Chisago COUNTY USA | PLANNING COMMISSION

Meeting Agenda
August 1, 2024 | 7:00 pm

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

The Planning Commission's Wednesday, July 31, 2024 tour has been canceled due to the nature of the land use requests.

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. July 11, 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 and 6b.
6. **Public Hearings**
   a. **Bonny & Paul Mack and Mallory Mack** – Property owners Bonny & Paul Mack and applicant Mallory Mack are requesting approval of the Preliminary Plat of Mack Estates involving the creation of one 5± acre lot from an 80± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 26995 Redwing Avenue / CR 86 in Franconia Township, S20, T33, R19 (PID 04.00218.00).
   b. **Haven Homes LLC** – Property owner Haven Homes LLC is requesting approval of the Preliminary Plat of Peaceful Sunrise involving the creation of one 9± acre lot from a 9± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located at the northeast corner of Franconia Trail and Rydeen Avenue in Franconia Township, S5, T33, R19 (PID 04.00065.40).
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, August 15, 2024 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, September 5, 2024 at 7:00 pm.

Planning Commission

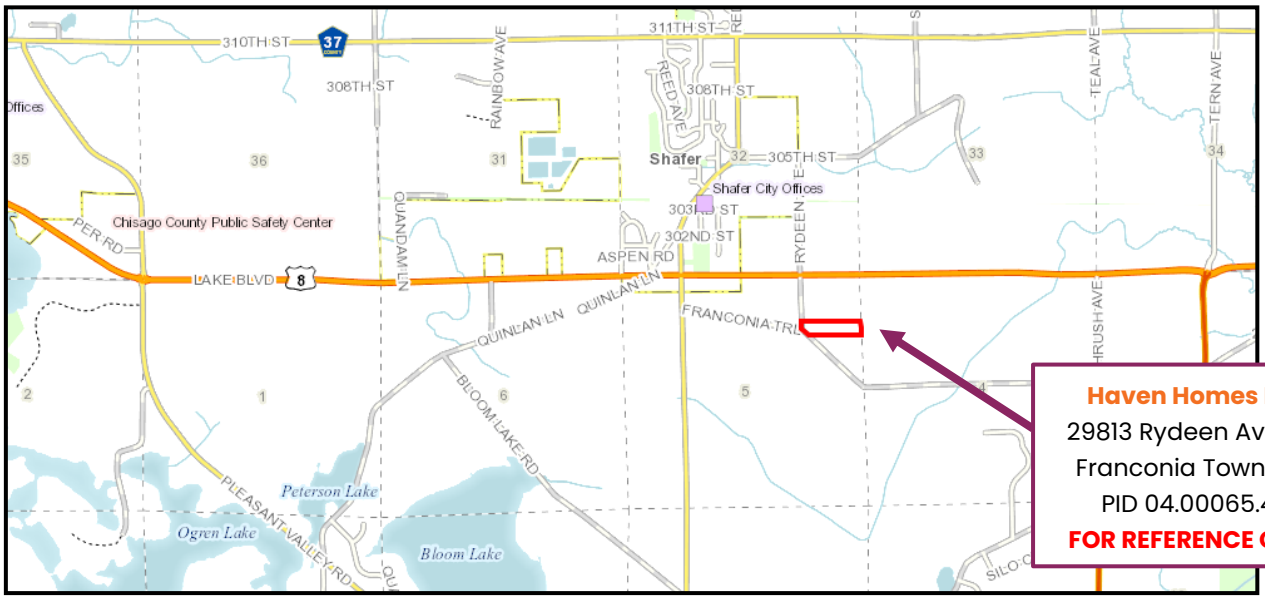
Tour Date and Time:

Wednesday, July 31, 2024 at 9:00 am

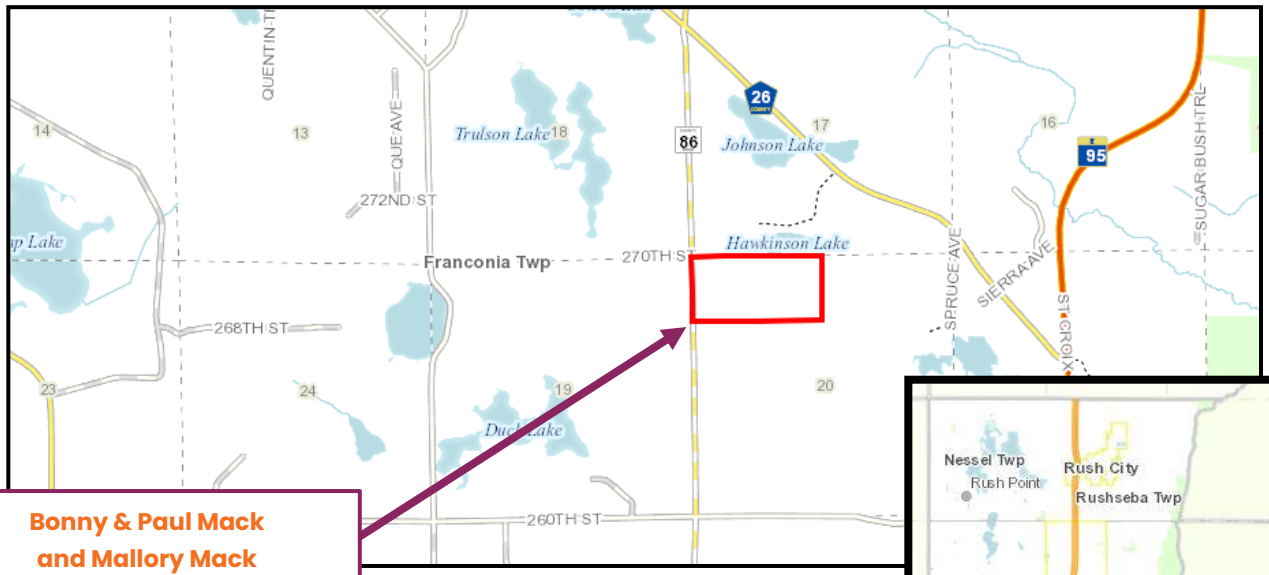
Departing from Chisago County Highway Department

31325 Oasis Road, Center City, MN 55012

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



Haven Homes LLC
29813 Rydeen Avenue
Franconia Township
PID 04.00065.40
FOR REFERENCE ONLY



Bonny & Paul Mack
and Mallory Mack
26995 Redwing Avenue / CR 86
Franconia Township
PID 04.00218.00
FOR REFERENCE ONLY

CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
July 11, 2024

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 11, 2024, at the Chisago County Government Center.

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

Chair Wille called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Dave Whitney, Jim McCarthy, Eric Leivian, Chip Yeager, John Sutcliffe, Chris DuBose, and Jolene Wille. Absent: None. A quorum was established with all members present. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – ***Motion*** by Sutcliffe to approve the agenda as presented; second by DuBose. The **motion passed** 7-0.

Approval of Minutes – ***Motion*** by Sutcliffe to approve the June 6, 2024, regular meeting minutes as presented; second by Leivian. The **motion passed** 7-0.

Receive all Materials and Submittals into Record – ***Motion*** by Yeager to accept all materials and submittals into the record, including an email correspondence from Mike Hozempa of 43695 Peaceful Valley Road, Sunrise Township for the requested Karen Buddhist Association CUP Amendment (agenda item 6.d.) and information provided by Chair Wille about bald eagle disturbance for the requested Knoss & Hansen Plat (agenda item 6.f.); second 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 attachments and the two additional items previously mentioned. Copies of all materials were made available to the public.

Public Hearings
Bridget Korman & Loralei Walker – Coordinator Gervais began by explaining that Korman and Walker were applying for a Conditional Use Permit for Rural Retail Tourism in order to establish and operate a wedding/gathering venue on their 20± acre property in the Agricultural (AG) District. The subject site was located at 15323 260th Street in Franconia Township, S25, T33, R20 (PID 04.00411.20).

Coordinator Gervais provided background on past activity related to the request, explaining that the Planning Commission conducted the requisite public hearing 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 6, 2024 meeting; and, to allow additional time for the Planning Commission to review the application materials. The Commission also motioned to extend the initial State mandated 60-day review period by an additional 60 days with the extended review period expiring on July 26, 2024. In response to the May 2nd public hearing / Planning Commission meeting, the applicants provided the County with amended application materials on May 10, 2024, and 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 on June 6th and ultimately motioned to re-open the record and call for a second public hearing to be held on July 11, 2024.

Coordinator Gervais acknowledged that the County had received additional written testimony following the May 2nd public hearing and referenced the legal opinion memo provided by Assistant County Attorney Fuge which stated that the Planning Commission was not able to view or consider any testimony received after the close of the public hearing on May 2nd until and unless action was taken to re-open the record and call for a second public hearing. Gervais stated that the Planning Commission took action on June 6th to re-open the record and call for a second public hearing on July 11th. Due to the amount of written testimony received and in order to allow sufficient time to review, the Planning Commission received batches of testimony on June 7, June 21, June 28, July 3, and July 5, 2024.

Coordinator Gervais briefly reviewed details of the subject site, the May 10th application materials, and the review process. Gervais concluded by offering a recommendation of approval with Findings of Fact and conditions and reviewed options available to the Planning Commission.

Chair Wille invited the applicants to address the Planning Commission. Applicants Bridget Korman & Loralei Walker, along with their attorney, Peter Frank, approached the Commission. Attorney Frank stated that the Chisago County Zoning Ordinance listed the proposed wedding venue as an allowable use within the AG District and that the request should be approved with reasonable conditions. Attorney Frank stated that, based on the initial public hearing, his clients heard the feedback provided and made adjustments to reflect the feedback. Attorney Frank concluded by stating that staff's proposed conditions were very detailed compared to other approved wedding venues within the County and that the proposed venue met the small scale and low impact intent for Rural Retail Tourism.

Leivian asked for clarification on what time the events would be ending. Brief discussion occurred and it was explained that on Fridays and Saturdays the events were proposed to end at 10:00 pm with music ending by 9:00 pm.

DuBose requested that staff review the twenty-four proposed conditions of approval for the audience. Coordinator Gervais reviewed each of the recommended conditions.

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

Jesse Ganley of 15573 260th Street, Franconia Township stated that he and his family owned the farm directly east of the subject site and they had the right to farm and he further stated that they would not ask permission to farm or make noise with farm machinery when two people were getting married. In addition, Ganley expressed concern with liability if venue guests interfered with his cattle and mentioned that the proposed venue was creating an opportunity for safety concerns not only for his farm but also for guests attending the wedding. Ganley concluded by stating that the proposed venue didn't make any sense to him.

Rochelle Ganley of 15573 260th Street, Franconia Township stated that she and her family lived on the farm directly east of the subject site. Ganley wanted to make the Planning Commission aware that the property boundary shared with the subject site was actually 20' closer to the applicants' proposed gazebo because the true property boundary was the existing fence line and not the line as shown on the County's GIS map. Ganley expressed concern with the potential for trespassing onto her property and the related insurance liability, sharing that she inquired and received a letter from her insurance agent and that letter had been presented to

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the Planning Commission. Ganley speculated that the applicants would be immune from liability per ag-tourism rules and questioned who would be liable and who would cover her insurance when they were dropped. Ganley stated that the Planning Commission was responsible for protecting the right to farm and all the farms. Ganley then questioned how many other venues in the County had cows on an adjacent property, responding that there weren't any. Ganley speculated that additional trees adjacent to her fence would only encourage children at the venue to play in and around the trees in close proximity to the cattle.

Jennifer Barniskis of 14686 259th Street, Franconia Township approached the podium when a member of the audience interrupted and asked the Planning Commission why the applicants were videorecording the public hearing and asked if it was legal. County Attorney Fuge addressed the concern, stating that, as a matter of decorum, it was at Chair Wille's discretion as to whether or not audience members could videorecord the meeting. Fuge continued by stating that any recording taken by any person of the audience would not be an official record. Fuge noted that neither the County nor the Planning Commission prohibited recording by a private person; however, if that activity interfered with the decorum of the meeting, the Chair had discretion to request that the activity cease. Assistant County Attorney Fuge concluded by stating that the County Attorney's Office was not in a position to address the rights of privacy or the rights of publicity of those videos that were being taken and, instead, it was a matter for the individuals to address and for the applicants to seek legal counsel.

There was a brief discussion on the issue of videorecording and Chair Wille sought opinions from each Planning Commissioner on the issue. DuBose commented that many jurisdictions recorded and aired public meetings and added that the County Board allowed videorecording so long as it wasn't disruptive to the meeting. McCarthy concurred with DuBose and added that this was a public hearing, not a private meeting, and it should be expected that testimony could be heard by others. The consensus of the Planning Commission and the decision of Chair Wille was to allow the videorecording to continue.

Jennifer Barniskis of 14686 259th Street, Franconia Township continued by stating that she disagreed with the application. Barniskis acknowledged that there were 24 proposed conditions of approval, that the subject site was located in the AG District and that the subject site was 20 acres in size, but reiterated Rochelle Ganley's testimony that, through adverse possession, the Gazebo was actually 20' closer to the property line as the existing fence line was the true shared property boundary. Barniskis speculated that there would be an inherent risk caused by the proximity of the venue to Ganley's fence and farm. Barniskis added that a condition requiring a 6' privacy fence would not eliminate or diminish the inherent risk. Barniskis also noted concerns with the applicants' lack of discussion about warning signs and the possibility of children and adults at the venue touching the Ganley's electric fence. Barniskis speculated that the proposed venue would cause adverse impacts by way of inherent risk to the established neighboring farm.

Ryann Bigelbach of 15470 260th Street, Franconia Township stated that, although she was opposed to the proposed venue, she wanted to offer some suggested conditions for the Planning Commission's consideration, including: a requirement for additional screening along the north property boundary as the existing grapevines didn't offer adequate screening; a requirement for security to be present during events where alcohol would be served; and, a requirement that Friday events did not start until after school bus drop-offs during school months. Bigelbach concluded by thanking the Planning Commission for re-opening the public hearing and allowing people to voice their opinions.

Carolyn Brue of 15995 260th Street, Franconia Township approached the podium and immediately informed the applicants that they didn't have her permission to videorecord her testimony and that they needed to stop the recording. Following a brief audience disruption, Assistant County Attorney Fuge suggested and Chair Wille called for a five-minute recess to further discuss the issue of videorecording.

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Following the recess, Chair Wille sought clarification from Assistant County Attorney Fuge as to whether she as Chair had the authority and discretion to stop any activities that caused disruption to the Planning Commission meeting. Fuge responded that Chair Wille indeed had the authority and discretion to request disruptive activities to cease or remove any individual who declined that request. Based on Fuge's response, Chair Wille requested that the applicants cease their videorecording due to its interference with the public hearing. Chair Wille also reminded audience members that any further outbursts would not be tolerated.

Carolyn Brue of 15995 260th Street, Franconia Township commented that the County was not obligated to approve the request and encouraged the Planning Commission to consider the impacts of the proposed venue on the existing neighboring farm. Brue speculated that any liability and risk fell on the Ganleys and there would be immunity for the owners of the venue. Brue stated that she did not believe that additional trees created an adequate barrier between the two properties and, at a minimum, the appropriate screening needed to be a fence in order to completely block the view of the cattle. Brue also speculated that the County's GIS map was incorrect and that the true shared property boundary was the Ganley's fence line, and that there were no other wedding venues in the County that were immediately adjacent to a cattle operation. Brue questioned why staff would say there were no road concerns when the Road Authority said that there were concerns, and further questioned staff's comments about the Road Authority's lack of quantifiable evidence to support its concerns.

Patrick Lee of 14857 260th Street, Franconia Township questioned what type of traffic survey was completed for 260th Street and who completed the survey; what type of sound study was completed in relation to the increased traffic; what determined that the proposed venue wasn't a public nuisance; what would be done with intoxicated people and how would they be safely transported from the venue; what was the capacity of the parking lot and what was the environmental impact of the parking lot; what was the sanitation plan and how would it impact the wetland; had there been a noise study and who would enforce the County's noise standards; and, how would the proposed venue impact the safety of guests and people who live in the area.

Brandon Bigelbach of 15470 260th Street, Franconia Township stated that he opposed the proposed CUP due to concerns related to safety of life, safety to the environment, and zoning principles. Bigelbach stated that the application was lacking a road safety study prepared by a certified traffic engineer to provide quantifiable evidence to determine the safety of the road. In addition, Bigelbach noted that the Road Authority stated that the road was unsafe, but staff stated that the Road Authority had not provided quantifiable evidence demonstrating that the road was not safe. Therefore, Bigelbach speculated that staff reached the conclusion that the road was safe. Bigelbach expressed concern with the approval of the CUP and the precedent it would set for future CUPs and the lack of a requirement for the completion of a traffic study. Bigelbach concluded by stating that approval of the proposed CUP implied that the County ignored the recommendations of the Road Authority and that the County required no certified traffic engineer study and relied solely on the personal opinions of the Planning Commission to determine road safety.

Angel Phillps of 25310 Olinda Trail, Franconia Township began by stating that she was in favor of the proposed wedding venue. Phillps believed that small home-based businesses contributed greatly to the community. Phillps quoted a brief excerpt from the Chisago County Comprehensive Plan pertaining to the purpose and intent of the County's agricultural areas and the County's intent to allow uses, such as Rural Retail Tourism within these areas. Phillps shared that she owned a dairy farm and that she didn't believe the proposed use would threaten her professional liability. Phillps continued by sharing that she would be installing additional electric fences and additional "no trespassing" signage in order to protect her animals and prevent people from trespassing onto her property as she believed this was her responsibility. Phillps explained that Franconia Township had a vast network of home-based businesses which provided a wide variety of goods and services to the community. Phillps concluded by noting that Panola Gardens was an example of a local gathering venue which had sheep on the venue property and which was immediately next door to a cattle operation. Phillps

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stated that there were sometimes creative differences between neighbors but considerate neighbors made life more pleasant and enjoyable for all.

Owen Kuhnly of 14912 260th Street, Franconia Township began by stating that he was a Franconia Town Board Supervisor and 260th Street was a busy and narrow road without paved shoulders or turn or bypass lanes. Kuhnly voiced his concern that the proposed venue would pose safety and hazard issues for residents. Kuhnly noted that, over the past 57 years, he had personally clocked vehicles going at least 80 MPH, witnessed vehicles passing on double solid lines, and vehicles passing tractors unsafely. Kuhnly continued by stating that adding an additional 75-100 vehicles in a 45-minute span of time may lead to accidents, potential fatalities, and congestion which could potentially cause an extreme hazard, and that these were the reasons that the Franconia Town Board recommended denial of the request. Kuhnly concluded by offering solutions that could be implemented. The proposed solutions were conditions prohibiting alcohol during events, requiring a 6'-8' privacy fence along the entire east property boundary and part of the south property boundary and part of the west property boundary to block views of the neighboring farms, and requiring a new paved driveway off of 260th Street to the parking lot as well as a turn lane on 260th Street for access into the parking lot and paid for by the applicants.

Beth Novack of 15144 260th Street, Franconia Township began by responding to previous testimony offered by Angel Phillps, explaining that the other home-based businesses mentioned by Phillps had more sporadic traffic patterns and not traffic bursts as she anticipated for the proposed venue. Novack noted that she operated a daycare facility across the street from the subject site and the school-aged kids got on and off the bus at her house. Her concern was that the kids had to cross the street and she worried that traffic associated with the proposed venue would create opportunities for kids to get hit by a vehicle.

Francis Freiderich of 26210 Pheasant Run, Franconia Township mentioned that the area residents were a tight community and they helped each other out when needed. Freiderich commented that, if he wanted to open a new business and there was as much opposition from the neighbors as there was for the proposed venue, he would reconsider opening the business.

Erika Huffman of 15237 260th Street, Franconia Township began by offering support for additional screening along the north side of the subject site. In regard to traffic and road conditions, Huffman commented that she found it interesting that there were findings of fact but no actual facts and that it was all opinions based on general observation of the road. Huffman spoke about the current traffic levels and her belief that 260th Street was a corridor for the Osceola business district as well as the Lindstrom and Chisago Lake business districts. Huffman concluded by requesting additional screening along the north property boundary and that a traffic study be completed.

Mikayla Ganley of 15573 260th Street, Franconia Township shared that she and her family raised all of their cows from birth and that cows could be easily scared. Ganley shared that her family didn't want people to scare or make any noises around the cows which may cause them to jump the fence and charge people. Ganley shared that she was a minor and rode the school bus and there had already been instances where she could have been hit by a vehicle if she didn't look both ways before crossing the street. Ganley concluded by sharing that she worked for a nearby wedding venue which was very successful even though it didn't serve alcohol.

Sonny Sparby of 18442 Osceola Road, Franconia Township began by asking if any of the Planning Commissioners had grown up on a farm or had gotten stuck behind farm machinery, suggesting that most drivers couldn't wait to get around farm machinery. Sparby stated that 260th Street was not safe for passing vehicles, especially after dusk. Sparby then referenced a previous Planning Commission meeting where it was stated by staff that there were no complaints about other similar Conditional Use Permits, and he stated that

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this wasn't true as he believed there had been complaints about Panola Gardens and Bloom Lake Barn. Sparby stated that County Engineer Joe Triplett suggested that a road study be completed for 260th Street and that the study be paid for by the applicants. Sparby concluded by reiterating that the road was not safe and a turn lane was needed, and that road signage was necessary in addition to security for any event with alcohol.

Christine Fischer of 15333 280th Street, Franconia Township stated that she met the Ganley's when she and her husband purchased livestock from them. Fischer expressed concern with the potential risk of the proposed venue to the farm animals as any added stress could taint the meat with stress hormones in addition to making it difficult for the animals to breed.

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

Chair Wille invited the applicants to address the Planning Commission if they had additional comments or if they wished to respond to any of the testimony provided. Korman and Walker, along with their attorney, Peter Frank, approached the Commission. Attorney Frank addressed the testimony pertaining to adverse possession by stating that he believed the property boundaries to be the boundaries shown by the County and that there had been no determination by the courts relating to adverse possession. Neither Attorney Frank nor the applicants had any further comments.

Yeager inquired if Attorney Frank could speak more to the issue of immunity for venues. Attorney Frank responded that he wasn't aware of any immunity for venues, adding that there could possibly be a State statute speaking to the issue but he wasn't familiar with it and suggested that the County Attorney may be able to address the question. Yeager then asked Assistant County Attorney Fuge if he was aware of the issue. Assistant County Attorney Fuge responded that he hadn't researched the matter and wasn't able to immediately provide a response.

McCarthy commented that he would encourage the use of LED downcast lighting for any overhead exterior lighting.

DuBose suggested limiting amplified music to one day a week and noted that the extensive list of suggested conditions of approval were in direct relation to the fact that the proposed venue was located in a more densely populated area than venues previously approved by the County Board.

Motion by DuBose to amend recommended condition no. 8 such that amplified music would be limited to one day per week; second by McCarthy. The **motion failed** 1-6 (Whitney, Leivian, McCarthy, Yeager, Sutcliffe, and Wille voting against the motion).

DuBose noted that, during the Planning Commission's July 10, 2024 site visit, he observed existing trees directly north of the existing detached garage and pole building and recommended that they not be removed as they provided a sound and visual buffer.

Motion by DuBose to add a condition requiring that the existing trees located directly north of the detached garage and pole building be retained and maintained for the purposes of providing sound buffering and visual screening; second by Whitney. The **motion passed** 7-0.

Motion by DuBose to amend recommended condition no. 12 in such a way that would require the installation of a solid 6' tall privacy fence extending from the north property boundary southerly along the east property boundary to a point in-line with the north side of the dwelling; second by Yeager. Whitney shared that he had

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considered a similar condition, clarifying that he would like to see a fence extending from the south side of the road easement southerly along the east property boundary for a distance of 360' which was generally in-line with the south side of the dwelling. Whitney inquired if DuBose would be willing to amend his motion accordingly. After further discussion and clarification, DuBose amended his motion to reflect Whitney's suggestion such that recommended condition no. 12 would be amended in such a way that would require the installation of a solid 6' tall privacy fence extending from the north property boundary southerly along the east property boundary to a point in-line with the south side of the dwelling; Yeager accepted the amendment. The **motion passed** 7-0.

Motion by McCarthy to amend recommended condition no. 17 by adding that any exterior lighting shall be downcast LED lighting; second by DuBose. The **motion passed** 7-0.

Yeager introduced the question of how much screening was provided to the north by the existing grapevines and if that level of screening was sufficient. In response, DuBose suggested requiring that the existing tree line directly north of the detached garage and pole building be extended easterly to address Yeager's concern. Whitney opined that the existing screening was sufficient and requiring more screening seemed excessive.

Motion by Yeager to add a condition requiring that the north vineyard, located adjacent to the roadway, be maintained at the current opacity level and that the vines be replaced, if necessary, with screening of equal value; second by Whitney. DuBose noted that, during the Planning Commission's July 10, 2024 site visit, the applicants commented that the three northernmost rows of vines may have been diseased and may need to be replaced. DuBose suggested that, if this happened, replacing the vines with trees would provide a better form of screening. McCarthy suggested a friendly amendment such that, if the vines needed to be replaced, they be replaced with trees. Yeager and Whitney both accepted the friendly amendment. Leivian commented that this requirement may slowly eliminate the vineyard. Through further discussion, the motion was further amended such that the added condition would require that the north vineyard, located adjacent to the roadway, be maintained at the current opacity level and that the vines be replaced, if necessary, with vines of equal opacity level but, if the vines were to be permanently removed, they would need to be replaced with trees of equal opacity level to that of the vines. The **motion passed** 7-0.

Motion by Whitney to amend recommended condition no. 8 such that the building would be required to be insulated and climate controlled unless the applicants utilized equipment, such as silent disco headphones. Yeager suggested that noise included more factors than just music. With no second, Whitney withdrew his motion.

Motion by Whitney to amend recommended condition no. 10 such that a decibel limiter would not be required if the applicants solely utilized equipment such as silent disco headphones. This led to further discussion amongst the Planning Commission, with Chair Wille suggesting that noise from speeches and toasts and the like would also create noise. With no second, the motion failed.

Motion by Whitney to amend recommended condition no. 11 such that gunfire would also be prohibited; second by Yeager. The **motion failed** 2-5 (Whitney and Yeager voting in favor).

Whitney's next topic for discussion was recommended condition no. 13, suggesting that the County had never required screening of a gathering venue parking lot and the recommended condition seemed excessive.

Motion by Whitney to eliminate recommended condition no. 13 in its entirety; second by McCarthy. The Planning Commission discussed the impact of additional screening. The **motion failed** 3-4 (Whitney, McCarthy, and Leivian voting in favor).

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Motion by Chair Wille to amend recommended condition no. 8 such that amplified music cease by 9:00 pm on Fridays and Saturdays: second by DuBose. The **motion passed** 7-0.

Motion by Chair Wille to add a condition requiring the installation of screening in the northeast corner of the subject site, between the northern boundary of the vineyard and the east property boundary, for purposes of visual screening and sound buffering. The screening shall consist of 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; second by DuBose. The **motion passed** 4-3 (Whitney, McCarthy, and Leivian voting against).

McCarthy requested that staff contact the Road Authority and Sheriff's Office to request enhanced enforcement based on the many complaints expressed during the public hearings.

Motion by McCarthy to adopt 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, with Findings of Fact as presented and conditions as amended; second by Leivian. The **motion passed** 7-0.

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.

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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. Music shall cease by 9:00 pm on Fridays and Saturdays.

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~~ a solid 6' tall privacy fence adjacent to the east property boundary. The ~~screening~~ fence shall be installed at a point beginning ~~100' south of the edge of the public roadway (approximate southernmost point of the northern vineyard)~~ at the southerly edge of the roadway easement and extending south ~~a distance of 200'~~ to a point meeting the easterly extension of the southernmost point of the dwelling (approximately 360'). ~~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 retain and maintain the existing trees located directly north of the 14' x 16' single-stall garage for purposes of visual screening and sound buffering.

15. The northern vineyard, adjacent to the public roadway, shall be maintained in its current state and at its current opacity level. If vines are to be replaced with vines, they shall be replaced at an equal opacity level. If vines are to be permanently removed, they shall be replaced with trees at an equal opacity level.

16. The permit holder(s) shall install screening in the northeast corner of the subject site, between the northern boundary of the vineyard and the 6' tall solid privacy fence adjacent to the east property boundary, for purposes of visual screening and sound buffering. The screening shall consist of 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.

17. 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.

18. 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.

19. 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.

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20. Any exterior lighting shall be downcast LED lighting in order to mitigate negative impact to neighboring properties.
21. The permit holder(s) shall ensure adequate access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles.
22. All food prepared in conjunction with the Rural Retail Tourism activity shall comply with all applicable Minnesota Department of Health regulations.
23. 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.
24. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
25. 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.
26. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
27. 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.

Chair Wille called for a five minute recess.

Timothy & Deanna Turcotte - Coordinator Gervais provided background on the request for 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 was generally located at the intersection of 360th Street and Tern Avenue in Shafer Township, S3, T34, R19 (PID 08.00020.00).

Coordinator Gervais reviewed details of the subject site and surrounding area, explaining that the subject site was located in the AG District and completely surrounded by properties within the AG District; the site was heavily wooded and featured three small wetland areas; and, the subject site was currently undeveloped and, because the property owners owned a home in close proximity to the proposed subject site, they did not intend to construct a dwelling on the subject site. Gervais shared that the proposed accessory structure would be 40' x 64' (2,560sf) in size with 16' side walls; would be used strictly for storage; no sanitary facilities were proposed within the structure; and, the proposed structure would meet all required setbacks.

The Technical Review Committee met with property owner Timothy 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. 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". The initial State mandated 60-day review period was scheduled to expire on July 6, 2024 and staff extended the review period by an additional 60 days as allowed per Minnesota Statute 15.99 in order to

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accommodate all required meetings. The extended review period was scheduled to expire on September 4, 2024.

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

Chair Wille invited the applicants to address the Planning Commission. Property owner Tim Turcotte approached the Commission and only added that the proposed structure would be built by local contractors and he was not planning to build a house on the subject site.

Chair Wille opened the public hearing and sought comment.

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

Motion by DuBose to adopt 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, with Findings of Fact and conditions as presented; second by Sutcliffe. The **motion passed** 7-0.

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.

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

Redline Management, LLC and Curtis Forster - Coordinator Gervais provided background on the request for 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 was 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).

Coordinator Gervais reviewed details of the request and the scope of the request. Gervais explained that the subject site was located within the AG District and completely surrounded by properties within the AG District, with the exception of the properties located to the north which were located in Pine County, and the site was heavily wooded and featured multiple distinct wetland areas. Gervais explained that the proposed accessory structure would be used for storage of personal items, including various recreational vehicles, and that no sanitary facilities were proposed within the structure. The proposed structure would be a 40' x 80' (3,200 sf) pole building and the location would be at the end of the approximate 330' long driveway. The structure appeared to meet and exceed all required setbacks.

The Technical Review Committee met with applicant 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 initial State mandated review period was scheduled to expire on July 8, 2024 and staff extended the review period by an additional 60 days as allowed per Minnesota Statute 15.99 in order to accommodate all required meetings. The extended review period was scheduled to expire on September 6, 2024.

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

Chair Wille invited applicants to address the Planning Commission. Applicant Curtis Forster approached the Commission but had no additional information to offer.

Chair Wille opened the public hearing and sought comment.

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

Motion by Sutcliffe to adopt 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, with Findings of Fact and conditions as presented; second by Leivian. The **motion passed** 7-0.

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.

Karen Buddhist Association, Inc. – Coordinator Gervais provided background on the request for an Amendment to a Conditional Use Permit allowing the establishment and maintenance of a place of worship. The proposed Amendment included adjusted hours of operation, adjusted hours for the playing of music and/or amplified sound, and an increased maximum number of attendees. The 58.7± acre subject site was located within the Agricultural (AG) District at 43695 Peaceful Valley Road in Sunrise Township, S25, T36, R21 (PID 09.00604.00).

Coordinator Gervais provided a brief history of the existing CUP, explaining that it was granted by the County Board in August 2017, and also noted that, when considering an Amendment to a Conditional Use Permit, the County was not able to add conditions that had no relationship to the sought after Amendment. Gervais highlighted details of the subject site and surrounding area, explaining that the subject site and all surrounding properties were located within the Agricultural (AG) District; the site had been developed with a dwelling and several detached accessory structures which all appeared to be centrally located on the nearly 60-acre property; and, the property featured nearly level elevations and mostly open land with a 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.

Coordinator Gervais stated that the property owner and applicant were 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 would 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 would reportedly "align with the timing and ambiance of [the] events". And, lastly, the proposed increase to the maximum number of attendees was presumed by staff to be a measure to grow the events. Coordinator Gervais noted that the application

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materials provided a detailed explanation of two new proposed events, safety measures, logistical arrangements, and the proposed Amendments.

The Technical Review Committee met with the property owner and applicant on June 12, 2024. The group reviewed the proposed Amendments and general 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 Amendment specifically for the proposed Karen Traditional Wrist Tying Ceremony and the proposed Annual Novice and Monk Ceremony. Gervais noted that the Town Board recommended approval of the proposed Amendment as it related to two specific events; however, applicant Kyaw Kyaw Lwin had confirmed that he and the property owner were seeking approval of the proposed Amendment for all events throughout the year; therefore, staff's recommended conditions of approval would allow the proposed Amendment to apply to all events. The State mandated 60-day review period was scheduled to expire on August 3, 2024.

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

Chair Wille invited the property owner and applicant to address the Planning Commission. Applicant Kyaw Kyaw Lwin approached the Commission and commented that most of the events occurred in the center of the subject site, so the noise was barely heard from the road.

McCarthy asked clarifying questions of the applicant in regard to recommended condition no. 5 (pertaining to music and/or other amplified sound), noting that he had attended the June 20, 2024 Sunrise Town Board Meeting and he recalled that the Town Board had requested that the three hours of music take place during the daytime and not after 6:00 pm. McCarthy asked if the applicant would be ok with the Town Board's suggested timeframe. The applicant clarified that the request was to adjust the hours for the playing of music from 10:00 am – 6:00 pm to 12:00 pm – 10:00 pm, primarily to accommodate other events and late-night worship. McCarthy rephrased his question, asking the applicant if the three-hour window for the playing of music was the same timeframe as events. The applicant responded that events generally lasted three hours. McCarthy sought clarification that music wouldn't be playing all day. The applicant responded that music would not play all day and it would be limited to three hours per event.

Leivian sought clarification from the applicant in regard to the playing of music, asking if they currently featured music and were requesting a shift in time or if the music was meant to be a new feature. The applicant responded that he was seeking approval for new event hours. In regard to whether the music was a new feature, the applicant did not provide a response and appeared to be confused by the question.

DuBose asked the applicant if music was intended to be played up to four times a year with music being allowed until 10:00 pm two times a year. The applicant responded in the affirmative.

Chair Wille opened the public hearing and sought comment.

Scott Buboltz of 9535 Sunrise Road, Sunrise Township shared that he owned property immediately east of the subject site and that he had constructed a dwelling on his property the previous year. Buboltz reported that there was no screening on the east side of the subject site and that the applicants were building structures near the shared property boundary. Buboltz concluded by stating that he was opposed to the applicant playing loud music so close to his house, disturbing his peace and quiet.

With no other members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing;

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second by Yeager. The **motion passed** 7-0.

Planning Commissioners sought clarification from Buboltz about the trees along the east / shared property boundary and the location of his house in relation to the shared property boundary. Bubboltz stated that all trees located adjacent to the shared property boundary were located on his property and that he had planted them. Bubboltz also indicated the location of his house on an aerial image shared with the Commission.

There was discussion amongst the Planning Commissioners on adjusting the allowable timeframe for music and the number of events that music would be allowed. Chair Wille sought advice from Assistant County Attorney Fuge on making adjustments to existing conditions at the request of the property owner and applicant. Assistant County Attorney Fuge explained that the Planning Commission could adjust conditions at the request of the property owner and applicant as well as conditions that would take into consideration mitigating impacts that may be brought by the expanded use / proposed Amendment.

Motion by DuBose to amend recommended condition no. 5 in such a way that would allow music and/or other amplified sound at a maximum of four of the nine annual events from 12:00 pm to 7:00 pm with two of the four events being allowed to have music and/or other amplified sound from 12:00 pm to 10:00 pm; second by Wille. Leivian questioned if 7:00 pm was a standard time established for other similar events or if 8:00 pm would be more appropriate. Both DuBose and Wille accepted Leivian's suggested change as a friendly amendment such that the amended motion would allow music and/or other amplified sound at a maximum of four of the nine annual events from 12:00 pm to 8:00 pm with two of the four events being allowed to have music and/or other amplified sound from 12:00 pm to 10:00 pm. Whitney suggested eliminating the phrase "during daytime hours" from recommended condition no. 5. Both DuBose and Wille accepted Whitney's suggested change as a friendly amendment. The **motion passed** 7-0.

Motion by Leivian to adopt 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, with Findings of Fact as presented and conditions as amended; second by Yeager. The **motion passed** 7-0.

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 11:00 am and 11:00 pm with a maximum number of 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 12:00~~

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~~pm and 10:00 pm).~~ between the hours of 12:00 pm and 8:00 pm, with two of the four events allowed to have music and/or amplified sound between the hours of 12:00 pm and 10:00 pm. The music and/or amplified sound shall be limited to a maximum duration of three hours per event.

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.

Roy & Kelly Ramberg and Kelly Jordan – Coordinator Gervais provided background on the request for the 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 was zoned Agricultural (AG) District and located at 36320 Kost Trail / CSAH 11 in Sunrise Township, S31, T35, R20 (PID 09.00359.00).

Coordinator Gervais reviewed details of the subject site and surrounding area, noting that the subject site was located in the Agricultural (AG) District along with all surrounding properties with the exception of properties to the west which were located within the City of North Branch. Gervais also noted that the proposed lot featured fairly level elevations and it was heavily wooded with no identified wetlands. Gervais shared that the County Board granted a Conditional Use Permit (CUP) for the subject site in July 2015, with the CUP allowing a Commercial Solar Energy System on a 40-acre footprint westerly of the proposed plat. Other than the existing solar energy system, the subject site was undeveloped. Gervais commented that the proposed lot complied with all minimum dimensional requirements for the AG District.

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

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the future, the CUP for the existing Commercial Solar Energy System may need to be amended if the plat was approved and the legal description for the remaining 177± acre site was 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. The ordinance prescribed 120-day review period was scheduled to expire on September 27, 2024.

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

Chair Wille invited the applicants to address the Planning Commission. Property owner Kelly Ramberg approached the Commission but had nothing to add.

Chair Wille opened the public hearing and sought comment.

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

Motion by DuBose to adopt Resolution No. PC2024-0705, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Kost Ranch, as presented; second by Leivian. The **motion passed** 7-0.

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.

Kenneth Knoss and Larry Hansen – Coordinator Gervais provided background on the request for the approval of the Preliminary Plat of Ponytail Addition involving the creation of one lot from a 46± acre tract of land. The subject site was zoned Agricultural (AG) District and generally located at the southeast corner of Rush Lake Trail / CSAH 1 and 527th Street / CR 94 in Nessel Township, S11, T37, R22 (PID 06.00235.10).

Coordinator Gervais reviewed details of the subject site and surrounding area, explaining that the subject site was located in the AG District and was surrounded by properties within the AG District to the north, east and west and properties to the west were located within the Rural Residential II (RRII) District. Gervais noted that the proposed lot featured elevations ranging from 929' to 941' along with areas of heavy forestation and wetlands. Gervais also noted that surrounding properties ranged widely in size from less than one acre to 40 acres and, and as proposed, the proposed lot met and exceeded all minimum dimensional requirements for the AG District.

The Technical/Plat Review Committee met with applicant Larry Hansen on June 12, 2024. Wetland Specialist Fertig commented that the wetland delineation needed to be corrected as additional wetlands had been identified. Following the June 12th meeting, a corrected wetland delineation was submitted, verified, and found to

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be accurate. The Committee did not identify any other immediate concerns. The Nessel Town Board reviewed the proposed Preliminary Plat at its June 11, 2024 meeting and recommended approval with no conditions or comments. The ordinance prescribed 120-day review period was scheduled to expire on October 1, 2024.

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

Chair Wille invited the applicants to address the Planning Commission. Applicant Larry Hansen and property owner Ken Knoss were present but had nothing to add.

Chair Wille opened the public hearing and sought comment.

Bill Karth of 3305 527th Street, Nessel Township stated that he had no concerns with the proposed plat but questioned how many acres were needed to develop a property as neighbors were under the assumption that the minimum acreage needed was 20.

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

Sutcliffe requested that staff address Karth's question. Coordinator Gervais explained that a property owner didn't need 20 acres in order to develop the property as the County's Subdivision Ordinance allowed properties within the AG District to be a minimum of five acres in size through the platting process. However, in order to be exempt from the platting process, parcels were required to be at least 20 acres in size.

DuBose referred to the handout provided by Chair Wille, pertaining to bald eagle disturbance, in an effort to address some of the concerns expressed through written testimony about a reported eagles nest on the subject property. Chair Wille stated that she gathered the information from the US Fish and Wildlife Service, noting that the handout provided well-established guidelines for building near eagles' nests. The Planning Commission briefly discussed whether a condition addressing bald eagle disturbance was appropriate. Based on guidance from Assistant County Attorney Fuge, it was ultimately decided that such a condition would not be appropriate and that this matter would be addressed at the time of building permit application.

Motion by Sutcliffe to adopt Resolution No. PC2024-0706, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Ponytail Addition, as presented; second by Leivian. The **motion passed** 7-0.

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.

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Public Hearings – Continued Hearings
None

Old Business
None

New Business
None

Communications and Reports
County Board Liaison Reports – County Commissioner Greene reported that the County Board had begun the 2025 budget process. County Commissioner Dahlberg stated that the County Board would be forwarding a cannabis template to the Planning Commission for further development for the County Board's consideration.

Miscellaneous –
Chair Wille informed the Planning Commission that both she and Vice Chair McCarthy would be absent from the August 1, 2024 meeting. Chair Wille stated that she could be available to attend the meeting remotely, if necessary, but didn't think that acting as Chair remotely would be a good idea. Chair Wille suggested that past Chair Yeager serve as Acting Chair for the August 1st meeting. The Planning Commission concurred.

Sutcliffe stated there were some issues with a short-term rental property in Nessel Township over the fourth of July weekend and that he would like the Planning Commission to have a discussion sometime in the near future regarding regulations pertaining to short-term rental licensing.

Motion by Yeager to cancel the special work session scheduled for July 18, 2024; second by Sutcliffe. The **motion passed** 7-0.

Adjourn Meeting – ***Motion*** by Leivian to adjourn the meeting; second by Sutcliffe. The **motion passed** 7-0. The meeting adjourned at 9:51 PM.

_____ ATTEST: _____

Chip Yeager
Acting Chair

Beth Gervais
Land Services Coordinator

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Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Mack Estates
26995 Redwing Avenue / CR 86, Franconia Township
DATE: August 1, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Mack Estates.

SITE & APPLICATION INFORMATION

Property Owner(s):	Bonny & Paul Mack
Applicant(s):	Mallory Mack
General Location:	26995 Redwing Avenue / CR 86 Franconia Township Section 20, Township 33, Range 19
PIDs:	04.00218.00
Property Area:	80± 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:	June 26, 2024
Date Application Complete:	June 28, 2024
120-Day Review Period:	October 26, 2024

BACKGROUND

Property owners Bonny & Paul Mack and applicant Mallory Mack are seeking approval of the Preliminary Plat of Mack Estates, involving the creation of one 5± acre lot from the 80± acre tract of land located at 26995 Redwing Avenue / CR 86 in Franconia Township.

SITE & PROPOSAL ANALYSIS

The 80± acre subject site is generally located approximately nine-tenths of a mile south of Pleasant Valley Road / CSAH 26 and approximately three-quarters of a mile north of 260th Street on the east side of Redwing Avenue / CR 86 in Franconia Township. The subject site is currently developed with a dwelling and several detached accessory structures and also appears to be used for agricultural purposes. The subject site and all surrounding properties are located within the County's Agricultural (AG) District.

Topography of the proposed lot includes elevations ranging from 846' in the south central portion of the lot to 878' in the extreme northeast corner. The proposed lot features existing trees along the south property boundary as well as a stand of trees approximately three-quarters of an acre in size. There are no identified wetlands.

The attached plat drawing shows a 21,500 sf Home Site Area and a combined 10,300 sf septic area in the northeast corner of the proposed lot.

Surrounding properties range widely in size from 4.5 acres to 80 acres, with most surrounding properties having 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, Mack Estates 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, Block 1	4.94± acres (5.41 acres with dedicated Right-of-Way)	338'±	697'±	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 Mallory Mack on July 10, 2024. The Committee did not identify any immediate concerns. The soils report and wetland delineation have been verified by County staff and found to be accurate.

The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 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 26, 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 Mack Estates with conditions and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. The Preliminary Plat of Mack Estates is approved per plat drawing dated signed June 26, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. 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 Mack Estates 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 Mack Estates 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 Mack Estates.
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 26, 2024 allowing the Planning Commission to further consider the request at its September 5, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0801, a resolution recommending approval of the Preliminary Plat of Mack Estates, 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. PC2024-0801

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 2024-1158

Township Franconia S/T/R 20/53/19 PID# 04.00219.00

Project Address 26995 Redwing Avenue Shafer, MN 55074

Property Owner(s) Bonny and Paul Mack

Mailing Address (If Different from Project Address) _____

Phone# [redacted] Email _____

Applicant(s) Mallory Mack

Mailing Address (If Different from Project Address) 10274 246th St N Scandia MN 55073

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) One lot Plat.

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

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

Mallory Mack — **Applicant Signature**

6-26-2024 — **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	$ 500.00	Application Received	6-26-24
Recording Fee	$ 46.00	Application Complete	6-28-24
Plat Fee – No Road(s) / With Road(s)	$ 150.00	60 / 120 Day Review Period	10-26-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$ Has been pd #24-993		
TOTAL FEE	$ 696		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Franconia S/T/R 20/33/19 PID# 04.0028.00

Project Address 26995 Redwing Ave Shafer, MN

Property Owner(s) Bonny and Paul Mack

Mailing Address (If Different from Project Address) _____

Phone# [redacted] Email _____

Applicant(s) Mallary Mack

Mailing Address (If Different from Project Address) 10279 246th St N Scandia, MN

Phone# [redacted] Email [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals
- ☐ Variance
- ☐ Administrative Appeal

Planning Commission
- ☐ Conditional Use Permit (CUP)
- ☐ Interim Use Permit (IUP)
- ☐ Amendment to CUP or IUP
- ☐ Preliminary Plat
- ☐ Rezoning
- ☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) 1 5acre lot

Mallary Mack ORIG 6-26-2024

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.

Date of County Public Hearing August 1, 2024 Date of Township Presentation July 9, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

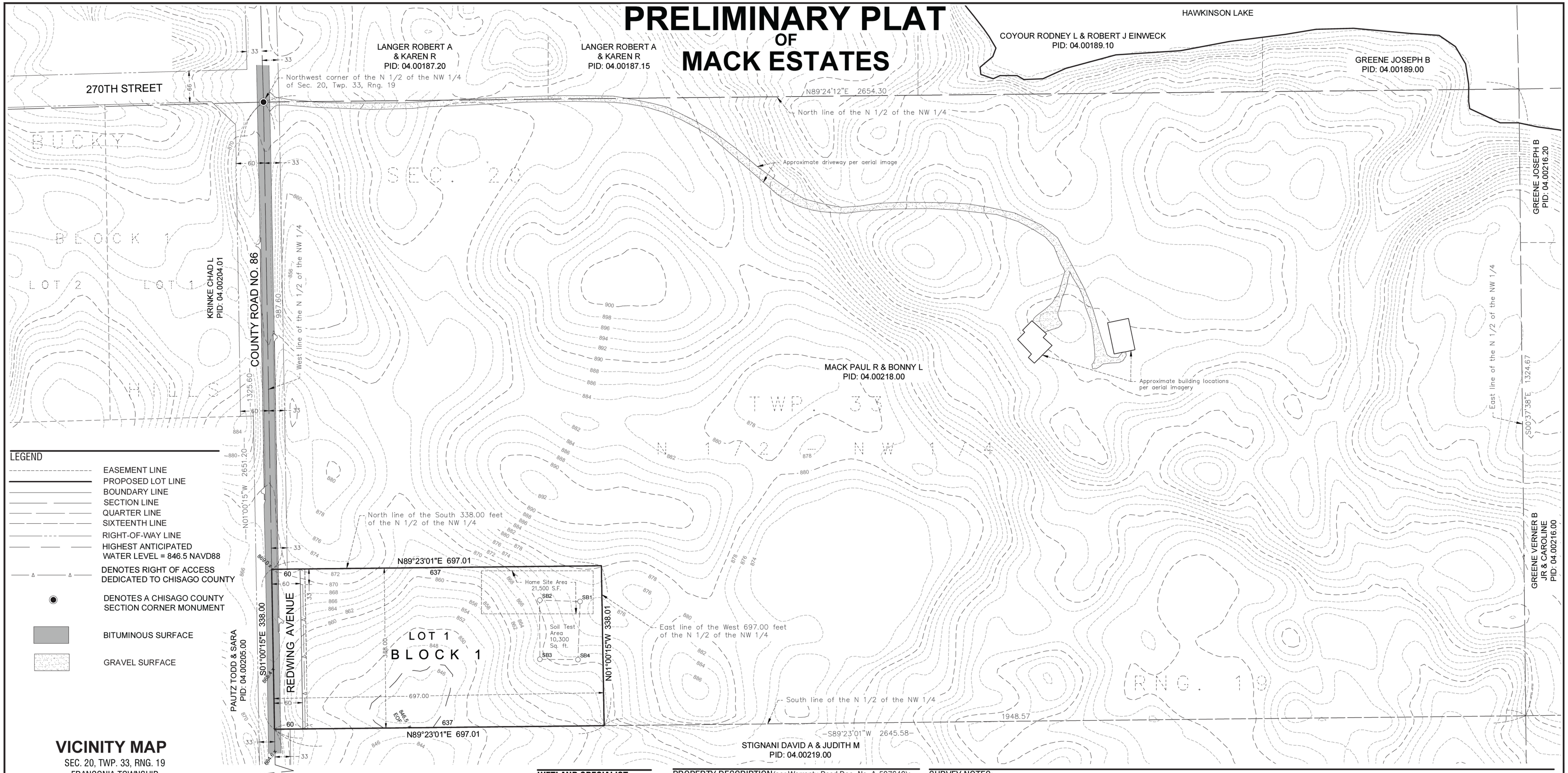
Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

_____

Signatures of Township Officials or Authorized Personnel

Pat Lee Sonny Sparby

PRELIMINARY PLAT
OF
MACK ESTATES

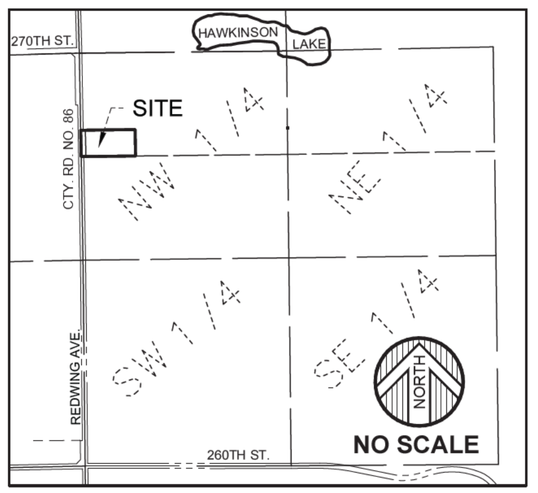


LEGEND

- EASEMENT LINE
- PROPOSED LOT LINE
- BOUNDARY LINE
- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT-OF-WAY LINE
- HIGHEST ANTICIPATED WATER LEVEL = 846.5 NAVD88
- DENOTES RIGHT OF ACCESS DEDICATED TO CHISAGO COUNTY
- DENOTES A CHISAGO COUNTY SECTION CORNER MONUMENT
- BITUMINOUS SURFACE
- GRAVEL SURFACE

VICINITY MAP

SEC. 20, TWP. 33, RNG. 19
FRANCONIA TOWNSHIP
CHISAGO COUNTY, MINNESOTA



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

10 10

BEING 10 FEET IN WIDTH ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

W 1/4 corner of Sec. 20, Twp. 33, Rng. 19.

SOIL BORING	BORING ELEVATION	ELEV. AT MOTTLED SOIL
SOIL BORING 1	877.3	876.2
SOIL BORING 2	871.3	870.1
SOIL BORING 3	869.6	868.4
SOIL BORING 4	871.5	870.0

WETLAND SPECIALIST:
JACOBSON ENVIRONMENTAL, PLLC
2109 JOPLIN STREET
MORA, MN 55051
(612)-802-6619

LAND SURVEYOR
WIDSETH
Shawn Kupcho
5368 266TH STREET
WYOMING, MN 55092
PHONE (651) 358-2346

SOIL TESTING
JOSH PUTT LIC NO. L4063
P.O. BOX 45
SHAFER, MN 55074
(651) 900-1567

OWNER
MALLORY MACK
10279 246TH STREET N
SCANDIA, MN 55073
(651) 387-9573

PROPERTY DESCRIPTION (per Warranty Deed Doc. No. A-597649):

The North Half of the Northwest Quarter (N 1/2 of NW 1/4) of Section Twenty (20), Township Thirty-three (33), Range Nineteen (19).

LOT SUMMARY

Lot 1, Block 1	:	215,311 Sq. Ft. or 4.94 Acres
Dedicated Right of Way	:	20,280 Sq. Ft. or 0.47 Acres
Remainder	:	3,275,903 Sq. Ft. or 75.20 Acres

NORTH
0 100 200
SCALE (IN FEET)

The building setback lines are not shown on the survey

SURVEY NOTES:

1. The orientation of this bearing system is based on the Chisago County Coordinate System NAD83 (1996 adj.)
2. Address: 26995 Redwing Avenue, Shafer, MN 55074
   Parcel ID: 04.00218.00
3. Contours shown are LIDAR derived on the NAVD88 datum provided by MnDNR.
4. Total Acreage of PID No. 04.00218.00: 3,511,494 Sq. Ft. or 80.61 acres.
5. The property is zoned as (AG) Agricultural (per Shafer Township Zoning Map)
   Building Setbacks: (per Shafer Township Zoning Code)

Front yard (right of way):	40 feet	Minimum Parcel Requirements:	
Side yard:	20 feet	Minimum Parcel Size:	5 Acres
Rear yard:	50 feet	Minimum Parcel Width:	300 feet

6. Home Site Area Standard: 21,500 sq. ft.
   a.) Building Pad/Site Area: 10,000 sq. ft.
   i. 2 feet above nearest 100 year flood contour:
   Elev.= 703± per Zone AE on the St. Croix River. 2±miles East of subject property
   ii. 2 feet above the highest anticipated water level
   Highest Anticipated Water Level=846.5 based on lowest elevation of property
   iii. Meets the building requirements in section 4.07
   b.) 11,500 sq. ft. Additional Area
   i. Above the 100 year flood contour
   ii. A minimum 5,000 sq. ft. of which is contiguous with the principal building site pad
7. The property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FIRM Map No. 27025C0275D effective date April 17, 2012.
8. Benchmark: MnDOT Geodetic Benchmark "Croix" Elev. = 901.57 NAVD 88

© 2024 WIDSETH SMITH NOLTING & ASSOCIATES, INC.

DATE:	June 26, 2024
SCALE:	AS SHOWN
DRAWN BY:	JAS
CHECKED BY:	SMK
FILE NUMBER:	2024-10927

DATE	AMENDMENTS	BY

PREPARED FOR: **MALLORY MACK**

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

Shawn M. Kupcho L.S. DATE: 06/26/2024 LIC. NO. 49021

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Bonny & Paul Mack and Mallory Mack– Property owners Bonny & Paul Mack and applicant Mallory Mack are requesting approval of the Preliminary Plat of Mack Estates involving the creation of one 5± acre lot from an 80± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 26995 Redwing Avenue / CR 86 in Franconia Township, S20, T33, R19 (PID 04.00218.00).

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Bonny & Paul Mack and Mallory Mack– Property owners Bonny & Paul Mack and applicant Mallory Mack are requesting approval of the Preliminary Plat of Mack Estates involving the creation of one 5± acre lot from an 80± acre tract of land. The subject site is zoned Agricultural (AG) District and located at 26995 Redwing Avenue / CR 86 in Franconia Township, S20, T33, R19 (PID 04.00218.00).

RESOLUTION NO. PC2024-0801
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF MACK ESTATES

WHEREAS, property owners Bonny Mack & Paul Mack and applicant Mallory Mack submitted an application dated received June 26, 2024 and considered complete on June 28, 2024 for the Preliminary Plat of Mack Estates; and

WHEREAS, the property owners wish to create one 5±-acre lot from the 80± acre subject site; and

WHEREAS, the subject site is located at 26995 Redwing Avenue / CR 86 in Franconia Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 04.00218.00

The North Half of the Northwest Quarter (N 1/2 of NW 1/4) of Section Twenty (20), Township Thirty-three (33), Range Nineteen (19).

WHEREAS, notice was provided and on August 1, 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 Mack Estates 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 Mack Estates is approved per plat drawing dated signed June 26, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. 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 1st day of August, 2024.

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

_____

Chip Yeager
Acting Chair

ATTEST: _____

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Peaceful Sunrise
29813 Rydeen Avenue, Franconia Township
DATE: August 1, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Peaceful Sunrise.

SITE & APPLICATION INFORMATION

Property Owner(s):	Haven Homes, LLC
Applicant(s):	Haven Homes, LLC
General Location:	29813 Rydeen Avenue Franconia Township Section 5, Township 33, Range 19
PIDs:	04.00065.40
Property Area:	9.3± 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:	June 25, 2024
Date Application Complete:	June 28, 2024
120-Day Review Period:	October 26, 2024

BACKGROUND

Property owner Haven Homes, LLC is seeking approval of the Preliminary Plat of Peaceful Sunrise, involving the creation of one 9± acre lot from the 9.3± acre tract of land located at 29813 Rydeen Avenue in Franconia Township.

Based on County records, the existing 9.3± acre subject site was created on September 13, 1999 through the recording of a deed. While this would have been the correct process prior to June 3, 1999, the County's Subdivision Ordinance in effect at that time required that the parcel be created through the formal platting process being that it was less than 20 acres in size with at least 500' in all dimensions. Staff was made aware of the unlawfully created parcel when the property owner applied for a building permit in early 2024. The building permit was denied and the property owner was provided with a written explanation for the denial as well as an opportunity to provide documentation demonstrating that the parcel was created lawfully as a means of reversing staff's determination. No such documentation was provided and, as a remedy, the property owner initiated the platting process.

SITE & PROPOSAL ANALYSIS

The undeveloped 9.3± acre subject site is generally located approximately 1,000' south of Highway 8 at the northeast corner of Rydeen Avenue and Franconia Trail in Franconia Township. The subject site and all surrounding properties are located within the County's Agricultural (AG) District.

Topography of the subject site and proposed lot include fairly level elevations ranging from 937' over the eastern portion of the property to 945' adjacent to the roadways. The proposed lot features two distinct wetland areas and is otherwise primarily open grassland.

The attached plat drawing shows a combined 21,751 sf Home Site Area and septic area in the northwest corner of the proposed lot.

Surrounding properties range in size from five acres to 40 acres, with most surrounding properties having 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, Peaceful Sunrise 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, Block 1	9± acres (9.3± acres with dedicated Right-of-Way)	400'±	1,236'±	21,751 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 considered the plat on July 10, 2024. The Committee did not identify any immediate concerns. The soils report and wetland delineation have been verified by County staff and found to be accurate.

The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 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 26, 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 Peaceful Sunrise with conditions and has prepared a resolution for the Commission's consideration.

Recommended Conditions:

1. The Preliminary Plat of Peaceful Sunrise is approved per plat drawing dated signed June 21, 2024 and revised last on June 28, 2024. Any significant deviation from the approved plat drawing 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 Peaceful Sunrise 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 Peaceful Sunrise 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 Peaceful Sunrise.
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 26, 2024 allowing the Planning Commission to further consider the request at its September 5, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0802, a resolution recommending approval of the Preliminary Plat of Peaceful Sunrise, 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. PC2024-0802

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 2024-1146

Township Franconia **S/T/R** 05/033/019 **PID#** 04-00065-40

Project Address 29813 Rydeen Ave, Shafer, MN

Property Owner(s) Haven Homes LLC

Mailing Address (If Different from Project Address) 18732 Poppy St. NW Oak Grove, MN 55303

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

Applicant(s) SAME AS ABOVE

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) PRELIMINARY PLAT OF PEACEFUL SUNRISE, INCLUDING ONE 9± AC. LOT

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

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

X [signature] 6-24-24

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	$ 500.00	Application Received	6-25-24
Recording Fee	$ 46.00	Application Complete	6-28-24
Plat Fee – No Road(s) / With Road(s)	$ 150.00	60 / 120 Day Review Period	10-26-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$		
TOTAL FEE	$ 696.00		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Franconia **S/T/R** 05/033/019 **PID#** 04-00065-40

Project Address 29813 Rydeen Ave Shafer, MN

Property Owner(s) Haven Homes LLC

Mailing Address (If Different from Project Address) 18732 Poppy St. NW Oak Grove, MN 55303

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

Applicant(s) Same as above

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) PRELIMINARY PLAT OF PEACEFUL SUNRISE, INCLUDING ONE 9± AC. LOT

Brandon Eaton — 6-24-24

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.

****

Date of County Public Hearing AUGUST 1, 2024 **Date of Township Presentation** JULY 9, 2024

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

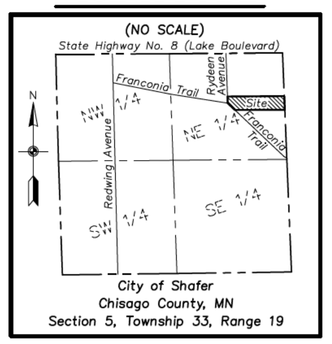
_____

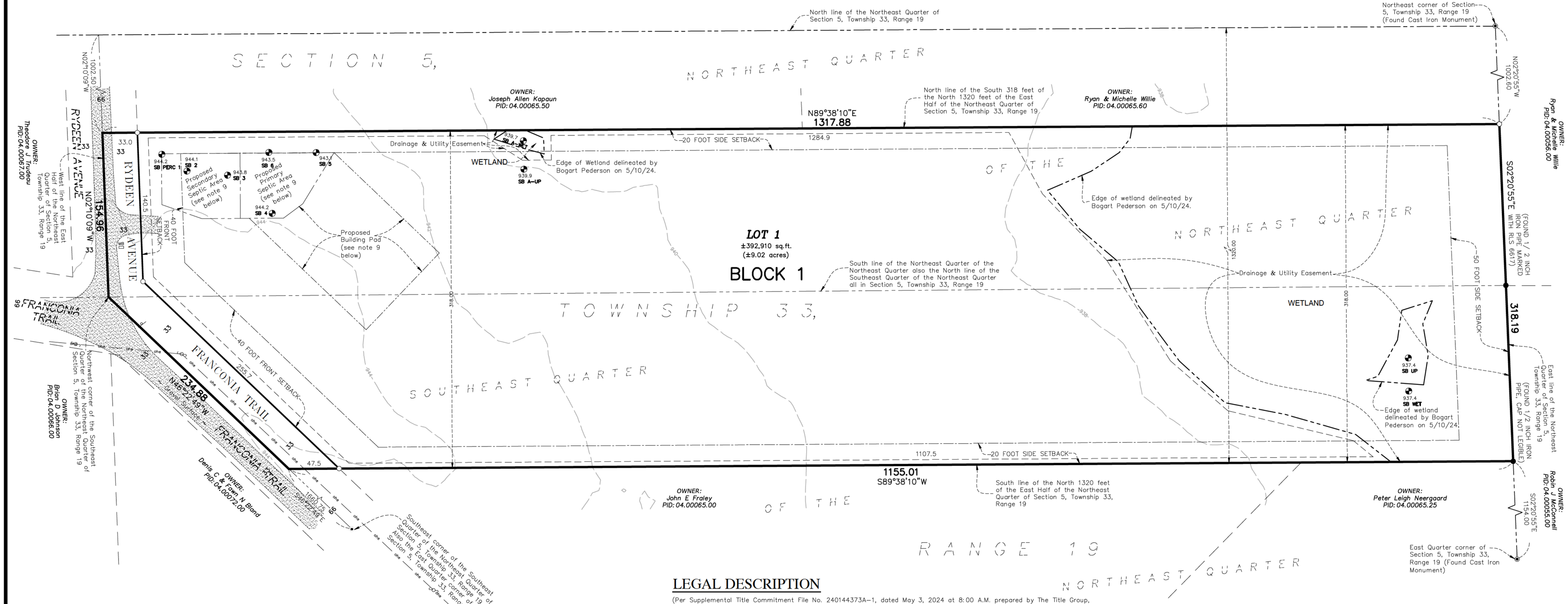
Signatures of Township Officials or Authorized Personnel

Sonny Sparby

PEACEFUL SUNRISE

VICINITY MAP





SITE DATA

TOTAL SITE AREA	±9.32 AC.
LOT AREA	±9.02 AC.
RIGHT OF WAY AREA	±0.30 AC.
TOTAL NUMBER OF LOTS	1
GROSS DENSITY	0.11 LOTS/AC.
EXISTING ZONING	AG
UTILITIES	AVAILABLE

SETBACK INFORMATION

FRONT	40 FT.
SIDE	20 FT.
REAR SETBACK	50 FT.

CALL BEFORE YOU DIG

811 Know what's **below.** **Call** before you dig.

LEGEND

- Denotes Chisago County Section Monument, as noted
- Denotes Found Iron Monument, as noted
- Denotes 5/8 inch by 14 inch rebar, marked with RLS 51676
- Denotes Miscellaneous Sign
- MB Denotes Mail Box
- Denotes Soil Boring
- Denotes Utility Pole
- Denotes Existing Hydrant
- Denotes Overhead Utility Line
- MS Denotes Miscellaneous Sign
- TV Denotes Existing Television Box
- TP Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Service
- Denotes Existing Curb Stop
- 940 Denotes Existing Contour per MNDNR LIDAR
- Denotes Gravel Surface

LEGAL DESCRIPTION

(Per Supplemental Title Commitment File No. 240144373A–1, dated May 3, 2024 at 8:00 A.M. prepared by The Title Group, Inc, issuing agent for Chicago Title Insurance Company)

That part of the South 318 feet of the North 1320 feet of the East One–half of the Northeast Quarter of Section 5, Township 33 North, Range 19 West, Chisago County, Minnesota, lying easterly of a line drawn between the Southeast corner and the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 5.

(Abstract Property)

NOTES

1) The field work for this survey was completed on May 13, 2024.

2) Bearings shown are based on the North line of the South 318 feet of the North 1320 feet of the East Half of the Northeast Quarter of Section 5, Township 33, Range 19, Chisago County, Minnesota, which is assumed to bear North 89 degrees 38 minutes 10 seconds East.

3) Surveyed property address – 29813 Rydeen Avenue, Shafer, Minnesota, 55074

4) Surveyed property contains ±405,879 Sq. Ft. (±9.32 acres).

5) Zoning information taken from Shafer Township Zoning Map dated November 18, 2022, as listed on Chisago County Township Zoning Map website.

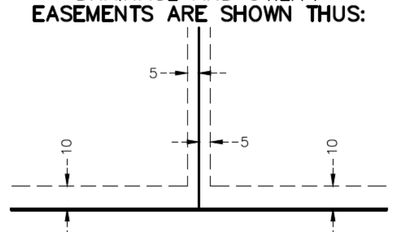
6) Above ground utilities have been field located as shown. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on–site location (651–454–0002).

7) FLOOD ZONE – This site is included on Flood Insurance Rate Map–Community Panel Number 27025C0325D. The subject property is within Flood Zone "X".

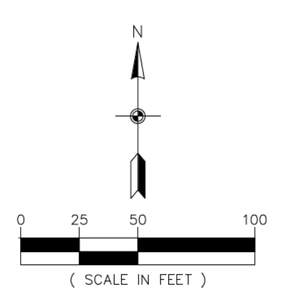
8) HIGH WATER ELEVATION – A review of the topography of the area surrounding this plat boundary reveals an overflow elevation approximately 1800 ft. southeasterly of the Southeast boundary corner, at an elevation of approximately 926 ft. Based on this elevation the highest anticipated water elevation on the subject property is assumed to be 926 ft.

9) Proposed building pad site and proposed septic site total ±21,751 sq. ft.

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



being 5 feet in width, and adjoining side lot lines, and 10 feet in width and adjoining right of way lines and rear lot lines unless otherwise shown on this plat.



CARLSON McCAIN
ENGINEERING
SURVEYING
ENVIRONMENTAL
3890 PHEASANT RIDGE DRIVE NE, SUITE 100, BLAINE, MN 55449
TEL 763.488.7600 \ FAX 763.488.7888 \ CARLSONMCCAIN.COM

PRELIMINARY PLAT & EXISTING CONDITIONS

PEACEFUL SUNRISE
Shafer, Minnesota

HAVEN HOMES LLC
18732 Poppy Street NW
Oak Grove, MN, 55303

REVISIONS	
1. City Comments - 6/26/24	
2. City Comments - 6/28/24	
3.	
4.	
5.	
6.	
DRAWN BY:	JAB
ISSUE DATE:	06/20/24
FILE NO:	2716

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.

Name: Peter J. Blomquist
Signature:
Date: 06/21/24 License #: 51676

1 of 1

Save Date: 06/26/24 \ Jobs\2716\1 - 19880018974 - haven homes - shafer site\cad-cad\survey\19874-pp.dwg

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Haven Homes LLC – Property owner Haven Homes LLC is requesting approval of the Preliminary Plat of Peaceful Sunrise involving the creation of one 9± acre lot from a 9± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located at the northeast corner of Franconia Trail and Rydeen Avenue in Franconia Township, S5, T33, R19 (PID 04.00065.40).

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

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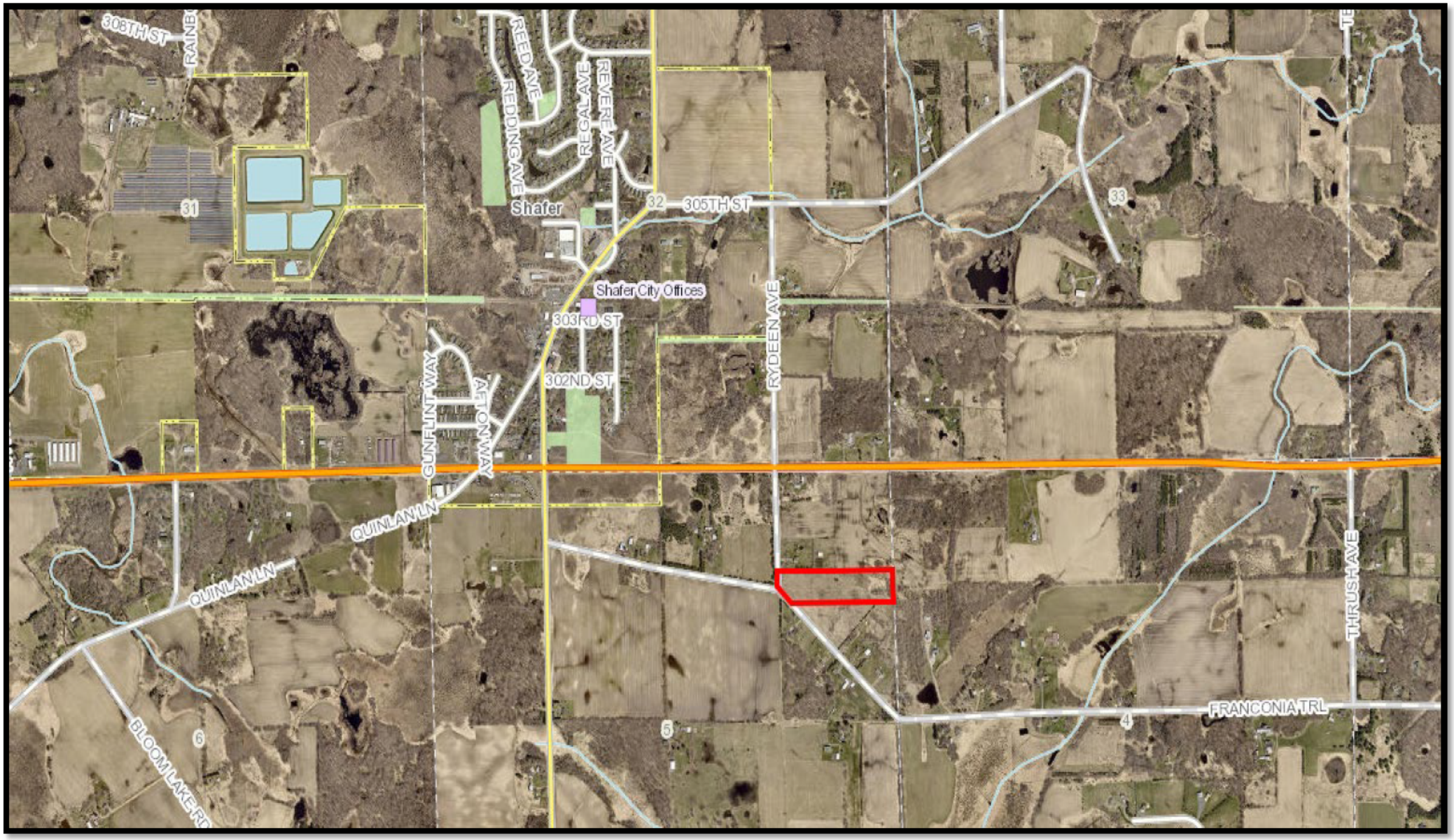

RESOLUTION NO. PC2024-0802
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF PEACEFUL SUNRISE

WHEREAS, property owner Haven Homes, LLC submitted an application dated received June 25, 2024 and considered complete on June 28, 2024 for the Preliminary Plat of Peaceful Sunrise; and

WHEREAS, the property owner wishes to create one 9±-acre lot from the 9.3± acre subject site; and

WHEREAS, the subject site is located at 29813 Rydeen Avenue in Franconia Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 04.00065.40
That part of the South 318 feet of the North 1320 feet of the East One-half of the Northeast Quarter (E ½ of NE ¼) of Section 5, Township 33 North, Range 19 West, Chisago County, Minnesota, lying Easterly of a line drawn between the Southeast corner and the Northwest corner of the Southeast Quarter of the Northeast Quarter (SE ¼ of NE ¼) of said Section 5.

WHEREAS, notice was provided and on August 1, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Peaceful Sunrise 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 Peaceful Sunrise is approved per plat drawing dated signed June 21, 2024 and revised last on June 28, 2024. Any significant deviation from the approved plat drawing 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 1st day of August, 2024.

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

_____
Chip Yeager
Acting Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator