

**CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
February 3, 2022**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, February 3, 2022 at the Chisago County Government Center.

Staff Present: Beth Thorp, Land Services Coordinator and Diane Sander, Support Specialist.

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

**Approval of Agenda – Motion** by Kelly Corbin to approve the agenda as presented; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

**Approval of Minutes – Motion** by Frank Storm to approve the January 6, 2022 meeting minutes as presented; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. **Motion** by Dave Whitney to approve the January 20, 2022 Work Session meeting minutes as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

**Receive all Materials and Submittals into Record - Motion** by Frank Storm to accept all materials and submittals into the record with the addition of three public hearing comments; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff report with attachments. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**a. Wild Mountain Properties, LLC** - Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, are requesting a Conditional Use Permit (CUP) Amendment to increase the number of campsites from 13 up to 30 at the Recreational Camping Area, as well as Amendments to other conditions approved in April 2021. The property is zoned Agricultural (AG) District and located at 16906 Wild Mountain Road, Amador Township, S19, T35, R19, (PID #01.00096.00). Coordinator Thorp provided an overview of the Olson’s Amendment application and brief history of the CUP. The original CUP was approved in July 2010 to allow a winery. In April 2018, CUP Amendment #1 was approved to allow a wedding venue and microbrewery in addition to the winery. In April 2021, CUP Amendment #2 was approved to allow recreational camping with a maximum of 13 campsites in conjunction with winery and Rural Retail Tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities. The microbrewery use had been removed per applicant’s correspondence during CUP Amendment #2.

The proposed expanded number of campsites includes 23 single-tent sites (accommodating 4-6 people each), 2 group sites (accommodating 12-16 people each), and 5 “pop-up” / pull behind camper sites (accommodating 4-6 people each). Thorp stated that the campground, as proposed, could accommodate a total of 200 people at full capacity and that the total number of campers/winery guests/customers for all uses would remain at 300.

Expanded campground will include two new shower rooms in the existing winery building, in addition to the existing restrooms. Thorp shared that the County Sanitarian confirmed the existing septic system can accommodate up to 20 campsites, and septic monitoring would be required to increase the number of campsites beyond 20. Four separate parking areas were identified and reviewed. Additional requested amendments to existing conditions included:

2. This CUP shall allow year-round use of the property as a gathering venue with gathering events allowed Friday through Sunday seven days a week 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 232 guests. (Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground—300-68—232.)~~ The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
13. ~~The site is limited to a maximum of 13 campsites that are comprised of 11 single tent sites, and two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.~~
14. ~~Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed.~~
15. ~~Seasonal camping is allowed seven days a week from May 1<sup>st</sup> to through October 31<sup>st</sup> with reservations limited to Friday through Sunday.~~
21. ~~More permanent property boundary line marker, signs, or posts shall be placed as a barrier in place of the yellow tape in the vicinity of camp sites 1, 3, 5 and 6 on the site plan.~~

Technical Review was held on January 12, 2022. County Sanitarian commented monitoring will be required by Minnesota Rule 7081 Subsurface Sewage Treatment System Program to increase beyond 20 campsites. County Code Enforcement Officer provided comments on CUP conditions for easier interpretation and enforcement. Amador Township reviewed the proposed CUP Amendment on January 18, 2022 and recommended approval with no conditions.

Andrew Olson and Mark Olson were present and available to address questions and concerns. They commented they have no interest in hosting weddings or large group events and sold the large tent. They would like flexibility to host smaller events during the week. Years ago, they hosted large weddings close to 300 people attending and did not have a problem accommodating parking on site. The winery has been in operation for twelve years and never had a problem with large number of people and haven't had any complaints. The Olsons stated that they would like the winery hours to be Friday 2 pm – 7.9 pm, Saturday Noon to 7.9 pm, and Sunday will stay the same Noon to 6 pm. Planning Commission members asked a variety of questions to clarify music, fire/emergency services, hours of operation, sufficient staffing for additional campers, trash, and parking. Both Mr. Olsons addressed the following questions/concerns: The winery has acoustical music playing, typically 1-2 people playing guitars; some do utilize small amplifiers. Visitors can sit, drink wine, talk, and enjoy the music at the same time. Music volume is low, no large bands have played. Fire extinguishers are located at each campsite entrance, and campers have access to water and phone number to campground staff. The campground allows dogs. The applicants try to place campers away from neighbors (property located immediately west of the subject site) and staff (at least one if not more) are on the property at all times and patrol the campground at night. Occupancy of the campground determines the number of staff

available onsite. Fire department has been to the property for review of emergency situations and access. Several trees have been removed to accommodate fire trucks. Clarification was requested by the Planning Commission of operation of hours for winery and campground.

Chair Yeager opened the public hearing and sought comment. The following were present at the hearing: *Amada Shoquist and Tyler Massey* – 16822 Wild Mountain Road. We have been at our property for two years and excited to have more than 9 acres next to the winery. We love doing things outside with our young daughter and dog. Last year, we reviewed CUP Amendment #2 site map of the campsites. We felt our concerns were not taken seriously. Campers shuffling around looking for kindling and shining flashlights in our backyard. We did not expect campsites to be that close to our property. We hear loud noises from the woods at all hours and never expected the campground to expand. We have a dog and barks at campers, which can be frustrating for us and winery. The applicants have stated campsites near our house are filled last; not buying it. This does not give us peace of mind for our safety. Home is where our dog could run and where we can feel safe and not worry who is in the woods. We want to support small local business but do not want constant worries. We would like a solution that works best for everyone.

*Tyler Massey* – 16822 Wild Mountain Road. We have had some issue with some campers in our yard, excessive partying. Listen to campers throw up near our bedroom window. We have had campers on our side of the woods. Tried to look a blind eye to it, but wanted it known.

Coordinator Thorp read the following submitted comments:

*Adam Flett and Jillian Chmiel* – 17145 Wild Mountain Road. We want to affirm our opposition to the proposed Conditional Use Permit changes. We are on record from the original application for camping (April 2021) as being opposed due to many concerns, and urge the Planning Commission to revisit the original concerns raised by other adjacent landowners in the past. It is our belief that more than doubling the capacity and number of days open to camping will have a compounding effect on issues with noise, impacts on local wildlife, and other natural resources, and the County's assertions in the Findings section of the application about impacts on neighbors and the local ecosystem are greatly underestimated. When we purchased our property with hopes of constructing a new home in 2020, we had no indication that 2 years later we'd be potentially building across from a 300 person campground. The amount of people visiting the Winery was limited to weekends. We're now reconsidering our home plans entirely, as the 'neighborhood' went from rural to now potentially having a small city of campers across the street. We urge the Planning Commission and Board to reject this proposed application for expanding camping.

*Quinette and Jeff Cook* - 16975 Wild Mountain Road. As landowners across from the Winery, we are opposed to additional campsites and the extension of the number of days available to hold gathering events, including camping (from Friday to Sunday, to seven days a week/24 hours a day). Throughout the hearing packet, the term "believes" is used to address impact concerns. We are on record (April 2021) as opposed to the addition of campsites to the winery and feel the time given to determine the impact of these changes was minimal at best (less than one season/year) and therefore does not warrant granting further changes at this time. As with the prior request, we understand that this proposed amendment will have a negative impact on the environment and surrounding neighbors. These include, but are not limited to:

- Increased traffic to the area, not only on the weekend but also weekdays and 24 hours a day
- Increased noise due to traffic, outdoor music, and human activity (sound, light & campfire smoke carries despite the surrounding forestation; this was discussed with our neighbors)
- Increased litter on adjacent/nearby properties
- Increased fire hazard for adjacent/nearby properties. The current single-lane driveway is both entry and exit for the property; if there is an emergency (particularly fire or weather), this poses a substantial threat

- disruption to wildlife
- The inability of owners/attendants to enforce rules and/or control guests
- Trespassing on neighbors' property (particularly the property to the west of the winery/campsites; anything less than the addition of a privacy fence to run that neighbor's border is insufficient and insensitive)
- Loose or uncontrolled pets

Similar to others in the immediate area, we purchased our property intending to build a home. Our motivation was the peace and quiet that this rural setting provided. The Winery (with limited weekend hours) was not viewed as a negative. The addition of more campsites, entertainment, etc. to the property (7 days a week/24 hours a day) changes that viewpoint and impacts our decision to build. At this time, we urge the Planning Commission and Board to reject the proposed Conditional Use Permit Amendment.

*Andrew and Amber Grice* – 16655 Wild Mountain Road. We live full-time at our property with our closest border being approximately 425 ft away from Wild Mountain Winery. We moved here from the Twin Cities to enjoy rural living, agriculture, wildlife, and a quiet place to raise our family. We appreciate what the winery has provided for the community and want to continue to support our neighbor's. However, we have multiple neighbor's and believe they all deserve our support as credible concerns have been expressed about this expansion and previous experiences. We believe the Rural Retail Tourism Standards were well thought-out to protect and promote the use of the wonderful landscape we have the pleasure of living in. Allowed uses include activities that are "small-scale" and "low-impact". However, a hospitality operation that includes 30 campsites, winery, music venue, serves food and alcohol, operates year-round, 24/7, and accommodates 300 guests is not "small-scale" or "low-impact" and should be processed as a major commercial conditional use. In our experience, we have been negatively impacted by noise from the winery. However, we found this acceptable as operations were limited to weekends and we were able to have reprieve during the weekdays. Having no break in action in a residential area is unreasonable, does not meet the terms of "small-scale" and "low-impact" and could impact surrounding property owners' ability to enjoy our property as intended. We also have safety concerns related to additional traffic with kids playing nearby, no turning lanes, and frequent visitors. We believe the County has a responsibility to uphold these standards and consider the input of nearby properties. Thank you for considering our input.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Planning Commission members indicated the hours of the winery and campground need to be clarified. Jim McCarthy did not support repetitive amendments and the scale of campground, suggesting that the applicants need to identify the full impact/use of property instead of getting more and more with each Amendment. Jim McCarthy expressed concerns over the ability of the 15-acre subject site being able to support 30 campsites, commenting that 30 campsites with 300 people seems too large and not small-scale or low-impact. He added the Planning Commission has denied other requests for campgrounds and this application is asking for more campsites than the denied applications. Concerns were raised with how much of an issue there has been with dogs and noise. Dave Whitney indicated he would not want people in his backyard with flashlights, it would be unsettling and scary. Kelly Corbin had concerns with the campground more than doubling in less than a year with limited time to assess impact with the addition of the gathering venues increasing to year round from Noon to 11 pm. Planning Commission held discussion on possible elimination of campsites 1, 3, 5, 7 and 9, as illustrated on the applicant's site plan, located near the western property boundary, or possible increase of barrier near property line, which could be additional trees and/or a privacy fence. Commissioners suggested that this could help address flashlights or campers crossing the property boundary, but will have little impact on noise. Concerns with higher occupancy could be addressed with limiting capacity or limiting camping to

weekends, or establishing the number of staff and monitoring required on the property. Frank Storm reviewed current and requested amended conditions and suggested edits and clarification of winery/campground operation of hours. **Motion** by Frank Storm, second by Jim McCarthy to recommend that the County Board extend the review period in order to allow staff time to review and address Planning Commission concerns and develop recommendations/conditions for review at the Planning Commission's next meeting on the following matters: concerns on year round use, the possibility of increased staffing and monitoring of campground, the possibility of removing or relocating campsites located adjacent to the western property boundary, the possibility of increasing the barrier and/or fencing located along the western property boundary, and clarification on operation of hours for winery and campground. Staff was also directed to verify if there are any documented complaints on file with the Department of Environmental Services. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

### **Public Hearings – Continued Hearings - None**

#### **Old Business**

**a. Jason Klar** – Coordinator Thorp provided a brief update on Mr. Klar's request for a Conditional Use Permit (CUP) for Major Home Occupation to conduct educational classes for permit to carry a pistol. The property is located at 47311 Government Road, Sunrise Township, S2, T36, R21 (PID# 09.00485.02). Coordinator Thorp indicated a public comment was received via email to a newly created email address listed on the County website. Staff was unaware of the email account and had not been monitoring email activity. The public comment was received prior to the public hearing; therefore, staff will present the email submission at the next Planning Commission meeting. Thorp shared that the County Board approved a 60-day extension to the review period, expiring on March 24, 2022. The extension will allow further review by the Planning Commission on noise at another site visit. Coordinator Thorp reviewed correspondence from Assistant County Attorney Jeff Fuge regarding public hearing status and requirements. Staff raised concerns on the method used to analyze noise produced by live fire, explaining that the Department of Environmental Services does not have the necessary equipment. Thorp shared that staff had located a decibel reader but it appeared to have not been calibrated since 2019, and that noise analysis apps for cell phones may be an option. Thorp stated that she had reached out to Minnesota Pollution Control Agency (MPCA) for guidance but had not received a response prior to the meeting. Staff has concerns on reliability and accuracy of cell phone apps. County Commissioner DuBose clarified that the County Board would like the Planning Commission to position themselves near neighbors' houses while the applicant fires his pistol, using their own ears to determine noise level near the property boundaries. DuBose explained that a similar noise analysis had been conducted in the past with a similar land use application. Discussion was held on analysis, decibel levels, the possibility of hiring a third-party professional, winter vs. summer noise level difference, decibel level and duration. Coordinator Thorp summarized that the Planning Commission will conduct a site visit to Jason Klar's property on March 1, 2022 and Mr. Klar will operate a firearm that is utilized for his educational classes for Planning Commission members to hear twelve rounds from two sites, one on each side of the property.

**b. Commercial Shooting Range Ordinance** – Coordinator Thorp informed the Commission that the County Board reviewed the draft Commercial Shooting Range Ordinance at its January 19<sup>th</sup> meeting and directed the Planning Commission to schedule a public hearing on March 3<sup>rd</sup> concerning the ordinance amendment. Thorp added that the County Board amended Section 7.32 Indoor/Outdoor Commercial Shooting Range B.2. Shotgun Minimum acreage: ~~40~~ 160 acres. **Motion** by Frank Storm to set the public hearing date for review of the draft Commercial Shooting Range Ordinance for March 3, 2022; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

#### **New Business - None**

## Communications and Reports

### a. **County Board Liaison Report / Update** - County Commissioner DuBose reported the following:

- County Commissioner Mike Robinson passed away and County Board designated February 2<sup>nd</sup> as Mike Robinson Day.
- The County Board appointed a couple representatives for the Water Plan Policy Team, replaced squad cars, and hired County Recorder.
- The County Board approved an agreement with City of Shafer for the County to conduct Building Plan Reviews, Building Code Inspections, Septic Plan Review and Septic Inspections Services.
- The County Board approved the Preliminary Plat of DJ's Dream and extended the review period for the Klar CUP.
- The County Board accepted a 2021 County Conservation Award for the Lower St. Croix Watershed Partnership for One Watershed One Plan and reviewed Comfort Lake Forest Lake Watershed District presentation.
- The County Board approved 2022 Teamsters contract.

General discussion followed on redistricting, noise analysis conducted from a previous CUP application, City of Lindstrom's new ADU ordinance, accessory structures, and remote attendance/electronic meeting format.

**Miscellaneous** - None

**Adjourn Meeting – Motion** by Frank Storm to adjourn the meeting. Motion was withdrawn. **Motion** by Frank Storm to cancel the February 17, 2022 Special Work Session; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. **Motion** by Frank Storm to adjourn the meeting; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. The meeting was adjourned at 8:40 p.m.