

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
April 1, 2021

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 1, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

Chair Johnson called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Jim McCarthy, Shellene Johnson, Frank Storm, Dave Whitney, John Sutcliffe, Jim Froberg, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. A quorum was established with members present.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand”, with the Chair leading and following meeting order/procedures.

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of seven public comments made by Frank Storm. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

APPROVAL OF MINUTES – Frank Storm recommended additions to the March 4, 2021 minutes. Additions included:

Page 1: Chair stated questions will be addressed at end of public hearing.

Page 2: Chair was questioned if public hearing had ended and is the Planning Commission in discussion? Public hearing continued.

Page 4: *Clarification – County Board only authorized review of ordinance, not removing One Acre Buildable. Chair Johnson noted acceptance of inserted clarification.

Motion to approve the amended March 4, 2021 minutes by Frank Storm. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Motion to approve the Special Work Session March 18, 2021 minutes by Frank Storm. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by Dave Whitney. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Staff Reports, and four - Public Hearing Comments for Carlson/Farmaste Animal Sanctuary Inc PID #02.00383.00 and three – Public Hearing Comments for Wild Mountain Properties, LLC PID#01.00096.00. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Innovative Power Systems (IPS Solar) –Evan Carlson of IPS Solar, is seeking a text amendment to the Zoning Ordinance Section 8-04-1.G – Reapplication/Lapse of Interim Use Permit to add ordinance language that would broaden what type of activity is deemed utilization of an Interim use Permit. Coordinator Jagoe provided an overview of Mr. Carlson’s request to insert language within this section that would allow for a paid and signed interconnection agreement with the utility company to be considered utilization of a permit. IPS Solar has been the Developer for several solar gardens in the county. Once an Interim Use Permit is

approved, they can begin working with the electric company to finalize and secure the interconnection agreement. IPS Solar does not proceed any further until the interconnection agreement has been signed; however, this process is taking longer than anticipated. In some instances, the delay has resulted in the permit becoming null and void because it had not been utilized within twelve months of the date of approval. Mr. Carlson was present to address questions and concerns from the Planning Commission. He stated this was a matter of interpretation and defining “utilize” in the ordinance. The County has seen solar projects not “utilized” within one year which resulted in the need to reapply. Mr. Carlson indicated this is a burden on staff and solar developers when more time is needed to finalize the interconnection agreement. Mr. Carlson indicated he has no control on how fast the electrical company processes the interconnection agreement and is trying to avoid repetition of reapplying for the same projects. Chair Johnson opened the public hearing. Coordinator Jagoe reported the text amendment notice was published and sent to Townships and Cities for comments and she did not receive any comments prior to the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Carlson Text amendment. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Chair Johnson asked each Planning Commission member for additional questions and comments. Frank Storm, Dave Whitney, Jim McCarthy and Chip Yeager supported staff’s prepared ordinance amendment language. Jim McCarthy reported Sunrise Township would support a six month extension. Chip Yeager suggested the following edit, “...at least thirty (30) days before the original IUP becomes null and void. ~~status of the original IUP.~~ **Motion** by Frank Storm to approve to the County Board the Text Amendment for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit with adjusted and more broadly implemented ordinance language as drafted by Staff based on the Findings of Fact that staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County. Second by John Sutcliffe. Planning Commission discussed if the motion included Chip Yeager’s edit and with edit would it require an additional public hearing. Coordinator Jagoe reported the notice provided both Mr. Carlson’s and Staff versions of the draft ordinance. Discussion continued on the procedure for the current motion and how to handle Mr. Carlson’s draft ordinance. Frank Storm **withdrew the motion**. John Sutcliffe withdrew the second the motion. **Motion** by Jim McCarthy to deny the Text Amendment as requested by Evan Carlson for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit based on the Findings of Fact:

1. The application as presented by the applicant does not align with the purpose and intent of the Zoning Ordinance.
2. The Applicant has requested insertion of ordinance language that does not pertain to utilization or action of land use and as written is deemed to be inconsistent with zoning ordinance. Interconnection agreements or other 3rd party non-land use based agreements or contracts should not be inserted into the zoning ordinance.

Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. **Motion** by Frank Storm to approve to the County Board the Text Amendment for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit as drafted by Staff with modification to wording as suggested by Chip Yeager based on the Findings of Fact that staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County.

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void, unless a petition for an extension of time in which to utilize the use that has been approved by the

County Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the original IUP becomes null and void. The request for an extension shall state facts showing a good faith attempt to utilize the use permitted in the Interim Use Permit. Such petition shall be presented to the County Board for a decision. An extension may only be granted one time and not to exceed six (6) months beyond the original IUP date. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Lyn Regenauer - Property at 14545 310th Street, Chisago Lake Township; Sec.35, T.34, R.20, (PID#02.00941.00). Lyn Regenauer, Property Owner, is requesting an Interim Use Permit (IUP) to operate a Residential Kennel for the keeping of up to ten domestic animals. Coordinator Jagoe provided an overview of Regenauer's property. The property size is four acres and approximately ¼ mile east of Center City limits and zoned Agriculture (AG). The request is to operate a residential kennel for up to ten animals for domestic purposes only. The property has .6 acre run area, enclosed with five ft fencing. There is an additional 350 sq ft outdoor kennel, enclosed with six ft high chain link panels. Chisago Lake Township approved the IUP at their March 16, 2021 meeting. Township noted no complaints had been made and would readdress if complaints are received. Technical Review was held March 10, 2021 with no identified concerns or impacts. Code Enforcement Officer and Sheriff's Department indicated no complaints had been received to date with current animals. Chair Johnson asked each Planning Commission member for additional questions and comments. Ms. Regenauer was present to address concerns and questions from the Planning Commission.

Ms. Regenauer indicated her intention was not to reach the ten domestic animals limit and for her family to stay on the property. Chair Johnson opened the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Regenauer IUP at PID#02.00941.00. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Chair Johnson asked each Planning Commission member for additional questions and comments. ***Motion*** by Jim Froberg to approve an Interim Use Permit for a Residential Kennel at 14545 310th Street (PID#02.00941.00) based on the staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This permit is an Interim Use Permit to maintain a residential kennel at the described property in accordance with the conditions herein specified.
2. Domestic animals will be housed indoors, apart from occasionally outdoor activity in which dogs will be confined to designated fenced kennel area and outdoor run.
3. All dog waste must be disposed of in a legal and appropriate manner so as to avoid undue odor or other impact.
4. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
5. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the interim use permit.
6. There shall be no more than ten domestic animals kept at the property at any one time.
7. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
9. This IUP will terminate upon sale of property to any person outside the family.

Second by Frank Storm. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Gerald and Lynn Rhoads – Property at 34133 Oasis Road, Chisago Lake Township; Sec.10, T.34, R.20, (PID#02.00503.20). Brooke Spindler and Tim Lom, on behalf of Gerald and Deborah Rhoads the property owners, are requesting a Conditional Use Permit (CUP) for Rural Retail Tourism to establish and operate small-scale events and sale of agricultural products. Coordinator Jagoe provided an overview of Spindler/Lom CUP request. Applicants are in the process of purchasing the property and plan to continue residential and agricultural uses on the property. The ten acre parcel is zoned AG with house and detached accessory buildings and barn. The business proposal includes: Farm Events, Farm market, U-Pick Flowers and Farm Stand. The 2021 season will run May through November; Friday and Saturday from 9 AM to 6 PM. Pre-scheduled events will be conducted outside of hours of operation. Technical Review was held on March 10, 2021 with County Highway Director indicated may be required to install a commercial entrance if deemed necessary. County Sanitarian confirmed porta potties are allowed when approved by Minnesota Department of Health (MDH). Building Official commented structural plans from a certified architect or engineer will be needed for changes in building occupancy of detached accessory buildings. Code Enforcement Officer indicated no complaints have been raised to date with events or activities. Chisago Lake Township recommended approval with no condition on March 16, 2021. Township noted existing driveway/parking area can accommodate up to six cars. Brooke Spindler and Tim Lom were present to address concerns and questions from the Planning Commission. Ms. Spindler indicated she had a shop in town, closed it to relocate the shop to the farm site. Frank Storm inquired to handicap accessibility in the barn and more details on the music events. Coordinator Jagoe indicated any renovations to the barn due to change in occupancy would be held to building code standards. Chair Johnson had lost internet connection and Vice Chair Yeager continued the meeting. With no more additional questions Vice Chair Yeager opened the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Rhoads CUP application at PID#02.00503.20. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Absent, Johnson. Vice Chair Yeager asked each Planning Commission member for additional questions and comments.

Frank Storm inquired if the applicants knew how many special events they would like to have. Jim McCarthy, Jim Froberg, and Frank Storm did not support music events and recommended removing it from the list of conditions. **Motion** by Frank Storm to recommend approval to the County Board for approval of a Conditional Use Permit for Rural Retail Tourism as requested by Brooke Spindler and Tim Lom for the property located at PID#02.00503.20, at 34133 Oasis Road, based on staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer and host animal oriented educational and recreational classes, small scale events, farm market, and associated activities with the following elements:
Farm Stand and Market: For sale of agricultural products, merchandise, antiques and goods.
Yoga and DIY classes
U-pick flowers
Special Events (see Condition #3)
2. Seasonal hours of operation shall be conducted May through November on Friday and Saturday's from 9 AM to 6 PM.
3. The permit shall allow for two special events annually between June and September to be held on a Sunday from 10 AM – 2 PM; and between July and September for Farm Market on Tuesdays from 5 PM – 7 PM. These events are allowed outside of the normal business hours of operation.

4. The maximum attendance at any given time with activities, events, and classes associated with the CUP shall be no more than 100 people.
5. All parking shall be accommodated on-site.
6. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
7. The Permittees are required to obtain a driveway permit from County Highway and is subject to driveway installation standards as deemed necessary by Chisago County Public Works.
8. The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.
9. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
10. The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Oasis Road or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.
11. The permit holder shall 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.

Second by Jim Froberg. Dave Whitney inquired about the condition that included music and suggested a modification to music being limited to indoors. The applicants could keep the condition instead of removing it. Discussion followed on the proposed modification and concluded with removing condition. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Abstain, Johnson due to lost internet connection through discussion.

Glenn and Krisa Carlson – Property at xxx Oasis Road, located on the west side of Oasis Road between 355th and 360th Street, Chisago Lake Township; Sec.4, T.34, R.20, (PID #02.00383.00). Farmaste Animal Sanctuary, INC, on behalf of Glenn and Krisa Carlson – Property Owners, is requesting a Conditional Use Permit (CUP) to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.

Coordinator Jagoe provided an overview of the CUP request on the Carlson property. Carlson's have a purchase agreement with Farmaste Animal Sanctuary for a 30 acre parcel, zoned AG and surrounding parcels are mainly 20 or larger acre tracts. Currently, Farmaste is operating at 12812 347th Street in Chisago Lake Township with a CUP issued in 2018 to operate a farm animal sanctuary and host small scale social gatherings with fourteen conditions. Farmaste does not own the property and are relocating to a new location and will continue operating in the same manner. The business proposal included: gatherings, classes and annual event. Hours of operation will be May thru October, 90 – minute tours/animal visits, Tours held on Tuesday at 9 am and Saturday at 11 am and 3 pm with a maximum of eight special events, limited to up to 100 guests. The applicants made a request to modify conditions #2 and #4. Technical Review was held on March 10, 2021 with County Highway Director indicated further analysis of trip generation/traffic counts do not require a turn lane; however, a commercial access will need to be established. Chisago Lake Township recommended approval with no condition on March 16, 2021. Township indicated Farmaste will need to be relocated from current property by November 1, 2021.

Elizabeth Showalter and Kelly Tope were present to address questions and concerns. Ms. Showalter requested to allow for after school programs. Farmaste has a great relationship with current neighbors.

Chair Johnson lost internet connection and Vice Chair Yeager asked if the Planning Commission had questions for the applicants. Frank Storm asked for the overall setup of Farmaste at XXX Oasis Road. Ms. Showalter briefly provided overview of the operation, volunteers and layout of property with the intent to have a dwelling on the property to provide security for property and animals. Currently, security cameras and volunteers are used during evening hours. Dave Whitney inquired to number of animals and why people visit Farmaste. Farmaste replied there are 22 animals which have either been surrendered, had difficult birth or law enforcement involvement where an animal has been relinquished. Farmaste was started to help children with depression/anxiety, get away from electronics and share time and space with farm animals. Frank Storm inquired about parking and timeline of moving animals to the new location. Ms. Showalter outlined parking and indicated late summer would be realistic for moving the animals. Vice Chair Yeager opened the public hearing and noted comments submitted in advance of the meeting. Coordinator Jagoe asked Vice Chair Yeager how to handle the submitted correspondence. Vice Chair Yeager asked for the correspondence to be read.

Submitted Public Correspondence:

Maddie Lindahl – My family's dairy farm that has run for decades is less than a mile away. I would like some transparency about how the Farmaste Animal Sanctuary acquires their rescue animals. What does a typical "rescue" operation look like? What is their relationship with farmers who do take care of animals? We may have to put numbers down in books for our cows because it is a business, but that does not diminish the worth every cow has to us. I wonder if the leaders of Farmaste understand this, and also whether they will communicate this in the events they plan to host. Their mission as stated, is to "help farmed animals become someone, not something." To the farmers whose health, financial stability, and purpose rely on animals being both, the implications of this statement go beyond allowing a few animals to live on pasture. I would like to gain a better understanding of how this organization will portray their neighbors.

Amanda Cook – Resident of Amador Township and long time Chisago County agriculture supporter. I would like to offer my opinion as a lifelong animal lover, agriculturalist and educating the public about the humane and responsible animal care and the value of agriculture in our society. I have devoted my life to both caring for animals, and teaching others of their value. I grew up on my grandma's sheep farm in Lindstrom, have taken seedstock from that very farm, and continuing the 46 year tradition of raising sheep. Through this experience I have gained fellowship from the many multi-generational farm families in the county as a Chisago County 4-H member and volunteer, High school agriculture teacher, County Fairboard, and Farm Bureau Board member. Agriculture is a cloth that weaves the members of our county together and has a strong and rich history in this area: from the homesteaders of the 19th century, to dairies, creameries, and hemp of the 20th century, to the modern and efficient agricultural era of today. The first issue, I believe this would be detrimental to the work Chisago County Farm Families are doing; as Farmaste's education is focused on anti-agricultural missions, such as the cancellation of animals as agriculture. They state on their website that their purpose is to rescue animals from farm situations. Their founder Kelly Tope has been identified as being, "acutely aware of the cruelty placed on farm animals" and wishes to "push back against the societal belief that farm animals were products instead of living beings". Whether or not that is the belief of a person, there are many residents of Chisago County which depend on animal agriculture for their livelihood, and every single resident is dependent on animal products or by products. Additionally, the vast majority of farmers are in fact raising their animal products following guidance by the Minnesota Foundation for Responsible Animal Care and employ veterinarians to ensure optimal welfare for their animals. To allow an organization to openly disparage responsible farmers in their educational venue, while employing the very same animal care techniques is at best deceitful. The second issue, is the purpose behind *to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue*". It is my interpretation that this means there will be animals used to create a tourist attraction with entertainment value. The idea of Farmaste being permitted to operate a facility which stands to gain from the exploitation of animals is

extremely hypocritical and contradicts the purpose of their collective mission. This is no different than the animal exploitation exhibited in the circus, petting zoos, and livestock shows so vehemently opposed by many animal-rights activists. While I understand and empathize with the idea behind the organization, I believe Rural Chisago County is not the place for such a facility, with many animal agriculture-based enterprises currently operating within a few miles of Farmaste.

Jennie Gentz – xxx Oasis Road, I am moving into the area to escape the hustle bustle. After doing my own research and reaching out to people who have independent knowledge of this organization, my hesitation has turned into acceptance. This new neighbor of mine is already an established organization in our community with a good rapport. My understanding is that they have high standards of care and maintenance for both the animals and grounds as a whole. I would welcome Farmaste to become my neighbor.

Isabelle Lindahl – Our area is deeply embedded in a rich history of agriculture. My concern is that Farmaste would be a detriment to the farming community that resides within our county. The proposed location for this application is less than one mile away from Lindahl Farms LLC, a multi-generational dairy farm that is rooted in producing milk while holding animal welfare in the highest regard. Farmaste’s mission is “to help farmed animals become someone, not something”. As such, they are a farmed animal sanctuary that places emphasis on educating about cruelty on farm animals. I believe everyone deserves the right to their dietary choices, whether it be veganism or consuming animal products. However, I am concerned the animal-oriented educational facility will be a threat to the viability of the agricultural community that has been present in Chisago County for centuries, and for those farming facilities that hold animal welfare in the highest regard.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Carlson/Farmaste Animal Sanctuary, INC CUP at PID#02.00383.00. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Chair Johnson asked each Planning Commission member for additional questions and comments. Jim McCarthy questioned when the old CUP would be terminated? Coordinator Jagoe indicated the CUP is stays with the property and could continue within the CUP conditions. The owner could also surrender the CUP to the County Board. Frank Storm commented this operation has been going on for years and people should go visit it. **Motion** by Jim McCarthy to recommend approval of a Conditional Use Permit as requested by Farmaste Animal Sanctuary for the property located at XXX Oasis Road, PID#02.00383.00, based on staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This permit is a Conditional Use Permit for animal-oriented education and Rural Retail Tourism to:
 - Operate a sanctuary for retired animals
 - Host periodic events as fundraisers and/or community entertainment gatherings
 - Offer agricultural and farm animal education and classes
 - Offer overnight temporary camping for one annual weekend event, with a maximum of twenty tents
2. This CUP shall allow seasonal use of the property as an educational/gathering venue from April through November, with the following elements:
 - Regular ongoing activity: 90 minute farm tours/animal visits –
 - Tuesdays at 11:00 a.m.
 - Saturdays at 11:00 and 3:00 p.m.
 - Friday at 7:00 p.m.
 - A maximum of eight special events annually between April and November.
 - Up to two (2) afternoon, evening, or weekend activities/events to the regularly scheduled tours with fewer than 50 people per year that would not count towards the eight (8) special events.

3. Gathering events that include music or other sound that could potentially cross property boundaries shall be limited to four annually, and all such events shall conclude by 10:00 p.m.
4. The event maximum shall be limited to 200 guests with a maximum of 100 people at a time in attendance during any given event.
5. All parking shall be accommodated on-site.
6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.
7. Any new/altered access to the venue shall be approved by Chisago County Public Works prior to construction.
8. Permittee shall trim and manage brush/ vegetation along the County Road to maintain visibility at the entrance.
9. All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
13. The Permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.
14. The Permittee is required to obtain a driveway permit from County Highway and are subject to driveway installation standards as deemed necessary by Chisago County Public Works.
15. Screening shall be installed along Oasis Road as presented by the Applicant. A final Landscape Plan shall be provided to County Staff showing location/distances to property lines and type of plantings for review and approval prior to installation. Plantings may not be located in the right-of-way.
16. The permit holder shall 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.

Second by Jim Froberg. Chair Johnson lost internet connection. Vice Chair Yeager inquired if the Planning Commission wanted to expand condition #2 since the applicants had asked for a third tour date. Does the commission want to discuss with the applicant on dates/time since they are only allowed one tour date with no specifications. Ms. Showalter indicated she would like Friday at 7 pm and tours would be limited. Conditions were reread with addition of tour dates to condition #2 and removal of right turn lane in condition #14. Both Jim McCarthy and Jim Froberg accepted the addition/change in conditions #2 and #14. Vice Chair Yeager conducted a roll call vote. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Absent, Johnson.

Frank Storm suggested a ten-minute break prior to hearing next application. Chair Johnson, Chip Yeager and Jim McCarthy indicated to keep moving along. Frank Storm indicated he might step away from the meeting for a minute.

Wild Mountain Properties, LLC - Property at 16906 Wild Mountain Road, Amador Township; Sec.19, T.35, R.19, (PID #01.00096.00). Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC, are requesting an

amendment to an existing Conditional Use Permit to add Recreational Camping to operate a seasonal campground. Coordinator Jagoe provided an overview of the Wild Mountain Properties LLC application for the 16906 Wild Mountain Road property. Parcel size 15 acres, zoned AG, with a dwelling, detached garage, 3,130 sq. ft winery building and tasting room with two additional storage sheds. The winery received a CUP in 2010 and received a CUP amendment in 2018 for Rural Retail Tourism. Activities include: weddings, dances, gatherings, and other social or corporate activities, and microbrewery with associated tastings and activities up to 300 guests. The new building identified in the 2018 CUP amendment has not been constructed. Applicants have stated microbrewery will not be acted upon as a land use. The campground proposal identified 13 campsites (11 single tent sites with no more than four persons and 2 large tent sites with no more than 12 people) with a max occupancy is 68 campers. Sites are natural/rustic campsites for a tent or hammock with fire ring. Sites are not for recreational vehicles, campers or trailer and accessed by gravel walking paths. Parking has been designated in three areas. Reservations will only be Friday thru Sunday, May 1st thru October 31st. The winery processing room will be reconfigured and expanded since winery and campers will be utilizing same restrooms. Two security gates will be added so campers could not access the winery after operation hours.

Technical Review was held on March 10, 2021 and County Sanitarian indicated following spring thaw a verification of septic compliance for a commercial campground will need to be completed. The applicants had a licensed septic designer prepared the septic improvements. The applicants are requesting consideration to not to have the required building and site plans be prepared by an engineer, architect, or land surveyor. These proposed project elements are far less than the \$30,000 threshold and the bulk of the project costs for septic have met the requirement. County Sheriff's Department inquired if campers would be allowed alcoholic beverages onto the property and noted regulations on State Parks does not allow alcohol to be brought in as a comparable campground setting. The microbrewery and wedding venue activities should require a security presence. Land Services Coordinator indicated a CUP for recreational camping is consistent with County's Comprehensive Plan. Concerns noted: site capacity and functionality with multiple land uses, application materials for review are for a campground only and does not address other land uses on property. A comprehensive narrative and description would be necessary to review cumulative site impacts with multiple activities and functionality of property/site as a whole. Amador Township reviewed the proposal on March 16, 2021 and recommended approval with no conditions.

Andrew Olson and Mark Olson were present to address questions and concerns from the Planning Commission. Andrew Olson indicated the 2018 CUP was to allow us to do weddings and larger events, it is not our intent to do larger events anymore but will continue operation for the winery. The winery never allows outside alcohol on the property. John Sutcliffe inquired about storm shelters on the property for campers/guests and how will people be notified. Mr. Olson indicated the processing room/rest rooms and cold storage could all be used and could hold 80 people. Our intention is to have a staff person on the property and have a sound device or use a cart to notify each camper. Frank Storm questioned the primitive camping and if kids were allowed or not. Mr. Olson reported the campground was intended to have kids. Discussion followed on handicap accessibility. It was indicated all buildings are handicap accessible. Carts will be available for use and wheelchairs could access any part of our site. Dave Whitney asked how this application will impact the neighbors on the west boundary and if dogs would be allowed. Andrew Olson indicated dogs is something they have not addressed, but most likely would not allow. Dave Whitney asked Mr. Olson if it would be acceptable for a condition that would list dogs are not allowed. Andrew Olson indicated they could allow dogs at other locations instead of west boundary, after a moment of consideration, it would be in conflict under their current operation since they do allow dogs. We would allow campers on the north or east boundary to have dogs. Dave Whitney had concerns with loose dogs and barking. Dave Whitney questioned accessibility to firewood or are campers responsible for bringing their own? His concern was neighbors on the west boundary side and having campers cross the property line and gather wood from the neighbors. Mark Olson commented a yellow rope with eight signs hanging from the

rope was hung on the property line to notify people they were not allowed to cross the property line. Campers will need to buy firewood from the winery. Dave Whitney asked how they would handle parties, music and noise along the west boundary. Andrew Olson indicated an onsite staff person would address that problem. Campers will also need to sign an agreement prior to occupying the campsite to help minimize issues and list quiet hours. These types of campsites are small and not conducive of large gatherings. Dave Whitney asked if the applicants have submitted rules for the campground and how would they respond to a fire by fire extinguishers or fire department? Andrew Olson indicated rules have not been provided since Mark Olson had conducted local campground visits to help determine the best rules for their campground. They have not drafted the rules yet for review. Andrew Olson indicated there are multiple paths to the winery and buildings that have a permanent water supply. Mark Olson reviewed their relationship with Almelund Fire Department and noted they removed trees for easier truck access and will have multiple fire extinguishers available along the trail. Jim McCarthy indicated he would like to see information in writing and treat this campground similar to other campgrounds, such as Wildwood Campground. The Planning Commission had requested a privacy fence and quiet hours. Frank Storm had questions on parking and if laundry/showers were going to be available. Andrew Olson reviewed the parking and indicated they did not plan on making any changes. They do not have plans to bring in recreational vehicles and sanitation was not required. Second road access and viable campground business was discussed. Chip Yeager questioned how State Rules interpret the 400 ft to a building and noticed a few of the campsites are close to 400 in a straight line, but by path it might be more than 400 ft.

Chair Johnson opened the public hearing and noted comments submitted in advance of the meeting. Coordinator Jagoe asked Chair Johnson how to handle the submitted correspondence. Chair Johnson asked for the correspondence to be read.

Submitted Public Correspondence:

Adam Flett and Jillian Chmiel– 17145 Wild Mountain Road, After reviewing permit, considering potential impacts, checking state and local ordinances, regulations and laws, we are generally not in favor of allowing camping and granting a conditional use permit. We purchased our property nearest to proposed group camping site #8, with hopes of living in a quieter area and hope to see our area stay relatively free from additional impacts from human activity nearby. We appreciate the neighborly amenity as is, though this expansion gives us pause in considering our long-term plans to live on our site. We are concerned about noise in particular, both from additional hours of having up to 68 additional people on site during hours of operation that currently do not permit patrons of the winery to stay. In particular, we are worried about noise from illegal fireworks, late night socializing/partying and traffic. This permit will lead to additional sites in the future or extending to weekday nights as well. Potential impacts on local wildlife, fires spreading from campsites and strain on ground water from increased use are a concern. Should the permit be granted, we request the following: Established quiet hours that are well enforced, preferably before the 10 pm -7am state noise nuisance laws; ban use of illegal fireworks and firmly enforce and suggest fewer campsites or no group campsites, which tend to be the loudest. We understand the desire to expand operations, though worry about impacts on our enjoyment of our soon-to-be home. There are plenty of camping sites within a few miles of this property for their patrons to utilize before, during and after visiting the Winery.

Jeff and Quinette Cook – 16975 Wild Mountain Road, We are opposed to the addition of seasonal campgrounds. Adding campsites to the winery is like dropping a small community in the middle of our rural neighborhood. We purchased this property because of its idyllic setting. We are concerned about increased traffic, noise and roadside litter. Should the winery expand camping beyond weekend hours, we believe these problems would only be magnified. We understand that campgrounds are a popular trend and one that Wild Mountain Winery would like to offer, we don't believe that it is in the best interest of those nearby.

Tyler Massey – 16822 Wild Mountain Road, I would like to appeal the camping permit. We live next door to this property and would like to point out Wild Mountain Winery are violating the following: First, campgrounds must be located in areas free of poison ivy or other noxious weeds; Second, all campsites have been made and trees have been cut down prior to this permit being issued; Third, Wild Mountain Winery has spray painted all the trees orange boarding the property line which are on our side of the property line; Fourth, would like to require a certificate of survey if the permit is passed since the property line is not clearly defined at the sole cost of the applicant to establish the property line. We have tried to speak with the neighbors about eliminating two campsites that are straight behind our house and we are concerned with safety and safety of our animals. We already deal with excessive noise from loud music, pick up garbage in our front yard and have people wonder onto our property. These two campsites are within about 40 yards of our house, visible from our bedroom and daughter's bedroom. We are concerned about a potential fire, control of noise and devalue of our property. If the permit is passed, can there be a requirement of a fence installed. A couple of years ago, a complete stranger broke into our house, this individual was intoxicated and on drugs and passed out on the living room floor. This was a tragic experience for us and now have a family to watch out for.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Wild Mountain Properties, LLC amendment to an existing CUP at PID#01.00096.00. With no additional person wishing to speak, **motion** by Jim Froberg to close the public hearing. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Mark Olson clarified the comment on the person breaking into the house did not happen in the property adjacent to the winery. Dave Whitney indicated this was not a motion; however, he indicated the Planning Commission should table the request until the applicants could address concerns and questions from our discussion. The applicants should address the following: campground rules, handle dogs, how to handle noise, handle music until someone tells campers to shut it off, location of fire extinguishers. The Planning Commission should be able to review prior to making a recommendation. Frank Storm agreed with Dave Whitney's comment and would like to see if possible, the CUP be completely rewritten and would support to table the request. Frank Storm indicated he would like to review what Wild Mountain Properties, LLC is actually doing and remove all the other items they are not. Jim McCarthy suggested a privacy fence on west side since the Planning Commission receives a lot of CUP applications with intense use. Jim McCarthy noted the County Board should review setbacks and different things to aid in more control like the campsites on the property line. Jim McCarthy noted the rewrite of the seasonal campground ordinance with relation to a neighbor's house being 100 ft away. Chip Yeager agreed with Frank Storm in favor of tabling since there are a lot of edits to the CUP and the Planning Commission does not have time to work out all the conditions.

Motion by Dave Whitney to table Wild Mountain Properties, LLC amendment to an existing CUP requesting the Applicants rewrite the application narrative explaining previously granted CUP's for the winery & gathering venue land uses and clarifying or removing unnecessary conditions that the Commission is being asked to consider and what land uses will go away and stay, and provide additional detail on campground rules, campground operational plan, alcohol, parking & traffic flow, noise control, fencing, and fire/safety protocols and measures taken. Planning Commission would review an updated/rewritten CUP draft. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Coordinator Jagoe indicated the County Board will review the table recommendation on April 21 and will continue to work with applicants. Dave Whitney questioned if County Board tables the application, should the Commission submit recommendations. Coordinator Jagoe indicated she did make notes, but Planning Commission could provide comments to make sure it is complete during the next review cycle.

Coordinator Jagoe indicated Michele Holmberg's application would qualify as a minor home occupation and could be completed administratively. Tony Zerwas/Bob Boyce preliminary plat was not ready for April meeting and waiver will move to May meeting.

Old Business:

Zoning Ordinance Review & Update

Chair Johnson reported the working group has met and discussed various options. The group has had three meetings with another meeting scheduled. The working group has a lot of information to review and our goal is to have recommendations for the May meeting agenda. Frank Storm stated that at the March 4, 2021 Planning Commission meeting, Jim McCarthy and I needed more time for discussion on the submitted public comments. **Motion** by Frank Storm to rescind to remove One Acre Buildable in Dave Whitney's March 4, 2021 motion. Second by Jim McCarthy. Frank Storm noted numerous comments were received and, in his opinion, if comments by contractors, realtors, and farmers who benefited were removed, majority of the comments supported leaving One Acre Buildable. Frank Storm indicated his motion would allow for proper discussion on all the information the Planning Commission had received. Dave Whitney disagreed with the motion since the working group will provide an alternative, which the Planning Commission would review and deny if needed. Dave Whitney commented the Planning Commission should not vote in favor of the motion. Chair Johnson agreed with Dave Whitney and would not support the motion. County Commissioner DuBose was called on for comment by Chair Johnson but had internet connection troubles. Chair Johnson repeated Frank Storm's motion to rescind Dave Whitney's March 4, 2021 motion. Jim McCarthy indicated the working group was a separate motion at the meeting and supported the working group. Jim McCarthy indicated surrounding communities did not have their comments read into record and usually the Planning Commission has read comments out loud for the record. Jim McCarthy indicated this is respectful to the commenters. Jim Froberg questioned why the Planning Commission was relying on City comments when the County works with the Townships. Chair Johnson asked Frank Storm to clarify his motion. Frank Storm stated his motion was to rescind Dave Whitney's March 4, 2021 motion to remove One Acre Buildable. Discussion followed on Shafer Township's comment and Chip Yeager called the question. The motion resulted in 3 - 3 - 1 with a roll call vote. Ayes: McCarthy, Storm and Yeager. Nays, Whitney, Froberg and Johnson. Abstain, Sutcliffe. Frank Storm stated the motion had passed. John Sutcliffe indicated he abstained and added comment that he would not benefit one way or the other with ordinance language. *Assistant County Attorney Jeffrey Fuge provided a legal opinion on April 8, 2021 that the motion to rescind was defeated for lack of an affirmative vote of a majority of members present.

Request for Consulting Resources

Chair Johnson noted limited staff time and was considering looking for outside resources to complete the organizing/updating of zoning ordinance. There is a financial cost for this resource and would like to see support to the County Board to see if any allocations would be available. **Motion** by Chair Johnson to recommend to the County Board to authorize staff to submit request for proposals (RFPs) to assist with organizing our zoning ordinance. Second by Chip Yeager. Dave Whitney and Chip Yeager agree the current ordinance format is hard to use. Frank Storm indicated the cost could range from \$30,000-\$50,000 and would take at least three months. Jim McCarthy thought the cost might start at \$50,000 and be higher. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Roll call vote was taken and carried unanimously.

Communications and Reports

County Commissioner DuBose reported he had poor connection throughout the meeting and had nothing to report at this time.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Jim Froberg to adjourn. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Meeting was adjourned at 10:08 p.m.