

**CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
June 1, 2023**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, June 1, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Nadia Broome, Support Specialist.

Vice Chair DuBose 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: Dave Whitney, James McCarthy, Eric Leivian, John Sutcliffe, Jolene Wille and Chris DuBose. Absent: Chip Yeager (excused). A quorum was established.

**Approval of Agenda – Motion** by John Sutcliffe to approve the agenda; second by Jolene Wille. **Motion passed** 6-0.

**Approval of Minutes – Motion** by John Sutcliffe to approve the May 4, 2023 Regular Meeting minutes; second by Dave Whitney. **Motion passed** 6-0.

**Receive all Materials and Submittals into Record – Motion** by Jolene Wille to accept all materials and submittals into the record; second by Eric Leivian. **Motion passed** 6-0. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda item 6a, 6b, and 9a. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**Cashmere Properties, LLC** – Coordinator Gervais provided a brief background on the request for approval of an Amendment to a Conditional Use Permit (CUP). The proposed Amendment would allow an expansion of the existing operation, known as Wild Mountain, by allowing the addition of a pool, waterslides, bath house with food and beverage service, and pump house. The 142.30± acre subject property was zoned Agricultural (AG) District and located at 37200 Wild Mountain Road / CSAH 16 in Amador Township (PIDs 01.00127.00 and 01.00196.15).

Gervais stated the existing Conditional Use Permit was granted in October 2005. The CUP was a direct result of code enforcement efforts related to activity on the southerly subject parcel (location of snow tubing operation). The October 19, 2005 County Board meeting minutes and 2005 legal recording referred to the approval as a CUP Amendment; however, staff found no prior record of formal zoning approval for this use and, further, the Planning Commission’s October 6, 2005 meeting minutes indicated that the 2005 request was the first formal zoning request. While the 2005 CUP was a direct result of activity taking place on the southerly subject parcel (PID 01.00196.15), the legal recording only included the northerly subject parcel (PID 01.00127.00). It was unclear why the legal recording did not include both parcels; however, this portion of the current request was an attempt to correct this error. Gervais continued, Wild Mountain first developed in the 1960’s as a ski hill, then ventured into summertime activities in 1976 with the alpine slide. In the 1980’s the operation expanded with four waterslides and a lazy river. According to the Wild Mountain website, existing amenities included:

slopes for skiing, snowboarding and snowtubing, Wild Adventure Island Waterpark, Avalanche Alley Waterslides, Arctic Rush Alpine Slide, Tall Timbers Raceway, Free Fall XP, and Corduroy Club Dining and Sun Deck.

Coordinator Gervais explained the Conditional Use Permit Amendment proposal was broken down into two phases. Phase I included the installation of a 5,485 sf ADA compliant pool, construction of a 47'10.5" x 40' (1,915 sf) bath house with showers, sinks, toilets, urinals, and a food / beverage outlet, and construction of a 50' x 28' (1,400 sf) pump house, with the proposed construction to start in June of 2023 and finish in fall 2023. Phase II included the installation of six waterslides, with construction scheduled to occur between 2028 and 2033. The pool, waterslides and bath house were reportedly rated for an additional 365 people. With this additional load of guests, the property owner anticipated approximately 1,100 daily visits during peak summer days. The property owner reported that the existing parking and infrastructure routinely accommodated loads of up to 2,000 people in winter months and felt that the existing parking and infrastructure could accommodate the proposed expansion in summer months. Gervais added that, as proposed, all new structures appeared to meet and exceed the required structural setbacks; the existing and proposed hours of operation were 11:00 am – 6:00 pm, Memorial Day to Labor Day; and, the proposed expansion would likely add six to 10 part-time seasonal employees.

The Technical Review Committee met on May 10, 2023 and discussed the existing septic systems, the possible need for septic compliance inspections for existing systems, and that any new system would likely need to be designed by an advanced designer or professional engineer, if combined with an existing system, due to its size. The Amador Town Board met on May 16, 2023 and recommended approval with no conditions. The 60-day review period was scheduled to expire on June 27, 2023.

Gervais concluded by sharing that staff believed the existing and proposed Commercial Recreation Area uses complied with and were consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan and recommended approval with an additional seven conditions (shown underlined below) added to the original 2005 CUP.

The property owner's representative, Brad Larsen, was present to address questions and concerns. Larsen had nothing to add and thanked Coordinator Gervais for her remarks. Jim McCarthy had questions and concerns pertaining to the 2005 Conditional Use Permit, however, since the concerns were outside of the scope of the current request, they were dismissed. No further questions or comments were made.

Vice Chair DuBose opened the public hearing and sought comment. With no members of the audience wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney.

**Motion passed** 6-0.

Vice Chair DuBose asked fellow Planning Commissioners if they had any questions or comments. There was none. ***Motion*** by Dave Whitney to approve Resolution No. PC2023-0601, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Amendment to a Conditional Use Permit allowing Commercial Recreation Area uses on property located at 37200 Wild Mountain Road / CSAH 16 in Amador Township, with Findings of Fact and conditions as presented; second by Jolene Wille. **Motion passed** 6-0.

Condition(s):

1. This Conditional Use Permit (CUP) Amendment supersedes the CUP granted by the Chisago County Board of Commissioners on October 19, 2005 (original CUP) which granted approval for the operation and expansion of the Commercial Recreation facility known as Wild Mountain and located at 37200 Wild Mountain Road / CSAH 16 in Amador Township (recorded as Document No. A-460284). The approved Amendment allows for the following:
  - a. Expansion of the existing facility through installation of new amenities including a pool, waterslides, bath house with food and beverage service, and pump house; and,
  - b. Modification of the legal description to include the southerly subject parcel (PID 01.00196.15).
2. In addition to the amenities listed in Condition No. 1.a. above and approved by this CUP Amendment, the County acknowledges that the site has previously been developed with the following amenities and these amenities are hereinafter authorized by this permit:
  - a. Slopes for skiing, snowboarding and snowtubing;
  - b. Wild Adventure Island Waterpark (jets, slides, a 350-gallon dumping bucket and a lazy river);
  - c. Avalanche Alley Waterslides (four waterslides);
  - d. Artic Rush Alpine Slide (two slides stretching 1,700 feet from the top of the mountain to the bottom);
  - e. Tall Timbers Raceway (go-karts);
  - f. FreeFall XP (two story tower with platforms at 18' and 27'); and,
  - g. Corduroy Club Dining and Sun Deck (full service bar with full menu)
3. The subject site shall be developed and the facility shall be operated in conformance with the application materials, including the written narrative and site plans dated received April 20, 2023, except as specifically noted herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board.
4. The County acknowledges that the installation of amenities authorized by this CUP Amendment will occur in two phases, with Phase 1 (pool, bath house, and pump house) anticipated to begin in 2023 and Phase 2 (waterslides) anticipated to begin in 2028-2033. The property owner is not bound to these timeframes, however, and may install all amenities upon approval of this CUP Amendment.
5. The property owner shall make application for septic compliance inspections for all existing septic systems on the subject site. Further, installation of any new septic system(s) shall be done so in accordance with all applicable septic codes and all required permits shall be obtained.
6. All existing and proposed septic systems must comply with Minnesota Pollution Control Agency (MPCA) Individual Sewage Treatment Systems Chapter 7080.
7. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
8. “Camping” and “lodging” must be stricken from the CUP except for the limited occasional uses such as “lock-ins” for youth church and scouting groups.
9. All new lighting and replacements for old lighting must be shielded downlighting, to mitigate glare.

10. Outdoor sound amplification through loud speakers must be directed inward to the facility as much as possible and limited to 10:00 pm on weeknight and 1:00 am on weekends.
11. A complete erosion control and stormwater plan for the entire facility must be prepared and submitted for approval.
12. All accesses are subject to Public Works approval.
13. All applicable state regulations must be followed and all applicable state licenses must be obtained and/or maintained.
14. A plan for any future significant topographical alterations or operational changes must be submitted to the Office of Environmental Services for review and approval prior to any such activity.

**Boozhoo Coffee & Café, LLC** - Coordinator Gervais provided a brief background on the request for approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District. The .92± acre subject property was located at 2340 Stark Road / CSAH 10 in Fish Lake Township (PID 03.00385.00). The site was currently developed with a single structure reported by the applicant to be more than 100 years old. The subject site and all surrounding properties were zoned Rural Village Center (RVC) District. Gervais noted that Zoning Ordinance Section 5.11 Rural Village Center (RVC) District allowed, as a Conditional Use, an “Accessory residential unit in the second story of a permitted use”. Staff interpreted this to mean a single residential unit would be allowed. According to the application materials, the applicant was proposing to remodel and expand the second story of the existing building for the single Accessory Residential Unit; the proposed second story would be approximately 3,174 sf built over the entire first floor; the residential unit would have a total of five bedrooms, four bathrooms, and two kitchens; the residential unit would have two entrances; a 6’ x 8’ enclosed entryway would be constructed on the north side of the structure; a second entryway of the same size on the east side of the structure; and, the residential unit would have an 8’ deck on the north side of the structure providing access to a 12’ x 12’ utility room.

Coordinator Gervais provided background on the proposed Drive-Through Business, explaining that the main level would be designed and operated as a coffee shop and café and the proposed drive-through window would be located on the west side of the structure. The 10’-wide drive-through lane would enter the property from the southwesterly side of the parking lot and circle around the proposed parking lot to access the drive-through window on the west side of the structure and then exit back onto Stark Road / CSAH 10 from the southeasterly side of the parking lot. The site plan showed a parking lot with a total of 25 parking spaces, including two rows of diagonal parking and one row of parking which was perpendicular and immediately adjacent to Stark Road / CSAH 10, with staff and residents parking on the east side of the structure. The applicant intended to surface the parking lot, drive-through lane, and garbage area with a 4” layer of Reclaimed Asphalt Pavement (RAP) which would be graded and compressed to create a compacted base. The applicant believed that this compacted RAP base would create a hard surface to control dust and direct water flow / drainage. The written narrative stated that the parking lot would maintain a 15’ setback from the wetland area in the northwest corner of the site. Staff noted that the applicant had not provided a wetland delineation or other precise detail establishing the location of the wetland area in relation to the proposed parking lot and, therefore, staff could not verify the proposed setback. The site plan showed a 4’ x 5’ menu screen and intercom system for ordering located in the northwest corner of the parking lot / drive-through lane. The written narrative described the intercom system as meeting all required setbacks; however,

staff did not agree with this point. The proposed septic system would be located on the north side of the structure. The septic design had not yet been fully reviewed or approved. Staff noted that a Certificate of Occupancy would not be issued for the structure until such time that an approved septic system had been installed. The April 18, 2023 written narrative described and the site plan showed that garbage containers would be on a 14' x 14' concrete pad located in the northeast corner of the parking lot with a gated enclosure to contain and screen garbage and recycling, providing enough room for three to four receptacles. The landscaping plan detailed a proposed porch, sidewalk, entrance to the coffee shop and café, patio, proposed water flow / drainage, parking lot, and garbage area, and concluded by stating that the applicant did not intend to install any flower beds, bushes, or trees that were not already planted. The area would be left as natural as possible so that landscaping did not interfere with the proposed building, parking lot, and sidewalk design. The written lighting plan described the installation of five street / parking lot lights evenly spaced around the perimeter of the parking lot, as well as two additional lights on the front of the structure (south side); however, the site plan showed the location of two parking lot lights and one light on the east side of the structure. Due to the conflicting information, staff was unable to verify the proposed lighting. The sign plan included a two-sided lighted sign in the southwest corner of the subject site. The sign was proposed to be 4' x 8' (32 sf) with a height of 20' above ground surface. The proposed hours of operation were 6:00 am to 10:00 pm, seven days a week.

Coordinator Gervais continued by explaining that the stated purpose of Zoning Ordinance Section 7.22 was to allow for drive-in businesses to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and to ensure the public safety. Section 7.22 provided specific requirements relating to the need for a Conditional Use Permit, site plan elements, design standards, general standards, and location. Upon review of all submitted application materials, staff deemed the application "technically" complete on May 3, 2023; however, staff believed the application materials to be conflicting and lacking and not satisfactorily addressing or complying with all requirements established by Section 7.22. Additionally, the applicant provided significantly different site renderings on May 18, 2023, well after the application deadline, technical review and Town Board review. Staff addressed each of the required elements in the staff report with detailed comments for the Planning Commission's consideration. A sampling of the concerns identified by staff included: plans which did not provide sufficient detail necessary for a thorough review; conflicting information provided in the site plan and written narratives; the proposed use of 90 degree / perpendicular parking adjacent to Stark Road / CSAH 10; the need for an administrative Variance from the Chisago County Highway Department for more than one access point; and, the proposed installation of an intercom system which did not meet and physically could not meet required setbacks. Further, the Chisago County Highway Department provided several comments on the proposed drive-through business and encouraged direct discussion with the applicant.

The Technical Review Committee met on May 10, 2023 and discussed four concerns, including: the suggested use of silt fencing to prevent debris from entering wetland area; septic system related concerns; concerns with the proposed perpendicular parking adjacent to Stark Road / CSAH 10; and, the Highway Department provided several comments relating to adequacy of the application materials, environmental concerns, parking / parking lot, access points / entrances, and lack of plans for grading, drainage, erosion control, and removals. The Fish Lake Town Board met on May 8, 2023 and recommended approval with no conditions. The 60-day review period was scheduled to expire on July 2, 2023.

Coordinator Gervais concluded by recommending that the Planning Commission review the application materials, discuss the proposal with the applicant, open the public hearing, and then motion to continue the public hearing to July 6, 2023 and/or table the request to July 6, 2023. Being that the review period was scheduled to expire on July 2, 2023 and the next regularly scheduled Planning Commission meeting would be held on July 6, 2023, Gervais also suggested that the Commission include in its motion a 60-day extension of the review period. Finally, Gervais suggested that, if the Planning Commission chose to continue or table the request to allow for submission of additional information, the Commission should be specific about what information was being required from the applicant. Staff suggested the following items, at a minimum, be required of the applicant:

- One comprehensive written narrative
- One comprehensive site plan or set of plans incorporating and illustrating all required and proposed elements, including but not limited to:
  - In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
  - Engineered grading, drainage and erosion control plan
  - Site sediment control plan
  - Parking plan showing no parking perpendicular to Stark Road / CSAH 10 and hard surfacing material(s) which has been reviewed and approved by the Chisago County Highway Department
  - Signage / parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
  - Lighting plan
  - Waste material plan showing area for suitable storage containers as well as refuse receptacles at all exits and one refuse receptacle per ten vehicle parking spaces within the lot
  - Landscaping plan
  - All other required elements per Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses
- Wetland delineation
- Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10

Vice Chair DuBose invited applicant Joe Beaulieu to come forward. Beaulieu stated he would like to clarify a few things from Coordinator Gervais' summarized background information. He stated correcting information regarding his plans for the parking lot and proposed sign dimensions and that he had a meeting scheduled with the Chisago County Highway Department the week of June 5, 2023. He noted there was confusion on the lighting plan and clarified that his business sign would be lighted along with four lights outside, making a total of five lights. Beaulieu stated there were no required setbacks from the wetland area, however he intended to install a retaining wall of 12'-14' back into the parking lot area to prevent 'cave-in'. Finally, Beaulieu asked if the Planning Commission could table the discussion to allow for his meeting with the Highway Department and allow time to prepare new drawings.

Planning Commission members expressed concerns similar to staff's concerns, stating that many of the drawings were unclear, disorganized, and were more of an 'idea' rather than a 'plan', adding that many

of the issues affected each other, with some of the issues and concerns including: unclear drive-through entrance, erosion, wetland, patio area, need for capping of the neighboring well, septic, and overall parking. Beaulieu agreed with the Commission's concerns regarding parking, again stating that he had an upcoming meeting scheduled with the Highway Department, and he again asked for the discussion to be tabled. Beaulieu stated that there should be no concern regarding the wetland area as run-off doesn't need to be separated.

Jim McCarthy provided fellow Commissioners with information from the National Cooperative Highway Research Program and discussed his concerns related to traffic in and surrounding Stark, specifically relating to the transition from rural high-speed operations to low-speed operating conditions in urban or suburban areas. McCarthy and fellow Commissioners expressed a desire for more information from the Chisago County Highway Department in regard to the proposed Stark Road / CSAH 10 improvement project and the subject site.

Vice Chair DuBose opened the public hearing and sought comment. Allen Arstad of 43560 Cedarcrest Trail, Harris, MN, stated that he was in the process of restoring the building [at address stated] and that he had no issues with Beaulieu building the coffee shop, nor did he have any issues with a non-compliant drive-through intercom or the noise from the intercom. Arstad stated he was in full support of the development. Vice Chair DuBose acknowledged that the Commission had also received one written comment prior to the meeting and asked staff if there were any other written comments. Gervais confirmed that no other written comments had been received.

Jim McCarthy asked staff why the proposed intercom system was not compliant. Coordinator Gervais explained that the proposed intercom did not meet the setback requirements contained in Zoning Ordinance Section 7.22 and the only way to vary from those established setbacks would be through Variance approval from the Board of Adjustment and Appeals. Vice Chair DuBose suggested continuing the public hearing to July 6, 2023 to allow for additional public testimony and for submission of additional information from the applicant.

**Motion** by Jim McCarthy to continue public hearing to July 6, 2023 and extend the review period by an additional 60 days and require that the applicant provide additional supporting and/or clarifying documentation as recommended by staff (see bullet point list above); second by Dave Whitney.

**Motion passed** 6-0.

**Public Hearings – Continued** Hearings – None

**Old Business** – None

**New Business**

**Consideration of Amendments to Planning Commission's 2023 Meeting Schedule** – Coordinator Gervais explained that the Planning Commission had expressed a desire to discuss the annual tour schedule, noting that tours were scheduled for the Tuesday prior to regular meetings and Commissioner Wille had suggested changing this to the Wednesday prior to regular meetings. Vice Chair DuBose asked if any Commissioner had concerns with the suggested change, and no concerns were identified.

**Motion** by Jolene Wille to Amend the 2023 Planning Commission meeting schedule so that all remaining tours would be held at 9:00 am on the Wednesday prior to regular meetings; second by John

Sutcliffe. **Motion passed 6-0.**

**Communications and Reports – None**

**Miscellaneous**

Director Schneider shared that County Board Liaison Greene had a conflicting event, making him unavailable to attend the June 1, 2023 Planning Commission meeting.

**Adjourn Meeting – Motion** by Jolene Wille to adjourn the meeting; second by Eric Leivian. **Motion passed 6-0.** The meeting was adjourned at 8:17 p.m.



Chris DuBose  
Vice Chair

ATTEST:



Beth Gervais  
Land Services Coordinator