

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
December 1, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, December 1, 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, Chair Chip Yeager, John Sutcliffe, and Dave Whitney. Absent: James McCarthy (excused). Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present except for McCarthy.

Chair Yeager indicated that item 9b – Request for Extension of DJ’s Dream was withdrawn.

Approval of Agenda – Motion by Frank Storm to approve the agenda as amended (item 9b removed); second by Jolene Wille. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Approval of Minutes – Motion by Dave Whitney to approve the October 20, 2022 Special Work Session Meeting minutes; second by Jolene Wille. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. **Motion** by Frank Storm to approve the November 3, 2022 Regular Meeting minutes; second by John Sutcliffe. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. **Motion** by Dave Whitney to approve the November 17, 2022 Special Work Session Meeting minutes; second by Frank Storm. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Receive all Materials and Submittals into Record - Motion by Dave Whitney to accept all materials and submittals into the record; second by John Sutcliffe. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Chad & Kari Rohman – Coordinator Gervais provided a brief background on the request for Interim Use Permit (IUP) for an accessory structure without the presence of a principal use structure on 12± acres in the Agricultural (AG) District. The property is generally located ¼ mile south of Stark Road / CSAH 10 on Andee Avenue, Fish Lake Township, S28, T36, R22 (PID# 03.00441.31).

Property owners Chad & Kari Rohman applied for an IUP to allow an accessory structure (pole building) without the presence of a principal use structure (such as a dwelling). The intent is to construct a dwelling in the future but the applicants are not yet certain when construction will occur. Zoning Ordinance Section 4.08.1 Accessory Structures and Uses in A, AP, and PAT Districts, A. 3. Subsection A. 3. allows accessory structures on parcels 10 acres or larger in size without the presence of a principal use structure, whereas Subsection A. 1. requires completion of a principal use structure within three years. The property was platted in December 2004 as part of a one-lot plat “Oak Addition”. The site plan shows proposed locations of the accessory structure and future dwelling in the southwest corner of the property. The proposed accessory structure will be 34’ wide x 90’ deep (3,060 sf) with 14’ side walls. While the property owners are not sure when the dwelling will be constructed,

they did provide building plans for the dwelling and placement of the primary and alternate septic system locations to solidify their intentions.

The Technical Review Committee met on November 9, 2022 and confirmed that the accessory structure will hold personal items (will not be used for commercial purposes) and will not have sanitary facilities. The committee discussed the need to establish a sunset for the IUP, with staff indicating the sunset may be construction of a principal use structure. The Fish Lake Town Board reviewed the proposed IUP at its November 14, 2022 meeting and recommended approval with no conditions. Applicant C. Rohman was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Frank Storm inquired as to when the pole barn and home were scheduled for construction. C. Rohman indicated construction of the pole barn was scheduled for March / April 2023 and it is anticipated that construction of the house will be within two years. C. Rohman indicated he did have a septic system design and house plans.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm affirmed he did not support the Ordinance change to allowing accessory structures without the presence of principal use structures and intended to vote against the request. C. Rohman validated the intent to build a principal use structure by providing house plans and septic system design.

Motion by John Sutcliffe; second by Dave Whitney to adopt Resolution No. PC2022-1201, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing an accessory structure on property identified as PID# 03.00441.31 in Fish Lake Township, with findings of fact and conditions as presented:

Conditions:

1. This approval allows for a singular accessory structure for personal storage / use without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in accordance with the site plan dated received October 6, 2022 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The accessory structure shall not have any sanitary facilities until and unless a principal use structure served by a Type 1 septic system has been constructed or the property owners request and are granted an Interim Use Permit Amendment to allow such facilities.
3. No overnight or residential living quarters / use shall be allowed in the accessory structure.
4. Any change to the approved accessory structure involving structural alterations, enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit 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 Interim 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.

6. In accordance with Chisago County Zoning Ordinance Section 4.08.1, A. 3., this Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Motion passed 4-1. Ayes: Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: Storm.

Timothy & Katherine Albrecht – Coordinator Gervais provided a brief background on the request for Interim Use Permit (IUP) to operate a residential kennel for the keeping of nine dogs on 10± acres in the Agricultural (AG) District. The property is located at 43750 Jess Avenue, Sunrise Township, S26, T36, R21 (PID# 09.00615.10).

Property owners Timothy & Katherine Albrecht have applied for an IUP to allow a residential kennel for the keeping of nine dogs, which currently are owned and housed by the property owners. The IUP request was a result of a code enforcement action initiated by a complaint. The IUP request would be considered an after-the-fact application to allow the current nine dogs to live out their natural lives or until the property owners sell the property and relocate. The Zoning Ordinance defines Residential Kennel as “any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are kept as pets”. The applicants have stated that there are nine dogs residing on the property (six being companion animals / pets and three being livestock guardian dogs) but there are no, nor will there ever be, cats residing on the property.

The Albrechts provided details how each dog came to reside with the family and the following information:

- Dog waste is collected and disposed of daily.
- None of the dogs roam the property freely. If they are outside of the structures or fenced enclosures, they are leashed and walked in groups of no more than three.
- The property owners utilize a trainer to ensure that the dogs are well-behaved amongst each other.
- The dogs receive regular veterinary care and are current on all vaccinations.
- All dogs are spayed or neutered; no breeding will take place.
- The property owners intend to allow the dogs to pass naturally or have them humanely euthanized when they’ve reached the end of their quality lives.
- The existing nine dogs will not be replaced with new dogs when they pass.
- The property owners have no intention of fostering or adopting any additional dogs.
- Six of the nine dogs reside in the dwelling and the three remaining dogs reside in the pole building serving as livestock guardian dogs.
- The pole building which houses the three livestock guardian dogs is heated and cooled.
- The property owners raise performance goats and chickens and the three livestock guardian dogs serve in protecting these animals and fowl.
- The property includes approximately two acres of fenced enclosure, immediately adjacent to the dwelling, allowing outdoor activity / exercise. There are separate enclosures for the house dogs and the livestock guardian dogs.
- Property owner Kate Albrecht works from home and is able to monitor dog activity throughout the day.
- The house dogs are only outside if a resident of the dwelling is home, otherwise they are confined to the dwelling.
- Site photos illustrate and describe fencing, signage, and proximity of fenced enclosures to structures.

The Technical Review Committee met on November 9, 2022 and confirmed that no dogs are left out overnight; existing fencing for the enclosures is 48” tall; and there are two signs on the property alerting people that there are dogs on site. The Albrechts offered suggestions for noise mitigation, including the possibility of

implementing “quiet hours” / “outside hours” and/or additional landscaping to block the dogs’ view of neighboring parcels. The committee did not identify any concerns with the IUP. The Sunrise Town Board reviewed the proposed IUP at its November 17, 2022 meeting and recommended approval with a 4-1 vote with the following recommended conditions of approval: no dogs will be added to the property; as individual dogs pass away, they are not to be replaced; and the IUP will sunset with the number of dogs in compliance with the current Chisago County Zoning Ordinance. Property owners T. Albrecht and K. Albrecht were present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments.

Dave Whitney had clarifying questions on the number of hours the three livestock guardian dogs are outside and same question was asked for the six companion dogs. T. Albrecht indicated the livestock guardian dogs are out 2-3 hours in the morning and evening during winter; up to all day with owners present during the summer. The companion dogs vary on their outside habits and lengths. Some dogs are a quick in and out and others could stay outside all day. Dogs are let outside when owners are present and never left outside overnight. Chair Yeager asked about the proposal for additional landscaping and location of said landscaping. T. Albrecht provided greater detail for the clearing area that abuts the neighbor’s property, property boundary, and suggested fast growing Cyperus trees for additional visual and sound barrier. Frank Storm inquired if all the dogs were rescue dogs and, directed to staff, if previous similar requests restricted the number of animals and ability to replace animals once approved. T. Albrecht indicated by and large they were all rescue dogs and provided backgrounds and past injuries for some of the dogs. T. Albrecht added that their realtor knew they had nine dogs and they worked to find an appropriate property; they were not aware that they were out of compliance with nine dogs. The Albrechts applied for the IUP to continue care for the dogs instead of selecting dogs to put down in order to be compliant with the Zoning Ordinance. T. Albrecht indicated that limiting the number of animals and not being allowed to replace them was his suggestion, commenting that nine dogs are a bit much to take care of and they would like to show their neighbors that they do not intend to own that many dogs forever. Chair Yeager opened the public hearing and sought comment.

Joseph Reichkitzer – 43552 Jess Avenue, Sunrise Township. I have lived on Jess Avenue since 1980; never had a complaint with the neighbors the whole time, until the dogs. They are driving us crazy. They are out all the time in the summer. I did talk with Tim about the dogs. My property value has decreased and I don’t think anyone would want to buy our property due to the dogs next door. There is acreage between us and the dogs, and the dogs are still driving us crazy.

Ken Henne – xxx Jess Avenue, Sunrise Township. I own property next to the Albrechts. I am an animal lover and have worked at a zoo for a number of years. What’s happening is insane; dogs barking morning until night. It is me, my wife, and we are quiet. I have invested money in the property, plan to build, but the dogs are making it impossible. I do not know if I would be able to sell the land. I might lose my investment in the property. I had a camper on the property, as soon as I stepped out of truck, barking started from morning until night. It was peaceful before they moved in. We enjoyed the property prior to the dogs. It is unlawful for dogs to bark for more than 10 minutes. The dogs bark all day, it’s frustrating. They have goats, cows, and installed a fence. I am going to resurvey to make sure they are not crossing my property. I have never met them and thought the barking would settle down, but it hasn’t. I have consulted a lawyer. A lawsuit could be filed against the property owners and the county for failure of not addressing the situation.

Becky Henne – xxx Jess Avenue, Sunrise Township. I would visit the property during the summer. I was raised on a farm with two dogs. We didn’t buy this land to cause trouble with the neighbors. Our backyard in Apple Valley is more peaceful than the ten acres here. The barrier of trees is not going to make a difference. I don’t see the dogs, but I can hear them. I want peace and quiet.

With no other persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. John Sutcliffe asked what the process was if conditions were not met. Director Schneider reviewed the process, the investigation of violation of conditions set by the County Board, and grounds for a revocation process. Chair Yeager asked clarifying questions on heating and cooling of the structure housing the livestock guardian dogs. Dave Whitney commented that the property is well maintained and provided his viewpoints, including both positive and negative concerns, with main concerns being the noise and number of dogs. Dave Whitney suggested modifying proposed condition #9 to concentrate the noise/barking with all dogs outside during designated periods instead of two hour periods throughout the day, which could lead to six hours of the day with dogs out barking. Dave Whitney considered two hours of barking to be tolerable rather than six hours a day. John Sutcliffe inquired if the owners had considered separating certain dogs to minimize dogs not getting along and reduce barking. K. Albrecht noted that the dogs get excited when T. Albrecht leaves and returns home from work. To help reduce noise, companion dogs are brought inside the house prior to T. Albrecht or additional family entering the driveway / property. Discussion followed on finding a solution for the noise. In response to Dave Whitney's comments, T. Albrecht offered that he believed the general spirit of proposed condition #2 is to not have his loudest continually barking companion dogs out all day to pester neighbors. John Sutcliffe suggested modifying proposed condition #8 with a limit or time constraint on continual barking. Brief discussion followed on enforceability, local city ordinances (for guidance), and livestock guardian dogs. John Sutcliffe recommended a maximum of 20 minutes of continual barking; Frank Storm supported with a second. By consensus, the Planning Commission offered support for the proposed modification to proposed condition #8. Director Schneider offered suggested language for proposed condition #8. Dave Whitney suggested adding language requiring that at least one resident needs to be home while the dogs are out to monitor / control barking.

Motion by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-1202, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing a residential kennel on property identified as PID# 09.00615.10 in Sunrise Township, with findings of fact as presented and conditions as amended:

Conditions:

1. This approval allows for a Residential Kennel for the keeping of no more than nine (9) dogs, including six (6) companion dogs and three (3) livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.
2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue

odor or other negative impacts.

7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by a resident of the household. Further, at least one resident of the household must be present any time that one or more dogs are outdoors.
9. To mitigate adverse impacts related to noise, the permit holder shall implement “quiet hours” / “outside hours” for the six (6) companion dogs in which they aren’t allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The “outside hours” shall allow for up to three (3) – two (2)-hour periods as follows:
 - a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
 - b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
 - c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.

10. To mitigate adverse impacts related to noise and limit the dogs’ view of activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a complete visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no “non-resident” dogs or cats shall be housed or otherwise allowed on the subject site.
12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit 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 Interim 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.
14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the applicants sell their property and relocate, whichever comes first.
15. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None

Robert Briscoe & Mary Everett and Matthew Krousey – Coordinator Gervais provided a brief background on the request for a Conditional Use Permit (CUP) for Rural Retail Tourism in order to operate a pottery showroom and host related events on 26± acres in the Agricultural (AG) District. The property is located at 2785 Stark Road, Fish Lake Township, S26, T36, R22 (PID# 03.00379.10).

The request for CUP was initiated by Krousey who is purchasing the property on Contract for Deed from Briscoe & Everett. Krousey resides and operates a pottery studio on the property and participates in the annual St. Croix Valley Pottery Tour. Briscoe & Everett had submitted a building permit application earlier this year with the intent of expanding the pottery showroom, only to learn that the zoning district the property was located in at the time (RRI District) did not allow for this particular business activity (Rural Retail Tourism). The applicants subsequently applied for and were granted a Rezoning from RRI District to AG District by the Board of Commissioners on October 19, 2022. Being that the property is now zoned AG District, the property is eligible for a CUP for Rural Retail Tourism.

The existing pottery studio is attached to the dwelling and the applicant intends to utilize a 150 sf room within the detached garage as a showroom to display work for sale. Additionally, the applicant intends to construct an addition onto the detached garage which would be used primarily for storage but also as space for sales (i.e., display and / or sales counter). The addition is described as an 18' x 37' (666 sf) enclosure located on the north side of the detached garage and situated 20' from the east property boundary (side yard).

In addition to operating a pottery studio, Krousey is seeking approval to host two annual pottery events open to the public and have the showroom and studio open to the public year-round by appointment only. The two annual events include the St. Croix Valley Pottery Tour and a private Fall Sale. Event details are as follows:

- St. Croix Valley Pottery Tour
 - o Friday through Sunday of Mother's Day Weekend
 - o Friday and Saturday, 10:00 am – 6:00 pm; and, Sunday 10:00 am – 5:00 pm
 - o Twelve volunteers assisting with traffic and other general operations
 - o Several guest potters participate in addition to Krousey
 - o Tents and three portable toilets rented for event, including one ADA accessible toilet
- Fall Sale
 - o Set-up is similar to the annual St. Croix Valley Pottery Tour but on a smaller scale
 - o Friday through Sunday in early October
 - o Friday 12:00 pm – 6:00 pm; Saturday 10:00 am – 5:00 pm; and, Sunday 10:00 am – 4:00 pm
 - o Six volunteers assisting with traffic and other general operations
 - o Three to four guest potters participate in addition to Krousey
 - o Tents and portable toilets rented for event, including one ADA accessible toilet

In regard to parking and traffic concerns, the written narrative provides the following:

- There are 20' wide strips mowed on either side of the driveway, accommodating approximately 60 vehicles, and a large mowed area which accommodates an additional approximate 65 vehicles.
- There is a field in the vicinity of the solar array which accommodates approximately 40 vehicles. This area has not been needed to accommodate customer parking in the past; rather, it's been used by volunteers and guest potters.
- The applicant is reporting that the site accommodates a total of 165 vehicles at any given time.

- During the annual St. Croix Valley Pottery Tour, Krousey enlists four volunteers to manage parking. These volunteers utilize walkie talkies to communicate and they wear orange construction vests and orange baseball caps for safety as well as to identify them as parking staff.

Gervais commented that it is very likely that the property immediately north, as well as all surrounding properties, notice an increase in traffic during the two annual events but there are no records of any traffic related complaints – or any other type of complaint – on file with the Department of Environmental Services.

The Technical Review Committee met on November 9, 2022. The County Engineer provided the following comments which have been incorporated into staff's recommended conditions of approval:

- The Chisago County Highway Department will need more information on the parking area, specifically location / setback from Stark Road / CSAH 10.
- The County Engineer added that Stark Road / CSAH 10 is scheduled for reconstruction within the next couple of years, so the Department will work with the applicant on interim improvements.

The committee did not identify any other concerns related to the CUP. Gervais noted that the applicant has already provided the needed information to the County Engineer and satisfied concerns. The Fish Lake Town Board reviewed the proposed CUP at its November 14, 2022 meeting and recommended approval of the CUP with no conditions or comments.

Applicant M. Krousey was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. M. Krousey provided detail about volunteers utilized during annual events for parking and explained the difference in event size / revenue between the pottery tour and fall sale events. Krousey commented that he would only need two staff for parking for the fall sale event and would prefer not to pull volunteers from other job tasks just to comply with proposed condition #5. Discussion followed on the proposed parking area near the existing solar array and maintaining a path for foot traffic and use of golf carts to shuttle customers from parking areas to the Rural Retail Tourism activity. Dave Whitney identified that sanitary facilities were not specifically listed as a recommended condition of approval. Brief discussion followed on use of porta potties for the public and dwelling facilities available for use by volunteers and guest artists. Krousey indicated that proposed upgrades to the detached garage will include a private toilet on a holding tank for volunteers and guest artists. Frank Storm sought clarification on whether this request was for an Amendment or an after the fact permit; Gervais stated that this was an after the fact permit.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Dave Whitney recommended additional language addressing sanitary facilities; the Commission discussed adding such language to proposed condition #11.

Motion by Dave Whitney; second by Frank Storm to adopt Resolution No. PC2022-1203, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property identified as PID# 03.00379.10 in Fish Lake Township, with findings of fact as presented and conditions as amended:

Conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a pottery showroom and hosting of related events in accordance with the application materials dated received October 26, 2022 and

kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. 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 Conditional Use Permit shall allow use of the property for Rural Retail Tourism purposes subject to the following hours of operation:
 - St. Croix Valley Pottery Tour (maximum of one weekend per year)
 - o Friday through Sunday of Mother's Day Weekend
 - o Friday and Saturday, 10:00 am – 6:00 pm; and, Sunday 10:00 am – 5:00 pm
 - Fall Sale (maximum of one weekend per year)
 - o Friday through Sunday in early October
 - o Friday 12:00 pm – 6:00 pm; Saturday 10:00 am – 5:00 pm; and, Sunday 10:00 am – 4:00 pm
 - Studio and showroom open to the public year-round by appointment only.
3. 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. Further, there shall be no outdoor amplified music at any time.
4. The permit holder shall accommodate all parking on-site and shall provide a minimum of 165 parking stalls as described in the application materials. No resident, volunteer or customer parking shall be allowed on Stark Road / CSAH 10. Further, the permit holder shall provide on-site walking paths from all parking areas to the Rural Retail Tourism activity, so as to deter customers from walking on Stark Road / CSAH 10.
5. The permit holder shall provide at least four volunteers dedicated to assisting with parking and traffic flow during each of the two annual events.
6. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. All food preparation and/or sales shall comply with applicable Minnesota Department of Health regulations.
8. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14 Signs.
10. Per Chisago County Zoning Ordinance Section 4.15 Rural Retail Tourism Businesses, F. Code Compliance, any existing structure or septic system which is subjected to a change in occupancy or GPD loading as a result of the approved Rural Retail Tourism use shall be retrofitted or upgraded to conform to current code requirements. All existing structures proposed for use in association with the approved Rural Retail Tourism use shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any commercial use of the structure.
11. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes. Further, the permit holder shall provide adequate sanitary facilities.
12. Prior to the May 2023 annual event, the permit holder shall coordinate with the Chisago County Highway Department as follows:

- The permit holder shall provide the Chisago County Highway Department with detailed information about the parking areas, specifically location / setback from Stark Road / CSAH 10. The applicant shall provide as much detail as is deemed satisfactory by the County Engineer.
- The permit holder shall work with the Chisago County Highway Department on the Stark Road / CSAH 10 access, with the understanding that the existing access may need upgrading. Any necessary upgrades shall be completed in accordance with specifications and timeline established by the Highway Department.

13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County 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. 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.

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

Motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Public Hearings – Continued Hearings - None

Old Business – None

New Business

2023 Meeting Schedule – Coordinator Gervais reported that staff has prepared a draft 2023 meeting schedule with regular meetings held on the first Thursday of the month, tours on the Tuesday prior to regular meeting, and work sessions on the third Thursday of the month. Gervais added that the draft schedule also includes application deadline dates. The only known conflict is the July 4th tour, and staff recommended the tour be scheduled for Wednesday, July 5th. **Motion** by Dave Whitney; second by Jolene Wille to adopt the 2023 Planning Commission Meeting Schedule as presented. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Coordinator Gervais indicated that the December 2022 Work Session date had been rescheduled and requested a formal motion to that effect. John Sutcliffe inquired why the previous work session was held despite the lack of sufficient time to review the draft ordinance. Coordinator Gervais stated that meeting materials were provided one week in advance, as requested by the Commission; however, staff was not aware at the time of disbursement that the consultant had not provided the most current version of the ordinance draft. Chair Yeager commented that it was still a productive work session for discussion on certain topics, adding that it would have been better with a current draft for review / comments. **Motion** by John Sutcliffe; second by Jolene Wille to reschedule the Thursday, December 15, 2022 work session to Monday, December 19, 2022. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Communications and Reports

County Board Liaison Report / Update – County Commissioner DuBose reported that the County Board had approved all items as recommended from the Planning Commission. DuBose added that the County Board has been focused on budget meetings and final budget numbers, with major purchases and expenditures reviewed from Capital Improvement Project (CIP) and American Rescue Plan Act (ARPA) budgets. Hometown Fiber provided a presentation on countywide broadband and the project was estimated at \$65 million. DuBose

explained that discussion was held on various implementation and funding options: township by township; city by city; and, bonding. The county had estimated a much smaller cost for the broadband project. Continued discussion will take place with townships and cities to gauge interest, participation, and additional funding options. DuBose noted that it is a complicated project and the county will not be able to fund county-wide broadband, but the County Board hopes to help in some areas of the county.

Miscellaneous

Adjourn Meeting – Motion by Frank Storm to adjourn the meeting; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. The meeting was adjourned at 8:21 p.m.