

**CHISAGO COUNTY PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
JANUARY 4, 2018**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, January 4, 2018 in Meeting Room 150B of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, Chris DuBose, John Sutcliffe and Charles Yeager.

Ex Officio: Commissioner Rick Greene

Also Present: Kurt Schneider, Director Environmental Services  
Tara Guy, Assistant Zoning Director

Chairman Chris DuBose (elected at the December 7, 2017 meeting to serve as temporary Chair) called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken and a quorum established. The Chair welcomed new member Charles Yeager, representing District 4, to the Commission, and former member Frank Storm, now representing District 5. Jim Froberg inquired as to the actual starting date of the new members' terms, noting that the previous year's terms generally don't expire until January 15<sup>th</sup> of the new year. Chairman DuBose explained that he had been advised that since both seats had been vacated as a result of resignations, immediate seating of the new appointees was permissible. Dave Whitney moved to allow the new members to be seated, John Sutcliffe seconded it. The motion carried with Jim Froberg opposed. The new members were seated.

**APPROVAL OF AGENDA** - Chair DuBose inquired into the election officers for the new year since the new members had been seated. Frank Storm moved to adopt the original published agenda, leaving election of officers until the February meeting, John Sutcliffe seconded it and the motion was carried.

**APPROVAL OF MINUTES** - On motion by Froberg and second by McCarthy, the minutes of the meeting of December 7, 2017 were approved unanimously, as presented.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Storm and second by Whitney, all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Planning Commission and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

**NEW PUBLIC HEARINGS :**

**Branden Mell** - Mr. Mell was present at the meeting to request a Conditional Use Permit to operate a seasonal campground with 30 campsites at his property on Rush Lake. This is located in Nessel Township, Sec.23, T.37, R.22, at 50187 Clover Trail (PID #06.0515.00). The Nessel Township Board had recommended approval with the condition that Mr. Mell participate in a cost-share agreement on maintaining part of 500<sup>th</sup> Street extending east from Bayview Avenue. Member John Sutcliffe explained that he would be abstaining from the vote on the Mell matter due to the road maintenance contract he has with Nessel Township. Tara Guy gave a brief description of the application, and the category of land use within which it falls. The Commission had viewed the property on-site, reviewed the application and the Staff Report and

recommendations. As summarized in the Staff Report, the applicant seeks a Conditional Use Permit to operate a seasonal campground with 30 campsites on a 52-acre tract of land on East Rush Lake. The property is zoned Agricultural, with a Shoreland overlay district. Section 5.06 (c) 3 of the Chisago County Zoning Ordinance allows recreational camping areas as a conditional use. The applicant proposes to develop  
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the RV park in roughly three phases. Phase I will feature the construction of the first six campsites, along with the partial installation of the septic system to serve 15 sites, and commercial rental of the first six campsites, intended for completion by 2020. Phase II will include the opening of sites 7-14, along with the installation and/or monitoring of septic for capacity to serve up to 21 sites, hopefully by 2021. Phase III will feature the opening of remaining sites 15-30, continued monitoring of septic system, and expansion of the septic system if the monitoring reports demonstrate the need, with a projected ready-date of 2022. After a few preliminary questions from the Commission members, the Chair opened the public hearing portion of the meeting. Chris Liesch of 2400 Crest Way inquired whether any access was planned at the north end of the campground, off the dead end of Crest Way. Mr. Mell replied that there would be no access to the park from the cul-de-sac at the end of Crest Way. When there were no further comments or questions from the public, Jim Froberg moved to close the public hearing, Frank Storm seconded, and public testimony was closed. The Chair asked the Commission to review the draft conditions suggested for discussion purposes. Dave Whitney wanted to stipulate a "quiet hour" as the Commission had done on other commercial operations that have nighttime hours, but it was pointed out that the campground rules do stipulation quiet hours between 11:00 p.m. and 7:00 a.m. The proposed resort rules had been recommended as a specific condition of approval in the suggested conditions. The Chair asked the applicant if he had had a chance to review the draft conditions, and Mr. Mell affirmed that he had, and they were acceptable to him. Discussion arose on the actual terms of the agreement with Nessel Township for the road maintenance cost-share, and the written recommendation from the Township was reviewed again and clarified as follows: "Mr. Mell is responsible for dust control on 500<sup>th</sup> Street extending east from Bayview Avenue to Clover Trail, except for the first 1000 feet of 500<sup>th</sup> Street east of Bayview, to commence upon the first day of occupancy of the campground." Deliberation among the members followed. Jim McCarthy stated that during the upcoming Zoning Ordinance revisions, he would like to look at the notion of "saturation" related to certain land uses, such as having four campgrounds situated in one bay of Rush Lake. When there were no further comments, Jim Froberg moved to recommend approval of the CUP with conditions and Frank Storm seconded it. The following are the recommended conditions of approval:

1. This is a phased Conditional Use Permit to establish and operate a recreational campground for a maximum of 30 campsites.
2. For purposes of outlining the phased-in land use impacts expected to be generated by this campground, the phases of the CUP shall generally be described as follows:

**Phase I:** 2017 - 2020 - Site preparation for first six campsites, partial installation of septic system to serve 15 sites, opening of Sites 1-6.

**Phase II:** 2020 - 2021 - Site preparation for sites 7-21, installation and/or monitoring of septic for capacity to serve up to 21 sites, opening of Sites 7-14.

**Phase III:** 2022 - Opening of remaining sites 15-30, continued monitoring of septic system, with expansion if needed.

3. The campground manager shall establish and enforce the resort policies as described in the document entitled "Humble Swede Resort - Resort Rules" as an associated condition of approval of this Conditional Use Permit.

4. This campground shall adhere to and be operated in accordance with all applicable Minnesota Department of Health regulations.

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5. The on-site sewage treatment system shall be designed, constructed, monitored and maintained in accordance with all application Minnesota Pollution Control Agency regulations.

6. The permittee shall adhere to all applicable Minnesota Department of Natural Resources regulations, including acquisition of any necessary permits and approvals to establish a marina, docks and boat-slips to serve his campground.

7. The park owner shall execute and maintain a mutually satisfactory contractual agreement with Nessel Township for a cost share on road maintenance along the agreed-upon designated portion of 500<sup>th</sup> Street west of the campground entrance, and/or as shall be amended or appended to by mutual consent. (Specifically, at the time of original approval of this CUP, dust control on 500<sup>th</sup> Street extending east from Bayview Avenue to Clover Trail, except for the first 1000 feet of 500<sup>th</sup> Street east of Bayview, to commence upon the first day of occupancy of the campground.")

8. RVs shall remain mounted on wheels and removable in case of flood or other hazard; park model RVs shall be prohibited.

9. Any improvements to RVs (i.e. stairs, decks, screen-porches, sheds) which are regulated by the Minnesota State Building Code shall require building permits and inspections.

10. There shall be no filling, excavating, or other encroachments or impacts to wetlands present on the property.

11. There shall be no development, filling, construction, or other intrusion into the floodplain associated with RV installation and improvements.

12. 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.

The motion was carried unanimously. Dave Whitney then moved to adopt the analysis contained in the Staff Report as findings of fact in support of approval, seconded by Frank Storm, motion carried unanimously. The following are the adopted findings of fact supporting approval:

**1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. The County's Comprehensive Development Plan specifically refers to the following goals:

- To encourage the use and enjoyment of the County's natural resources as an economic development and tourism tool and asset for the County (p 2-39)
- To promote recreational and tourism opportunities (p 2-40)
- To recognize that prime scenic views and landscapes are an important and desirable local amenity which draw outside revenue from visitors that is vital to the local economy (p 2-43)
- To protect quality visitor experiences of prime scenic features, areas of exceptional rural ambience (p 2-43)
- To promote natural amenities in the County as assets to economic development and business opportunity (p 2-43)

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- To acknowledge tourism's economic value and the contribution of this industry to the County's economic base and potential for growth (p 6-22)

**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?** "Excessive" is a term that is relative, difficult to quantify in an empirical sense, and relevant only in terms of its context. Among the possible demands upon public facilities, amenities and/or lands and waters, Staff discussed the following:

**TRAFFIC:** One of the primary impacts is likely to be traffic from the additional 30 campsites, which will certainly add to Clover Trail and 500<sup>th</sup> Street. The increase in traffic will likely be discernible to those living along these roads, although it is not likely to rise to the level of hazard or congestion. A maintenance cost-share agreement has been negotiated between the applicant, the owner of the neighboring Flickabirds, and Nessel Township, which will provide efficient and timely maintenance.

**PUBLIC WATERS:** Although there is no specific marina plan presently proposed to serve the new campground, there is mention made in the narrative description of boat docks and common open space situated close to Campsites 1 - 4 which will serve the camp clientele. Any boat marina will require a DNR permit, which the applicant will obtain. It is reasonable to assume that the 30 additional campsites associated with this campground will result in increased pressure upon the surface water recreational use of Rush Lake, particularly in this bay. Presumably there will be an increase in the number of recreational swimmers, anglers, and other water-users, along with the associated watersport equipment such as fishing and ski-boats, jet-skis, and the like.

**PARKS, SCHOOLS, UTILITIES:** Staff did not identify any likely increase in demand upon parks, schools, or utilities. The campground itself is a self-contained recreational center, with amenities on-site, and easy access to the neighboring Flickabirds with its bar and restaurant. There are no public utilities or other facilities serving this RV park; no excessive demand is anticipated.

**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 is fully screened by heavy forestation around its perimeter, and as such, there will be little negative visual impact upon neighboring properties. The campground will be virtually invisible from the directly abutting tracts of land, and as such, will not constitute a visual deterrence to potential future development of the neighboring properties.

**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 ?**

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Yes. The County's Comprehensive Development Plan specifically identifies the following goals:

- To offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)
- To allow commercial recreation, rural retail tourism, and recreational uses in the agricultural and rural areas of the County (p 5-2)

In addition, Section 4.14 of the Chisago County Zoning Ordinance specifically encourages the development of rural retail tourism and commercial recreation opportunities, with the following specific goals:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is 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's citizens 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?** No. While the proposed campground will certainly add an element of additional traffic to Clover Trail and possibly 500<sup>th</sup> Street, said traffic levels will not rise to the level of hazard or congestion.

**7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** There may be some additional ambient noise generated by the introduction of 30 new campsites to the neighborhood, but given the heavy forestation, the siting of the campsites tucked into the trees, as well as the park rules, no direct excessive negative impact is

expected to be generated by the campground. The park rules preclude, among other things, more than one car per campsite, overnight visitors (without permission) children at large after 10:00 p.m., the use of scooters, mini-bikes, or other ATVs, firearms and fireworks. The rules also stipulate quiet time between 11:00 p.m. and 7:00 a.m. No glare or unsightliness will impact nearby properties given the heavy woods surrounding the campground.

**ZONING ORDINANCE AMENDMENT** - The Planning Commission had been directed by the County Board at their meeting of December 20, 2017, to conduct a public hearing with the purpose of collecting oral and written testimony on possible revisions to Section 7.31 of the Chisago County Zoning Ordinance, Solar Energy Systems. Environmental Services Director Kurt Schneider presented an overview of recent events concerning solar energy activity in the County. On November 30, 2017 Zoning Staff met with a group of concerned citizens who live on or around Olinda Trail in south Franconia Township. The landowners had requested the meeting due to their concerns with the recent development of several community solar gardens in the immediate area, and their wish to discuss possible revisions to the current solar energy ordinance. Staff had assembled the comments and suggestions from that meeting, and distributed them to the Commission in advance of this hearing, and would do the same following this evening's hearing. Director Schneider

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concluded that no formal recommendation on a text amendment was expected from the Commission this evening, but rather, the hearing was intended to allow gathering of citizen input for consideration as possible text revisions are contemplated. Director Schneider also called attention to a letter submitted by Franconia Township in December, suggesting a moratorium on solar energy systems. With that, he concluded his opening remarks and the Chair opened the public hearing, directing each person who had signed up to speak to give their name, address, and take up to three minutes to offer their comments. The Chair then called upon speakers from the sign-up sheet posted at the entrance to the hearing room. The following were the comments received:

**Gary Peterson , 15091 346<sup>th</sup> Sreet** offered support for continued development of solar energy, and solar installations in Chisago County. **Brian Linde, 26285 St. Croix Trail** identified himself as a “nuclear engineer” who has worked in the energy industry since the mid-1980s. He suggested consideration of the possible environmental and financial impacts of the proliferation of solar energy systems, and submitted an article for the Commission’s review (accepted for the record and marked as Exhibit A.) **Terry Gaetke, 25269 Olinda Trail** cited the lack of economic benefit to the County overall from solar energy installations, and the possible decrease in property values that could result from proximity to such systems. **Angel Permaloff, 25310 - Olinda Trail** acting as spokesperson for the larger citizens’ group noted that she would make use of several other speakers’ time allotment and speak longer than three minutes. She opined that the current solar energy ordinance is inadequate and fails to protect Chisago County’s “livability,” health and safety, and prime farm land. Ms. Permaloff pointed out perceived deficiencies in the text language, and offered draft ordinance text revisions she had prepared with her associates, John Chrun, and Pat Jacobson, for consideration. The primary concerns cited were the lack of citizen inclusion and transparency in the process, loss of prime farmland, health and safety concerns, inadequate screening requirements, the spacing of solar installations, and the need for a “net-zero” provision. Ms. Permaloff submitted her comments in writing, the draft ordinance text revisions she proposed, along with a number of additional

documents on a variety of related topics (accepted into the record, and marked as Exhibit D - Permaloff documents.) **Paul Dennison, 29380 Redwing Avenue** , spoke in support of solar energy, and the County’s existing ordinance language which he characterized as reasonable and fair. He also noted that the face of “agriculture” is changing in Chisago County, and area farmers should have the chance to avail themselves of the economic opportunity presented by solar energy development. **Ray Tetrault , 24765 Quinlan Avenue** , spoke of the proliferation of solar installations in the Olinda Trail area. He explained that he had obtained a conditional use permit to operate his home-based contracting business some years ago, and believes that solar installations should follow the same process for review and citizen input. **Mike Gallagher and Linda Gallagher, 47399 Anchor Avenue,** both spoke in favor of continued development of solar energy in Chisago County. They noted the ever-growing need for electricity to power electronics worldwide, and noted the benefits of clean solar over conventional fossil fuel and nuclear sources. They concluded that going “backwards” would be a mistake for Chisago County, who should follow the example of European countries. **Loren Caneday , 33871 Unity Avenue,** submitted written comments (accepted into the record and marked as “Exhibit E”) and summarized them orally. He is opposed to the manner in which solar energy is being proliferated in Chisago County. He believes the current ordinance is inadequate and fails to protect the County’s citizens. **Sharon Eigenheer, 25246 Olinda Trail** spoke in support of the earlier comments offered by the previous speakers, in particular the need for screening of the installations. **Jeske Noordergraaf , 39750 Poor Farm Road** identified herself as a Sunrise Township Board Supervisor, and speaking on behalf of her Board, stated their support for requiring a conditional use permit and full notification for each solar installation. **Tom Rongitsch** spoke in opposition to the current method of processing solar installation applications, citing concerns about big business “carpet-bagging” Chisago County, lack of notice of applications, lack of weed control, impact upon

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wildlife, and the aesthetics of the countryside. **Pat Jacobson , 25030 Olinda Trail** , spoke in favor of solar energy generally, but wants to see the installations processed as conditional use permits, with standardized screening requirements. **Bonnie Quigley , 25051 Olinda Trail** , also spoke in support of requiring strict screening performance standards. **Sue Esch, 24950 Olinda Trail** , also spoke in general favor of solar energy encouraged caution in processing the applications, and consideration of unintended consequences, such as interference with ham radio operation, weed proliferation and impact upon wildlife. **John Chrun , 16190 240<sup>th</sup> Street** , co-authored the draft ordinance revisions submitted by Ms. Permaloff. He cited the negative, concentrated impact of solar energy installations, upon the small number of residents who live close to substations. **Dennis Gustafson , 28388 Redwing Avenue** spoke as Supervisor and Chair of the Franconia Township Board, and congratulated the citizens on their recent pro-active efforts concerning solar installation regulation. He is concerned about the density of the installations, stray voltage, and the lack of notice and public participation associated with the process as it presently exists. **Theresa Rongitsch , 15281 Panola Drive,** offered comment on water drainage problems from the installations, the impact on wildlife, the question of responsibility for the eventual removal of the arrays, and the probable unintended consequences that might result. Additional correspondence was received into the record during the public hearing, including a letter from Allen and Patricia Jacobson (marked Exhibit B) and an email from Tim Michel (marked Exhibit C)

The Chair called for final comment. When no further testimony was forthcoming, Jim Froberg moved to close the public hearing, John Sutcliffe seconded it, and the motion was carried.

The Chair then asked the members to deliberate and offer their thoughts on the process going forward. Frank Storm stated his belief that some form of ordinance revision is warranted. He wants copies of all the documentation submitted at the hearing provided to all members. Jim Froberg agreed that more intensive screening is necessary for these installations, and should be stipulated in the ordinance, or during the permitting process. Charles Yeager agreed, and added that he also feels the need to research more deeply the health and safety concerns that were cited. Jim McCarthy agreed that the installations should be processed as CUPs, with specific screening standards, tree removal restrictions, etc. Dave Whitney also believes some revision would be beneficial. He would like adequate time to study the matter, and improve upon the present ordinance without drastic prohibitions being adopted. John Sutcliffe agreed that further study is needed, and that some revision would be desirable. He would also like copies of the documentation that was submitted at the evening's hearing. Chairman DuBose agreed that revision is necessary, perhaps the idea of requiring some or all of the installations to have a CUP, specific screening standards and setbacks. There is much to review, and careful study is warranted, he concluded. He suggested that all the materials received should be reviewed by the members, and the matter discussed again at the February 1<sup>st</sup> meeting. He inquired if any of the Commission members favored recommending a moratorium on solar installations, but there was no support indicated for the idea. Frank Storm requested that the Commission be provided with a list and a map of the existing installations, and Staff agreed to provide the data requested by the Commission. The matter was then tabled until the February 1<sup>st</sup> meeting.

Brief discussion followed concerning the need for additional "work session" meetings as work on Zoning Ordinance revisions is undertaken. Staff agreed to request Board approval for additional meetings and the additional expenses (i.e. per diem and mileage costs) associated with them.

**ADJOURNMENT** - There being no further business, upon motion by Froberg and second by Storm, the meeting was adjourned at 8:45 p.m.