

**CHISAGO COUNTY**  
**PLANNING COMMISSION OFFICIAL PROCEEDINGS**  
**June 2, 2022**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, June 2, 2022 at the Chisago County Government Center.

Staff Present: Kurt Schneider, Environmental Services Director; and 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, James McCarthy, John Sutcliffe, Chip Yeager, Jolene Wille, Kelly Corbin, and Dave Whitney. Absent: None. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present.

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

**Approval of Minutes – Motion** by Frank Storm to approve the May 5, 2022 meeting minutes as presented; second by Kelly Corbin. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager. 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, Sutcliffe, Wille, Storm, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff reports with attachments, Legal Opinion – Impacts of redistricting on Planning commission Composition and Membership, Legal Opinion – Impacts of County Board redistricting on Terms of Office and the Appointment the Chisago County Planning Commissioners Under current Ordinance and Recommendation for Ordinance Revisions, and Prevalence of “Shipping Container” Placement and Storage Use, and Public Hearing comments from Dennie and Debra Allen, and Sarah Hamel. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**Jim & Sher Investments LLC** – Director Schneider provided a brief background on the request for a Conditional Use Permit (CUP) allowing Rural Retail Tourism in the Agricultural (AG) District. The property owners are requesting the CUP in order to operate a winery and gathering venue. Jim Goodpaster & Sherry Timmermann Goodpaster, applicants and owners of Jim & Sher Investments LLC, have applied for a Conditional Use Permit (CUP) for Rural Retail Tourism in order to open and operate a winery and gathering venue on property located at 32XXX Upland Road in Shafer Township, (PID# 08.00251.35).

The site is 5.66-acre tract of land located on Upland Road between Furuby Road / CSAH 20 and Highway 95. Properties to the north, west and south are zoned AG District and properties to the east are platted as Wickstrom Estates / zoned Rural Residential I (RRI) District. Wickstrom Estates is a 17-lot development, with single family homes and related accessory structures. Properties located on Upland Road are generally 5-10 acres in size. Many of the properties have been developed for residential purposes while some remain undeveloped. The applicant’s provided a site plan identifying: existing vineyard and fruit trees, parking area, proposed site area for winery barn and pavilion, future plantings and home site. The components of the winery

barn vary in dimensions between site plan and written narrative. The winery barn will feature a wine making facility and tasting room. The tasting room will seat 40-45 people and there will be outdoor seating for an additional 55-60 people in a pavilion. The proposed total occupancy of 105 people with 2-4 part-time employees. In addition to operating a winery, applicants propose a gathering venue for book readings, art shows, small stage shows or other similar events, and classes such as “paint and sip”, barn square painting, wreath making and the like. The proposed use will also feature a retail area for art and crafted items, such as t-shirts, socks, candles, soaps, wine glasses and accessories, ornaments, jams and jellies, maple syrups, music, seasonal and other boutique type gift items. Light food options in addition to wine and other non-alcoholic beverages would be served. Additionally, the applicants may utilize food trucks for events. The intent is to have live music performances with property owner along with other local artists. All music is proposed to be low key as not to be intrusive to neighboring property owners and end by 8:00 pm. The proposed hours of operations will be: Monday – Saturday 12:00 pm – 8:00 pm and Sunday 12:00 pm – 5:00 pm. All outside events, including outdoor music performances, will conclude by 8:00 pm. It is intended to install a full septic system with bathroom facilities and running water located in the winery barn with satellite toilets.

Technical Review was held on May 11, 2022 and discussed number of customers, hours of operation, phased project and commercial winery use related to the septic system. The Shafer Town Board recommended approval with no conditions at their May 12, 2022 meeting. Applicants Jim and Sherry Goodpaster were present and available to address questions and concerns. Jim Goodpaster indicated he did not plan on having the winery open seven days a week. He was leaning towards four days per week but wanted to have options available. Jim indicated the winery barn size was still undecided until they figured out the most cost effective and size. To minimize concerns, Jim indicated music will be moved indoors and most activities will be located in the winery. Chair Yeager asked Planning Commission members for additional questions and comments. Jim McCarthy indicated music/noise is a large complaint from neighbors. Frank Storm had questions on the site plan, American with Disabilities Act (ADA) requirements, and size of parcel compared to proposed use. Dave Whitney had questions with the small gathering venue, septic system and composting grapes. Chair Yeager opened the public hearing and sought comment.

*Joel Rivard* – 32185 Upland Road. “The property is only 5 acres and 40% has been planted with grapes and there is not enough space left to support: winery, retailing building, portable bathrooms, parking lot, home, septic, well, and driveway. The property is directly adjacent to a housing development and Shafer Township should have rezoned the area to Rural Residential I (RRI). Concerns with screening around the property, which really do not have any impact and do not provide any screening. I have concerns with roadway safety. Is there a need for turn lanes and Upland Road exits, and the entrance is on the high side of a sharp sloped curve. Many families and a group home are located on Upland Road and selling and serving alcohol will increase danger. This is residential not agricultural area, and more traffic will create more dust and degrade the road. Portable bathrooms are an eyesore and the property should have septic system that supports business and future home. Noise from live music, traffic, close proximity to neighbor’s privacy, and a business in this place in general will have a negative impact to the community. All of these factors contribute to this property no being a good candidate for this permit: location, size of property for this undertaking, negative impact on the community, not agricultural and has a lot of residential, roadway and safety. It is not in the best interest of the community to approve this application. This area is not rural agricultural farmland as the permit states but small acreage residential.”

*Cynthia Larson* – 32299 Upland Road. “My husband and I have lived in Chisago County for over 50 years, and built our retirement home on Upland Road for peace and quiet. We are against putting business on our road and neighborhood. This will bring along of unwanted noise and traffic to our road, which is way too close to home. A lot of traffic will be brought to a poorly maintained road. I have concerns with increased traffic with children

playing near road and neighbor's walking. I don't like to look at porta potties, they should have sewer and water just like the neighbors. They are trying to get by cheaply. I would like the board to consider long-time residents and taxpayer concerns of the county; instead of allowing special interest groups come in and think they can do anything to our area."

*Danny Johnson* – 32025 Upland Road. "We live right next to it and where the big trees are, which are the ones we planted. We moved in, it's nice and quiet and do not want additional traffic going by our house. We had to deal with traffic when the solar went in and now we will have 30 cars going down property line. We don't need to hear all the racket and noise. It is not a good idea for the location and we don't want it. Too much noise, commotion seven days a week and wrecking our road. I don't think it should go in."

*Paul Hamel* – 32184 Upland Road. "I live across the street and would refute all findings in the staff report. This is not compatible at all with the neighborhood. Retail business in a residential area. This will add 30 cars of traffic on the road, seven days a week until 8 pm at night. I don't like it and hope you don't support it."

Chair Yeager read the following submitted written public hearing comments:

*Dennie & Debra Allen* – 32344 Upland Road. "The winery vision seems very nice but believe that Upland Road location is not the place. First concern, neighborhood residents have been in the area many years. They appreciate the quiet life, no crime, wildlife, light traffic, ability to exercise, children playing, and safe feeling all around. Second concern, winery will operate seven days a week will result in people drinking and getting behind a vehicle wheel. This alone will open up all kind of issues or possible incidents/accidents. We are families with children, pets, etc. Third concern, the winery will bring in tourists/strangers to the area. Opening up this quiet community to strangers can results in more crime. We hear about crime almost every day by watching or listening to the news. Fourth concern, non-compliance to speed limit, traffic laws, and excessive traffic down Upland Road will increase daily. Fifth concern, residents that have been here for years may want to move due to daily disruption that will occur in their lives if winery opens. Sixth concern, it may impact our property taxes and their parcel seems small for a winery. Seventh concern, there has been no established business, residence will have to understand overall what it means to us. Final concern, there may or may not be issues with surrounding residents with the offering of live music. We are new resident and would hate to see this disturbed or cause unrest to the neighborhood. Once a permit is approved and structures are built and in service, residents have to see and live with the decision. The solar farm has landscaping/screening which needs to be addressed and appears unattractive."

*Sarah Hemel* – 32184 Upland Road. "I object to the winery on Upland Road and we can see 2/3 of that acreage from our home. First concern, the site is not large enough for seating of 60 people, parking, pole barn, pavilion, and possible future home. This will change our enjoyment of our own property. Second concern, Upland is a one mile dirt road. People walk or ride this road for exercise, visit neighbors see huge increase in traffic and speed during morning and evening commutes. The potential of 60 extra vehicles traveling this road and probability of any portion of these drivers being impaired. Locating a winery on this residential and agricultural road will in effect, end all other residents' enjoyment of this road. Third concern, even if music is low key and moderate, sound carries significantly. We hear music from Polk County Fair and the overlook in St. Croix Falls. Music played six to seven days per week, as late as 8 pm will significantly reduce the value of surrounding properties. Fourth concern, with the addition of noise and traffic speed and volume, say goodbye to the reason most of us moved out of the city. Final concern, planting listed have been devastated by deer and other wildlife and in no way, will provide any visual or sound carrier for many years. The current residents will have to endure the noise and visual pollution of this commercial area dropped in the middle of what is currently a bucolic setting. To grant this

CUP would certainly not be in any way “tasteful” for any of the current, tax paying residents and absolutely would not be respectful of the setting.”

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Dave Whitney. **Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm had concerns with the small parcel size for the proposed business and it does not seem to fit the area. Jim McCarthy indicated this zoning district supports conditional uses; it meets the minimum area to support the proposal. The Board discussed edits to the recommended conditions and adding conditions for screening, business registration in Minnesota, and emergency access. Assistant County Attorney Fuge provided a short overview and discussed the business registration. He indicated it was unclear who the property owner is or who will be operating the winery and Jim & Sher Investments LLC was registered in Wisconsin.

***Motion*** by Jim McCarthy; second by Kelly Corbin to recommend approval of a Conditional Use Permit allowing Rural Retail Tourism on property located at 32XXX Upland Road in Shafer Township (PID# 08.00251.35) with the following conditions:

1. The property shall be developed and used in accordance with the site plans and written narrative dated received April 26, 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.
2. 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: ~~Monday Wednesday – Saturday 12:00 pm – 8:00 pm and Sunday 12:00 pm – 5:00 pm. All outdoor music performances must conclude by end of business (Monday – Saturday being 8:00 pm and Sunday being 5:00 pm).~~
3. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
4. Noise generated from the Rural Retail Tourism 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.
5. There shall be ~~no outdoor amplified music at any time~~ indoor music only.
6. The maximum number of customers / guests for all uses combined, including the winery and gathering venue, shall not exceed 105 at any given time.
7. Permittee shall accommodate all parking onsite and shall provide a minimum of 32 parking stalls as shown on the approved parking plan stamp dated received May 19, 2022.
8. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
9. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
10. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and **Chisago County liquor licensing requirements**.
11. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.

12. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
13. 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.
14. 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.
15. Requiring registration of Jim & Sher Investments LLC to do business in the state of Minnesota.
16. Requiring fire chief inspection and approval of drive access suitability for emergency access purposes.
17. Enhanced landscape screening with staggered rows of 4ft – 6ft tall pine trees spaced at 20 ft intervals along the North, South, and East property perimeter and replace said landscape at its existing screening value if it dies or becomes damaged.

**Motion passed** 4 -3 with a roll call vote. Ayes: Kelly, McCarthy, Sutcliffe and Yeager. Nays: Whitney, Wille and Storm.

**Dale Evangelical Free Church** – Director Schneider provided a brief background on the request for Dale Evangelical Free Church (DEFC), property owner, and Chris Zuspahn, Church Facilities Manager and Link Wilson, Architect are the applicants, are requesting a Conditional Use Permit (CUP) for a church at 45268 Brunswick Road / CR 63 in Fish Lake Township (PID# 03.00223.00) in order to bring an illegal non-conforming use into compliance with the Chisago County Zoning Ordinance. While the subject site has been used for church purposes since the 1870s (initially by First Baptist Church), DEFC was established in 1980 and began holding services in the former First Baptist Church in December 1980. DEFC purchased an existing church structure from the Bock, MN area and relocated it to the Brunswick Road / CR 63 site in October 1995. Since 1995 there have been several additions to the “new” structure, demolition of older structures, and two setback Variances granted. The site currently includes a church facility and detached two-stall garage. In staff’s opinion, a CUP should have been required in 1995 prior to the current church facility being relocated to the site.

The applicants’ written narrative and site plan offer the following information about the church:

- The church building is used for many activities, including: Sunday service, prayer nights, AWANA club, men’s and women’s bible studies, senior’s fellowship, Christian education classes, counseling, food distribution, vacation bible school, wedding and baby showers, weddings, and funerals.
- Events are scheduled as follows:
 

Sunday	9:00 am – 10:00 am – Sunday school
	10:25 am – 12:00 pm – Sunday service
	5:45 pm – 7:00 pm – prayer time
	7:00 pm – 8:30 pm – men’s group
Monday	Closed
Tuesday	9:00 am – 11:00 am – women’s bible study
Wednesday	8:00 am – 5:00 pm – church secretary duties
	10:00 am – 12:00 pm – senior’s group (first and third week of the month)
	6:30 pm – 8:00 pm – AWANA children’s program
Thursday	10:00 am – 12:00 pm – children’s teaching
Friday	Second week of the month – movie night
- 73 parking stalls; and site can accommodate more parking when needed for larger events.

- The church currently has 58 members with 60-70 regular attendees.
- Noise generated from the church use is minimal, but includes noise related to vehicle traffic, garbage collection and outdoor youth game time.

DEFC is applying for the CUP in preparation for future upgrades and remodeling. The DEFC is proposing an addition within the next 2-3 years which will likely include a gym and warming kitchen added to the west end of the existing structure. This addition is not proposed to create space for new parishioners; it will simply add to the amenities available to existing parishioners. Given that the existing structure is encroaching on the rear yard setback, it is assumed that any expansion may require approval of a Variance or significant modification to comply with setbacks at time of construction.

Technical Review was held on May 11, 2022 and discussed the existing septic system was installed in 1993 and County Sanitarian recommended it be tested. No other concerns were identified. The Fish Lake Town Board recommended approval with no conditions at their May 9, 2022 meeting. Applicants Chris Zuspann was present and available to address questions and concerns. Chris Zuspann indicated the church was looking to expand for a gym and trying to straighten things out with the CUP. Chair Yeager asked Planning Commission members for additional questions and comments. Jim McCarthy discussed traffic concerns. Chair Yeager opened the public hearing and sought comment. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by John Sutcliffe. The ***motion passed*** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments.

***Motion*** by Frank Storm; second by Dave Whitney to recommend approval of a Conditional Use Permit allowing a church on property located at 45268 Brunswick Road in Fish Lake Township (PID# 03.00223.00) with the following conditions:

Recommended Condition(s):

1. The Church shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received April 27, 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.
2. Hours of operation shall be 7:00 am – 10:00 pm seven days a week.
3. Allowable church related uses and facilities include: Sunday service, prayer nights, AWANA club, men’s and women’s bible studies, senior’s fellowship, Christian education classes, counseling, food distribution, vacation bible school, a nursery, wedding and baby showers, weddings, funerals, and other church-related and/or sponsored functions.
4. Any change involving 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. The County acknowledges that the applicant is proposing an expansion to add a gymnasium and warming kitchen to the church facility and this expansion shall be allowed under this Conditional Use Permit approval, with the understanding that the addition will not create any additional parishioner capacity and that it shall comply with all other zoning and building regulations unless a Variance is otherwise granted.
5. Any noise and/or vibration generated from the use shall comply with Minnesota Pollution Control Agency standards.
6. 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.

7. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

**Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

**James Birkholz & Judith Erickson** – Director Schneider provided a brief background on the request for a Conditional Use Permit (CUP) Amendment allowing the orchard to expand their operation on property located at 17325 Pleasant Valley Road / CSAH 26 in Franconia Township (PID# 04.00186.00). The owners of Pleasant Valley Orchard, James Birkholz & Judith Erickson, have requested the CUP Amendment in order to expand their existing orchard operation that would allow the addition of a winery and gathering venue, as well as modify other previously approved conditions pertaining to hours of operation and length of season and add musical performances.

The property owners obtained their original CUP in 1994. The original CUP granted approval “to operate Pleasant Valley Orchard, featuring seasonal sale of apples, pumpkins, Indian corn, cider, baked goods and crafts”. An Amendment was granted in 2006 to add the sale of berries, amend the opening date / start of season from August 1<sup>st</sup> to May 15<sup>th</sup>, and add the use of a commercial kitchen for the preparation and sale of baked goods and other orchard related food items. The current CUP Amendment request will be the second Amendment to the 1994 Conditional Use Permit. The table below provides a recap of the history of the CUP and approved conditions:

The applicants’ narrative and site plans offer the following information about the proposed CUP Amendment:

- The property owners wish to secure a Farm Winery License for the production and sale of hard cider and wine from apples, pears and other fruit grown onsite. In case of crop failure or shortages, the orchard will use imported products to produce cider. The proposed cider room will be located in the apple shed and cider will be served in the barn.
- The property owners seek to expand their season from August 1-May 15 to year-round operations.
- The property owners seek to expand their hours of operation from 9:00 am-9:00 pm seven days a week to 9:00 am-10:00 pm seven days a week.
- The property owners wish to add music performances in support of orchard activities.
- The property owners wish to rent out the restored barn and other buildings on the subject site for public and private gatherings, such as: family gatherings, craft and vendor fairs, business meetings, educational and art activities / workshops, and other activities compatible with rural agricultural tourism.
- The orchard currently employs 30-35 people, with most being seasonal and part time. The property owners anticipate adding three part-time employees to facilitate cider sales in the first year.

Daily attendance includes a high number on peak weekends in late September and early October. Estimations include 2,400 people visit on a busy day under current arrangement and never run out of parking. With the proposed parking lot expansion, accommodate up to 3,600 people per day and allows to expand parking even more if the need arises. Currently, the site has 180 parking stalls, 80 for strawberries and 100 stalls for the orchard. Parking expansion includes an additional 150 stalls. Customers utilize porta potties on holding tanks with on-site facilities available for staff and customers needing ADA accessibility. County Sanitarian stated commercial businesses are not allowed to utilize holding tanks and will require a Type I septic system. Chapter

7081 requires commercial businesses to have full septic systems and does not include provisions for water monitoring for sizing a business septic system.

Technical Review was held on May 11, 2022 and discussed the septic system and parking. The County Engineer indicated as long as the access does not change, no issues were identified. The Franconia Town Board recommended approval with no conditions at their May 17, 2022 meeting. Applicants, Jim Birkholz & Judith Erickson were present and available to address questions and concerns. Jim Birkholz indicated the property and orchard have been built up, managed well and bring in lots of visitors that help support surrounding local businesses. Chair Yeager asked Planning Commission members for additional questions and comments. Jim McCarthy discussed traffic concerns. Chair Yeager opened the public hearing and sought comment. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing; second by John Sutcliffe. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments. Jim McCarthy indicated the increase attendance numbers will create demand on Pleasant Valley Road/County Road 26 as primary access point. Jim McCarthy suggested the County Engineer review the road access or table the request for further traffic review. Director Schneider indicated if the access point was the only concern a condition could be added for consideration.

**Motion** by Frank Storm; second by John Sutcliffe to recommend approval of a Conditional Use Permit Amendment allowing Rural Retail Tourism on property located at 17325 Pleasant Valley Road in Franconia Township (PID# 04.00186.00) with the following conditions:

1. This Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners in August 1994 (original CUP) and July 2006 (Amendment #1) granting approval to operate Pleasant Valley Orchard, featuring seasonal sales of apples, pumpkins, berries, Indian corn, cider, baked goods and crafts, in the AG District.
2. This Conditional Use Permit Amendment shall allow year-round use of the property for Rural Retail Tourism. The specific uses allowed shall include an orchard, commercial outdoor recreation, winery and gathering venue. The orchard shall be allowed seasonal sales of apples, pumpkins, berries, Indian corn, cider, baked goods and crafts. The gathering venue shall include the use of all existing buildings onsite for such activities as family gatherings, craft and vendor fairs, business meetings, educational and art activities / workshops, and other activities compatible with Rural Retail Tourism.
3. The property shall be developed and used in accordance with the site plans and written narrative dated received April 29, 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.
4. Hours of operation shall be limited to 9:00 am – 10:00 pm, seven days a week.
5. The use shall include the operation of a licensed kitchen as defined by the Uniform Minnesota Food Code, Ch. 4626, to prepare baked goods and other orchard related food items in a manner that meets all health regulations for safe food handling. All appropriate Minnesota Department of Health regulations must be adhered to and all necessary permits obtained.
6. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
7. Noise generated from any Rural Retail Tourism use, including musical performances, 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.

8. All parking areas must be designated. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. Structures must meet all applicable Building Code regulations and septic ordinances.
11. The permittee shall upgrade the existing septic / holding tanks to a full septic system in compliance with MN Pollution Control Agency Chapter 7081 within one year of the approval date.
12. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval.
13. Pleasant Valley Road driveway site distances and access shall be further reviewed by the County Engineer and modifications or adjustments required by the applicant as may be directed.

**Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

Chair Yeager called a five minute recess.

**Public Hearings – Continued Hearings** - None

### **Old Business**

#### **Consideration of Zoning Ordinance Section 8.03 – Planning Commission Membership Discussion and Legal Opinion**

Director Schneider provided a brief recap on the redistricting of the County Commissioner districts, effective January 1, 2023, Minnesota Statute Section 394.30, subdivision 1 (2021) and Chisago County Zoning Ordinance Section 8.03 Functions of the Planning Commission. Assist County Attorney Fuge reviewed the legal opinion that addresses the impacts of the recent County Board redistricting on the membership of the Planning Commission under current language of the Chisago County Zoning Ordinance. A recommendation was made to amend Zoning Ordinance Section 8.03 to allow for each of the five County Board Commissioners to nominate a person to one of the five offices of the Planning Commission that are filled according to residency of the Commissioner District and to also correct omissions and the awkward structure of the current language of Section 8.03. The Planning Commission Board discussed: township representation, difficulty of filling positions, urban districts, allowing flexibility, and various options/edits to the draft Zoning Ordinance Section 8.03 A (draft combined original Sections A and C). **Motion** by Frank Storm, second by Jolene Wille approval and recommend to County Board the draft Zoning Ordinance Section 8.03 Functions of the Planning Commission. Dave Whitney asked for the Section A to be read. Assist County Attorney Fuge read Section A for the Planning Commission for accuracy.

- A. The Planning Commission is established. The Planning Commission shall be composed of seven voting members appointed by majority vote of the County Board. ~~At least two voting members shall be residents of the portion of the County outside the corporate limits of municipalities.~~ No more than one voting member of the commission shall be an officer or employee of the county. No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes. Five of the seven members shall each be appointed according to his or her

County Commissioner District and upon nomination of the County Commissioner seated in his or respective County Commissioner District. The remaining two voting members shall be appointed at-large and reside in unincorporated areas of the county, regardless of his or her district of residency. The County Board shall annually assign a County Board Commissioner as committee liaison to the Planning Commission. The committee liaison shall be an ex officio member of the Planning Commission and have no voting privileges on the Planning Commission. The County Board may also designate any county officer or employee as an ex-officio member of the Planning Commission with no voting privileges.

\* Rest of draft ordinance remained the same with no edits; Sections B – I.

**Motion Amended** by Frank Storm, second by Jolene Wille for approval and recommend to the County Board the draft Zoning Ordinance Section 8.03 Functions of the Planning Commission as read by Assist County Attorney. **Motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None.

### **New Business**

#### **Consideration of Zoning Ordinance Section 4.01 – Storage / Shipping Container Discussion**

Director Schneider provided a short review of use of large portable storage containers from retired use as over the road semi-tractor trailer, rail car or overseas freight containers. Zoning enforcement staff are in active review of four enforcement cases involving unauthorized placement/use of shipping containers on properties. Board discussed performance criteria's, privacy fencing and pros/cons to shipping container storage. **Motion** by Frank Storm; second by Kelly Corbin for Planning Commission members to review surrounding county ordinances and bring thoughts and recommendations to a future meeting on shipping containers. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Wille, Storm, and Chair Yeager Nays: None

### **Communications and Reports**

#### **County Board Liaison Report / Update**

County Commissioner DuBose reported the following: Presentations from: Minnesota Inter-County Association (MICA), Medical Examiner and 2021 Annual Parks Report. County Board approved the Lupkes' CUP allowing a Major Home Occupation and Preliminary Plat of Kaminski Estates. County Board denied Arriola request for a text amendment to Zoning Ordinance Section 5.09 RR11 pertaining to Bed and Breakfast Establishments. Hometown Fiber discussed county-wide broadband and encourage cities and townships for funding. American Rescue Plan Act (ARPA) funds were used for: software upgrades, payroll, and school vocational program.

**Miscellaneous** – None

**Adjourn Meeting** – **Motion** by Frank Storm to adjourn the meeting; second by Kelly Corbin. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. The meeting was adjourned at 9:38 p.m.