

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
APRIL 5, 2018**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 5, 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
Steve Putman, Code Enforcement Officer

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 - On motion by Froberg and second by Whitney, the meeting agenda was approved as published.

APPROVAL OF MINUTES - On motion by Chris DuBose and second by Jim Froberg, the minutes of the meeting of were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by Chip Yeager and second by John Sutcliffe 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.

ATTENDANCE DURING TOUR OF AGENDA ITEMS - Chairman Storm noted that the Planning Commission had toured the agenda items on site, on Tuesday,

NEW PUBLIC HEARINGS :

Brittany Kari - Ms. Kari was present at the meeting with her husband Tyler to request an Interim Use Permit to establish and operate a one-chair beauty salon as a home occupation. This is located in Shafer Township, Wild River Estates First, Lot 3, Block 1, at 20970 336th Street (PID #08.00149.03). The Shafer Township Board had recommended approval with no conditions. Ms. Kari explained that she hoped to have a small salon in her basement, open only Tuesday through Thursday, accommodating up to four clients per day. The Commission members had no questions but Jim Froberg suggested making the days of operation Monday through Friday or Saturday, in case she expands her client base in the future. She agreed that would be wise. The Chair called for public testimony, but there was no one present to offer comment on the proposal. When there was no further discussion, Jim Froberg moved to adopt the Staff analysis as findings of fact in support of approval, and to recommend approval of the IUP with conditions. Chip Yeager seconded it and the motion was carried unanimously. The following findings of fact were adopted in support of approval:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? Yes. One of the goals of the Chisago County Comprehensive Development Plan specifically encourages the development of home occupations. Section 5-2 of the County's Comprehensive Plan states in pertinent part that one purpose of the Agricultural Zone is to encourage and promote home

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occupations. Fledgling businesses are allowed to develop and hopefully flourish, and if desirable or applicable, eventually move to a commercial business zone, or industrial park when the business growth warrants it. Small scale home occupations which are not intended to grow beyond their original low activity level are encouraged to remain as home occupations, with appropriate conditions and performance standards. Additionally, in Section 6 (Economic Development) of the Comp Plan, the following goals are specifically identified, to support and encourage home occupations:

- Encourage entrepreneurship;
- Encourage home-based businesses and rural tourism;
- Allow and encourage businesses that help expand the County's economic base without expanding associated service requirements.

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. There will be no demand to speak of, on any roads, parks, schools, streets or other public facilities or amenities.

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? There will be no change in the appearance of the dwelling, and no adverse effect upon nearby properties is anticipated. The immediately surrounding area has already been developed to the fullest extent possible, so there will be no deterrence to further development.

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. As discussed in Item #1 in this section, the County's Comprehensive Plan specifically includes goals and policies meant to encourage and support home occupations. The support of this goal is provided for in the language of the Chisago County Zoning Ordinance, Agricultural Zone, Section 5.06 D, Interim Uses, and in Section 4.04 which outlines appropriate performance standards for home occupations

6. Will the use cause traffic hazard or congestion? No.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No.

The following are the recommended conditions of approval:

1. This is an Interim Use Permit allowing the operation of a one-chair beauty salon as a home occupation.
 2. The days and hours of allowed client visits for this home occupation shall be Monday through Saturday between 9:00 a.m. and 5:00 p.m. - by appointment only.
 3. There shall be no employees outside of the family employed at this business.
 4. There shall be a maximum of four client visits per day.
 5. All client parking shall be provided and maintained on-premise.
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6. Signage at the property shall conform with Section 4.14 of the Chisago County Zoning Ordinance.

7. Residential septic system to be managed and maintained in the following manner:

A. Permit holder shall obtain and submit a system monitoring plan devised by an MPCA licensed designer.

Monitoring plan shall at a minimum include:

- Monthly water meter readings
- Effluent sampling minimum 2 times a year (once winter/once mid-summer)
- Tank pumping records
- Visual inspection of the drainfield area

B. Submit proof of contract with an MPCA licensed service provider to maintain the system

C. Obtain an operating permit, renew it and contract with Service Provider annually, submit monitoring reports

D. Maintain the operating permit for the life of the salon

E. Register as a Class V Injection Well with the EPA

8. There shall be no change in the appearance of the dwelling.

9. There shall be no noise generated by the conduct of this business.

10. All business and associated activities shall be confined to the interior of the home.

11. 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.

12. IUP shall terminate upon the sale of the property to anyone outside of the family.

Andrew Olson for Wild Mountain Winery - Mr. Olson requests an amendment to his existing Conditional Use Permit for a winery, to include a wedding venue and microbrewery. This is located in Amador Township, Sec.19, T.35, R.19, at 16906 Wild Mountain Road (PID #01.00096.00). The Amador Township Board had recommended approval with no conditions.

A complete application with narrative and architect's renderings of the new venue had been submitted. Mr. Olson gave a brief overview of the proposal. His father had obtained a CUP in 2010 to establish and operate a winery, which has done well with limited tastings and group visits. They have hosted a few casual wedding events, which led them to consider expanding the wedding portion of the business. At present, they do have small gatherings on occasion, with music, and have a limited license to serve pizza. Those events are currently held outdoors, between 3:00 and 6:00 p.m. Future larger events will be held indoors, and if they include music, the doors and windows will remain closed to avoid impact to neighboring properties. They also wish to establish a micro-brewery as part of this CUP amendment, which will be developed later in the future, hopefully the following year. The brewery will be located in the lower level of the new gathering venue. The new building will be built east and a little bit north of the existing house and buildings, with the upper level serving as the wedding/gathering space, with capacity for a maximum of 300 occupants. He noted that the property is fairly isolated, with large farmed tracts of land completely surrounding it. They have been respectful of their neighbors, and have had no difficulties or complaints. This was verified by Zoning Staff. When Mr. Olson had concluded his presentation, the Chair invited questions from the members. Dave Whitney asked for more detail on the micro-brewery, including any plans for retail liquor sales. Mr. Olson explained that

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the brewery will be very small, adjunct to the winery and operated by their wine producer. The beer produced will be used strictly on-site for gatherings at the property, with no off-sale. Dave then asked about sewer and water for the new venue, and Mr. Olson stated that the new building would include a new septic system to serve the entire operation, and the existing well would remain in use. When there were no further questions or comments forthcoming, the Chair called for public comment. Neighboring property owner **Barbara Krawczewski** of 16536 Wild Mountain Road was present at the meeting to offer support for the request, and express what good neighbors the Olsons have been. She added that they are considerate and respectful of the neighborhood, and are also involved community benefactors, and she supports their request. There were no further persons present to offer testimony, but Tara Guy had received a letter of opposition directly before the hearing, from **Russell and Therese Olsen**. They felt the proposal had the potential for disrupting the neighbors' peace and quiet, and that it was a departure from its original agricultural intent. The Olsen letter was entered into the record as "Exhibit A." Where there were no further comments, the Chair closed the public hearing, and asked the Commission to deliberate. Further discussion followed, with Dave Whitney wanting to see a condition limiting the brewery in scope and impact. Upon request of the Chair, the applicant returned to the table, and reiterated that the small brewery will only be large enough to supply beer for events on-site, as they don't have a commercial bottling operation. There were no further questions, and the discussion concluded. After brief discussion, Chris DuBose moved to adopt the Staff analysis as findings of fact in support of approval, and to recommend approval of the CUP amendment with conditions. John Sutcliffe seconded it. The following are the findings of fact adopted in support of 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
- 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? No anticipated demand upon existing parks, schools, streets or other public facilities or amenities was identified by Staff, in the event that the CUP amendment is recommended for approval.

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? Given the heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, the property is sufficiently separated by distance and screening

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from adjacent development, so as to not cause undue negative impact, nor deter future development. The development site is not visible from 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? 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? Though there will be limited periods of heightened traffic to and from the site on event days, given the moderate attendance numbers projected by the applicants, no actual hazard or congestion would be expected to result from events/activities on the site.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? As discussed in Item # IX in the previous section, there will be some increase in noise on event days, due to the arrival and departure of guests at the venue. This noise will not generate an undue negative impact to the neighborhood, and will be transitory, just before and just after the event. The primary cause of disruptive noise from gathering venues is generally live and/or recorded music. The applicants have voluntarily confined music to inside the building, with doors closed, which eliminates that issue. There will be no glare from the use as it is proposed, nor will there be unsightliness, as the new venue will be an attractive, new building with a rustic appearance, visible only from some distance down the road to the east.

The following are the recommended conditions of approval:

1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010) to allow additional rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities, and a microbrewery, with associated tastings and activities.

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2. This CUP shall allow year round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m.

3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.

4. The maximum attendance at any given event shall be limited to 300 guests.

5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.

6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.

7. Any new access to the venue shall be approved by Chisago County Public Works prior to construction.

8. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
9. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
10. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
11. 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 amendment approval shall be considered provisional until such time as these requirements are met.
12. 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.

The motion to recommend approval with the above-listed conditions passed unanimously.

ZONING ORDINANCE AMENDMENT - SOLAR ENERGY SECTION 7.31 - WORK SESSION

At the request of the Chair following the last Planning Commission meeting on March 1st, both versions of the draft Ordinance revisions were presented again for a side by side comparison, as the Chair noted, he had never seen a split recommendation to the County Board. The principal difference between the two versions were the following: Version #1 retained Administrative Solar Permits for projects with a site area footprint of less than ten acres, required a community outreach meeting to be hosted by the developer, and with some added screening requirements. Version #2 rendered all commercial solar projects Interim Use Permits requiring the customary public hearing and County Board approval, and also included the enhanced screening requirements.

Commissioner Dave Whitney opened discussion by explaining that he would favor retaining the Administrative permit option for projects less than ten acres in size, but would like to see some additional screening language, including requiring financial surety to ensure 75% opacity was achieved by the end of the third year of the project. He also proposed some additional language concerning

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minimizing visual impact from the interconnection points, (poles), and standardizing the road setback at 135 feet from centerline of all roads. He felt that such enhancements, along with implementation of the clarified community meeting would eliminate the need for an IUP on every single installation. He had drafted possible language to include in Version #1 for discussion purposes, which was distributed to the members for consideration. Staff pointed out that the language governing the physical components of the interconnection points (i.e. requiring the interconnections to be situated at-grade rather than between poles) would in some cases not be enforceable due to PUC and Excel electrical regulations that require the use of pole structures at points of interconnection. Staff suggested adding the language as a suggestion to be implemented "insofar as practicable" or "to the extent possible." The Commission unanimously approved of the suggested enhancements for screening and the reduction in number of poles,

as may be possible. Discussion then followed among the members, comparing the dual versions of draft language that had been presented. The four members (DuBose, Yeager, Froberg and McCarthy) who had voted to categorize all commercial solar projects as Interim Use Permits still favored that position. The three members who wished to retain Administrative permits for projects less than ten acres approved of the additional screening language proposed by Whitney, and they also reaffirmed their original view on the matter. Chris DuBose felt that the original 4-3 vote recommending Version #2 (eliminating Administrative Permits) should stand as the official recommendation to the Board rather than sending two alternatives. Conversely, if the Commission has now arrived at a different majority recommendation, send that forward instead, instead of both. When discussion concluded, Jim McCarthy moved to recommend sending Version #2 as the "majority report" (all projects as IUPs) and incorporate Dave Whitney's suggestions into Version #1 as the "minority report" (retaining Administrative permits under ten acres) and to send both versions to the County Board for their review and decision. Chip Yeager seconded it, and further discussion followed. Chris DuBose wished to see Dave Whitney's additional standards imported into Version #2 also. Jim McCarthy stated that he had thought they were meant for inclusion in Version #2 as well. Dave Whitney explained that they were not, and he wouldn't support incorporating his language into Version #2. He had added it only to Version #1 specifically to provide reliable consistency in screening standards on the Department-issued permits. He added that flexibility should be allowed on the IUPs which are always subject to individual conditions on a case-by-case basis anyway. Chris DuBose wished to see all of Whitney's suggestions incorporated into both versions, as did Jim McCarthy. When discussion concluded, the motion to send both recommendations, with Whitney's additional standardized conditions in both versions, to the County Board passed, with Sutcliffe, Whitney and Storm opposed. The two final draft versions of the Ordinance revisions are attached at the end of this record of proceedings.

ADJOURNMENT - There being no further business, the meeting was adjourned at 7:40 p.m.