

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
April 3, 2025**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 3, 2025, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; 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, Chris DuBose, and Jolene Wille. Absent: John Sutcliffe (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – Motion by Yeager to approve the agenda as presented; second by Leivian. The **motion passed** 6-0.

Approval of Minutes – Motion by DuBose to approve the February 20, 2025 Special Work Session minutes; second by Whitney. The **motion passed** 6-0. **Motion** by Whitney to approve the March 6, 2025 regular meeting minutes as presented; second by Leivian. The **motion passed** 6-0.

Receive all Materials and Submittals into Record – Motion by DuBose to accept all materials and submittals into the record; second by Yeager. The **motion passed** 6-0. Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports and attachments. Copies of all meeting materials were made available for the public.

Public Hearings – New Applications – None

Public Hearings – Continued Hearings – None

Old Business

County Board requested Rural Retail Tourism /wedding venue discussion – Coordinator Gervais began the discussion by briefly reviewing the items prepared for the Commission and included in the meeting packet. The materials included a draft of Zoning Ordinance Section 4.17 (Rural Retail Tourism Businesses) with amendments discussed by the Planning Commission thus far, an updated version of the Rural Retail Tourism Guidance and Requirements matrix, and aerial images of existing Rural Retail Tourism locations illustrating approximate boundary setbacks as well as aerial images of various sized parcels with approximate dimensions to aid in discussion about proposed setback requirements.

Whitney asked Gervais for a summary of findings based on the examples of previously approved Rural Retail Tourism locations. Gervais clarified that she had prepared only a small sample, and, while some of the locations met the required setbacks, the location with the largest acreage (Pleasant Valley Orchard) did not come close to meeting the current required or proposed setbacks. Gervais noted that when people were considering a Rural Retail Tourism use on their property, or when looking at properties to purchase for such use, they often considered properties that were already developed and/or using existing structures. Gervais commented that it was unlikely that these structures would meet the additional setback requirements being considered by the Planning Commission. She encouraged the Planning Commission to discuss how they would address this.

Whitney sought clarification on whether the only class affected by increased setback requirements would be Class 3 (Gathering Venues). Gervais responded that it depended on the Commission's decisions and believed that looking at live examples would be helpful to understand how the requirements would impact properties. The Commission was informed that they could review both vacant land and developed properties to gain clarity, and Gervais encouraged Commissioners to provide specific locations of interest.

DuBose noted that Classes 2 and 3 had similar descriptions and suggested creating a distinction by adding the word "small" in association with weddings and events for Class 2 and adding the word "large" in association with weddings and events for Class 3. He also recommended adjusting the "maximum event attendees at any one time" for Class 2 down from 125 people to 100 people. Leivian sought clarification on whether the maximum number of attendees would include event staff. DuBose opined that staff and wedding parties should be exempt from the maximum number of attendees. There was brief discussion amongst the Planning Commission about whether they needed to clarify within the Zoning Ordinance that certain individuals would be exempted from the total attendance count and ultimately reached consensus to add verbiage stating that staff and wedding parties were exempt from the maximum number of attendees.

Referencing draft Zoning Ordinance Section 4.17 and the Rural Retail Tourism Guidance and Requirements matrix, DuBose pointed out that Section 4.17, B. 7. contradicted the matrix. DuBose explained that Section 4.17, B. 7. stated that "outdoor amplified music and fireworks shall be prohibited," whereas the matrix allowed "limited amplified outdoor music (# days)" for Class 3 uses. McCarthy explained that part of the discussion had involved outdoor weddings, where a microphone and speaker might be used for the ceremony, and believed the issue addressed different capacities of outdoor amplified music. DuBose commented that there should be consistency and suggested limiting outdoor amplified music to two days a week. Whitney asked Gervais if there was any indication regarding gathering venues and limiting the number of attendees to 125 or 100, particularly whether this was a natural break or based on past approvals. Gervais stated that she wasn't sure about attendance being based on a natural break or past approvals, but noted that attendance would have direct impacts on such issues as traffic and parking. The Planning Commission briefly discussed occupancy levels and reached consensus to change the occupancy limit for Class 2 to 100 people.

McCarthy steered the conversation back to setbacks, sharing his belief that the road setback would be the most challenging since many existing homes and structures were constructed at the minimum required structural setback. He suggested a 100-foot setback from the road and a 250-foot setback for all other property boundaries. Gervais commented that, through the live demonstration, it would become clear that some larger properties could easily meet a 250-foot setback, whereas even a 20-acre property may not be able to meet the suggested setback requirement. In response to Gervais' comment, DuBose clarified that the proposed 250-foot setback would be applied to Class 3 and the minimum acreage required for a Class 3 use would be 40 acres. The Planning Commission had a lengthy discussion about the proposed setbacks. DuBose noted that the Rural Retail Tourism Guidance and Requirements matrix' standard for "Minimum Event Venue Building or Outdoor Gathering Space Setback from Property Lines" contradicted the standard for "Minimum Facility / Programmed Space Setback from Adjacent Developed Property." After a brief discussion, the Commission reached consensus to eliminate the "Minimum Facility / Programmed Space Setback from Adjacent Developed Property" standard from the matrix.

There was further discussion about the layout of the matrix standard pertaining to setbacks, including how to separately list minimum road setbacks and minimum setbacks from all other property boundaries, and whether Class 2 should have a 50-foot or a 100-foot road setback. DuBose suggested a 75-foot setback for Class 2 uses, as they were less intensive. McCarthy pointed out that a 75-foot setback could result in the use being located within the road Right-of-Way. Gervais clarified minimum structural setback requirements for various road types, including Township roads, County roads, and highways. The Planning Commission further discussed the setbacks for Class 2 uses and ultimately reached consensus on a 100-foot road setback and a 125-foot setback from all other property boundaries.

In regard to the matrix standard pertaining to "Maximum Event Days per Week", McCarthy expressed his approval of the proposed three event limit and inquired if they needed to add specific dates or if this would be handled through the Conditional Use Permit process. He noted that he didn't see many businesses, such as pottery studios, utilizing the three-event-per-week limit, as they were more likely to host three events per year. DuBose clarified that pottery studios were proposed as a Class 1 use, which didn't include a limit on the number of events. Chair Wille, noting another matrix standard for "Class 1 Low Impact Events Permitted (Sunday – Thursday as prescribed within Conditional Use Permit approval)", added that this standard was intended to allow Class 3 gathering venues to host smaller Class 1 events throughout the week if they were desired and if it was included in the Conditional Use Permit approval. DuBose emphasized that the intention was to allow Class 3 venues to host three large events while also permitting smaller, Class 1-type events.

Referencing draft Zoning Ordinance Section 4.17, B. 8., DuBose suggested adding verbiage to clarify that the screening requirements applied to Class 2 and Class 3 uses and not Class 1. The Planning Commission agreed with DuBose's suggested verbiage.

DuBose then asked fellow Commissioners about thoughts on outdoor amplified music. McCarthy stated that he was opposed to outdoor amplified music with the exception of outdoor amplified music during wedding ceremonies. The Planning Commission discussed how they could differentiate between the noise from the street. Gervais provided insight, noting that the majority of the Planning Commission's conversation had been about wedding venues, but Rural Retail Tourism was a broad land use category that included more than wedding venues. She explained that many other types of Rural Retail Tourism, such as wineries, often featured outdoor music events. DuBose added that neighboring properties would perceive amplified music as a disturbance, and believed they should be reasonable in their approach. McCarthy noted that Rural Retail Tourism permit holders would ultimately still need to comply with the Zoning Ordinance in regard to noise limits. Yeager suggested verbiage requiring that any music shall comply with the noise standards identified by the Zoning Ordinance and further emphasizing this requirement within the Conditional Use Permit. The Planning Commission continued to discuss how to phrase this requirement for enforceability and fairness to neighboring residents. Ultimately, the Commission reached consensus to allow outdoor amplified music a maximum of two days per week.

The conversation then shifted to Gervais providing a live demonstration of various-sized properties on the County's GIS Viewer and showing how the various proposed setbacks, being discussed by the Planning Commission, impacted these properties. During the demonstration, it became clear that some properties could meet the proposed setbacks, but irregularly shaped or narrow parcels would struggle to meet the required setbacks even though they met the lot size requirements. DuBose inquired if a parcel that did not meet the required setback would be eligible for a Variance for a reduced setback. Yeager, also serving as a member of the Board of Adjustment and Appeals, explained that most Variances considered by the Board were for lakeshore properties, not larger properties. The Commission briefly discussed examples of past Variances considered by the Board for larger properties, including a 2021 Variance related to a Commercial Solar Energy System. The final property reviewed during the demonstration was located at 17325 Pleasant Valley Road in Franconia Township, which was the location of Pleasant Valley Orchard. For this example, Gervais referenced the draft Rural Retail Tourism Guidance and Requirements matrix, noting that certain proposed performance standards, such as "Maximum Total Event Attendees / Occupancy" would be difficult to apply and enforce as attendance was sporadic throughout the day and not confined to a short period of time like, for example, a wedding venue.

In regard to Pleasant Valley Orchard, DuBose presented the following scenario for the Commission's consideration: If the property owner were to apply for a Class 3 Rural Retail Tourism use today, they wouldn't meet the required setbacks; however, they could apply for a Variance to the setback requirements. DuBose stated that if he were on the Board of Adjustment and Appeals, he would consider the proximity of neighboring

properties / structures in his decision. In this specific scenario, the neighbors were spread out, and DuBose commented that he would be comfortable granting a Variance for reduced setbacks.

Referencing the Rural Retail Tourism Guidance and Requirements matrix, Leivian asked if the Commission should also include “staggered activity levels” within the descriptions for Classes 2 and 3, as it appeared in the description for Class 1. The Planning Commission briefly discussed the descriptions for Classes 2 and 3 and decided to instead add examples of typical uses. For Class 2, the Commission agreed to add wineries, orchards, and corn mazes. For Class 3, the Commission agreed to remove the word “seasonal” and add the phrase “large” in relation to gatherings, wedding, and events.

Jim Birkholz of 17325 Pleasant Valley Road in Franconia Township was present. Chair Wille invited Birkholz to address the Commission. Birkholz thanked the Planning Commission for allowing him the opportunity to provide feedback and proceeded to provide the following insights:

- Pleasant Valley Orchard was an agricultural use and 90% of the work completed at the orchard was farm work.
- Some wedding venues may be located in a rural setting; however, they typically did not have any agricultural throughput in their business process.
- Agricultural businesses produced goods; however, when it came to the point of sale, Pleasant Valley Orchard made the decision to sell direct to customers from their farm in order to be a viable business.
- Birkholz expressed concern with his primarily agricultural business being in the same land use category as wedding and gathering venues. Birkholz explained that when the land use category became too broad and tried to address too many scenarios, it created too many constraints (i.e., additional setbacks, changing the use of existing buildings, and possibly needing to apply for a Variance in order to operate the business), which could make agriculture type businesses less viable. Birkholz encouraged the Planning Commission to separate wedding and gathering venues from less-intensive Rural Retail Tourism uses.

McCarthy provided insight into the history of Rural Retail Tourism, sharing that the first request was for the Women’s Environmental Institute at 15715 River Road in Amador Township. The request was to add an environmental learning institution to the orchard. At this time, McCarthy believed it was a controversial request because there was limited understanding of the proposed use and the request ultimately led to the introduction and development of the Rural Retail Tourism land use category. McCarthy concluded by commenting that wedding venues were the most challenging Rural Retail Tourism use to regulate and that Birkholz’ operation was what was originally envisioned for Rural Retail Tourism. DuBose added that Rural Retail Tourism uses could become blurry. He referenced Wild Mountain Winery, sharing that the operation began as a winery, but later added camping and music, which made it more similar to a wedding venue.

Gervais expressed appreciation for McCarthy’s insight into the history of Rural Retail Tourism and Birkholz’ comments. She noted that the stated purpose of Rural Retail Tourism was to preserve and celebrate Chisago County’s archaeological properties, rural and agricultural heritage, and historical landscapes, and, while she believed uses such as Pleasant Valley Orchard were a good example of Rural Retail Tourism Businesses, she also acknowledged that Rural Retail Tourism had evolved over time to include such activities as wedding and gathering venues.

Whitney asked if the Planning Commission would need to conduct a public hearing before presenting the proposed Amendment to Zoning Ordinance Section 4.17, Rural Retail Tourism Businesses, to the County Board for adoption. Gervais suggested that, prior to scheduling a public hearing, the Planning Commission present the County Board with draft materials for review and direction on further edits or proceeding with a public hearing. Gervais reminded the Commission that more discussions and refinement were needed before presenting draft materials to the County Board.

Commissioner requested Major Home Occupation vs. horse / equine permitted use discussion – Whitney provided a brief recap of the progress made thus far on the topic of equine uses, sharing that there had been discussions and suggestions on terms and definitions, as well as some public input at the Commission's February 20, 2025 special work session. He explained that since the February 20th special work session, he had revisited and adjusted the terms and definitions based on feedback received from the Planning Commission and had forwarded the updated verbiage to staff. Whitney stated that, moving forward, he would prefer not to be the primary person working on the topic, as there had been involvement from multiple sources and the discussion had evolved since he first introduced the topic. Whitney then walked the Commission through the updated verbiage that had been included in the meeting packet.

In review of the updated verbiage, DuBose inquired about the difference between "boarding barns" as listed under Commercial Equine Facility and "board outside equine animals" as listed under Non-Commercial Equine Facility. Whitney explained that this was a difficult issue to address, as not allowing non-commercial properties to board animals would mean that, if someone boarded other people's horses at their property, the property owners would be required to apply for a Conditional Use Permit. DuBose responded that he had no problem with people boarding other people's horses and sought further clarification on the distinction between commercial and non-commercial boarding. Whitney explained that the key difference between commercial and non-commercial use was that, under commercial use, there was typically a trainer involved and money was being exchanged. In contrast, non-commercial use involved training and working with one's own horses, and if horses belonging to others were boarded, they were not being trained. There was a lengthy discussion about the distinguishing factors between commercial and non-commercial use.

Motion by McCarthy directing staff to further develop the Commercial and Non-Commercial Equine Businesses verbiage for further Planning Commission review and consideration; second by Whitney. The **motion passed** 6-0.

Review of Ordinance Issue Identification Tracking Matrix – Gervais provided a brief update about the Ordinance Issue Identification Tracking Matrix, informing the Planning Commission that staff was currently working, with support from the County Board, to update the Subsurface Sewage Treatment Systems (SSTS) Ordinance. Gervais shared that the Planning Commission would be responsible for conducting the requisite public hearing.

New Business

Commissioner requested Official Zoning Map Amendment work plan discussion – McCarthy, having originally introduced this item, suggested carrying over this item for discussion at the next special work session. The Planning Commission was in agreement.

Communications and Reports

County Board Liaison Report / Update – County Commissioner Greene and County Commissioner Dahlberg shared that they had nothing new to report and were waiting on the State and Federal governments before making any budget decisions.

Miscellaneous

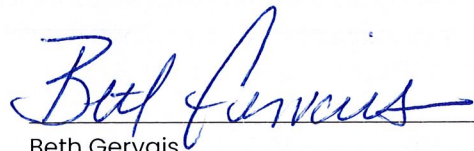
McCarthy shared that he had received positive feedback about the addition of Accessory Dwelling Units to the Zoning Ordinance. DuBose shared that he had also received positive feedback on the addition.

Motion by Yeager to cancel the special work session scheduled for Thursday, April 17, 2025; second by Leivian. The **motion passed** 6-0.

Adjourn Meeting – Motion by DuBose to adjourn the meeting; second by Leivian. The **motion passed** 6-0. The meeting was adjourned at 8:45 p.m.



Jolene Wille
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator