed on other local wedding/gathering venue CUPs[2], to mitigate excessive noise levels:

    1. *All music (live, recorded, or amplified) shall end by 9pm on Fridays and Saturdays and 7pm on Sundays.* These limits are consistent with the owner's/applicant's stated intention for their customer contract but specifying it in the CUP conditions will provide continuity and ensure minimal disruption of the neighboring area over time.
    2. *Buildings for music/food shall be insulated with year-round climate control.* This will allow doors/windows to be comfortably closed to help attenuate sound levels.
    3. *Required use of a permanent onsite sound system in the music/gathering building that is controlled by a decibel limiter.* This will prevent music from being played beyond a set decibel level. Any event hosted at the venue shall be required to use the onsite sound system.
    4. *A sound study shall be conducted to determine the appropriate decibel limit to ensure noise pollution does not diminish the enjoyment of other properties in the immediate vicinity for the purpose already permitted.*

In closing, if the CUP cannot be denied at this time based on the current information available, we **request the following conditions of approval** in addition to the conditions identified above:

- Consistent with similar venues in the area[3], *trained security personnel (e.g. off-duty officer) shall be onsite 8pm – close if alcohol is served.*
- *Consumption of alcohol shall be restricted to CUP areas, excluding parking lots, and must meet minimum setback requirements.*
- *The CUP shall terminate with a change in ownership of the site.*[2]

[2] Dellwood Farm, LLC (Grant, MN) and Redeemed Farm (Scandia, MN)
[3] Dellwood Barn Weddings, LLC (Grant, MN) and Redeemed Farm (Scandia, MN)

Other zoning considerations

As the Chisago County zoning ordinance is under revision, we ask that the following input be strongly considered and used to shape the new ordinance rules.

As stated in the American Planning Association, Zoning Practice – Agritourism guidelines, the key component in preserving rural character is that tourism businesses must be subordinate to farming operations.[4] When defining alternate uses within an Agriculture-zoned area, the precedent use must be prioritized. Rural event venues don't always make the best neighbors.[5] Like lakes, open fields/valleys do not attenuate sound levels which are certain to accompany a celebratory crowd of people sharing music and alcohol.

Supporting this point, Isanti County (MN) zoning ordinance states "the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the immediate vicinity."

In addition, the Code of Ordinances of the City of Grant (Washington County, MN) defines a *Rural Event Facility* as "a facility that operates on a for-profit basis to host outdoor or indoor gatherings. The gatherings may include, but are not limited to, events such as weddings or other ceremonies, banquets, picnics or any other gatherings of a similar nature. Such facilities shall be required to obtain a Conditional Use Permit, and **must meet the following additional minimum standards**:

1. Located on a minimum of 20 acres as defined in Section 32-246(c)4, and zoned [Agricultural] A1 or A2[6]
2. Have direct access to a County or State Road

A solution that seems fitting for Chisago County given the extent of discussion and concern around the recent CUP request for a wedding/gathering venue has been implemented in Grant, MI. This community has resolved the conflict between Agricultural zoning activities and those that may be associated with a Rural Retail Tourism business by having a separate category for *Banquet Facilities and Event Centers.* A Banquet Facility or Event Center is defined as "a

[4] American Planning Association, Zoning Practice – Agritourism, Vol. 21, No. 3, 2004

[5] American Planning Association, Zoning Practice – Rural Event Venues, Vol. 35, No. 11, 2018

[6] A1 districts preserve land to be utilized for agriculture and commercial food production on lots smaller than those required in AP districts. A-1 districts provide areas of rural lot density housing with lots large enough for significant agricultural activity to occur. A2 districts provide rural low-density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A2 district lot sizes will provide for marginal agriculture and hobby farming.

commercial operation devoted to accommodations for gathering individuals or groups within an open setting, such as weddings, reunions, seminars, corporate retreats, or similar events."[7]

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact us.

Erika Huffman [redacted]
Tony Huffman

[7]https://webgen1files1.revize.com/granttwpofnewaygocntmi/Grant%20Township%20Zoning%20Ordinance%20Aug%202023.pdf

Beth M. Gervais

From: Paul Bergson [redacted]
Sent: Thursday, June 6, 2024 3:33 PM
To: Planning & Zoning
Cc: Rochelle Ganley
Subject: Wedding Venue on 260th St - Franconia Township

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This is Paul Bergson, PE, at 25655 Quail Ridge Trail and I have many concerns regarding the Wedding Venue on 260th St:

1. An Environmental Assessment Review should be conducted as per tje MPCA regarding the groundwater and effect on the water table for the surrounding residences. Including noise and lighting.
2. Noise and vibration effects on adjacent livestock. Cattle, Sheep Hogs, Chickens, and Horses.
3. Lighting for vehicle parking.
4. Effect on wildlife.
5. Setback distance from adjacent property
6. Traffic and entrance and exit into the venue. Will the driveway need to be wider than existing.
7. Septic system should be properly sized and location on the property with respect to adjacent neighbors wells and septic systems.
8. Is there a proposed turn lane onto the property so others can safely pass by. Traffic is heavy now on 260th.

https://www.pca.state.mn.us/business-with-us/environmental-review

I am against this Venue as it will cause additional traffic and issues, SAFETY. noise, lighting and effect on nearby neighbors and livestock.

Paul Bergson, PE #23340
25655 Quail Ridge Trail
Franconia Township, 55045

SECTION 7. PERFORMANCE STANDARDS 7.01 7.02 7.03 7.04 7.05 7.06 7.07 Maintenance Required All structures, landscaping and fencing shall be reasonably maintained to protect the public health, safety, and welfare. On-site Sewage Treatment Standards The installation, maintenance and repair of individual on-site sewage treatment systems shall be in compliance with MPCA rules regulating subsurface sewage treatment systems, Chapter 7080, and the Chisago County Sewage and Wastewater Treatment Ordinance. Odors and Emissions Odors and emissions from any use shall not exceed the regulations set forth by the Minnesota Pollution Control Agency rules. Dust and Particulates Dust and particulate matter from any use shall be in compliance with Minnesota Pollution Control Agency rules. Noise and Vibrations Noise and vibrations generated from any use shall be in compliance with Minnesota Pollution Control Agency rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, or temporary maintenance operations. Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction. Glare Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged

as to deflect light away from any adjoining inhabited property or from the public streets. Direct or reflected glare from lights and high-temperature processes such as combustion or welding or other sources or from structures, shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not unreasonably light adjacent property or public right-of-way. Galvanized steel siding or roofs are not allowed on residential structures and their accessory structures. Waste A. All waste generated from any use shall be managed in compliance with the Chisago County Solid Waste Ordinance. Waste generated on any premises shall be kept in containers designed for waste collection or stored in a structure or within an enclosed or screened area. The accumulation, storage, processing or disposal of waste, compost or recyclable materials 90 B. on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance or the Solid Waste Ordinance.

From: Carolyn Brue [redacted]
Sent: Thursday, June 6, 2024 12:05 PM
To: Marlys L. Dunne <Marlys.Dunne@chisagocountymn.gov>
Subject: Korman-Walker wedding venue CUP

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Ms. Dunne - I live at 15995 260th Street, Lindstrom and was at the Commission's meeting last evening. Thank you for entertaining the request to reopen the case on the Korman-Walker CUP application. My husband, Pat Collins, and I live about 1/2 miles from the proposed venue. Because we were not within 1/4 mile, we did not receive any notice of the CUP application and did not learn of the application until after the May 2 planning commission meeting, at which time the matter was closed. We did attend the May 10 Franconia Township meeting and submitted comments to Ms. Gervais after that meeting, having the understanding that our comments would be part of the continued review of the application.

My concerns on the process are simply that many voices have not been heard on the record. The application has continued to morph substantially since the May 2 hearing and we seem to have lost any ability to comment on those changes. In particular, despite material concerns about liability and safety, the current application now includes a gazebo 60' from the neighboring cattle farm. These are material changes that should be open for conversation. I very much appreciate that the Board voted to ask the Planning Commission to reopen the case.

I do feel that the case should not have been closed until the application was more fully thought through. Only now does the application include the proposed location of the gazebo at what seems to be a really problematic location near the cattle farm. Such a material amendment to the application deserves to be part of the conversation. In my prior comments to Ms. Gervais, which were submitted after May 2, I wrote the following:

Application is not sufficiently thorough.

I am a retired lawyer who practiced in the compliance area for nearly 30 years. My read of both the original and revised application is it needs to be more thorough before it can be approved. There should be detailed drawings of the exact location and size of additional buildings - the application should include location of all buildings and their square footage as well as the proposed floor plan of any building and use indicated.

Only now does the application begin to have a fuller site map and yet we may not have the chance to comment on the record.

Thank you for your thoughtful consideration.

Regards, Carolyn Brue

[redacted]

From: Laurie Permaloff [redacted]
Sent: Monday, June 17, 2024 1:54 PM
To: Kurt M. Schneider <Kurt.Schneider@chisagocountymn.gov>
Subject: Noise in the "260th Neighborhood"

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This email is offered as a resident view on the opposition to a wedding venue CUP application along 260th (the 15323 marker on the map, below).

I work with my dairy animals twice a day, every day, at a property that's addressed on Olinda Trail.

For the last couple of years, I have been plagued by obnoxious small engine noise generated by recreational vehicles nearby both of the properties on which I spend most of my time. This "noise pollution" occurs year-round: Something running in the summer and something running in the winter. The oval track, below, is not the source of this noise. The switchback trail to the west (left) of the big oval track is. The switchback circuit trail is **one property west** of the requested CUP.



For reference, on Wed night (6/12/2024) between the hours of 5pm and 7:00pm, there were at least 7 of these vehicles revving their engines and jumping throughout this circuit - flying at least head-height over the moguls (which projects their noise even further). The red line that goes from that circuit SW to the point of the red "V" is about 700' on GIS.

The noise was so loud that night that I had to walk to the leftmost point on the NW line of that "V" before my cows in that pasture could hear me calling. When that activity is not happening, they can hear me from about 30' N of the point of the red "V".

By the time I was done milking (2.5 hours later), the din had declined to the noise generated by jumping 2 vehicles. Still clearly audible from my milkhouse.

I took my sound meter over to the N side of the solar field (I have written, permissive easement to the property I own to the E of the solar field) and measured the sound pressure emitting from that property. With 2 vehicles running, the sound ranged from 75 to 85 dB (revving up the jumps). A clear violation of what I now know are state and local noise pollution laws.

This is a separate issue (unfortunately, I have two such violations within this distance of all the properties I own).

My point is - one of the dissenters to the requested CUP, did so due to his desire for a peaceful environment. That particular dissenter **owns the land on which the described violation is occurring**. His claim that he limits this activity to 2 hours per night is both moot (because it's illegal if it goes beyond 6 minutes every hour) and inaccurate (the noise **does** persist longer than 2 hours per night).

His opposition should definitely be stricken from the count. It's utter hypocrisy to claim someone else's **potential** noise from a wedding venue could interfere with his enjoyment of his property when guests to, or residents of, his property are polluting so egregiously and frequently, and he lets it continue. This activity happens multiple days per week throughout the summer and routinely goes 2+ hours.

In addition to his opposition, I would advise the committee to be suspicious of any additional dissenters who have property next to his. I will measure the dB level when his full crew is active again, but if the noise level is up around 100 (the level of a chainsaw), where I expect it will register - there are multiple neighbors of his who are also experiencing noise pollution above 60 dB (typical conversation). Something may be going on in that neighborhood that allows a few people to intimidate multiple others into "siding" with their complaints while ignoring some really glaring issues on a couple of parcels.

Why have I put up with this for all these years? One, my wife and mother-in-law want to preserve a peaceful, amiable relationship with neighbors and they bend over backwards to be kind, considerate, and advocate for our neighbors. Two - I **believe** that in this country, a person should be able to do what she wants with her property, as long as it doesn't pollute the environment. I still believe that. So, while I don't know the applicants and certainly wouldn't recognize them on-sight: I believe they should be allowed to move forward with how they want to use their land within country/township guidelines.
The conditions are already in place - as long as their proposed venue doesn't violate those conditions, neighbors should not be allowed to "vote", as that brings in all manner of prejudice, jealousy, and gang-mentality (we, who were here first, get to decide what newcomers can and can't do). We certainly weren't allowed to "vote" on all the Solar installations!

Road conditions - county/township's responsibility. Ag land is fundamentally commercial through MN constitution. Any farm can draw patrons/buyers to its site. Plan for it and support it.

Light Pollution - talk to the neighbors of the CUP applicants who "pranked" the applicants' household by flashing red/white lights at them and then bragged about it at a neighborhood party. If the neighbors think that's fun/funny, why complain about it when someone else does it? Same neighbors related a "funny" incident with police activity on their land.
Sound Pollution - talk to the neighbor that runs recreational/race vehicles year-round
Ground-water - talk to the farmers who apply chemical fertilizers and weed control. After 50 years, it's in the groundwater, so if it's not in our shared aquifers yet, it certainly will be soon.

As far as animals and insurance - that's the responsibility of the animal owners. A person who owns pitbulls, Dobermans or other powerful dogs could get the same sort of letter from their insurance broker. I could get one about either my cows or bulls. The letter submitted does not read like a warning from an insurance company. It reads like a guarded response to a direct (leading) question. You post signs, adequately fence, and communicate with neighbors that trespassing will not be tolerated - or don't keep such animals.

Let's keep the CUP process focused on the conditions of permissible use advertised on this county. Abide by the permitted parameters and use your property as you please.

Laurie Phillips Permaloff
co-owner (with Angel) of 4 properties within hearing distance of the circuit in focus on the map
(yes, I can hear this from my 25310 Olinda Trail property when the full crew is running).

Beth M. Gervais

From:	Ryann Bigelbach [redacted]
Sent:	Wednesday, June 26, 2024 10:02 AM
To:	Planning & Zoning
Cc:	kurt.schneider@chisagocountymn.go
Subject:	Public Hearing - CUP 260th Street Wedding Venue

This is an external email message!
This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Good Morning,

I received the public hearing notice for the July 11th meeting and wanted to send some follow up notes to my first communication sent on June 5th regarding conditions for the planning and zoning commission to consider. I live at 15470 260th street and am approximately 430 feet from the proposed site. I'd like to express my opposition to this application due to the safety concerns that have been called out by fellow neighbors and by the township. In addition to the safety concerns, the disruption to the neighborhood and the nearby properties.

Again, as it has been expressed throughout this process, these applications rarely get denied so although I oppose the approval of this application I would like to send over some additional conditions for the planning commission to consider enforcing if they are to recommend approval. Below is the list I previously sent and in **bold** are additional conditions I would appreciate the planning and zoning commission to consider.

- Limit late night events to one event per week during their open season of May - October
- Require the existing and proposed structures be properly insulated with heating and cooling to accommodate windows and doors being closed during events
- Require screening on the north side of the existing and proposed structures, as the grapevines do not provide adequate screening for the duration of their open season
- Utilize shuttle services for guests for events over attendance of 50
    - For context, we've attended weddings in the past where parking on site was not allowed and we had to provide our accommodations for the bride and groom to coordinate shuttle services due to limited parking, dangerous driving conditions, and alcohol being served at the event
- **Require security be hired for events with alcohol being served**
- **Limit the distribution of alcohol to beer and wine**
- **The site for the proposed new structure be moved to the south of the existing structure to minimize the disturbance to neighbors and neighboring livestock**
- **During the school months (May-June, September-October), do not allow events to start/end during the hours the school busses will be dropping off children on school days**

Again, respectfully, I ask that there be some clear expectations on how the many neighbors that have shown up and voiced their opinions are able to take action on conditions that are not followed.

I appreciate that there has been a lot of communication around this application and I want to thank you all for taking the time to read and hear all of our concerns. Please confirm receipt of this email.

Warm Regards,
Ryann Bigelbach
[redacted]

Dear planning commission members,

My name is Beth Novack and I live at 15144 260th St. I am writing today to recommend some additional conditions for the CUP of the proposed wedding venue at 15323 260th St. I believe these additional conditions will help with the hazards and safety issues this wedding venue poses if it is approved.

When I first met Bridget Korman and Lorelei Walker at a neighbor gathering in October of 2023, everybody really seemed to hit it off. We got together socially about 6-8 times since then. As I got to know them, the talk of the wedding venue came up. Lorelei described it as an "intimate wedding venue" and there was mention of building a small gazebo in the future to host outdoor wedding ceremonies. I assumed this meant weddings with a size of about 50 people, having maybe 10-12 weddings throughout the "wedding season", and I was okay with that.
At first, I was not planning to go to the public hearing, and then I read the proposal. This proposal was nothing like what was mentioned to us neighbors! The seasonal "intimate wedding venue" was expanded to a 365 day/year venue with up to 175 people on site, alcohol being served with no security, and extended hours including opportunity for weekday business meetings/retreats. Although they have made changes to the application to make it more appealing to the neighbors, we have lost trust in Bridget and Lorelei, and believe that they have no concern about the best interest of the neighbors, and are only self-serving. If approved, this type of venue poses many hazards, has numerous safety issues, and will negatively affect our area.

The hazards of this venue are many. Because the site of the events is only 180 feet from the road, there will be "gawker slowdown" which will lead to more accidents. Drivers will want to see what's going on and will not be paying attention to the road. The existing vineyard is not tall enough screening from the road. I am under 5ft tall and can see over the vines when standing next to them. Taller screening needs to be added as a condition.
Cars exiting the venue will pose a risk to other drivers on the road because the trees near the end of the driveway block the view of the road from the driveway. I know this from experience because I am very close friends with the former property owners, and would have to pull right to the edge of the driveway before turning west on 260th to get to my house. These trees need to be trimmed up for better viewing of the road.
If a fire broke out at the venue, there is a great risk of it spreading to the farm outbuildings directly to the east of the venue. Our area relies on volunteer fire departments, so there is a longer response time than those areas that have a fully staffed fire department. Since there are no fire hydrants in our rural community, the fire fighters must bring water or access it from area wells or ponds. A fire containment system installed inside the venue and food prep areas would help with that.

RECEIVED

JUN 27 2024

Chisago County
Dept. of Environmental Services
BG

There are safety issues that will be added if this conditional use permit is approved. Many of the guests at the evening events will be drinking alcohol, and several of those will most likely be intoxicated upon leaving the venue. Adding in an unfamiliar road with no shoulders and no lighting is a recipe for disaster. Accidents are sure to happen which could result in property damage, personal injuries, or death. I recommend the applicants hire 1 off duty peace officer at events with up to 75 guests, and 2 officers with over 76 guests where alcohol is served.

As a home childcare provider for 20 years, I also see safety as an issue with weekday events. Although my home is about 800 feet off the road, I walk down my driveway with my 9 daycare kids twice each day to get kids on and off the school bus. Because our road is on the route for both Chisago Lakes district and the Forest Lake district, buses are traveling down 260th St. from 6:30-8:30 a.m., and 2:45-4:40 p.m. Those travel times could also correspond with start and end times for business events hosted at the venue. The afternoon Chisago elementary bus travels east on 260th St. from Olinda Trail. It stops at 4:00 at my home which is on the north side of the road. The children have to cross the road in front of the bus to get to my driveway. If there are inattentive or intoxicated drivers coming from the venue, I fear one of the children being hit by a car. I don't know about you, but I would not want to be the one to make that phone call to the parent.

In addition to the hazards and safety concerns already listed, there will be numerous negative effects on the area if the proposed venue is approved. Our area is a very peaceful place filled with the sounds and sights of nature. Much of that will be lost if a loud, busy wedding venue is added to the neighborhood. Homes will be more difficult to sell, there will be more trash on the road and in the ditches, the road conditions will deteriorate faster, and the loud music and sounds of key fobs at the end of the night will be an annoyance to the people and livestock in the neighboring properties. Because most of the traffic for this venue will be arriving in a short span of time, there will be traffic jams. The applicants should be responsible for adding a turn lane and bypass lane into their venue to help with this.

As I'm sure you have been made aware, the Ganley farm is at risk of losing its insurance if their cows become aggressive due to noise and guests approaching them. Is it right to approve the CUP for a rural retail venue in an agricultural zone, when it could mean putting an abutting farm out of business that has been here for over 60 years?

If the conditional use permit is granted, the burden and expense of this venue would be shared by all neighbors who have lived here for many years, while the profits would be shared by the two property owners who have lived in their home since October 2023.

Thank you for your time and consideration of these additional conditions to be placed on the CUP for the wedding venue on 260th St.

Beth Novack

RECEIVED

JUN 2 8 2024

Chisago County
Dept. of Environmental Services
BG

June 28, 2024

To: Beth Gervais, Land Services Coordinator
Chase Burnham, County Administrator
Chisago County Board of Commissioners (Marlys Dunne, Rick Greene, Dan Dahlberg, Jim Swenson, Ben Montzka)
Chisago County Planning Commission Members (Jim McCarthy, Dave Whitney, Chris DuBose, Charles Yaeger, Eric Leivian, John Sutcliffe, Jolene Wille)

From: Jesse and Rochelle Ganley, 15573 260th Street, Franconia Township
Carolyn Brue and Pat Collins, 15995 260th Street, Franconia Township

Re: **Korman/Walker request for CUP for wedding/gathering venue at 15237 260th Street, Franconia Township**

With this letter, we are providing additional comments and reasoning for our opposition to the granting of a CUP for a wedding/gathering venue at the above location.

Legal Background

Chisago County Board of Commissioners approved an updated Comprehensive Plan in May 2017 (the "Plan"). The Plan recognized the changing nature of the County, including demographics and population and land use. What had been a primarily agrarian county had shifted to more urban/residential and industrial uses. Importantly, the Commissioners recognized in the Plan the importance that agriculture plays and would continue to play in the County. Two of the stated goals of the Plan were the following:

> Goal: Preserve and conserve prime or the best agricultural land and related natural resources in order to **maintain farms and farm related economy as economically viable in Chisago County**.
>
> > Policies (redacted, emphasis added):
> > ...
> > 7. Promote farm, commercial recreation and rural retail tourism businesses as a method to bring dollars into the Chisago County economy.
> > 8. *The County should take actions to ensure farmers' abilities to maintain their farms and to provide a variety of farming opportunities.*
> > 9. *Discourage development of non-farm uses on high-value or prime farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses.*
>
> Goal: **Prevent incompatible land use in agricultural areas** and encourage urban land uses in or near incorporated areas to help maintain the ability of owners to operate farms economically in Chisago County.

At the same time, the County desired to balance the importance of agriculture with the growth of rural retail tourism. In 2012, the County approved an amendment to Ordinance No. 08-3, Section 5.06(c) 25, that added rural retail tourism as a conditional use in lands zoned agricultural. Importantly, it defined rural retail tourism business as those "which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and

entertainment, recreation and/or education focused." The County also added Section 4.15 (D) to define "small-scale" and "low-impact" as those land uses which:

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

Chisago County's Zoning Ordinance sets forth the standards that the Planning Commission shall use in reviewing a Conditional Use Permit (Section 8.04). In reviewing a Conditional Use Permit, the Planning Commission "shall consider possible effects of the proposed conditional use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;
2. The use shall 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;
3. The use shall 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;
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;
5. The 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;
6. The 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;
7. The use shall not cause traffic hazard or congestion; and
8. Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness."

Taken in its entirety, Chisago County's ordinances reflect a desire to balance agriculture and rural retail tourism. We support the addition of businesses and tourism to Chisago County. We do not, however, believe that this business in this location meets the County's standards. Moreover, the Planning Commission and the Board should not simply to look at the standards, but rather should step back and ask – is it in the best balance of interests to permit a wedding venue to be adjacent to a long-standing livestock farm?

The Ganley Farm

Gene and Darlene Ganley purchased the farm in 1963. Jesse Ganley spent many hours in his youth helping his grandparents, opening gates, passing tools, learning how to weld, learning about the machinery and animals, and building the fences. The Ganleys sold a portion of their pasture to the Hogans in 1990 (now the proposed wedding venue), at which time a new fence was installed between the two properties. Depicted below is the Ganley Farm as it looked in 1984.



The farm passed to Jesse and Rochelle Ganley in 2021 when Darlene passed away.

The Ganley Farm is typical of a small diverse family farm. It consists of 82.5 acres and includes animals and crops. In many ways, it is unchanged from the photo taken 40 years ago.

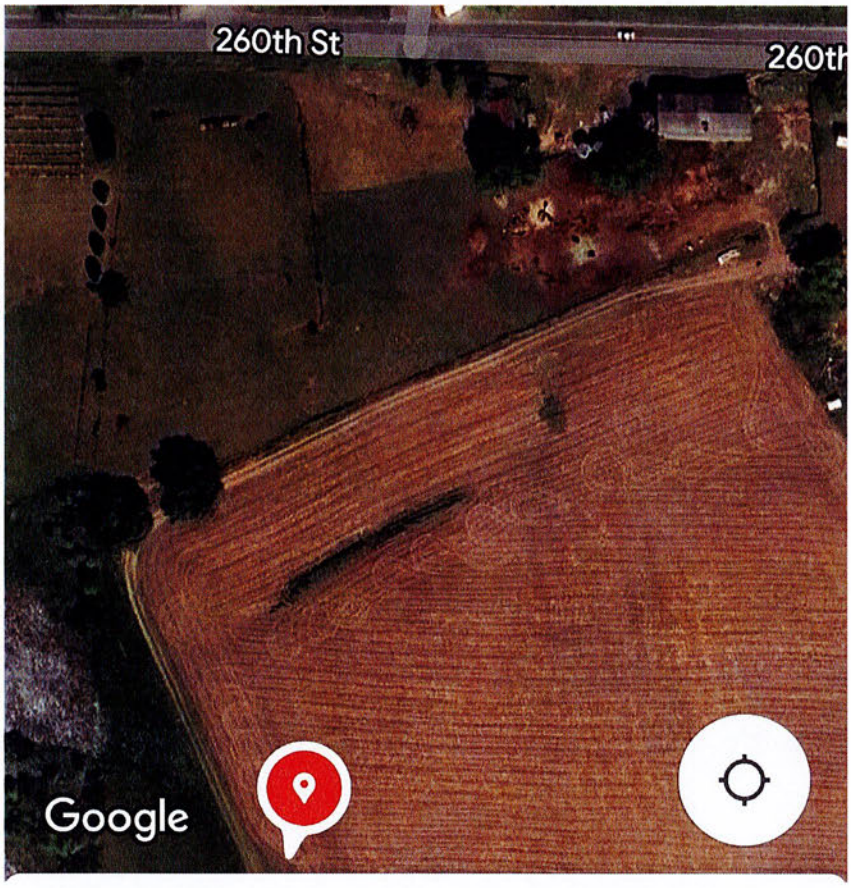
The Ganleys raise and breed sheep, hogs, chickens (eggs and meat), and beef cattle. They currently have 23 head of cattle, 3 heifers that are being bred this year, 2 bulls (1 just over a year, 1 under a year so their personalities are still developing), 2 steers, 5 babies under a month, 11 cows (1st and 2nd time moms). They started with 5 head, have grown it to the current 23, and intend to grow it to 50. They currently have 13 ewes and 2 rams but expect this number to double or triple by fall. The Ganleys also raise hogs, including 3 sows and 1 boar. They are in the process of revamping their barnyard to house the hogs and expect to have over 30+ hogs and piglets by next spring. As expected on an animal farm, the Ganleys build and maintain fence lines, grind grain for the animals, feed hay a few times a week when needed, spread manure and clean up from winter build up. They also slaughter animals on-site, including beef and hogs with a licensed butcher (either Hungry Farmer in North Branch or Cains Processing of Amery, Wisconsin). On-site butchering is preferred because hauling animals causes them to stress and produce adrenaline, which can make the meat tough.

They farm crops, including planting, tilling and harvesting. They grow corn and soybeans and produce hay. They run machinery needed to care for animals and crops.

They have a sawmill and cut wood for their wood burning stove. They also cut and burn brush.

The days are never the same, depending on weather and animal needs. When the weather is dry, the cattle do not go out to pasture but instead stay in the barnyard.

The photo below shows a portion of the Ganley farm, with the cattle visible on the top of the photo. The proposed wedding venue is immediately to the left/west of the cattle.

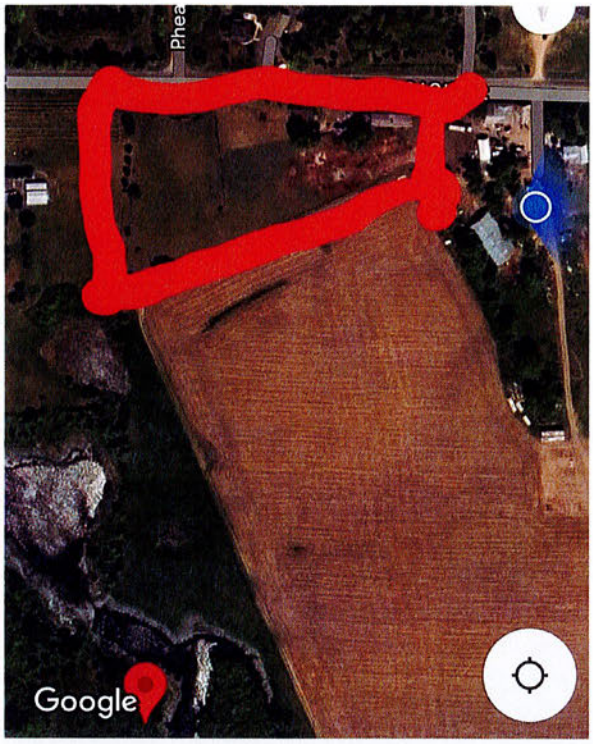


I. The proposed wedding venue poses grave safety concerns.

In its amended application, the applicants have requested weddings and other celebrations from May through October, with a limit of two events with more than 50 people per week and a maximum of 125 people. For sake of argument, let's assume this means roughly 7,000 people over the course of each season, a conservative estimate because the venue is incented to book more events to achieve a pay-back (24 weeks x 280 people/week).

Weddings typically include attendees with a range of ages, but trending toward young adults with children and including teenagers. The venue would serve alcohol and have a band or other music. Part of the allure of a rural wedding is allowing the children to roam, not confining them to a pole barn. Add in that the parents are drinking, socializing and enjoying music and you have the perfect situation for children to be unmonitored.

Now consider the fact that immediately adjacent to the pole barn and the wedding gazebo is a long-standing barnyard (depicted to the left below in red), occupied by cattle (second photo below – pole barn visible in background).





Cattle are notoriously territorial and easily spooked. What spooks them – strangers, people or animals walking up to the fence, noise of any kind (loud clapping, whistling, cheering), shadows at night – anything that disrupts their regular behaviors and routine. This behavior is heightened when they are breeding or have calves. Hormones after giving birth are very high and the instinct to protect their calves is extremely strong if the cow perceives any threat. The bulls, typically weighing between 1100 and 2200 pounds, are extremely territorial during breeding season. They protect the herd at all costs. According to the National Agricultural Safety Database, one in three farm injuries involve animals and cattle are the main contributor. https://www.tdi.texas.gov/pubs/videoresource/stpsafelivest.pdf. Bulls were responsible for 48% of the deaths from cattle, according to the U.S. Department of Labor Census of Fatal Occupational Injuries and the Surveillance of Occupational Injuries and Illnesses databases.

When cattle are spooked, it is flight or fight. They can stampede or turn and charge. The Ganleys will not walk up to the fence after birthing, will keep machinery between them and the cattle, always watching for the cattle's behavior, never turning their backs and always having an escape plan. Their dogs are not allowed to go in with the cattle.

The need for extreme care in handling cattle is well-known. A quick google search yields numerous articles on the topic:

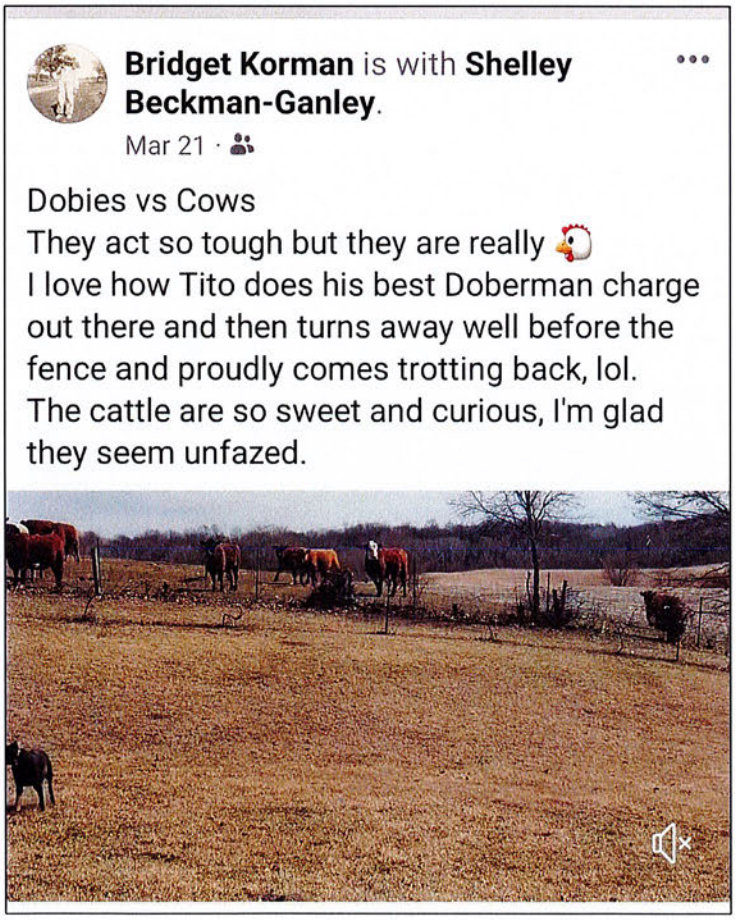
- Staying Safe Around Beef Cattle – Cornell College of Agriculture and Life Sciences, January 10, 2022. https://smallfarms.cornell.edu/2022/01/staying-safe-around-beef-cattle/
- Cows are Dangerous and That's no Bull – University of Texas at Tyler, 2023. https://www.uttyler.edu/academics/colleges-schools/medicine/departments/swag-center/monthly-safety-blast/2023/cows-are-dangerous-and-thats-no-bull/2023/06/01/37627/
- Safety First with Livestock – Penn State Extension, December 6, 2022. https://extension.psu.edu/safety-first-with-livestock

There are many courses and training materials on best practices in working with livestock, especially cattle. See Exhibit A below.

Having a wedding venue adjacent to a cattle barnyard is dangerous. The exact events intended to be part of a wedding venue are what spook cattle – unknown people approaching them, unusual and/or loud noises. Add to that the guests are unlikely to appreciate the risks of cattle. Children could see a cute young calf and want to pet it, not realizing the furious reaction of its mother (photo below taken at Ganley farm).



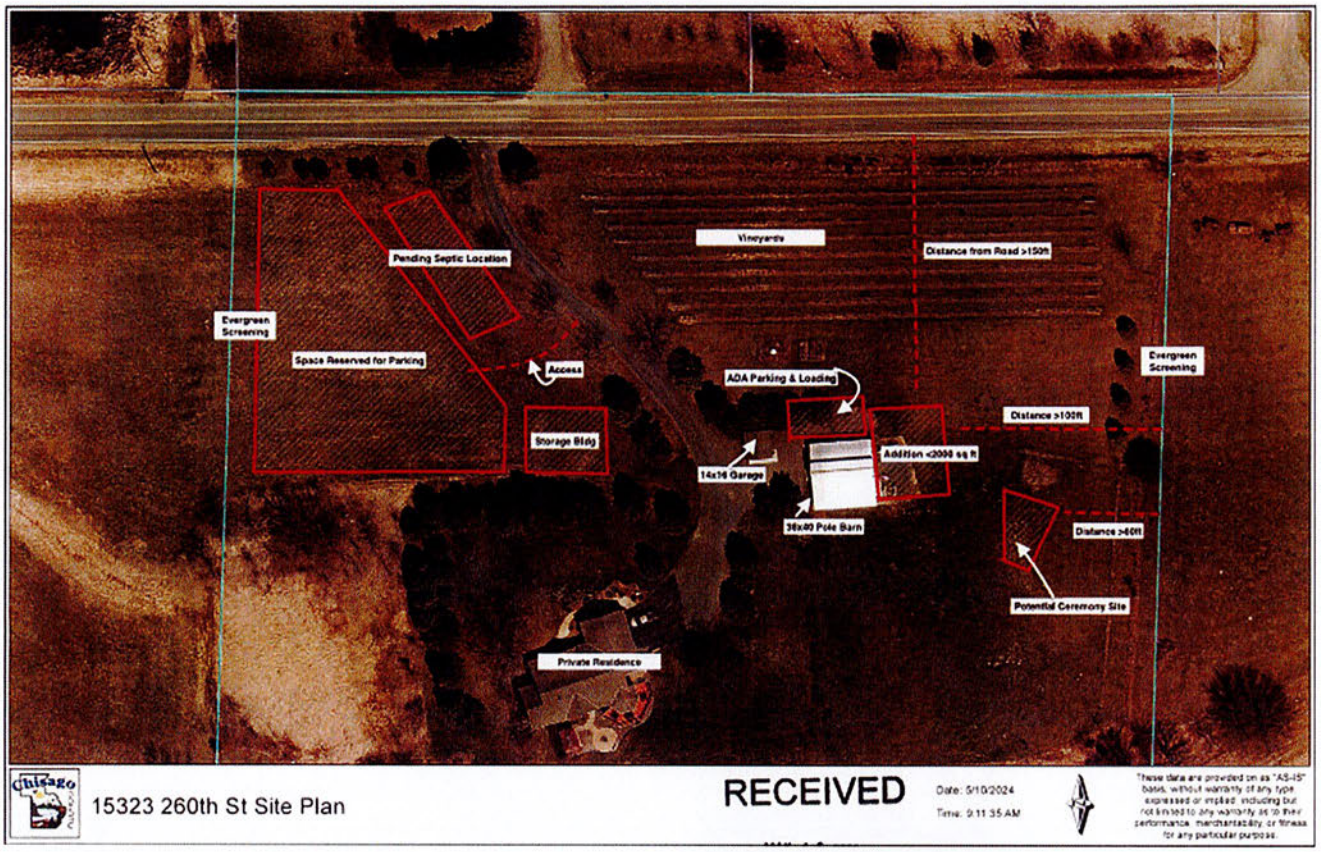
Guests will have been drinking so even if they did understand the risks, their judgment could be impaired. Indeed, the applicants themselves have inadvertently demonstrated their lack of awareness in their handling of their Doberman dog, Tito. While Ms. Korman thought the cattle were sweet and curious and unfazed, in fact they were gathering at the fence line concerned about Korman's Doberman charging at the fence.



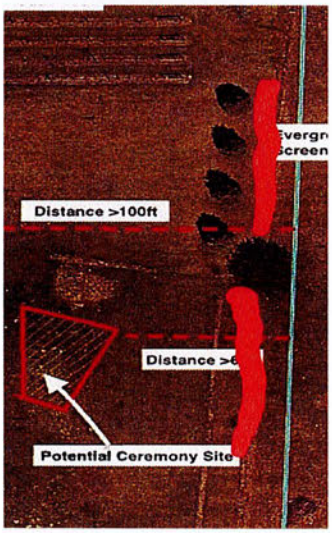
The location of the Ganley barnyard is right next to the applicant's pole barn and proposed gazebo. The photo below shows the existing pole barn from the barnyard.



Adding to the risk is the intent to put a gazebo for the actual ceremony a short distance downhill and even closer to the property line (no closer than 60' from the property boundary) than the existing pole barn. The applicants are basing that footage on the blue property line boundaries shown below.



But the property boundary in the drawing above is based on the legal description. As is common with these old farms, fence lines do not always follow the actual boundaries, and that is the case here. The fence line is 20' closer to the Korman/Walker property (red markings in the depiction to the right indicate the location of the existing fence line), making the proposed ceremony site a mere 40' from the fence line. This is not the avenue for discussing adverse possession of land and who has the legal rights to the property; rather, it is to note that the planned gazebo is dangerously close to the barnyard.

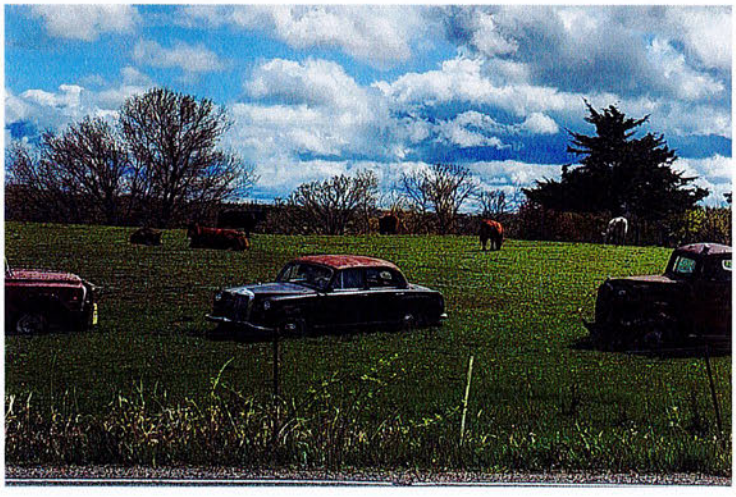


Lindsay Kuehn, a staff attorney at the Farmer's Legal Action Group, reiterates the risk inherent in a cattle operation immediately adjacent to a wedding venue. Her written statement will be supplied next week.

Safety is the primary concern, but liability is also an appropriate consideration, from the perspective of the applicants, the Ganleys, and the County. Applicants may be shielded from liability for incidents at their site under Minn. Stat. §604A.40 – Agritourism; Immunity from Liability. The County may be immune from liability under government immunity statutes. In theory, the Ganleys may be shielded from liability for certain nuisance suits under Minnesota's Right to Farm laws (Minn. Stat. §561.19) (primarily for claims about odor and the like). The most at risk for liability are the Ganleys because the nuisance immunity for them is quite limited. A synopsis of Minnesota's attractive nuisance tort law is set forth below.

> A possessor of land is subject to liability for physical harm to children trespassing thereon caused by an artificial condition upon the land if
>
> (a) the place where the condition exists is one upon which the possessor knows or has reason to know that children are likely to trespass, and
>
> (b) the condition is one of which the possessor knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of death or serious bodily harm to such children, and
>
> (c) the children because of their youth do not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it, and
>
> (d) the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to children involved, and
>
> (e) the possessor fails to exercise reasonable care to eliminate the danger or otherwise to protect the children.

The fence, cattle chutes, antique vehicles and other farm-related equipment are all artificial conditions to which the attractive nuisance law could apply.



Ultimately, an accident causing injury or death will be both tragic and involve liability. The liability simply cannot be waived away. No amount of signage, liability waivers or fencing would be adequate to suggest a full waiver of a person's legal rights. Consequently, while the Ganleys receive no financial benefit from the proposed wedding venue, they bear the greatest risk.

II. The Planning Commission and the Board must consider not only the proposed wedding venue, but its proximity and compatibility with the Ganley farm.

The Ganleys have been operating on this site since 1963. The County has been clear that it desires to maintain farms and farm related economy as economically viable in Chisago County and to prevent incompatible land use in agricultural areas. The County must therefore conduct a review that includes the consequences of permitting the CUP on the Ganley Farm.

a. The Ganleys are at risk of losing their liability insurance.

Farms include risks – risk of bad weather, risk of disease to their animals, safety and financial risk. Having insurance is critical to farmers to mitigate those risks.

When presented with the scenario of a potential wedding venue adjacent to the Ganley Farm, the insurance agent was clear that the proximity of breeding livestock and the public could be considered as an unacceptable risk such that the insurer was unwilling to continue coverage. See Exhibit B below.

Loss of insurance to a farmer is catastrophic. Farming is already so full of unmitigable risks, and insurance is one of the few tools available to farmers to manage their world of risks. See treatise on farm liability insurance found at https://extension.missouri.edu/media/wysiwyg/Extensiondata/Pub/pdf/agguides/agecon/g00455.pdf.

b. The Ganleys would face significant financial risks.

This letter has already addressed the risk of liability and the risk of loss of insurance. For the Ganleys, the loss of insurance and the potential for lawsuits (their cost to defend, potential for payments) would be financially catastrophic.

c. The Ganleys face safety concerns for their animals.

The Ganley herd is closed – in other words, not in contact with other animals. It therefore has the risk of disease brought in from other sources, including humans. Diseases can be transmitted from animals to humans and vice versa. Increasingly, scientists are finding that reverse zoonoses (human to animal transmission) is more common than once thought. See Study by Emerging Pathogens Institute at the University of Florida.

https://epi.ufl.edu/2024/01/11/yes-humans-can-get-their-pets-sick-reverse-zoonoses-more-common-than-once-thought/#:~:text=Anderson's%20paper%20described%20several%20diseases,fungal%2C%20parasitic%20and%20bacterial%20infections.

d. The Ganleys may be forced to sell their farm.

Because of these factors, the Ganleys would have to consider whether the farm, in their family for over 60 years, continues to be economically viable.

Family farms are valuable and must be protected. Chisago County recognized this in its Comprehensive Plan. This concern is echoed by Lindsay Kuehn, staff attorney at the Farmer's Legal Action Group (written statement to come).

III. The proposed wedding venue is not consistent with Chisago County standards.

a. It is not consistent with the County's Comprehensive Plan and development policies.

The Plan is clear that it desires to maintain farms and farm related economy as economically viable in Chisago County and to prevent incompatible land use in agricultural areas.

The venue puts the Ganley Farm at risk of liability and of closure. It poses material safety risks. Yes, the plan also encourages rural retail tourism but not in a vacuum. The Planning Commission and the Board must consider multiple competing interests, asking itself – is having a wedding venue in such close proximity/adjacent to a longstanding livestock farm consistent with the overall factors and goals outlined in the County Plan?

b. The proposed wedding venue is not compatible with the Ganley Farm.

It is hard to imagine a less compatible pair of neighbors than a cattle operation 40' from a wedding gazebo. Imagine the wedding guests being treated to a view of animals breeding? During calving? During butchering? Imagine the smell of animals and manure wafting over the wedding venue? This is on top of the safety concerns already discussed. The Ganley farm is a farm with animals and all of consequences that brings – sights and smells.

After reviewing CUPs granted by Chisago County for similar venues, we found venues adjacent to crop farms, but we found no venues allowed next to an existing cattle farm.

c. The proposed wedding venue is not separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact.

Between the proposed wedding venue and the Ganley farm are several mature pine trees as well as fencing (sheep wire, barbed wire, electric fence). See the photo below as well as the photos on page 7.



The County has proposed, and the applicants have agreed, to add additional screening in the form of trees. This is not an adequate screen. First, the addition of trees is not sufficient. Initially they are unlikely to be tall enough to provide much of a barrier. Further, they will simply become a better hiding place for children to play and escape from the wedding activities. The current fencing is adequate for the current land uses, but it is not adequate for the increased risks of 7,000 people visiting the site over a six-month period. Even a strong wire link fence will not stop a charging bull. Finally, the existing electric fence is itself a concern for children or even adults who are unfamiliar with the voltage/shock of such a fence.

The Ganleys will suffer undue negative impact. They now must worry about lawsuits, about trespassers, about their animals and their livelihood. They must worry about finances, loss of insurance and potential loss of their farm.

d. <u>The proposed wedding venue will have an appearance that will have an adverse effect upon adjacent properties.</u>

The appearance of the venue is not merely the physical attributes. Rather, the venue is made up of its overall constituents - guests, including children, workers, music and alcohol. All of this combines to be the venue's appearance, which has a marked and obvious impact on the Ganley Farm.

e. <u>The proposed use will cause traffic hazards/congestion.</u>

The site is located on 260th Street, a Township Road, which is heavily traveled as a main gateway from Lindstrom to Osceola. The road does not have shoulders. It is frequented by tractors and other farm equipment. Its condition is relatively poor, especially compared with other roads in the County.

Considering these concerns raised by neighbors, the Planning Commission asked that the Franconia Township Board re-review this application regarding roadway/traffic concerns. The Township Board did just that on May 14 and returned with a recommendation of denial, stating "**having a venue like this will cause congestion, hazards, accidents and will have safety issues on this road (260th St.)**". See Exhibit C.

Nevertheless, County Staff has written a recommendation that the proposed use will not cause traffic hazard or congestion and further finding that 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 conditions and well-maintained status of the roadway.*" (emphasis added)

This statement is simply unsupported by the facts. The Planning Commission specifically asked Franconia Township Board to re-review, which it did after hearing significant testimony at the May 14 hearing. The Township Board gave its views on a road over which it is the Road Authority, which view now appears to be rejected based on a lack of quantifiable evidence. But the very reason there is no quantifiable evidence is because it wasn't sought or requested. In fact, the Township Board did do a small traffic study that corroborated that the road endures a large amount of traffic. Whether the road is well-maintained considering its level of traffic is a topic for further discussion. Consequently, the evidence on this factor is clear that there are legitimate concerns about hazards, accidents and safety issues.

f. The Ganley Farm will be adversely affected by intrusion of noise and glare.

Cattle are easily spooked by noise and lighting. The cattle tend to stay near the fence line, particularly when they are not allowed in the pasture during dry weather, making them frequently close to the wedding/event activities. The exact events intended to be part of a wedding venue are what spook cattle – unknown people approaching them, unusual and/or loud noises. This in turn creates the safety and liability impacts to the Ganleys.

g. The proposed wedding venue is not consistent with the County's definition of rural retail tourism.

The County has defined "small scale" and "low-impact" as those land uses which:

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

These terms apply to wedding venues as well as other types of rural retail tourism. In *August v. Chisago Cty. Bd. of Comm'rs*, 868 N.W.2d 741, 746 (Minn. Ct. App. 2015), the Court states that "rural retail tourism uses must remain "small-scale and low-impact." As noted above, the proposed venue is inconsistent with factors 2, 3, 4 and 5.

Conclusion

We respectfully encourage the Planning Commission and the Board to deny this CUP permit. We appreciate the applicants' desire to create a business; we appreciate the County's desire to encourage rural retail tourism. But this is not a suitable place for this venue.

The Ganleys are happy to have the Planning Commission come to the Ganley Farm to see firsthand their concerns.

There is ample evidence to support a recommendation and decision to deny this application. Moreover, there is substantial precedential reasoning for denying it. If this venue is compatible with a cattle operation 40' away, what would be considered incompatible?

Finally, concerns have been voiced about the potential for the court system to overturn the Board's decision of denial. Respectfully, the Board must simply articulate legally sufficient reasons with a factual basis in the record. Except in rare cases where there is no rational basis for the decision, where the decision is "unreasonable, arbitrary and capricious", the courts will exercise restraint and accord deference to the County. *August v. Chisago Cty. Bd. of Comm'rs*, 868 N.W.2d 741, 746 (Minn. Ct. App. 2015). Where the County has been overturned on appeal, it is because the Court found that the County Board had failed to articulate any facts to explain why the CUP was denied. *In the Matter of the Application of Jim Goodpastor and Sherry Timmermann Goodpastor*, https://cases.justia.com/minnesota/court-of-appeals/2023-a22-0982.pdf?ts=1681931097. Here, there is ample evidence in the record and before the County, which can be relied upon and documented in the Board's final decision.

We understand that the applicants may have had a dream of opening this venue, perhaps even when they acquired the property in October of 2023. We appreciate the desire to start a new business. We appreciate that the County must plan for the future and part of doing so includes balancing agriculture with new business. But the Ganleys have a dream too of growing their business, growing their herds, and maintaining their family's land for this generation and hopefully the next. This dream is incompatible with a wedding venue next door. We believe that County law and principles of common fairness call for a denial of this application.

Lifestock Handling Safety Training Program



Goal

This program provides ideas and suggestions for reducing the number of accidents that occur while working with livestock.

Objective

Farm and ranch personnel working with livestock will be able to identify hazardous conditions and situations that could result in injury.

Background

The National Ag Safety Database shows that one in eight farm injuries involves animals, ranking second to farm machinery in the total number of cases. The most frequent types of injuries include being stepped on, knocked down, kicked, bitten, or pinned between an animal and a hard surface. Many of the hazards involved in working with farm animals can be reduced, and injuries prevented, by taking a few basic precautions and observing safety rules. Dr. Temple Grandin, of Colorado State University, has demonstrated that the use of safe and gentle livestock handling techniques results in a higher-quality final product. Agitated animals often become "dark cutters" resulting in lower-grade meat with bruises, which must be trimmed out during processing, decreasing the profitability of the animal.

Facts

According to the Agricultural Safety and Health Extension Community of Practice, animals sense their surroundings very differently:

- Many animals see in black and white.
- Cows (and many other animals) have poor depth perception. If there is an object on the ground or a shadow in a cow's path, the cow will likely stop and put its head down before proceeding. When trying to move cows, check the

path of movement for any objects or shadows that may cause the cow to stop.

- Cattle have 300° panoramic vision and can be spooked by quick movements behind them (see Figure 1). When trying to move cows, stay within their field of vision.
- Due to their sensitive hearing, livestock can detect sounds that humans cannot hear. Loud noises easily frighten them. Dr. Grandin's research shows high-frequency sounds hurt animals' ears. This may explain why some animals are skittish or balky in unfamiliar surroundings.

The following signs may indicate aggression or fear in the animals you work with:

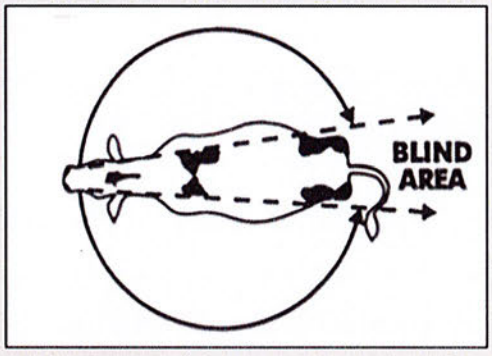


Figure 1

- Raised or pinned (flattened) ears.
- Raised tail or rapidly lashing tail.
- Raised hair on the back.
- Bared teeth.
- Pawing the ground.
- Stiff-legged gate or posture.
- Snorting.
- Growling.

Accident Prevention

Livestock handling methods may vary greatly, but there are some general rules for working with animals.

- Avoid quick movements or loud noises.
- Establish a routine.
- Move slowly and deliberately around livestock.
- Never prod an animal when it has nowhere to go.
- Touch animals gently rather than shoving or bumping them.
- Keep children away from animals and livestock handling areas.
- Respect animals. Their size and bulk make them potentially dangerous.
- Provide special facilities for male animals.
- Be cautious when working around male animals. They are more aggressive by nature.
- Animals have strong maternal instincts so take extra care around newborns.
- Show caution around animals that are frightened.
- Always have an escape route when working in close quarters with animals.

Facilities

Many injuries to livestock and farm personnel are related to poor facilities, housekeeping, or faulty equipment. Irregular surfaces and cluttered walkways present numerous opportunities for slip, trip, and fall accidents. Use the following to help reduce injuries:

- Concrete flooring with a rough finish to provide firmer footing.
- Good drainage and slatted floors help prevent slipping.

- Grooved walkways in high traffic areas provide better footing.
- Strong, durable fencing and gates securely contain livestock.
- Sharp, protruding objects must be removed to avoid puncture wounds.
- Lighting should be even because shadows cast by uneven lighting tend to frighten animals.
- Alleys and chutes should be wide enough for animals to pass through but not wide enough to turn around.
- Keep areas clean. Good housekeeping is essential for personal safety and the health and safety of your livestock.

Health and Hygiene

Good hygiene is vital to livestock management, especially in confined areas where diseases spread quickly.

- Maintain a clean, dry environment.
- Minimize dust with good ventilation.
- Check feed carefully for contamination before feeding. Various molds that cause respiratory and digestive problems may be present in feed. Deal with reputable feed dealers to reduce the chances of purchasing contaminated feed.
- Take preventive measures to limit the transmission of diseases like anthrax, leptospirosis, rabies, brucellosis, Q-fever, and tuberculosis from livestock to humans. These measures include:
    - Keep clean and well-ventilated animal facilities.
    - Test and immunize livestock.
    - Use sanitary practices to handle animals and animal by-products.



Review

1. Which of the following behaviors may indicate that an animal is aggressive or frightened?
   a. Failure to make eye contact, standing still with its eyes closed, and reaching out to sniff your hand.
   b. Rapidly lashing tail, pawing the ground, and stiff-legged gait.
   c. Standing with its back to you, watching the gate, and bobbing its head.
   d. None of the above.

2. Some general rules that apply to working with animals are:
   a. Always have an escape route, establish a routine, and avoid quick movements and loud noises.
   b. Work in dim lighting, always use an electric prod, and rush at animals to get them to move faster.
   c. Show extra caution around mothers and newborns as well as mature male animals.
   d. Both a and c.

3. The flooring that is best suited to prevent injuries from livestock is:
   a. Smooth finish concrete without grooved walkways.
   b. Astroturf.
   c. Rough-finished concrete with grooved walkways.
   d. Rough cut planking.

4. Even lighting in livestock facilities is beneficial because.
   a. It prevents shadows which may frighten animals.
   b. It's easier to see the animals' identification tags.
   c. It saves energy and reduces utility costs.
   d. There is no benefit.

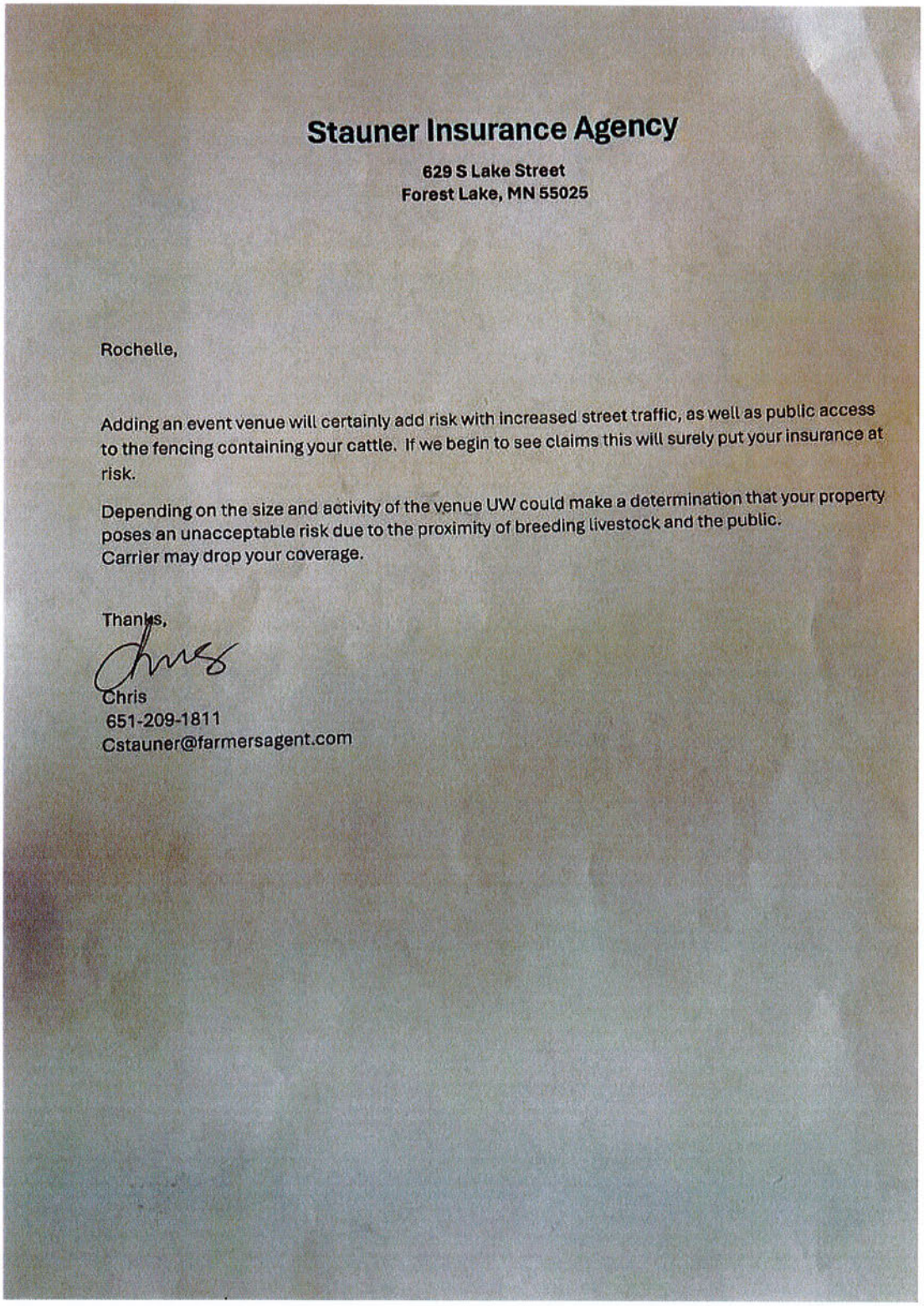
5. What problems are caused by a cow's almost panoramic vision?
   a. You can't sneak up on them.
   b. It may cause them to be spooked by quick movements behind them.
   c. It causes them to see in three dimensions.
   d. They often need corrective surgery on their eyes.

6. When do animals tend to be most aggressive?
   a. During the full moon, after they have eaten, and during the heat of the day.
   b. When they have newborns, when they are mature, intact males, and when they are prodded with nowhere to go.
   c. At sunset, when it is foggy, and when their mid-day feeding is late.
   d. They are ALWAYS aggressive.

7. What livestock diseases may be transmitted from livestock to humans?
   a. Chickenpox, measles, bovine flu, and colic.
   b. Parvo, blackleg, screwworms, and botts.
   c. Founder, acidosis, milk fever, and thrush.
   d. Tuberculosis, anthrax, leptospirosis, and rabies.
   e. Hay lung, lumbago, wet brain, and ketosis.

8. How can the transmission of disease between humans and animals be minimized?
   a. Clean and well-ventilated animal facilities.
   b. Testing and immunization of livestock.
   c. Use of sanitary practices to handle animals.
   d. All of the above.

Exhibit B – letter from insurance agent



Stauner Insurance Agency

629 S Lake Street
Forest Lake, MN 55025

Rochelle,

Adding an event venue will certainly add risk with increased street traffic, as well as public access to the fencing containing your cattle. If we begin to see claims this will surely put your insurance at risk.

Depending on the size and activity of the venue UW could make a determination that your property poses an unacceptable risk due to the proximity of breeding livestock and the public. Carrier may drop your coverage.

Thanks,

Chris
651-209-1811
Cstauner@farmersagent.com

Exhibit C – Timeline of CUP

March 28, 2024	Chisago County Department of Environmental Services Planning and Zoning Application submitted and deemed complete
April 9, 2024	Franconia Township Presentation – Town Board did not recommend approval or denial; "would like to see an interim permit. Would like the parking lot to be graveled and not just left as a field. Talk with the neighbor of the existing dirt bike track."
April 10, 2024	Technical Review Committee of Chisago Planning Committee – discussion focused on septic related issues
May 2, 2024	Planning Commission public hearing • Closed the public hearing, closing the public record from further comment • Motioned to table the request (i) to allow time for the Franconia Town Board/Road Authority to further consider the request in regard to roadway/traffic concerns; (ii) to allow citizens opportunity to voice their roadway and/or traffic concerns directly to the Town Board/Road Authority; (iii) to allow the Town Board/Road Authority opportunity to offer additional input to the County for consideration at the Planning Commission's June 6 meeting; and (iv) to allow additional time for the Planning Commission to review the application materials and consider appropriate conditions of approval. • Also motioned to extend the State mandated 60 day review period by an additional 60 days.
May 10, 2024	Applicants submit **Amended** Application to the County
May 14, 2024	**Applicants submit Amended Application to the Franconia Town Board Franconia Town Board recommends denial of the CUP – "having a venue like this will cause congestion, hazards, accidents and will have safety issues on this road (260th St.)"**
May 27, 2024	60-day review period
June 5, 2024	Board of Commissioners meeting
June 6, 2024	Planning Commission meeting – record reopened
July 11, 2024	Second Planning Commission public meeting scheduled
July 17, 2024	Board of Commissioners meeting scheduled
July 26, 2004	Extended Review Period

Beth M. Gervais

From: T H[redacted]
Sent: Friday, June 28, 2024 2:23 PM
To: Planning & Zoning
Subject: Fwd: Korman/Walker CUP requested COAs
Attachments: June6 CUP_Wedding.pdf

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Dear Chisago County Planning Commission,

We strongly request conditions of approval be required for the Korman/Walker Rural Retail Tourism Conditional Use Permit for a wedding/gathering venue. As the immediately adjacent property to the west, we have primary concerns about noise/disruption and a decline in our property value.

The American Planning Association (APA) Rural Event Venue guidelines state, it is "important to realize that it is not just weddings that can occur at these facilities. Most who inquire about establishing such a facility will often propose 'a wedding venue', but other events are likely to be held there. These can include proms, fraternity and sorority events, family gatherings, and corporate events and retreats." A successful business grows and expands and the initial Conditional Use Permit needs to consider the future uses as well as the requested use. Also, per the APA guidelines, "rural event venues don't always make the best neighbors" and "neighbors living next to what is perceived to be a commercial business worry about property values." It can be argued that these venues are not promoting or maintaining agricultural use of the property, and that these venues are taking advantage of agricultural exemptions that were never intended for such activities.

It has been directly stated in Franconia Township Board and Chisago County Planning Commission meetings, as well as by people we have spoken to who live next to similar venues in the area, that living next to this type of venue in a rural agricultural area brings about complaints and is not desirable. Neighbors have moved out of their existing homes while others have decided not to build and move into the area as a direct result of proximity to a rural wedding venue. As the saying goes, "location, location, location" is a key aspect of property value and marketability. We have a well-established horse farm and future buyers will certainly continue to use the buildings/property for this purpose and expect the rural serenity that goes along with this type of residence.

As has been mentioned before, the area of the Korman/Walker property is essentially low-density residential. A review of other rural wedding venues in the area (see below) reveals that all of them have

very large parcels of farm land, with no livestock, immediately adjacent to the wedding venue property. And the parcel size of the venue property itself is most often larger than the 20 acres of the Korman/Walker property.

- Elleholm Barn – Center City, 131 acres
- Majestic Oak Ranch – Center City, 40 acres
- Maple Ridge Farm – Taylors Falls, 30 acres
- Bloom Lake Barn – Shafer, 15 acres - surrounded by large farms/farmland
- Panola Valley Gardens – Lindstrom, 61 acres
- Sunflower Hill – St Croix Falls, 18 acres - surrounded by large farms and heavy wooded areas
- Eko Baken – Scandia, 25 acres - surrounded by large farms/farmland
- Abella Farm – Chisago City, 19 acres - surrounded by large farms/farmland

Bearing in mind the above information and the conditions of approval (COA) required for other local wedding venue properties, we ask that the following COAs be seriously and thoroughly considered for the Korman/Walker CUP (in addition to the COAs requested in our June 6, 2024 letter attached):

1. All gathering events that include music shall be conducted indoors, and building doors and windows shall remain closed during music (low level acoustic music for wedding ceremonies shall constitute an exception.)
2. A 6-8 foot privacy fence shall be placed along east boundary and along north boundary of proposed CUP site to screen neighbors and livestock from noise and disruption.
3. A lighting plan shall be submitted by the applicants to the County prior to final CUP approval which identifies all existing and proposed on-site lighting and specifies that all light shall be fully shielded and downward facing.
4. The activities at the site shall be operated in accordance with the narrative description and operating plan on file with the CUP, as a condition of permit approval.
5. No alcohol allowed onsite during events.
6. No parking of vehicles associated with this use on 260th Street or nearby Pheasant Lane.
7. Conditional Use Permit shall reviewed on an annual basis and revised as necessary to ensure compatibility with agricultural zoning.
8. Applicant must inform Planning Commission of 3 events for monitoring.
9. Off-duty police officer required at all events.
10. A noise study (paid for by applicant) shall be conducted to ensure the MN Pollution Control noise limits are met during events with the maximum number of attendees.
11. Outdoor sound amplification allowed for wedding ceremonies only.
12. Events shall not generate noise that unreasonably annoys, disturbs, or endangers the comfort or peace of any person, or precludes the enjoyment of property or affects their property values.

Thank you for your time –

Sincerely,

Erika and Tony Huffman

15237 260th St

Lindstrom, MN

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JUN 2 8 2024

Chisago County
Dept. of Environmental Services
BG

June 6, 2024

To: Beth Gervais, Land Services Coordinator
Chase Burnham, County Administrator
Chisago County Board of Commissioners (Marlys Dunne, Rick Greene, Dan Dahlberg, Jim Swenson, Ben Montzka)

CC: Chisago County Planning Commission Members

From: Tony and Erika Huffman, 15237 260th St., Franconia Township

RE: Korman/Walker request for CUP for wedding/gathering venue

In follow-up to the public hearing session at the May 2, 2024, Chisago County Planning Commission and the Franconia Township Board meeting held on May 14, 2024, we would like to provide additional comments regarding the Korman/Walker CUP application for a wedding/gathering venue at 15323 260th St. in Franconia Township.

The public hearing held on May 2nd was for the original CUP application and was closed at the meeting. However, based on additional information, the CUP application has been revised by the owners/applicants and therefore, it is only fair and appropriate that the public hearing be reopened to allow for response to the new information contained in the revised application.

Our property is immediately adjacent to the Korman/Walker property along the length of the western edge, and we do not support a Rural Retail Tourism business, i.e. a wedding/gathering venue, at this location. A wedding/reception/gathering venue is a commercial use, not a Rural Retail Tourism business. The concentrated volume of people, music and alcohol along with the hours of operation puts this type of business in a different category altogether and it must have carefully crafted conditions of approval in order to ensure harmony with the existing agricultural zoning and use.

Firstly, the findings of fact throughout the staff report are weak and do not capture the full scope of the dissent presented at the public hearing. Examples are presented below:

- Factor #7 - *The proposed use will not cause traffic hazard or congestion*
    - The findings of fact indicate the County received a significant amount of public testimony during the May 2nd public hearing in which neighboring property owners expressed concerns about the safety of 260th Street such as the poor condition of the public roadway, lack of streetlights, potential conflicts with agricultural equipment traffic, among other things. Ultimately, the CUP request was tabled at the May 2nd meeting to allow the Franconia Town Board/Road Authority to further consider the roadway and/or traffic impacts.
    - Accordingly, the Franconia Town Board, serving as Road Authority, considered the amended request at its May 14th, 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]". In direct conflict with this statement, the County is blatantly disregarding this information and "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."

We strongly disagree with the conclusion that the increased traffic levels will not create traffic hazards as there are additional significant concerns regarding the current design and use of 260th Street as noted below.

- There are no shoulders on either side of the road; only inches of pavement beyond the white lines and a very narrow gravel buffer before the ditch.
- The current travel speeds are frequently excessive and given the number of intersecting driveways and the limited visibility due to hills and heavily wooded areas. Road safety must be a concern and consideration for this CUP request. We live ½ mile from the west end of 260th Street where there is a stop sign at the intersection with Olinda Trail. The speed of traffic as we wait to pull out of our driveway is shocking and regularly over 50 mph in this short stretch with a stop sign ahead.
- There are 17 driveways within ½ mile each direction from the proposed wedding/gathering venue site making this area a "low density residential" area rather than a usual Agricultural zone.
- 260th Street is a collector street connecting to MN State Highways 95 and 243 (which also provides crossing point for the St. Croix River) as well as the Osceola, WI regional business area. Additional traffic congestion because of a wedding/gathering venue will significantly increase the risk and undoubtedly decrease the quality and safety of the 260th Street roadway for all who use it.

Given these facts, we **request the following condition of approval** be added. This condition is consistent with conditions required for the approval of a zoning use permit for a wedding venue in Scandia, MN[1]:

- A *MnDOT consultation and a formal traffic study completed to generate "quantifiable evidence" to either support or refute the assertion that the proposed traffic levels will create traffic hazards or cause congestion.*

- Factor #8 – *The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare, or general unsightliness.* The findings of fact state "The county

[1] Redeemed Farm (Scandia, MN)

finds that there are no remedies or conditions of approval which would mitigate the noise levels resulting from the proposed use."

- We strongly disagree with this finding and **request the following conditions of approval** be required, which are consistent with the conditions placed on other local wedding/gathering venue CUPs[2], to mitigate excessive noise levels:

    1. *All music (live, recorded, or amplified) shall end by 9pm on Fridays and Saturdays and 7pm on Sundays.* These limits are consistent with the owner's/applicant's stated intention for their customer contract but specifying it in the CUP conditions will provide continuity and ensure minimal disruption of the neighboring area over time.

    2. *Buildings for music/food shall be insulated with year-round climate control.* This will allow doors/windows to be comfortably closed to help attenuate sound levels.

    3. *Required use of a permanent onsite sound system in the music/gathering building that is controlled by a decibel limiter.* This will prevent music from being played beyond a set decibel level. Any event hosted at the venue shall be required to use the onsite sound system.

    4. *A sound study shall be conducted to determine the appropriate decibel limit to ensure noise pollution does not diminish the enjoyment of other properties in the immediate vicinity for the purpose already permitted.*

In closing, if the CUP cannot be denied at this time based on the current information available, we **request the following conditions of approval** in addition to the conditions identified above:

- Consistent with similar venues in the area[3], *trained security personnel (e.g. off-duty officer) shall be onsite 8pm – close if alcohol is served.*
- *Consumption of alcohol shall be restricted to CUP areas, excluding parking lots, and must meet minimum setback requirements.*
- *The CUP shall terminate with a change in ownership of the site.*[2]

[2] Dellwood Farm, LLC (Grant, MN) and Redeemed Farm (Scandia, MN)
[3] Dellwood Barn Weddings, LLC (Grant, MN) and Redeemed Farm (Scandia, MN)

Other zoning considerations

As the Chisago County zoning ordinance is under revision, we ask that the following input be strongly considered and used to shape the new ordinance rules.

As stated in the American Planning Association, Zoning Practice – Agritourism guidelines, the key component in preserving rural character is that tourism businesses must be subordinate to farming operations.[4] When defining alternate uses within an Agriculture-zoned area, the precedent use must be prioritized. Rural event venues don't always make the best neighbors.[5] Like lakes, open fields/valleys do not attenuate sound levels which are certain to accompany a celebratory crowd of people sharing music and alcohol.

Supporting this point, Isanti County (MN) zoning ordinance states "the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the immediate vicinity."

In addition, the Code of Ordinances of the City of Grant (Washington County, MN) defines a *Rural Event Facility* as "a facility that operates on a for-profit basis to host outdoor or indoor gatherings. The gatherings may include, but are not limited to, events such as weddings or other ceremonies, banquets, picnics or any other gatherings of a similar nature. Such facilities shall be required to obtain a Conditional Use Permit, and **must meet the following additional minimum standards**:

1. Located on a minimum of 20 acres as defined in Section 32-246(c)4, and zoned [Agricultural] A1 or A2[6]
2. Have direct access to a County or State Road

A solution that seems fitting for Chisago County given the extent of discussion and concern around the recent CUP request for a wedding/gathering venue has been implemented in Grant, MI. This community has resolved the conflict between Agricultural zoning activities and those that may be associated with a Rural Retail Tourism business by having a separate category for *Banquet Facilities and Event Centers.* A Banquet Facility or Event Center is defined as "a

[4] American Planning Association, Zoning Practice – Agritourism, Vol. 21, No. 3, 2004
[5] American Planning Association, Zoning Practice – Rural Event Venues, Vol. 35, No. 11, 2018
[6] A1 districts preserve land to be utilized for agriculture and commercial food production on lots smaller than those required in AP districts. A-1 districts provide areas of rural lot density housing with lots large enough for significant agricultural activity to occur. A2 districts provide rural low-density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A2 district lot sizes will provide for marginal agriculture and hobby farming.

commercial operation devoted to accommodations for gathering individuals or groups within an open setting, such as weddings, reunions, seminars, corporate retreats, or similar events."[7]

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact us.

Erika Huffman [redacted]
Tony Huffman [redacted]

[7]https://webgen1files1.revize.com/granttwpofnewaygocntmi/Grant%20Township%20Zoning%20Ordinance%20Aug%202023.pdf

Beth M. Gervais

From: Al Schmidt [redacted]
Sent: Monday, July 1, 2024 3:07 PM
To: Beth M. Gervais
Subject: Bridget Korman/Loralei Walker Conditional Use Permit Comments

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Beth,
Please share the below comments with the Planning Commission concerning the Bridget Korman/Loralei Walker Conditional Use Permit Application, feel free to contact me with questions.

As I previously stated I am against the Bridet Korman/Loralie Walker CUP. The intrusion of the rural character of the area, disturbing the quiet, light pollution, and the road hazards were all previously stated as reasons not to support the CUP

Having not been involved with the CUP process in the past I find some of the conclusions that are made to put this type of venue in a rural area are one size fits all and they are always beneficial, which in this case is not true. This type of commercial operation does not contribute to the rural and agricultural heritage; it is a determent. It's a commercial operation in a pristine rural area, one of the few left in this area of the county. The assumption is agricultural farming continues to diminish in Chisago County, in this part of the county it has not. The farms that were here 30 years ago when I moved in are still active. This venue will put those farmers at risk as they try to access the different fields they use off of 260th. The road hazards have been well documented and the Franconia Township Board has turned down this proposal because of those hazards. County Zoning Ordinance indicates structures are to be 250' from the property line, the proposal indicates a structure within 100' of a property line. The amount of noise, 90 db, also exceeds county parameters. This commercial operation will also have environmental impacts, with some as simple as having to spray for mosquitoes affecting the wildlife as well as the surrounding farms. Another example is run off from the parking area to a wet land below the property, cows are using that same wetland, as are waterfowl including swans that are now in the area and nesting. The Zoning Ordinance indicates the venue should not negatively impact the neighborhood by intrusion of noise, glare, odor,or other adverse effects, in this case it would and is being swept away, and is not being taken seriously. Again we are modifying current standards and trying to make something fit into an area that it is not made for.

CUP compliance is nothing more than the applicant being required to annually certify that the approved use remains in compliance with said conditions, this nothing more than the fox guarding the hen house. Basically the new conditions mean nothing if it's 175 people and a 100 cars or 125 and 60 cars, unless it is continually monitored by an outside source no one will know unless there is a complaint. Since there are no compliance checks alcohol could easily be served to minors, there could also be minor drinking in the parking lot.

The applicants have not been here a year yet and have no idea about road hazards or the ruralness of the area that they live in or the neighbors that live in the area and can make no relevant comments of concern, if they truly understood these they would withdraw the request. This CUP should be turned down for the reasons above as well as other statements that will be made by my neighbors.

Thanks
Al Schmidt

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JUL 0 2 2024

Chisago County
Dept. of Environmental Services
BG

As a resident.

Chisago County 's zoning has standards that the planning commission should base all their factual opinions on whether a CUP should be granted or not. In these standards there are many things to consider. With comments from Franconia Township, the road authority, #2 and # 7 are a huge negative impact on this venue. From the residents' comments #3, #4 and #6 have come up time and again as being a negative impact. These are things that cannot be controlled or given back once the decision has been made for this CUP. For the standards that were set forth by the zoning dept. to be more negative than positive, I would think this would be an easy and legal decision proven by the standard's set forth by the Chisago County Zoning for a denial of a CUP. This process was started and written up by the zoning dept terribly and has been back peddling ever since. It is putting many long-time neighborhood residents in jeopardy, who have years in this neighborhood. As planning commission members and County board commissioners you are well within your rights to deny this CUP according to the standards that the Chisago County zoning office has written up for you to use and follow. As board members you have been elected to represent the residents and do what is right and legal for Townships, neighborhoods, and the County. Sometimes you need to take a step back, observe and be in someone else's shoes while looking at a situation. From the resident's point of view, adding a venue will be a safety hazard for the roadway for any walkers, joggers, farmers on tractors or bicyclists. It will have negative impact on the adjacent neighbors, especially the farmers of the community. Again, take a step back and think about why you ran for the position you are in, you need to leave your personal agendas at the door every time you walk in as a commissioner. What is right, is what the facts add up to, which makes it an easy and legal decision set forth by the standards that the County Zoning set forth for you to follow. You just must have the courage to make the right decision and not always go along with the crowd.

As a Franconia Town board supervisor

I believe residents should be able to do what they want on their land if it has very little negative impact on the neighbors.

260th ST is a busy road. It does not have much for shoulders and the shoulders it does have are dirt. It is narrow and has no bypass lanes or turn lanes. It is traveled by trucks, cars, tractors, semi's, motorcycles, joggers, walkers and bicyclists to name a few. With the added venue, this will cause a safety issue and could become a hazard for residents and all the above. The zoning dept. seems to think that this is not an issue but offers no facts to back their opinion up. I have clocked vehicles at 80 MPH, I have seen people passing others on this road, which is a double solid line, no passing. I have seen tractors with equipment that is next to impossible to get around, but people attempt it anyway. I have timed intervals of vehicles at 8-10 seconds a car at certain times sometimes more. Adding 75-100 cars in a 45min period or less every weekend will only cause accidents, maybe fatalities and for sure congestion. This could potentially become an extreme hazard for anyone. At nights when people are leaving the glare from the headlights shinning in resident's houses will cause issues. Added alcohol consumption could even exemplify even more safety and hazard

issues. The following are the reasons Franconia Township denied the approval of this venue. It will cause a safety, hazard issues and congestion concerns for this road. As a supervisor I want to try to come up with a way to help fix a problem if possible. If the County Board decides that after all the negative facts and safety issues that have been presented and still want to proceed with this venue, then I believe they should take these constructive conditions to mind.

1. No alcohol should be served at any of the events at this venue. With the farms on both sides this could cause bad decisions by the attendees effecting the farm animals, property damage or liability claims on the adjacent farms east and west. Panola Gardens is approx. ½ mile away and does not allow alcohol and they have a thriving business and are a lot less of a detriment to the neighbors.
2. A 6' -8' privacy fence should be put up on the entire east side, partially on the south side up to the house and the west side by the other farm especially along the parking lot. See attached paper.

3. To help with the congestion coming from the west, a driveway should be put in somewhere mid-way where the parking lot is going to be. This driveway should be asphalted. There should be a turn lane constructed on the road leading into this driveway on the southside of the road. This driveway would be the only one used by anyone attending the venue, entering and exiting and would not be able to use the residents existing driveway. This all would be engineered by the Townships engineer firm and all expenses incurred would be paid by the applicants for the CUP, not by the residents of Franconia Township. See attached paper.

4. Music should not go past 9 pm on Friday and Saturday nights and should not go past 7 pm on Sundays – Thursdays. The venue hours should only go till 11 Pm on Friday and Saturday nights and 8 PM on Sundays – Thursday evenings.

5. If alcohol is allowed, which be only be a worse idea on this road, security should have to be hired for every event this venue offers.

These conditions may seem strict, but you must take in consideration of the neighbors, bicyclists, joggers and farmers that have been traveling this road for years. These are the ones that have been existing on this road for years and must be taken into consideration if this venue goes through.

Thank you.

Owen Kuhnly

Chisago

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View

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Commands

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RECEIVED

JUL 02 2024

Chisago County
Dept. of Environmental Services
BG

July 1, 2024

To: Beth Gervais, Land Services Coordinator
Chase Burnham, County Administrator
Chisago County Board of Commissioners (Marlys Dunne, Rick Greene, Dan Dahlberg, Jim Swenson, Ben Montzka)
Chisago County Planning Commission Members (Jim McCarthy, Dave Whitney, Chris DuBose, Charles Yaeger, Eric Leivian, John Sutcliffe, Jolene Wille)

From: William Bielefeld, 25820 Quinlan Ave Lindstrom, MN 55045, Franconia Township

Re: **Korman/Walker request for CUP for wedding/gathering venue at 15237 260th Street, Franconia Township**

With this letter, I am providing additional comments and reasoning for our opposition to the granting of a CUP for a wedding/gathering venue at the above location.

Legal Background

Chisago County Board of Commissioners approved an updated Comprehensive Plan in May 2017 (the "Plan"). The Plan recognized the changing nature of the County, including demographics and population and land use. What had been a primarily agrarian county had shifted to more urban/residential and industrial uses. Importantly, the Commissioners recognized in the Plan the importance that agriculture plays and would continue to play in the County. Two of the stated goals of the Plan were the following:

> Goal: Preserve and conserve prime or the best agricultural land and related natural resources in order to **maintain farms and farm related economy as economically viable in Chisago County**.
>
> > Policies (redacted, emphasis added):
> > ...
> > 7. Promote farm, commercial recreation and rural retail tourism businesses as a method to bring dollars into the Chisago County economy.
> > 8. *The County should take actions to ensure farmers' abilities to maintain their farms and to provide a variety of farming opportunities.*
> > 9. *Discourage development of non-farm uses on high-value or prime farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses.*
>
> Goal: **Prevent incompatible land use in agricultural areas** and encourage urban land uses in or near incorporated areas to help maintain the ability of owners to operate farms economically in Chisago County.

At the same time, the County desired to balance the importance of agriculture with the growth of rural retail tourism. In 2012, the County approved an amendment to Ordinance No. 08-3, Section 5.06(c) 25, that added rural retail tourism as a conditional use in lands zoned agricultural. Importantly, it defined rural retail tourism business as those "which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and

entertainment, recreation and/or education focused." The County also added Section 4.15 (D) to define "small-scale" and "low-impact" as those land uses which:

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

Chisago County's Zoning Ordinance sets forth the standards that the Planning Commission shall use in reviewing a Conditional Use Permit (Section 8.04). In reviewing a Conditional Use Permit, the Planning Commission "shall consider possible effects of the proposed conditional use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;
2. The use shall 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;
3. The use shall 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;
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;
5. The 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;
6. The 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;
7. The use shall not cause traffic hazard or congestion; and
8. Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness."

In its amended application, the applicants have requested weddings and other celebrations from May through October, with a limit of two events with more than 50 people per week and a maximum of 125 people. For sake of argument, let's assume this means roughly 7,000 people over the course of each season, a conservative estimate because the venue is incented to book more events to achieve a pay-back (24 weeks x 280 people/week).

My first point is Chisago County requires a SWWPP for any construction project disturbing 7,000 Square feet or more. This project is well over the 7,000 Sq. Ft. minimum requirement. To my knowledge there has not been A SWWPP submitted.
My question is if a SWWPP has not been submitted how can we know if this will even work?.

My second point is the Traffic Issue - There was a very high-level informal traffic study done mainly just a tube counter in the last few months to estimate current volumes.

Based on those very preliminary numbers the new venue would increase the volume of traffic by approximately 44% from Olinda Trail to and from the venue.

There is no design information available on the existing road. The only information is 260th was a gravel road that was paved several years go.
In my opinion a 44% increase is substantial. It's been discussed, who is responsible for 260th Street, Franconia Township Road Authority or Chisago County? Whoever accepts the liability if there was an accident should have authority of the road as well. In my opinion a full traffic study should be completed by a registered professional Traffic Engineer in the state of Minnesota which the cost should be the responsibility of the new venue owners. Any and all roadway improvements to 260th street (other than re-surfacing as the road is in need of that repair currently) should be the responsibility of the new venue owners.
In my opinion, the bulleted items below are some changes that may be needed:

- Additional signage and striping.
- Turn lanes at the Venu.
- Updated roadway sub-grade.
- Adding shoulders.
- Lighting at the venue entrance.

There have been several comments at meetings regarding the two topics I have mentioned and have been minimized by members of the planning commission. Safety should be the priority, environmentally the SWWPP is a close second.

I also don't think it's fair to the people applying for the CUP to not make them aware of the requirements and the potential cost involved.

My contact information is in my email if anyone would care to discuss in greater detail.

Regards,

Wm. Bielefeld

Beth M. Gervais

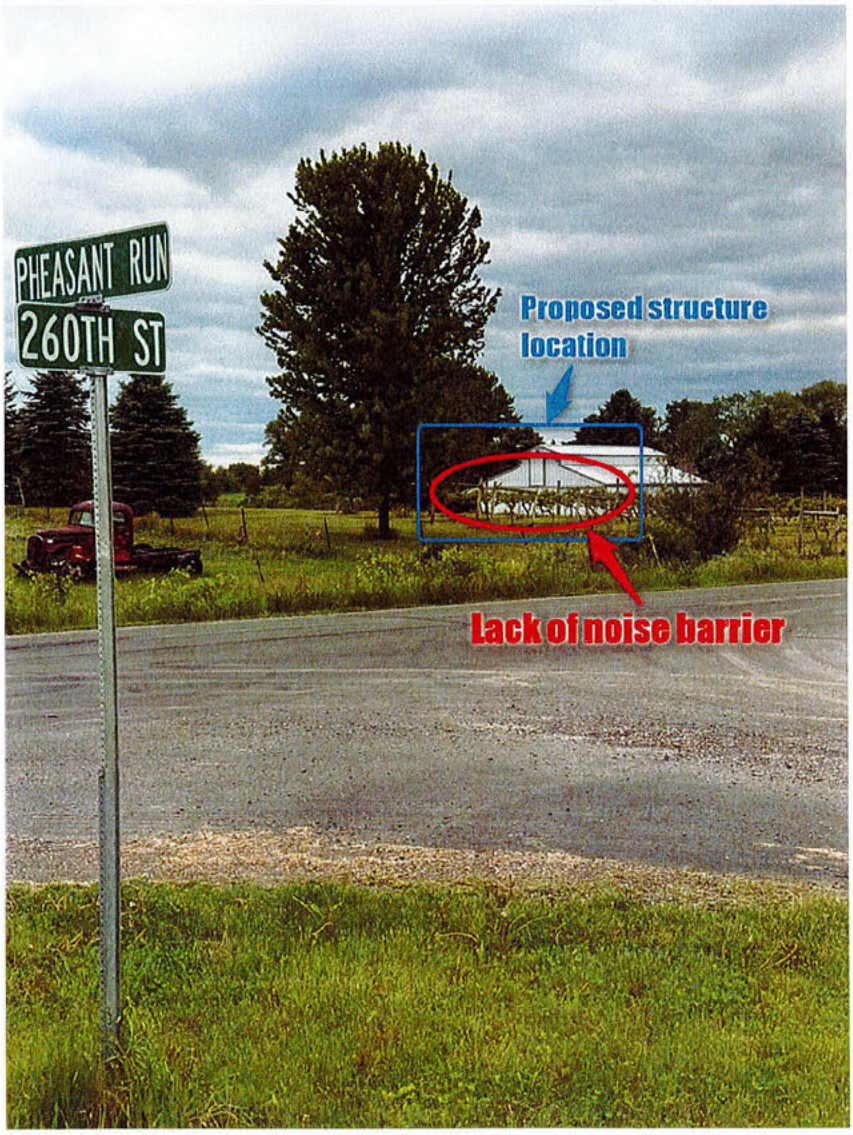
From: Brandon Bigelbach [redacted]
Sent: Wednesday, July 3, 2024 2:57 PM
To: Planning & Zoning; Kurt M. Schneider
Subject: Re: Opposition and Recommendations for Korman/Walker CUP Application

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Hello,

Including Exhibit A as referenced.

Exhibit A: View from the southwest corner of my property.



Thanks,

Brandon

On Wed, Jul 3, 2024 at 2:52 PM Brandon Bigelbach [redacted] wrote:
Dear Members of the Chisago County Planning Commission,

I am writing to express opposition to the Korman/Walker proposed wedding venue development at 15323 260th Street. As a resident living catty-corner from the property, my home is the closest neighboring residence to the proposed venue structure, situated approximately 400 feet away. I firmly believe the proposed development poses significant risks related to traffic and road safety, safety of life, environmental impact, and disruption to neighboring properties, and is incongruent with current zoning principles. In this letter, I will focus specifically on my concerns regarding traffic and road safety.

Franconia Township, serving as Road Authority, has stated that the proposed use "will cause congestion, hazards, accidents, and will have safety issues on [260th Street]" and recommended denial of the CUP. However, in Finding #2 and Finding #7 of the CUP, the County asserts that there is no quantifiable evidence to suggest that the road will not support increased traffic levels or create traffic hazards and congestion.

I am concerned that the County has overridden the Road Authority's decision and recommendation without sufficient evidence derived from a legitimate source of expertise. To address these concerns related to safety of life, I respectfully request answers to the following questions:

1. **Evidence and Expert Validation:**
    - What specific quantifiable evidence does the County have to support its findings that the increased traffic levels will not create traffic hazards or cause congestion on 260th Street?
    - Who conducted the traffic evaluation for the County, and what are their qualifications and expertise in traffic engineering?
    - Has the County conducted or commissioned an independent traffic study to validate its findings? If so, can the results and methodology of that study be made available to the public?
2. **Procedural Fairness:**
    - Why did the County choose to disregard the recommendation of Franconia Township, the Road Authority, which identified significant traffic safety concerns and recommended denial of the CUP?
    - What is the standard procedure for handling conflicting recommendations between the County and local road authorities, and was this procedure followed in this case?
3. **Accountability and Safety:**
    - What measures will the County take to ensure the safety of 260th Street if the CUP is approved and the predicted traffic increases occur, considering the Road Authority's explicit concerns about congestion, hazards, and accidents?
    - Should there be incidents related to increased traffic, how does the County plan to address and mitigate such risks to protect its residents?

While I'm opposed to the application due to the safety concerns and disruption it presents to the neighborhood, if the Planning Commission were to move forward with a recommendation to approve the CUP, I recommend the following conditions:

Conditions for the CUP

- Applicants should fund a road and traffic safety study to assess if 260th Street can safely handle the increased traffic volumes caused by the development.

- Applicants should install a noise barrier/screening on the northeast area of the property. My home is closest to the structure, just 400 feet away. The proposed grape vines are insufficient for screening, as I can see right through them. See Exhibit A.
- Applicants should install a 6-8 foot secured barrier along the east property line to address safety and liability concerns associated with directly neighboring an active cattle farm.
- Applicant's structure must be insulated, heated, and cooled. Current conditions require the structure to be closed while music is played, but there are no conditions requiring the structure to be insulated, heated, or cooled, which are necessary for it to remain closed.
- Applicants must hire security or ensure an off-duty police officer is present for all events exceeding 50 guests and/or events that include alcohol. During the May 14th Franconia Township meeting, the local sheriff indicated that enforcement of disturbances by police on weekends would be unlikely. Security would lessen the enforcement burden on neighbors and promote a safe environment.
- Applicants must utilize shuttle services for guests for events over attendance of 50.
- Limit the distribution of alcohol to beer and wine.
- Move the site for the proposed new structure to the south of the existing structure to minimize the disturbance to neighbors and neighboring livestock.
- During the school months (May-June, September-October), do not allow events to start or end during the hours the school buses drop off children on school days.

Thank you for your attention to this critical matter. I look forward to your response and hope that the Planning Commission will take the necessary steps to protect our community. Please confirm receipt of this email.

Sincerely,
Brandon Bigelbach
[redacted]

Beth M. Gervais

From: Catherine Veith-Bruno [redacted]
Sent: Wednesday, July 3, 2024 4:27 PM
To: Planning & Zoning
Subject: Opposition to and Recommendations for the Korman/Walker CUP Wedding Venue Application

This is an external email message!
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Planning Commission and County Commissioners,

I am writing to express my opposition and concerns about the wedding entertainment venue proposed at 15323 260th street. I will also share my experiences, having lived across the street from Panola Valley Gardens for 34 years.

Firstly, some questions that need to be asked. While we all want to enjoy our properties and livelihoods, do we have the right to do so at the expense of someone else? Is a new business more important than an established business? There are times when businesses next door to each other are incompatible. This is small business entrepreneurship 101.

I will start by sharing our experiences with Panola Valley Gardens. In the beginning, their only entrance and exit were right on 259th Street – a dirt road. All the cars would file in and file out. Because it's a dirt road, my understanding is there is no speed limit. We would have weddings and their guests speed up 259th and at the end, speed down 259th. Our property is a quarter mile long. The entrance was less than a quarter mile from our driveway. By the time the cars were passing our driveway, many were doing 40 plus mphs. Many times, when it was dry – the dust would kick up so thick you could not see across the road. We had requested that there be a slow sign installed as we had young children and feared for their safety. It did no good. We called the township and requested the road be oiled to keep the dirt down. In the 34 years we have lived on 259th Street, my husband and I can only recall that possibly 5 years in which Panola Valley Gardens did anything to alleviate what we were experiencing. They can recommend their guests to be respectful, but they could not control what others did behind the wheel. Since nothing was done or completed when we registered our concerns, will the same thing happen here? Will the neighbors not be heard and will the issues not be addressed?

Concerns:

Traffic and Road Safety – according to the state patrol in their most recent training, the majority of fatalities in accidents do not happen on major freeways or thoroughfares – they happen on two lane roads like 260th. Based on the CUP, they are requesting that they be allowed upwards of 175 attendees at an event 260th is not equipped to handle this traffic with no turn lanes, no shoulders and no dividers. This road struggles now - as a daily driver on this road to and from work, it would not handle the increased traffic that is proposed in the CUP. If traffic and road safety is not a concern now, when does it become a concern? After something happens? Then it is too late, lives are torn apart and in some cases shattered. Add alcohol to the mix and you have a recipe for a disaster.

I am gravely concerned about a wedding venue right next door to a working farm and that the fenceline between the venue and the farm is not enough to protect either people or animals from any harm that may come. i grew up in St. Paul and spent my summers as a child on working farms – there is a time and a place for entertaining and you keep people and farm livestock as far away from each other as you can.

If you must approve - then I recommend the following:

1. Off duty officers direct traffic into/out of the venue, Officers also stationed at Olinda trail and Quinlan to ensure safety. (Many run the stop sign)
2. Licensed bartenders only
3. Shelterbelts between the venue and the farm to discourage any people to go see the farm animals
4. Reduced speed on 260th to 30 MPH
5. Road study to determine if the road can handle the traffic.

While I oppose the wedding venue as it is currently proposed, there is alot of work that needs to be done to ensure safety of life and property for all involved.

Respectfully submitted.

--
Catherine Veith-Bruno
[redacted]

RESOLUTION NO. PC2024-0701
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 & Loralei 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 motioned on June 6, 2024 to re-open the record and call for a second public hearing to be held on July 11, 2024; and

WHEREAS, notice was provided and on July 11, 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, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04:

Approval

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

Finding #1 *The County finds that the proposed Conditional Use Permit 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*:

Natural Resources Goal: *Prime scenic views and historic landscapes will be recognized as an important local amenity and a desirable local amenity drawing outside revenue from visitors that is vital to the local economy.*

Natural Resources Policy: *Identify and protect the quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas for flora study and wildlife viewing and public spaces open to low-impact outdoors recreation (p 2-43).*

Agricultural Goal: *Preserve and conserve prime or the best agricultural land and related natural resources in order to maintain farms and farm related economy as economically viable in Chisago County.*

Agricultural Policy: *Promote farm, commercial recreation and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18).*

Economic Development Goal: *Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.*

Economic Development Policies:

- *Promote natural amenities in the County as assets to economic development and business opportunity (p 6-22); and*
- *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*
- *Promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22).*

Land Use / Growth Management Goal: *Plan for the orderly, efficient growth of commercial and industrial development in the County.*

Land Use / Growth Management Policies:

- *Allow for home occupations, rural retail tourism and limited rural businesses on homesteads in agricultural areas as well as small, community-based retail in the County's unincorporated rural village centers (p 9-9).*
- *Commercial recreation, home occupations and rural retail tourism opportunities should be allowed in the Agricultural district as long as performance standards are established and met.*

Further, the Comprehensive Plan provides the following purpose and intent descriptions for the Agricultural areas:

Approval

- *Includes areas intended for exclusive resource related use: areas intended primarily for agriculture and other resource uses, with limited rural residential development; recreational commercial and other resource related business uses; rural retail tourism uses; natural resource areas protected by easement or acquisition or limited due to site constraints; and areas which will accommodate a very limited amount of subdivision activity (p 9-11).*
- *Anyone building in this District should accept and understand the rural environment as it is found. Anyone building or living in this district also should be aware that residential development is not the primary or sole purpose of this district. Chisago County intends and allows a wide variety of land uses and activities in this District including farming and livestock operations, rural retail tourism, animal kennels, renewable energy resources and commercial recreation. The County does not consider farm or agricultural activities public nuisances provided those activities do not violate any State statute or rule or any other laws or ordinances (p 9-12).*

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. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site. 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 Road Authority did not provide the County with any quantifiable evidence to suggest that the road will not support increased traffic levels.*

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. The County finds that the subject site is presently well-maintained*

Approval

and further finds that there is no record of complaints or code enforcement efforts on this matter. Further, 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.

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 Agricultural 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 Road Authority did not provide the County with any quantifiable evidence to suggest that the road will not adequately support increased traffic levels. Therefore, the County finds no quantifiable evidence to suggest that the proposed traffic levels will cause traffic hazards or congestion and, instead, notes the improved / paved condition and well-maintained status of the existing 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 and July 11, 2024 public hearings related to concerns about negative impacts resulting from the proposed use, the County finds that, through the implementation of conditions of approval, 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 reasonably mitigated. Further, the County finds, that with*

Approval

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. All Rural Retail Tourism activity shall be conducted in accordance with the application materials dated received May 10, 2024 and kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. 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 a Conditional Use Permit Amendment.
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
6. There shall be a maximum of two events with more than 50 guests per week.
7. 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.
8. All music played or performed in conjunction with Rural Retail Tourism activity shall be played or performed indoors with all doors and windows closed unless the permit holder(s) utilize(s) equipment, such as silent disco headphones. Structures utilized for the playing or performing of music shall be insulated and climate controlled (i.e., heated and cooled) to accommodate this requirement. Acoustic music played or performed outdoors during wedding ceremonies shall be excluded from this requirement; however, there shall be no outdoor amplified music at any time.
9. 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

Approval

property boundaries.

10. The permit holder(s) shall install an on-site sound system featuring a sound / decibel limiter. All Rural Retail Tourism activities shall be required to utilize the on-site sound system.
11. Fireworks shall be strictly prohibited.
12. The permit holder(s) shall install screening adjacent to 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 200'. 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.
13. The permit holder(s) shall install screening between the full length of the parking lot and the west property boundary. 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.
14. 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 or surrounding roadways.
15. 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.
16. Access to off-street parking / the parking lot shall be gained from the existing driveway. The parking lot access shall be located no closer than 125' to the edge of the improved surface of 260th Street to allow for vehicle stacking.
17. Any exterior lighting shall be downcast in order to mitigate negative impact to neighboring properties.
18. The permit holder(s) shall ensure adequate access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
19. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
20. 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.
21. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
22. 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.
23. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
24. Annual certification of the Conditional Use Permit is required. The permit holder(s) shall notify the

Approval

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 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Approval

RESOLUTION NO. PC2024-0701
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 & Loralei 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 motioned on June 6, 2024 to re-open the record and call for a second public hearing to be held on July 11, 2024; and

WHEREAS, notice was provided and on July 11, 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, 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 County finds that, while the proposed action is consistent with several Natural Resources, Agricultural, Economic Development, and Land Use / Growth Management*

goals and policies identified within the Chisago County Comprehensive Plan, it's also incompatible with neighboring and surrounding agricultural operations based on the following goals and policies:

Agricultural Goal: Preserve and conserve prime or the best agricultural land and related natural resources in order to maintain farms and farm related economy as economically viable in Chisago County.

Agricultural Policies:

- *The County should take actions to ensure farmers' abilities to maintain their farms and to provide a variety of farming opportunities (p 5-18).*
- *Discourage development of non-farm uses on high-value or prime farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses (p 5-18).*

Agricultural Goal: Prevent incompatible land use in agricultural areas and encourage urban land uses in or near incorporated areas to help maintain the ability of owners to operate farms economically in Chisago County.

Agricultural Policies:

- *Provide standards to protect new and existing agricultural land uses in agricultural areas from incompatible land uses (p 5-19).*
- *The County should carefully consider allowing incompatible non-farming activities in agricultural areas and shall limit land divisions to those compatible with agricultural needs and activities. The primary tools to accomplish these goals are agricultural zoning and land division standards (p 5-19).*

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 and July 11, 2024 public hearings in which neighboring property owners expressed concern about 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 as close as 150' from the edge of the public roadway (260th Street) and as close as 100' from the nearest property boundary (east property boundary). Based on the significant amount of public testimony received during the May 2, 2024 and July 11, 2024 public hearings regarding insufficient distance of the proposed use from surrounding properties – including a neighboring cattle farm – and*

the adjacent roadway, the County finds that there are no remedies or conditions of approval which would result in sufficient separation or sufficient screening to prevent undue negative impacts to adjacent properties. The County further finds that there are no remedies or conditions of approval which would reasonably mitigate negative impacts directly affecting the existing cattle farm located immediately east of the subject site, with one such impact being the reported potential loss of insurance coverage if the insurance carrier determines there to be an unacceptable risk related to the proximity of the cattle farm to the proposed use.

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. The County finds that the subject site is presently well-maintained and further finds that there is no record of complaints or code enforcement efforts on this matter. Further, 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.*

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 Agricultural 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 and July 11, 2024 public hearings in which neighboring property owners expressed concern about the poor condition of the public roadway, lack of paved shoulders, conflicts with agricultural equipment traffic, the lack of street lighting which would enhance safety, and the ability of the current roadway to handle the anticipated 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*

Denial

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 and July 11, 2024 public hearings in which neighboring property owners expressed concern about negative impacts associated with noise from the gathering venue and the parking lot and glare from outdoor lighting. 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. Additionally, several concerned citizens expressed concern about these factors and their negative impacts on the neighboring cattle located immediately east of the subject site. The County finds that there are no remedies or conditions of approval which would adequately mitigate the noise, glare and general unsightliness 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 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Denial

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Interim Use Permit for Accessory Structure
xxxxx Tern Avenue, Shafer Township
DATE: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing an accessory structure for personal use and storage without the presence of a principal use structure.

SITE & APPLICATION INFORMATION

Property Owner(s):	Timothy & Deanna Turcotte
Applicant(s):	Timothy & Deanna Turcotte
Location:	xxxxx Tern Avenue Shafer Township Section 3, Township 34, Range 19
PID:	08.00020.00
Property Area:	40.8± 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:	May 2, 2024
Date Application Complete:	May 7, 2024
60-Day Review Period:	July 6, 2024
Extended Review Period:	September 4, 2024



BACKGROUND

Property owners Timothy & Deanna Turcotte have applied for an Interim Use Permit (IUP) to allow a singular accessory structure (pole building) on their 40.8± acre property without the presence of a principal use structure, such as a dwelling.

SITE & PROPOSAL ANALYSIS

The 40.8± acre subject site is generally located east of the intersection of 360th Street and Tern Avenue in Shafer Township. Topography of the site includes rolling elevations ranging widely from 845' in the northeast corner to 951' near the west property boundary / roadway. Additionally, the site is heavily wooded and features three small wetland areas. In fact, the subject site features a staggered double row of trees along the west property boundary adjacent to the proposed structure location along with heavy forestation north and east of the proposed structure. The image below illustrates elevations and wetland areas. The site plan and County's GIS Viewer show an existing driveway access in the southwest corner of the subject site, approximately 125'-130' north of the south property boundary.



The application materials indicate that the proposed accessory structure will be 40' x 64' (2,560 sf) in size with 16' side walls. The written narrative explains that the structure will be used "strictly for storage" and, being that the property owners currently reside in Chisago City, they don't have any immediate plans to further develop the subject site with a dwelling. The site plan shows that the proposed location of the accessory structure is approximately 120' from the west property boundary / centerline of Tern Avenue, 185' from the south property boundary, and 441' from the north property boundary. Given that the subject site is 2,624' deep, staff estimates that the proposed accessory structure is approximately 2,440' from the east property boundary. The required setbacks are 40' from township Right-of-Way / 73' from township road centerline, 20' from side yard, and 50' from rear yard, which means that the proposed location exceeds all required setbacks.

The subject site is located in the AG District and is entirely surrounded by properties in the AG District. Properties in the general area range widely in size from five acres to 86 acres, with the majority of properties having been developed for residential purposes, used for agricultural purposes, or remaining undeveloped.

The application does not include a request for sanitary facilities within the proposed accessory structure; therefore, no sanitary facilities will be allowed until and unless the property is further developed with a principal use structure.

REVIEW PROCESS

The Technical Review Committee met with Tim Turcotte on June 12, 2024. Turcotte confirmed that the proposed accessory structure would not be used for commercial purposes, would not have sanitary facilities, and would not include living quarters or be used for overnight accommodations. The Committee did not identify any concerns with the IUP request.

The Shafer Town Board considered the request at its June 13, 2024 meeting and recommended approval with the condition that the existing "driveway needs to be brought up to township specs". This condition has been incorporated into staff's recommended conditions of approval.

The application was submitted on May 2, 2024 and deemed complete on May 7, 2024. The initial State mandated 60-day review period is scheduled to expire on July 6, 2024 and, because this timeframe will not accommodate all necessary meetings, staff extended the review period by an additional 60 days as allowed per Minnesota Statute 15.99. The extended review period will expire on September 4, 2024.

WRITTEN TESTIMONY

No written testimony was received upon completion of the staff report.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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 *Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand*

on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Shafer Town Board / Road Authority did not provide any written concern regarding the impact on either 360th Street or Tern Avenue.

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 *Given the size of the subject site (40.8± acres), the existing forestation / vegetation located west, north and east of the proposed structure, the current agricultural use of the property to the south, the size of adjacent properties, and the fact that the structure will exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

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 proposed accessory structure is intended for personal use and storage in conjunction with the property owners' current recreational use of the subject site. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a year-round single family dwelling – and will not cause traffic hazard or congestion. Further, the Shafer*

Town Board / Road Authority has not communicated any concerns related to traffic hazards or congestion on 360th Street or Tern Avenue.

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

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

STAFF RECOMMENDATION

Staff believes that the proposed Interim Use Permit (IUP) complies with and is consistent with the intent of the County's Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the IUP with draft Findings of Fact (see above) and conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. This approval allows for a singular 2,560 sf 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 application materials dated received May 2, 2024 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. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
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. The permit holder shall improve the existing driveway such that it complies with township specifications.
6. 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.

7. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
8. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. (*Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Interim Use Permit.
4. **Table the request** to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on September 4, 2024 allowing the Planning Commission to further consider the request at its August 1, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0702, a resolution recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 08.00020.00 in Shafer Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
    a. Application
    b. Written narrative
    c. Site plan
    d. Survey
    e. Building plans (labeled Design & Contractor Info)
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Draft Resolution No. PC2024-0702

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-0666

Township Shafer **S/T/R** 3-34-19 **PID#** 0800020.00

Project Address 35XXX Tern Ave

Property Owner(s) Tim & Deanna Turcotte

Mailing Address (If Different from Project Address) 29203 Kenwood Way, Chisago City, MN 55013

Phone# [redacted] **Email** [redacted]

Applicant(s) OWNER

Mailing Address (If Different from Project Address) _____

Phone# _____ **Email** _____

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☒ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Build a 64 x40 pole build on 40 Acre parcel w/o house. Storage building only

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☐ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☐ Plat Drawings

Tim Turcotte

Applicant Signature

5/2/24

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.

Fees		Dates	
Base Fee	$ 650-	Application Received	5-2-24
Recording Fee	$ 46-	Application Complete	5-7-24
Plat Fee – No Road(s) / With Road(s)	$	60 / 120 Day Review Period	7-6-24
Septic Compliance Fee	$	Extended Review Period	9-4-24
Wetland Fee	$		
TOTAL FEE	$ 696-		

Chisago County Department of Environmental Services

Planning & Zoning Application

Township Presentation Form

Township Shafer S/T/R 3-34-19 PID# 07.00020.00

Project Address 35XXX Tern Ave, Shafer

Property Owner(s) Tim & Deanna Turcotte

Mailing Address (if Different from Project Address) 29203 Kenwood Way, Chisago City 55013

Phone# [redacted] Email [redacted]

Applicant(s) Same

Mailing Address (if Different from Project Address) _____

Phone# [redacted] Email [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☒ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (attach Separate Sheet if Necessary) Build a 64 x 40 Pole building on 40 Acres For Storage Only

Tim Turcotte

Applicant Signature

5/2/24

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 July 11, 2024 Date of Township Presentation June 13, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Driveway needs to be brought up to township Specs

Signature of Township Officials or Authorized Personnel

Mark D

Faith Feigh Schendel

G:\Counter Forms\Zoning - Planning Zoning Application Form_v052023.docx

Written Narative

May 2nd, 2024

To Whom It May Concern,

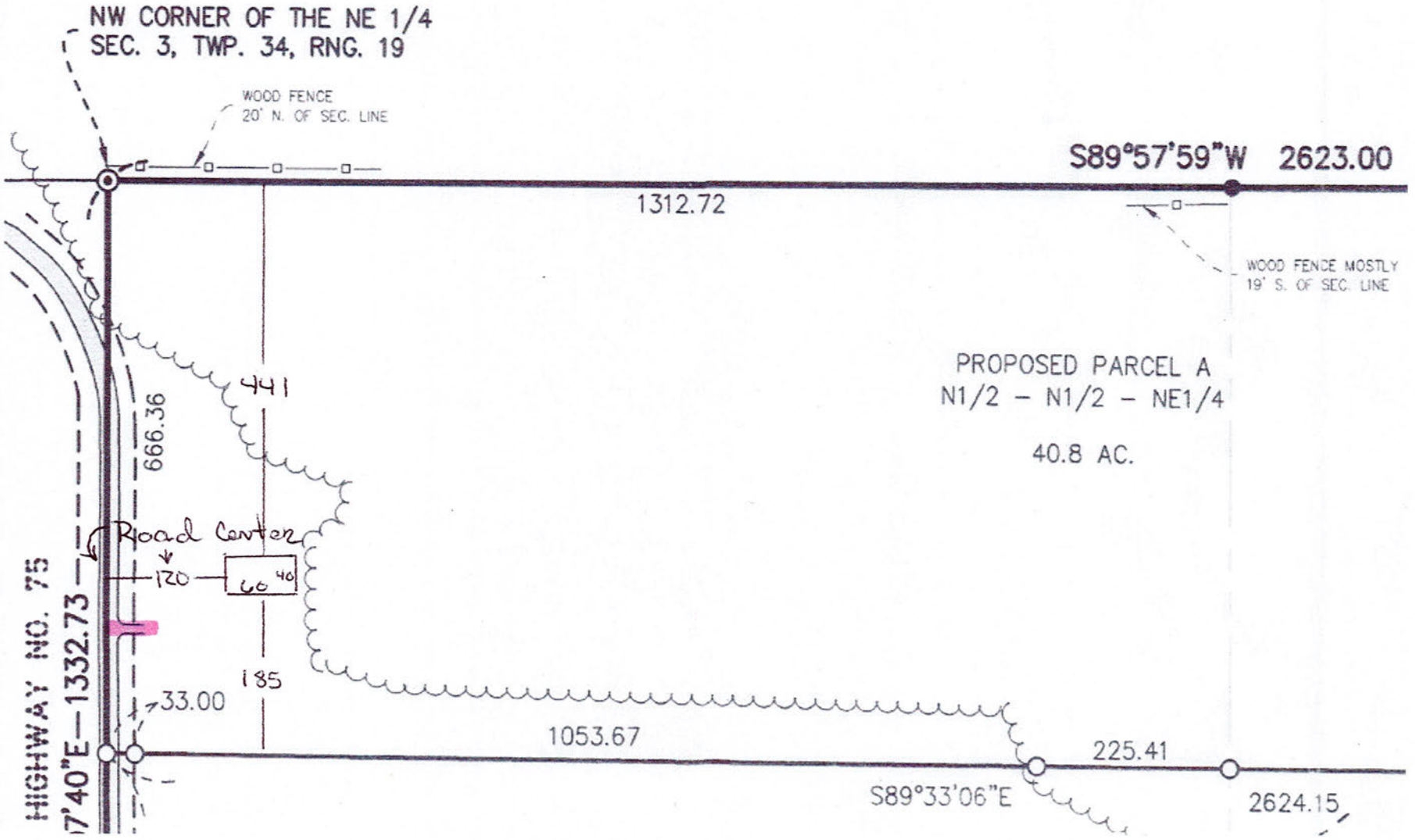
I recently purchased 40 acres of land in Schafer Township to use as recreational land. I would like to build a pole building for strictly storage use. I recently moved into a home in Chisago City, so at this time, I do not plan to build a home here. This might change in the future though. The building will be 64 x 40. We will not be changing the driveway into the land as the building will be in close proximity to it.

Thanks,

Tim Turcotte

Site Plan

IE NORTHEAST QUARTER, SECTION 3, TOWNSHIP 34 NORTH, RANGE



EXISTING DESCRIPTION (AS PROVIDED PER CLIENT)

THE NORTH HALF OF THE NORTHEAST QUARTER, SECTION 3, TOWNSHIP 34 NORTH, RANGE 19 WEST, CHISAGO COUNTY, MINNESOTA.

DESCRIPTIONS (AS PROPOSED PER CLIENT)

PARCEL A

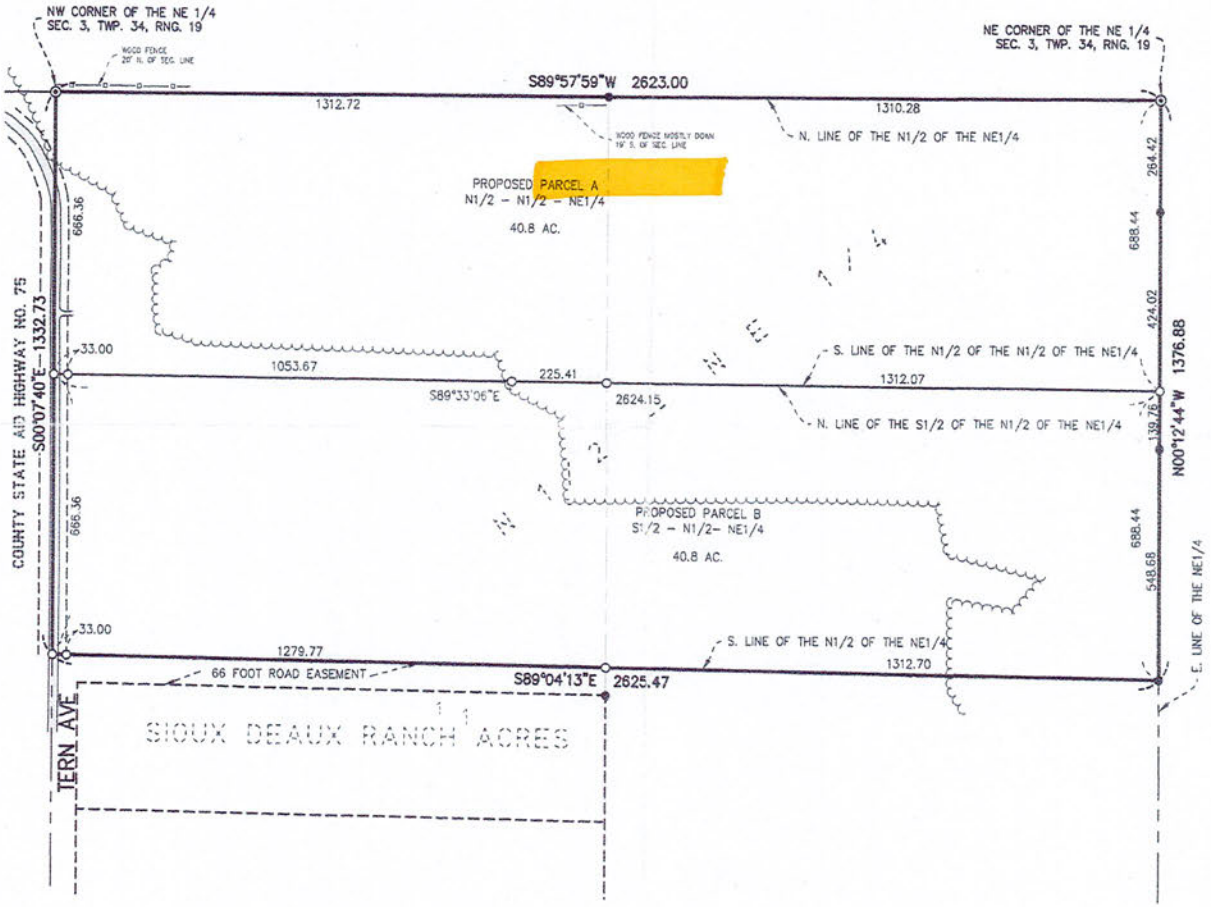
THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER, SECTION 3, TOWNSHIP 34 NORTH, RANGE 19 WEST, CHISAGO COUNTY, MINNESOTA.

PARCEL B

THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER, SECTION 3, TOWNSHIP 34 NORTH, RANGE 19 WEST, CHISAGO COUNTY, MINNESOTA.

SURVEY NOTES

1. The bearing system is based on the Chisago County coordinate system, NAD83 (1996 Adjust). Section breakdown worksheet verified from county 4-23-08.
2. This survey was prepared without the benefit of a Title Commitment or abstract and the surveyor has made no independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate title search may disclose. Therefore, this survey may be revised by showing that which would be cited in a title commitment and then illustrated on the survey.
3. Field work was completed on 04/28/08.



LEGEND

- FOUND MONUMENT
- SET MONUMENT 1/2" x 14" IRON PIPE WITH CAP NO. 42648
- FOUND CHISAGO COUNTY MONUMENT
- WOOD FENCE
- GRAVEL SURFACE
- EDGE OF TREES

Survey

HULT & ASSOCIATES, INC.
a division of McCombs Frank Hoss Associates, Inc.
PO Box 37
Forest Lake, MN 55025
ph: (651) 464-3130
fax: (651) 464-4822
email: hult@mfha.com
Surveyors + Engineers + Wetland Specialists

Client
DON KVASNICKA

Project
KVASNICKA/ENGDAHL

Location
SEC. 03, T.34N, R.19W

Certification

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.

Kelly L. Jordan
Registration No. 42648 Date: 05/05/08

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at McCombs Frank Hoss Associates, Inc., Plymouth, MN office.

Summary

Designed: NA Drawn: MDN
Approved: KLJ Book / Page: XX/XX
Phase: NA Initial Issue: 05/05/2008

Revision History

No. Date By Submittal / Revision

Sheet Title
CERTIFICATE OF SURVEY

Sheet Number Revision
001

Project No. 08044

Design + Contractor Into

nnesota Department of Labor and Industry
nstruction Codes and Licensing Division
3 Lafayette Road N
int Paul, MN 55155

Licensing and Certification Services
Phone: 651-284-5034
Email: dli.license@state.mn.us
Website: www.dli.mn.gov

OTICES

)T TRANSFERABLE

YOU CHANGE YOUR BUSINESS STRUCTURE,
)U MUST OBTAIN A LICENSE FOR NEW ENTITY

HEN YOU RENEW OR REPLACE INSURANCE POLICY,
.EASE SUBMIT NEW CERTIFICATE OF INSURANCE

CUSTOM POLE BUILDINGS LLC
29112 NOTRE DAME ST NE
NORTH BRANCH, MN 55056

OTIFY US OF THESE CHANGES TO YOUR BUSINESS.
ailure to do so may result in fines.

5-day notice requirement – Forms available at dli.mn.gov.

- Change in business' physical address, mailing address, phone number or email address.
- Change in control, owners, officers, directors, members or partners.
- Change in business' legal name and/or assumed name.
- Loss of or change in QUALIFYING BUILDER
- Change in general liability insurance or workers' compensation insurance coverage.

OUR CERTIFICATE IS BELOW THE PERFORATION.

SHOW CERTIFICATE WHEN OBTAINING PERMITS.

DEPARTMENT OF LABOR AND INDUSTRY

RESIDENTIAL BLDG CONTRACTOR

Construction Codes and Licensing Division
Website: www.dli.mn.gov

Licensing and Certification Services
Email: dli.license@state.mn.us

443 Lafayette Road N St. Paul, MN 55155
Phone: 651-284-5034

This is to certify that the certificate holder is licensed as a RESIDENTIAL BUILDING CONTRACTOR in the state of Minnesota and is in compliance with Minnesota Statutes 326B.805, and may build residential real estate, contract or offer to contract with an owner to build residential real estate, and contract or offer to contract with an owner to improve existing residential real estate; provided the responsible individual is at all times a QUALIFYING BUILDER and the certificate holder maintains compliance with the required general liability insurance, and workers' compensation laws.

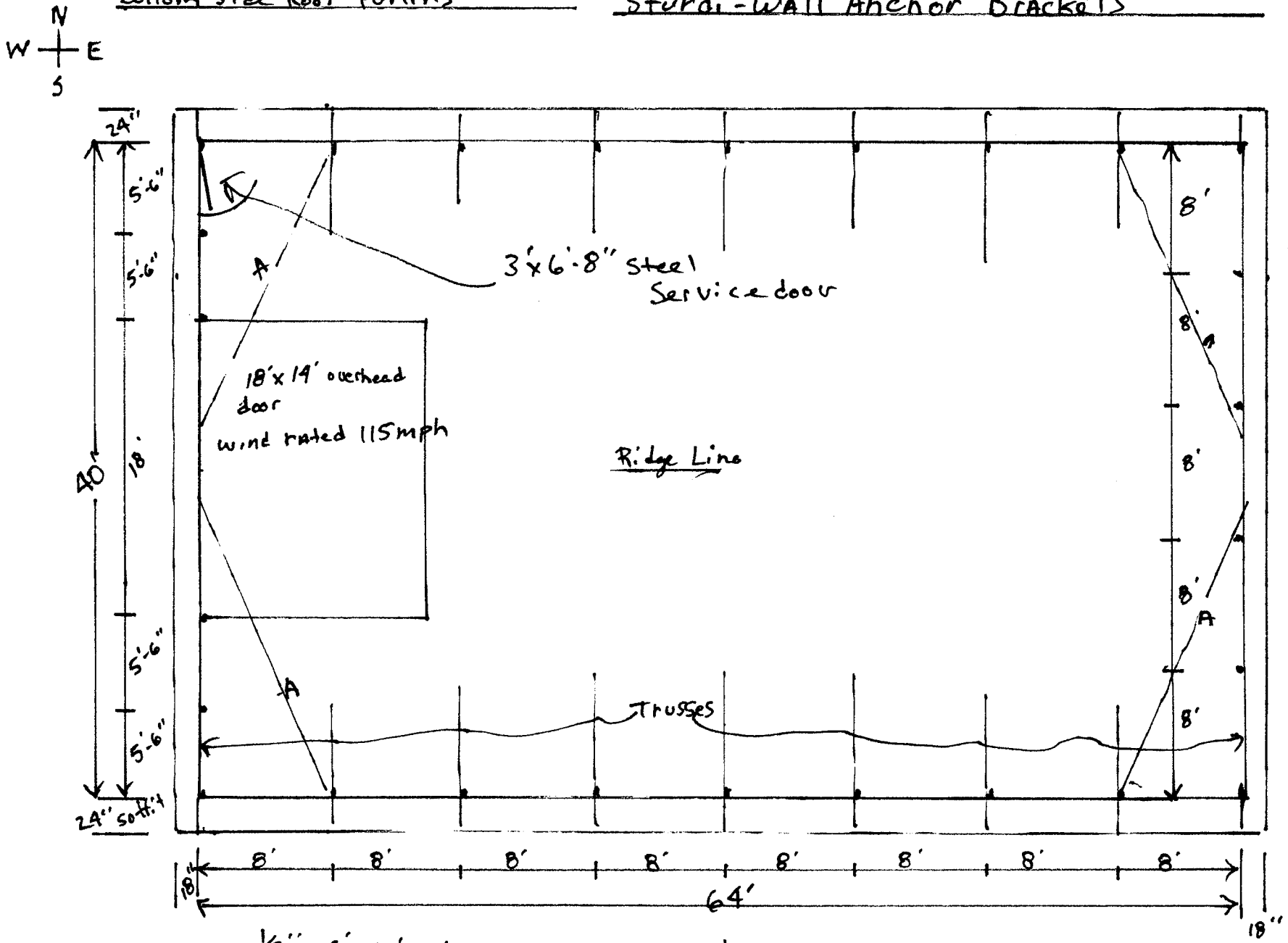
License : RESIDENTIAL BLDG CONTRACTOR
Lic Number: BC513594
Effective date: 04/01/2023
Expiration date: 03/31/2025

CUSTOM POLE BUILDINGS LLC
29112 NOTRE DAME ST NE
NORTH BRANCH, MN 55056

LIBLCT

A 2x4 wind Bracing nailed to bottom side Roof Purlins

All Columns 3 Ply 2x8 Engineerd /with Sturdi-WALL Anchor Brackets



Scale 1/8" = 1' 40'x64'x16' Post Frame Building all colored steel & Trim & soffits

DRILL SET

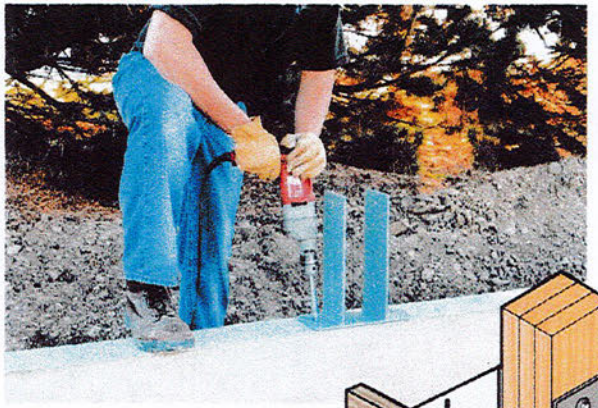
HOW TO INSTALL
STURDI-WALL® ANCHOR BRACKETS

Sturdi-Wall® anchor brackets are designed to connect post-frame structures to traditional concrete foundations such as monolithic slabs, formed walls, and existing concrete pads.

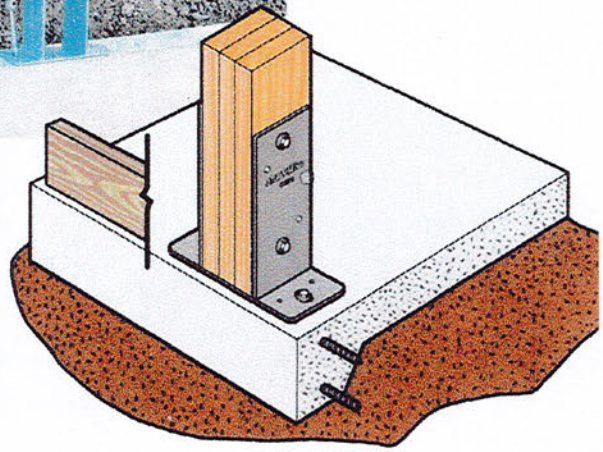
Step-by-step installation instructions

1. **Drill a hole in the base material using a carbide drill bit the same diameter as the nominal diameter of the anchor to be installed. Drill the hole to the specified embedment depth plus 1/2" minimum to allow the thread tapping dust to settle. Blow it clean using compressed air. Overhead installations need not be blown clean. Alternatively, drill the hole deep enough to accommodate embedment depth and dust from drilling and tapping.**
2. **Insert the anchor through the fixture and into the hole.**
3. **Tighten the anchor into the base material until the hex washer head contacts the fixture.**
4. **If the anchor will not install completely, remove the anchor and assure that all dust has been evacuated or drill the hole deeper. Begin re-installation of the anchor by hand to prevent cross-threading.**
5. **Do not use impact wrenches to install into hollow concrete masonry unit.**

CAUTION: *Oversized holes in the base material will reduce or eliminate the mechanical interlock of the threads with the base material and will reduce the anchor's load capacity. Use the screw anchor one time only. Installing the anchor multiple times may result in excessive thread wear and reduce load capacity.*



STURDI-WALL. ANCHOR BRACKETS



▼ See following page for bracket to wood attachment instructions.

PERMA COLUMN.



Our hardware kits offer all you need to assemble our family of products. Kits are available in a variety of options. **View our product guide for more information.**

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DRILL SET

STURDI-WALL® ANCHOR BRACKETS

How to connect Sturdi-Wall® brackets to wood columns

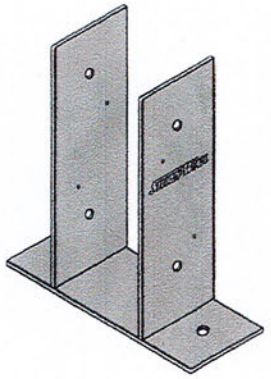
1. **The wood column should be flat and square on the end that is being attached to the Sturdi-Wall® bracket. Before attaching, the column must be seated firmly against the bottom of the bracket pocket.**
2. **Without pre-drilling, install the 1/4" x 3" screws.**
3. **When drilling the 1/2-inch thru hole in the wood column, do not wallow out hole to get alignment. It may be necessary to drill from both sides of the metal U bracket.**
4. **When installing the 1/2" bolt, use a flat washer on the hex head side of the bolt and a flat washer, lock washer, and nut on the other side of the metal U bracket (a serrated flange nut can be substituted on this side). Bolts should be tightened to 110 to 120 foot-pounds.**

Sturdi-Wall® hardware requirements

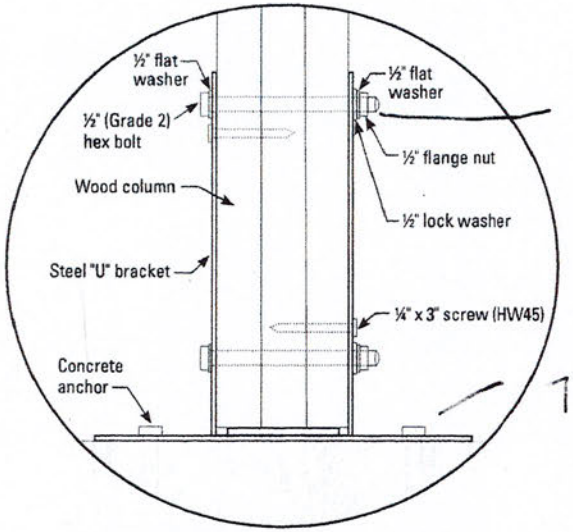
(2) ½" diameter A307 (Grade 2) hex bolts
(2) ½" lock washers*
(4) ½" flat washers*
(2) ½" flange nuts*
(4) or (8) ¼" x 3" screws (HW45 or equivalent)**

** Serrated flange nuts may be substituted in place of the flat washer, lock washers, and nut on one side.*

*** Four pieces used per column except on the 2 x 8 models, which take eight pieces.*



For more information, see the Sturdi-Wall® design manual at **permacolumn.com**.



Sturdi-Wall® using flange nuts

STURDI-WALL
ANCHOR BRACKETS



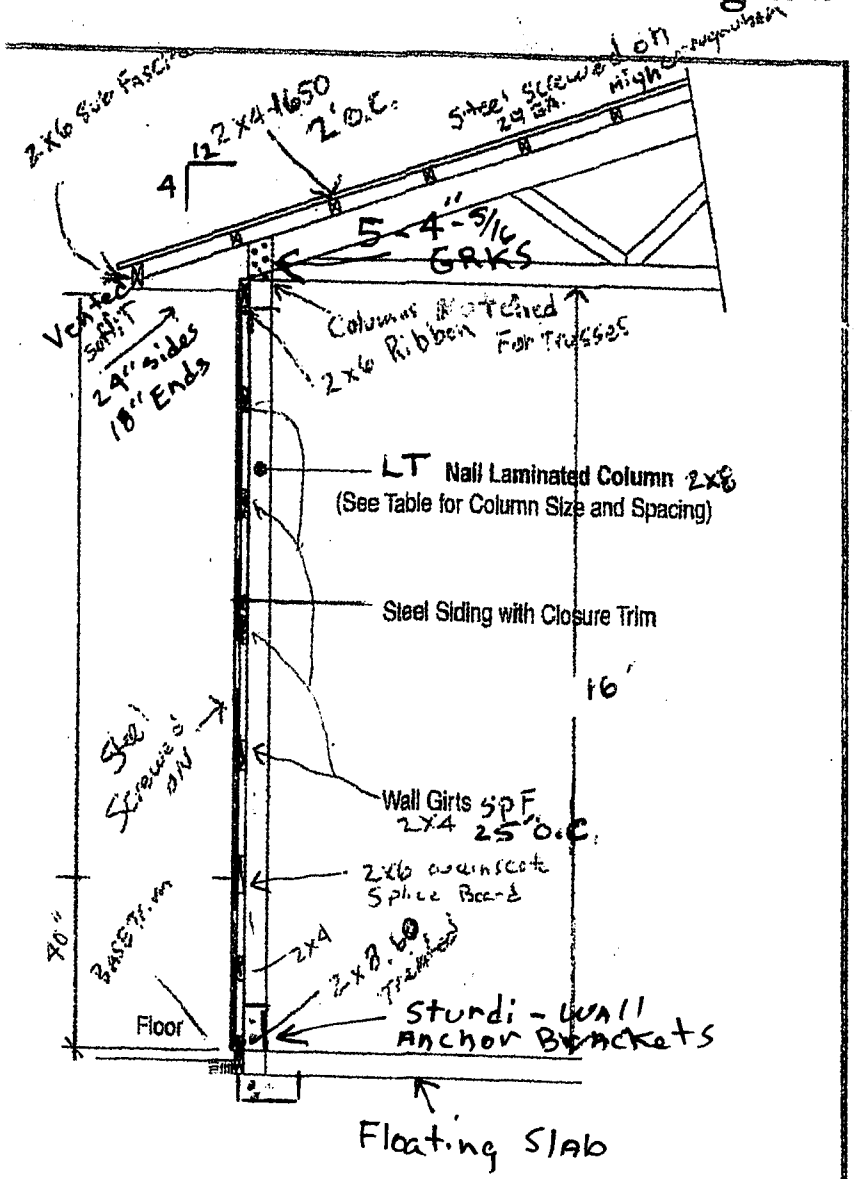
PERMA COLUMN

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MN-BC-513594

Side Wall Designed with Diaphragm Action

CUSTOM POLE BUILDING
29112 Notre Dame Street N.E
North Branch, MN 55056
651-485-6511



Design Based on:

IBC
Wind: 115mph, Exposure C
Ground Snow Load: 60 psf
Category I: 1.0

Side Wall Span Chart

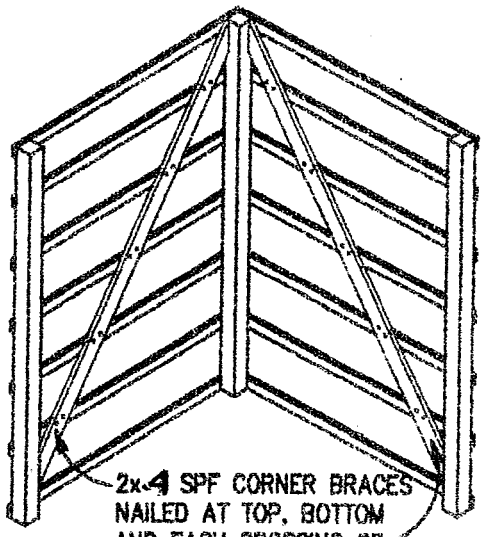
Treated Southern Pine Base / SPF No. 2
Column Spacing

Side Wall Height	6'0" Bay 3 Ply 2 X 6	6'0" Bay 4 Ply 2 X 6	6'0" Bay 3 Ply 2 X 8	6'0" Bay 4 Ply 2 X 8	8'0" Bay 3 Ply 2 X 6	8'0" Bay 4 Ply 2 X 6	8'0" Bay 3 Ply 2 X 8	8'0" Bay 4 Ply 2 X 8
8'	72'	72'	72'	72'	72'	72'	72'	72'
10'	72'	72'	72'	72'	72'	72'	72'	72'
12'	72'	72'	72'	72'	72'	72'	72'	72'
14'	72'	72'	72'	72'	58'	68'	72'	72'
16'	52'	64'	72'	72'	42'	54'	60'	72'
18'	36'	48'	60'	72'	26'	36'	48'	64'

Chart Use Directions

Step 1: Find column spacing of side wall.
Step 2: Find column listing truss span.
Step 3: Required LT size is listed in the heading of the column chosen.

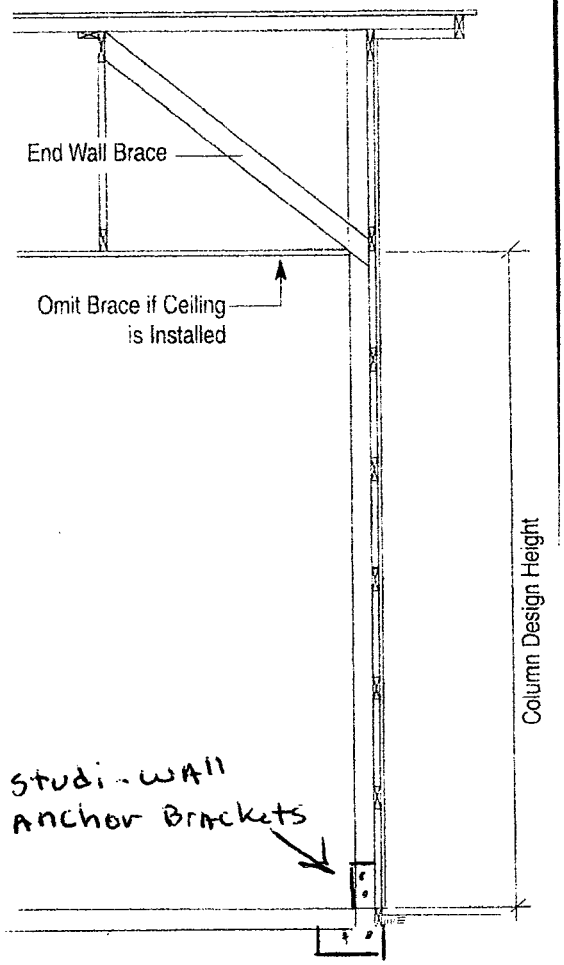
End Wall Design

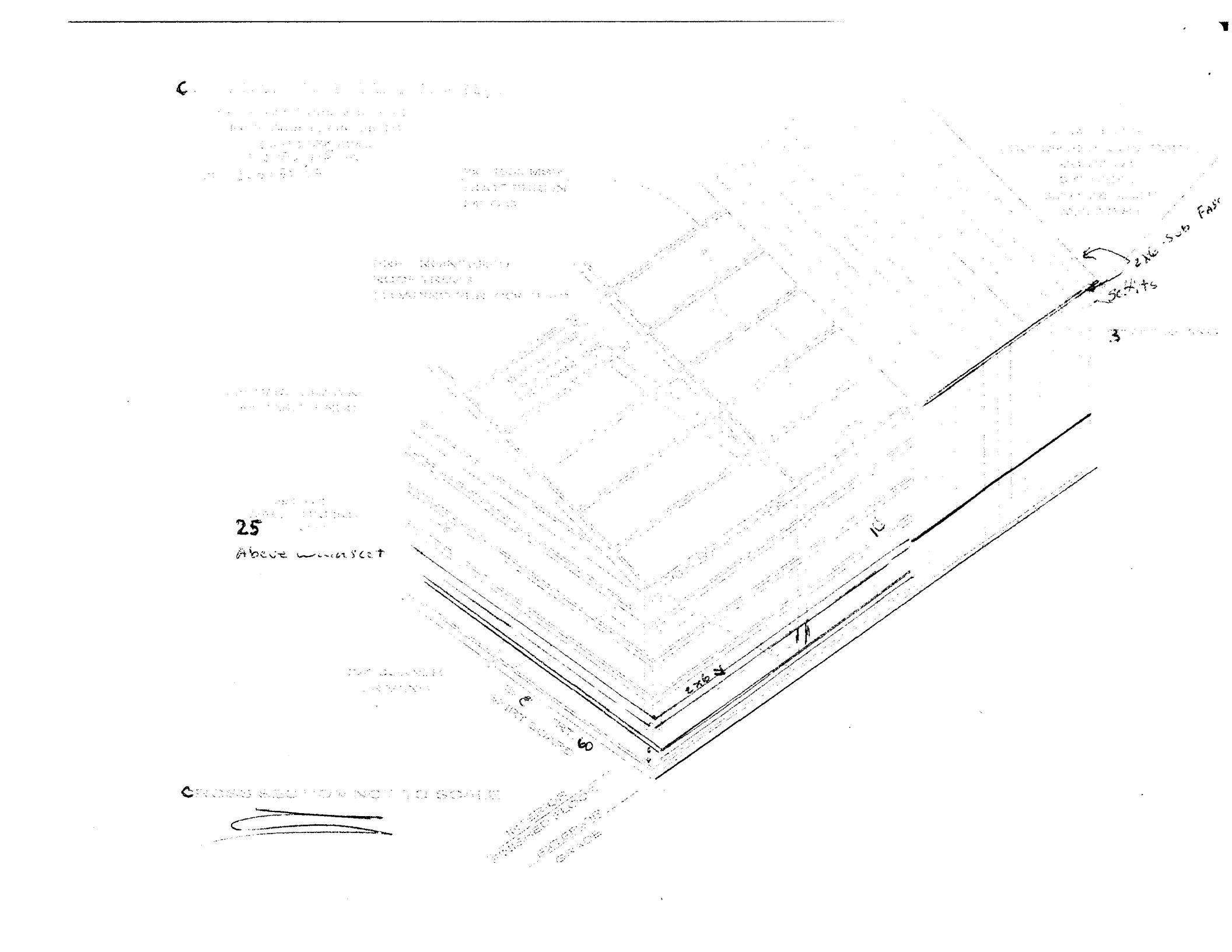


NOTE: IF DOOR OR WINDOW WILL OBSTRUCT BRACE, MOVE BRACE TO THE NEXT AVAILABLE BAY

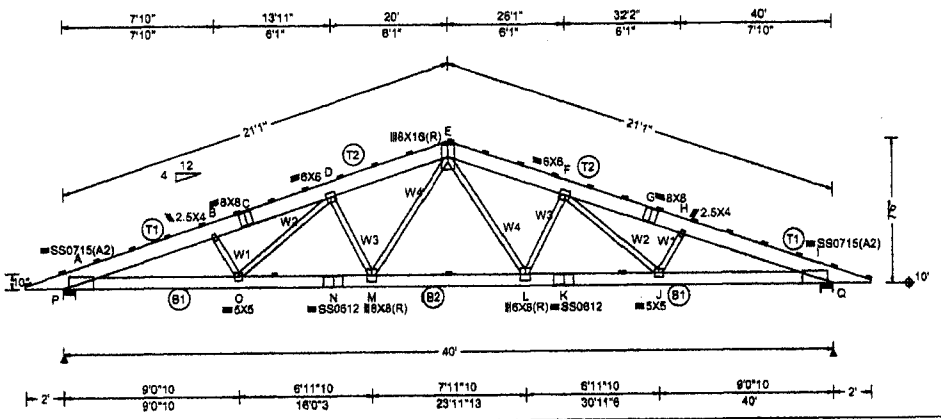
8 SECTION AT CORNER BRACE

3/8"=1'-0"

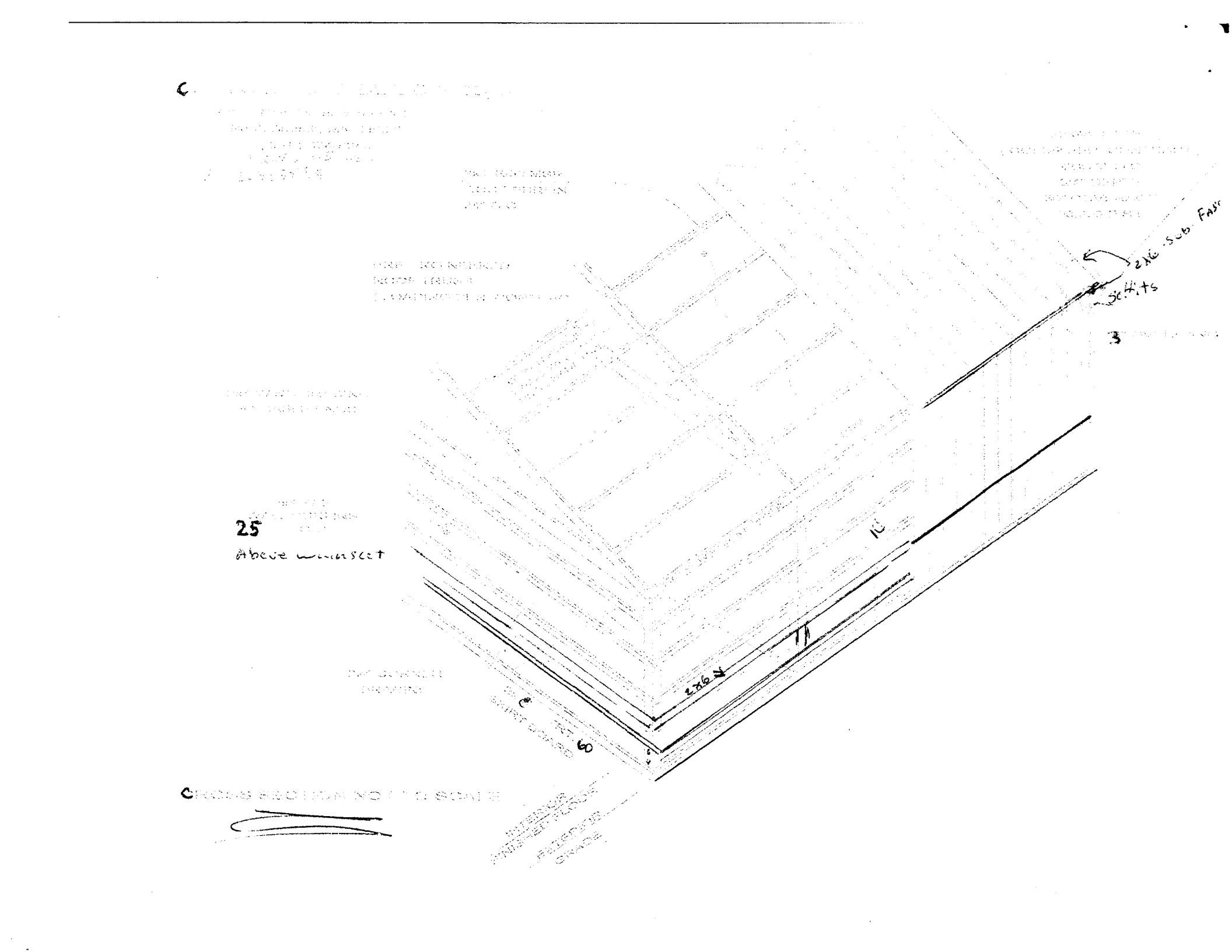



2x6 - Sub Fasc
Sc. Hts
3
25
Above
2x6
60

Job Number: QT2240589 Turcotte - 40 x 64 \Designer:Patrick Coughlin **Truss Label:** PF8440	Ply: 1 Qty: 9 Wgt: 347.2 lbs	SEQN: 341804 / T12 / COMN FROM:	DRW: ... / ... 04/24/2024



End Wall Design


25
Above windsect
2x6
60

Timothy & Deanna Turcotte – Property owners Timothy & Deanna Turcotte are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 40.80± acre property in the Agricultural (AG) District. The subject site is generally located at the intersection of 360th Street and Tern Avenue in Shafer Township, S3, T34, R19 (PID 08.00020.00).

Turcotte Property -



Timothy & Deanna Turcotte – Property owners Timothy & Deanna Turcotte are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 40.80± acre property in the Agricultural (AG) District. The subject site is generally located at the intersection of 360th Street and Tern Avenue in Shafer Township, S3, T34, R19 (PID 08.00020.00).

Turcotte Property -



RESOLUTION NO. PC2024-0702
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 08.00020.00 IN SHAFER TOWNSHIP

WHEREAS, property owners Timothy Turcotte & Deanna Turcotte submitted an application dated received May 2, 2024 and considered complete on May 7, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at xxxx Tern Avenue in Shafer Township; and

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

WHEREAS, the subject site is 40.8± acres in size and legally described as:

PID 08.00020.00

The North Half of the North Half of the Northeast Quarter of Section 3, Township 34 North, Range 19 West, Chisago City, Minnesota.

WHEREAS, notice was provided and on July 11, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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 *Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Shafer Town Board / Road Authority did not provide any written concern regarding the impact on either 360th Street or Tern Avenue.*

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 *Given the size of the subject site (40.8± acres), the existing forestation / vegetation located west, north and east of the proposed structure, the current agricultural use of the property to the south, the size of adjacent properties, and the fact that the structure will exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

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 proposed accessory structure is intended for personal use and storage in conjunction with the property owners' current recreational use of the subject site. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a year-round single family dwelling – and will not cause traffic hazard or congestion. Further, the Shafer Town Board / Road Authority has not communicated any concerns related to traffic hazards or congestion on 360th Street or Tern Avenue.*

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

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. This approval allows for a singular 2,560 sf 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 application materials dated received May 2, 2024 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. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
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. The permit holder shall improve the existing driveway such that it complies with township specifications.
6. 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.
7. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.

8. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota, this 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

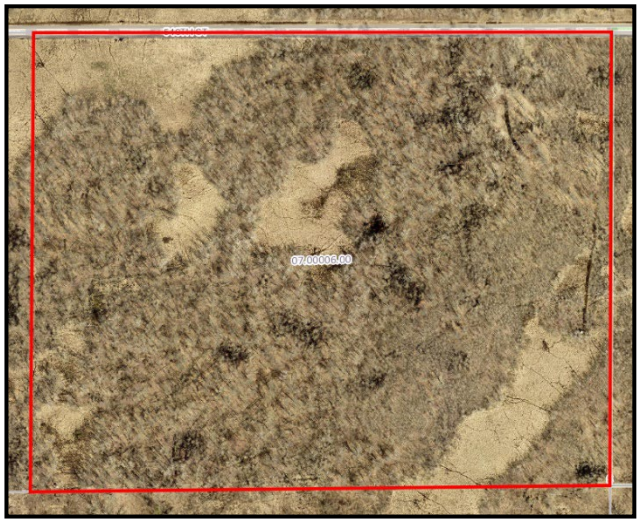
TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Interim Use Permit for Accessory Structure
1xxxx 540th Street, Rushseba Township
DATE: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing an accessory structure for personal use and storage without the presence of a principal use structure.

SITE & APPLICATION INFORMATION

Property Owner(s):	Redline Management LLC
Applicant(s):	Curtis Forster
Location:	1xxxx 540th Street Rushseba Township Section 5, Township 37, Range 20
PID:	07.00006.00
Property Area:	31.8± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Pine County
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	May 7, 2024
Date Application Complete:	May 9, 2024
60-Day Review Period:	July 8, 2024
Extended Review Period:	September 6, 2024



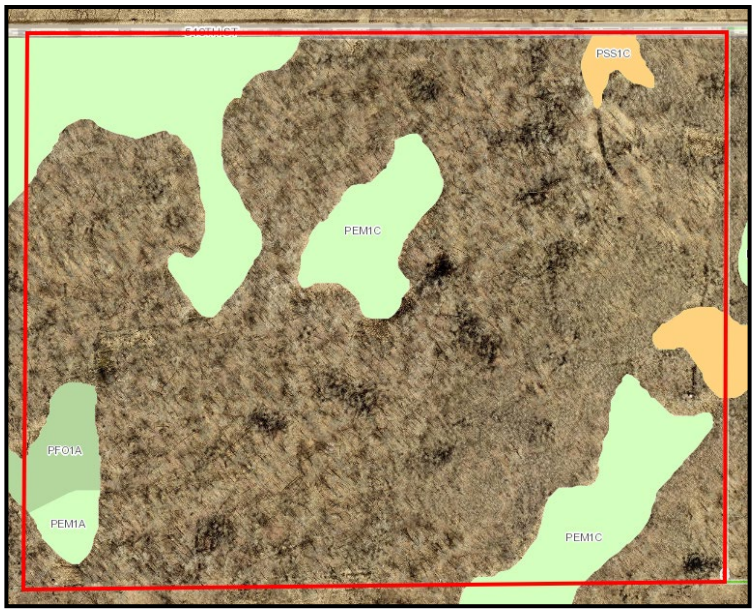
BACKGROUND

Property owner Redline Management LLC and applicant / authorized agent Curtis Forster have applied for an Interim Use Permit (IUP) to allow a singular accessory structure (pole building) on their 31.8± acre property without the presence of a principal use structure, such as a dwelling.

SITE & PROPOSAL ANALYSIS

The 31.8± acre subject site is generally located approximately 2.8 miles east of Government Road / CR 55 on the south side of 540th Street in Rushseba Township. Land to the north is located in Pine County and land to the east, which is located in close proximity to the St. Croix River, is owned by the State of Minnesota Department of Natural Resources (DNR). Land to the west and south are similarly sized with similar topography to the subject site. Staff notes that 540th Street is a minimum maintenance road.

Topography of the subject site includes fairly level elevations ranging from 847' to 852'. The site is heavily wooded and includes multiple distinct wetland areas (see adjacent image).



The site plan shows a driveway at the approximate center point of the north property boundary with a proposed 40' x 80' (3,200 sf) pole building at the end of the approximate 330' long driveway. Based on dimensions of the subject site and the proposed structure location in relation to the north property boundary, the structure appears to easily meet and exceed all required setbacks. For reference, the required setbacks are 73' from township road centerline (north), 20' from side yards (west and east), and 50' from rear yard (south). There are no required setbacks from the wetland areas; however, the property owner will need to ensure that the proposed structure is located entirely outside of the wetland areas.

The subject site is located in the AG District and is surrounded by properties in the AG District to the west, east, and south; and, properties to the north are located within Pine County. Chisago County properties in the general area range widely in size from approximately seven acres to nearly 150 acres, with the vast majority of these properties appearing to be undeveloped.

The stated purpose of the proposed structure is for storage of personal items, including various recreational vehicles. The application does not include a request for sanitary facilities within the proposed accessory structure; therefore, no sanitary facilities will be allowed until and unless the property is further developed with a principal use structure.

REVIEW PROCESS

The Technical Review Committee met with applicant / authorized agent Curtis Forster on June 12, 2024. Forster confirmed that the proposed accessory structure would not be used for

commercial purposes, would not have sanitary facilities, and would not include living quarters or be used for overnight accommodations. The Committee did not identify any concerns with the IUP request.

The Rushseba Town Board considered the request at its June 3, 2024 meeting and recommended approval with no conditions or comments.

The application was submitted on May 7, 2024 and deemed complete on May 9, 2024. The initial State mandated 60-day review period is scheduled to expire on July 8, 2024 and, because this timeframe will not accommodate all necessary meetings, staff extended the review period by an additional 60 days as allowed per Minnesota Statute 15.99. The extended review period will expire on September 6, 2024.

WRITTEN TESTIMONY

No written testimony was received upon completion of the staff report.

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided draft findings, shown in *italics* below, for the Commission's consideration.

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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 *Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site. Further, the Rushseba Town Board / Road Authority did not provide any written concern regarding the impact on 540th 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 *Given the size of the subject site (31.8± Acres), the existing forestation / vegetation on and adjacent to the subject site, and the fact that the structure will significantly exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

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 proposed accessory structure is intended for personal use and storage in conjunction with the property owners' current recreational use of the subject site. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a year-round single family dwelling – and will not cause traffic hazard or congestion. Further, the Rushseba Town Board / Road Authority has not communicated any concerns related to traffic hazards or congestion on 540th Street.*

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

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the*

County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

STAFF RECOMMENDATION

Staff believes that the proposed Interim Use Permit (IUP) complies with and is consistent with the intent of the County's Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the IUP with draft Findings of Fact (see above) and conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This approval allows for a singular 3,200 sf 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 application materials dated received May 7, 2024 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. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
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.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. (*Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Interim Use Permit.
4. **Table the request** to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on September 6, 2024 allowing the Planning Commission to consider the request at its August 1, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0703, a resolution recommending approval of an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property identified as PID 07.00006.00 in Rushseba Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
    a. Application
    b. Written narrative
    c. Site plan
    d. Site photos
    e. Building plans
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Draft Resolution No. PC2024-0703

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-704

Township Rushseba S/T/R 5-37-20 PID# 07-00006-00

Project Address XXX 540th St. Rush City MN 55069

Property Owner(s) Redline Management / Curtis Forster

Mailing Address (If Different from Project Address) 6960 148th Ln NW Ramsey MN 55303

Phone# [redacted] Email [redacted]

Applicant(s) Curtis Forster

Mailing Address (If Different from Project Address) 6960 148th Ln NW Ramsey MN 55303

Phone# [redacted] Email [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☑ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Requesting to build pole barn on property. Building will be used for storage.

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☑ Full Legal Description ☑ Detailed Site Plan ☑ Detailed Written Narrative ☒ Plat Drawings

[signature] 5-7-24

Applicant Signature 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.

Fees		Dates	
Base Fee	$650.00	Application Received	5-7-24
Recording Fee	$46.00	Application Complete	5-9-24
Plat Fee – No Road(s) / With Road(s)	$	(60) / 120 Day Review Period	7-8-24
Septic Compliance Fee	$	Extended Review Period	9-6-24
Wetland Fee	$		
TOTAL FEE	$696.00		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Rushseba **S/T/R** 5-37-20 **PID#** 07-00006-00

Project Address XXX 540th St., Rush City MN 55069

Property Owner(s) Redline Management / Curtis Forster

Mailing Address (If Different from Project Address) 6960 148th ln nw, Ramsey MN 55303

Phone# [redacted] **Email** [redacted]

Applicant(s) Curtis Forster

Mailing Address (If Different from Project Address) 6960 148th ln nw Ramsey MN 55303

Phone# [redacted] **Email** [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☒ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) requesting to build pole barn on property. Building will be used for storage.

Applicant Signature — 4-26-24 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 July 11, 2024 **Date of Township Presentation** JUNE 3, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

Narrative for property partial # 07-00006-00

Narrative – I am looking to build a 40x80 pole barn that will be used for storage. I intend to store my camper, pontoon, side by side, and a couple trailers in the pole barn. I also intend to deer hunt the property during season. The property is being used for personal use only (not commercial use). I do intend to bring electric to the property for lights in the building. Building plans will be included with documents showing a 40x80 pole barn with 2 oversized garage doors, a service door, and windows for natural light. Window sizes and placement may change.

West

1044 ft

North

Shed

Pond

Corn

Pasture

40x20 Pole Barn

Driveway

Gravel

← 540th St. →

North

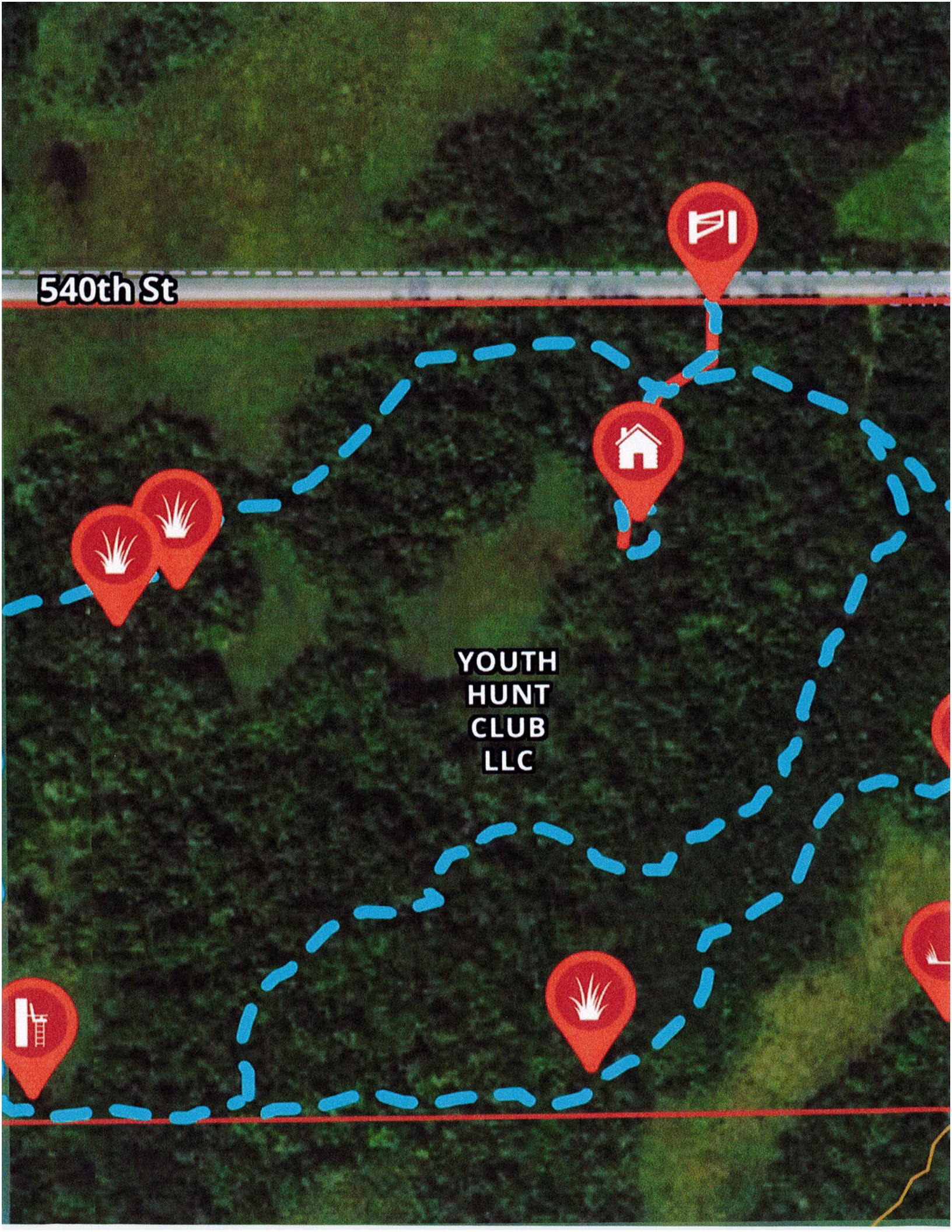
Field

East

324 ft


540th St
439.9 yd
348.7 yd
YOUTH
HUNT
CLUB
LLC
441.4 yd

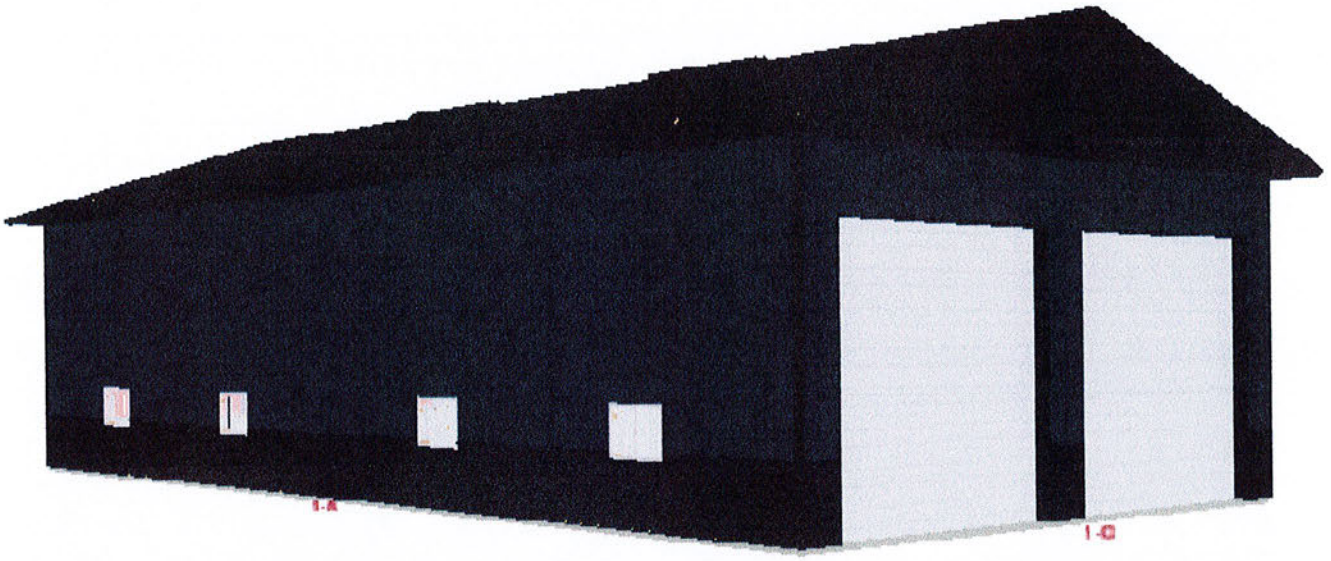
31.5 yd
25.2 yd
34.0 yd
19.8 yd
mapbox

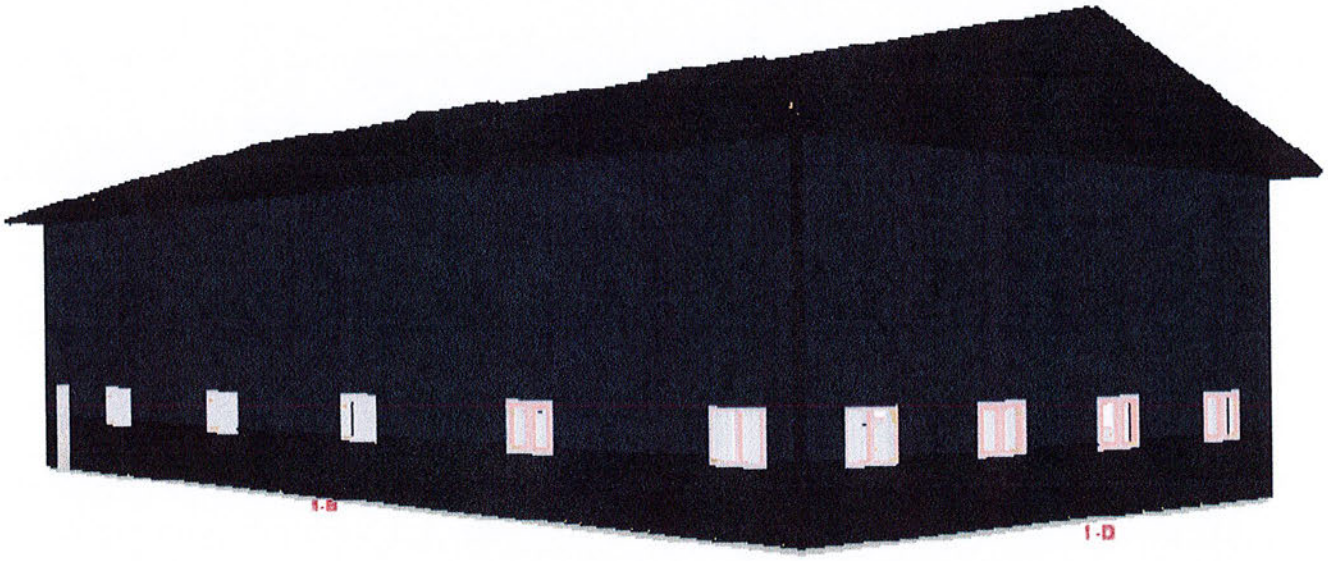

540th St
YOUTH
HUNT
CLUB
LLC

Design #: 315452731564
Store: CAMBRIDGE

Post Frame Building Estimate
Date: Apr 26, 2024 3:27:13 PM

Elevation Views





Design #: 315452731564
Store: CAMBRIDGE

MENARDS

Post Frame Building Estimate
Date: Apr 26, 2024 3:27:13 PM

Building Information

1. Building Use:	Code Exempt
2. Width:	40 ft
3. Length:	80 ft
4. Inside Clear Height:	20 ft
5. Floor Finish:	Concrete
6. Floor Thickness:	4 in
7. Post Foundation:	Secured To Concrete

Wall Information

1. Post Spacing:	8 ft
2. Post Type:	Columns
3. Girt Type:	Double
4. Exterior Wall Panel:	Premium Pro-Rib
5. Exterior Wall Color:	Midnight Gray
6. Trim Color:	Midnight Black
7. Wainscot Size:	48 in
8. Wainscot Color:	Midnight Black
9. Sidewall A Wainscot:	Yes
10. Sidewall B Wainscot:	Yes
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Gable Accent:	Yes
14. Gable Accent Color:	Midnight Black
15. Endwall C Gable Accent:	Yes
16. Endwall D Gable Accent:	Yes
17. Sidewall A Eave Light:	None
18. Sidewall B Eave Light:	None
19. Wall Fastener Location:	In the Flat
20. Bottom Trim:	Yes
21. Gradeboard Type:	2x8 Treated Gradeboard

Interior Finish

1. Wall Insulation Type:	6' Wide
2. Wall Liner Type:	Dura Panel
3. Wall Liner Color:	White

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	8 ft
3. Roof Type:	Premium Pro-Rib
4. Roof Color:	Midnight Black
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	2 ft
8. Sidewall Overhangs:	2 ft
9. Fascia Size:	6 in Fascia
10. Soffit Color:	Midnight Black
11. Skylight Size:	None
12. Ridge Vent Quantity:	2
13. Ridge Vent Color:	Midnight Black
14. Ceiling Liner Type:	Dura Panel
15. Purlin Placement:	On Edge
16. Ceiling Liner Color:	White
17. Ceiling Insulation Type:	19.75" Fiberglass Blow In (R-60)

Accessories

1. Outside Closure Strip:	Economy Vented
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	14"x18"
4. Gable Vent Quantity:	2
5. Gable Vent Color:	Midnight Black
6. Cupola Size:	None
7. Gutters:	Yes
8. Gutters Color:	Midnight Black
9. End Cap:	No
10. Mini Print:	Email Only

Design #: 315452731564
Store: CAMBRIDGE

Post Frame Building Estimate
Date: Apr 26, 2024 3:27:13 PM

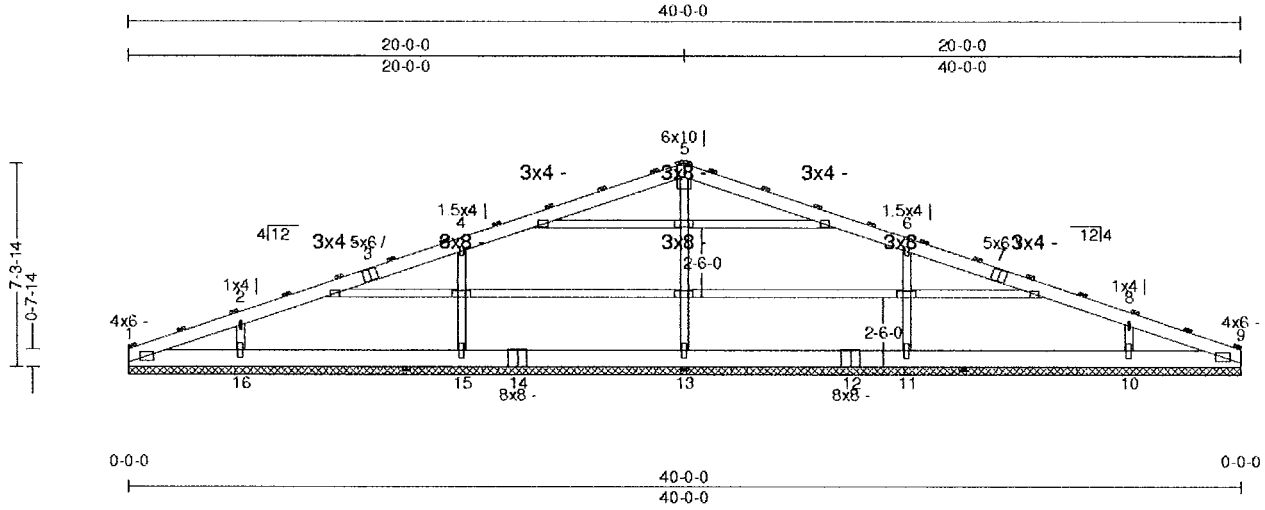
Doors & Windows

Name	Size	Wall
Window	48"x36"	1-A
Window	48"x36"	1-A
Window	48"x36"	1-A
Window	48"x36"	1-A
Window	48"x36"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Service Door	36"x80"	1-B
Overhead Door	16' x 16'	1-C
Overhead Door	16' x 16'	1-C
Window	48"x36"	1-D
Window	48"x36"	1-D
Window	48"x36"	1-D
Window	48"x36"	1-D

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND

	My Company Name Address 1 Address 2 City, State Zip	Truss: p40e JobName: new pf ends Date: 10/22/16 13:23:46 Page: 1 of 1

SPAN	PITCH	QTY	OHL	OHR	CANT L	CANT R	PLYS	SPACING	WGT/PLY
40-0-0	4 /12	1	0-0-0	0-0-0	0-0-0	0-0-0	1	48 in	225 lbs



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General		CSI Summary		Deflection		L/	(loc)	Allowed
TCLL: 30	Bldg Code:	IBC 2012/	TC: 0.57 (5-6)		Vert TL:	0.01 in	L/999	(10-11)	L/120
Snow(Ps/Pg): 28/50		TPI 1-2007	BC: 0.09 (15-16)		Vert LL:	0 in	L/999	9	L/180
TCDL: 4 (rake)	Rep Mbr Increase:	No	Web: 0.84 (5-13)		Horz TL:	0 in			
BCLL: 0	Lumber D.O.L.:	115%							
BCDL: 5									

Reaction Summary

Brg Combo	Brg Width	Max React	Ave React	Max Grav Uplift	Max Wind Uplift	Max Uplift	Max Horiz
1	-	1,632 lbs	180 plf	-24 lbs	-167 lbs	-167 lbs	-223 lbs

Material Summary

TC	SPF 2100/1.8 2 x 6
BC	SPF #2 2 x 8
Webs	SPF Stud 2 x 4

Bracing Summary

TC Bracing:	Purlins at 24" OC, Purlin design by Others.
BC Bracing:	Sheathed or Purlins at 10-0-0, Purlin design by Others.

Loads Summary

1) This truss has been designed for the effects of balanced and unbalanced snow loads for hips/gables in accordance with ASCE7 - 10 with the following user defined input: 50 psf ground snow load, Terrain Category C, Exposure Category Fully Exposed (Ce = 0.9), Risk Category I (I = 0.80), Thermal Condition Unheated (Ct = 1.2), DOL = 1.15. Unventilated. Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.

2) This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 105 mph (Factored), Exposure C, Enclosed, Gable/Hip, Risk Category I, h= 15 ft, Not End Zone Truss, Both end webs considered. DOL= 1.60

3) This truss is designed as an agricultural truss which for the purposes of this program is defined as a structure that represents a low hazard to people and property. See BCSI-10 for installation and temporary bracing.

Member Forces Summary

Table indicates: Member ID, max CSI, max axial force, (max compr. force if different from max axial force) Only forces greater than 300lbs are shown in this table.

TC	2-4	0.558	-397 lbs	5-6	0.569	-520 lbs						
	4-5	0.569	-520 lbs	6-8	0.558	-397 lbs						
BC												
Webs	2-16	0.204	-923 lbs	5-13	0.838	-935 lbs	8-10	0.204	-923 lbs			
	4-15	0.542	-1,506 lbs	6-11	0.542	-1,506 lbs						

Notes:

1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
2) Gable requires continuous bottom chord bearing.
3) Gable webs placed at 96 " OC, U.N.O.
4) Attach gable webs with 2x6 20ga plates, U.N.O.
5) Bracing shown is for in-plane requirements. For out-of-plane requirements, refer to BCSI-B3 published by the SBCA.
6) When this truss has been chosen for quality assurance inspection, the Effective Tooth Count Method per TPI 1-2002/A3.4 shall be used.
7) Building Designer shall verify self weight of the truss and other dead load materials do not exceed TCDL 4 psf.
8) Building Designer shall verify self weight of the truss and other dead load materials do not exceed BCDL 5 psf.
9) Design assumes minimum _s2 (flat orientation, visually graded) purlins attached to the top of the TC at purlin spacing shown with at least 2-10d nails.
10) Creep has been considered in the analysis of this truss.
11) Due to negative reactions in gravity load cases, special connections to the bearing surface at joints 1, 9 may need to be considered.
12) Listed wind uplift reactions based on MWFRS Only loading.

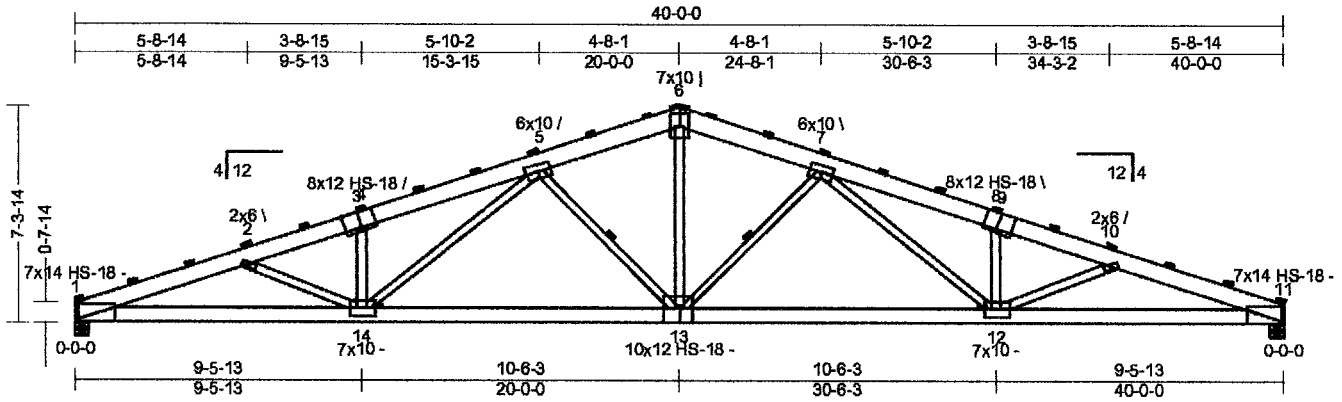
ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Software v5.5.2.220
Eagle Metal Products
Dallas, TX 75234

Midwest Manufacturing

Truss: P4035
JobName: PF STOCK
Date: 02/16/17 14:26:37
Page: 1 of 1

SPAN	PITCH	QTY	OHL	OHR	CANT L	CANT R	PLYS	SPACING	WGT/PLY
40-0-0	4/12	1	0-0-0	0-0-0	0-0-0	0-0-0	1	96 in	279 lbs



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI	Deflection		L/	(loc)	Allowed
TCLL: TABLE	Bldg Code: IBC 2015/	TC: 0.94 (10-11)	Vert TL:	1.09 in	L/ 431	(12-13)	L/ 120
TCDL: 4(rake)	TPI 1-2014	BC: 0.93 (11-12)	Vert LL:	0.78 in	L/ 600	(12-13)	L/ 180
BCLL: 0	Rep Mbr Increase No	Web: 0.89 (7-13)	Horz TL:	0.35 in		11	
BCDL: 5	Lumber D.O.L.: 115 %						

Reaction

JT	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max Wind Uplift	Max Uplift	Max Horiz
1	1	5.5 in	5.20 in	6,275 lbs	-	-409 lbs	-409 lbs	-80 lbs
11	1	5.5 in	5.20 in	6,275 lbs	-	-409 lbs	-409 lbs	-

THIS TRUSS ANALYZED FOR THE FOLLOWING LOADING CONDITIONS:

GSL (PSF)	TCLL (PSF)	TCDL (PSF)	BCDL (PSF)	TOTAL (PSF)	(MAX.) O.C. Spacing	B.C. Purlin Spacing
40	24	4	5	33	9'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.
50	30	4	5	39	8'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.
70	40	4	5	39	6'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.

Material

TC: SYP 2400/2.0 2 x 8
BC: SYP 2400/2.0 2 x 6
Web: SPF #2 2 x 4 except:
SPF 1650/1.5 2 x 4: 6-13
SPF Stud 2 x 4: 2-14, 4-14, 8-12, 10-12

Bracing

TC: Purlins at 24 " OC, Purlin design by Others.
BC: Sheathed or Purlins at 10-0-0, Purlin design by Others.
Web: One Midpoint Row: 5-13, 7-13

Loads

1) This truss has been designed for the effects of balanced and unbalanced snow loads for hip/gables in accordance with ASCE7 - 10 with the following user defined input: TABLE psf ground snow load, Terrain Category C, Exposure Category Fully Exposed (Ce = 0.9), Risk Category I (I = 0.80), Thermal Condition Unheated (Ct = 1.2), DOL = 1.15, Unventilated, Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
2) This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 105 mph (Factored), Exposure C, Enclosed, Gable/Hip, Risk Category I, h = 15 ft, Not End Zone Truss, Both end webs considered, DOL = 1.60
3) Minimum storage attic loading has not been applied in accordance with IBC 1607.1
4) In accordance with IBC 1607.1, minimum BCLL's do not apply.
5) This truss is designed as an agricultural truss which for the purposes of this program is defined as a structure that represents a low hazard to people and property. See BCSI-10 for installation and temporary bracing.

Member Forces

Table indicates: Member ID, max CSI, max axial force, (max compr. force if different from max axial force). Only forces greater than 300lbs are shown in this table.

TC	1-2	0.944	-15,070 lbs		4-5	0.792	-14,476 lbs		6-7	0.499	-9,936 lbs		8-10	0.900	-14,320 lbs	
	2-4	0.900	-14,320 lbs		5-6	0.499	-9,936 lbs		7-8	0.792	-14,476 lbs		10-11	0.944	-15,070 lbs	
BC	11-12	0.931	13,934 lbs	(-980 lbs)	12-13	0.910	11,148 lbs	(-609 lbs)	13-14	0.910	11,148 lbs	(-609 lbs)	14-1	0.931	13,934 lbs	(-980 lbs)
Web	2-14	0.328	-812 lbs		5-13	0.886	-3,698 lbs		7-12	0.799	3,258 lbs	(-172 lbs)				
	4-14	0.467	-1,684 lbs		6-13	0.750	4,621 lbs	(-263 lbs)	8-12	0.467	-1,684 lbs					
	5-14	0.799	3,258 lbs	(-172 lbs)	7-13	0.886	-3,698 lbs		10-12	0.328	-812 lbs					

JSI

1 = 0.90, 2 = 0.44, 3 = 0.59, 4 = 0.65, 5 = 0.84, 6 = 0.96, 7 = 0.84, 8 = 0.65, 9 = 0.59, 10 = 0.44, 11 = 0.90, 12 = 0.98, 13 = 0.95, and 14 = 0.98

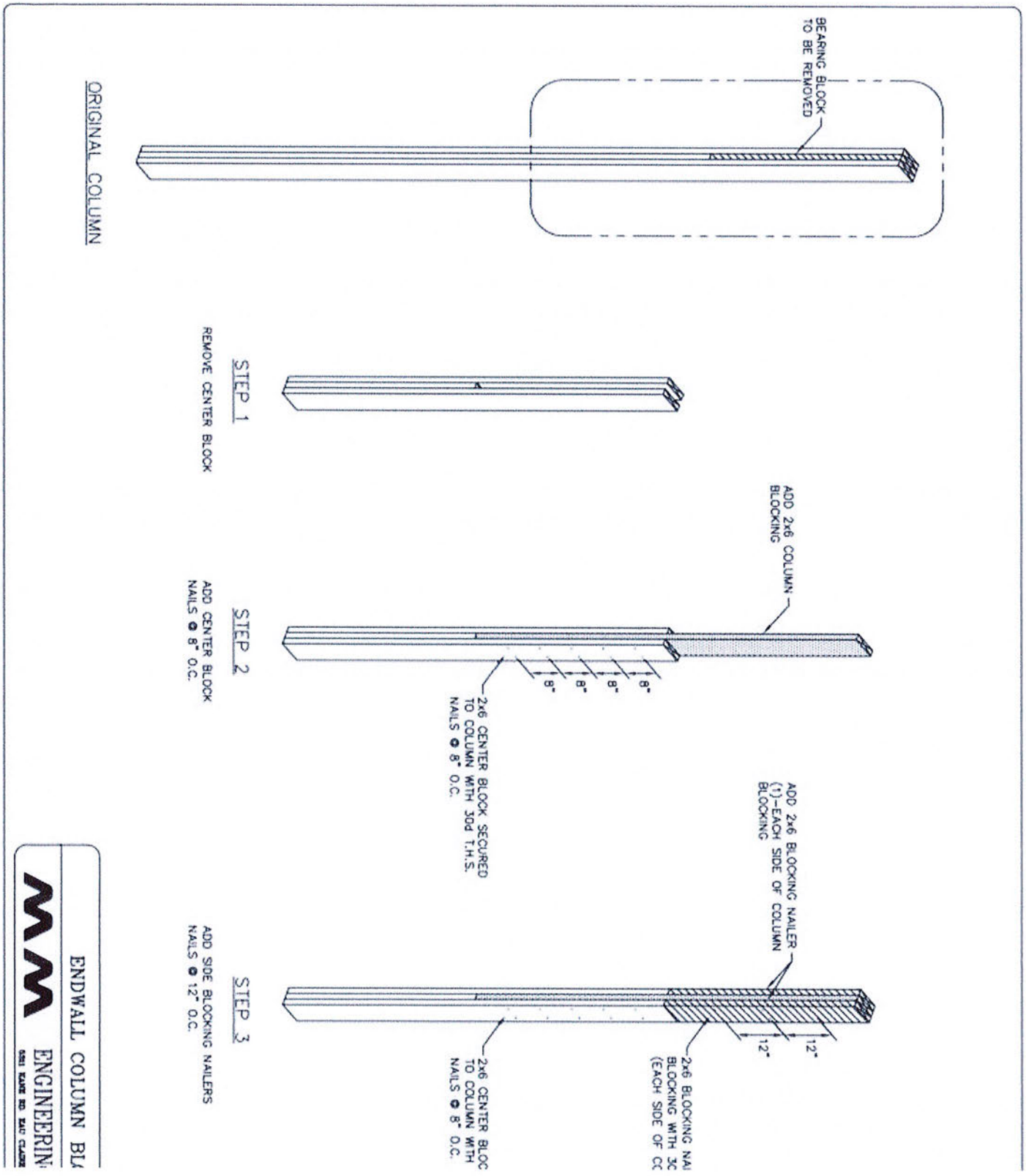
Notes

1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
2) When this truss has been chosen for quality assurance inspection, the Double Polygon Method per TPI 1-2007/Chapter 3 shall be used.
3) The fabrication tolerance for this roof truss is 5 % (Cq = 0.95).
4) Building Designer shall verify self weight of the truss and other dead load materials do not exceed TCDL 4 psf.
5) Building Designer shall verify self weight of the truss and other dead load materials do not exceed BCDL 5 psf.
6) Design assumes minimum 2x_ (vertical orientation, visually graded) purlins attached to the TC at purlin spacing shown with at least 2-10d nails.
7) Brace bottom chord with approved sheathing or purlins per Bracing Summary.

8) Creep has been considered in the analysis of this truss.
9) The "SYP" label shown in the "Material Summary" above indicates the new SPIB design values effective June 1, 2013 were used.
10) ✉ Indicates lateral bracing required perpendicular to the plane of the truss at either the midpoint (one shown) or third points (two shown), bracing by others. See BCSI-B3 for additional information.
11) Listed wind uplift reactions based on MWFRS Only loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCT'S DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

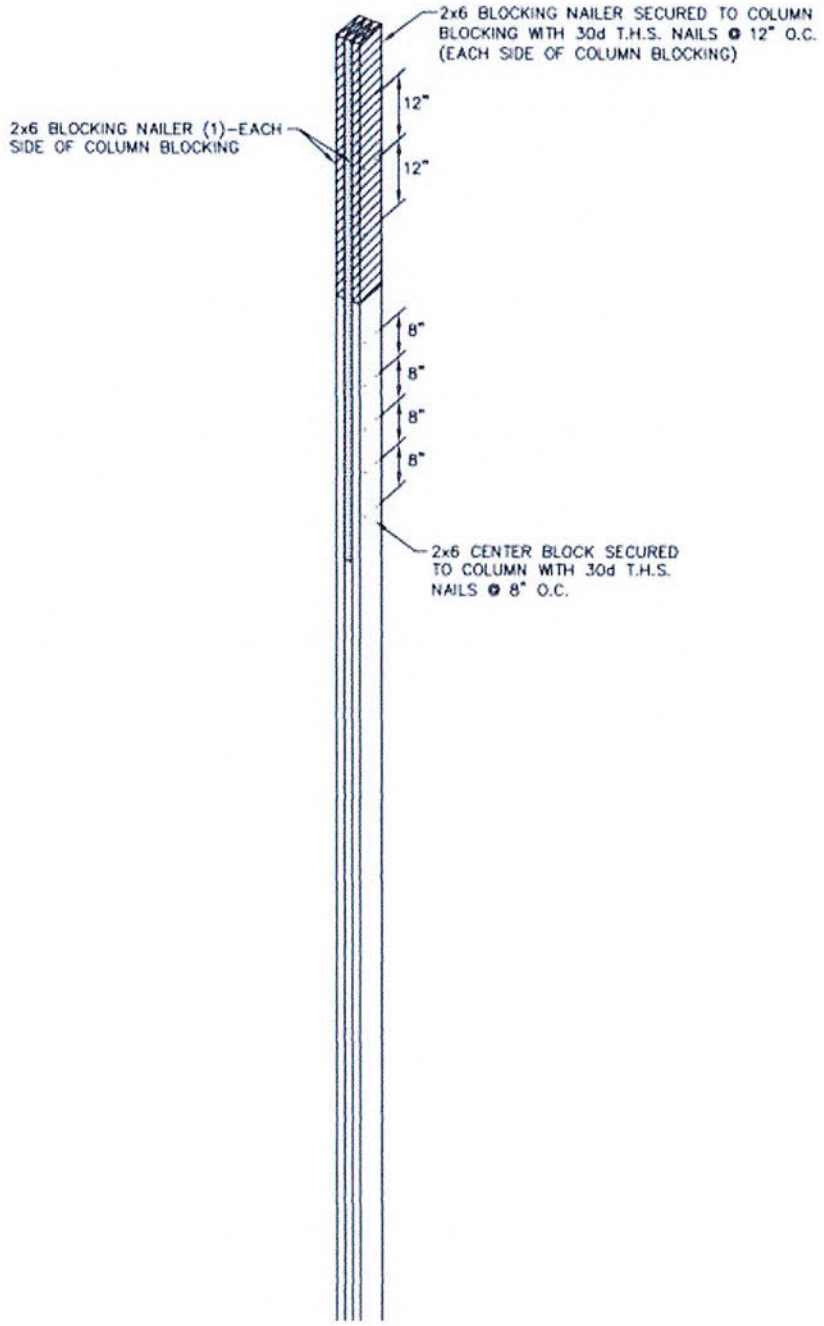
TrueBuild® Software v5.5.2.253
Eagle Metal Products
Dallas, TX 75234



OCKING
G SERVICES

LER SECURED TO COLUMN
d T.H.S. NAILS @ 12" O.C.
KLUMN BLOCKING)

K SECURED
30d T.H.S.

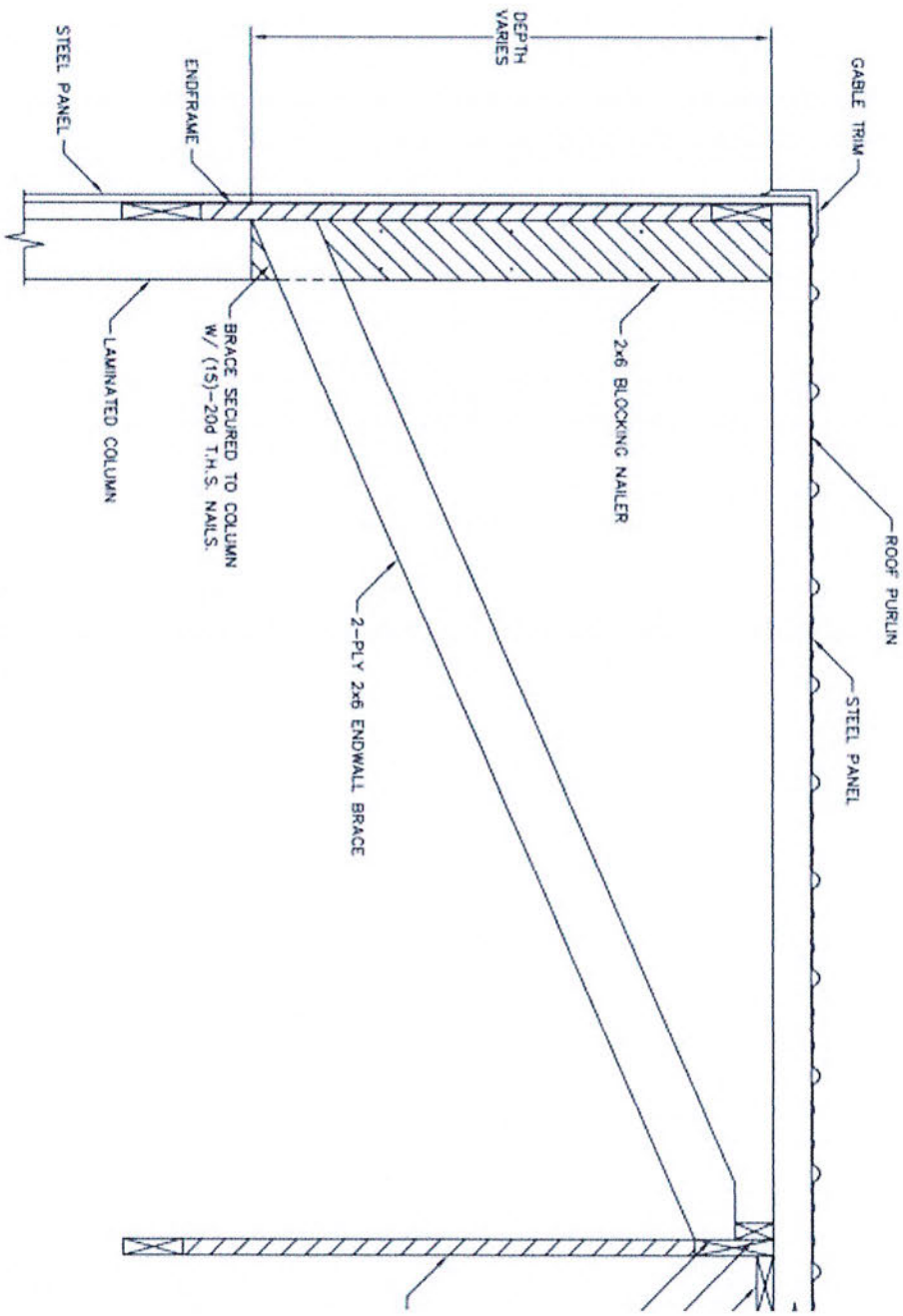


ENDWALL COLUMN BLOCKING DETAIL

ENDWALL COLUMN BLOCKING DETAIL

ENGINEERING SERVICES

5311 KANE RD. EAU CLAIRE, WI 54703 (715) 876-6666



ENDWALL BRACE DETAIL

ENDW

2x6 NAILER SECURED TO PURLINS
W/ (2)-20d T.H.S. NAILS, ACROSS
6 PURLINS.
2x4 NAILER SECURED TO TRUSS
W/ (8)-20d T.H.S. NAILS.
BRACE SECURED TO TRUSS
W/ (2)-20d T.H.S. NAILS.
TRUSS
LL BRACE DETAIL
ENGINEERING SERVICES

Date: 04/26/2024 - 3:27 PM
Design Name: Post Frame Design
Design ID: 315452731564

Estimated price: $80,631.07 *

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

MENARDS®
Design & Buy™
POST FRAME

How to recall and purchase a saved design at home

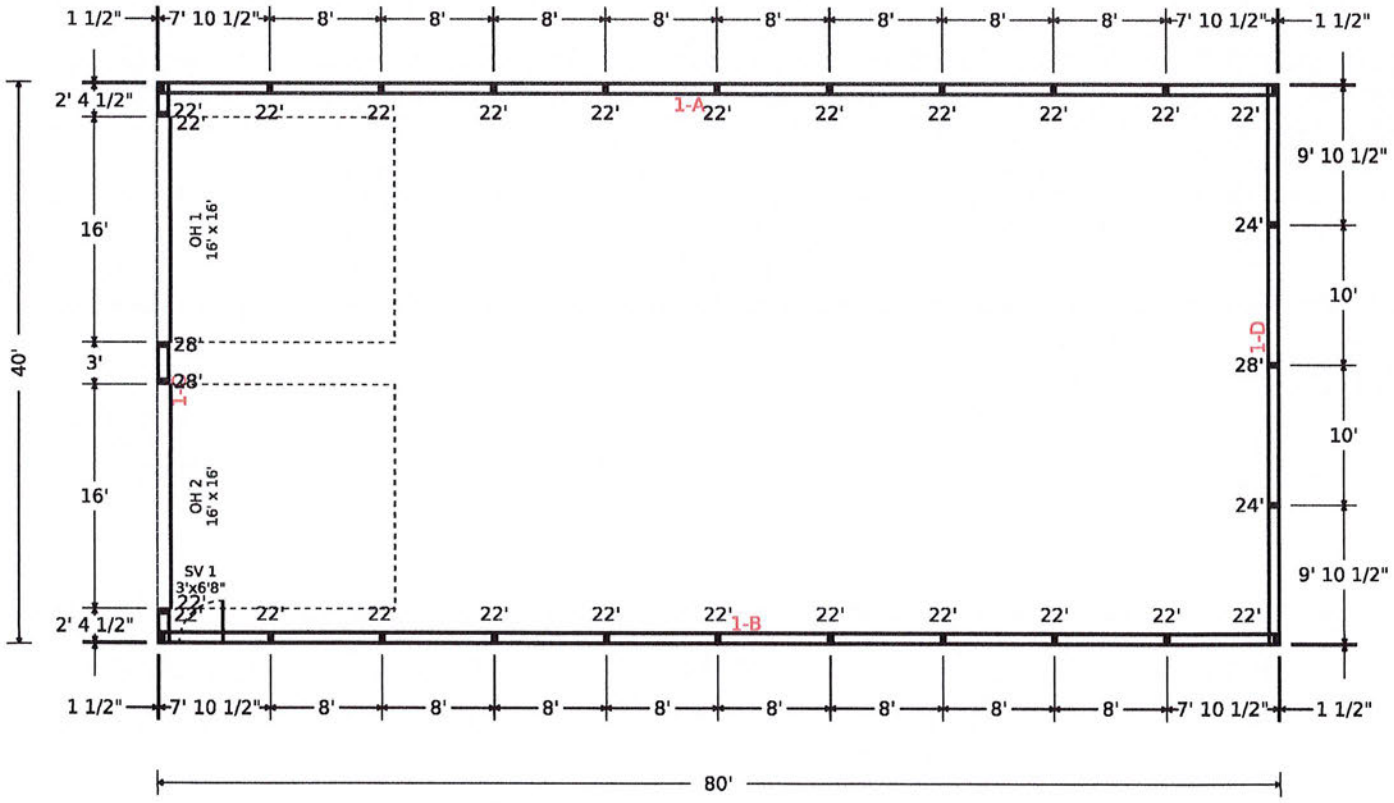
OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Buildings Designer
3. Recall your design by entering Design ID: 315452731564
4. Follow the on-screen purchasing instructions

How to purchase at the store

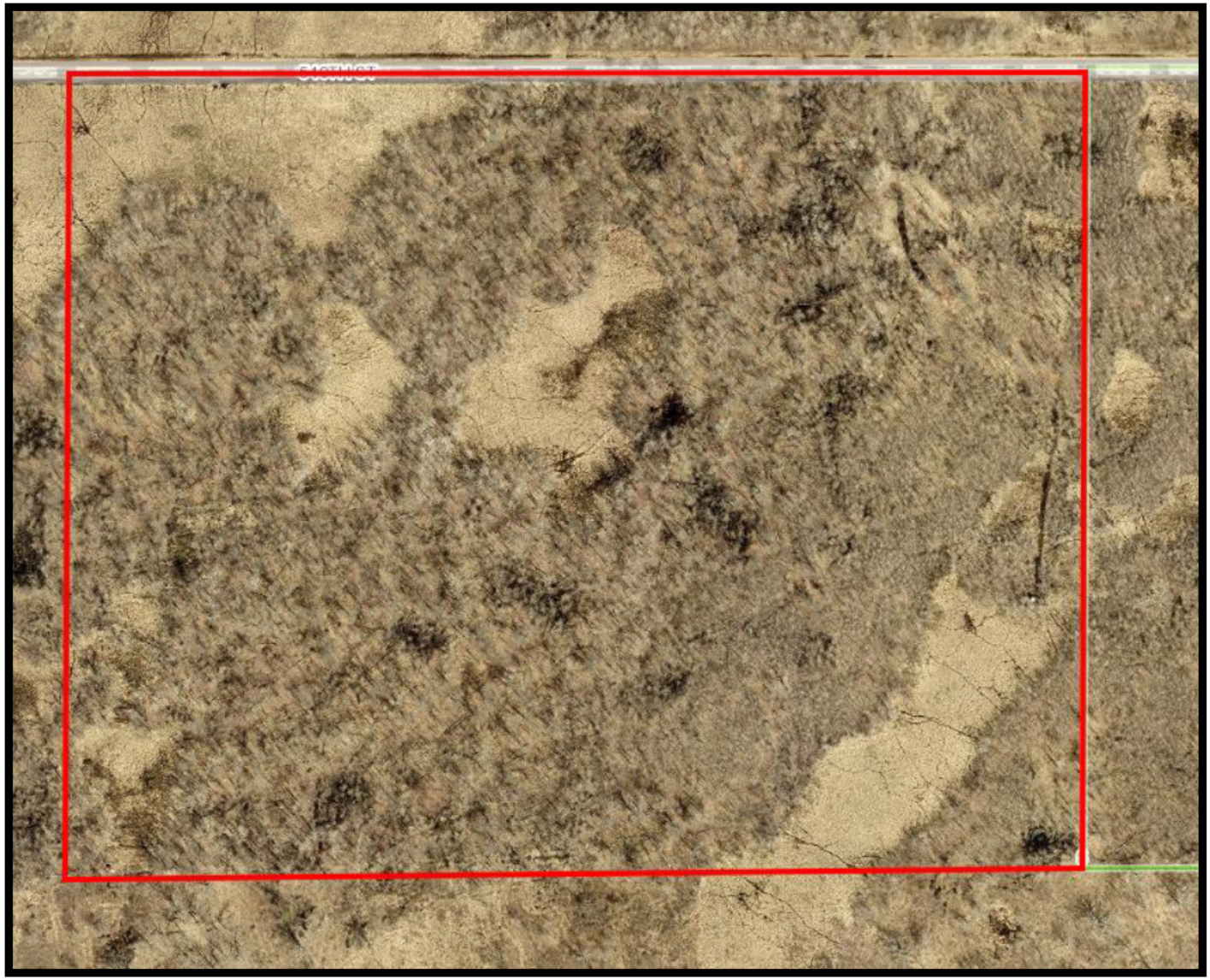
1. Enter Design ID: 315452731564 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions.

FLOOR PLAN



Redline Management, LLC and Curtis Forster – Property owner Redline Management, LLC and applicant Curtis Forster are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 31.81± acre property in the Agricultural (AG) District. The subject site is generally located approximately 2.85 miles east of Government Road on the south side of 540th Street in Rushseba Township, S5, T37, R20 (PID 07.00006.00).

Property -



Redline Management, LLC and Curtis Forster – Property owner Redline Management, LLC and applicant Curtis Forster are requesting an Interim Use Permit allowing for an accessory structure without the presence of a principal use structure on a 31.81± acre property in the Agricultural (AG) District. The subject site is generally located approximately 2.85 miles east of Government Road on the south side of 540th Street in Rushseba Township, S5, T37, R20 (PID 07.00006.00).

Property -



RESOLUTION NO. PC2024-0703
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 07.00006.00 IN RUSHSEBA TOWNSHIP

WHEREAS, property owner Redline Management LLC and applicant / authorized agent Curtis Forster submitted an application dated received May 7, 2024 and considered complete on May 9, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at 1xxxx 540th Street in Rushseba Township; and

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

WHEREAS, the subject site is 31.8± acres in size and legally described as:

PID 07.00006.00

The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) (Fractional) of Section Five (5), Township Thirty-seven (37), Range Twenty (20), Chisago County, Minnesota.

WHEREAS, notice was provided and on July 11, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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 *Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which*

serve the subject site. Further, the Rushseba Town Board / Road Authority did not provide any written concern regarding the impact on 540th 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 *Given the size of the subject site (31.8± Acres), the existing forestation / vegetation on and adjacent to the subject site, and the fact that the structure will significantly exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

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 proposed accessory structure is intended for personal use and storage in conjunction with the property owners' current recreational use of the subject site. The County finds that the accessory structure will create minimal traffic – certainly less traffic than that associated with a year-round single family dwelling – and will not cause traffic hazard or congestion. Further, the Rushseba Town Board / Road Authority has not communicated any concerns related to traffic hazards or congestion on 540th Street.*

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

Finding #8 *The proposed use is consistent with accessory structures allowed in the Agricultural (AG) District and it will be separated from neighboring properties by significant distance and existing forestation / vegetation; therefore, the County finds that the accessory structure will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. This approval allows for a singular 3,200 sf 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 application materials dated received May 7, 2024 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. The structure shall not be used for overnight accommodations or include residential living quarters, until and unless this specific use is allowed per the Chisago County Zoning Ordinance. Further, the structure shall not be used for commercial purposes, until and unless this specific use is allowed per the Chisago County Zoning Ordinance.
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.

Adopted by the Planning Commission of Chisago County, Minnesota, this 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Amendment to a Conditional Use Permit Allowing a Place of Worship
43695 Peaceful Valley Road, Sunrise Township
DATE: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to a Conditional Use Permit (CUP) allowing the establishment and maintenance of a place of worship. The original CUP was granted in August 2017.

SITE & APPLICATION INFORMATION

Property Owner(s):	Karen Buddhist Association, Inc.
Applicant(s):	Kyaw Kyaw Lwin
General Location:	43695 Peaceful Valley Road Sunrise Township Section 25, Township 36, Range 21
PID:	09.00604.00
Property Area:	58.7± 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:	May 29, 2024
Date Application Complete:	June 4, 2024
60-Day Review Period:	August 3, 2024



BACKGROUND

Property owner Karen Buddhist Association, Inc., represented by Tun Naing, and applicant Kyaw Kyaw Lwin are seeking approval of an Amendment to a 2017 Conditional Use Permit granted for the establishment and maintenance of a place of worship at 43695 Peaceful Valley Road in Sunrise Township.

The table below offers a brief history of the CUP:

Date	Action
August 3, 2017 (Original CUP)	Planning Commission conducted public hearing to consider CUP allowing the establishment and maintenance of a place of worship and **recommended approval** with Findings of Fact and 15 conditions.
August 16, 2017 (Original CUP)	County Board **Approved CUP** allowing the establishment and maintenance of a place of worship and an associated residence in an existing house as recommended by the Planning Commission: 1. This permit is a Conditional Use Permit for the establishment of a place of worship, and associated uses and activities. The phased development of the property shall include the conversion of the existing barn, construction of twelve future meditation huts, a formal shrine, and a future library/study building. 2. The days and hours of operation of the worship facility shall generally be Saturdays and Sundays between 10:00 a.m. and 6:00 p.m. 3. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's narrative description on file. Each event shall be of a one day duration, taking place between the hours of 8:00 a.m. and 8:00 p.m. with a maximum number of 260 attendees per event. 4. Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings, and shall be limited to a maximum duration of three hours during daytime hours (between 10:00 a.m. and 6:00 p.m.) 5. All parking shall be accommodated on-site with no parking, stacking or waiting on Peaceful Valley Road. 6. Larger gatherings shall include the provision of sanitary facilities (i.e., portable toilets, handwash stations, etc.) in a number adequate to serve the needs of the gathered. 7. Any retrofitting or rehabilitation of the existing house, barn, accessory structures and septic system shall be carried out in accordance with all applicable Federal, State and County code requirements. All relevant permits shall be obtained and inspections made. 8. Food preparation for large events and gatherings shall be in accordance with relevant MDH regulations; no alcohol shall be served or consumed in association with special events. 9. No overnight camping or accommodations shall be provided in association with events. 10. Any expansion of use, including the number of attendees, the number of large gatherings, or any other proposed revisions to these permit conditions shall be subject to administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an amendment to the Conditional Use Permit.

	11. Dust control shall be provided on an as-needed basis, as determined to be necessary by the Department, with cost to be borne by permittee. 12. Signage shall conform with Section 4.14 of the Chisago County Zoning Ordinance. 13. The existing evergreen tree buffer along County Road 9 shall be preserved and maintained. 14. The activities carried out on-site shall be conducted in accordance with and as described in the applicant's narrative document referred to as "Summary of Key Points" except where it may conflict with these conditions of permit approval. 15. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
July 11, 2024 (CUP Amendment #1)	Planning Commission conducts public hearing to **consider CUP Amendment** to expand hours of operation, adjust hours for the playing of music, and increase the maximum number of attendees.

The Planning Commission's August 3, 2017 and the County Board's August 16, 2017 meeting minutes have been attached for reference, as well as the 2017 legal recording.

CONSIDERATION OF CUP AMENDMENTS

When considering an Amendment to a Conditional Use Permit, the County may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that the County, in hindsight, wishes it had imposed when the original Conditional Use Permit was granted.

Approval of the requested Amendment will allow adjusted event hours of operation, adjusted hours for the playing of music and/or amplified sound, and an increased maximum number of attendees. Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is. Alternatively, if the Planning Commission feels that the subject site no longer supports the scope and scale of the approved CUP or the Commission finds other probable cause, the Commission may wish to consider recommending that the County Board consider review and/or revocation of the CUP.

SITE ANALYSIS

The 58.7± acre subject site is generally located at the southeast corner of Sunrise Road / CSAH 9 and Peaceful Valley Road in Sunrise Township. The site is situated approximately 1.5 miles west of the St. Croix River and one mile east of the municipal limits of the City of Harris. The subject site and all surrounding properties are located within the Agricultural (AG) District. The site has been developed with a dwelling and several detached accessory structures. All structures appear to be centrally located on the nearly 60-acre property.

Topography of the subject site includes nearly level elevations (855') with a slight 1' - 2' variation in elevation across the entire property. The site appears to include mostly open land (possibly agricultural fields) with sparse landscaping near the structures and on either side of the driveway. Additionally, the site features an 1,100'± long triple row of mature evergreen trees along the north property boundary adjacent to Sunrise Road / CSAH 9 and a 980'± long single row of young evergreen trees along the west property boundary adjacent to Peaceful Valley Road. The south property boundary and portions of the east property boundary also appear to be flanked by existing trees.

Surrounding properties range widely in size from 1.7 acres (directly north) to 118 acres (directly south). Surrounding properties appear to be used residential and/or agricultural purposes.

PROPOSAL ANALYSIS

The application materials indicate that the property owner and applicant are seeking approval of adjusted hours of operation, adjusted hours for the playing of music and/or amplified sound, and an increased number of maximum attendees. These proposed Amendments affect existing condition nos. 3 and 4:

3. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's narrative description on file. Each event shall be of a one day duration, taking place between the hours of **8:00 a.m. and 8:00 p.m.** with a maximum number of **260 attendees per event**.
4. Music and/or other amplified sound during special event gatherings shall be limited to a maximum duration of three hours, and shall be confined to **daytime hours between 10:00 a.m. and 6:00 p.m**.

More specifically, the property owner and applicant are proposing to adjust the event hours of operation from 8:00 am – 8:00 pm to 11:00 am – 11:00 pm; adjust the hours for the playing of music and/or amplified sound from 10:00 am – 6:00 pm to 12:00 pm -10:00 pm; and, increase the maximum number of attendees per event from 260 to 300.

The proposed adjustment to the event hours of operation will reportedly "better accommodate the nature and schedule of [the] region and cultural events". The proposed adjustment to the hours for the playing of music and/or amplified sound will reportedly "align with the timing and ambiance of [the] events". And, lastly, the proposed increase to the maximum number of attendees is presumably a measure to grow the events.

The attached written narrative provides a detailed explanation of two new proposed events, safety measures, logistical arrangements, and the proposed Amendments.

REVIEW PROCESS

The Technical Review Committee met with Tun Naing and Kyaw Kyaw Lwin on June 12, 2024. The group reviewed the proposed Amendments and septic related concerns. The Committee did not identify any immediate concerns.

The Sunrise Town Board considered the proposed CUP Amendment at its June 20, 2024 meeting and recommended approval of the proposed Amendments for the Karen Traditional Wrist Tying Ceremony and the Annual Novice and Monk Ceremony. An excerpt of the June 20th Sunrise Township Regular June 2024 Meeting Minutes is attached for reference. Staff notes that the Town Board recommended approval of the proposed Amendments as they relate to two specific events; however, applicant Kyaw Kyaw Lwin has confirmed that he and the property owner are seeking approval of the proposed Amendments for all events throughout the year. Staff's recommended conditions of approval would allow the proposed Amendments to apply to all events; therefore, the Planning Commission may wish to further consider the Town Board's recommendation and modify the recommended conditions of approval if deemed appropriate.

The application was submitted on May 29, 2024 and deemed complete on June 4, 2024. The State mandated 60-day review period expires on August 3, 2024.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

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.

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

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage types of activity which will draw visitors to Chisago County. Among those identified goals and policies are the following*:

Economic Development Goal: *Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.*

Policies:

2. *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.*

3. *Promote tourism and commercial recreation as expanding opportunities for employment and tax base.*

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 existing and proposed uses will be contained on the subject property and will not result in additional residential development or demand for services. The County finds that, while there will be an increase in the number of attendees and, therefore, an increase in the amount of traffic, the proposed increase is not expected to be excessive or unreasonable. Further, to support this finding, neither the County Engineer, as Road Authority for Sunrise Road / CSAH 9, nor the Sunrise Town Board, as Road Authority for Peaceful Valley Road, identified any roadway concerns related to the proposed use.*

Factors #3 and #4 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; and
The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 *The subject site is nearly 60 acres in size with existing structures and activities and proposed activities taking place in a central location on the property. The site features an 1,100'± long triple row of mature evergreen trees along the north property boundary adjacent to Sunrise Road / CSAH 9 and a 980'± long single row of young evergreen trees along the west property boundary adjacent to Peaceful Valley Road. The south property boundary and portions of the east property boundary also appear to be flanked by existing trees. Property to the east is currently undeveloped. Therefore, the County finds that the proposed use is sufficiently screened and distanced from nearby properties so as to prevent undue negative impact to adjacent development and land. Further, the County finds no evidence or reports to suggest that the appearance of the existing use has had an adverse effect upon adjacent properties and, therefore, finds no evidence to suggest that the proposed Amendment would alter this finding.*

Factors #5 and #6 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; and
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;

Findings #5 *The proposed use is in keeping with the goals of the Chisago County*

and #6 *Comprehensive Plan as described in Finding #1. Further, the Chisago County Zoning Ordinance identifies several allowable uses within the Agricultural (AG) District, including Places of Worship (by way of "Churches, Chapels, Temples, Synagogues, Mosques, and Cemeteries, and Associated Accessory Structures"). Therefore, the County finds that the proposed use complies with goals established within the Comprehensive Plan, the purposes and intent of the Zoning Ordinance, and the purposes of the AG District.*

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

Finding #7 *The County finds that, while there will be an increase in the number of attendees and, therefore, an increase in the amount of traffic, the proposed increase is not expected to cause traffic hazard or congestion. Further, to support this finding, neither the County Engineer, as Road Authority for Sunrise Road / CSAH 9, nor the Sunrise Town Board, as Road Authority for Peaceful Valley Road, identified any roadway concerns related to the proposed use.*

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

Finding #8 *The subject site is nearly 60 acres in size with existing structures and activities and proposed activities taking place in a central location on the property. The site features an 1,100'± long triple row of mature evergreen trees along the north property boundary adjacent to Sunrise Road / CSAH 9 and a 980'± long single row of young evergreen trees along the west property boundary adjacent to Peaceful Valley Road. The south property boundary and portions of the east property boundary also appear to be flanked by existing trees. Property to the east is currently undeveloped. Therefore, the County finds that the proposed use is sufficiently screened and distanced from nearby properties so as to mitigate noise, glare and general unsightliness. To further support this finding, the County finds that the inclusion of conditions addressing screening and limited hours for the playing of music and/or amplified sound, will mitigate the listed negative impacts.*

STAFF RECOMMENDATION

Staff believes that the existing CUP and proposed CUP Amendment comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP Amendment with draft Findings of Fact and conditions and has prepared a resolution for the Commission's consideration.

Staff notes that the proposed conditions of approval are the exact conditions approved by the County Board in August 2017, with the exception of the addition of condition no. 1 to clarify

that this approval is an Amendment to the original 2017 approval and modifications to condition nos. 4 and 5 (previously 3 and 4) based on the requested Amendments.

As a reminder, existing conditions that have no relationship to the requested Amendment cannot be added, eliminated, or altered.

Recommended Conditions:

1. This Conditional Use Permit (CUP) Amendment supersedes the CUP granted by the Chisago County Board of Commissioners on August 16, 2017 (original CUP) which granted approval to establish and maintain a place of worship at 43695 Peaceful Valley Road in Sunrise Township (recorded as Document No. A603186). This Amendment provides modifications to event hours of operation, the hours for the playing of music and/or amplified sound, and the maximum number of attendees (refer to condition nos. 4 and 5 below).
2. This permit is a Conditional Use Permit for the establishment of a place of worship and associated uses and activities. The phased development of the property shall include the conversion of the existing barn, construction of twelve future meditation huts, a formal shrine, and a future library/study building.
3. The days and hours of operation of the worship facility shall generally be Saturdays and Sundays between 10:00 a.m. and 6:00 p.m.
4. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's 2017 and 2024 narrative descriptions on file. Each event shall be of a one day duration, taking place between the hours of ~~8:00 a.m. and 8:00 p.m~~ 11:00 am and 11:00 pm with a maximum number of ~~260~~ 300 attendees per event.
5. Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings and shall be limited to a maximum duration of three hours during daytime hours (between ~~10:00 a.m. and 6:00 p.m)~~ 12:00 pm and 10:00 pm).
6. All parking shall be accommodated on-site with no parking, stacking or waiting on Peaceful Valley Road.
7. Larger gatherings shall include the provision of sanitary facilities (i.e., portable toilets, handwash stations, etc.) in a number adequate to serve the needs of the gathered.
8. Any retrofitting or rehabilitation of the existing house, barn, accessory structures and septic system shall be carried out in accordance with all applicable Federal, State and County code requirements. All relevant permits shall be obtained and inspections made.
9. Food preparation for large events and gatherings shall be in accordance with relevant MDH regulations; no alcohol shall be served or consumed in association with special events.
10. No overnight camping or accommodations shall be provided in association with events.

11. Any expansion of use, including the number of attendees, the number of large gatherings, or any other proposed revisions to these permit conditions shall be subject to administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an Amendment to the Conditional Use Permit.
12. Dust control shall be provided on an as-needed basis, as determined to be necessary by the Department, with cost to be borne by permittee.
13. Signage shall conform with Section 4.14 of the Chisago County Zoning Ordinance.
14. The existing evergreen tree buffer along County Road 9 shall be preserved and maintained.
15. The activities carried out on-site shall be conducted in accordance with and as described in the applicant's written narrative document referred to as "Summary of Key Points" except where it may conflict with these conditions of permit approval.
16. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

OPTIONS

1. Recommend that the County Board **approve** the proposed Conditional Use Permit Amendment with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit Amendment 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 Amendment based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

   Note: Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is.
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the proposed Conditional Use Permit Amendment.
4. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the current review period expires on August 3, 2024 and the next regularly scheduled Planning Commission meeting is on August 1, 2024, the Commission should also include in its motion a **60-day extension** of the review period.
5. Recommend that the County Board consider **revocation** of the existing Conditional Use Permit due to the inability of the subject site to support the scope and scale of the approved CUP or the Commission finds other probable cause.

Note: If the Planning Commission moves to recommend revocation, the motion should include explicit reason(s) for such action.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0704, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing a place of worship on property located at 43695 Peaceful Valley Road in Sunrise Township, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Written narrative
    c. Site plans
    d. Parking plan
2. Excerpt of August 3, 2027 Planning Commission meeting minutes
3. Excerpt of August 16, 2017 County Board meeting minutes
4. 2017 legal recording
5. Aerial location map (1) – subject site
6. Aerial location map (2) – vicinity map
7. Draft Resolution No. PC2024-0704

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-0896

Township SUNRISE TOWNSHIP **S/T/R** 25/36/21 **PID#** 09.00604.00

Project Address 43695 PEACEFUL VALLEY RD, HARRIS, MN 55032

Property Owner(s) TUN NAING

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Applicant(s) KYAW KYAW UWIN

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☒ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☒ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) SEE ATTACHED

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☒ Full Legal Description ☒ Detailed Site Plan ☒ Detailed Written Narrative ~~☐ Plat Drawings~~

Applicant Signature — JULY 29, 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.

Fees		Dates	
Base Fee	$ 650 —	Application Received	5-29-24
Recording Fee	$ 46 —	Application Complete	6-4-24
Plat Fee – No Road(s) / With Road(s)	$	(60) / 120 Day Review Period	8-3-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$		
TOTAL FEE	$ 696 —		

24-896

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township SUNRISE TOWNSHIP **S/T/R** 25/34/21 **PID#** 09.006004.00

Project Address 43695 PEACEFUL VALLEY RD, HARRIS, MN 55032

Property Owner(s) TUN NAING

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Applicant(s) KYAW KYAW LWIN

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☒ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☒ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet If Necessary) SEE ATTACHED

Applicant Signature

JULY 29, 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 JULY 11, 2024 **Date of Township Presentation** JUNE 20, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Approve Amended CUP w/ attached Recommendations from the Sunrise Township June 2024 meeting Recommendations

Signatures of Township Officials or Authorized Personnel

Carl Peterson Adam Sebourn

Mark Olson

Sunrise Township Regular June 2024 Meeting Minutes
Karen BuddhistAssociation CUP Amendment Recommendations

Karen Buddhist Association – CUP Amendment to Host 2 significant cultural and religious events:
Karen Buddhist Association is requesting to amend the hours, music time and maximum attendees:

Event Name: Karen Traditional Wrist Tying Ceremony; and
Event Name: Annual Novice and Monk Ceremony

CUP Condition #3:

Requesting to change hours of event from 8:00 AM to 8:00 PM **to 11:00 AM to 11:00 PM**.

CUP Condition #4:

Requesting to change hours of music and/or amplified sound from 10:00 AM to 6:00 PM **to 12:00 PM to 10:00 PM**. There is 4 1,000 to 2,000 watt speakers. Music Shall be limited to a maximum duration of three hours during daytime hours (between 10 a.m. and 6:00 p.m.)

Additional Condition requested:

Karen Buddhist Association is also requesting the maximum number of attendees go from 260 to 300.

Karen Buddhist Association have volunteers throughout the community. All parking is kept within the property. They will have an off-duty officer to help patrol throughout the event. These events are held on weekends.

Motion by Mark Osland, second by Greg Strom to approve the requested CUP amendments for the Karen Traditional Wrist Tying Ceremony and the Annual Novice and Monk Ceremony as requested along with the maximum number of attendees not to 300 and the music shall be limited to a maximum duration of three hours during daytime hours (between 10 a.m. and 6:00 p.m.). Motion carried.

Kyaw Kyaw Lwin
1380 Jessie Street
Saint Paul, MN 55130
[redacted]
04/23/2024

Chisago County Offices
313 N Main Street
Center City, MN 55012

Dear Chisago County Offices,

Amendment

I am writing to formally apply for a Conditional Use Permit (CUP) to host two significant cultural and religious events at the Karen Buddhist Association (43695 Peaceful Valley Rd, Harris, MN 55032) each year. The events are as follows:

1. **Event Name:** Karen Traditional Wrist Tying Ceremony
   Month: Normally within August
   Event Time: 8:00PM - 11:00PM
   Expected Number of Attendees: 300
   Event Description: Join us for a transformative evening as we celebrate the spirit of community and inner peace through the teachings of Buddha. Our event offers a unique opportunity for individuals of all ages to deepen their understanding of Buddhist principles while enjoying traditional food, engaging activities, and a captivating cultural showcase. Experience moments of reflection and connection in our community healing space, where prayers and meditation foster tranquility and unity. Don't miss this enriching gathering of shared wisdom and celebration.

2. **Event Name:** Annual Novice and Monk Ceremony
   Month: Normally within July
   Event Time: 8:00PM - 11:00PM
   Expected Number of Attendees: 300
   Event Description: This event aims to extend a warm welcome to both children and adults who have a personal desire, as well as their parents' encouragement, to deepen their understanding and practice of Buddhist teachings. Participants will have the opportunity to donate robes and take on the roles of novices and monks, celebrating their commitment to embracing Buddhist teachings with the support of their families, friends, and the wider community.

Both events are dedicated to preserving our rich cultural heritage and traditional practices through a vibrant showcase of cultural food and performances, including dances, songs, and various activities throughout the events. Our aim is to foster cultural awareness and

appreciation, not only within our Karen community and among the younger generation but also among our neighbors and individuals from diverse backgrounds.

Importance of These Events:

Cultural Preservation and Education:
These events play a crucial role in preserving our Karen cultural heritage and educating the younger generation about our traditions. By showcasing traditional dances, songs, and food, we ensure that our cultural practices are passed down and appreciated by future generations.

Community Unity and Inclusivity:
Our events are designed to bring together people from diverse backgrounds, fostering a sense of unity and inclusivity. By inviting everyone to participate, regardless of race or religion, we create an environment where cultural exchange and mutual understanding can thrive.

Spiritual Growth and Reflection:
Both events provide opportunities for spiritual growth and reflection. The Karen Traditional Wrist Tying Ceremony and the Annual Novice and Monk Ceremony offer unique experiences for attendees to deepen their understanding of Buddhist principles and practices, promoting inner peace and mindfulness. Additionally, these ceremonies are steeped in rich cultural traditions that foster a sense of community and continuity. The Karen Traditional Wrist Tying Ceremony, with its intricate rituals and symbolism, reinforces communal bonds and preserves ancestral heritage, while the Annual Novice and Monk Ceremony, rooted in centuries-old customs, underscores the significance of devotion and discipline in the Buddhist faith. Together, these events not only nurture spiritual well-being but also celebrate and sustain the vibrant cultural tapestry of the community.

Positive Community Impact:
These gatherings serve as positive alternatives to negative influences, particularly for the youth in our community. By engaging in cultural and religious activities, young people are encouraged to embrace values such as compassion, mindfulness, and harmony, steering them away from detrimental paths.

Economic and Social Benefits:
Hosting these events also brings economic benefits to the local community. Vendors and performers have the opportunity to showcase their talents and products, contributing to the local economy. Additionally, these events strengthen social bonds within our community, creating a supportive and cohesive environment.

Event Attractions:

- Traditional food stalls showcasing our community's culinary heritage.
- Fun and interactive children's games.
- Captivating cultural performances that celebrate our heritage and traditions.

- A community healing space for prayers, meditation, and fostering connections among attendees.

Safety Measures:

- **Prohibition of Drugs and Alcohol:** Strictly enforce a no-drugs or alcohol policy on the premises. Individuals under the influence will be required to leave immediately.
- **Weapons Policy:** Prohibit the presence of weapons or sharp objects within the event area.
- **Security Measures:** Implement security measures, including bag checks and security screenings at entry points. Security personnel trained to handle policy violations will be deployed, along with local law enforcement support.
- **Volunteer Assistance:** Deploy a dedicated team of volunteers to assist guests with parking, supplemented by clear signage for directional guidance.
- **Event Patrol:** Young adults and community leaders will patrol the event grounds to ensure a secure environment.
- **Sanitation Protocol:** Assign a sanitation team to maintain cleanliness. Provide porta-potties, handwashing stations, hand sanitization stations, strategically placed trash bins, and rented dumpsters to manage waste efficiently.

Logistical Arrangements:

- **Parking Management:** Implement a parking plan that optimizes space and minimizes congestion. Volunteers will guide vehicles and provide assistance to guests.
- **Signage and Directional Guidance:** Install clear signage at key entry points and throughout the parking area to provide directional guidance to guests.
- **Communication and Coordination:** Establish communication channels between volunteer teams, event organizers, and relevant stakeholders to ensure smooth operation.

Requested Adjustments to CUP:

1. CUP Condition #3:

- **Current Condition:** A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's narrative description on file. Each event shall be of a one-day duration, taking place between the hours of 8:00 a.m. and 8:00 p.m. with a maximum number of 260 attendees per event.
- **Requested Change:** Adjust the hours from between 8:00 a.m. - 8:00 p.m. to between 11:00 a.m. - 11:00 p.m. to better accommodate the nature and schedule of our region and cultural events.

2. CUP Condition #4:

- **Current Condition:** Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings, and shall be limited to a maximum duration of three hours during daytime hours (between 10:00 a.m. and 6:00 p.m.).
- **Requested Change:** Adjust the hours for music and/or amplified sound from between 10:00 a.m. - 6:00 p.m. to between 12:00 p.m. - 10:00 p.m. to align with the timing and ambiance of our events.

We understand the importance of adhering to local regulations and ordinances and are committed to complying with all requirements set forth by the Chisago County authorities. We are prepared to provide any additional information or documentation required to facilitate the permit approval process.

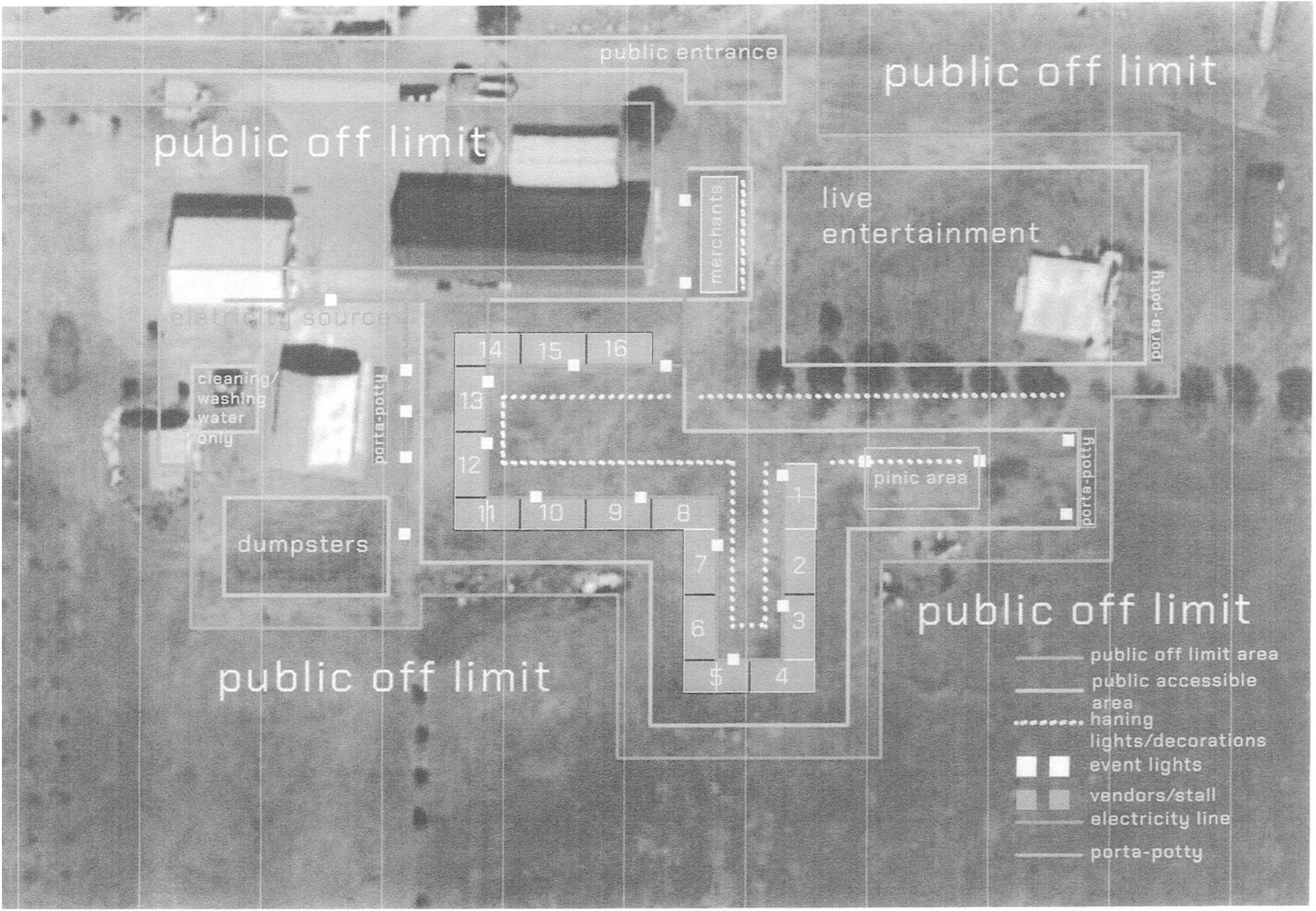
Please let us know if there are any specific forms or procedures we need to follow to complete the application process. We are more than willing to cooperate and ensure that all necessary steps are taken to obtain the required permit.

Thank you for considering our application. We look forward to your favorable response and the opportunity to host successful events in our community.

Sincerely,

Kyaw Kyaw Lwin
Youth Coordinator
Karen Buddhist Association of MN

Peaceful Va
vehicle exist
St Croix Scenic Bywy
Peaceful Valley Rd
traffic flow
General Parking
public off limit
Peaceful Valley Rd
Main Road
vehicle entrance
event entrance
public off limit
entertainment
food vendors
public off limit
public off limit


public entrance
public off limit
public off limit
merchants
live
entertainment
porta-potty
electricity source
cleaning/
washing
water
only
porta-potty
14
15
16
13
12
11
10
9
8
1
2
3
4
5
6
7
pinic area
porta-potty
dumpsters
public off limit
public off limit
public off limit area
public accessible
area
haning
lights/decorations
event lights
vendors/stall
electricity line
porta-potty

9
St Croix S
Peaceful Valley Rd
Peaceful Valley Rd
Peaceful Valley Rd
Peaceful Valley Rd
SPEED LIMIT 5
STOP
exit only
SPEED LIMIT 5
SPEED LIMIT 5
public off limit
STOP
enter only
vehicle entrance
Google
Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, N

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

6. Will the use cause traffic hazard or congestion? No. The application was reviewed by the County Engineer, who had no objections or concerns, and no recommended conditions of approval for the CUP.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. Please refer to the discussion in Items VIII and IX in the preceding section.

The following are the recommended conditions of approval for the CUP:

1. This permit is a Conditional Use Permit to operate an occasional shop as a rural retail business from April through November, annually.

2. The shop's days and hours of operation shall be limited to a maximum of four days per week, with business hours conforming generally with daylight hours.

3. All remodeling or retro-fitting of the existing buildings proposed for use in the business shall be subject to relevant codes, permits, and inspection requirements.

4. All visitor parking shall be accommodated on-site.

5. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Chris DuBose seconded it, and the motion was carried with Jim McCarthy opposed.

<u>Karen Buddhist Association</u> - Planning Consultant Larry Fredlund was present to represent the Karen Buddhist Association in their request for a Conditional Use Permit to establish a place of worship, with an associated accessory uses at their property in Sunrise Township, Sec.25, T.36, R.21, at 43695 Peaceful Valley Road (PID #09.00604.00). The Sunrise Township Board had recommended approval with the condition that the Association enter into a dust control agreement with the Township, to be implemented on an as-needed basis. Tara Guy read introductory remarks explaining the nature of the proposal, and how it is categorized and regulated within the Zoning Ordinance. Mr. Fredlund presented a complete application, which had been revised slightly from the original submittals, with a site survey, photographs, narrative description of the proposed use of the property and a statement from a professional engineer certifying that the existing structure is capable of being retro-fitted to meet the building code. The CUP is proposed to be staged in phases, he explained, beginning with the existing barn. That structure will be converted to the worship space, and fully retrofitted as an assembly space. The existing house is already in use as a residence for the monks, and no changes are proposed for the dwelling at this time. As the congregation's finances allow, they will eventually add twelve small

meditation huts, a study/library building, and a formal shrine as the secondary stage of development. They intend to keep planting trees on the property, to eventually create floral gardens and forestation around the meditation huts. They have already planted young evergreen trees along the length of Peaceful Valley Road, and will continue to increase the wooded visual buffer. General comments and questions from the Commission followed, after which the Chair called for public testimony. There was no one present to offer comment on the application. After brief discussion among the members concerning the wording of the draft conditions of approval, Chris DuBose moved to recommend approval of the CUP with conditions, based upon the staff analysis which was adopted to serve as findings of fact in support of approval, as follows:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? The Chisago County Comprehensive Development Plan intends to allow for a wide variety of land uses in the Agricultural zone. Such uses include small scale business or rural retail uses which do not require highly developed infrastructure. A gathering place for weekly meetings of a maximum of 135 attendees is construed to be compatible with that goal.

2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? No. The use will remain contained on the subject property, and will not bring additional residential development or demand for services with it.

3. Will the use 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; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties? The subject property is more than 55 acres in size, and as such is considered to have its own buffer of open space around it. The property is heavily forested on three of the four sides, which effectively provides a visual buffer for most of the properties in the immediate vicinity. There are no additions or alterations proposed to the exterior appearance of the existing structures, which will retain the visual characteristics of rural Chisago County. In the future, small meditation huts will be constructed, and a more formal temple structure which will result in some visual impact to the immediate area and the traveling public, but not of an adverse nature. In terms of deterrence to future development, the proposed use is low-impact and non-disruptive in character. The activities that will take place on the property will be generally in enclosed structures which are centrally located on the property. No undue negative impact on potential future development was identified.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? Section 5.06 C (2) of the Chisago County Zoning Ordinance specifically provides for "churches, chapels, temples, synagogues, mosques" etcetera, it is clear that the proposed use is consistent with the intent of not only the Zoning Ordinance, but the Agricultural zone as well.

6. Will the use cause traffic hazard or congestion? It is the determination of the County Engineer that the proposal will not cause traffic hazard or congestion.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. Please refer to the discussion in Items #3 and 4 above in this section.

The following are the recommended conditions of approval:

1. This permit is a Conditional Use Permit for the establishment of a place of worship, and associated uses and activities. The phased development of the property shall include the conversion of the existing barn, construction of twelve future meditation huts, a formal shrine, and a future library/study building.

2. The days and hours of operation of the worship facility shall generally be Saturdays and Sundays between 10:00 a.m. and 6:00 p.m.

3. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's narrative description on file. Each event shall be of a one day duration, taking place between the hours of 8:00 a.m. and 8:00 p.m. with a maximum number of 260 attendees per event.

4. Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings, and shall be limited to a maximum duration of three hours during daytime hours (between 10:00 a.m. and 6:00 p.m.)

5. All parking shall be accommodated on-site with no parking, stacking or waiting on Peaceful Valley Road.

6. Larger gatherings shall include the provision of sanitary facilities (i.e. portable toilets, handwash stations, etc.) in a number adequate to serve the needs of the gathered.

7. Any retro-fitting or rehabilitation of the existing house, barn, accessory structures and septic system shall be carried out in accordance with all applicable Federal, State and County code requirements. All relevant permits shall be obtained and inspections made.

8. Food preparation for large events and gatherings shall be in accordance with relevant MDH regulations; no alcohol shall be served or consumed in association with special events.

9. No overnight camping or accommodations shall be provided in association with events.

10. Any expansion of use, including the number of attendees, the number of large gatherings, or any other proposed revisions to these permit conditions shall be subject to Administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an amendment to the Conditional Use Permit.

11. Dust control shall be provided on an as-needed basis, as determined to be necessary by the Department, with cost to be borne by permittee.

12. Signage shall conform with Section 4.14 of the Chisago County Zoning Ordinance.

13. The existing evergreen tree buffer along County Road 9 shall be preserved and maintained.

14. The activities carried out on-site shall be conducted in accordance with and as described in the applicant's narrative document referred to as "Summary of Key Points" except where it may conflict with these conditions of permit approval.

15. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Septic Ordinance Amendment – Tara Guy explained that the matter before the Commission was a proposed septic ordinance amendment, in response to a request from the County Board of Adjustment. Staff had drafted a proposed simple amendment to Section 7.02 H of the Chisago County SSTS Ordinance #10-1, which would allow administrative exceptions to property line setback requirements upon a demonstration of need. The exceptions would only relate to property line setbacks (i.e. side lot lines and road right of way) and would not include variances from structure, OHWM or water well setback requirements. The Board of Adjustment had noted the large number of approved variances being issued to landowners who were being required to replace septic systems at the point of sale. The absurdity of the local government requiring septic system replacement and then denying the necessary permit until a variance was granted had moved the Board to suggest the amendment. Tara explained that MN Chapter 7080, the MPCA Rule that governs local administration of on-site sewage treatment regulations had long allowed flexibility in this particular table, as may be decided by the local jurisdiction. Staff supported the amendment to the table shown in Section 7.02 H which would allow exceptions by Administrative Decision to be granted upon a demonstration of need. Chris DuBose asked if there would be official criteria used to verify the need, rather than just a landowner's desire or preference. Tara suggested that Staff could require that certification of need be provided by a Minnesota-licensed SSTS designer. The Commission concurred that in situations where a practical physical limitation was identified by a licensed designer, such Administrative Decisions would relieve an unreasonable burden upon landowners. The Chair called for public testimony on the proposed amendment, but no one was present to offer comment. After brief discussion, Chairman Storm moved to recommend approval of Section 7.02 H as follows:

H. MN Chapter 7080.2150 Subpart F, Table VII is amended to read:

TABLE VII
MINIMUM SETBACK DISTANCES (FEET)

Feature	Sewage tank, holding tank, or sealed privy	Absorption area or unsealed privy	Building sewer or supply pipes
Water supply wells	*	*	*
Buried water lines	*	*	*
Structures	10	20	
Property lines **	**10**	**10**	
Ordinary high water level of public waters			

**** Property line setbacks may be reduced or waived by Administrative Decision by the Department on a case-by-case basis, upon certification of need by a Minnesota-licensed SSTS Designer.**

John Sutcliffe seconded it and the motion was carried unanimously.

Environmental Services Director Kurt Schneider updated the Board on the activities of the Environmental Services Department: Board of Adjustment Update, Planning Commission Update, July Construction and Permit Activity, Sunrise Prairie Regional Trail Reconstruction Project, Parks Department Update. ***No action was taken.***

On motion by Greene, seconded by McMahon, the Board moved to accept the Director's Report. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Robinson, the Board moved to approve the Charlene Houle final plat of "Holman Addition" in Sunrise Township, Sec.22, T.36, R.21, at 44493 Holman Avenue. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Robinson, seconded by Greene, the Board moved to approve the Peterson Family Conditional Use Permit at 4285 470th Street, Harris (Fish Lake Township, PID #03.00140.00) to allow an occasional sales business in an existing barn as a rural retail tourism use, with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by McMahon, the Board moved to approve the Karen Buddhist Association Conditional Use Permit at 43695 Peaceful Valley Road, Harris (Fish Lake Township, PID #09.00604.00) to allow the establishment of a place of worship and an associated residence in an existing house, with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

County Administrator Messelt described to the Board regarding a letter from the Weness IUP holder, requesting a settlement regarding the revocation of the IUP.

On motion by Greene, seconded by McMahon , the Board moved to postpone/continue the revocation of the Weness IUP to November 15th. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

At 7:05 p.m., the Chair opened Citizen Forum. 1 Citizen spoke; the Chair closed Citizen Forum at 7:09 p.m.

Office of County Recorder Fee $46.00
Chisago County, Minnesota Pages: 2
Certified, filed and/or Recorded on October 3 2017 3:12 PM
Janet R. Converse, County Recorder Doc #
Well Certificate [ ] Received A603186
Received from CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
Returned To CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
4TH TARA

Chisago County Department of

Environmental Services and Zoning

313 No. Main St.
Center City, MN 55012-9663
651-213-8379

Official Notice of County Board Approval

CONDITIONAL USE PERMIT

NAME AND ADDRESS: Karen Buddhist Association, Inc. a Corporation under the laws of the State of Minnesota
43965 Peaceful Valley Road
Harris, MN 55032

DESCRIPTION OF PERMIT: Conditional Use Permit to establish and maintain a place of worship.

PROPERTY ADDRESS, PID# 43965 Peaceful Valley Road, Harris, MN 55032, PID #09.00604.00
AND LEGAL DESCRIPTION: That part of the West Half of the Northwest Quarter of Section 25, Township 36, Range 21, Chisago County, Minnesota, which lies southerly of the centerline of County Road 9.

COUNTY BOARD ACTION: Approved.

SPECIAL CONDITIONS:

1. This permit is a Conditional Use Permit for the establishment of a place of worship, and associated uses and activities. The phased development of the property shall include the conversion of the existing barn, construction of twelve future meditation huts, a formal shrine, and a future library/study building.

2. The days and hours of operation of the worship facility shall generally be Saturdays and Sundays between 10:00 a.m. and 6:00 p.m.

3. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's narrative description on file. Each event shall be of a one day duration, taking place between the hours of 8:00 a.m. and 8:00 p.m. with a maximum number of 260 attendees per event.

4. Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings, and shall be limited to a maximum duration of three hours during daytime hours (between 10:00 a.m. and 6:00 p.m.)

5. All parking shall be accommodated on-site with no parking, stacking or waiting on Peaceful Valley Road.

6. Larger gatherings shall include the provision of sanitary facilities (i.e. portable toilets, handwash stations, etc.) in a number adequate to serve the needs of the gathered.

7. Any retro-fitting or rehabilitation of the existing house, barn, accessory structures and septic system shall be carried out in accordance with all applicable Federal, State and County code requirements. All relevant permits shall be obtained and inspections made.

8. Food preparation for large events and gatherings shall be in accordance with relevant MDH regulations; no alcohol shall be served or consumed in association with special events

9. No overnight camping or accommodations shall be provided in association with events.

10. Any expansion of use, including the number of attendees, the number of large gatherings, or any other proposed revisions to these permit conditions shall be subject to Administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an amendment to the Conditional Use Permit.

11. Dust control shall be provided on an as-needed basis, as determined to be necessary by the Department, with cost to be borne by permittee.

12. Signage shall conform with Section 4.14 of the Chisago County Zoning Ordinance.

13. The existing evergreen tree buffer along County Road 9 shall be preserved and maintained.

14. The activities carried out on-site shall be conducted in accordance with and as described in the applicant's narrative document referred to as "Summary of Key Points" except where it may conflict with these conditions of permit approval.

15. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

ORIGINAL DATE OF PERMIT ISSUANCE: August 16, 2017

****

CERTIFICATION

State of Minnesota)
) ss.
County of Chisago)

Permit document generated by me on this date pursuant to the official record of Chisago County Board of Commissioners proceedings on August 16, 2017.

Tara M. Guy 9/1/17

Tara M. Guy — Date
Assistant Zoning Director

This document drafted by Tara M. Guy, Assistant Zoning Director, Chisago County Environmental Services, 313 No. Main St. #243, Center City, MN 55012

Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #243
Center City, MN 55012

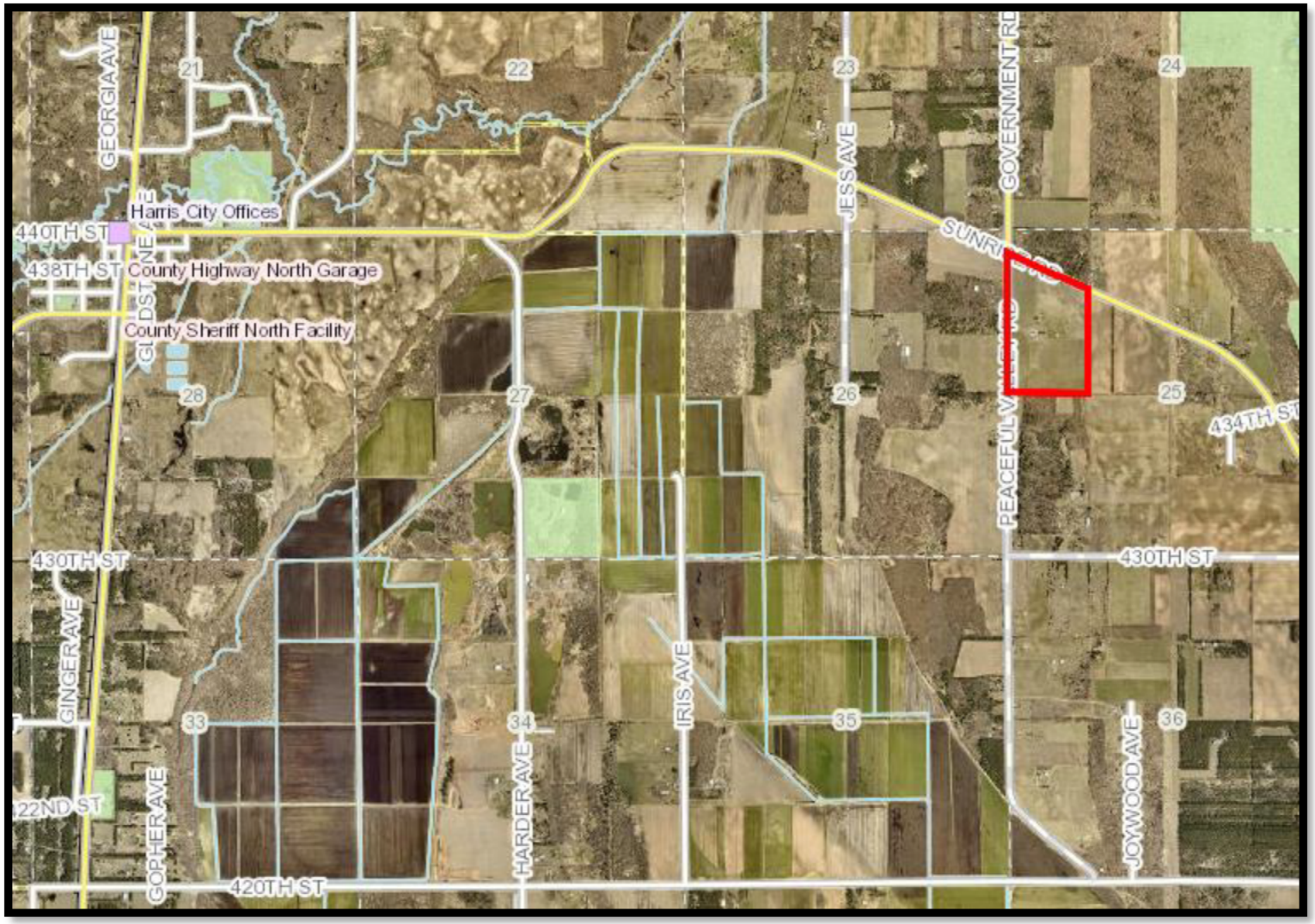
Karen Buddhist Association, Inc. – Property owner Karen Buddhist Association, Inc. and applicant Kyaw Kyaw Lwin are requesting an Amendment to a Conditional Use Permit allowing the establishment and maintenance of a place of worship. The proposed Amendment includes, but may not be limited to, expanded hours of operation and an increased maximum number of attendees. The 58.7± acre subject site is located within the Agricultural (AG) District at 43695 Peaceful Valley Road in Sunrise Township, S25, T36, R21 (PID 09.00604.00).

Karen Buddhist Association Property -



Karen Buddhist Association, Inc. – Property owner Karen Buddhist Association, Inc. and applicant Kyaw Kyaw Lwin are requesting an Amendment to a Conditional Use Permit allowing the establishment and maintenance of a place of worship. The proposed Amendment includes, but may not be limited to, expanded hours of operation and an increased maximum number of attendees. The 58.7± acre subject site is located within the Agricultural (AG) District at 43695 Peaceful Valley Road in Sunrise Township, S25, T36, R21 (PID 09.00604.00).

Karen Buddhist Association Property -



RESOLUTION NO. PC2024-0704
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT ALLOWING A PLACE OF WORSHIP ON PROPERTY LOCATED AT 43695 PEACEFUL VALLEY ROAD IN SUNRISE TOWNSHIP

WHEREAS, property owner Karen Buddhist Association, Inc. and applicant Kyaw Kyaw Lwin submitted an application dated received May 29, 2024 and considered complete on June 4, 2024 for an Amendment to a Conditional Use Permit allowing the establishment and maintenance of a place of worship on property located at 43695 Peaceful Valley Road in Sunrise Township; and

WHEREAS, the original Conditional Use Permit was granted by the Chisago County Board of Commissioners on August 16, 2027 and the approval was filed by the Chisago County Recorder's Office as Document #A603186; and

WHEREAS, the property owner and applicant wish to Amend the Conditional Use Permit in order to adjust the event hours of operation, adjust the hours for the playing of music and/or amplified sound, and increase the maximum number of attendees; and

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

WHEREAS, the subject site is legally described as:

PID 09.00604.00

That part of the West Half of the Northwest Quarter of Section 25, Township 36, Range 21, Chisago County, Minnesota, which lies southerly of the centerline of County Road 9.

WHEREAS, notice was provided and on July 11, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and Conditional Use Permit Amendments 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 Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage types of activity which will*

draw visitors to Chisago County. Among those identified goals and policies are the following:

Economic Development Goal: *Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.*

Policies:

2. *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.*
3. *Promote tourism and commercial recreation as expanding opportunities for employment and tax base.*

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 existing and proposed uses will be contained on the subject property and will not result in additional residential development or demand for services. The County finds that, while there will be an increase in the number of attendees and, therefore, an increase in the amount of traffic, the proposed increase is not expected to be excessive or unreasonable. Further, to support this finding, neither the County Engineer, as Road Authority for Sunrise Road / CSAH 9, nor the Sunrise Town Board, as Road Authority for Peaceful Valley Road, identified any roadway concerns related to the proposed use.*

Factors #3 and #4 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; and
The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 *The subject site is nearly 60 acres in size with existing structures and activities and proposed activities taking place in a central location on the property. The site features an 1,100'± long triple row of mature evergreen trees along the north property boundary adjacent to Sunrise Road / CSAH 9 and a 980'± long single row of young evergreen trees along the west property boundary adjacent to Peaceful Valley Road. The south property boundary and portions of the east property boundary also appear to be flanked by existing trees. Property to the east is currently undeveloped. Therefore, the County finds that the proposed use is sufficiently screened and distanced from nearby properties so as to prevent undue negative impact to adjacent development and land. Further, the County finds no evidence or reports to suggest that the appearance of the existing use has had an adverse effect upon adjacent*

properties and, therefore, finds no evidence to suggest that the proposed Amendment would alter this finding.

Factors #5 and #6 — 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; and
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;

Findings #5 and #6 — *The proposed use is in keeping with the goals of the Chisago County Comprehensive Plan as described in Finding #1. Further, the Chisago County Zoning Ordinance identifies several allowable uses within the Agricultural (AG) District, including Places of Worship (by way of "Churches, Chapels, Temples, Synagogues, Mosques, and Cemeteries, and Associated Accessory Structures"). Therefore, the County finds that the proposed use complies with goals established within the Comprehensive Plan, the purposes and intent of the Zoning Ordinance, and the purposes of the AG District.*

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

Finding #7 — *The County finds that, while there will be an increase in the number of attendees and, therefore, an increase in the amount of traffic, the proposed increase is not expected to cause traffic hazard or congestion. Further, to support this finding, neither the County Engineer, as Road Authority for Sunrise Road / CSAH 9, nor the Sunrise Town Board, as Road Authority for Peaceful Valley Road, identified any roadway concerns related to the proposed use.*

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

Finding #8 — *The subject site is nearly 60 acres in size with existing structures and activities and proposed activities taking place in a central location on the property. The site features an 1,100'± long triple row of mature evergreen trees along the north property boundary adjacent to Sunrise Road / CSAH 9 and a 980'± long single row of young evergreen trees along the west property boundary adjacent to Peaceful Valley Road. The south property boundary and portions of the east property boundary also appear to be flanked by existing trees. Property to the east is currently undeveloped. Therefore, the County finds that the proposed use is sufficiently screened and distanced from nearby properties so as to mitigate noise, glare and general unsightliness. To further support this finding, the County finds that the inclusion of conditions addressing screening and limited hours for the playing of music and/or amplified sound, will mitigate the listed negative impacts.*

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

1. This Conditional Use Permit (CUP) Amendment supersedes the CUP granted by the Chisago County Board of Commissioners on August 16, 2017 (original CUP) which granted approval to establish and maintain a place of worship at 43695 Peaceful Valley Road in Sunrise Township (recorded as Document No. A603186). This Amendment provides modifications to event hours of operation, the hours for the playing of music and/or amplified sound, and the maximum number of attendees (refer to condition nos. 4 and 5 below).
2. This permit is a Conditional Use Permit for the establishment of a place of worship and associated uses and activities. The phased development of the property shall include the conversion of the existing barn, construction of twelve future meditation huts, a formal shrine, and a future library/study building.
3. The days and hours of operation of the worship facility shall generally be Saturdays and Sundays between 10:00 a.m. and 6:00 p.m.
4. A maximum of nine additional special events shall be allowed annually, between April and October, as identified in the permittee's 2017 and 2024 narrative descriptions on file. Each event shall be of a one day duration, taking place between the hours of ~~8:00 a.m. and 8:00 p.m~~ 11:00 am and 11:00 pm with a maximum number of ~~260~~ 300 attendees per event.
5. Music and/or other amplified sound shall be allowed at a maximum of four of the nine special event gatherings and shall be limited to a maximum duration of three hours during daytime hours (between ~~10:00 a.m. and 6:00 p.m)~~ 12:00 pm and 10:00 pm).
6. All parking shall be accommodated on-site with no parking, stacking or waiting on Peaceful Valley Road.
7. Larger gatherings shall include the provision of sanitary facilities (i.e., portable toilets, handwash stations, etc.) in a number adequate to serve the needs of the gathered.
8. Any retrofitting or rehabilitation of the existing house, barn, accessory structures and septic system shall be carried out in accordance with all applicable Federal, State and County code requirements. All relevant permits shall be obtained and inspections made.
9. Food preparation for large events and gatherings shall be in accordance with relevant MDH regulations; no alcohol shall be served or consumed in association with special events.
10. No overnight camping or accommodations shall be provided in association with events.
11. Any expansion of use, including the number of attendees, the number of large gatherings, or any other proposed revisions to these permit conditions shall be subject to

administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an Amendment to the Conditional Use Permit.

12. Dust control shall be provided on an as-needed basis, as determined to be necessary by the Department, with cost to be borne by permittee.
13. Signage shall conform with Section 4.14 of the Chisago County Zoning Ordinance.
14. The existing evergreen tree buffer along County Road 9 shall be preserved and maintained.
15. The activities carried out on-site shall be conducted in accordance with and as described in the applicant's written narrative document referred to as "Summary of Key Points" except where it may conflict with these conditions of permit approval.
16. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

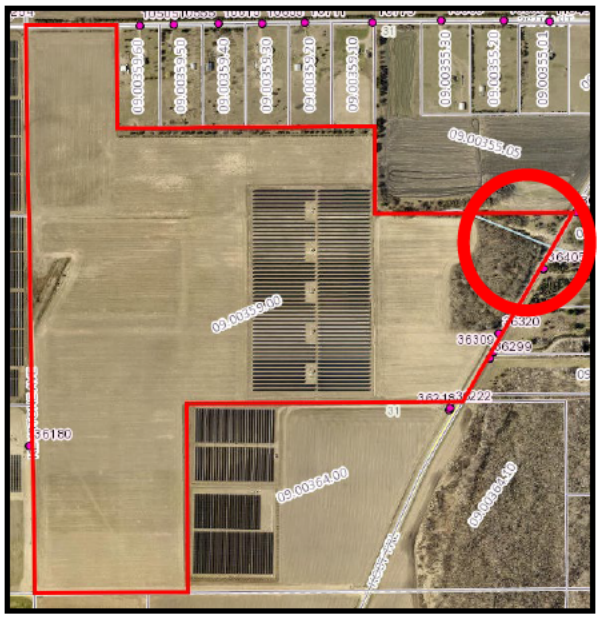
TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Kost Ranch
36320 Kost Trail / CSAH 11, Sunrise Township
DATE: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Kost Ranch, involving the creation of one lot from a 183.2± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	Roy & Kelly Ramberg
Applicant(s):	Roy & Kelly Ramberg and Kelly Jordan
General Location:	36320 Kost Trail / CSAH 11 Sunrise Township Section 31, Township 35, Range 20
PIDs:	09.00359.00
Property Area:	183.2± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	City of North Branch
Date Application Received:	May 30, 2024
Date Application Complete:	May 30, 2024
120-Day Review Period:	September 27, 2024



BACKGROUND

Property owners Roy & Kelly Ramberg and applicant Kelly Jordan are seeking approval of the Preliminary Plat of Kost Ranch, involving the creation of one 5+acre lot from the 183.2± acre tract of land located at 36320 Kost Trail / CSAH 11 in Sunrise Township.

The County Board granted a Conditional Use Permit for the subject site in July 2015, allowing a commercial solar energy system on a 40-acre footprint westerly of the proposed plat.

SITE & PROPOSAL ANALYSIS

The 183.2± acre subject site is generally located approximately 1.15 miles south of 375th Street / CR 72 and approximately 1.5 miles north of Lincoln Trail / CSAH 14 on the west side of Kost Trail / CSAH 11 in Sunrise Township. The subject site and surrounding properties to the north, east, and south are located in the Agricultural (AG) District. Properties to the west are located within the City of North Branch and are zoned AG1 - Agricultural.

Topography of the proposed lot includes fairly level elevations ranging from 870' to 884'. The proposed lot appears to be heavily wooded with no identified wetlands. The water feature shown on the Preliminary Plat drawing is classified by the Department of Environmental Services as a seep. Other than the existing solar energy system, the subject site is undeveloped. The solar energy system is located 700'+ from the west property boundary of the proposed lot.

Surrounding properties range widely in size from five acres to 120 acres, with most surrounding properties being used for residential and/or agricultural purposes. Additionally, the general area has been developed with several commercial solar energy systems.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed lot. As proposed, Lot 1, Kost Ranch complies with the County's dimensional requirements.

AG District Minimum Requirements	**Lot Size 5 acres**	**Lot Width* 300 feet**	**Lot Depth** 300 feet**	**Home Site Area 21,500 square feet**
Lot 1	5.1± acres (or 5.8 acres with dedicated R-O-W)	569.68'±	515.93'±	21,500 sf

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

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

REVIEW PROCESS

The Technical / Plat Review Committee met with property owner Kelly Ramberg on June 12, 2024. Wetland Specialist Fertig commented that the wetland delineation had been reviewed

and found to be accurate; however, the soils report had not yet been verified. Following the June 12th meeting, Fertig indicated that the soils report had been verified and found to be accurate. Land Services Coordinator mentioned that, at some point in the future, the Conditional Use Permit for the existing commercial solar energy system may need to be amended if the plat is approved and the legal description for the remaining 177± acre site is modified. The Committee did not identify any other concerns.

The Sunrise Town Board reviewed the proposed Preliminary Plat at its June 20, 2024 meeting and recommended approval with no conditions or comments.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on September 27, 2024.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

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

Recommended Condition(s):

1. The Preliminary Plat of Kost Ranch is approved per plat drawing dated signed May 29, 2024. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or 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 Kost Ranch 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 Kost Ranch based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Kost Ranch.
4. **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 September 27, 2024 allowing the Planning Commission to further consider the request at its August 1, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0705, a resolution recommending approval of the Preliminary Plat of Kost Ranch, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2024-0705

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-0906

Township Sunrise **S/T/R** Sec.31, T35, R20 **PID#** 09.00359.00

Project Address 36320 Kost Trail, North Branch, MN 55056

Property Owner(s) Roy and Kelly Ramberg

Mailing Address (If Different from Project Address) 9552 375th St., North Branch, MN 55056

Phone# [redacted] **Email** [redacted]

Applicant(s) (Same as Above) + Kelly Jordan

Mailing Address (If Different from Project Address) _____

Phone# _____ **Email** [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☒ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) We are creating one lot for our son and daughter-in-law to build a home.

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☐ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☐ Plat Drawings

Roy Ramberg Kelly Ramberg — 05/30/2024

Applicant Signature **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.

Fees		Dates	
Base Fee	$ 500.—	Application Received	5-30-24
Recording Fee	$ 46.—	Application Complete	5-30-24
Plat Fee – No Road(s) / With Road(s)	$ 150.—	60 / (120) Day Review Period	9-27-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$		
TOTAL FEE	$ 696.—		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Sunrise S/T/R Sec.31, T35, R20 PID# 09.00359.00

Project Address 36320 Kost Trail, North Branch, MN 55056

Property Owner(s) Roy and Kelly Ramberg

Mailing Address (If Different from Project Address) 9552 375th St., North Branch, MN 55056

Phone# [redacted] Email [redacted]

Applicant(s) (Same as Above) + Kelly Jordan.

Mailing Address (If Different from Project Address) _____

Phone# _____ 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

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Roy Ramberg Kelly Ramberg
Applicant Signature

05/30/2024
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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 July 11, 2024 Date of Township Presentation June 20, 2024

Township Action Taken (Township Use Only)

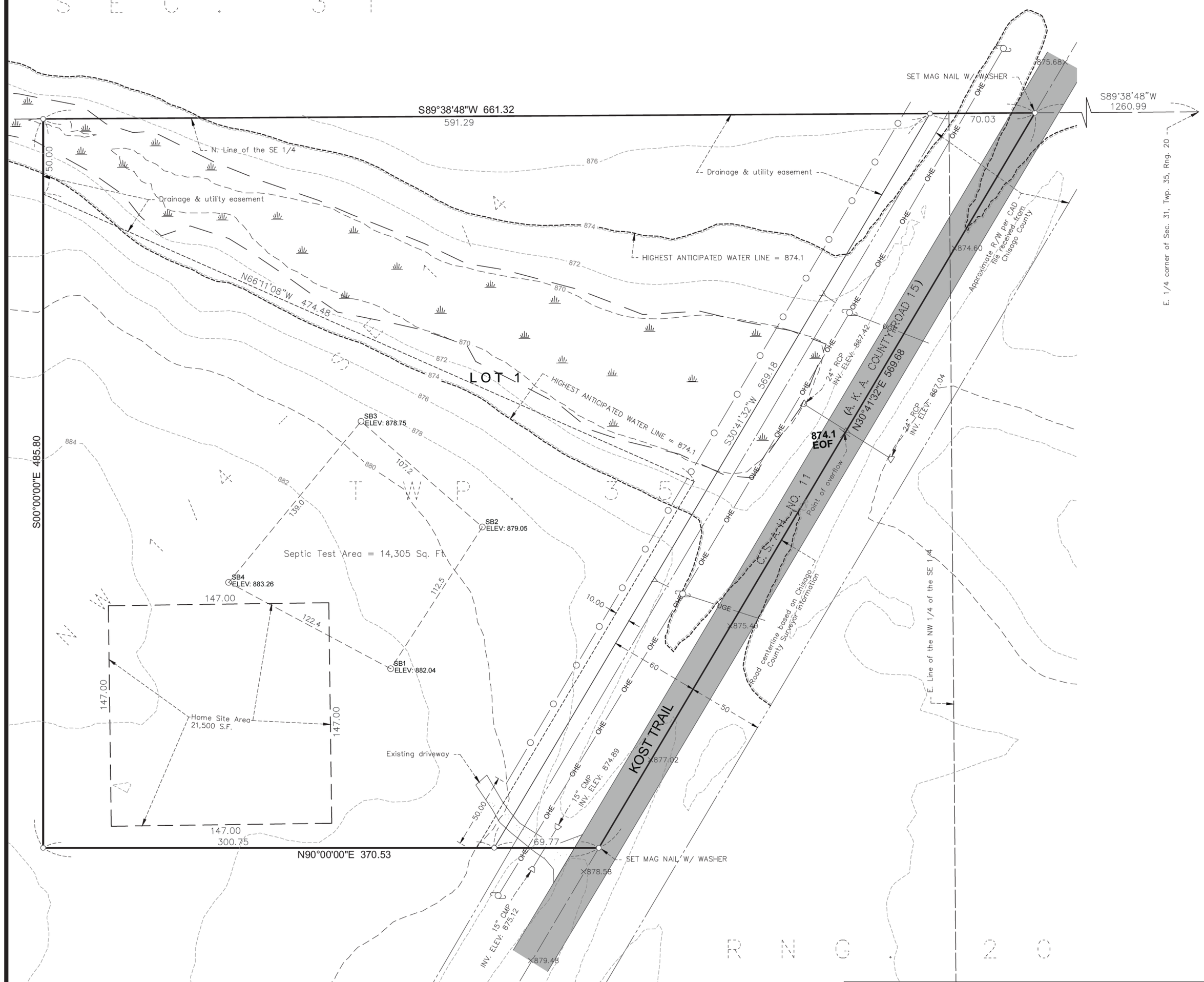
☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

APPROVE PRELIMINARY PLAT AS PRESENTED

Signatures of Township Officials or Authorized Personnel

PRELIMINARY PLAT
OF
KOST RANCH



0 40 80

1 INCH = 40 FEET

EXISTING PROPERTY DESCRIPTION: (Per Memorandum of Lease Doc. No A-566913)

The South Half of the Northwest Quarter (S 1/2 NW 1/4), the West Half of the Southwest Quarter (W 1/2 SW 1/4), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4), and all that part of the North Half of the Southeast Quarter (N 1/2 SE 1/4) lying westerly of the center line of County Road No. 15, EXCEPT the East 1800 feet of the North 726 feet of the South Half of the Northwest Quarter (S 1/2 NW 1/4) all in Section 31, Township 35, Range 20, according to the U.S. Government Survey thereof, Chisago County, Minnesota.

PROPOSED PLAT DESCRIPTION:

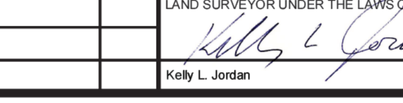
That part of the North Half of the Southeast Quarter of Section 31, Township 35, Range 20, Chisago County, described as follows:

Commencing at the East Quarter corner of said Section 31; thence South 89 degrees 38 minutes 48 seconds West, assumed bearing, along the north line of said North Half of the Southeast Quarter, 1260.99 feet to the the center line of C.S.A.H. No. 11 also being the point of beginning of the parcel to be described, thence continue South 89 degrees 38 minutes 48 seconds West, along said north line, 661.32 feet; thence South 00 degrees 00 minutes 00 seconds East, 485.80 feet; thence North 90 degrees 00 minutes 00 seconds East, 370.53 feet to the center line of C.S.A.H. No. 11; thence North 30 degrees 41 minutes 32 seconds East, along said centerline of C.S.A.H. No. 11, a distance of 569.68 feet to the point of beginning.

LOT SUMMARY

Total area	: 251,388 Sq. Ft. or 5.8 Acres
Lot 1	: 222,915 Sq. Ft. or 5.1 Acres
Right-of-way	: 28,473 Sq. Ft. or 0.7 Acres

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED ADJOINING STREET LINES, AS SHOWN ON THIS PLAT.

LEGEND

- ROAD CENTER LINE
- STORM SEWER
- UGE — UNDERGROUND ELECTRIC
- OHE — OVERHEAD ELECTRIC
- LOT LINE PROPOSED
- RIGHT OF WAY LINE
- BOUNDARY LINE
- CONTROLLED ACCESS
- DELINEATED WETLAND EDGE
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- DENOTES A FOUND REBAR MONUMENT W/ CAP MARKED KEMPER 18407
- DENOTES A SET 1/2" IRON PIPE MONUMENT W/ CAP MARKED 42648
- SB — DENOTES A SOIL BORING
- ELEC POLE
- GUY ANCHOR

OWNER & DEVELOPER
ROY & KELLY RAMBERG
9552 375TH STREET
NORTH BRANCH, MN 55056
RANDK@Q.COM

LAND SURVEYOR
WIDSETH
KELLY JORDAN
5368 266TH STREET
WYOMING, MN 55092
PHONE (651) 353-2343

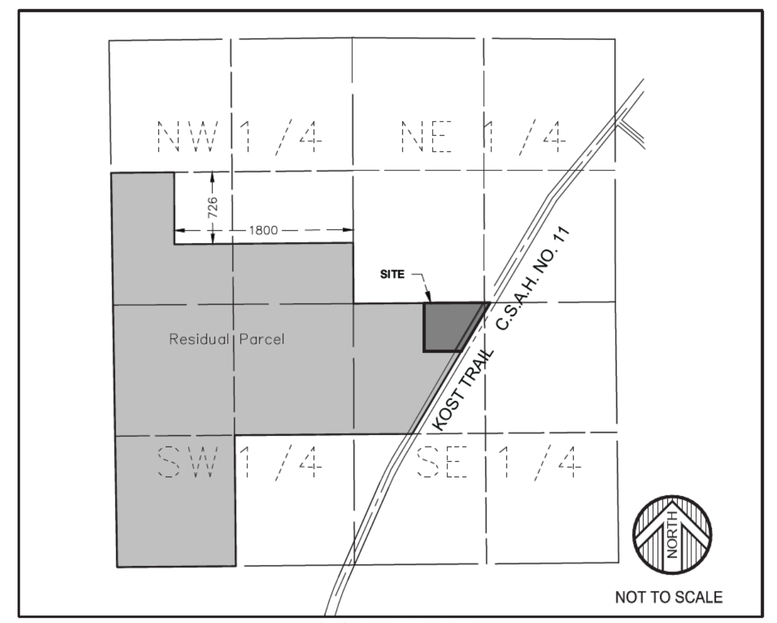
SOIL TESTER
RAMBERG SOIL CONSULTING
55535 FAIRFIELD AVE
PINE CITY, MN 55063
(320) 438-9318
RAMBERGSOILCONSULTING@GMAIL.COM
BORINGS DONE 02/21/2024

WETLAND SPECIALIST
JACOBSON ENVIRONMENTAL, PLLC
WAYNE JACOBSON
2109 JOPLIN STREET
MORA, MN 55011
(612)-802-6619
JACOBSONENV@MSN.COM
DELINEATION DATE: 05/14/2024

SURVEY NOTES:

1. Orientation of this bearing system is based on the Chisago County Coordinate System NAD 83 (1996 adj.)
2. Property address: Vacant
   PID No: 09.00359.00
3. Total Area of subject Property 7,981,639 Sq. Ft. or 183.2 Acres.
4. Bench Mark: MnDOT BM "1306 BK" Elev: 872.58 (NAVD88 DATUM)
5. The subject property is zoned A (Agricultural) per Sunrise Township zoning map. Building setbacks are:
   Front yard(From R/W) : 40 feet
   Rear yard : 50 feet
   Side yard : 20 feet
   Homesite Area : 21,500 Sq. Ft.
   10,000 Sq. Ft. principle pad that:
   Minimum 2 feet above the nearest 100 year flood Elev. = 850± per Zone A on the Sunrise River (680 ± feet East of the subject property)
   Minimum 2 feet above the highest anticipated water level = 874.1 based on the centerline of Kost Trail above 24 inch culvert
   11,500 Sq. Ft. yard site:
   Above the nearest or any relevant 100-year flood contour.
   A minimum 5,000 square feet of which is contiguous with the principal building pad site.
6. The platted property lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain per FEMA Flood Insurance Rate Map No. 27025C0150D, effective April 17, 2012.

VICINITY MAP



SEC.31, T35, R20
SUNRISE TOWNSHIP
CHISAGO COUNTY, MINNESOTA

SHEET 1 OF 2

© 2024 WIDSETH SMITH NOLTING & ASSOCIATES, INC.

DATE:	March 2024
SCALE:	AS SHOWN
DRAWN BY:	JAS
CHECKED BY:	KLJ
FILE NUMBER:	2024-10449

DATE	AMENDMENTS	BY

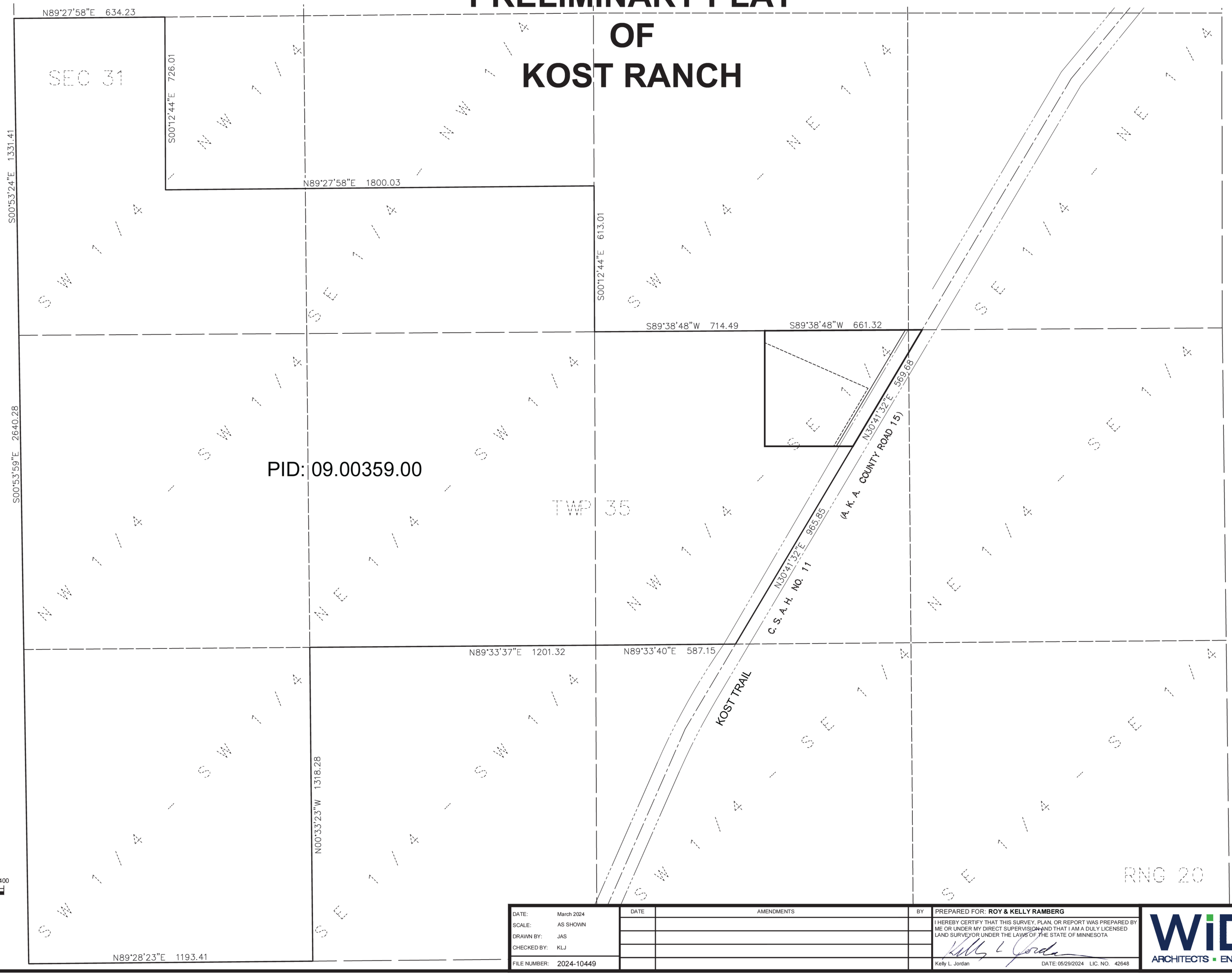
PREPARED FOR: **ROY & KELLY RAMBERG**

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**

Kelly L. Jordan DATE: **05/29/2024** LIC. NO. **42648**

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

PRELIMINARY PLAT
OF
KOST RANCH



DATE:	March 2024
SCALE:	AS SHOWN
DRAWN BY:	JAS
CHECKED BY:	KLJ
FILE NUMBER:	2024-10449

DATE	AMENDMENTS	BY

PREPARED FOR: **ROY & KELLY RAMBERG**

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

Kelly L. Jordan DATE: 05/29/2024 LIC. NO. 42648

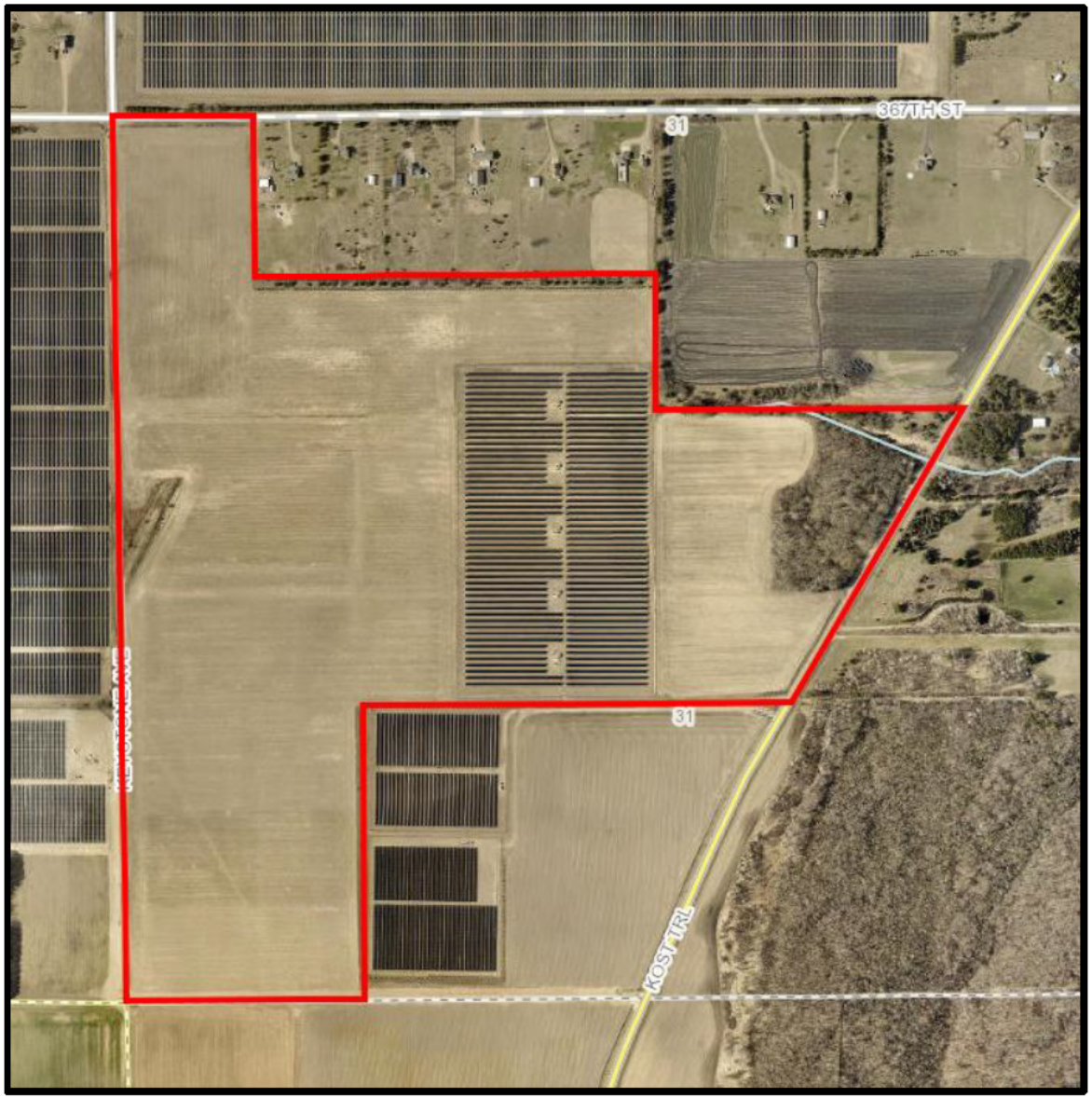
WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

SHEET 2 OF 2

© 2024 WIDSETH SMITH NOLTING & ASSOCIATES, INC.

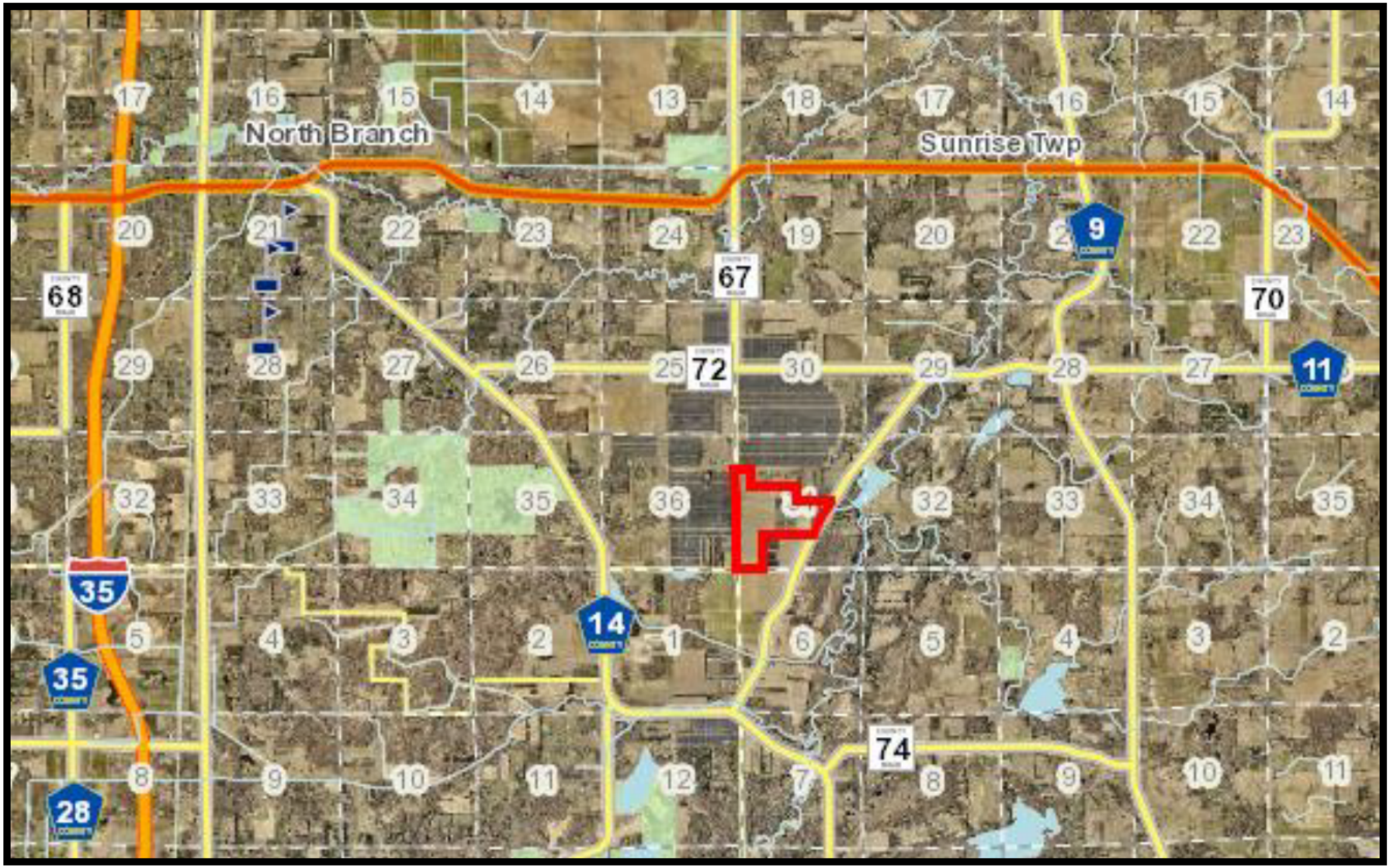
Roy & Kelly Ramberg and Kelly Jordan - Property owners Roy & Kelly Ramberg and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Kost Ranch involving the creation of one lot from a 183.2± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 36320 Kost Trail / CSAH 11 in Sunrise Township, S31, T35, R20 (PID 09.00359.00).

Ramberg Property -



Roy & Kelly Ramberg and Kelly Jordan - Property owners Roy & Kelly Ramberg and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Kost Ranch involving the creation of one lot from a 183.2± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 36320 Kost Trail / CSAH 11 in Sunrise Township, S31, T35, R20 (PID 09.00359.00).

Ramberg Property –



RESOLUTION NO. PC2024-0705
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF KOST RANCH

WHEREAS, property owners Roy Ramberg & Kelly Ramberg and applicant Kelly Jordan submitted an application dated received and considered complete on May 30, 2024 for the Preliminary Plat of Kost Ranch; and

WHEREAS, the property owners wish to create one lot from the 183.2± acre subject site; and

WHEREAS, the subject site is located at 36320 Kost Trail / CSAH 11 in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00359.00

The South Half of the Northwest Quarter (S 1/2 NW 1/4), the West Half of the Southwest Quarter (W 1/2 SW 1/4), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4), and all that part of the North Half of the Southeast Quarter (N 1/2 SE 1/4) lying westerly of the center line of County Road No. 15, EXCEPT the East 1800 feet of the North 726 feet of the South Half of the Northwest Quarter (S 1/2 NW 1/4) all in Section 31, Township 35, Range 20, according to the U.S. Government Survey thereof, Chisago County, Minnesota.

WHEREAS, notice was provided and on July 11, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Kost Ranch 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 of Kost Ranch is approved per plat drawing dated signed May 29, 2024. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Ponytail Addition
xxxxx Rush Lake Trail / CSAH 1, Nessel Township
DATE: July 11, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Ponytail Addition, involving the creation of one lot from a 46± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	Kenneth & Bernice Knoss
Applicant(s):	Kenneth Knoss and Larry Hansen
General Location:	xxxxx Rush Lake Trail / CSAH 1 Nessel Township Section 11, Township 37, Range 22
PIDs:	06.00235.10
Property Area:	46± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Rural Residential II (RRII) District
Date Application Received:	May 31, 2024
Date Application Complete:	June 3, 2024
120-Day Review Period:	October 1, 2024

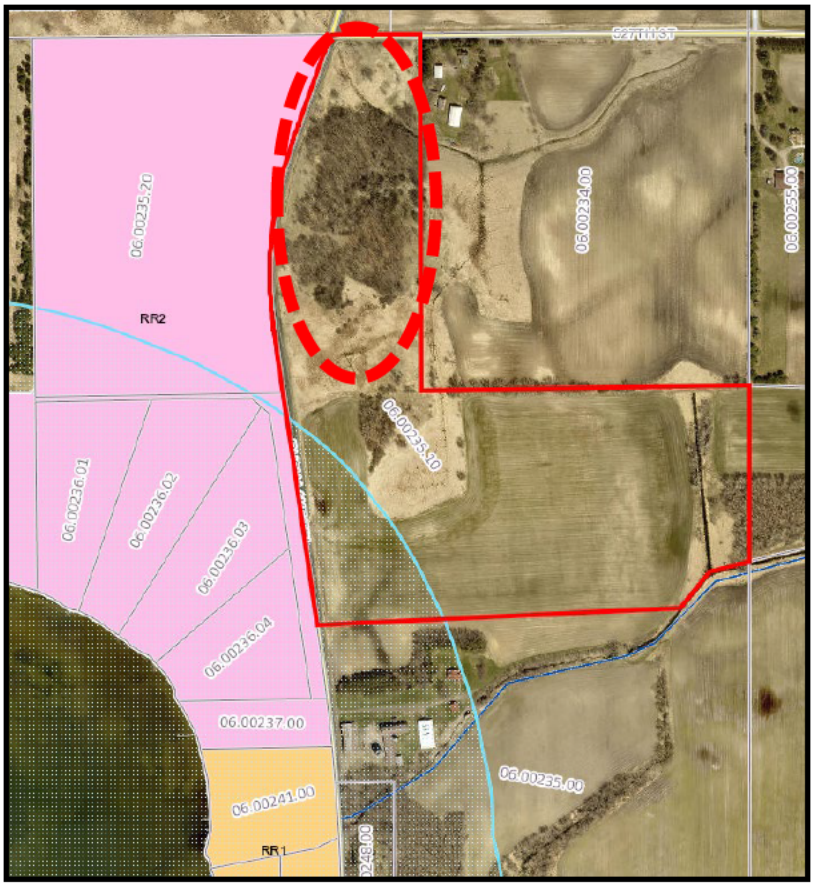


BACKGROUND

Property owner Kenneth Knoss and applicant Larry Hansen are seeking approval of the Preliminary Plat of Ponytail Addition, involving the creation of one 12.53± acre lot from the 46± acre tract of land located at xxxxx Rush Lake Trail / CSAH 1 in Nessel Township.

SITE & PROPOSAL ANALYSIS

The 46± acre subject site is generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street / CR 94 in Nessel Township. The subject site along with properties to the north, east, and south are located within the Agricultural (AG) District, whereas properties to the west are located within the Rural Residential II (RRII) District. Additionally, the southwest corner of the subject site along with properties to the west are located within the Shoreland Management District given their proximity to East Rush Lake. The top adjacent image illustrates surrounding zoning and the boundary of the Shoreland Management District in relation to the subject site.





Topography of the proposed lot includes elevations ranging from 929' in the approximate south one-third of the proposed lot to 941' in the northeast corner. Additionally, the site features areas of heavy forestation and wetlands. The 21,500 sf Home Site Area and the combined 8,504 sf septic area appear to be located outside of identified wetlands. The bottom adjacent image illustrates wetland areas per the National Wetland Inventory.

Surrounding properties range widely in size from less than one acre to 40 acres, with smaller properties being lakeshore properties and larger properties being located to the north, east, and south. Most surrounding properties have been developed for residential use and/or are being used for agricultural purposes.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and

low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed lot. As proposed, Lot 1, Block 1 Ponytail Addition complies with the County's dimensional requirements.

AG District Minimum Requirements	**Lot Size 5 acres**	**Lot Width* 300 feet**	**Lot Depth** 300 feet**	**Home Site Area 21,500 square feet**
Lot 1	12.53± acres	1,285'± of frontage on Rush Lake Trail / CSAH 1	369'±	21,500 sf

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

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

REVIEW PROCESS

The Technical / Plat Review Committee met with applicant Larry Hansen and wife on June 12, 2024. Wetland Specialist Fertig commented that soils had been verified and found to be accurate but the wetland delineation needed to be corrected as additional wetlands had been identified. Following the June 12th meeting, Fertig indicated that a corrected wetland delineation had been submitted, verified, and found to be accurate. The Committee did not identify any other concerns.

The Nessel Town Board reviewed the proposed Preliminary Plat at its June 11, 2024 meeting and recommended approval with no conditions or comments.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on October 1, 2024.

WRITTEN TESTIMONY

As of the completion of the staff report, the County had received two written testimonies pertaining to the proposed plat (attached):

- Jeanette & Kenneth Spielman
- Jacqueline Johnston

STAFF RECOMMENDATION

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

Recommended Conditions:

1. The Preliminary Plat of Ponytail Addition is approved per plat drawing dated signed May 31, 2024. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or 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 Ponytail Addition 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 Ponytail Addition based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Ponytail Addition.
4. **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 October 1, 2024 allowing the Planning Commission to further consider the request at its August 1, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0706, a resolution recommending approval of the Preliminary Plat of Ponytail Addition, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing
2. Written testimonies
    a. Jeanette & Kenneth Spielman
    b. Jacqueline Johnston
3. Aerial location map (1) – subject site
4. Aerial location map (2) – vicinity map
5. Draft Resolution No. PC2024-0706

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 2024-925

Township Nessel Township **S/T/R** 11/37/22 **PID#** 06.00235.10

Project Address None

Property Owner(s) Kenneth Knoss

Mailing Address (If Different from Project Address) 51445 Belle Isle Drive Rush City, MN 55069

Phone# [redacted] **Email** [redacted]

Applicant(s) Larry ~~Hanson~~ HANSEN (Buyer)

Mailing Address (If Different from Project Address) 10080 550th Street Rush City, MN 55069

Phone# [redacted] **Email** none

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☒ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Request 1 lot subdivision

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☒ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

Larry Hanson — **Applicant Signature**

5-31-24 — **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.

Fees		Dates	
Base Fee	$ 500	Application Received	5-31-24
Recording Fee	$ 46	Application Complete	6-3-24
Plat Fee – No Road(s) / With Road(s)	$ 150	60 / 120 Day Review Period	10-1-24
Septic Compliance Fee	$ ~~150~~ 250	Extended Review Period	
Wetland Fee	$ 200		
TOTAL FEE	$ 896.00		

Call to Order

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Nessel Township **S/T/R** 11/37/22 **PID#** 06.00235.10

Project Address None

Property Owner(s) Kenneth Knoss

Mailing Address (If Different from Project Address) 51445 Belle Isle Drive Rush City, MN 55069

Phone# [redacted] **Email** [redacted]

Applicant(s) ~~Larry Hanson~~ (Buyer)

Mailing Address (If Different from Project Address) 10080 550th Street Rush City, MN 55069

Phone# [redacted] **Email** none

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☒ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Request 1 lot subdivision

Jacey By Hay — **Applicant Signature**

5-31-24 — **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 July 11, 2024 **Date of Township Presentation** June 11, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

Michelle Meis — Betsy a Rising — Stacy Zakrzewski

Dan Anderson — Brandi Mn

PRELIMINARY PLAT OF

PONYTAIL ADDITION

PART OF THE SW 1/4 OF NE 1/4, SECTION 11, TOWNSHIP 37 NORTH, RANGE 22 WEST, CHISAGO COUNTY, MINNESOTA

NESSEL TOWNSHIP
CHISAGO COUNTY, MN

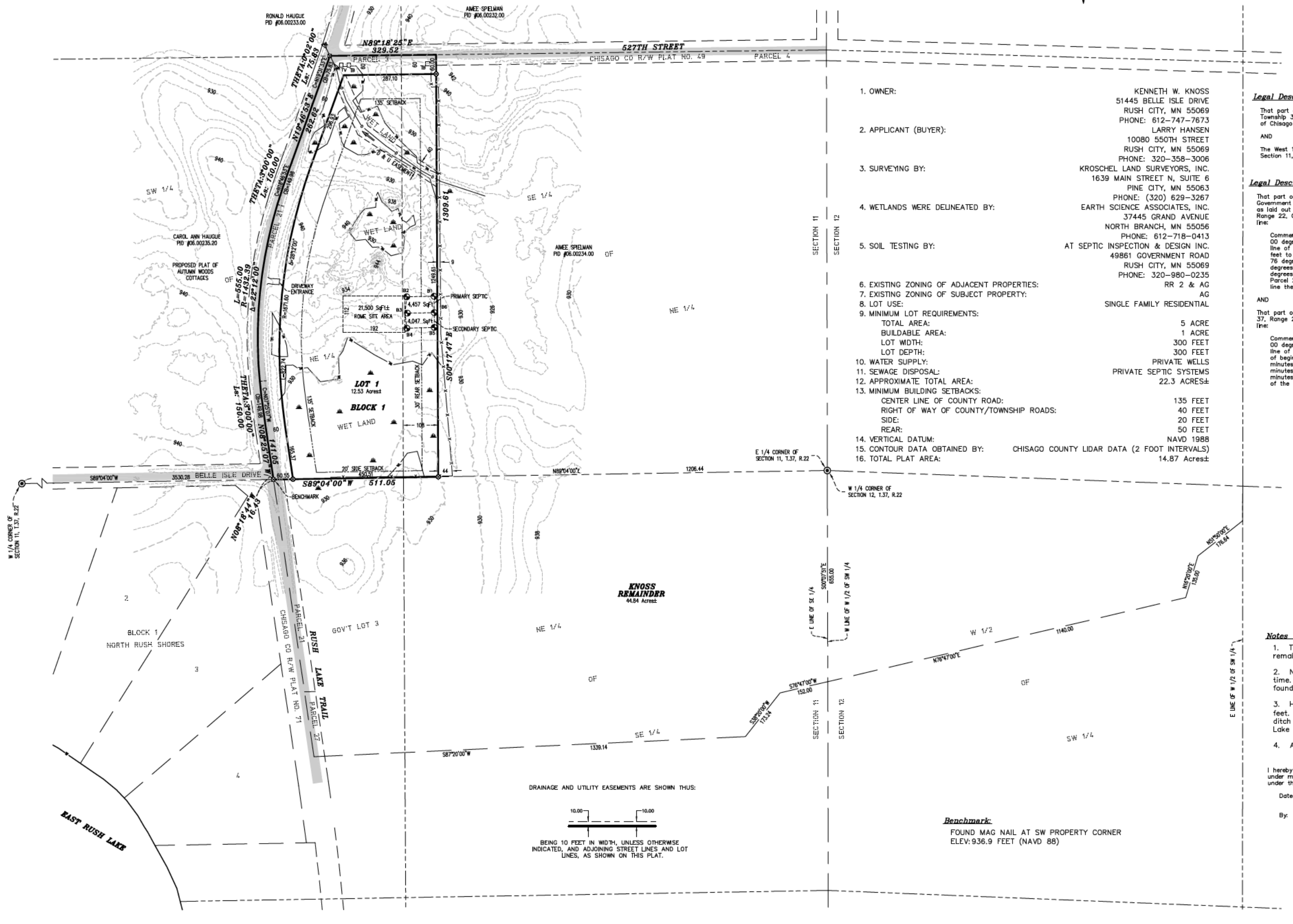
LEGEND

- DENOTES RECORDED CHISAGO COUNTY MONUMENT
- DENOTES 1/2" x 14" REBAR SET, MARKED KROSCHEL 44490
- DENOTES MAG NAIL FOUND
- DENOTES DELINEATED WET LAND
- DENOTES FENCE
- DENOTES DRAINAGE DITCH
- DENOTES SOIL BORING

N

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE MNDOT CHISAGO COUNTY COORDINATE SYSTEM, NAD 1983, HARN 1996 ADJUSTMENT

GRAPHIC SCALE
0 150 300
Scale: 1 Inch = 150 Feet



1. OWNER:	KENNETH W. KNOSS 51445 BELLE ISLE DRIVE RUSH CITY, MN 55069 PHONE: 612-747-7673
2. APPLICANT (BUYER):	LARRY HANSEN 10080 550TH STREET RUSH CITY, MN 55069 PHONE: 320-358-3006
3. SURVEYING BY:	KROSCHEL LAND SURVEYORS, INC. 1639 MAIN STREET N, SUITE 6 PINE CITY, MN 55063 PHONE: (320) 629-3267
4. WETLANDS WERE DELINEATED BY:	EARTH SCIENCE ASSOCIATES, INC. 37445 GRAND AVENUE NORTH BRANCH, MN 55056 PHONE: 612-718-0413
5. SOIL TESTING BY:	AT SEPTIC INSPECTION & DESIGN INC. 49861 GOVERNMENT ROAD RUSH CITY, MN 55069 PHONE: 320-980-0235
6. EXISTING ZONING OF ADJACENT PROPERTIES:	RR 2 & AG
7. EXISTING ZONING OF SUBJECT PROPERTY:	AG
8. LOT USE:	SINGLE FAMILY RESIDENTIAL
9. MINIMUM LOT REQUIREMENTS:	
TOTAL AREA:	5 ACRE
BUILDABLE AREA:	1 ACRE
LOT WIDTH:	300 FEET
LOT DEPTH:	300 FEET
10. WATER SUPPLY:	PRIVATE WELLS
11. SEWAGE DISPOSAL:	PRIVATE SEPTIC SYSTEMS
12. APPROXIMATE TOTAL AREA:	22.3 ACRES±
13. MINIMUM BUILDING SETBACKS:	
CENTER LINE OF COUNTY ROAD:	135 FEET
RIGHT OF WAY OF COUNTY/TOWNSHIP ROADS:	40 FEET
SIDE:	20 FEET
REAR:	50 FEET
14. VERTICAL DATUM:	NAVD 1988
15. CONTOUR DATA OBTAINED BY:	CHISAGO COUNTY LIDAR DATA (2 FOOT INTERVALS)
16. TOTAL PLAT AREA:	14.87 Acres±

Legal Description for Plat:

That part of the Southwest Quarter of the Northeast Quarter, Section 11, Township 37, Range 22, Chisago County, Minnesota, lying East of the centerline of Chisago County Road No. 1 as laid out and traveled August 14, 2003.

AND

The West 108 feet of the Southeast Quarter of the Northeast Quarter of Section 11, Township 37, Range 22, Chisago County, Minnesota.

Legal Description for Remainder:

That part of the Northeast Quarter of the Southeast Quarter and that part of Government Lot 3 lying East of the center line of Chisago County Road No. 1 as laid out and traveled August 14, 2003, all in Section 11, Township 37, Range 22, Chisago County, Minnesota, lying Northerly of the following described line:

Commencing at the East Quarter corner of said Section 11; thence South 00 degrees 07 minutes 51 seconds East, assumed bearing along the East line of the Southeast Quarter of said Section 11, a distance of 655.00 feet to the point of beginning of the line to be described; thence South 76 degrees 47 minutes 00 seconds West, 152.00 feet; thence South 38 degrees 20 minutes 00 seconds West, 173.24 feet; thence South 87 degrees 20 minutes 00 seconds West, 1339.14 feet, to the West line of Parcel 27, Chisago County Highway Right-of-Way Plat No. 71, and said line there terminating.

AND

That part of the West Half of the Southwest Quarter of Section 12, Township 37, Range 22, Chisago County, Minnesota, lying North of the following described line:

Commencing at the West Quarter corner of said Section 12; thence South 00 degrees 07 minutes 51 seconds East, assumed bearing along the West line of said West Half of the Southwest Quarter, 655.00 feet to the point of beginning of the line to be described; thence North 76 degrees 47 minutes 00 seconds East, 1140.00 feet; thence North 16 degrees 20 minutes 00 seconds East, 135.00 feet; thence North 51 degrees 50 minutes 00 seconds East, 176.64 feet to the East line of said West Half of the Southwest Quarter and said line there terminating.

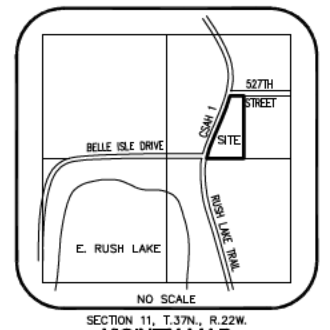
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

10.00 10.00

BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING STREET LINES AND LOT LINES, AS SHOWN ON THIS PLAT.

Benchmark:

FOUND MAG NAIL AT SW PROPERTY CORNER
ELEV: 936.9 FEET (NAVD 88)



SECTION 11, T.37N., R.22W.
VICINITY MAP

Notes to Plat:

1. There are no buildings on the proposed site or remainder parcel.
2. No title work has been given to the surveyor at this time. A quick review of the Chisago County LandShark site found no easements, other than County Highway easements.
3. Highest anticipated water level for the site is 930.5 feet. The top of the 36" RCP outlet pipe of the drainage ditch is at 925.5 feet. The 100 year flood level of Rush Lake is 916.2 feet.
4. All elevations shown are referenced to NAVD 1988.

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.

Dated this 31st day of May, 2024

By: _____
Tyler J. Kroschel, Land Surveyor
Minnesota License No. 44490

Kroschel Land Surveyors, Inc.
1639 Main Street North, Suite 6, Pine City, MN 55063
Phone: 320-629-3267 tyler@kroschelsurvey.com

23-135

RECEIVED

JUL 0 1 2024

Chisago County
Dept. of Environmental Services

June 28, 2024

To
Chisago County Dept of Environment Services
Betty Gervais, Land Service Coordinator

I'm writing about the proposed plat of land (Pony Tail Addition)

We are land owners on the North side & West side of this plot.

We are very interested in what will be constructed on this land, the plot they want to build on has wet lands. I believe it to be illegal to disturb wet lands.

We want to make sure it was surveyed & where the mound system & drain field is. It cannot run on our land.

The Woods has many eagle nests & many eagles, We have lived here 48 years & they were here when we came.

Eagles are protected, something must be done to protect them.

I don't believe this parcel is 20 acres, It was for a few years & may still be, you must have 20 acres to to build on. There are very few Woods & wet lands left for Wild life. They have no where left to go. I ask you to seriously think about this.

We will try to come to the meeting, but we needed to let you know our sincere thoughts

Jeanette & Kenneth Spielman
3095 527th St
Rush City, Mn 55069

RECEIVED
JUL 0 1 2024
Chisago County
Dept. of Environmental Services
BG

Beth Gervais, Land Services Coordinator,

I'm writing regarding the preliminary plat of ponytail addition involving Kenneth Knoss and Larry Hansen.

The land they want to build on has wetland areas surrounding the site that the house & septic will potentially be. I don't want wetlands to be disrupted & I know the disruption of wetlands is illegal.

The septic system looks like it is right on the property line, and assuming it was surveyed, I want to make sure the septic is far enough away from the property line, the cornfield, and the wetlands and drainage ditches, according to code.

One big question that I have is, are they aware of the eagles nests in that woods where they want to build? I know eagles are protected, and so are their nests and perching sites, which are those trees.

Also, eagles cannot be disturbed during breeding season which is from January to August and that is including

noise disturbances for certain times during the day. Construction sites are very noisy.

Trees with eagles nests and trees they perch on have a certain circumfrence distance around them in which you cannot cut down trees. I believe the building site falls within this range.

Lastly, I thought you need 20 acres to build on in Chisago Co. I'm aware this must be the reason for this hearing because they need to create a 20 acre lot by taking it off the 46+ acre lot, but if this is allowed, I would imagine it should be allowed for other land owners and I don't believe this to be the case in past hearing for other land owners. I don't want this to happen now or in the future because I don't want houses built up in this area. The woods and fields and wetlands are habitat to many animals including, deer, bear, Cougars, eagles, owls, water fowl etc... We need to protect their habitat, and this and any future division of land for housing development are going to distroy thier

the animals habitat.

Please consider this before granting this division of land.

Thank you,
Sincerely
Jacqueline Johnston
3095 527th St
Rush City, MN 55069
[redacted]

Kenneth Knoss and Larry Hansen - Property owner Kenneth Knoss and applicant Larry Hansen are requesting approval of the Preliminary Plat of Ponytail Addition involving the creation of one lot from a 46± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street in Nessel Township, S11, T37, R22 (PID 06.00235.10)

Knoss Property -



Kenneth Knoss and Larry Hansen- Property owner Kenneth Knoss and applicant Larry Hansen are requesting approval of the Preliminary Plat of Ponytail Addition involving the creation of one lot from a 46± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street in Nessel Township, S11, T37, R22 (PID 06.00235.10)

Knoss Property -



RESOLUTION NO. PC2024-0706
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF PONYTAIL ADDITION

WHEREAS, property owners Kenneth Knoss & Bernice Knoss and applicant Larry Hansen submitted an application dated received May 31, 2024 and considered complete on June 3, 2024 for the Preliminary Plat of Ponytail Addition; and

WHEREAS, the property owners wish to create one lot from the 46± acre subject site; and

WHEREAS, the subject site is generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street / CR 94 in Nessel Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 06.00235.10
That part of the Southwest Quarter of the Northeast Quarter, Section 11, Township 37, Range 22, Chisago County, Minnesota, lying East of the centerline of Chisago County Road No. 1 as laid out and traveled August 14, 2003.
AND
The West 108 feet of the Southeast Quarter of the Northeast Quarter of Section 11, Township 37, Range 22, Chisago County, Minnesota.
AND
That part of the Northeast Quarter of the Southeast Quarter and that part of Government Lot 3 lying East of the center line of Chisago County Road No. 1 as laid out and traveled August 14, 2003, all in Section 11, Township 37, Range 22, Chisago County, Minnesota, lying Northerly of the following described line:
Commencing at the East Quarter corner of said Section 11; thence South 00 degrees 07 minutes 51 seconds East, assumed bearing along the East line of the Southeast Quarter of said Section 11, a distance of 655.00 feet to the point of beginning of the line to be described; thence South 76 degrees 47 minutes 00 seconds West, 152.00 feet; thence South 38 degrees 20 minutes 00 seconds West, 173.24 feet; thence South 87 degrees 20 minutes 00 seconds West, 1339.14 feet, to the West line of Parcel 27, Chisago County Highway Right-of-Way Plat No. 71, and said line there terminating.

WHEREAS, notice was provided and on July 11, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Ponytail Addition 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 of Ponytail Addition is approved per plat drawing dated signed May 31, 2024. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 11th day of July, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator