

**CHISAGO COUNTY  
PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
FEBRUARY 4, 2016**

The Chisago County Planning Commission met in regular session on Thursday, February 4, 2016 at 7:00 p.m. in the Lindstrom Community Center, 13292 Sylvan Avenue in Lindstrom, Minnesota with the following members present:

|              |                           |
|--------------|---------------------------|
| Frank Storm  | Jim Froberg               |
| Dave Whitney | John Sutcliffe            |
| Gene Olson   | Jim McCarthy (new member) |

Absent: Craig Mold (excused)

Ex Officio: Rick Greene

Also Present: Kurt Schneider, Director, Chisago County Environmental Services  
Tara Guy, Assistant Zoning Director  
S. K. Putman, Code Enforcement Officer

Chairman Storm called the meeting to order and led the assembly in the Pledge of Allegiance. He then called for election of officers for the 2016 year. Dave Whitney nominated Frank Storm for Chair of the Commission, seconded by Jim Froberg. There were no further nominations and Frank Storm was elected Chair. Chairman Storm next called for elections for Vice Chair. Jim Froberg nominated Craig Mold for Vice-Chair, second by John Sutcliffe. There were no further nominations, and Craig Mold was elected Vice-Chair.

Chairman Storm offered opening comments and instructions to the audience regarding the rules of conduct governing the public hearing, and thanked the City of Lindstrom for the use of the facility. The audience was instructed to use the Speaker Sign-up Sheet at the entrance to the room if they wished to be called upon during the public comment portion of the hearing.

**APPROVAL OF AGENDA** - The published agenda for the evening's business had been revised to include the election of officers for the year 2016. On motion by Olson, and second by McCarthy the meeting agenda was adopted as revised.

**APPROVAL OF MINUTES** - On motion by Froberg and second by Sutcliffe, the minutes of the meeting of December 3, 2015 were approved as presented.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Sutcliffe and second by Olson, all previously submitted documents, submittals, reports and other materials were adopted into the record by reference. In addition, materials which had been received by the Department subsequent to the mailing of the Planning Commission packets the previous week were received and noted for the record. These included a letter addressed to Environmental Services Director Kurt Schneider from the Concerned Citizens for a Rural Countryside, accompanied by written comments on the Sno-Barons' application, as well as several additional communications expressing support for or opposition to the proposal. All written comments received have been cataloged and indexed, and are available for review at the Department of Environmental Services. The Departmental Staff Report had been distributed in advance to the Planning Commission and the

applicants, for their review. Copies of the application, correspondence received, a Comparison Chart of existing and proposed conditions, as well as the Staff Report were made available on a table at the entrance to the hearing room.

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**PUBLIC HEARING:**

**Sno-Barons Snowmobile Club** - The Sno-Barons Snowmobile Club was represented at the meeting by its president Meshell Gorsegner, and attorney Paula Callies, in the club's request to amend its existing Conditional Use Permit to allow additional activities at the property. This is located in Sunrise Township, Sec.2, T.35, R.20 at 38740 Oriole Ave. (PIDs 09.00269.00 and 271.00). The Chair noted for the record which members of the Commission had toured the subject property two days earlier, on February 2, 2016 (Storm, Froberg, Whitney, Sutcliffe, Olson and Greene.) The Sunrise Township Board had also reviewed the application twice, and had recommended denial of the requested amendments based upon what they perceived to be a lack of detail contained in the application. The Chair invited the Sno-Barons' representatives to give an overview of the proposal, and Ms. Callies responded with a description of the request. Ms. Callies explained that the Sno-Barons' request was to be allowed one additional day (Friday) for the main Hay Days event, held annually in September, and to be permitted an additional twenty days of activities at the 140 acre site, which would consist of small-scale commercial recreation and rural retail tourism events. She noted that since the original CUP approval, the County's Zoning Ordinance had been revised in 2011 to allow and encourage rural retail tourism in the Agricultural Zone. In accordance with that amendment, the Sno-Barons wish to offer their venue for that type of use, as well as some additional small commercial outdoor recreation activities. Ms. Callies went on to address the notion of the application being a request for a "blank check" as had been expressed at the Sunrise Township Board meeting. She reiterated that the application is completely consistent with the County Zoning Ordinance, which allows both commercial recreation and rural retail tourism as conditional uses in the Ag zone. It would not be practical to require a permittee to return to the County for approval of every conceivable different type of attraction as a CUP amendment, and so the application was crafted to request the latitude to host a number of different activities, provided they fall within the limitations and performance standards of the Zoning Ordinance, and within any general conditions placed on the CUP. All new non-Hay Days events will be hosted and contained fully on the site, which will serve as a limiting factor for size and impact from any of the new gatherings. This year will mark the 50<sup>th</sup> anniversary of the club's inception, and will be celebrated as a very special event in the club's history. She invited the club members present at the hearing to stand and identify themselves for the Commission, which they did, indicating a fairly large membership present for the hearing. In addition to allowing new activities, the new CUP language will also more precisely identify the "Hay Days Event" in terms of allowed uses and attraction. Ms. Callies gave some general history of the event in Chisago County, and the working relationship between the Sno-Barons and the Zoning Department and County and City law enforcement officials. Ms. Callies highlighted some of the proposed changes in conditions included in the amendment, and the reasons therefore. She noted the new site surveys which had been supplied, including existing conditions, proposed alterations, and how the "other event" activities and associated parking might lay out on the property. When attorney Callies had concluded her summary of the proposal, President Meshell Gorsegner offered some comments reiterating that the amendment proposal will not greatly change the character of Sno-Barons' use of the property, in that Hay Days will continue to be the primary event hosted on-site, with the other gatherings subordinate and much smaller in scale. No significant alterations to the site are proposed,

in terms of topography, new structures, or other infrastructure. When Ms. Gorsegner had finished her comments, the Chair invited the Commission members to comment and question the applicants.

## **PLANNING COMMISSION COMMENTS AND QUESTIONS OF THE APPLICANTS**

General questions followed, with responses provided by Ms. Callies and Ms. Gorsegner. Generally the Commission members sought more detail regarding the other types of events to be hosted, the expected attendance, and effective ways of limiting potential negative impacts to the community. Other questions concerned lighting, the proposed fireworks, additional noise from new motorized events, the number of days versus the number of events,

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and other potential impacts to the neighborhood. When some Commission members expressed concern with the broad language of the request, and lack of specific detail, Ms. Callies pointed out that a similar local large scale recreational event, the Almelund Threshing Festival had been approved for an amendment to their CUP to permit other “occasional community oriented events” at the property, without any further detail or definition being offered or required. She stated that Sno-Barons wish to have the same opportunities. When the Commission members had concluded their comments and questions, the Chair invited those who had not yet signed up to speak to do so, and opened the public comment portion of the hearing at 7:54 p.m.

## **PUBLIC COMMENT**

The sign-up sheet had been presented to the Chair, who called those 39 individuals who had signed up to address the Planning Commission. Those persons offering testimony in support of the Sno-Barons’ request for the CUP amendment included the following: **Keith Trombley, Rob Molder, Joe Duncan, Andi Johnson, Kevin Gustafson, Dennis Little, Stacy Burnside, Chad Burnside, Bruce Bekkerus, Lana Garcia, Bob Kollmer, Ed and Lisa Kowalski, Nancy Laudise, Brian and Kim Smith, Curt and Beckie Zweig, Anita Westman, Don and Mary Beiringer, Michelle Waletzko, John, Nathaniel and Jewell Peterson, David Herzog, Jay Flodquist and Billy Waldoch.** Those who spoke in support, including a number of club members, were generally unanimous in expressing that the Sno-Barons’ Club and Hay Days Event was well-coordinated and well-managed, good for the community, and a tourism draw for Chisago County which provides significant economic benefit to area businesses. Those who spoke in opposition to the proposal included **Molly Irish, Don Moyer, Jeff Strother, Jeff Oestreich, Linda Christianson, Tony Marazzo, Wes McDonald, John Werner, Jeske Noordergraaf, and Jeremy Frederickson.** Those speakers opposed to the proposal were generally concerned about an increase in the activity level at the property, the traffic, safety, noise from the motorized events, the late hours in the campground, trespass issues, perceived negative impact to property values, and the loss of the rural ambience in the neighborhood. When there were no comments forthcoming from the audience John Sutcliffe moved to close the public hearing, Jim Froberg seconded it and the public comment period was closed at 8:41 p.m. The Chair announced a ten minute break.

(Clerk’s Note: In addition to the spoken testimony offered at the public hearing, there were a number of written comments received for the record prior to and during the hearing, which are cataloged and indexed, and available for review at the Department of Environmental Services.)

## PLANNING COMMISSION DELIBERATION

Upon their return to the Commission table, the members began their deliberation. Jim Froberg stated that he felt that past experience has shown that Sno-Barons do a good job managing their large event, clearly evidenced by the large amount of support shown during public comment, and by the 130 signatures contained on a petition of support that had been submitted on the club's behalf. Dave Whitney offered his view that Hay Days appears to have been well managed and handled efficiently, and one additional day for the annual gathering would be acceptable. He stated his main concern was the additional days for new activities, and the undefined nature of the events. He stated his belief that part of the reason that Hay Days operates efficiently is the 35 to 40 conditions placed on the original CUP. He added that there were few conditions proposed to govern the new activities. John Sutcliffe also wished to see more definition on the added events, and wondered if fewer days would be an

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acceptable compromise to the applicants. Gene Olson noted his three main concerns, which included the introduction of fireworks to the event in such close proximity to hay and other field crops, the number of additional days proposed for new activities, and the broadening of the types of alcohol proposed to be served. Jim McCarthy stated that he was opposed to the CUP amendments, for a number of reasons. He was concerned about the sales impact to area homes, the "excessive" decibel levels generated by the Hay Days event, which he characterized as a real problem for the neighborhood, and wishes to see no additional motorsports take place on-site. He believes that the fireworks would negatively impact area livestock and wildlife, and also noted that the late night partying has been a source of complaints received by the Township through the years. Chairman Storm then offered his comments, particularly his concern with noise from additional motorized vehicle events, the lack of detail included in the proposal, and the number of additional days requested. He'd prefer to number the events rather than the days, and is concerned with the staging and tear-down days. He noted that racing events in the winter generate much more noise than in the summer and that sound carries longer distances. He commented that most of the County's previously approved gathering venues have had attendance capped at 500 guests, but Tara pointed out that in every case where maximum attendance numbers are specified as a condition, the attendance limitations were self-imposed by those applicants, not suggested or stipulated by Staff. He believes that Staff should have six months' notice before each additional event, versus the ten days that Staff have recommended. The Chair also expressed concern with the requested amount of signage, which exceeds the Ordinance maximum for a CUP. Chairman Storm then asked Staff to describe the changes to conditions shown on the Comparison of Conditions chart which was distributed. Environmental Services Director Kurt Schneider then read the itemized list of Staff-proposed conditions on the new CUP, and called attention to the Comparison of Conditions chart which indicated the rationale for the Staff recommendations on the conditions. When the Director had concluded, Dave Whitney stated his view that the entire matter should be tabled for each member to make suggestions or recommendations on the conditions, and take some time to thoroughly consider each one. He then moved to table the matter until the next regular meeting to give each member time to draft put together his own thoughts. Gene Olson seconded it and further discussion briefly followed until, when put to a vote, the motion to table the matter failed. Dave Whitney then offered a document he had crafted, with suggested changes to the draft conditions, and distributed it to the

members. The Commission reviewed the suggested changes and commenced discussion and debate on the various details of each condition. Mr. Whitney suggested a maximum of 500 attendees at the rural tourism events, and other limitations to the use of the property. When complex details began to be considered and debated, with further modifications proposed to the suggested changes, clerk Tara Guy requested that the suggestion to table the matter for one month be reconsidered. She noted that the complexity of modifying the draft conditions in detail, and then modifying the modifications, in all practicality required specific written comment being submitted to Staff for clarity. Director Schneider then suggested that the matter be tabled, and that each member consider all of the application materials and the public comment that had been received, and then submit his own recommendation within two weeks, for Staff to synthesize into a new document of possible CUP conditions for consideration. The revised draft CUP conditions would be sent out to the Commission and the applicant in the packets in advance of the next regular meeting. The members agreed to submit their comments by 2/19/2016, for Staff to assemble and mail out to the Commission and the applicants for review prior to final consideration at the next regularly scheduled meeting on March 3, 2016. Upon reaching this consensus, Jim Froberg so moved, with a second by Dave Whitney, and the motion was carried unanimously.

Director Schneider then reminded the Planning Commission that the provisions of Minnesota's Open Meeting Law (Statute 13D) applied to all proceedings of the Planning Commission, and reminded the members to have no conversation or discussion on this matter between themselves outside of the public hearing setting. Such prohibited communications included in-person conversation, phone calls, texts and emails, even if done serially

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from one member to another. He also advised the members to indulge in no conversation with community members, nor elected officials, outside of the public hearing setting.

Jim McCarthy then offered a formal statement opining that the Department of Environmental Services and Zoning had provided an "incomplete assessment" of the Sno-Barons' planning application to the Commission. Mr. McCarthy stated that the Commission members' packets lacked copies of submitted reports of past alleged violations. This omission, he claimed, had produced an "incorrect analysis" of the Sno-Barons' planning application. Director Schneider responded that allegations of past violations and other related enforcement activities are not included as part of any Planning Commission packet for an application under consideration. He added that the documents in question were available for examination upon request, if any member wished to review them. Chairman Storm then stated that he didn't believe such documents were relevant to the Commission's present consideration of the new CUP amendments, and declined to review the documents in question. The Chair informally polled the other members as to their wishes on the matter. With the exception of Mr. McCarthy all members declined to review the documents in question.

There being no further business, Gene Olson moved to adjourn the meeting John Sutcliffe seconded it, and the motion was carried.

The meeting was adjourned at 9:55 p.m.