

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
MARCH 3, 2016**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 3, 2016 in the County Board Room of the Chisago County Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, John Sutcliffe, and Craig Mold.

Ex Officio: Commissioner Rick Greene

Also Present: Tara Guy, Assistant Zoning Director

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established.

APPROVAL OF AGENDA - The Chair announced that the agenda featured only a resumption of the discussion on possible conditions for the Sno-Barons' request for a CUP amendment, and approved the agenda as published.

APPROVAL OF MINUTES - On motion by Froberg and second by Sutcliffe, the minutes of the meeting of February 4, 2016 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Following the February 4, 2016 public hearing, Staff had been directed to summarize the concerns presented at public hearing, and to prepare new draft conditions of approval, using suggestions and input from the Commission, the public and the applicant. This had been done, and the material had been distributed in advance to the Planning Commission and the applicants, for their review. Copies of the relevant correspondence, applicant's comments, and the modified draft conditions were made available on a table at the entrance to the hearing room. The Chair announced that no materials received subsequent to the closing of the February 4, 2016 public hearing would be considered as part of the record. He added that the evening's business would be limited to discussion among Planning Commission members, stipulating that there would be no interaction with the audience, applicant, or Staff.

DISCUSSION SNO-BARONS ' CUP AMENDMENT

The Chair gave instructions for the Commission's deliberations. He noted that the Planning Commission had received application packets prior to the public hearing of February 4, 2016, accompanied by an index of the documents contained therein. He instructed the Commission members to consider only those materials and the minutes of the February 4th public hearing during the evening's deliberations. He instructed the members to use the modified draft conditions which had been distributed by Staff following the public hearing, to discuss each item, and amend, append, or adopt the conditions as presented. Attorney Paula Callies then asked if the Sno-Barons' requests for modifications to the final draft conditions would be discussed, but Chairman Storm stated that they would not. He then advised the Commission that if the CUP amendment were to be recommended for approval, each condition should be examined and decided upon, and a final recommendation made. If the CUP amendment were recommended for denial, then findings must be made to support that recommendation. The members generally concurred that approval would be recommended, with revised conditions. In preparation for

discussion, Jim Froberg moved to recommend approval of the CUP amendment with conditions, and John Sutcliffe seconded it. Froberg then amended his motion to also adopt the draft findings of fact contained in the Staff Report, in support of approval. Sutcliffe
Planning Commission continued.....Page 2
March 3, 2016

seconded it and the motion was amended to include adoption of the draft findings in support of approval.

Lengthy discussion on the draft conditions ensued, as the Commission reviewed each condition and amended, appended, or revised it in accordance with the members' ultimate consensus. Draft conditions #4, #6, #23, and #26 were discussed and revised by consensus of the members. When discussion had concluded, the motion to recommend approval of the CUP amendment with revised conditions, and to adopt findings supporting approval, was carried, with Jim McCarthy opposed. The following are the recommended conditions of approval:

1. This document serves to replace the original Conditional Use Permit (Permit #2009-55 issued to Sno-Barons Snowmobile Club February 18, 2009, and recorded as Document #507396 in the Chisago County Recorder's Office) for commercial outdoor recreation activities. It shall effectively repeal certain of the original conditions of approval, add additional conditions, and allow additional outdoor rural tourism/small scale commercial recreation activities as stipulated below. This document shall constitute the new and inclusive Conditional Use Permit governing activities at the site unless and until further amended in the future.
2. This CUP is approved in conjunction with and subject to the revised three page site survey by Acre Land Surveying (Job #15641) and dated January 25, 2015, which is hereby adopted in reference. Page 3 of that survey establishes the "parking/event usage locations" areas referred to within this permit document.
3. This Conditional Use Permit will allow the annual three days Hay Days Event (defined in Condition #27 below) every September, as well as five additional outdoor rural retail tourism and/or small-scale commercial outdoor recreation events (maximum of fifteen days annually) at the property. Gathering events hosted and contained entirely within the clubhouse shall not be construed to be events or event days.
4. "Event" shall be defined for purposes of this CUP as any invitational activity hosted on-site (exclusive of indoor events contained entirely within the clubhouse) of a duration between one and three days. No event shall last longer than three days, exclusive of a maximum of three set-up and three tear-down days.
5. Hours of Operation:
 - A. Access to and general activities at the site shall be allowed within the hours of 6:00 a.m. to 10:00 p.m. except as otherwise expressly stipulated below.
 - B. All racing and other noise-producing motorized events shall cease at 7:00 p.m.
6. General Small-Scale Commercial Motorized Event Restrictions:
 - Motorized outdoor recreation events shall be restricted to the three existing motorsports areas referenced as "grass drags", "motorsports freestyle expo", and "ATV/SXS Demo Track" on the site survey.

- All motorized event activities shall cease at 7:00 p.m.
- No more than one of the six designated parking/event usage locations shall be used in connection with a motorized outdoor commercial event.

7. No more than three of the six designated parking/event usage locations shall be used in association with any single event.

Planning Commission minutes continued.....Page 3

March 3, 2016

8. Further development and/or permanent site improvements: Further site development, including expansions to the three existing motorsports areas referenced as “grass drags”, “motorsports freestyle expo”, and “ATV/SXS Demo Track” and/or additional event-hosting buildings, pavilions, or other significant site modifications shall not be constructed without approval by the Zoning Administrator, and may be subject to CUP amendment. Buildings of an accessory or temporary nature such as storage buildings, restroom facilities, or tents may be constructed with the approval of the County Zoning Administrator.

9. Event Frequency: No more than one outdoor rural tourism/commercial recreation event per month shall be permitted at the property, unless such event is rescheduled as a direct result of weather-related or other necessary postponement of an earlier event.

10. Live outdoor music may be included as an accessory to the principal outdoor recreation/rural retail tourism event but shall not be the principal event. No outdoor recreation /rural retail tourism activity on the site shall include in its entirety or charge admission separately as a concert venue, headline concert, music festival, or the like.

11. A double row of staggered evergreen trees a minimum of six feet tall, planted at SWCD-recommended separation distances, shall be planted along the westerly property line a distance of 650 feet south of the north property line, with plantings to be completed by December 31, 2018.

12. Sno-Barons and/or their leasees shall provide notice to the Department and the County Sheriff’s Office of each outdoor rural tourism/commercial recreation event a minimum of ten 30 days before the event. Such notice shall include a description of the event, a general estimate of attendance, and a description of any bar/alcohol service to be provided. Sno-Barons and/or their leasees shall pay for a law enforcement and/or emergency services presence, as may be determined to be necessary by the Sheriff’s Office.

13. Topographical Alterations: Any significant change to the topography of the site shall be subject to County approval and National Pollutant Discharge Elimination System permit requirements as determined to be necessary.

14. Access to Trunk Highway 95: Only law enforcement/first responders/government vehicles may access the property via the existing driveway on Hwy. 95.

15. Celebrity Security: If political office holders, candidates for public office, celebrities or other public figures are invited to the event, the applicant shall make this known to all relevant law enforcement agencies as early as possible to coordinate security measures.

16. Overnight camping: Such camping shall be permitted on-site in association with hosted events, in accordance with applicable MDH regulations; general commercial public camping not associated with club members or events shall be prohibited. Seasonal storage of RVs on-site shall be prohibited except on approved campsites in designated camping areas.

17. Sanitation Facilities: Sno-Barons shall provide and maintain adequate sanitation facilities on-site for all events in accordance with MDH regulations.

Planning Commission minutes continued.....Page 4
March 3, 2016

18. Alcohol: On site alcohol sales shall be limited to tap or bottled beer, wine, and other pre-packaged alcoholic products, sold and served in accordance with applicable state and local liquor laws.

19. Solid Waste Management: Sno-Barons shall provide and maintain adequate solid waste management for all events in accordance with applicable state and local regulations. The event site must be completely cleaned and devoid of garbage within one week after any event.

20. Lighting: Downcast lighting shall be installed and maintained in accordance with the approved lighting plan shown on the revised site survey dated January 25, 2016. For all non-Hay Days events, a mandatory lights-out time of 10:00 p.m. shall be observed.

21. Public liability insurance: Sno-Barons shall provide proof of public liability insurance with limits at \$1,000,000 per occurrence, \$2,000,000 aggregate and provide certificate within 60 days of CUP amendment approval and upon demand thereafter. Annual notice shall be provided to the County upon renewal, and notice of cancellation/non-renewal shall also be provided.

22. Indemnification: Sno-Baron's agrees to hold harmless, defend and indemnify the County, its officers, and employees for and against any and all liability and claims for property damage, economic loss, personal injury and death including but not limited to the cost of defense of the claims and attorney fees, arising out of the Sno-Baron's negligence, or Sno-Baron's performance or failure to perform its obligations in connection with this CUP and Sno-Baron's events, irrespective of whether such damage, loss injury of death is alleged to have occurred on or off the event site.

23. Fireworks: Fireworks displays shall be limited to one annual display at the Hay Days Event. Fireworks must be conducted by a licensed and properly qualified pyrotechnical professional. The fireworks display shall be set up and operated in accordance with National Fire Protection Association's fireworks regulations and any other applicable Public Safety rules and regulations.

24. Sno-Barons shall comply with any and all other applicable federal, state and local regulations and ordinances and obtain all required permits, licenses and/or other approvals required by law or rule. The Minnesota State Agencies which have regulatory oversight and enforcement authority over the relevant elements governed by this Conditional Use Permit include but are not limited to:

- MN Department of Health (Food, Water, Vendors, Camping)

- MN Public Safety (Alcohol sales, licensing and service)
- MnDOT (Use of and access to Trunk Hwy. 95 and other State highways)
- MN Pollution Control Agency (Sanitary provisions, noise regulations, NPDES permits)
- MN Department of Labor and Industry (Handicapped accessibility, ADA compliance)

CONDITIONS OF APPROVAL SPECIFIC TO THE HAY DAYS EVENT:

25. The Hay Days Event is defined as a three day annual outdoor recreation event and gathering, which includes:

Planning Commission minutes continued.....Page 5
 March 3, 2016

Main Event Activities

- A. Snowmobile drag racing on a defined track;
- B. TerraCross racing, ATV, UTV, motorcycle, snowmobile and similar motorized vehicle racing, and demonstrations in their defined areas.
- C. Test-driving in the defined area;
- D. A swap meet

Subordinate Activities

- E. Sales of related equipment and merchandise;
- F. A playground and activities for families and children;
- G. Food and beverage sales, alcohol sales;
- H. Musical (live and/or recorded) entertainment;
- I. Raffles;
- J. Camping associated with the Hay Days Event
- K. Carnival-type attractions associated with the Hay Days Event, including fireworks
- L. Normal and customary associated recreational activities.

26. Set-up and tear-down for Hay Days shall not exceed three weeks pre-event and post-event. Track and machine testing prior to Hay Days shall be limited to the Thursday prior to the main event, between noon and 5:00 p.m.

27. Pre-Hay Days Event Meeting: A pre-event meeting between Sno-Barons and the County must be held at least 60 days before the event to discuss the following, as well as any other relevant issues. Specific requirements to be presented at this meeting shall include:

- Traffic Plan: Specifically, Sno-Barons shall submit a general traffic flow plan (mainly sign placement and parking access identification) to the County Sheriff’s Department at or before the pre-event meeting, but in no case, less than 60 days prior to event. Any extraordinary costs for traffic control required for the event and the required law enforcement personal shall be paid by Sno-Barons, or otherwise negotiated with agency in question.
- Law Enforcement/Security: The applicant must submit a security plan for approval to the Sheriff’s Office at or before the pre-Hay Days event meeting. The applicant shall employ

private security personnel on site at a level adequate to handle security and safety as needed including overnight security. Sno-Barons shall provide for a command post for law enforcement near the entrance as required by the County Sheriff's Office. The applicant is responsible for any extraordinary law enforcement personnel costs related to the event, as deemed necessary by the Chisago County Sheriff.

- Parking: Sno-Barons shall guarantee and provide adequate parking on and off-site for the Hay Days event, but at a minimum 10,000 parking spaces. Individual approved Temporary Administrative Parking permits shall be required, in accordance with the relevant provisions of the Chisago County Zoning Ordinance. Applications for same shall be submitted collectively by Sno-Barons a minimum of 60 days prior to the event, at or before the pre-event meeting, as proof of adequate parking provision. Failure to provide proof of adequate parking may be cause for cancellation of the event, with timely notice of such cancellation to be made by Sno-Barons to all participants.

Planning Commission minutes continued.....Page 6
March 3, 2016

- Emergency Preparedness: Sno-Barons shall provide at or before the pre-event meeting a plan ensuring that appropriate fire, rescue and other public safety personnel shall be on site and available to respond to public and/or participant emergency, continuously during the event; An evacuation and emergency preparedness plan shall be identified by Sno-Barons and approved by the Sheriff's Office. The event may be shut down in the event of threatening weather upon the determination of the Sheriff's office.

28. Post-Event Meeting: Within 60 days of the annual Hay Days Event Sno-Barons shall meet with Chisago County Zoning and Public Safety officials to review the event activities and discuss any potential changes or alterations to the overall operation, or impacts upon public health, safety or welfare.

29. On-site storage: On-site storage of materials and equipment shall be limited to those items required for the hosting of the annual Hay Days event. All materials stored on-site shall be maintained in an aesthetically acceptable manner, shall be screened from public view insofar as practical, and shall not cause undue negative impact to neighboring properties or the traveling public.

30. This CUP shall permit an exception to the customary signage stipulations in the Agricultural Zone; signage shall be installed and maintained as specified on the signage plan dated December 1, 2015.

31. 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.

By the original motion of the Commission, the following draft findings of fact were also adopted in support of the above stipulated CUP approval:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? Yes. The Chisago County Comprehensive Development Plan clearly outlines a number of goals and policies which are meant to support and encourage this type of activity, which emphasizes Chisago County's rural atmosphere as a draw for visitors, including the

following:

Natural Resources Goal Section 2-12: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.

Policy:

1. Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public spaces open to low impact outdoors recreation.

Discussion on Comp Plan Section 2-12: Chisago County has a long, strong history of being home to very active snowmobile clubs, and developing and providing snowmobile trails for the use of these clubs and the general public. The County is a popular destination for winter sports including snowmobiling, due in large part to the scenic countryside, rural ambience, and the St. Croix River Valley.

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Planning Commission minutes continued.....Page 7
March 3, 2016

Policies:

1. Promote natural amenities in the County as assets to economic development and business opportunity.
2. Promote tourism as an expanding opportunity for employment and tax base.

Discussion on Comp Plan Section 7-8: Please refer to direct testimony provided by area businesses relative to the impact of Sno-Baron's activities on local economics, businesses and tourism. (Attachment #14 in packets.)

2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? No. The property, existing land use and proposed new activities are self-contained and self-sustained, relying upon no public facilities or utilities to operate the existing or proposed events. There will be a potential for increased impact to the public roads giving access to the property, but given the occasional and sporadic nature of the additional events which would be hosted on-site, the CUP amendment will not generate an excessive demand on the public roads, nor any other public facility or utility serving the area. The existing use and potentially some of the proposed future activities may require auxiliary law enforcement or emergency response services. These would likely take the form of extra traffic control officers or first-responders attending to medical emergencies or accidents. Though not a public utility or facility, these public service officers might be called upon to provide a higher than normal level of service at this property during events. Such services would not be construed to be an excessive demand upon public resources, as any extraordinary costs would be borne by the permit holder.

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent

properties? The property in question consists of three parcels which total 180 acres, a sizable tract of land which could reasonably be said to provide a fair amount of built-in distance buffer from neighboring properties. Most of the new activities would take place further to the west in the interior of the property, at an elevation approximately 40 - 50 feet lower than Oriole Avenue. This provides additional topographical buffer from the road and properties to the east. The revised site survey shows that the delineated event areas meet or exceed all minimum property line setback requirements. The area of residential development west of the event grounds, and the house directly north of the retention pond would be those properties most likely to be impacted by additional activities taking place on an occasional basis. The area directly south and east of the retention pond is depicted as a possible event/parking area on the site survey. If that parcel were to be used, since the distance separation and the topographical difference is less between the event grounds and those dwellings, consideration should be given to additional vegetative buffer being introduced along the west and north property lines in those areas. Alternately, that portion of the property could be prohibited for use as a parking/event area for the new rural tourism activities to mitigate impact to the closest residences.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/ Zoning District in which the applicant intends to locate the proposed use? Yes. Please refer to the discussion in Item #1 in this Staff Analysis, for an evaluation of the proposal as it relates to the Comp Plan and overall land use goals of the County. Moreover, more specifically, the County purposefully amended its Zoning Ordinance two years ago with the specific intention of allowing and encouraging

Planning Commission minutes continued.....Page 8
March 3, 2016

development of this type of rural tourism attraction. (See Section 5.06 (C) 25 of the Chisago County Zoning Ordinance.) Although this application for CUP amendment is to allow additional activities classified as "commercial outdoor recreation" the use of the property is consistent with the County's stated goal of encouraging the growth of rural retail tourism in the Agricultural zone. In accordance with that goal it is anticipated that approval of this CUP will:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- Recognize Chisago County's scenic features, exceptional rural ambience, and historic sites as desirable local amenities which will draw outside revenue from visitors, that are vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through rural retail tourism businesses;
- Assist the County.... in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

6. Will the use cause traffic hazard or congestion? There will be an occasional increase in local traffic during the additional events as attendees come and go. These additional events could potentially result in periods of higher than normal levels of minor traffic congestion on area roads for short periods of time. Staff proposes that the permit holder notify the County ten days in advance of an event, for review by the

County's public safety officials, to determine whether or not traffic control is a potential issue, and arrange for it, as may be determined to be necessary.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? Other than the new permanent lighting, no new site improvements, structures, or significant alterations are planned in anticipation of the additional events. As such, the property will have the same appearance as it presently does, with minimal negative aesthetic impacts. There will be some additional sound generated by the occasional gatherings at the property, as described in Item # IX in the preceding section. Depending upon the type of event, there may be some temporary impact from lighting after dusk during some events, which could be mitigated by a mandatory "lights out" time.

There being no further business, the meeting was adjourned at 8:35 p.m.