

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

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

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; Diane Sander, Support Specialist; and, Jeff Fuge, Assistant County Attorney.

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 Chair Yeager to approve the amended agenda with the addition of Meeting Operations/Information Sharing Guidance to New Business; second by Frank Storm. 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 February 3, 2022 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 two written 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 reports with attachments, Draft Commercial Shooting Range Ordinance, and Public Hearing comments from Dean Michalko and Greg Michalko. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**KGRED, LLC and BARBAC, LLC** represented by Ken Johnson and Bob Boyce – Coordinator Gervais provided a brief background on the request for the request for Preliminary Plat of Poor Farm Meadows, involving the creation of four lots from a 30.53-acre tract. The property is zoned Agricultural (AG) District and located at the northwest corner of 410<sup>th</sup> Street/County Road (CR) 81 and Poor Farm Road in Sunrise Township, S4, T35, R20, (PID #09.00034.20). The plat consists of one 10.2-acre parcel, two 7.6-acre parcels and one 5-acre parcel. The land is currently undeveloped with a large wetland area located adjacent to the southern boundary. The bulk of the wetland is to be located on Lot 2, the largest lot. Proposed Lot 1 will access 410<sup>th</sup> Street/CR 81 and proposed Lots 2 – 4 will access Poor Farm Road.

Technical Review was held on February 9, 2022 and provided the following comments. County Wetland Specialist reviewed the wetland delineation and provided an approved Notice of Decision. County Code Enforcement Officer reviewed the applicant's soil work but cannot verify soils until spring due to current winter conditions. Soil verification has been added as a proposed condition of approval. County Engineer requested confirmation that the driveway for proposed Lot 2 would access Poor Farm Road rather than 410<sup>th</sup> Street/CR 81. The applicants confirmed access will be from Poor Farm Road. The Sunrise Town Board

recommended approval with no conditions at their February 17, 2022 meeting. Chair Yeager asked each Planning Commission member and the applicants for additional questions and comments. Applicants Boyce and Johnson were present and available to address questions and concerns. Chair Yeager opened the public hearing and sought comment.

*Nicole Klanderud* – 41097 Poor Farm Road. The site is a flat field that has been farmed for many years. It has a wetland with some wildlife, but no trees or wind break for a noise barrier. Surrounding neighbors and I have concerns. My concerns are most homes in the area are 20 acres or more which provide adequate space for rural living. The proposed four houses in the middle of a field that has been farmed will diminish our rural character. If the parcel was split into two - 15 acre parcels it would match our surrounding area. I have additional concerns for infrastructure of the area as it pertains to road and technology. More people, additional traffic, creates additional maintenance. The area is severely underserved by internet providers. Only connection available is satellite internet which is very slow. There are a lot of neighbors attending and concerned about losing the agricultural land use. We ask to consider looking at the subdivision differently. Instead of four lots, consider two lots to keep our rural charter in the surrounding area.

*Natashia Hedin* – 40869 Poor Farm Road. In addition to the concerns listed by Nicole, my concerns include, “What is next?” There are other open fields in the area, first we see four houses then it could increase to eight houses in another adjacent field. We ride horses down the dirt road to access Wild River State Park. There will be increased traffic and road maintenance. Construction will be loud and noisy with no noise barrier.

*Jarrod Pasicznyk* – 40227 Golden Way. I am one of the former owners of the parcel and currently own the parcel next to it. Our friends moved and wish I would have bought the parcel and not worry about four houses being built near my retirement homesite. No one lives in Sunrise Township to be near people. We want to build a house on a large parcel. Neighbors are fine but not four houses next to my retirement parcel. Two – 15 acre lots with homes match the surrounding area, but four houses are too close for most of the people in the neighborhood. I had a house built near the property line and did not like it. Wetlands on the corner go back pretty far. I suggest two – 15 acre lots and a profit will still be made.

*Tony Klanderud* – 41097 Poor Farm Road. There are a lot of neighbors wishing they had the opportunity to purchase the parcel and would have farmed it. Some neighbors feel there was an unfair advantage of property listings and realtors scooping in for purchase.

*Scott Zeller* – 41161 Poor Farm Road. I moved in late 2020 in the area for privacy, to build a hobby farm, and I support same concerns as mentioned by other neighbors.

*Brad Evink* – 14395 Poor Farm Road. I agree with Tony at the lost opportunity to buy the land. I farm and lost the opportunity/chance to buy it. The property was sold before signs were up. I agree with others and do not want the neighborhood cluttered with additional houses; the very reason I had moved to the rural area.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim McCarthy. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Jim McCarthy indicated the review of this property is based on the zoning ordinance and it is apparent there is an opportunity to do better. One of the primary objectives in the Comprehensive Plan is to preserve farmland and it is being cut up in this application. This is a good opportunity for the Planning Commission to reflect on as the Commission reviews and updates the ordinance. ***Motion*** by Frank Storm to adopt Resolution No. PC2022-0301, a resolution

recommending approval of the Preliminary Plat of “Poor Farm Meadows” (PID#09.00034.20), with Findings of Fact and conditions presented by staff; second by Jim McCarthy. Conditions are as follows:

1. The Preliminary Plat is approved per plat drawing stamp dated January 21, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The driveway for Lot 2, Poor Farm Meadows must access Poor Farm Road and not 410<sup>th</sup> Street / CR 81.
3. Prior to request for Final Plat and when ground and weather conditions allow, the County shall verify the soils report.
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time if requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

**Draft Commercial Shooting Range Ordinance** – Director Schneider provided a brief overview of the draft ordinance, including background, development timeline and ordinance highlights. Public comment was sought on Amending Section 5.06 Agricultural District and Section 7 Performance Standards of the Chisago County Code, known as the Zoning Ordinance, by providing for an Amendment to include Section 5.06 Section C. Conditional Uses and Section 7.32 Shooting Ranges, 7.33 Hunting Clubs and Shooting Preserves, and Amending Section 3 Definitions. Chair Yeager opened the public hearing for comment.

*Warren Lacina* – 12804 16<sup>th</sup> Avenue South, Burnsville. I am Legislative Chairman for Gopher Rifle and Revolver Club (GRRC) in Harris, MN. The club has 500 members and has been in operation since 1946. I understand the background and rationale to adopt an ordinance for outdoor shooting ranges. My observation is this draft language is a defacto ban on gun ranges in Chisago County. Why be substantially more restrictive than MN State Statue 87A? The statute covers safety, noise abatement, design requirements and supports shooting sports, training, and is not anti-sportsmen, anti-firearms, and anti-outdoorsmen. The draft language calls out extensive design and range development in design standards. Suggested community meeting is good to inform and address concerns. Concern is if unreasonable concerns are not reasonably addressed at the community meeting, can the Conditional Use Permit be denied? The draft was developed with anti-sportsmen and anti-firearm prejudices. Reject the proposed language and gather input from sportsmen and firearm constituents.

*Rob Doar* – Director of Government Relations for Minnesota Gun Owners Caucus. Draft ordinance is arbitrary and needs to be recalled. The draft ordinance defines many words which aren’t used in the ordinance itself or terms with conflicting definitions within the document. Outdoor Commercial Shooting Range or Outdoor Commercial Gun Range definition is confusing and difficult to determine if it impacts GRRC or is it a range open to public, private ranges or clubs? Section 7.32 A1. does not define rifle or long-distance high velocity firearms and is open to interpretation. Just in this room alone there would be a variety of definitions and ideas of what meets the criteria. MN Department of Natural Resources rifle/shotgun restrictions to southern and western portions of MN has current bipartisan efforts to alter or remove those restrictions. Many terms were noted as not being defined, confusing, and not applicable to the draft ordinance. High power rifle indoor ranges do not need a 2,000-yard setback; setbacks are usually around 200 – 300 yards. The 750-foot setback has been misread the Statute; the setback is not for the shooting range, but to prevent development of residential housing occurring within 750 feet of the range boundary. The range does not provide that setback boundary. Just to

accommodate the 750-foot setback alone is taking out 13 acres in the range and 31 acres is needed for just one high power bay.

*Tom Heinrich* – 5480 450<sup>th</sup> Avenue North, Harris. I am the Treasurer at GRRRC and do not support this ordinance and it is not needed. The Planning Commission did not tour GRRRC which is an existing range in the County.

*M.C. Nelson* – 1022 Hidden Oaks Lane, Champlin. I have been a GRRRC member since 1962. I disagree with Performance Based Operation and Design Criteria G4. to prove a noise abatement report documenting noise is within limits. Greater definition and design are needed for the security fence. The draft ordinance is poorly written with many ambiguities.

*David Beckering* – 9595 Fedder Road, Pine City. I am a GRRRC member and the draft was a good attempt, but execution was poor. Why was an ordinance needed? Instead, use Statute 87A which has all the standards and design performance criteria. The draft ordinance is an overreach to limit and demonstrate who can be in or out. The Highway 95 restriction of areas makes no sense. The draft was modeled after Stearns County, and their ordinance was not well written. Why wasn't GRRRC part of the range tours? Why does the ordinance need to be more restrictive than Statute 87A? A range has the benefit as opposed to a person making the complaint. The person making the complaint has to prove the issue.

*Steve Petschel* – 2223 Riverdale Road, Mora. I am a 30-year GRRRC member and previous board member and Chief Executive Officer. The draft provided will never support a range being built in this County, a deterrent to citizens. The draft ordinance is extremely cost prohibitive; no one could afford to comply with it. This will cause additional shooting in backyards, which is extremely unsafe. I would take a poorly managed gun range any day instead of backyard shooting which is unsafe. The National Rifle Association (NRA) Range Sourcebook is pie in the sky; it provides ideal design criteria but would never happen.

*Jeff Rivard* – P.O. Box 18, Taylors Falls. I will yield my time to the next speaker.

*Mark Damkroger* – 1497 373<sup>rd</sup> Avenue NE, Stanchfield. I encourage people to go to a shooting range or into the shooting sports themselves. To prevent is to make prohibition or expensive maintenance. Section G Performance Based Operation and Design Criteria full perimeter chain-link fence is cost prohibitive. Fencing, required acreage, and berms would not be affordable/viable. I support safety and berms, but this draft should be reviewed again. Sometimes people move close to an existing gun club; if you don't like the noise, don't move next to a gun club and complain after the fact.

*Aaron Nysse* – 38080 Jeffery Avenue, North Branch. I grew up with high school shooting sports, which was school endorsed. I have many concerns but will focus on the cost of existing ranges. It will force the range to raise fees or no longer be accessible to the public. Our kids in high school are part of this recreation; it fosters and serves kids through a nonconventional sport with scholarships. My concerns apply specifically to established ranges and this ordinance should grandfather existing facilities.

*Dave Newell* – 7055 Cottonwood Court, Centerville. I am a 25-year GRRRC member and Past President. Tour the GRRRC range; it is important to see and educate yourself that this is not a group that just shoots stuff up. The GRRRC is more than that and it's safe. The most dangerous time when you come to GRRRC is the experience of driving on the freeway; our range is safer than the freeway. A range is safer than our golf courses; ambulance/first responders are used more often at a golf course than a gun range. GRRRC is an asset to the County with assistance to junior shooter programs and scholarships. It provides kids opportunities to college through shooting scholarships. GRRRC has supported Boy Scout Troops from inner cities. Troop members camp

on the GRRC range and get an experience and they in-turn assist with trash pickup along the road twice a year. GRRC and Boy Scouts support each other.

*Tom Buck* - 41390 Flink Avenue, North Branch. I yield my time to the next person. My comments and concerns have been stated.

*Erik Shetney* – 1617 Lowry Avenue NE, Minneapolis. I am a current board member of GRRC and tonight there have been good comments. The draft ordinance as presented has technical errors and it's incomplete. References to NRA standards in Statute and this draft references a different version. Difference is primarily air quality for indoor shooting ranges. The draft ordinance does not impact existing clubs within city limits, but the ordinance would have adverse impact on new clubs and/or existing clubs. It does affect residences and will make it difficult for people to shoot on their property. Performance Based Operation and Design Criteria H where "Chisago County shall endeavor to be substantially more restrictive than 87A" is very disturbing.

*James O'Meara II* – 7741 169<sup>th</sup> Lane NW, Ramsey. GRRC was missed in the equation; it is grandfathered in and the ordinance would not affect GRRC immediately, but perhaps in the future it may. I am a second generation GRRC member and this is the best range. People around the country say GRRC is the best, Planning Commission should come for a tour. Start the draft over following the tour; the tour will educate and provide terminology. The current draft ordinance stops another organization from building a gun range; I do not approve.

*Vince Marier* – P.O. Box 175, Chisago City. I am a retired 30-year firearms instructor and have instructed a couple other instructors and numerous kids in the surrounding community. Chisago County has limited shooting opportunities. GRRC has a smaller footprint than what is being proposed and I'm shocked the Planning Commission didn't tour the property. The Commission needs to do the research of what it takes to have a safe range. Youngsters can go on smaller range size, but limited with long range rifle with proper backstops. I am disturbed with the proposed fencing requirement. Most ranges have wildlife everywhere. Wildlife use the buffer and are not affected by shots fired and need that buffer since it is not being used otherwise. The draft ordinance looks like a ban on any new clubs or shooting ranges. I am disappointed.

*Steve Naumann* – 10560 Matthew Drive, Chisago City. I am a Past President of GRRC. People shooting in their backyard is not safe and I've witnessed unsafe discharge. The Sportsmen's Club in Chisago City would be blocked from relocating to a different area in the County. The acreage required in the draft would cost in the millions alone, which our club could not afford much less Chisago City Sportsmen's Club. Shotgun range off of Highway 8 is nice, but I imagine the neighbors most likely do not enjoy it. We have junior shooters at our club. My neighbors shoot at all hours of the day and night, no one checks on them. Measure 64 decibels on your phone, not much shooting goes beyond. A person does not move to Chisago County to worry about noise. If you are bothered by noise, you should discuss dirt bikes behind the Northern Bar and Grill and snowmobiles in my backyard. I am the person everyone calls from the DNR looking for a place to sight in a deer rifle; I had to set up separate mailbox for all the calls. We have a need for more shooting ranges in the County than what we currently have. GRRC has set hours for shooting, yet neighbors shoot until 10 pm with Tannerite.

*Pete Johnson* – P.O. Box 58, North Branch. I've helped run trap league the last few years; high school trap has gained the most members in high school sports. Lots of kids shoot practice and record rounds. What I wanted to say has already been covered. Design criteria has been covered by federal and state law. Back in old days we would go out to the dump or gravel pit; no places to put targets and nobody was supervised. Shooting ranges are supervised and safer. I know our range in Chisago City was not toured by the Planning Commission; you should see how we run it. I would defer this ordinance, do more public meetings and take additional consideration. This draft outlines the County never wanting another shooting range.

*David Gross* – 6420 French Lake Trail, Faribault. I am Past President of GRRC and this draft ordinance took Statute 87A restrictions/mandates and wrote it the wrong way. It appears it was written by an oppositional defiant teenager. MN Statute Section 471.633 preempts all regulation authority in MN, except in 1985 where local government could regulate discharge of firearms. Procedures and standards were established within Statute 87A for the regulation and discharge of firearms; standards were established for noise limits and there are no acreage requirements. The 750-foot buffer zone is meant to be outside the range, not inside the range; it was interpreted backwards. This ordinance cannot be passed lawfully; according to Section 471.633, the ordinance must be identical to state law. What you need to do is kill this proposed ordinance. Enforce the law and following the law. \*Clerk's Note – Mr. Gross provided copies of a handout to Planning Commission members explaining the proposed Draft Shooting Range Ordinance is void, of no effect, and must be killed/withdrawn with a list of several reasons provided along with historical and pertinent Statute references.

*Joseph Olson* – 2247 Roselawn Avenue West, Roseville. I am a former Professor of Law at Hamline University, now William Mitchell. I was the primary proposer of Sections 471.633, 634, and 635 and worked with David Gross in getting 87A passed. Professor Olson reviewed 471.633 regulations and stated that 471.634 was passed about a month after regulating guns in schools in 1995. Statute 471.635 regulates through zoning where firearms are sold by a federally licensed dealer. 633 is broad statute language and 634 and 635 is proof of that. Over-regulation of discharges were left to local municipalities, then the state stepped in and passed 87A.

\*Clerk's Note – Remaining speakers provided a verbal announcement of their name and address; spelling may not be accurate.

*Richard Bipes* – 25 Andover Boulevard NE, Andover. I am the current GRRC President and I understand that GRRC may not be affected due to it being located in Harris. Regardless, GRRC has responsible members; it's a safe and controlled area, an outlet for safe shooting. The ordinance has ambiguous language – would not want to see the history and future of GRRC.

*Mark Shost* – 7023 340<sup>th</sup> Street, Stacy. I have been a resident of Chisago County for 25 years and a member of GRRC. This ordinance will not directly impact GRRC now, but it will in the future. The range is always evolving, growing, and improving. Legislation could impact the club in the future and put it in jeopardy. I support more shooting ranges for safety. Shooting in back yards is a huge safety concern. I am really opposed to this ordinance.

*Nick Brehm* – 17559 306<sup>th</sup> Street, Shafer – I serve on the Shafer City Council and Planning Commission and I believe the draft ordinance is very poorly written. There are so many ways this could be interpreted. If the Chisago City Sportsmen's Club relocated, there is not a solid 400 acres available in Chisago County. Do you realize the 2,000-yard length for high power rifle, no one could shoot that far except for some military. It will take millions and millions of dollars to build a new range. Why did this draft ordinance come up? Living in the County, I am kind of sick and tired of seeing Chisago County doing everything possible to prohibit guns or take something away from individuals who support shooting or for our kids. I support shooting and it is in the Constitution and it needs to stay.

*David Beckering* – 9595 Fedder Road, Pine City. Provided a fencing example: Chain link fence for one mile, approximately 6 – 8 feet tall is estimated to be \$130,000.

*Kathy Kunze* – Woodbury. I'm a member of GRRC and ask that the definition of "firearm" be reviewed. I am a team member of an air rifle program at Forest Lake American Legion Post 225 and the program promotes

shooting safety with young kids. Per the definition, the air rifle program would not be able to expand into Chisago County under current draft language. The draft language calls an air rifle a firearm, which it is not.

*Randy Elle* – Columbus. I'm a member of GRRRC and I participate as a coach in the junior shooting program. Most Veterans of Foreign Wars (VFWs) and American Legions across the country sponsor junior shooting programs and competitions. These programs are held within their facilities, usually banquet halls. Within the draft ordinance these organizations would no longer be able to sponsor safe and proper handling of firearms to children. That creates a major safety issue in the world we live in.

Director Schneider read the following submitted written public hearing comments:

*Greg Michalko* – 1233 Gabler Avenue SE, Buffalo – I understand the GRRRC's range is exempt and currently regulated by City of Harris ordinances. This range is one of the most coveted ranges in the Midwest and it would be tragic to many people active in shooting sports if anything ever happened to it. Members have donated enormous amounts of time and money to make it what it is today. If such an ordinance were to pass there needs to be language specifically exempting GRRRC from any of the restrictions in the this proposed ordinance.

*Dean R. Michalko* -10150 Trail Haven Road, Rogers – The Shooting Range Ordinance that is proposed will have no impact on GRRRC's range as they are regulated by the City of Harris' Ordinances and not the Counties, along with the fact that they are an existing facility and Grandfathered in exempting them from future ordinances.

1. I am opposed to ALL new ordnances and restrictions at any governmental level for law abiding firearm owners. Maybe the County could build and operate a facility for public use rather than restricting the construction and operation by others?
2. I oppose any impacts that this ordnance may have on GRRRC, a range that was built over 50 years ago. I would like to see language added to the ordinance specifically exempting GRRRC from any of the ordnance restrictions under two areas: a) GRRRC is an existing facility which is Grandfathered in and exempt from this and future ordinances, and b.) GRRRC ordinances are established by the City of Harris, not the County.
3. I question the origin and dimensional characteristics and ballistic performance of the 475 HH Magnum referred to on lines 60/61 of the proposed ordinance?

GRRRC is one of the top Shooting Ranges in the 5-State area and its existence should be celebrated with the level of professional operation and caliber of competitive events and competitors that are attracted to the range. Any restrictions would only have a negative impact on the success that this range has had over the last 50+ years!

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Jim McCarthy. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Director Schneider reviewed actions available to the Commission. Chair Yeager opened discussion for Planning Commission concerns and comments. General discussion followed on range tours that took place, effort taken in drafting the ordinance and recognition that it was not perfect. Frank Storm asked Assistant County Attorney Fuge if a new shooting range could locate in the County if the ordinance is not adopted; Assistance County Attorney Fuge noted the application would be processed as a Conditional Use Permit (CUP) for Commercial Recreation Area.

Dave Whitney acknowledged the tours and the unsuccessful attempt to meet with GRRRC and Chisago City Sportsmen's Club, commenting that the clubs were not overlooked. Whitney commented that many concerns and references to statutes have been raised and he would like legal review. Kelly Corbin indicated it was important to get additional education and history before making a recommendation, adding concerns about ambiguous wording and recommended range sizes. Corbin recommended additional review prior to making a recommendation to County Board. Jim McCarthy noted the draft ordinance restricts land uses and zoning. John

Sutcliffe added that the public raised many requests for further review of the draft ordinance. Discussion followed on range size recommendations, cost of acreage and fencing, and review of ordinance. Jolene Wille indicated a review of the draft ordinance in its entirety would be valuable instead of identifying and focusing on certain sections. Discussion followed on different sections or items that should be reviewed such as: shotguns, handguns, change in acreage, vague or missing definitions. Director Schneider suggested that recommended changes should be by group consensus rather than just one Commissioner's recommendation. **Motion** by Dave Whitney to reduce the minimum acreage for shotgun shooting ranges from 160 acres to 40 acres; second by Frank Storm. A roll call vote was taken and the motion passed 5-1-1. Ayes: Whitney, Chair Yeager, Sutcliffe, Wille and Storm. Nays: McCarthy. Abstained: Corbin. Additional discussion followed on the potential impact on existing clubs, public recommendations/comments for consideration, and the need to review current and missing definitions. **Motion** by Frank Storm to review the draft ordinance in its entirety and consider the public hearing comments/concerns at a special work session; second by Dave Whitney. The motion passed 7-0-. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Chair Yeager thanked audience members for attending and providing comments. The Planning Commission held a 10-minute recess.

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

#### **Old Business**

**a. Jason Klar** – Coordinator Gervais provided a brief update on 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 Gervais summarized the Planning Commission's second site visit to Jason Klar's property on March 2, 2022. During the site visit, Klar operated a firearm that is utilized for his educational classes and fired twelve rounds while Planning Commission members were listening from various points surrounding the property. Coordinator Gervais read a public comment that was received prior to the January 6, 2022 public hearing via email to a newly created email address listed on the County website that was not read at the last meeting. Staff was unaware of the email account and had not been monitoring email activity.

*Monique Milton* – 9588 475<sup>th</sup> Street. On behalf of Carol Milton (46938 Kelly Avenue), Stephen Kes (husband) and myself, I would like to express our concerns and objections. To our knowledge, Klar has been conducting live firing exercises about four times per year since 2016. We were not aware of any safety issues during that time. We have observed significant noise contravene during these events. We hunt on our properties, understand the need for gun safety training and hosting a training four times per year is acceptable. Regardless of "educational value" we feel an outdoor shooting range more than four times per year is excessive and too close for comfort to our properties for the following reasons: First, band of strangers running around loose in the neighborhood with handguns seems like a safety issue. Second, not a big fan of noise disturbing our "peaceful valley". If we wanted to hear shooting, we would like in a metropolitan area. Finally, concerned with safety of people driving on the road while live fire exercises are being held. Who would be responsible if someone was injured or killed? Are students required to register their firearms prior to class?

Coordinator Gervais indicated Maggie Wenger, Minnesota Pollution Control Agency (MPCA) Noise Program provided input and additional resources. Wenger indicated that the way state noise statues are written, intermittent noise does not necessarily exceed the standards. The L10 standards set how loud it can be for 10% of the hour, so gunshots might be very loud individually and not trigger the standards. Coordinator Gervais reviewed the general factors for considering Conditional Use Permits as they relate to nearby properties and intrusion of noise, glare, or general unsightliness under Zoning Ordinance Section 8.04 (CUP). Gervais offered



that the Planning Commission could affirm the January 6, 2022 recommendation of approval per Resolution No. PC2022-0101, affirm the recommendation of approval with revised Findings of Fact and/or condition, or recommend denial by rescinding Resolution No. PC2022-0101 and adopting new Findings of Fact.

**Motion** by Jim McCarthy to affirm the January 6, 2022 recommendation of approval with Findings of Fact and conditions included in Resolution No. PC2022-0101; second by John Sutcliffe. Chair Yeager proceeded straight to vote without board discussion. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Klar inquired if the Planning Commission had received his additional correspondence discussing the MN Department of Natural Resources' best practices guide for shooting berm design and construction, asking the Commission to reconsider condition no. 12. **Motion to rescind** the previous motion by Frank Storm; second by Kelly Corbin. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Klar to explain his request and expand on his February 24, 2022 correspondence. Klar outlined his conversation with Chuck Niska, Shooting Range Coordinator/Program Manager from DNR and co-author of the Outdoor Shooting Ranges: Best Practices publication (design standards used for condition no. 12). Klar reported that Niska believed the proposed condition of berm design was extreme for the low class frequency and size, and Niska referred Klar to a low cost backstop alternative (Bullet Box) from the same publication to better fit for Klar's program. Klar's second concern is condition no. 9 and the required monitoring of water usage for one year. Klar explained that the septic system has been inspected and passed and installing an extra meter to monitor does not seem necessary. Klar included additional information on noise calculations, standards, and measurements. Robust discussion followed on safety, design and revised designs for berms, bullet boxes, and noise. **Motion** by Frank Storm to edit Condition no. 11 and allow the applicant to install two "Bullet Boxes" instead of the redesign of the shooting berm; second by Jolene Wille. Dave Whitney suggested a bullet box height of ten feet. **Motion Amended** by Frank Storm install two "Bullet Boxes" at a minimum height of nine feet; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. **Motion** by John Sutcliffe to remove Condition no. 9 (required monitoring of water usage); second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Jim McCarthy provided dialog on noise. **Motion** by Jim McCarthy to affirm the Planning Commission's January 6, 2022 recommendation of approval, per Resolution No. PC2022-0101 with amended condition no. 11 and deletion of condition no. 9, for a Conditional Use Permit allowing a Major Home Occupation on property located at 47311 Government Road, PID#09.00485.02; second by Frank Storm. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Revised conditions of approval as follows:

1. The Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the attached written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.

5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the shooting berm for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the shooting berm described in the written narrative and identified on the site plan (map #2) both dated received November 18, 2021. If the applicant wishes to relocate the shooting berm or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
9. ~~The applicant shall monitor water usage for one year, beginning from the date of Conditional Use Permit approval, by installing a water meter and submitting monthly reports to the Department of Environmental Services.~~
9. Annual certification of the Conditional Use Permit is required. 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. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
10. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.
11. ~~The shooting berm shall be redesigned and constructed to meet the MN Department of Natural Resources' suggestions for properly constructed exterior berms, identified in the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide, as follows: *The recommended height of a properly constructed exterior berm is twelve (12) feet, constructed with 1:1 (soil type dependent) sidewall slopes, and a four (4) foot wide flat top. Clean, rock free earthen material is cheapest to use in construction, and must be re-vegetated immediately after final soil smoothing and shaping is completed, to prevent on-going erosion problems. No woody vegetation should be planted on the side-berm, which would tend to weaken the structure. Ditching or sloping to prevent water ponding on the outside of an exterior berm is also recommended.*~~
11. The applicant shall install two "Bullet Boxes" designed and constructed to meet the MN Department of Natural Resources' design standards as described in the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide. The bullet boxes shall be a minimum of nine feet (9') in height.
12. If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners.

**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 Gervais provided an update on Wild Mountain Properties' CUP Amendment application, stating that the County Board approved a 60-day extension to the review period and sent the application back to the Planning Commission for further review and discussion. Coordinator Gervais reviewed the following concerns identified by the Planning Commission at the February 3, 2022 meeting and provided related recommended conditions of approval: hours of operation, increased staffing/monitoring of campground, potential of removing campsites, installation of privacy fence, and review of any complaints against the subject site. Gervais commented that the applicants provided additional/updated information showing a reconfiguration of campsites and adjustments to proposed conditions. Staff provided a recommendation of approval with 22 conditions.

It was noted that the property owner's proposed reconfiguration of campsites provided a significant improvement over the previous site plan. Extensive discussion followed about the proposed privacy fence between campsites along the western property boundary and the western property boundary itself. It was noted by the Planning Commission that the cost of installing a wood privacy fence, as recommended by staff, would be expensive; dense landscaping was suggested as an alternative. Mark Olson was available to address comments and concerns. Olson provided an overview of the property line and existing dense vegetation border. County Commissioner DuBose estimated the wooden privacy fence would be 300 feet in length, if only installed adjacent to the campsites closest to the western property boundary. Jim McCarthy commented the intensity of the increased campground use, sites, and traffic were no longer considered low impact land use, in his opinion. He suggested reducing camping to three days a week with a maximum of 75 resident campers at any given time. McCarthy's recommendation was based on previous campground proposals considered by the Planning Commission. Chair Yeager noted there is not much history on the campground as it began operating in 2021. John Sutcliffe, reviewing the applicant's February 8, 2022 written narrative, stated that he resents the applicant's comments that Planning Commission does not review or provide a thorough vetting prior to the meeting. Discussion and suggestions were provided on proposed condition no. 11 (privacy fence). **Motion** by John Sutcliffe to amend condition no. 11 to eliminate the requirement of a privacy fence but maintain landscaping on western, northern and eastern property boundaries; second by Dave Whitney. Frank Storm suggested that fencing could be considered at a later time/date if complaints are received by the County. Director Schneider commented it would be difficult to determine the trigger for review and change. Discussion followed on a previous campground approval and suggested vegetative screening. **Motion Amended** by John Sutcliffe to insert "maintain adequate vegetation screening and, if vegetation screening cannot be maintained, adding a fence would be a viable option". Frank Storm provided the following language for consideration:

11. The property owner shall maintain the existing landscape (trees and shrubbery) along the western, northern and eastern property boundaries at its existing screening value and replace said landscape at its existing screening value if it dies or becomes damaged. If at some point the landscape cannot be maintained or replaced by other vegetation, the property owner may install a privacy fence with an equivalent screening value in those areas where there is no longer landscape.

John Sutcliffe agreed to the modification of the amended motion; second by Frank Storm. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

**Motion** by Jim McCarthy to amend condition no. 6 as follows: This CUP shall allow seasonal camping, as a Commercial Recreation Area, ~~seven~~ three days a week May 1<sup>st</sup> through October 31<sup>st</sup> with a maximum of 100 campers. Motion did not receive a second and failed. **Motion** by Frank Storm to adopt Resolution No. PC2022-0303, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism and Commercial Recreation Area on property located at 16906 Wild Mountain Road, PID#01.00096.00, with Findings of Fact and conditions presented and modified; second by John Sutcliffe. The motion passed 6-1.

Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: McCarthy. Recommended conditions are:

1. This Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received February 8, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, 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 current 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.
6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1<sup>st</sup> through October 31<sup>st</sup>.
7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).
8. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.
9. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
10. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
11. ~~The property owner shall install and continuously maintain in good repair a contiguous privacy fence between all campsites located adjacent to the western property boundary (identified on the site plan as campsite nos. 21, 1, 4 and 6) and the western property boundary itself. The fence shall be a minimum of 6'~~

~~in height and shall be board on board construction or other construction as approved by the Zoning Administrator. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsites nos. 20, 19, 24, 18, 17, 16, 15, 26 and 25) and the northern and eastern property boundaries themselves.~~

11. The property owner shall maintain the existing landscape (trees and shrubbery) along the western, northern and eastern property boundaries at its existing screening value and replace said landscape at its existing screening value if it dies or becomes damaged. If at some point the landscape cannot be maintained or replaced by other vegetation, the property owner may install a privacy fence with an equivalent screening value in those areas where there is no longer landscape.
12. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
13. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
14. 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.
15. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
16. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
17. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
18. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
22. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

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

Chair Yeager directed that the Operations/Information Sharing Guidance document and discussion be placed on the April 7, 2022 agenda or special work session. **By Consensus** the Operations/Information Sharing Guidance will be added with the Commercial Shooting Range Ordinance Review on a special work session agenda.

#### **Communications and Reports**

- a. **County Board Liaison Report / Update** - County Commissioner DuBose reported the following:  
County Board approved AIS Program and Final Plat of Amador Hilltop Estates; and, Health and Human Services (HHS) Department on yearly activity and came in on budget.

The Planning Commission discussed scheduling of the next work session, determining whether to schedule now or direct staff to send out a poll for availability. **By Consensus** the Planning Commission directed staff to send out an electronic poll with possible work session dates.

**Miscellaneous** – None

**Adjourn Meeting** – **Motion** by Frank Storm to adjourn the meeting; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. The meeting was adjourned at 10:13 p.m.