

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
April 7, 2022

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

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

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Frank Storm, Jolene Wille, John Sutcliffe, Chip Yeager, Kelly Corbin, Jim McCarthy, 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 John Sutcliffe. The motion passed 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Approval of Minutes – Motion by Jim McCarthy to approve the March 3, 2022 meeting minutes as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, McCarthy, Corbin, 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 eight written public hearing comments; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, McCarthy, Corbin, 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 and public hearing comments from: Heide Johnson, Susan Rosenquist (April 1, April 4, and April 5, 2022), Scott and Julie Mellum, Steven and Barbara Vanderbilt, Orrie and Karen Cole, and Jean Sauter. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Shaun Fiedler – Coordinator Gervais provided a brief background on the request for the Rezoning of 24± acres from Rural Residential I (RRI) District to Agricultural (AG) District. The property is located at 2574 Crest Way, Nessel Township, S23, T37, R22, (PID #06.00518.00). The parcel is located on the west side of East Rush Lake with shoreline along the northern and eastern property boundaries. Land to the west is a mixture of large parcels set away from the lake and substandard sized lots along the shoreline; and, land to the south consists of large parcels primarily used as seasonal campgrounds. The two parcels located immediately west were platted by Fiedler in 2020-2021 as part of 7M Lakes 1st Addition; the subject site was excluded from the plat as it exceeded the 20-acre threshold and was exempt from platting. Mr. Fiedler is currently building a single family home and he would like to construct a pole barn. Coordinator Gervais explained the difference of the County's dimensional requirements for RRI and AG Zoning Districts.

Technical Review was held on March 9, 2022 and no concerns were identified, but committee members commented that the proposed Rezoning would likely help preserve the shoreline and protect the general development lake. The Nessel Town Board recommended approval with no conditions at their March 9, 2022 meeting. Applicant Mr. Fiedler was present and available to address questions and concerns. Mr. Fiedler indicated that he's an active farmer in the community and would like a bigger storage building for tools and equipment. He added that the Rezoning would preserve shoreline and a bigger shed would keep things inside

instead of outside. Chair Yeager asked Planning Commission members and the applicant for additional questions and comments. No questions were presented at this time. Chair Yeager opened the public hearing and sought comment.

Grace Liesch – 1514 131st Lane NE, Blaine. We have concerns with additional campgrounds and Crest Way road width. We are dealing with other AG properties that turned into campgrounds. If this property is Rezoned to AG, will we be revisiting an application for a campground? Crest Way currently cannot support two cars passing on the dirt road.

Jim McCarthy commented that land in AG District is eligible for a Conditional Use Permit for Recreational Camping Areas (Commercial Recreation Areas). With no additional person wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Frank Storm. The **motion passed** 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. **Motion** by John Sutcliffe to adopt Resolution No. PC2022-0401 as presented, a resolution recommending approval of the Rezoning of PID#06.00518.00 from Rural Residential I (RRI) District to Agricultural (AG) District; second by Frank Storm. The **motion passed** 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Brad Brunet – Coordinator Gervais provided a brief background on the request for Preliminary Plat of Kaminski Estates, involving the subdivision of one parcel into two parcels from a 38.8-acre tract. The property is zoned Agricultural (AG) District and located directly north of Dennis Frandsen County Park and East Rush Lake, at the northeast corner of North Lake Drive W. / CSAH 2 and Bayberry Avenue in Nessel Township, S3, T37, R22, (PID #06.00149.00). The plat consists of one 30.68-acre parcel (Lot 1, Block 1) and one 5.33-acre parcel (Lot 2, Block 1), with the balance of the acreage – 2.79 acres – dedicated as public right-of-way. Kaminski's existing home and accessory structures are situated on proposed Lot 1, Block 1, and Brunet intends to construct a home on proposed Lot 2, Block 1.

Technical Review was held on March 9, 2022 with the following comments. The wetland delineation and soils report have not yet been verified due to current winter / ground conditions. These items will be completed when weather and ground conditions allow. The Preliminary Plat drawing, as submitted on February 9, 2022, does not demonstrate compliance with the County's Home Site Area standard and septic system requirements. The applicant's surveyor provided an updated plat drawing dated March 24, 2022 which identifies a 21,500 square foot Home Site Area; however, the updated plat drawing still does not provide sufficient information to conduct a thorough review, specifically verification of compliance with septic system requirements. The drawing only shows four soil borings forming an area approximately 2,750 square feet in size rather than six – eight soil borings forming an area of 8,000 square feet required for a primary and alternate septic systems.

The Nessel Town Board recommended approval with no conditions at their March 8, 2022 meeting. Applicant Mr. Brunet was present and available to address questions and concerns. Mr. Brunet indicated he had personally instructed Jacobson Environmental to provide only four soil borings and has, after learning that more soil borings and area are required, talked with his septic designer to arrange for additional soil borings. Brunet added that the additional soil boring will be provided after the ground has thawed. Mr. Brunet also discussed relocating the driveway for proposed Lot 2, Block 1. Coordinator Gervais indicated that an updated Preliminary Plat drawing will be required, and the County Highway Engineer will need to review access location. Chair Yeager asked each Planning Commission member and the applicant for additional questions and comments. Chair Yeager opened the public hearing and sought comment.

With no person wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Kelly Corbin. The **motion passed** 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. **Motion** by Jim McCarthy to table the request to allow for submission of additional supporting documentation and further review; second by Kelly Corbin. The **motion passed** 6-1. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe and Wille. Nays: Storm. The 120-day review period for the Preliminary Plat expires on June 15, 2022.

Branden & Ann Mell – Coordinator Gervais provided a brief background on the request to consider an Amendment to a Conditional Use Permit (CUP) allowing a Commercial Recreation Area (Recreational Camping Area – Humble Swede RV Park) to increase the number of recreational campsites from 30 up to 45. The property is a 52-acre tract of land, zoned Agricultural (AG) District and located on the southwest side of East Rush Lake at 50187 Clover Trail in Nessel Township, S23, T37, R22, (PID #06.00515.00). The site has been developed with a house, garage and other accessory structures, and seasonal RV campground with 30 campsites. The original CUP, granted by the County Board in January 2018, allowed up to 30 campsites. The site abuts an existing campground, known as Flickabirds. The property is accessed primarily from a gravel township road, known as Clover Trail, which extends north from County Road (CR) 7 through the existing Flickabirds Campground. The road is heavily traveled (especially seasonally) due to the two campgrounds, the bar and restaurant, and the multiple residences served by the road. The site can also be reached via a township road called 500th Street, which extends westerly toward Bayview Avenue (the “Point Road”). Directly across the road from the driveway is another small Natural Environment Lake called Pine Lake. In the summer, the Department of Environmental Services receives occasional calls concerning dust control on Clover Trail. The nearest residence is directly south of the subject site, approximately 265 feet from the shared property boundary.

Coordinator Gervais explained that the applicants wish to Amend the 2018 CUP in order to add 15 RV campsites in a similar fashion to the existing campsites, including sewer, water and electrical hook-ups. The new sites – numbered 31-45 on the applicant’s site plan – are generally located west and south of the original campsites numbered 1-30, situated near the shared property boundary with Flickabirds between the applicant’s home and Rush Lake. Campsites 36-45, being the southernmost campsites, will be situated 10’ from the shared property boundary with Flickabirds. There are no new docks proposed; each campsite will have sufficient parking and spacing per State requirements; and, garbage and refuse handling will continue to be provided by a vendor. The applicant is proposing to begin preparing the sites in summer 2022, installing necessary utilities in summer 2023, and having the campsites ready for occupancy in summer 2024.

Technical Review was held on March 9, 2022. Committee members discussed dust and dust control issues, acknowledging these as historical issues for the general area and not issues created or remedied solely by the owners of The Humble Swede Seasonal RV Park. The County Sanitarian worked with the applicants and their septic installer prior to the public hearing to address septic concerns, which were addressed with proposed conditions of approval. Staff emphasized and noted that ongoing collaboration between the township road authority and the applicant is integral to satisfy road maintenance and dust control. The Nessel Town Board recommended approval of the CUP Amendment with no conditions at their March 8, 2022 meeting. Mr. Mell, applicant, was present to address questions. Chair Yeager asked each Planning Commission member and the applicant for additional questions and comments. County Commissioner DuBose asked if there were any new docks from The Humble Swede or increase from Flickabirds. Mr. Mell stated that he did not intend to increase the number of docks. Chair Yeager opened the public hearing and sought comment.

Marc Ferris – 50065 Clover Trail, Nessel Township. I have some issues with Findings of Facts to address and impact to where I live. I live near the entrance to both The Humble Swede and Flickabirds on Clover Trail. There will be a traffic increase and excessive demand on the road. Have you seen the speed study conducted by the

Sheriff's Department? The study reported over 255 vehicles per day one way; over 500 vehicles for round trip on a road designed to serve less than two dozen houses. Most of the traffic is going to the bar and campgrounds which has caused safety concerns and road maintenance problems. Many vehicles have trailers – either campers or icehouses – making the road busy year round since bar is open year round. Dust control has not been addressed. This is going to add more traffic and the County needs to supervise to make sure CUP conditions are being followed and enforced, especially the dust control. In addition to dust control, I have concerns with increased boat traffic, expansion of docks and noise. The quiet hours need to be amended. Flickabirds may not have them, but as we move forward quiet hours should start at 10 pm instead of 1 am. We need to see more information or vote no and not add to the problem.

Mark Stockburger – 3142 Clover Way, Nessel Township. Clover Trail is a traffic hazard as it comes around to Clover Way. The road and road corners are narrow, high speed rates from oncoming vehicles, fences and/or trees near edge of road make it difficult to see, and the dust acts like fog, all creating driving hazards. I live on the lake and have dealt with shoreland erosion; increased boat traffic has eroded our shoreland point away and we have lost many trees. We built a fence and installed a gate to prevent golf carts, all-terrain vehicles (ATVs), utility task vehicles (UTVs or “side-by-side” SXS) from entering our property. These vehicles create noise. Study results show 500 vehicles on a road intended to serve roughly only twenty-four residences. Where does it stop when each campground can continually expand?

Shaun Fiedler – 2574 Crest Way, Nessel Township. I am a neighbor to this property; noise does not bother us. I realize there will be events during summer. I have not experienced the traffic or speeding issues like the other neighbors on the road. I enjoy having the ability to pick up gas and enjoy entertainment and visit the restaurant/bar. It is a give and take with businesses and growth. We need a base of people to support the business. I support the proposed expansion of the campground.

Clover Trail Resident (Clerk's Note – Resident did not sign in). Dust has been getting worse within last couple of years. Traffic is terrible; the road is not wide enough with lots of head-on close calls around bends. People do not respect the road and I have seen lots of UTVs racing. More campsites will add more traffic and create more dust. When will the expansion of campsites end? I do not want the road paved; I live out in the country and want the township to leave it as-is. Flickabirds has gotten busier. This expansion will add more traffic and cause more issues.

Tracie Ferris – 50065 Clover Trail, Nessel Township. The traffic study showed 250 vehicles or more a day. Within a 15-day period the study counted 3,800 cars going one way, which is pretty excessive. Each campground has rules, but you would not know it. There have items stolen off docks, fireworks, bar fights, domestic disputes, and drunk people racing. We are up to 105 sites between Flickabirds and The Humble Swede and adding fifteen more campsites brings it to 120 campsites confined within a tiny area. We hear noise and chaos spring through fall. That is what we live with between three campgrounds. The expansion needs to stop.

Darla Stockburger – 3142 Clover Way, Nessel Township. The County received grant funds for road construction and Nessel put in a bid for bonding for paving last year. Clover Trail has around twenty-four residences and I live on Clover Way. Branden Mell is on the Nessel Town Board which is a conflict of interest. If the paving project goes forward, twenty-four residences, whose owners are mainly retired and aren't using the road like the campers/campground, will be burdened with the expense, which is an unfair assessment of traffic use. The expansion and continued growth of the campgrounds is unfair to our taxes and our assessments.

Coordinator Gervais read the following submitted written public hearing comments:

Heide and Ray Johnson – 50267 Clover Trail, Nessel Township. The Humble Swede RV Park only covered dust control on 500th Street. What about dust control from the west end of Clover Trail east to the park entrance? Roadway west of the campground was excluded in the dust control portion. The request to add additional camp sites will only increase traffic and dust.

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, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Chair Yeager questioned if the applicant could be held to the proposed timeline as listed under proposed Condition #4, commenting that something may arise to delay the occupancy. Coordinator Gervais indicated the condition could be revised or the exact timeline could be removed. Gervais added that, if the request is approved, the applicant would have one year from date of approval to act on it. Gervais further added that the bigger issue is acting on the CUP Amendment within one year. Chair Yeager made a minor text edit to proposed Condition #5, "...sufficiently consistent as or more restrictive ~~that~~ than the policies provided...". Jim McCarthy commented that Factors #6 and #7 from the Staff Report discuss intent of Rural Retail Tourism and Commercial Recreation Areas with regard to traffic, noting concern of traffic impacts with Flickabirds are excessive. McCarthy continued with review of daytime and nighttime decibel noise levels. Discussion followed on the impact to Rush Lake and MN Department of Natural Resources (DNR) regulations and shoreland ordinances. Chair Yeager inquired if there have been any complaints reported about The Humble Swede. Coordinator Gervais indicated that Environmental Services receives complaints about dust but there are no other known complaints. Discussion continued on density and shoreland tier development and impact.

Motion by Frank Storm to adopt Resolution No. PC2022-0403, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Commercial Recreation Area at 50187 Clover Trail, with Findings of Fact and conditions presented by staff with minor text edit; second by John Sutcliffe. Conditions are as follows:

1. This Conditional Use Permit amends the Conditional Use Permit granted by the Chisago County Board of Commissioners on January 17, 2018 (original CUP) and the conditions contained herein supersede all previously approved conditions.
2. The property shall be developed and utilized in accordance with the written narrative and site plans submitted to the Department of Environmental Services (Department) on February 25, 2022 and March 1, 2022 and kept on file. Any significant deviation, as determined by the Department, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
3. This Conditional Use Permit shall allow operation of a recreational campground, as a Commercial Recreation Area, for a maximum of ~~30~~ 45 campsites.
4. ~~For purposes of outlining the phased-in land use impacts expected to be generated by this campground, the phases of the CUP shall generally be described, but not mandated, as follows:-~~
 - ~~Phase I: 2017–2020–Site preparation for first six campsites, partial installation of septic system to serve 15 sites, opening of Sites 1-6.~~
 - ~~Phase II: 2020–2021–Site preparation for sites 7-21, installation and/or monitoring of septic for capacity to serve up to 21 sites, opening of Sites 7–14.~~
 - ~~Phase III: 2022–Opening of remaining sites 15-30, continued monitoring of septic system, with expansion if needed–~~
4. The timeline for development of the subject site, for campsites 31-45, shall be approved as follows:

- Summer 2022 – clearing, grubbing and rough grading
 - Summer 2023 – utility installation and landscape completion
 - Summer 2024 – new campsites ready for occupancy
5. The resort policies, known as “The Humble Swede Seasonal RV Park Lease Agreement and Policies” and provided to the Department as part of the application materials, shall be made a condition of approval. The policies may be amended from time to time as needed; however, the policies shall remain sufficiently consistent as or more restrictive ~~that~~ than the policies provided to the Department on March 1, 2022.
 6. This campground shall adhere to and be operated in accordance with all applicable Minnesota Department of Health regulations and licensure.
 7. The on-site sewage treatment system shall be designed, constructed, monitored and maintained in accordance with all applicable Minnesota Pollution Control Agency regulations.
 8. The permittee has provided satisfactory monitoring of the septic system for campsites 1-14 (first phase of development). The number of campsites shall only be allowed to increase from 30-45 when satisfactory monitoring of campsites 15-30 (phase two of development) is complete. The monitoring period shall be one week prior to July 4 and one week following July 4, with favorable analysis provided by a certified service provider to the Chisago County Department of Environmental Services for review. Monitoring shall include daily event counter readings and effluent testing from the lift tank twice during the months that the campground is open. Further, the permittee shall hire a service provider. If the permittee is unable to meet the terms of this condition, a licensed septic designer must provide an alternate solution(s) for the County Sanitarian’s review and approval.
 9. The permittee shall adhere to all applicable Minnesota Department of Natural Resources regulations, including acquisition of any necessary permits and approvals to establish a marina, docks and boat-slips to serve the campground.
 10. The park owner shall execute and maintain a mutually satisfactory contractual agreement with Nessel Township for a cost share on road maintenance along the agreed-upon designated portion of 500th Street west of the campground entrance, and/or as shall be amended or appended to by mutual consent. (Specifically, at the time of original approval of this CUP, dust control on 500th Street extending east from Bayview Avenue to Clover Trail, except for the first 1,000 feet of 500th Street east of Bayview Avenue, to commence upon the first day of occupancy of the campground.) Ongoing maintenance and adherence to the agreement shall be the responsibility of the township and property owner and it shall not be the County’s responsibility to interpret and/or enforce said agreement.
 11. All RVs shall remain mounted on wheels and removable in case of flood or other hazard; park model RVs shall be prohibited.
 12. Any improvements to RVs (i.e. stairs, decks, screen-porches, sheds) which are regulated by the Minnesota State Building Code shall require building permits and inspections.
 13. There shall be no filling, excavating, or other encroachments or impacts to wetlands present on the property.
 14. There shall be no development, filling, construction, or other intrusion into the floodplain associated with RV installation and improvements.
 15. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

The motion passed 6-1. Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: McCarthy.

Jason Spawn – Coordinator Gervais provided a brief background on the request to consider a Conditional Use Permit (CUP) allowing a Solid Waste Facility in order to establish an organic waste composting facility. The property is zoned Agricultural (AG) District and located at 12792 Maxwell Road in Chisago Lake Township, S21, T33, R20, (PID #02.00214.00). The site is a 22-acre parcel, nestled between area lakes. The parcel is a “flag lot” with a narrow driveway extending northerly from Maxwell Road approximately ¼ mile before turning northwesterly toward the property owner’s home and accessory structures. The driveway has a gravel surface and is wide enough to comfortably accommodate one vehicle. The applicant submitted a business plan for Worm Brew Composting Company providing details about the proposed organic waste composting facility. The business plan addresses concerns for: traffic, odor and vector control, and public health and safety. The composting facility is considered a “Small Compost Site” per MN statute, limiting the operation to 120 cubic yards on site at any given time. The Minnesota Pollution Control Agency (MPCA) has defined this activity to include actively composting materials, materials being staged, materials that are being cured, and the finished product that is stored on site. A permit is not necessary from the MPCA due to the small size. In addition to the CUP, if approved, an annual Solid Waste Composting Facility License will be required from Chisago County in order to accept materials not generated on site.

Technical Review was held on March 9, 2022. Concerns identified by the committee included: types of materials proposed for composting; the need to review a wetland delineations and soils report; and, the fact that the facility will be licensed by the County but not the MPCA. Gervais stated that staff generally supports the proposed organic composting facility in concept; however, staff has concern with the facility locating on this particular property. Gervais explained that staff’s concerns pertain to the relatively small size of subject site in relation to the proposed use, ability of the driveway to accommodate commercial traffic, lack of screening along the shared southern property boundary, and potential impacts to the adjacent homes (odor, visual appearance, vector control, etc.). Chisago Lake Township reviewed the proposed CUP on March 15, 2022 and recommended approval with no conditions. The Town Board provided the following comments: very small compost site, no worms involved, all organics from 50 mile radius, and no significant increase in traffic on Maxwell Road. Mr. Spawn was present to address questions and provided a PowerPoint presentation to assist with review of his application. Mr. Spawn reviewed the following topics: misconceptions, what we are not, what we are, what we do, how we do it, what we are after, what does this mean, hope to accomplish, and review of staff report. Following Spawn’s presentation, Chair Yeager asked each Planning Commission member and the applicant for additional questions and comments. Dave Whitney asked clarifying questions on factors to focus on for the land use application rather than factors that will be addressed by the Solid Waste Composting Facility License. Director Schneider indicated some concerns and factors may overlap and provided background on the Solid Waste Composting Facility License process and related performance standards.

Chair Yeager opened the public hearing and sought comment.

Linda Opdahl – 13034 Maxwell Road, Chisago Lake Township. We live ½ mile away and do not want the permit approved as the composting facility will be detrimental to us and surrounding neighbors. The property is zoned AG, not commercial. I’d like to know how the company will control vectors and odor. The wind is predominantly from the NW and blows directly toward our property ½ mile away. I want the ability to be outside and have my windows open during the summer and not be forced to use air conditioning. We do not want to deal with offensive odors. This is not a remote area; the facility site is very close to the neighbors. I feel there is not adequate control for rodents, rodents eating in compost, and rodents going into the neighboring farms. What will be done to control flies? Who will be testing to assure there’s no runoff into wetland which eventually goes into Chisago Lake? How will E. coli be prevented from going into surface water or groundwater? We have concerns about additional traffic as the business grows. Spawn is proposing that people from a 50 mile radius

can drop off materials – what if it is closed? Will they dump their materials there instead of taking it back with them?

Kristi Rosenquist – 26680 Morgan Avenue, Chisago Lake Township. The primary purpose of government is to protect safety and welfare of residents. Source separated organic materials (SSOM) takes food and food packaging and puts it in piles to decompose and it becomes compost. There are existing complaints at multiple locations on odor and stench. This application has an odor control plan; however, other SSOMs do to and they do not work. In addition to odor, the MPCA has identified groundwater problems at and around SSOMs. The Environmental Protection Agency (EPA) evaluates surface and groundwater monitoring. Monitoring in Watertown and at the University of Minnesota Arboretum showed elevated water quality parameters, which can cause problems for drinking water wells. The MPCA had a study for contaminants of emerging concerns at SSOM sites. Testing found polyfluoroalkyl substance (PFAS) chemicals at all SSOM and yard waste sites. PFAS are widely used for food packaging which are harmful to human health. The MPCA currently does not have a PFAS plan but they're working on it. Once you contaminate an area, you can't uncontaminated it. Please pause and wait until the MPCA has finished their studies on emerging contaminants.

Megan Slater – 26680 Morgan Avenue, Chisago Lake Township. I will pick up from where Kristi Rosenquist's testimony ended. Chisago County should mitigate contamination to groundwater and surface water. Wells in the area should be tested at Spawn's expense before operation and every six months during operation, and results should be filed and mailed to residents. I suggest a solid concrete area to control runoff/seepage, installation of a roof and monitor, and requirement for a bond for fixing water related issues. It is the duty of the Planning Commission to protect our water resources.

Sue Rosenquist – 26680 Morgan Avenue, Chisago Lake Township. Another issue is odor; these facilities stink. The Shakopee site has impacted quality of life with odors, noise, vibration, and black residue. Complaints in southern MN have listed odors so bad that windows cannot be open. The MPCA does not have a state odor rule, so there's no regulatory recourse. Worm Brew Company ends at their property line. The CUP should not be granted until neighbors can be assured of their property rights, neighbors can enjoy use of their property free of odors, and the County protects our water resources up to the fence line of this property.

Walt Glenna – 26680 Morgan Avenue, Chisago Lake Township. My main concern is that the property is higher than the surrounding area and preventing runoff from going into surrounding lakes. I also have concerns with smell. If woodchips work, why didn't other MN sites use it for odor control? Why do we need the proposed facility?

Orrie Cole – 12734 Maxwell Road, Chisago Lake Township. Most of my concerns have been raised by others and registered into the meeting record. The Commission discussed limiting material volume to 120 cubic yards, which is five dump trucks of waste. SRC collects 5 – 10 cubic yards of materials a week, which is 24 cubic yards a month or two dump trucks. The applicant is proposing 24 – 48 hours to process; this is unacceptable. The site is zoned AG and there's limited acreage for expanding. The setback is 12 ft from the property line; that is unacceptable. My property joins it and will be devalued. Who wants to purchase land next to a compost site? How is the County going to compensate me and other neighbors for devaluation of property? I expect a 50 ft setback with a couple rows of pine trees. Proposed Findings of Fact #3 and #4 indicate impacts. I have concern with traffic and 50 vehicles per month, which is 600 vehicles over a year on a gravel road. The driveway cannot handle that kind of traffic. If approved, the driveway needs to be upgraded to County Code. I have concern with water from swamping and runoff in winter. My biggest concern is devaluation of property; that needs to be addressed.

Terry Caye – 11707 Maxwell Road, Chisago Lake Township. I'm concerned with property value and the impact of traffic on the road and Spawn's driveway. Why have a compost site in the country where people live? The location does not make sense. We want to have our windows open during the summer. The Burnsville dump expanded and impacted property values and no one wants to look at it.

Jason Rayburn – 12636 Maxwell Road, Chisago Lake Township. I have concerns with property values near the facility and contaminants leaching into drinking well water. We live close to the site and prefer not to drink contaminants.

Julie Mellum – 12823 Maxwell Road, Chisago Lake Township. I am speaking on behalf of Mellum's and Vanderbilt's (12884 Maxwell Road, Chisago Lake Township). I am the second longest resident on the road aside from my parents. We are opposed to this application. Mr. Spawn stated "he believes" which means he doesn't really know. The application has raised a lot of questions and concerns. Property values decreasing are a concern. Our property taxes have increased over the years and now are we going to pay accordingly to the decreased values. Odors are another concern; we do not have air conditioning and have no interest to purchase. It's windy in our area and odors would blow to our properties. If we can't have our way of life, that will be difficult. The Spawn's driveway is narrow and there's really no room for expansion. The neighbors may want the road paved. There is a large number of retired property owners on fixed incomes; paving assessments and increased property taxes are a concern. After the Planning Commission's site visit, people used our driveway as a turnaround; this will continue to happen if the facility is allowed to open. Farming with large equipment is a given in spring and fall, but large commercial trucks all the time is not. Other concerns are runoff and unwanted animals. Is there really a need for this business in this location? There are other location options. Worm Brew Composting is not committed to vermiculture (raising of earthworms or use in vermicomposting systems) which conflicts with the application.

Barbara Vanderbilt – 12884 Maxwell Road, Chisago Lake Township. Our property aligns with his driveway. I have provided articles on odors, pests, and what other communities have done. It is up to the County to decide what needs to be done at a new site. I believe guidelines and studies are needed. I encourage the Commission to allow time to research before giving permits out for the composting site.

Shawna Indgren - 13445 263rd Lane, Chisago Lake Township. I'm located in an approximate thirty-home development near Maxwell Road. This area is windy all the time. We had smoke from the Canadian wildfires hundreds and hundreds of miles away and this facility will only be .8 miles away. We have concerns with runoff and pests/wildlife being attracted. You have heard concerns from neighbors both near the property and also neighbors ½ mile away from the property.

Chair Yeager acknowledged receipt of the following submitted written comments:

- Heide Johnson email of April 6, 2022
- Susan Rosenquist letters of April 1 and April 4, 2022; email of April 5, 2022
- Scott and Julie Mellum letter of April 5, 2022
- Steven and Barbara Vanderbilt letter of April 5, 2022
- Orrie and Karen Cole letter of April 6, 2022
- Jean Sauter email of April 7, 2022

Clerk's note: Copies of all written comments are retained with the meeting minutes.

Motion by Jim McCarthy to close the public hearing. Dave Whitney asked to keep the public hearing open for continued discussion with the applicant. With no second to McCarthy's motion, the **motion failed**. Frank Storm indicated it would be irregular to keep the public hearing open during discussion; Chair Yeager concurred. With

no additional person wishing to speak, **motion** by Frank Storm to close the public hearing; second by John Sutcliffe. The **motion passed** 6-1. Ayes: Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: Whitney.

Chair Yeager called for a 10-minute recess. Following the recess, Chair Yeager asked each Planning Commission member for additional questions and comments. Extensive discussion followed between Planning Commission members and Mr. Spawn, including the following topics: inconsistency between the application and Mr. Spawn's presentation, the number of proposed windrows, height and length of windrows, total number of cubic yards of material present on site, the composting process, the amount of time required for reduction in compost pile, where and how the garbage/food scrapes will make it to the site, traffic, large vehicles, access to woodchips and wood products, creating woodchips, noise, maintenance/cleaning/quantity of collection bins, and new equipment/future growth.

Motion by Dave Whitney to table the application for further review. **Motion failed** for lack of a second and Chair Yeager indicated that specific reasons to table should be identified. Dave Whitney indicated that he had two issues that he felt needed further review. First reason to table is that there would be two sets of conditions – one set of conditions for the land use permit and one set of conditions for the Solid Waste Composting Facility License – and he would like the ability to review both sets of conditions and compare. Second reason to table is the discrepancy between 120 cubic yards and 360 cubic yards of material and how that will be configured onsite. Whitney explained that these concerns relate to water, pollution and other issues, adding that it would be ideal to review the list of conditions for the Solid Waste Composting Facility License and then the Planning Commission could draft land use conditions. Director Schneider stated that the applicant has not yet applied for the license, adding that staff can provide a sense of what the license will cover. Jim McCarthy suggested that campgrounds are handled in a similar method, explaining that applicants apply for a CUP without applying for state licensing first. Dave Whitney commented that both the Planning Commission and County Board need a full perspective in this unique application, meaning that they should be able to see all land use permit and solid waste licensing conditions. John Sutcliffe inquired if the CUP applies to the whole parcel or just the portion identified in the application. Coordinator Gervais responded that the CUP would be approved for the entire property; however, conditions can be established to identify approval for a specific area on the property. **Motion** by Dave Whitney to table for further clarification and to address inconsistency in the application as conditions may need to be added or modified prior to the next meeting. **Motion failed** for lack of second. County Commissioner DuBose suggested that the Planning Commission identify all recommended conditions of approval and then these conditions could be reviewed by staff for redundancy. **Motion** by Jim McCarthy to add Condition #14 - All surface drainage shall be contained onsite with berms and/or retention ponds, and modify Condition #7 as follows:

7. The applicant shall install a ~~board on board style screening fence~~ row of red pine trees around the working area of the composting area, at least six feet in height and planted with a spacing of eight-foot on center, along the southern boundary of the composting facility. The fence shall be a minimum of 6 feet in height and span a distance of approximately 350 feet in length. ~~The screening plan exact dimensions of said fence shall be reviewed and approved by the Department of Environmental Services prior to installation.~~

Second by Kelly Corbin. John Sutcliffe suggested a **friendly amendment** to add that maintenance of the screening shall be guaranteed and the planting height and 75% opacity screening goals shall be achieved by the end of year three and maintained for the life of the project. Jim McCarthy and Kelly Corbin accepted the friendly amendment. The **motion passed** 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Frank Storm asked staff if Solid Waste Administrator Lisa Thibodeau's list of possible conditions for the Solid Waste Composting Facility License were included in the Planning Commission's recommended conditions of approval. Coordinator Gervais responded that the licensing conditions were not included in staff's recommended conditions of approval. **Motion** by Frank Storm to recommend that the County Board extend the

60-day review period an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration; second by Dave Whitney. The ***motion passed*** 7-0. Ayes: Whitney, McCarthy, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Frank Storm noted a past CUP application for composting (Buberl) which the Planning Commission and County Board denied but Courts overturned, requesting that staff provide the Planning Commission with copies of all relevant application materials. Jim McCarthy noted a similar past CUP request for an Iris Avenue property (Paul), requesting that staff provide the Planning Commission with copies of all relevant application materials. Dave Whitney suggested that Condition #6 should be modified to include stronger language or be more specific "...managed to reduce nuisance conditions to the greatest extent possible..."; suggested that the Fire Department provide a written statement addressing their satisfaction with the driveway and space for maneuvering / turning vehicles on the site; suggested a condition pertaining to enforcement of the 120 square cubic yard limit on materials; and, suggested that staff provide the Planning Commission with Findings of Fact and suggested motions supporting options for both recommendations of approval and denial so that the Commission doesn't have to figure it out. Director Schneider provided an overview of the review process, noting that public notices for this particular request will not be mailed to surrounding property owners again; however, interested parties can visit the county website for further updates on the application.

Public Hearings – Continued Hearings - None

Old Business - None

New Business

Chair Yeager asked if the group would like to discuss the Meeting Operations/Information Sharing Guidance or defer to another meeting due to time. ***By consensus*** the Planning Commission continued on with review and discussion about the Meeting Operations / Information Sharing Guidance. Chair Yeager, having prepared the guidance document following a meeting with County staff and Planning Commission liaison DuBose on February 17, 2022, looked for feedback from Commissioners on the Meeting Operations / Information Sharing Guidance document. Jim McCarthy discussed his views and frustration related to Commissioner's ability to provide additional information to the Planning Commission relating to land use applications. Chair Yeager provided an option for Commissioners to provide information during the meeting and utilizing recesses to allow time for review of the new materials. Jolene Wille, indicating that she was a new member, commented that she believed each Commissioner was responsible for conducting their own research to help form opinions and recommendations on land use requests. County Commissioner DuBose provided a recent example of a Planning Commissioner providing an independent noise analysis, commenting on the hazards of presenting Commissioner analysis as fact and noting that the applicant should be responsible for providing such information. DuBose added that Commissioners have the ability to conduct their own research in preparation of discussion of land use requests. DuBose stated that if the noise analysis was supplied by the applicant as part of the application or as requested by the Planning Commission, then it could be shared/reviewed by the entire Planning Commission prior to the meeting. This process limits distribution of information to avoid ex-parte communications and violation of the open meeting law. A lengthy discussion was held on applicant information, ex-parte communication, public hearings, and Planning Commission debate/review. Director Schneider shared that the Planning Commission is responsible for forming recommendations based on application materials, staff analysis and information learned through the public hearing process, adding that this allows the Commission to form a decision as a whole or, as a collective body, determine if more information is required to make a decision. Kelly Corbin commented on processing the facts, limiting hypothetical "what ifs" and time for review. Corbin added that the general public only gets a few minutes to speak during a public hearing and it's important that they feel like they're being heard rather than seeing Commissioners sift through information. Chair Yeager inquired if there should be a deadline to receive written public comments prior to public hearings in order to

allow Commissioners adequate time for review. Director Schneider indicated that establishing a deadline for written comments could be done. County Commissioner DuBose cautioned that if a short email was presented past the deadline, it may not be reviewed. Jim McCarthy indicated that people should come to the public hearing to ensure their comments are heard. Kelly Corbin indicated that the written public comment deadline and public hearing would set a standard for the public to be heard. **By censuses**, the Planning Commission set a 48-hour written comment submittal deadline prior to the Planning Commission meeting date. Director Schneider indicated that staff will check with the County Attorney's office on process and advertising.

Communications and Reports

County Board Liaison Report / Update - County Commissioner DuBose reported the following: The County Board approved Jason Klar's CUP request and the Wild Mountain Properties, LLC CUP Amendment request with changes to the conditions. The Wild Mountain Properties revised conditions included: addition of a fence on the west side of the property to assist with privacy for the neighbor, some campsites were eliminated, and some campsites were restricted to weekend use only, and outdoor music limited to weekends. The Preliminary Plat of Poor Farm Meadows was approved. The Assessor's office provided a great report on assessment values. The County Board continues review of broadband services/funding. DuBose explained that the Commercial Shooting Range Ordinance was tabled by the County Board for now and commented that the County obtained valuable information through the ordinance development process which can be used for future CUP requests.

Commissioner Whitney: Chisago County Development – “The Big Picture” – Due to the late hour, the Planning Commission discussed scheduling of the next work session. Being that there was nothing planned for the April 21, 2022 Special Work Session, the consensus of the Commission was to discuss Commissioner Whitney's information at the April 21st work session. Jim McCarthy suggested inviting Isanti County to the work session to present information about Accessory Dwelling Units (ADUs). The consensus of the Commission was to include the Isanti County presentation on the April 21st work session agenda. Coordinator Gervais confirmed that Rose Schroder of Bolton & Menk is available for the May 19, 2022 Special Work Session to continue discussion about the Zoning and Subdivision Ordinance update.

Miscellaneous – None

Adjourn Meeting – Motion by John Sutcliffe 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 10:36 p.m.