Chisago County, MN

PLANNING COMMISSION

Meeting Agenda

July 6, 2023 | 7:00 pm

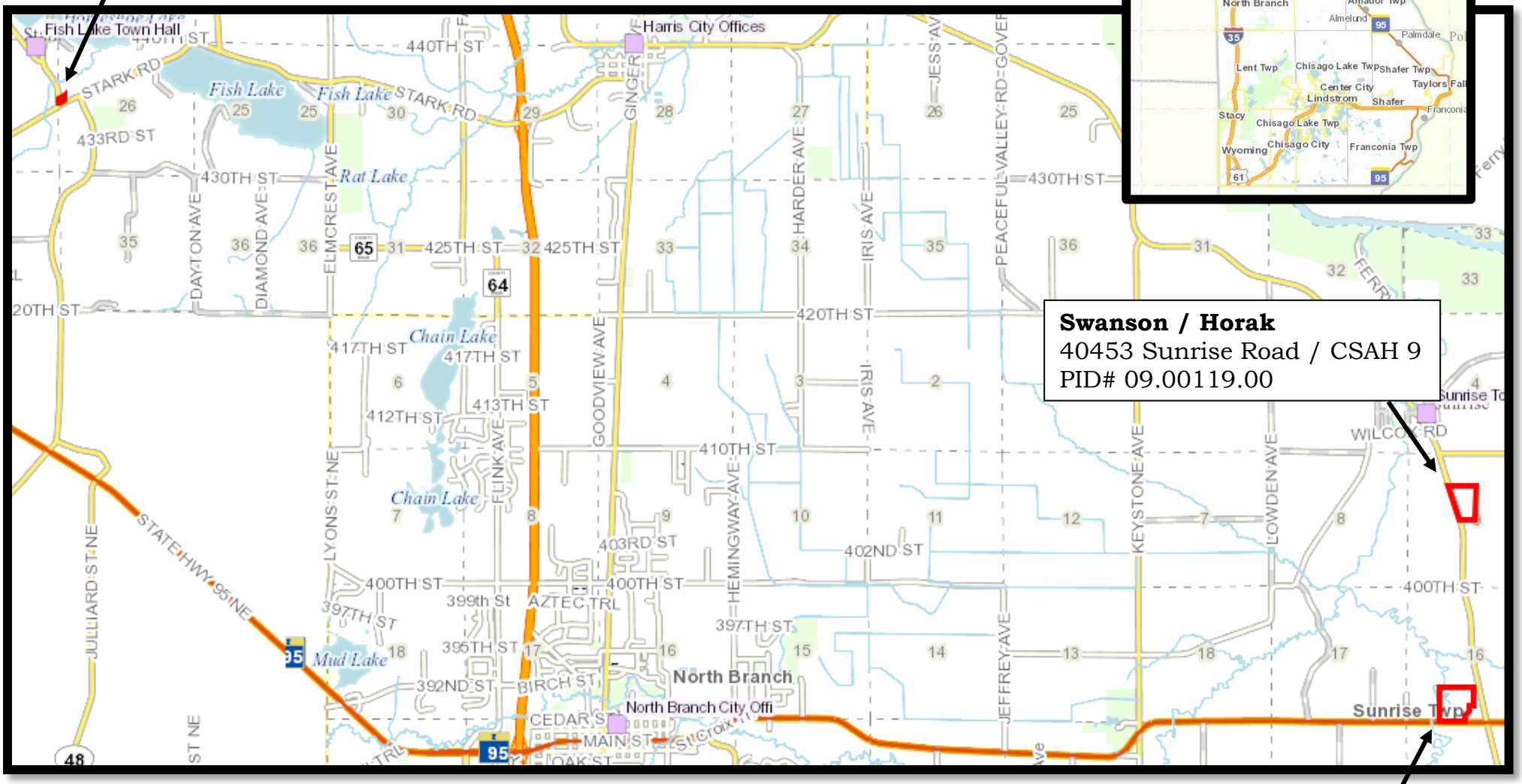
Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

Tour Details: Wednesday, July 5, 2023 at 9:00 am
Departing Chisago County Highway Department, 31325 Oasis Road, Center City, MN

1. **Call to Order – Pledge of Allegiance**
2. **Roll Call: Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
   a. June 1, 2023 Regular Meeting
   b. June 15, 2023 Special Work Session
5. **Receive all Materials and Submittals into Record**
   Previously Distributed:
   a. Meeting packet including staff report with attachments for agenda item 6a, 6b and 7a
6. **Public Hearings – New Applications**
   a. **Becky Meyer & Bill Lloyd** – Property owners Becky Meyer & Bill Lloyd are seeking approval of an Interim Use Permit (IUP) allowing a Commercial Kennel for pet boarding and daycare on 37.05± acres in the Agricultural (AG) District / Sunrise River Overlay (SO) District. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).
   b. **John & Janet Swanson and Milo Horak** – Property owners John & Janet Swanson and applicant Milo Horak are seeking approval of the Preliminary Plat of Blue Ribbon Tree Farm involving the creation of two lots from a 26.4± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located north of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township, S9, T35, R20 (PID 09.00119.00).
7. **Public Hearings – Continued Hearings**
   a. **Boozhoo Coffee & Café, LLC and Joe Beaulieu** – Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are seeking approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District. The .92± acre subject property is located at 2340 Stark Road / CSAH 10 in Fish Lake Township, S26, T36, R22 (PID 03.00385.00).
8. **Old Business**
9. **New Business**
10. **Communications and Reports**
    a. County Board Liaison Report / Update
11. **Miscellaneous**
12. **Adjourn Meeting**
    - The next special work session is scheduled for Thursday, July 20, 2023 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, August 3, 2023 at 7:00 pm.

Planning Commission
Tour Date and Time:
Wednesday, July 5, 2023 at 9:00 am

Boozhoo Coffee & Café, LLC
2340 Stark Road / CSAH 10
PID# 03.00385.00
(FOR REFERENCE ONLY)





Swanson / Horak
40453 Sunrise Road / CSAH 9
PID# 09.00119.00

Meyer / Lloyd
12690 St. Croix Trail / TH 95
PID# 09.00168.00

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
June 1, 2023

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

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

Vice Chair DuBose called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Dave Whitney, James McCarthy, Eric Leivian, John Sutcliffe, Jolene Wille and Chris DuBose. Absent: Chip Yeager (excused). A quorum was established.

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

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

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

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

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

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

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

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

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

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

Vice Chair DuBose opened the public hearing and sought comment. With no members of the audience wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 6-0.

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

Condition(s):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion by Jim McCarthy to continue public hearing to July 6, 2023 and extend the review period by an additional 60 days and require that the applicant provide additional supporting and/or clarifying documentation as recommended by staff (see bullet point list above); second by Dave Whitney. **Motion passed** 6-0.

Public Hearings – Continued Hearings – None

Old Business – None

New Business

Consideration of Amendments to Planning Commission's 2023 Meeting Schedule – Coordinator Gervais explained that the Planning Commission had expressed a desire to discuss the annual tour schedule, noting that tours were scheduled for the Tuesday prior to regular meetings and Commissioner Wille had suggested changing this to the Wednesday prior to regular meetings. Vice Chair DuBose asked if any Commissioner had concerns with the suggested change, and no concerns were identified. ***Motion*** by Jolene Wille to Amend the 2023 Planning Commission meeting schedule so that all remaining tours would be held at 9:00 am on the Wednesday prior to regular meetings; second by John

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

Communications and Reports – None

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

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

_____ ATTEST: _____

Chris DuBose
Vice Chair

Beth Gervais
Land Services Coordinator

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CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
June 15, 2023

The Chisago County Planning Commission met in session at 6:00 pm on Thursday, June 15, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Eric Leivian, Jim McCarthy, John Sutcliffe, Dave Whitney, Jolene Wille and Chip Yeager. Commissioners Absent: Chris DuBose.

Staff Present: Kurt Schneider, Environmental Services Director, and Beth Gervais, Land Services Coordinator

Others Present: Haila Maze of Bolton & Menk, Ex Officio County Commissioner Rick Greene, and County Commissioner Marlys Dunne.

Introduction of New Consultant Team Project Staffing – Haila Maze of Bolton & Menk introduced herself and explained that she would be replacing Rose Schroder on the County's ordinance update project. Maze explained that she and her team had reviewed all past materials and correspondence in an effort to familiarize themselves with the project and to develop draft materials. Maze provided background information about herself and her team members.

Subdivisions: Planned Unit Developments (PUDs), Cluster Developments, and Conventional Development – Maze provided a table providing a comparison of all subdivision options, acknowledging that the Planning Commission had expressed a desire to present subdivision options in a more clear and understandable manner. The comparison highlighted such items as general regulations, density bonuses, and open space requirements. Maze questioned if any of the noted subdivision options should be consolidated. The group discussed a past suggestion from Commissioner DuBose that all subdivisions be processed as PUDs, and, after a review of the PUD process, the consensus was that the work group preferred to establish two types of subdivisions, including conventional developments and PUDs. Whitney commented that the table should address developments within the Shoreland Management District, adding that most of the larger subdivisions included shoreline property. Maze stated that she would update the table to include descriptions about each subdivision option, identify each type of subdivision, general standards, and overlay district implications.

The group briefly discussed the difference between PUDs and Cluster Developments. It wasn't clear to the group what all differences could be; however, it was determined that not all PUDs were Cluster Developments. It was further decided that if the Planning Commission and staff were unable to fully understand the differences between the two types of subdivision, then they should be consolidated and simplified (as previously discussed). Chair Yeager suggested that, once the subdivision language was solidified, it would be helpful to see illustrative examples of subdivision options. In regard to Cluster Developments with Utilities, the group discussed scenarios in which a single subdivision could include lots which were part of a community system as well as lots which had individual systems, and that lots with individual systems were not currently factored into density bonus calculations.

Overlay Districts – Maze commented that Chair Yeager had questioned the differences between the two St. Croix Overlay Districts and if they could be consolidated. Maze, not knowing the full history of the two districts, hypothesized that the County's regulations for the two districts were based upon State and Federal regulations. Maze added that the Lower St. Croix Overlay District was established after establishment of the Upper St. Croix Overlay District and the former was more restrictive and consolidating the two districts would likely result in the latter becoming more restrictive. Chair Yeager acknowledged that Maze had provided him with information prior to the work session and he had not yet had time to review it, and, therefore, suggested tabling the issue for future discussion. Director Schneider offered that he believed the County's regulations for the two districts mirrored State and Federal regulations and there was likely little that could be changed.

Whitney commented that there was currently no overlay district for the watershed districts and suggested that this be added as it could play a significant factor in development. Director Schneider shared that there was one watershed district within the County, the Comfort Lake Forest Lake Watershed District. The work group briefly discussed the role and responsibilities of the Planning Commission in review of subdivisions within the watershed district. Ultimately, the consensus of the work group was to add language to the Subdivision Ordinance advising developers to consult with the watershed district directly if applicable.

Other Updates:

- **Definitions** – Maze commented that Bolton & Menk's goal was to clean up the definitions section and make sure it included all necessary references.
- **Accessory Dwelling Units (ADUs)** – Maze commented that Bolton & Menk intended to include clear and concise language pertaining to ADUs.
- **Rural Residential District and Urban Fringe Residential District** – Maze explained that there were questions from Commissioners as to whether these two districts should be separate or consolidated and suggested that this could be further discussed.
- **Campgrounds** – Maze commented that definitions pertaining to campgrounds were added for clarification.

Maze invited discussion on the above topics or any other topics identified by the work group. McCarthy commented that he wanted to discuss campground regulations and accessory structures in greater detail. Director Schneider clarified for Maze that the County recently adopted new regulations pertaining to accessory structures, allowing non-agricultural accessory structures without the presence of a principal structure under certain scenarios.

Whitney noted that current ordinance language only allowed the second story of an accessory structure to be used for unfinished storage space and that this language prohibited such uses as office space and ADUs in the second story. The work group discussed possible language to allow other uses so long as constructed and used in a lawful manner. Chair Yeager suggested defining the term lawful. Through discussion it was realized that the current draft Zoning Ordinance did not include a separate section pertaining to ADUs; Maze stated that she would create a section specific to ADUs and populate it with performance standards previously discussed by the work group. Director Schneider recalled that the work group had previously come to a consensus that ADUs should: 1) be allowed; 2) they should not exceed 720 square feet in size; and, 3) the Zoning Ordinance should define ADU. Director Schneider inquired if there were other performance standards desired by the work group. The work group responded that they had reached consensus that ADUs should not be situated any closer to the roadway than the principal dwelling. Coordinator Gervais questioned if there should be a minimum size for ADUs.

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Wille recalled that the work group had previously reached consensus that ADUs must have permanent and dedicated utilities. Discussion transitioned to the current allowance for temporary manufactured home permits related to construction of a permanent dwelling, farm employees, and medical hardships. Ultimately, the work group requested that Maze develop recommendations for ADUs based on previous work group discussions and other possible ideas not previously considered by the work group. Maze offered the following suggestions: 1) ADUs must be constructed with materials compatible / harmonious to the principal dwelling; 2) one of the dwellings must be owner occupied rather than being two rental properties; and 3) ADUs could either be attached to or detached from the principal dwelling. Returning to the topic of temporary mobile home permits, Coordinator Gervais commented that Schroder had intentionally eliminated the use of temporary mobile homes for medical hardships from the draft ordinance under the premise that these temporary dwellings would be addressed by the new ADU language. The work group discussed the medical hardship scenario with consensus that the allowance for temporary mobile homes should be added back into the draft ordinance given that this allowance was intended to be temporary and ADUs were intended to be permanent.

Returning to the topic of campgrounds, McCarthy commented that the County had experienced issues with density but suggested holding discussion for a future work session.

Whitney introduced the topic of the Rural Village Center (RVC) District and his desire to involve the applicable townships in a discussion about expanding the districts to allow for commercial growth. Whitney also suggested that single family and multi-family dwellings be added as allowable uses in the district. Coordinator Gervais noted that the current Zoning Ordinance draft showed “dwelling units” as a Conditional Use in the RVC District. Work group consensus was to allow dwellings as a Permitted Use rather than a Conditional Use. Whitney again suggested involving the townships in discussions related to the RVC District. McCarthy added that Sunrise Township had expressed interest in expanding the RVC District in order to allow more commercial development. Whitney commented that the RVC District, as currently configured, created split zoning classifications for several properties and this should be corrected. Director Schneider suggested that County staff prepare letters and zoning maps for the townships with an RVC District in an effort to seek feedback on possible adjustment to the district boundaries and allowable uses.

Sutcliffe introduced the topic of Airbnbs (short-term rentals) and commented that the growing number of short-term rentals was creating issues in certain areas, including issues with parking, septic systems, and noise. Director Schneider explained that the County currently allowed dwellings to be licensed as short-term rentals and complaints / concerns should be forwarded to staff for review and, if warranted, action.

Whitney raised the issue of zoning districts, commenting on the proposed consolidation of the Rural Residential I (RRI) and Rural Residential II (RRII) Districts and noting that part of the stated purpose of the Urban Fringe Residential (UFR) District was for the district to be in close proximity to incorporated cities and within immediate connection to public facilities. Whitney commented that none of the townships had or intended to have municipal utility systems and questioned the purpose of identifying that the UFR District was intended for immediate connection, and also questioned whether it would be better to consolidate all three districts (RRI, RRII and UFR). Coordinator Gervais responded that she was only familiar with one Urban Residential (UR) District (current name of district) within the County and it was somewhat close to the City of Center City and likely a natural location for the extension of municipal utilities rather than township utilities. Whitney again questioned whether all three districts could be consolidated. In response, Gervais also commented that, in the one UR District she was familiar with,

the parcel sizes were extremely small compared to the RR Districts, noting that the minimum required lot area was significantly less than that of the RR Districts and property size may be a reason for not consolidating. Coordinator Gervais also commented that review of the dimensional standards for the UR / UFR District was needed given that, as proposed in the draft Zoning Ordinance, the required Home Site Area exceeded the minimum lot area.

Whitney commented that properties around lakes were typically zoned RRI District or RRII District and the current draft Zoning Ordinance was proposing that these two districts be consolidated into the Rural Residential (RR) District; however, the stated purpose of the RR District did not include recognition of lakes / lake properties. The work group discussed possible added language to address and recognize properties near and adjacent to bodies of water and historic shoreland development. The work group also discussed at greater length the inconsistencies surrounding dimensional standards for various zoning districts and the need to further review and adjust accordingly, and possibly reducing the required lot area for properties within the RVC District.

Whitney mentioned his ongoing concern with the current requirement that cul-de-sacs not exceed 1,320 feet in length and the County's past practice of not enforcing this requirement as well as the challenges it presented to new subdivisions. The work group discussed possible reasons for the maximum length, including maneuverability of emergency service vehicles and a method to establish street connections / a road network so as not to create a series of dead-end roads or reliance entirely on County roads. Whitney recalled that hammerheads had been approved in the past as a method of allowing streets to be longer than 1,320 feet, with the understanding that the hammerhead was temporary and would allow connection to adjacent land for future development. Whitney added that there was a clear distinction made in the past between cul-de-sacs and hammerheads as a means of addressing the street length issue. Maze stated that she would review the existing language and provide suggested language for future review. Director Schneider suggested a requirement that temporary cul-de-sacs be signed in a manner that creates awareness for surrounding property owners that the street was intended to be a future through-street.

Whitney questioned the current park dedication language for new subdivisions, noting that the ordinance required a land dedication but he had always heard that a cash dedication was required. Director Schneider further noted that the current language required a cash dedication to be based on market value of the subject site and it should instead be based on the adopted fee schedule but, ultimately, the County Board would decide whether to accept land, cash, or a combination thereof. Maze stated that she would review the current language and revise based on the work group's discussion. Director Schneider shared that 75% of the park dedication fees collected through the subdivision process was allocated to the host township for development of new parks and the remaining 25% was used by the County for County parks. Commissioner Greene commented that creating new parks was challenging for townships and there was interest in being able to use the park dedication funds for maintenance as well.

Whitney addressed the issue of lot size related to Rural Retail Tourism and Major Home Occupations, commenting that, based on a recent land use application and subsequent court ruling, the County should consider implementing a minimum lot size and/or additional setback requirements. McCarthy commented that there could be potential negative impacts to neighboring landowners regardless of the lot size and suggested that another option could be a limit on the number of people that could be on-site at any given time and/or better define the term "small scale". Commissioner Dunne suggested prohibiting these types of activity from being adjacent to residential development thereby creating a

buffer zone. The work group discussed possible complications with this idea, including subsequent limits placed on adjacent landowners and their ability to use / develop their land. Wille acknowledged that it would be difficult if not impossible to create regulations addressing every possible concern and suggested that, ultimately, each proposal be considered on its individual merits. Director Schneider requested that Bolton & Menk consider the term "small scale" as it related to Rural Retail Tourism and help the County to better define and/or quantify the term. McCarthy noted that Isanti County adopted similar Rural Retail Tourism language but added detail about the number of people allowed at gatherings and events (i.e., a measurable performance standard). Maze suggested that, in review of the current language, she would consider such issues as hours of operation, quiet hours, noise / outdoor music, lighting, number of people, traffic impacts / access.

Next Steps – The work group discussed the next work session and agreed to meet on the regularly scheduled date of July 20, 2023 at 6:00 pm. Maze stated that she would provide the work group with draft materials for review at least one week prior to the work session, including the Shoreland Management Ordinance and other updates based on the work group's June 15, 2023 discussions.

With no further business to discuss, the work session adjourned at 8:42 pm.

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

DRAFT

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Interim Use Permit for Commercial Kennel
12690 St. Croix Trail / TH 95, Sunrise Township
DATE: July 6, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing a Commercial Kennel for pet boarding and day care on 37.05± acres in the Agricultural (AG) District / Sunrise River Overlay (SO) District.

SITE & APPLICATION INFORMATION

Applicant(s):	Becky Meyer & Bill Lloyd
Property Owner(s):	Becky Meyer & Bill Lloyd
Location:	12690 St. Croix Trail / TH 95 Sunrise Township Section 16, Township 35, Range 20
PID:	09.00168.00
Property Area:	37.05± Acres
Current Zoning:	Agricultural (AG) District / Sunrise River Overlay (SO) District
Adjacent Zoning:	
North:	Agricultural (AG) District / Sunrise River Overlay (SO) District
South:	Agricultural (AG) District / Sunrise River Overlay (SO) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District / Sunrise River Overlay (SO) District
Date Application Received:	May 30, 2023
Date Application Complete:	June 2, 2023
60-Day Review Period:	August 1, 2023



BACKGROUND

Property owners Becky Meyer & Bill Lloyd are requesting an Interim Use Permit (IUP) to allow a Commercial Kennel for pet boarding and day care on 37.05± acres in the Agricultural (AG) District / Sunrise River Overlay (SO) District.

The Zoning Ordinance defines Commercial 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 housed, bred, boarded or trained”.

SITE ANALYSIS

The 37.05± acre subject site is located approximately 800' west of the intersection of Oasis Road / CSAH 9 and St. Croix Trail / TH 95 on the north side of St. Croix Trail / TH 95 in Sunrise Township. Topography of the site includes elevations ranging significantly from 808' near the west property boundary to 857' near the southeast corner of the property with steep slopes between the river and the existing structures, heavy forestation primarily in the western half of the property, and approximately 2,300' of the Sunrise River flowing through the western third of the property. The site has been developed with a dwelling, multiple detached accessory structures, and large hard surfaced areas for parking. The subject site is located in the AG District / SO District and is entirely surrounded by properties in the AG District / SO District. Properties in the general area range in size from 5 acres to 82 acres, with the majority of properties currently used for residential and/or agricultural purposes. The immediate area is heavily wooded.

PROPOSAL ANALYSIS

The property owners wish to open and operate a pet boarding and daycare facility, to be known as Birch Bark Boarding, from their property located at 12690 St. Croix Trail / TH 95 in Sunrise Township. The property owners will utilize an existing 36' x 80' (2,880 sf) pole building, with approximately half used for kennels and the other half used as an open play / storage area and possible future expansion area. The property owners have provided the following details about the "boarding shed":

- The interior will be insulated and the dog kennel areas will be finished with a Fiber Reinforced Plastic (FRP, see details attached).
- Electric heating units will be suspended from the ceiling.
- Each kennel will be large enough for a raised bed, food and water dishes, and a small play area.
- The boarding shed will have indoor music for the animals and an indoor area for dogs who are socialized to play together under staff supervision.

Details about the proposed pet boarding and daycare business:

- The facility will not be operated as a grooming or trimming business; however, if pets get dirty while at the facility, they'll be provided with a bath.
- There will be no dog / animal breeding at the facility, nor will the facility operate as a shelter or rescue organization.
- There will be 10 - 8' x 8' dog suites that each have the ability to house three dogs from the same household. If all dogs are from separate households, the maximum number of dogs will be 10. In other words, the number of dogs housed at any given time will range between 10 and 30.
- The business will be open to cats and other small animals, including rabbits, guinea pigs, and other small mammals. Birds will not be kept at the facility.
- Cats and other small mammals will be housed in cages appropriate for their species and in a separate area from the dogs. *It's unclear to staff where the small mammals will be kept*.
- The property owners clarified at the June 14, 2023 Technical Review Committee meeting that the maximum number of dogs and small mammals kept on site will be 30.
- The property owners have two dogs of their own.
- The facility will operate 24 hours a day, seven days a week. Animal drop-off will be from 7:00 am to 10:00 am and animal pick-up will be from 4:00 pm to 7:00 pm each day, or by appointment.
- Pet daycare hours will be from 7:00 am to 7:00 pm. These pets will not stay overnight.
- Busy months are anticipated to be April to October, with fewer customers during the colder months.
- The property owners are proposing to operate the business with two employees (themselves), with the possibility of adding one part-time employee as the business grows.

- Pets will be required to be current on recommended vaccinations for their species.
- In addition to a 20' x 40' (800 sq ft) indoor play area, there will be an outdoor play area. The 90' x 150' (13,500 sq ft) outdoor play area will be surrounded by a 6' chain link fence (see attached image), with areas around the edge of the fence reinforced against digging by installing turf reinforcement mesh.
- The outdoor play area is shown to be located immediately east of the boarding shed.
- Dogs not able to play in the fenced play area will be taken for walks around the property.
- Animal waste will be composted as per United States Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) research (see attached). The property owners are proposing to utilize a series of three composting bins which will be located north of the existing cattle barn (northern most accessory structure).
- The walls of the kennel area within the boarding shed will be insulated with soundproofing material. The property owners report that this layer of insulation will reduce the sound of dog barking from inside to outside by 50 decibels. And, by the time the sound reaches the edge of the property, the property owners report that the sound of dog barking will be reduced to 30 decibels based on soundproofing insulation and distance.
- In addition to soundproofing insulation, the written narrative provides detail about the use of existing and proposed landscaping as well as distance to mitigate noise. With the use of landscaping to mitigate noise, the property owners report that sound will be reduced to 57.5 decibels at the southern property boundary.
- In addition to soundproofing insulation and the use of landscaping and distance, the written narrative explains that the final method for noise mitigation is appropriate care and supervision of the animals while they're at the facility.
- The driveway and parking area are surfaced with asphalt, and the parking area is reported to accommodate 30 vehicles.
- The property owners hope to open on a part-time basis in fall of 2023 and become full-time in spring of 2024.

Based on the County's GIS Viewer, the boarding shed is located approximately 396' from the closest property boundary (north, Lantz property) and it appears that the outdoor play area will be located approximately 345' from the closest property boundary (southeast, Leivian property). The subject site appears to be fairly heavily wooded, with existing stands of trees located north and immediately east / southeast of the proposed boarding shed and outdoor play area. In addition to the existing trees, the property owners are proposing to plant Autumn Jazz and Blue Muffin varieties of viburnum intermixed with spruce and deciduous trees on the south side of the outdoor play area to reduce and muffle sound. The written narrative explains that viburnum was specifically selected due to its ability to reduce sound by up to 15 decibels. The written narrative does not provide any detail on the number of trees to be planted or the spacing.

Based on questions and concerns expressed by neighbors during the applicants' direct outreach efforts prior to the public hearing, the property owners submitted additional written information to staff during the June 14, 2023 Technical Review Committee meeting (see attached). The information specifically addresses lighting, use of the outdoor play area, methods for mitigating noise, supervision, and heating and cooling methods.

REVIEW PROCESS

As part of the review process, the Technical Review Committee met with the property owners on June 14, 2023. The group discussed the proposed total number of pets to be boarded (dogs and small

mammals) and the property owners' efforts to directly communicate and discuss their proposal with surrounding neighbors. Based on questions and concerns expressed by neighbors, the property owners submitted additional written information to staff (see attached). The Committee did not identify any concerns.

The Sunrise Town Board considered the proposed IUP at its June 15, 2023 meeting and recommended approval with no conditions.

The application was initially submitted on April 4, 2023 and deemed incomplete on the same date. The application was resubmitted on May 30, 2023 and deemed complete on June 2, 2023. The State mandated 60-day review period expires on August 1, 2023.

WRITTEN TESTIMONY

Written testimony was received from Eric & Tara Leivian of 12810 St. Croix Trail on June 15, 2023 (see attached).

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, it does identify as an economic development goal that "The County should continue to allow agricultural activities and related agricultural businesses in the Agricultural zoning district." The Chisago County Zoning Ordinance provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed Commercial Kennel will have no associated use of parks, schools, or other public facilities or utilities, and will likely not create any appreciable demand on St. Croix Trail / TH 95; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed use – including boarding shed and outdoor play area – is located no closer than approximately 345' from any property boundary and there is well-established landscaping between the boarding shed and outdoor play area and the north, east, and southeast property boundaries (closest property boundaries). The County finds that distance, existing landscaping, required additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours will*

mitigate potential negative impacts, such as noise, so as to neither cause undue negative impact nor deter future development.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Commercial Kennel will utilize an existing 36' x 80' detached accessory structure (boarding shed) and a 90' x 150' enclosed outdoor play area. After reviewing the application materials and the Planning Commission having conducted a site visit on July 5, 2023, the County finds no evidence to suggest that the proposed use will have an appearance that will have an adverse effect upon adjacent properties. Further, the County finds that the appearance of the boarding shed and outdoor play area will have an appearance consistent with similar uses in the Agricultural (AG) District.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance specifically allows Commercial Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Because the proposed Commercial Kennel is located on a property immediately adjacent to a well-established, well-maintained, and highly traveled State highway (TH 95) with an unobstructed line of site from the end of the driveway to the west and east, the County finds that the proposed use will not cause an appreciable increase in traffic levels or traffic hazards / congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received comments from at least one adjacent property owner expressing concerns about potential noise pollution. The County finds that noise resulting from the Commercial Kennel can be mitigated with distance, maintenance of existing landscaping (trees), installation of additional landscaping (trees), installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. If these measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

STAFF RECOMMENDATION

Staff recognizes that at least one adjacent property owner has expressed concern with noise resulting from the proposed use; however, staff believes that the proposed IUP complies with and is consistent with the intent of the Chisago County Zoning Ordinance and that noise can be mitigated with implementation of noise reducing measures including the retention of existing landscaping materials,

the planting of additional landscaping materials, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. **Staff recommends approval** of the request with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recognizing that there may be Commissioner concern with such issues as noise, number of animals and handling of waste, to name a few, staff notes that the following conditions are a "starting point" for the Commission's consideration and discussion.

Recommended Condition(s):

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than thirty (30) dogs and small mammals - including but not limited to cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. This number includes any domestic pets owned or otherwise kept by the permit holder.
2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
6. 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 the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.
7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
    a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
    b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
    c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials.
    d. The required fence / wall and plantings shall be installed prior to any boarding of animals.
    e. The permit holder shall implement "quiet hours" in which no animals are allowed

outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.

9. The permit holder may employ up to one additional employee.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
11. 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.
12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, 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.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. (*Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the review period expires on August 1, 2023 and the next regularly scheduled Planning Commission meeting is on August 3, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0701, a resolution recommending approval of an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
    a. Application
    b. Written narrative
    c. Site plans (numbered to correspond with written narrative)
    d. Fiber Reinforced Plastic detail
    e. Images of turf reinforcement mesh and fence
    f. ROCKWOOL Safe 'n' Sound fire and soundproofing insulation detail

g. Natural Resources Conservation Service detail pertaining to composting of dog waste

2. Written information provided by property owners dated received June 14, 2023
3. Written testimony from Eric & Tara Leivian
4. Aerial photo (1) – subject site
5. Aerial photo (2) – vicinity map
6. Draft Resolution No. PC2023-0701

CC: Becky Meyer & Bill Lloyd, property owners
County file

Recording Fee $46—
Base Fee $525—
Wetland or Septic Fees
Plat Compliance Fee
TOTAL FEE $571—

Permit # 23-791

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 12690 St. Croix Trail **Tax Parcel #** 09.00168.00

Legal Description 37.8 Acres Sect 16 Twnshp 035 Rng 020 SE¼ of SW¼ see Exhibit A **E-Mail Address:** [redacted]

Owner: Becky Meyer + Bill Lloyd **Day Phone** [redacted]

Address 12690 St. Croix Trail North Branch, MN 55056

Applicant (if other than owner) _____ **Day Phone** ( )

Address S16 T35 R20

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☒	Rezoning	☐

Applicable section of ordinance: _____

Description of request: operate a dog boarding / dog daycare facility at this location

If Variance Application, Brief Description of Practical Difficulty _____

BM 3/20/2023
Signature of Applicant **Date of Application**

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

4/4/23 (DEEMED INCOMPLETE)
Date Received
5/30/23 (2ND SUBMITTAL)
6-2-23
Date Complete
8-1-23
60 / 120 **Day Review Period**

Date of Public Hearing: July 6, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 12690 St. Croix Trail, North Branch MN 55056

Legal Description _____

Owner Name Becky Meyer, Bill Lloyd **Day Phone:** [redacted]

Address: 12690 St. Croix Trail, North Branch, MN 55056

Applicant: owners **Day Phone:** [redacted]
(if other than owner)

Address: same

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Rezoning	☐
Interim Use Permit	☒	Ordinance Amendment	☐

Description of Request: operate a dog boarding/daycare business at this location

Date of County Public Hearing: JULY 6, 2023

Date of Township Presentation: JUNE 15, 2023

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions: Motion by Greg Strom, second by Dan Kaiser to accept the IUP to Operate a dog boarding / dog daycare facility with one abstain, Carl Peter "Pete" Johnson. Motion carried.

Signature of Township Officers:

Carl Peter Johnson ABSTAINED

6/15/23

Signature of Applicant

3-20-2023
Date

We are seeking an Interim Use Permit to open a pet boarding/daycare business at 12690 St. Croix Trail, North Branch, MN. We are located approximately seven miles east of North Branch on Hwy 95. Our facility is located on 36.8 acres in Sunrise Township. The legal description is in **Exhibit A**

Items for IUP application

1 Site plan attached

2. Location of buildings attached

3. Curbs and driveways attached

4. Topography attached

5. Drainage plan- NA

6. Type of business or activity and proposed number of employees- Dog Boarding/Pet Sitting We are the property owners, live on site and will be the only two employees. As the business grows, we may employ a part time student worker as needed.

7. Floor plan attached

8. Sewer and water plan NA

9. Soil type NA

10. Location map attached

11. Land within 350 of parcel attached

12. Business name will be Birch Bark Boarding

We will be using one of our existing sheds on the property for the dog/pet boarding business. It is a metal pole building 36 x 80. Approximately half will be used for dog kennels, the other half will be open play/storage/expansion area. The interior will be insulated and the dog kennel areas finished with aFiber Reinforced Plastic or FRP, similar to what is approved for use in commercial kitchens. Electric heating units will be suspended from the ceiling. Hospital grade sanitizers will be used between pet stays. Each dog kennel will be large enough for a raised bed, food and water dishes and small play area. The area will have soothing music for the dogs and an indoor area for dogs who are socialized to play together under staff supervision.

Customers will bring their pet and dog food of their choice for the stay. Our facility will have dog food available for dogs if customers forget to bring food or the food runs out. Dog walking will be an additional charge. If a pet gets muddy or dirty while there, a simple bath and comb out is available. This will not be a dog grooming or trimming facility.

The facility is handicapped accessible. The driveway is blacktopped and there is sufficient parking space for up to 30 cars.

There will not be any dog breeding at this facility at any time. This is not a shelter or rescue organization.

The maximum number of dogs at any one time will be 30. There will be 10 large dog pens that could house 3 dogs from the same household. If all dogs are from separate households, the total number will be 10 dogs. Cats or small animals will be housed in appropriate cages for their species and in a separate area from the dogs.

We have two personal dogs, female border collie/black lab and female red healer/collie mix, both have been spayed and are current on all vaccinations recommended. Both are on a flea and tick regimen.

The boarding facility operates 24/7. Hours where customers may drop off and pick up their pets will be from 7 am to 10 am and 4 pm to 7 pm each day. Other hours by appointment only. There will be a staff person at the facility at all times that any boarded dogs/pets are there.

The pet day care hours will be from 7 am to 7 pm each day. Those pets will not stay overnight.

We expect that the busy months will be April to October, with less customers during the colder months.

Animals to be boarded or provide day care services for include dogs, cats, rabbits, guinea pigs and other small mammals. Birds will not be kept at the facility.

Pets will be required to be current on recommended vaccinations for their species:

- Dogs - rabies, distemper/parvo and bordetella (canine cough) vaccines. Bordetella vaccine needs to be given at least 4 days prior to arrival.
- Cats - rabies, leukemia, and feline distemper vaccines.
- All animals are recommended to be on a flea/tick control regimen.

Fencing as shown in the drawings will be six foot high chain link fencing. There will be one indoor play area and two outdoor play areas. Areas around the edge of the fence will be reinforced against digging by installing turf reinforcement mesh. This allows grass to grow, but dogs are not able to dig.

Customers will complete a survey of information about their pets so we can determine if they can be allowed in fencing with other dogs or if they will need to be separated. Visibly ill animals will not be accepted.

Dogs that are not able to play in the fenced in areas will be taken for walks around the property. A series of trails above the river and along the pasture fence line are available to walk dogs as needed. The fenced in areas are large enough to play fetch with the dogs and will have enrichments such as a climbing structure,

Dog waste will be composted as per USDA/NRCS research. Composted dog waste is safe for use on non-food vegetation such as flowers and landscape plants. Proper composting destroys any pathogens. It is recommended to have at least 10 dogs to have enough waste to maintain the compost bin. Compost bins (series of three) will be located to the north of the cattle barn.

The Benefits of Composting (per USDA publication)

- Composting removes raw dog waste from the environment where it can pollute groundwater and streams.
- Good composting destroys pathogens and produces a safe soil amendment.
- Good on-site composting eliminates transporting dog waste to a disposal facility. This saves time, money, energy, and landfill space.
- Good composting produces a quality soil additive that improves both the physical condition and fertility of the soil.

The dog boarding area is in the middle of just under 40 acres of land. The shed being used to board the dogs will have soundproofing insulation (RockWool Safe'n'Sound) installed in the walls of the boarding area. This layer of insulation will reduce the decibels of dog barking from inside to outside by up to 50 decibels. By the time the sound reaches the edge of the property, the decibel level should be less than 30 due to the insulation and distance.
Externally, the shed is on the west side of the outdoor play area. To the north is a strip of trees and several acres of fields. To the east is a strip of trees about 40 feet wide, then an open area and another strip of trees before the property edge. The south side of the outdoor play area will be lined with Autumn Jazz and Blue Muffin varieties of viburnum. This will be intermixed with spruce and deciduous trees to reduce and muffle the sounds of dogs barking. Viburnum is selected due to a study that shows its ability to reduce sound by up to 15 decibels. It is also not poisonous to dogs as some other plants are.

Dog barking can reach 80-90 decibels for big dogs, a group of dogs can reach up to 110-115 decibels. Normal conversations are around 60 decibels. With viburnum six feet from the fence, the decibels of a group of dogs barking is reduced at 800 ft (property edge to the south) to 57.5 decibels. which is about normal conversation levels.

Another mitigation factor is appropriate care and supervision of the dogs while they are at the boarding facility. They will be properly fed and housed, with a caretaker on site for daytime hours.

We hope to open on a part time basis fall of 2023 and become full time spring of 2024.

We are the property owners, live on site and will be the only two employees. As the business grows, we may employ a part time student worker as needed.

We are both lifelong pet owners and caregivers. Becky has a degree in agricultural education from UW-River Falls.

Becky Meyer & Bill Lloyd

1.

N


Existing shed to renovate for dog boarding. 36'x80'
Proposed fenced in play area for dogs .35 Acres
09 00168.00
16

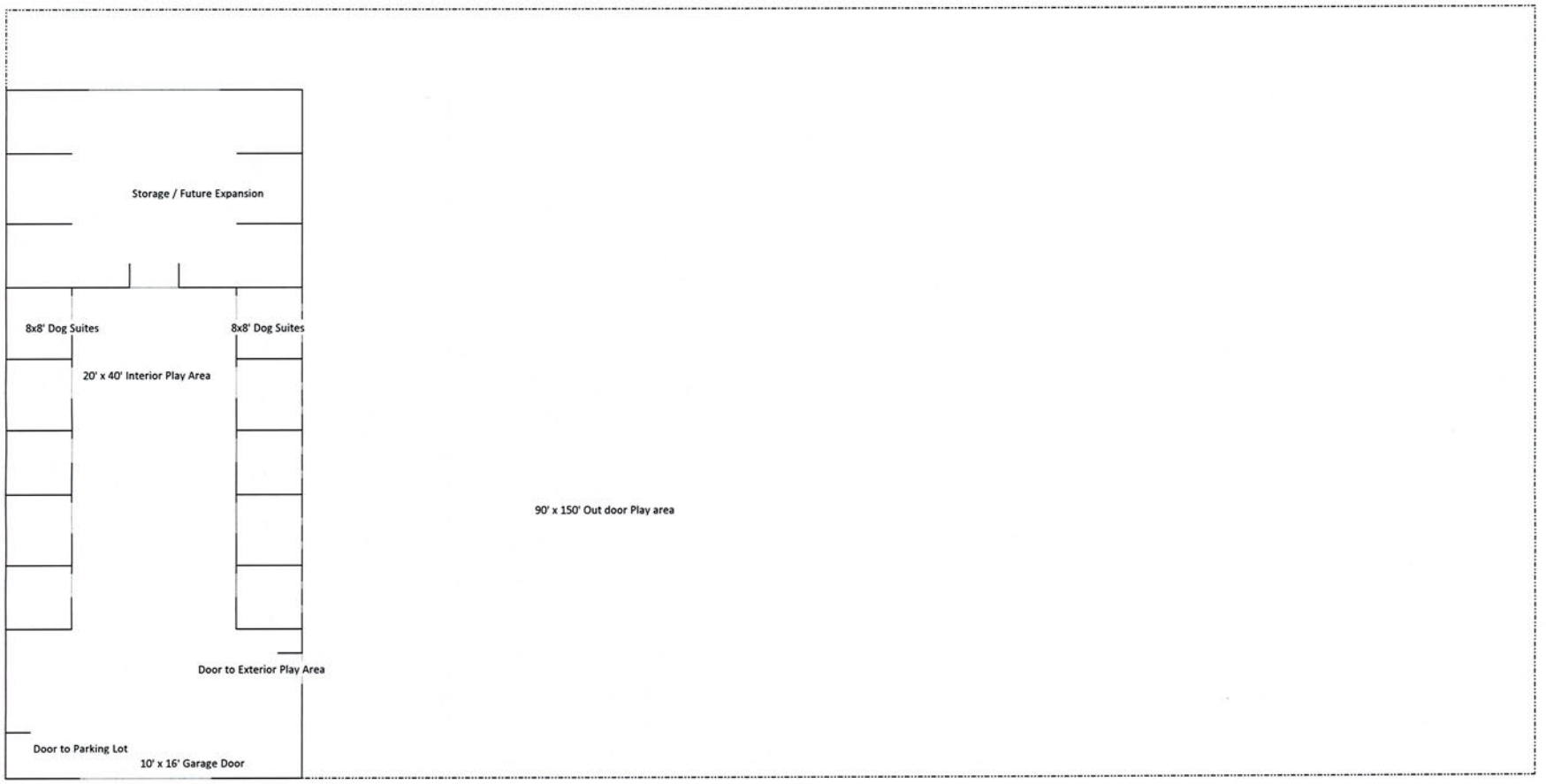
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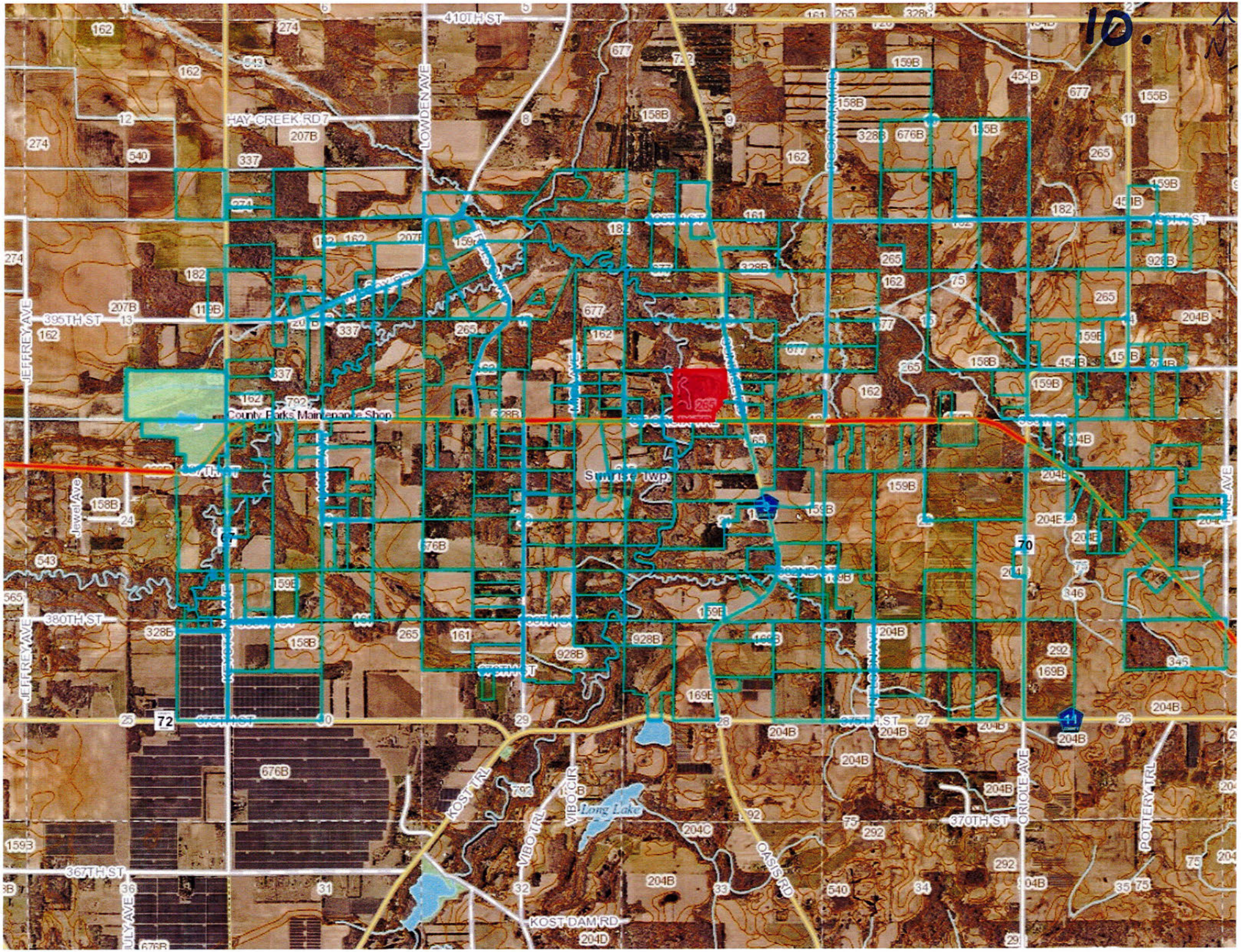

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Sunrise River
60'x 20'
Cattle barn
1200 sq ft
36'x80' Dog
Boarding Shed
4480 sq ft
Parking
Area
6800sq ft
Residence
2558 sq ft
Drive way
750'
39231
39206
39179
09.00158.00
09.00158.10
09.00169.00
09.00168.
09.00247.00
12540
12585
12690
12715
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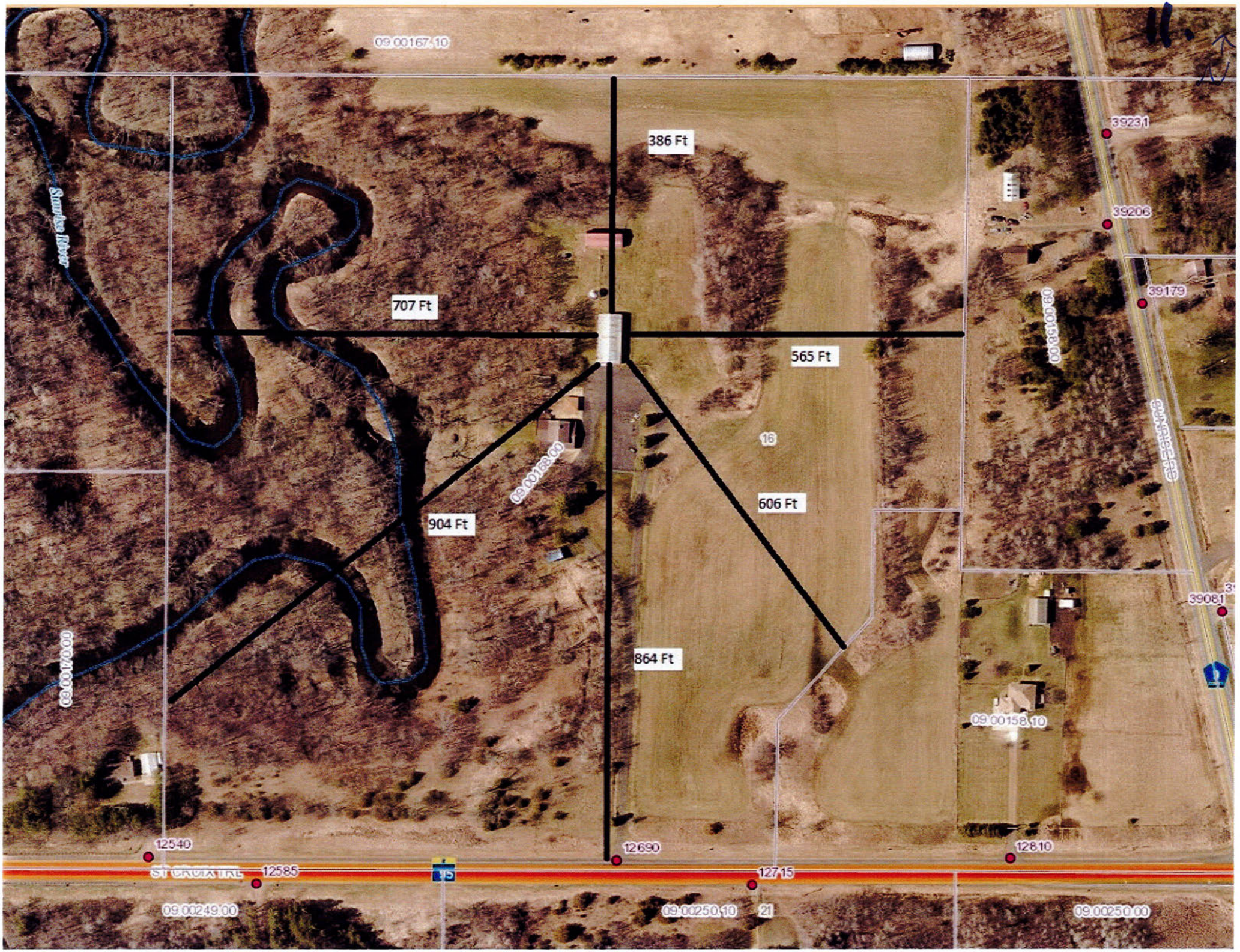
4.



7.


Storage / Future Expansion
8x8' Dog Suites
8x8' Dog Suites
20' x 40' Interior Play Area
90' x 150' Out door Play area
Door to Exterior Play Area
Door to Parking Lot
10' x 16' Garage Door


10.
N
410TH ST
HAY CREEK RD 7
LOWDEN AVE
JEFFREY AVE
395TH ST
County Parks Maintenance Shop
Sunrise Twp
Jewel Ave
380TH ST
72
70
KOST TRL
VIBO TRL
VIBO CIR
Long Lake
OASIS RD
370TH ST
ORIOLE AVE
POTTERY TRL
367TH ST
KOST DAM RD


09.00167.10
386 Ft
707 Ft
565 Ft
606 Ft
904 Ft
864 Ft
Sunrise River
09.00158.00
09.00158.10
09.00250.00
09.00249.00
09.00250.10
16
21
39231
39206
39179
39081
12540
12585
12690
12715
12810
ST CROIX TRL

FRP (Fiber Reinforced Plastic)

FRP is a thin sheet of plastic or resin that has fibers such as fiberglass, carbon, aramid or basalt added to strengthen it. Originally developed as an alternative to wood paneling - the waterproof nature of the material has led to its use in multiple applications! You have seen this material before - as it is commonly used in bathrooms to line shower-stalls.

Some benefits of FRP in the kennel facility:

- High strength to weight ratio.
- Waterproof.
- Low Warping.
- Dimensional Stability.
- Can be glued to existing walls to 'dog-proof them.
- Relatively inexpensive.

Some Downsides to FRP in the kennel facility:

- Thin sheet must be fully supported.
- Usually only has 1 side intended to be exposed.
- Limited color options.
- Can become brittle in cold weather.
- Scratches can cut through the protective finish and expose the fibers inside.
- If manufactured without a UV protective cap, it can degrade in the sun.

Some places where FRP can be used in the kennel facility:

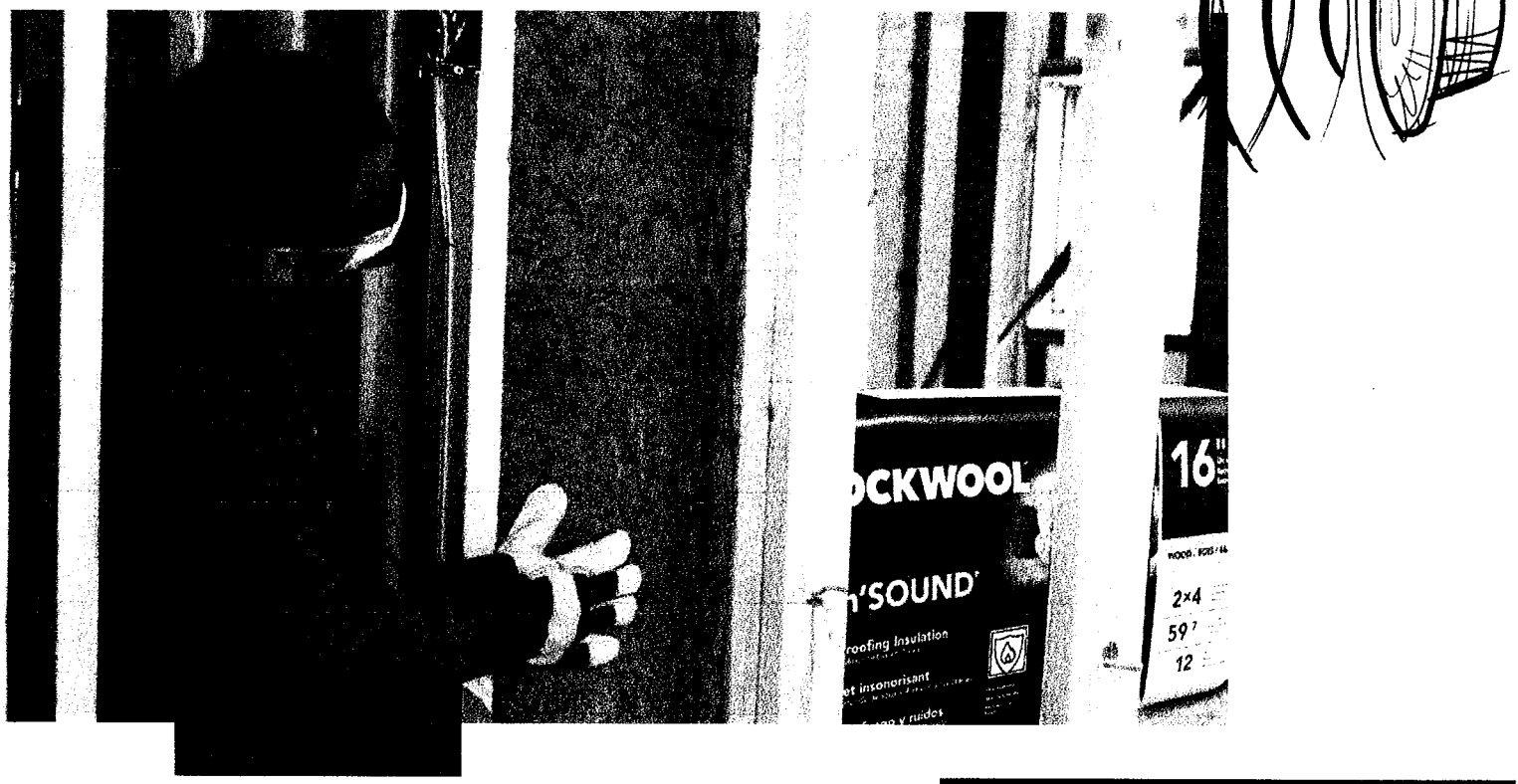
- As a 'dog-proof' wall protector. Protects sheetrock, wood, and metal.
- As an anti fence-fight panel between kennels.
- As a floor protector in a whelping-pen





Safe'n'Sound®

Fire and Soundproofing Insulation



ROCKWOOL Safe'n'Sound® is a stone wool insulation for use in interior partitions of residential wood and steel stud construction where superior fire resistance and acoustical performance are required.

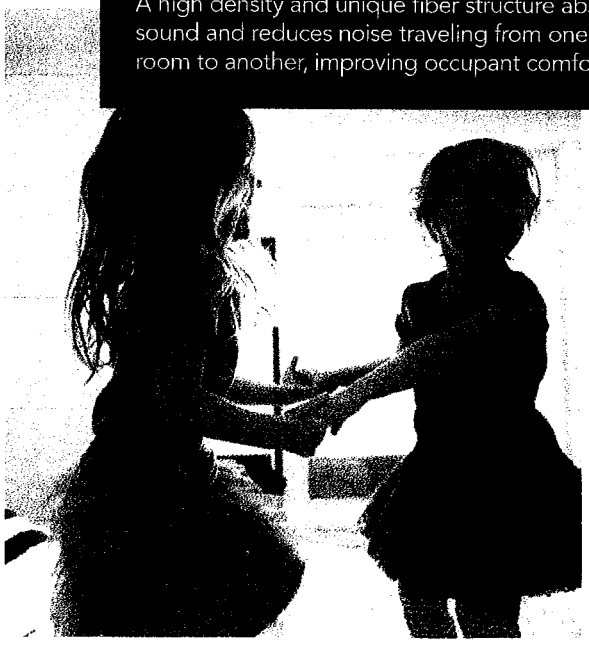
Withstanding temperatures up to 2150°F (1177°C), Safe'n'Sound® is non-combustible and will not produce toxic smoke or promote flames spreading, even when directly exposed to fire. This adds valuable extra time for people to reach safety and for fire services personnel to arrive.

Safe'n'Sound® has excellent acoustical dampening properties and provides an easy friction fit into walls, ceiling and floor applications. It is GREENGUARD Gold Certified and contributes to a healthier indoor environment.

Learn more at rockwool.com

A Quiet Space

A high density and unique fiber structure absorbs sound and reduces noise traveling from one room to another, improving occupant comfort.



ROCKWOOL™

Safe'n'Sound®

Residential Fire and Soundproofing Insulation

Technical Data Sheet

Batt Insulation 07210 & 09820*
Acoustic Blanket Insulation 09 81 16**

ROCKWOOL Safe'n'Sound® is a mineral wool batt insulation for interior partitions of wood and steel frame construction where superior fire resistance and acoustical performance is required.

	Performance	Test Standard
Compliance	Mineral Fiber Blanket Thermal Insulation, Type 1 Compliant	ASTM C665
	Mineral Fiber Thermal Insulation for Buildings, Type 1 Compliant	CAN/ULC S702
Reaction to Fire	Flame spread index = 0; Smoke developed index = 0	ASTM E84 (UL 723)
	Flame spread index = 0; Smoke developed index = 0	CAN/ULC S102
	Determination of Non-combustibility of Building Materials - Non-combustible	CAN/ULC S114
	Behavior of materials at 750°C - Non-combustible	ASTM E136
	Smolder Resistance - 0.09%	CAN/ULC S129
Density	Actual Density - 2.4 lb/ft³ (38 kg/m³)	ASTM C167
Thickness	Product is available in 3" (76 mm) and 6" (152 mm) thicknesses	
Dimensions	Wood Stud 16" (406 mm) on center: 15.25" x 47" (387 mm x 1194 mm) Wood Stud 24" (610 mm) on center: 23" x 47" (584 mm x 1194 mm) I-Joist 16" (402 mm) on center: 16.25"x48 (413 mm x 1219 mm) I-Joist 19.2" (488mm) on center: 19.2" x 47" (488 mm x 1194 mm) Steel Stud 16" (406 mm) on center: 16.25" x 48" (413 mm x 1219 mm) Steel Stud 24" (610 mm) on center: 24.25" x 48" (616 mm x 1219 mm)	

System Testing	System Description	Sound Transmission Class (STC)	Fire Resistance
	5/8" gypsum boards (type x) 3 5/8" steel studs spaced 24" OC 1 layer of 3" Safe'n'Sound® Steel Stud	52	1 hour
	5/8" gypsum boards (type x) 2x4" wood studs spaced 16" OC 1 layer of 3" Safe'n'Sound® Wood Stud Resilient Channels spaced 16" OC	45	1 hour (non-loadbearing) 45 min (loadbearing)
	2x10" Wood Joists spaced 16" OC 1 layer of 6" Safe'n'Sound® Wood Stud Resilient Channels spaced 24" OC 5/8" gypsum boards (type x)	50	30 minutes

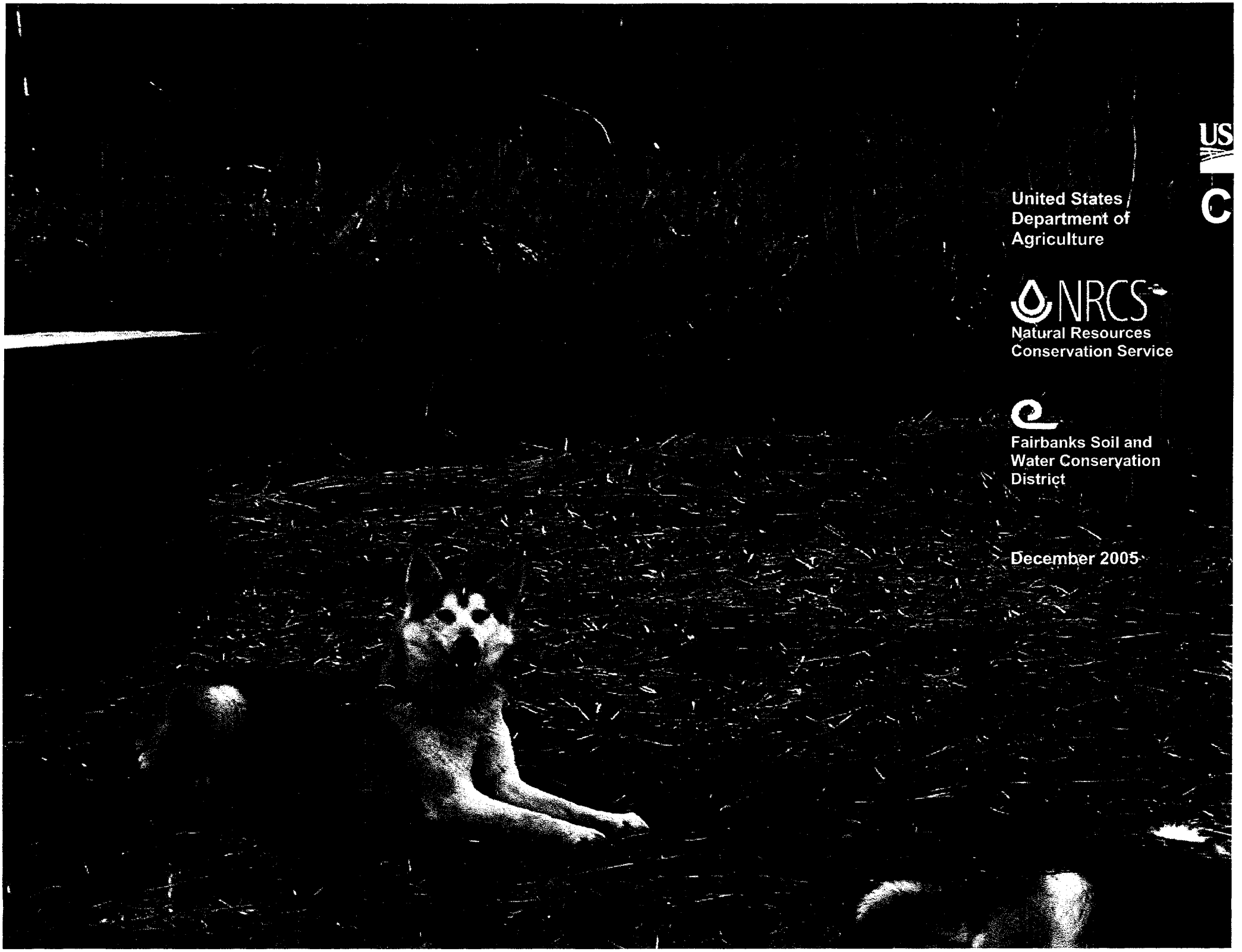
Acoustical Performance	Thickness	125 Hz	250 Hz	500 Hz	1000 Hz	2000Hz	4000 Hz	NRC	ASTM C423
	3"	0.52	0.96	1.18	1.07	1.05	1.05	1.05	
	6"	1.11	1.28	1.15	1.06	1.03	1.01	1.15	

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Supersedes 08-23-17

NOTE: *Master Format 1995 Edition **Master Format 2004 Edition. As ROCKWOOL has no control over installation design and workmanship, accessory materials or application conditions, ROCKWOOL does not warranty the performance or results of any installation containing ROCKWOOL's products. ROCKWOOL's overall liability and the remedies available are limited by the general terms and conditions of sale. This warranty is in lieu of all other warranties and conditions expressed or implied, including the warranties of merchantability and fitness for a particular purpose.

ROCKWOOL™

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United States
Department of
Agriculture

NRCS
Natural Resources
Conservation Service

Fairbanks Soil and
Water Conservation
District

December 2005

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www.ak.nrcs.usda.gov

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Credits

Photos by Ann Rippy, Cassandra Stalzer and Mitch Michaud, Natural Resources Conservation Service. Compost bin illustrations by Ellen Million and Noël Bell.

Thanks to the Alaska Department of Environmental Conservation and the U.S. Environmental Protection Agency for support and funding of the original study. And a huge thank you to all the mushers and kennel owners who were willing guinea pigs and creative innovators.

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Introduction

Archeological evidence shows that dogs have been used in Alaska for hundreds of years as transportation, hunting, and pack animals. The tradition of living close to canines continues today as Alaska dogs function as devoted pets, competitive athletes, and tireless laborers.

The Environmental Protection Agency estimates that the typical dog excretes three quarters of a pound of waste per day—or 274 pounds per year[1].

A musher with a modest-sized kennel of 20 dogs must dispose of more than two tons of dog waste annually!

To get an idea of the scale of the dog waste generated in Alaska, consider that in Fairbanks and Anchorage alone, an estimated 20 million pounds of dog waste is produced each year.

Left alone, dog waste can pollute ground and surface water, attract flies and pests, cause an unpleasant odor, and create unsanitary living conditions for dogs.

Dog waste can also transmit parasites and infectious diseases.

Dog waste is a safe soil additive for revegetation and landscaping when it is composted properly.

Composting dog waste is a simple and inexpensive method for disposing of dog waste that can enhance the environment and reduce the amount of waste deposited in landfills[2].

The Dog Waste Compost Study

In 1991 the Fairbanks Soil and Water Conservation District, with technical assistance from the USDA Natural Resources Conservation Service, conducted a study with dog kennel operators to evaluate the possibility of composting dog waste in northern climates.

[1] The actual volume of dog waste depends on the dog and its diet. Working dogs that are fed high protein, high energy diets of concentrated feed will produce less waste than less active dogs that are fed a less concentrated feed.

[2] This study only included dog waste. Cat and other pet wastes were not studied. Cats may carry parasites that are harmful to human fetuses. We do not recommend adding cat waste or cat litter to your compost.

The goal of the study was to develop easy yet effective dog waste composting practices that reliably destroy pathogens found in some dog feces.

This publication draws upon the results of the original study and more than a decade of additional experience.

The Benefits of Composting

- Composting removes raw dog waste from the environment where it can pollute groundwater and streams.
- Good composting destroys pathogens and produces a safe soil amendment.
- Good on-site composting eliminates transporting dog waste to a disposal facility. This saves time, money, energy, and landfill space.
- Good composting produces a quality soil additive that improves both the physical condition and fertility of the soil.



Composting can reduce the volume of dog waste by 50 percent. The mature compost pile in the foreground once filled the bin seen in the background.

Uses for Dog Waste Compost

Compost is an excellent source of organic matter to add to your garden or potted plants. It helps improve soil structure which contributes to good aeration and moisture-holding capacity. Compost is also a source of plant nutrients.

Compost can also be used as a mulch material.

Dog waste compost can be used as a soil additive for revegetation, lawn establishment, and planting beds. It should not be used on crops grown for human consumption. When used in a potting mix or flower beds, a 25 percent compost blend is recommended. Compost has a relatively high salinity and is not recommended for germinating seedlings.

What is Composting?

Composting is the controlled breakdown or degradation of organic material into a product known as humus. Dog waste composting is a natural process that requires air, water, organic matter, microbes and a little human intervention.

Supplies

Composting requires a supply of nitrogen-rich materials (sometimes referred to as green or wet materials) and carbon-rich materials (dry or brown materials).

Nitrogen rich (wet) materials include:

- dog waste
- green grass clippings
- vegetable waste
- other animal manures
- bagged fertilizer

Think Protein!

Nitrogen is a major component of protein, so when you look for nitrogen rich materials for your compost, look for materials high in protein like fish waste, blood meal, cottonseed meal, and some kitchen scraps.

Carbon rich (dry) materials include:

- sawdust
- chopped straw or hay
- shredded newspaper
- dog bedding
- fallen leaves

- A long-stemmed thermometer is necessary to monitor compost temperature and can be found at some garden supply stores.

- You might find a moisture meter helpful for monitoring the moisture content of the compost pile.

- You will also need a shovel or fork for turning the compost. Our experience was that a long-handled hay fork is easiest to use when turning and mixing, while a shovel is handy for adding and measuring ingredients.

- You will need some kind of bin to contain the composting material. You can compost in a pile or a pit, but it will be difficult to reach the high temperatures needed to destroy pathogens and the process will take longer. Bins improve aeration and facilitate easy turning of the compost. See bin designs on page 4. You will need at least two bins, one for collecting waste while the other is actively composting.

- You will also need a reliable supply of water. Although water from a garden hose is fine, you may want to temper your water by letting it sit in the sun to warm before adding it to the compost. Cold water, even from rain, will lower the temperature of the compost. This is one reason to keep a cover on your compost bin.

REMEMBER—Small particles have greater surface area than large particles. The finer your composting ingredients are chopped, the hotter your compost will be and the faster it will progress. The best carbon source identified in our study was fine sawdust like that found at a woodworking shop or construction site.



Dog bedding is a ready source of carbon rich material in some kennels.

Composting Dog Waste—Step by Step

There are two methods you can use to build your compost pile. The first is to collect the materials separately and then mix them all at once. The advantage of this method is that the materials will not begin to decompose until mixed. You will get the highest temperatures and the fastest compost when dog manure, carbon, water, and air are all introduced at the same time. However, this method might have a higher "gag factor."

Compost Recipe

Proportions:
2 shovels full of dog waste
1 shovel full of sawdust or other carbon rich material

Build the pile:
Thoroughly mix sawdust and dog waste, adding water as you go.
Keep covered and let it "cook."
When the temperature drops, turn the pile.
Repeat until the temperature stops rising after turning.
Cooking time varies from 6 to 8 weeks.

The second method is to add the carbon source to the dog waste as you collect it from the dog yard and mix it as it is placed in the bin. This method is easier and as long as the pile remains dry, very little decomposition should happen until you are ready to turn the pile and add water. Because the pile of mixed dog waste and carbon will have a less offensive odor than if the materials are collected separately, many people prefer this method.

- To begin, choose a sunny, dry site near the dog area for your compost bin. The site should not be near pregnant or nursing dogs, or where runoff from the pile would flow into the dog yard.
- For every two shovels full of dog waste, add one shovel full of sawdust or other carbon source. Mix thoroughly after each addition.
- Add water in small amounts until the compost mixture is as moist as a wrung out sponge.
- Continue adding ingredients until the compost is two to three feet deep. Once a bin is full, do not continue adding fresh materials.
- Place a cover on the compost mixture. Microbes will begin breaking down the organic materials. As the microbes go to work, they release heat and increase the temperature of the compost pile.
- Insert the compost thermometer daily and record the internal temperature. When the temperature starts to decline—usually in two weeks—it is time to turn the compost.
- Turn the entire compost pile—from the outside to the inside—in order to ensure that all the material reaches the high temperatures needed to kill pathogens. Repeat the turning process each time the internal temperature of the compost drops. After several cycles, the compost will not heat up. This indicates that the compost process is complete.
- Cure your finished compost for several months or even a year before using it. This will stabilize the pH and ensure that the decomposition process is complete.

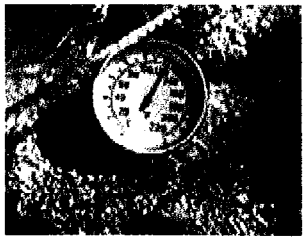


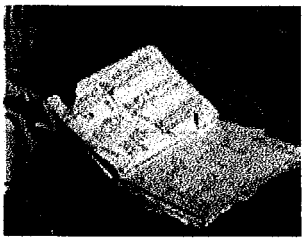
REMEMBER—It takes at least 10 dogs, preferably 20, to generate enough waste to maintain a bin. A large pile (3 to 5 foot cube) is needed to provide insulation and keep temperatures high in the pile's center. For fewer dogs you can keep a separate compost bin for dog waste and add grass clippings or other nitrogen sources to increase the volume. Treat the finished compost as you would other composted dog manure.

Compost and Temperature

The temperature of a compost mixture is very important. It reflects the level of microbial activity. The center of the compost mixture is the hottest, so insert the thermometer toward the center when taking the temperature. Repeat this in several places. Write the temperature with any comments in a daily record.

A thermometer and good record keeping are essential to successfully composting dog waste.





Temperatures in fresh compost mixtures rise quickly—up to 160° F and greater—then decline slowly until the compost temperature approaches air temperature. If you do not see this rapid rise and gradual decline of internal temperatures, the compost recipe may need to be adjusted (see Troubleshooting tips on page 8).

Declining temperatures indicate it is time to turn the compost. Take care to mix the outside materials towards the center. It will take several turnings over a period of six weeks or more for the compost to be mature.

Compost temperatures can get too high. Don't plunge your hand into the center of an active compost pile. In very rare cases, extremely high temperatures can cause a pile to ignite. Add water to a very hot pile to quickly drop the temperature.

Important!

Compost must reach 145°F for several days to destroy pathogens.

Composting and Winter

It is possible to compost into the fall, but eventually the cold inhibits the microbial activity. The result is a build up of dog waste in the winter months. With a little planning, the buildup can be added to bins during the winter, and then effectively composted in the warmer months. During the Fairbanks Soil and Water Conservation District study, these steps encouraged good composting throughout the year:

- When clearing waste from the dog area, add the carbon source directly to your bucket, wheelbarrow or whatever receptacle you use for collection. Mix the carbon source and dog waste together, then add the mix to the compost bin.
- Store the compost ingredients directly in the bins; after spring thaw, turn the pile and add water to begin composting.
- Avoid mixing excess snow with the dog waste.
- Don't let your pile grow too large. If your winter compost pile will exceed five feet across before spring, either start a second pile or consult local NRCS staff for more information on large-scale animal waste composting systems.

Compost Bin Designs

There are many bin designs to choose from and new ideas come along every year. Spend a little time learning about bins now, and you might save yourself frustration and expense later on. Choose a system that meets your individual needs and fits your site.

Wire Cylinder



Wire bins were overwhelmingly preferred by mushers participating in the Fairbanks study. They are inexpensive and can often be built from materials on hand (see instructions on page 7 to easily construct this bin). Some have a wooden frame to provide support, and many can be made larger or smaller to accommodate the amount of material available for composting.

The compost material in wire bins is very easy to turn. The bin can be disassembled then reassembled next to the compost pile. The compost is then turned back into the same bin.

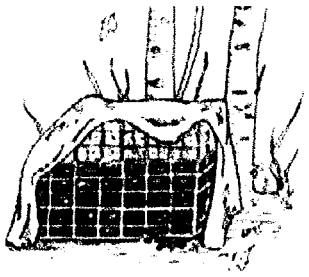
Wire bins allow the most air to reach the material, resulting in high compost temperatures and more complete destruction of pathogens. Wire bins produce hot, fast compost that will mature quickly, but the bins need to be tended more intensively than do other designs.

Wire bins are a good choice where rodents or other pests are a problem.

One drawback to wire bins is that they do not retain heat as well as plastic or wood bins and so probably are not a good choice for cool, wet climates or areas with an extremely short compost season.

Some wire bins are not very sturdy and can be crushed in a busy dog yard. Don't expect light weight wire bins to last more than a few years.

Wire Bin (Puppy Pen)

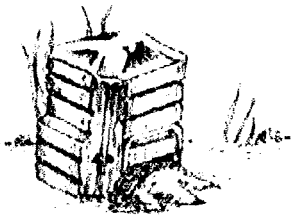


Puppy pens are a good choice for composters with only a few dogs and who plan to add a lot of leaves and grass clippings to their compost. You can find commercial versions of these wire bins, which makes them convenient for those who don't want to build their own.

Be aware that wire bins with large openings may have trouble containing compost. But like other wire bins this design provides the most air to the compost material, which produces hot, fast compost.

Wire bins do not retain heat as well as plastic or wood bins. They are probably not a good choice for cool, wet climates or areas with a frost-free season of two months or less.

Rigid Plastic Bins

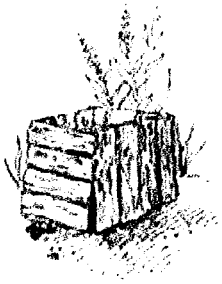


These bins are small and blend in with gardens and landscaping. They tend to stay warmer in cool, wet weather than some of the other designs, which can extend the composting season into the fall months.

If time to tend the pile is limited, then rigid plastic bins are a good choice. You can add material at the top and use an aerator tool for mixing. Finished compost is extracted from an opening in the bottom.

These bins allow less air to reach the material than do wire bins and therefore do not reach the high temperatures you can expect with wire bins. They also are too small to compost waste for large numbers of dogs.

Pallet Bin



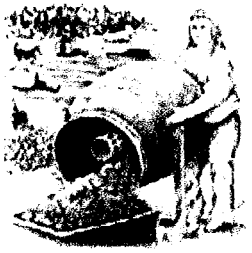
Wooden bins that are made from pallets or slab wood are cheap and effective. You can build a bin with four pallets and a few feet of twine in less than an hour.

Pallet bins are not very flexible in terms of size, are very heavy and can make turning the compost difficult. Wood tends to decompose over time and bins will have to be replaced after a few years—particularly in wet climates.

Pallet bins are an excellent choice for storing carbon materials and finished compost.

Pallet bins allow the compost material to receive plenty of air but they are not a great choice if rodents or other pests are a problem. Lining a pallet bin with hardware cloth is an option if pests are a problem.

Tumbler Bins

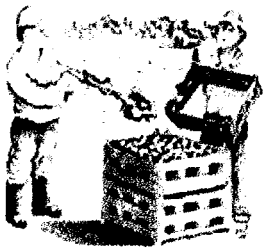


Tumbler-type compost bins tend to be more expensive to build or purchase. Some incorporate a pipe for passive aeration but all are intended to be rotated to stir the compost.

For many tumbler models, rotating the bin is more difficult than it looks. Physics is on your side but you are still moving the entire contents of the bin at one time. Some bins have the annoying habit of losing the lid and dumping the contents on your feet. If possible, try using the tumbler before you purchase it.

These bins should not be filled more than about one-half full to leave room for mixing. Tumblers allow less air to reach the compost material than do many other systems and do not reach the high temperatures you can expect with wire bins.

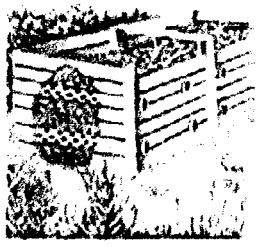
Stacking Type



You can purchase a three-tier stacking bin made of recycled plastic or build your own out of wood. Either way, this kind of bin is easy to turn and very tidy looking.

These bins share many of the drawbacks of the rigid plastic bins. They are small and do not allow a lot of air to reach the compost material, but they retain heat well and may extend the compost season.

Passive Aeration



Passive aeration can be used with a variety of bin types. The idea is to get oxygen into the center of the pile without having to turn or stir the compost. Perforated pipe is inserted into the compost as the pile is constructed. The ends of the pipe are left open to allow air exchange.

The initial construction of a passive aeration system requires a little more forethought and a lot more management than a turned pile, but it eliminates much of the work. The compost temperature should

be monitored and water must still be added regularly.

One step up from the passively aerated pile is a forced air system where a blower or pump is connected to pipes to force air into the center of the pile.

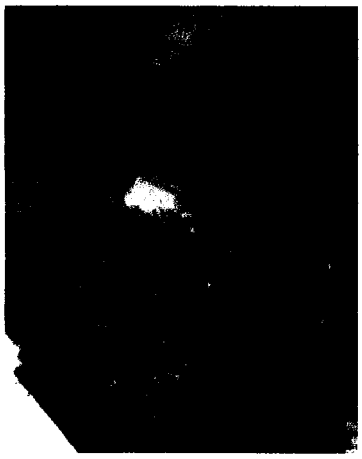
For help designing forced aeration and other complex systems consult NRCS or another qualified professional.

Compost Maturity

The easiest way to determine if compost is mature—meaning all the organic materials have degraded—is by monitoring the temperature. If, after several turnings, rewettings and aerations, the compost does not reheat spontaneously, it is probably mature.

Compost maturity has important implications for plant growth. The final step in composting is to cure the compost for at least a month and preferably over winter.

Cured compost does not compete with plants for nutrients. If unfinished compost is mixed into the soil, it may tie up oxygen and nutrients necessary for plant growth. These nutrients are not gone from the soil, but made unavailable to the plants until the organic matter is broken down.



Mature compost has a dark color, is moist and crumbly, and has a pleasant earthy odor.

Health Concerns

All compost contains mold and fungus spores which may cause an allergic response in sensitive individuals.

Keep animals, particularly puppies and pregnant females, away from the compost area to prevent transmitting any disease to other dogs, livestock, and wildlife.

Dogs can transmit diseases to humans regardless of whether you are petting a dog or shoveling waste into a compost bin. Children can be at greater risk because they frequently put their hands and other items in their mouths.



REMEMBER—The best way to decrease health risks associated with dog waste is to have healthy dogs. Follow a worming schedule developed by a veterinarian familiar with local conditions.

Health risks vary depending on the climate, so ask a local veterinarian to recommend a parasite control program suitable for your area.

Although there are many potential pathogens, the primary agents for disease are roundworm eggs. They are too small to see with the human eye. Dogs become infected with roundworms by swallowing the eggs in soil where other dogs have defecated. Infected female dogs pass on roundworms to their puppies. Roundworm eggs hatch in the dog's intestine, migrate through the liver and lungs and return to mature in the intestine. The adult roundworm lays eggs which are passed on to the soil, thus completing the life cycle. If humans ingest the eggs, they hatch in the intestine and migrate to other body tissue like lungs, liver, and spinal cord. The larvae can even attack the retinas in the eye.

In certain geographical areas, other parasites may be a problem. One tapeworm (*Enchinococcus sp.*) found in remote regions can produce life-threatening cysts if ingested.

Disease transmission from most parasites one might encounter when composting dog waste can be avoided by not coming in contact with the eggs.

Do not compost waste from dogs showing signs of disease or illness. This waste should be disposed of in another manner.

Decrease health risks by:

- Wearing rubber gloves and always washing hands after handling dogs or dog waste
- Confining dog waste to a specific area
- Not including waste from unknown dogs
- Keeping dog waste tools and clothing separate from other tools and clothing
- Not feeding dogs raw meat or fish
- Do not allow children to play in areas where dog waste compost has recently been applied
- Consulting a veterinarian about a parasite control program for your area
- Not applying dog waste compost to crops intended for human consumption

Building A Wire Compost Bin

Materials:

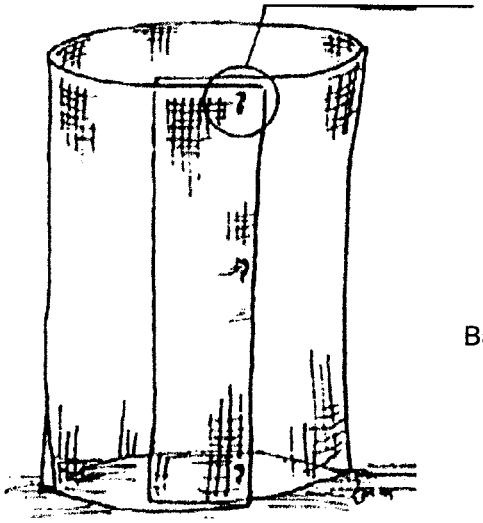
- ✓ 10' of ½" hardware cloth, 3' wide
- ✓ 3 swivel snaps
- ✓ Wood or plastic for bin cover

Tools:

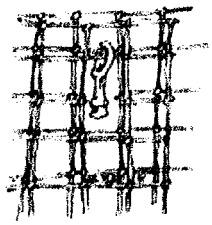
- ✓ Wire cutters
- ✓ Gloves
- ✓ Tape measure

Cut a 10' length of hardware cloth. The cloth will naturally form a circle because it has been stored in a roll. Overlap the edges of the cloth by at least 6". Use the wire cutters to remove one side of a ½" square. This makes it easier to clip the swivel snaps into the hardware cloth. The cut will need to go through both layers of hardware cloth. Make three of these cuts evenly distributed along the overlap as shown in the drawing. Clip the bin together using the three swivel snaps. Stand the bin upright and fill the bin with materials to be composted. Cover the bin with a sheet of plastic or piece of plywood to retain heat and keep out rain.

Finished Bin



Clipping the Bin Together



Brass Swivel Snap



Troubleshooting

Condition	Possible Cause	Solution
Compost does not heat up or heats up slowly	➢ Not enough nitrogen source	Add dog waste or other nitrogen source
	➢ Not enough moisture	Add water
	➢ Not enough air	Turn compost pile
	➢ Too much moisture	Add dry materials, mix and cover
Compost smells bad	➢ Too much nitrogen source	Add sawdust or other carbon source
	➢ Too much moisture	Add dry materials, mix and cover
	➢ Not enough air	Turn the compost pile and/or consider an alternative bin design
Fly infestation	➢ Fresh materials near the surface	Cover new compost with a layer of finished compost, sawdust or wrap bin in porous weed control fabric
Extremely high temperatures in excess of 160°F	➢ Compost pile too large or too much air	Divide compost, add water and turn You can add water in an emergency to quickly lower temperatures

Record Keeping Sheet

Kennel Name _____ **Starting Date** _____

Date	Temperature	Comments
Example 6/12	98	Loaded bin today -temp already rising

Concerns that have been brought to our attention:

Lights- we do have lights on our shed and a yard light.

Dogs will be in the exercise yard up to four times per day. Group play will be during daytime hours, quiet hours overnight. There may be times when dogs need to be outside during later hours, but will be on an individual basis and 1:1 with a staff person.

Noise: excessive barking potential

Noise mitigation:

1. Insulation of the building - rock wool and fabric noise reduction panels, rubber floor mats, curtains on the windows.
2. Outdoor plantings of shrubs to compliment existing tree lines, distance from neighbors helps reduce decibels
3. Canvas along fencing while plantings grow.
4. Supervision of dogs while outside, take action with excessive barking to include working directly with the animal to determine the problem (hunger, fear, curiosity, lack of training), move the animal back inside for continued work. Possibly send home early if problem cannot be remedied.
5. Screening dogs: owners will complete a pre-visit screening to include questions about the dogs health and vaccinations, temperament, training, socialization and schedule.
6. Excessive barkers will not be allowed to return without proof of completion of appropriate training.
7. Dogs will be provided enrichment activities such as puzzle feeders, feeding mats, frozen treats, and scented items.
8. Music will be played to help calm the animals.
9. Trails on the property will be utilized to provide exercise. Tired dogs sleep better!
10. Move dog to a kennel inside the house to remove the animal from connection and scent of other boarded animals.
11. Aggressive dogs and/or dogs who have a history of biting will not be allowed.

When dogs are boarded at our facility, there will always be a person on site to supervise.

The building will be well ventilated, with barn fans, open doors and windows to control heat, mini split air conditioners will be added as needed.

Electric heating units will be added for winter heating needs.

RECEIVED

JUN 14 2023

Chisago County
Dept. of Environmental Services
BG

RECEIVED

JUN 15 2023

Chisago County
Dept. of Environmental Services
BG

DATE: 6/12/2023

TO: Sunrise Township Board of Supervisors, Chisago County Planning Commission, Chisago County Environmental Services, Chisago County Board of Commissioners.

FROM: Eric and Tara Leivian – 12810 Saint Croix Trail, North Branch, MN 55056. PID 09.00158.10.

RE: Items for consideration regarding the Interim Use Application at 12690 Saint Croix Trail, North Branch, MN 55056 for a dog boarding facility.

Background

We are the owners of the property that is adjacent to the southeast of the applicants. Our entire western boundary, and part of our northern boundary is shared with the applicants. Our property address is 12810 Saint Croix Trail, North Branch, MN 55056, PID 09.00158.10

We have owned and occupied the residence for 12 years. Eric has worked in Fraud and Corporate Security for over 15 years and is currently a Risk Manager for a large regional bank. He specializes in fraud technology and fraud strategy risk. For the past three years he has worked from home, and will continue to do so, as his job is classified as 100% remote. He holds a bachelor's degree in business law. Prior to his work in Fraud and Corporate Security, Eric studied audio production, with an emphasis in acoustic science. After completing an A.A.S degree, Eric worked professionally as a live sound and studio engineer as well as a professional musician. Eric spent over four years in the music industry working in Germany and the United States in recording studios, live sound venues and on stage. As a hobby, he remains active in audio production.

Tara has worked for the State of Minnesota for 19 years. She has held several clinical positions within the Department of Human Services (DHS) and the Department of Corrections (DOC). She currently works out of the DOC facilities in Rush City and St. Cloud. Tara holds a bachelor's degree in criminal justice, a master's degree in marriage and family therapy, and is a MN state Licensed Marriage and Family Therapist (LMFT).

On the afternoon of Tuesday June 6th, prior to that evening's Sunrise Township planning commission meeting, we were made aware of an application at the adjacent property, address 12690 Saint Croix Trail, North Branch, MN 55056. The application is regarding an Interim Use Permit (IUP) for a dog boarding facility. Due to the late notice, and as a potentially impacted property, we were neither prepared for nor able to attend the meeting. Following the meeting, the applicants stopped by to provide the packet submitted and provide additional details of the application. We informed them we would review the information and reach out with questions and/or comments. After we had time to review the packet, Eric reached out to the applicants on Saturday June 10th for additional clarification on items that were either A) not discussed in

the application or B) additional clarification was needed. A synopsis of the questions and responses are as follows. Please note these are not direct quotations:

- Would there be any turn out at night (outside of a special need, emergency, etc.)? *Applicants advised there is not be any turnout at night.*
- Would the outside play be supervised? *Applicants advised the outside play was to be supervised.*
- Would any additional high intensity lighting be added (e.g., stadium style lighting)? *Applicants advised no high intensity lighting would be added, just the typical lighting seen on barns and outbuildings would be utilized.*
- The application references a heating system for the colder months. During the summer would there be a cooling system, or would the large garage door be utilized? *Applicants advised the plan in the summer was to open the garage door with air circulation, with additional evaluation done as needed.*
- Would there be a barking and/or noise response plan to ensure timely remediation should the need arise, and could it be considered? *Nothing in the affirmative. Applicants advised they would look into what other boarding facilities have done.*

Based on the new information and clarifications provided to us by the applicants, we would ask the reviewing authorities include it in their evaluation. In addition to the information above, we felt it prudent to evaluate the information in the packet regarding distances, decibel levels, existing/proposed screening and its effectiveness. We ask that the items presented below be evaluated by the reviewing authorities to ensure the tranquility and enjoyment of our property is not overlooked.

Items for Consideration:

Evaluation of noise mitigation efforts

We believe that the applicants and the Sunrise Township Planning Commission erred in their evaluation of sound mitigating screening by applying a rationale that is not consistent with the Chisago County Zoning Ordinance Section 7, Performance Standard 7.05. The provision states:

> *Noise and vibrations generated from any use shall be in compliance with Minnesota Pollution Control Agency rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is located.*

Within the application, the applicants cite two tree lines separating the area of intended use from adjacent properties (our property being adjacent). However, an integral portion of the second tree line cited at the property line for noise mitigation is on our property (as seen on Fig. 1). Meaning, the applicants and the Sunrise Planning Commission are counting our trees/screening as a sound mitigating resource as a means of preventing "undue or

objectionable" noise originating from the applicants' property as the noise abatement for our property. We believe there are three issues with this rationale:

1) Based on Performance Standard 7.05, sound is evaluated at the property line. If the sound is undue or objectionable at the property line, then any natural screening on our property is irrelevant to applicants' desired use.

2) By using our trees/screening as a mitigating factor it unduly restricts our right to effectively enjoy the entirety of our property. If we so choose to expand or utilize that portion of the property by removing or thinning the trees, the onus was never on the applicants to effectively mitigate undue or objectionable noise transmitting from the applicants' said use. It effectively places that responsibility on us, if the permit is approved. The use of our property as mitigation for any noise the applicants' use may produce would result in a direct contradiction to Performance Standard 7.05. Essentially, it would not allow us to fully enjoy our property, because by doing so, we would be subjecting ourselves to undue or objectionable noise by expanding upon or utilizing that area of the property. This would be prioritizing the applicants' present desired land use of their property over that of any future use by us on our property.

3) Because noise transmitted from the applicants' use is measured at the boundaries, we do not believe the distances provided by the applicants accurately reflect the true distances as measured from the edge of the applicants' site use to the closest boundary point (our northwest corner) of our two properties. The distance illustrated in applicants' packet indicate a distance of 606 feet. When applying the standard above, the distance measured from the southeast corner of the applicants' described animal play area to the northwest corner of our property is approximately 346 feet, and approximately 490 feet from southeast corner of the applicants' described boarding building, as illustrated on (Fig. 1 provided).

Decibel Decay Over Distance and Screening

Human hearing is in the frequency range of 20 Hz – 20,000 Hz (Purves D, 2001), with the human auditory system most sensitive to mid-range frequencies, specifically the 2,000 Hz to 5,000 Hz range (Gelfand, 2009). This is known as the "critical bandwidth" for human hearing. Additional studies have indicated a broader range of 500 Hz to 4000 Hz (National Research Council (US) Committee on Disability Determination for Individuals with Hearing Impairments, 2004). At these frequencies, our ears are more responsive to sound and typically perceive it as being louder compared to very low or very high frequencies of the same intensities. This is important for the following two reasons:

1) **Screening:** The applicants provide details regarding existing and proposed screening as noise reduction mitigation efforts. As previously discussed, we do not believe any trees/screening that exist on our property can be considered or used by the applicants as mitigation efforts toward their activity. We offer three items for consideration

regarding the existing and proposed screening, all three items are supported by USDA research: Using agroforestry to buffer noise. (Straight, 2011)

a. Any planned or planted screening has not yet reached maturation. Any area with clear line of sight provides no abatement to noise.
b. The noise buffer must completely block the line of sight. If any light is seen through the buffer, it is providing no appreciable noise reduction. The USDA research concludes when only using trees and shrubs the planting must be at least 100 feet wide, and even with such width, reduction of noise greater than 5 dB is unlikely.
c. During the autumn, winter and spring months any deciduous buffer will offer no mitigation due to the reemergence of line of sight resulting from dropped foliage, as well as the lack of mature evergreen screening with a sufficient width (as articulated by USDA research).

2) **Decibel Decay Over Distance:** As sound travels from its point of origin its energy decays, meaning its energy intensity reduces with the square of the distance from the source (aka Inverse Square Law). For every doubling of distance, the sound level is reduced by 6 dB (in simple terms a decibel or dB measures the amplitude or "intensity" of a sound wave, it is a logarithmic unit of measure that quantifies the ratio between two sound intensities). In order to accurately assess the true impact of sound at the property line the decibel decay must be calculated and evaluated. This is done by using the logarithmic formula below:

$L2 = L1 - 20 * \log10(D2/D1)$

L1=Sound level (dB) at point of origin
L2=Sound level (dB) at final distance
D1=Distance (ft) observed from the sound source
D2=Final distance (ft) from sound source.
Log10=Logarithm to the base 10
20=Converts the distance ratio into a dB value, each 10-fold change in distance corresponds to a change of approximately 20dB.

**It is worth noting temperature, atmospheric pressure, and humidity play a role in decibel decay, however, at the distances being evaluated here they are negligible (i.e.+/- <1 dB)*

The applicants state a group of dogs can reach up to 115 dB and individual dogs up to 90 dB. When applying the formula above to determine decibel level as a result of decay, using the property line distances, above, that conform to Performance Standard 7.05 (*i.e. 346 feet from the edge of the applicants' described play area to our northwest corner property line, and 490 feet from the applicants' building to our northwest corner property line*), with a starting distance of 10 feet from the point of origin (*there is no standard amongst studies for starting distance for decibel evaluation, some studies have*

used as little as 1.2 meters [3.93 feet] from the source, others have used up to five meters [16.4 feet] from the source. 10 feet is the average) the results for expected decibel levels at the property line are as follows:

High end dB level (115 dB) for group of dogs as articulated by the applicants.

115 dB – 20 * log10(346ft/10ft) = **84.21 dB** *at the property line where our northwest corner meets the applicant's property measured from the edge of the described play area.*

115 dB – 20 * log10(490/10) = **81.19 dB** *at the property line where our northwest corner meets the applicant's property measured from the southeast corner of the boarding building.*

All decibel levels and distances using the formula above are in the table below.

Sound level (dB) at point of origin	Distance 1 - 346 Feet	Distance 2- 490 Feet	
115	**84.21**	**81.19**	**Sound level (dB) at final distance (property line)**
110	79.21	76.19	
90	59.21	56.19	
80	49.21	46.19	

Conclusion:

Based on the information above, it would be reasonable to conclude with a high likelihood that barking produced by a group of dogs in and/or near the area described by the applicants, if not mitigated properly, would result in a violation of the MPCA rules on noise pollution. This would include almost the entire play area described by the applicants and possibly the building's garage door (should it be open). Additionally, it would be reasonable to conclude with a moderate likelihood that a single dog, if not mitigated properly, could violate MPCA rules if the barking exceeds 90 dB for longer than 30 minutes of every hour depending on the location within the play area, in addition to the south and east of the described area. Lastly, it is important to note barking falls within the critical bandwidth of human hearing as described above (500 Hz – 4000 Hz). Excessive noise, especially that which falls within the critical bandwidth of human hearing is perceived to be even louder due to the range of frequencies involved and sound pressure levels (unweighted decibels). MPCA rules evaluate in dBA's which is a weighted decibel scale to approximate the way the human ear hears a sound. In human hearing, loud decibel low frequencies (below 500 Hz) are perceived as quieter than unweighted decibel levels, whereas frequencies falling within the critical bandwidth of human hearing (and

dogs barking) are perceived as *louder* (dBA's would most likely be higher than the numbers provided above) than unweighted decibel sound pressure levels. The decibel calculations above are unweighted decibel sound pressure levels. Decibels (dB) and dBA are not easily converted. An A-weighting filter, that emphasizes 500 Hz – 10,000 Hz is needed to evaluate a dBA reading. As a final note, metal structures such as the exterior walls of the boarding facility have reflective properties. Through a phenomenon known as resonance, sound waves that would normally disperse in open air or be absorbed by sound-deadening materials heading the opposite direction can synchronously vibrate the metal and reflect back toward the source and beyond, potentially amplifying the sound.

With the data provided above in mind, we have concerns that the tranquility and enjoyment of our property will be adversely impacted and diminished by noise pollution as a result of the proposed use. We respectfully ask the reviewing authorities to evaluate and consider the topics and information provided. If the permit is approved, apply conditions that will prevent undue or objectionable noise at the property line, and ensure the standards on noise pollution established by the State of Minnesota and the County of Chisago, MN are upheld.

Please feel free to reach out with any questions.

Sincerely,

Eric and Tara Leivian

Contact:
Eric Leivian
Phone: 651-497-9309 Email: eleivian@gmail.com
Tara Leivian
Phone: 763-267-1887 Email: trleivian@gmail.com

Works Cited

Gelfand, S. (2009). *Essentials of Audiology.* New York: Thieme.

National Research Council (US) Committee on Disability Determination for Individuals with Hearing Impairments. (2004). Hearing Loss: Determing Elgibility for Social Security Benefits. *Basics of Sound, the Ear, and Hearing*. (V. H. Dobie RA, Ed.) Washington, DC, USA.

Purves D, A. G. (2001). *Neuroscience. 2nd edition.* Retrieved from NIH - National Library of Medician, National Center for Biotechnology Information: https://www.ncbi.nlm.nih.gov/books/NBK10924/#

Straight, R. (2011, May 1). *Using agroforestry to buffer noise.* Retrieved from United States Department of Agriculture: https://www.fs.usda.gov/nac/assets/documents/agroforestrynotes/an42w05.pdf

Additional Resources

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8772564/
https://extension.purdue.edu/extmedia/va/va-18-w.pdf
https://www.pca.state.mn.us/sites/default/files/p-gen6-01.pdf



* Red shaded area is the second tree line.

Scale 1: 1500

AGROFORESTRY NOTES
AF Note – 42
May 2011

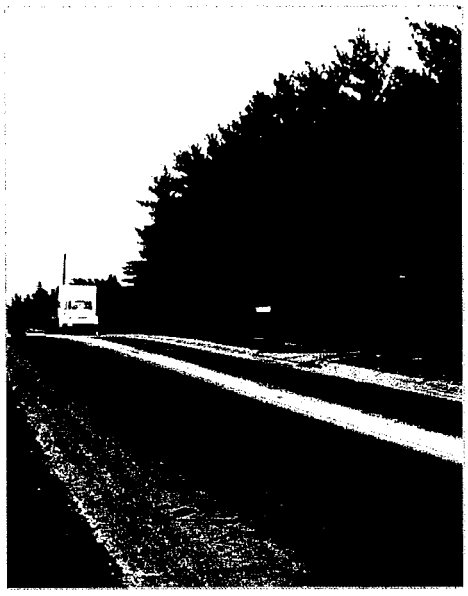
Using agroforestry to buffer noise

Introduction

Excessive noise is considered a form of environmental pollution and can have detrimental effects for individuals and their quality of life. Unwanted noise can cause anxiety, tension, and in some cases even illness. Prolonged exposure to high levels of noise can also cause hearing loss. Outdoor noise invades our recreational areas, parks, playgrounds, schools, and even our backyards.

Obviously the most effective way to reduce noise pollution is to reduce the noise level or to completely enclose it. Quieter running lawn equipment, different road surface materials, and slower traffic speeds are all ways to lower noise levels. When noise generation cannot be reduced, creating noise barriers or buffers between the source of the noise and the recipient is another option. The amount of noise acceptable varies depending on the individual and the circumstances surrounding the situation.

Measuring noise levels is not a simple matter. High and low frequency sounds travel differently and sound waves bend over and around objects and barriers. Noise can be reflected and it diminishes with distance. The volume of sound is commonly measured in decibels. Noise volume is most commonly measured using an A-weighted decibel scale (dBA), which approximates what the human ear can hear. Decibels are measured using a logarithmic scale. Consequently a 10 dBA reduction equates to a halving of the apparent noise level. Somewhere around 66 dBA is considered an acceptable noise level for daytime outdoor environments and about 50 dBA is desirable during evening hours.



Traffic noise on high speed roads is a common complaint. Noise can be partially deflected and absorbed with a combination of structural and vegetative practices.

USDA National Agroforestry Center file photo.

Types of noise buffers

Wood, masonry, or other solid barriers that are often erected for visual screening have proved useful as outdoor noise buffers. These barriers are often seen along high-speed roads within residential areas of cities.

Constructed earth berms are another type of solid barrier that is utilized to reflect and diffract road noise. Berms or linear mounds do require more space than walls and fences. Plant materials, such as trees, shrubs, and vines have often been considered by homeowners as effective noise buffers. But unless they are properly designed, possibly along with a solid barrier, most landscape vegetation will accomplish little more than "out of sight, out of mind" reduction in noise.

Noise buffer basics

There are some fundamental principles that apply universally regardless of the type of buffer used.

- First, the buffer density must result in completely blocking the view between the recipient and the noise source.
- Second, sound is refracted over and around buffers, bending toward the buffer or toward the recipient.

Consequently both the height and length of the buffer are very important. Noise buffers and barriers are most effective when they are located either near the source or the recipient. Buffers located midway between the source and recipient are relatively ineffective. Each of these factors will be discussed in more detail.

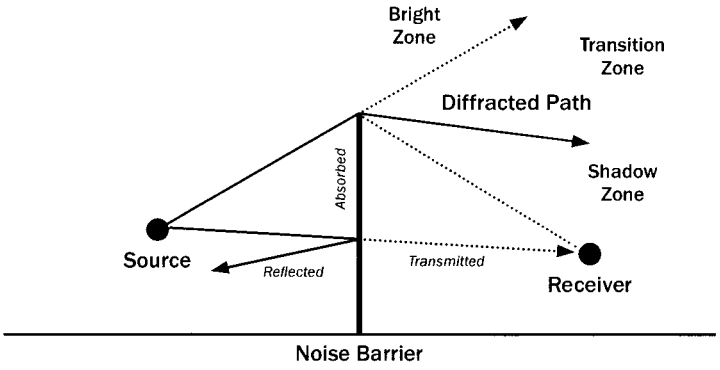


Figure adapted from the Federal Highway Administration's Highway Noise Barrier Design Handbook

Buffer location

The most effective location for a buffer is near the source of the noise; the next best location is near the recipient. The closer the buffer is located to the noise source the better. The buffer should be preferably within 50 feet in each case. Buffers located near the recipient are minimally effective when they are greater than 200 feet from the source.

Buffer density

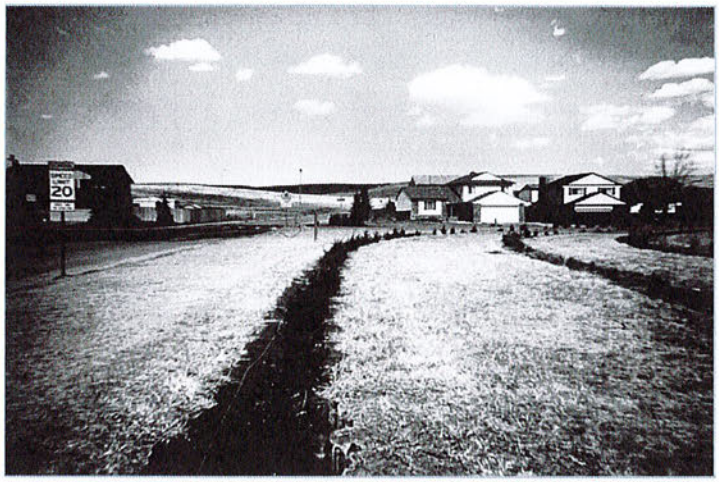
The noise buffer must completely block the line of sight. If any light can be seen through the buffer, it is providing no appreciable noise reduction. When only trees and shrubs are used for the buffer, this means the planting must be at least 100 feet wide with evergreen species for year around reduction. Even with wide and dense vegetative buffers noise reduction above 3 to 5 dBA is not likely.

To achieve a 10 dBA reduction (one half the noise level) either a very wide dense tree planting or including a solid barrier is necessary. Solid barriers can be either an earthen berm or a solid wall or fence. If a berm is utilized trees and shrubs should be planted on top and near the recipient. Planting on top of the berm creates a relative increase in height of the trees with respect to the recipient. Solid barriers also reflect sound back toward the source. If this is an issue, a row of shrubs can be planted near the solid barrier on the source side. If a solid wall is constructed the least effective location is within the tree planting and the most effective location is near the source.



A single row of trees will not provide noticeable noise reduction. At best they will provide a visual screen between residents and the noise source.

USDA National Agroforestry Center file photo.



A newly planted noise and visual barrier consisting of multiple rows of evergreen trees and close to the source of the undesirable road noise. Also note the slower speed limit that also reduces noise creation.

USDA National Agroforestry Center file photo.

Buffer length

Since sound refracts around the ends of a barrier or buffer the overall length is very important. The necessary length is best described with respect to the distance between the recipient, or the area for which the noise reduction is desired, and the buffer. The buffer should extend in either direction at least four times the distance between the recipient and the buffer. For example, if a 60-foot-wide house is located 75 feet from the buffer, the recommend buffer length is 660 feet ([4 feet × 75 feet left] + [4 feet × 75 feet right] + [60 feet house width] = 660 feet). If space does not allow for the recommended buffer length, some additional advantage can be gained by curving the ends of the buffer inward.

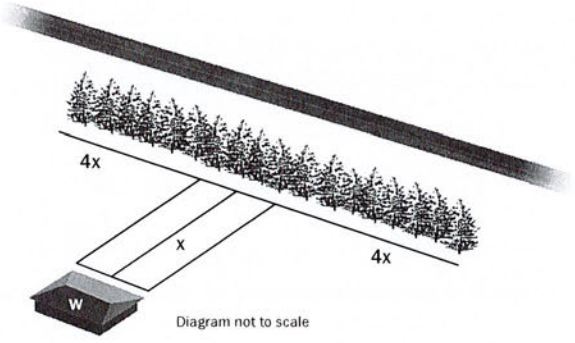


Diagram not to scale

Buffer height

Keep in mind, the relative height of the recipient location to the noise source will impact the buffer design. If noise reduction is desired for a two-story house, then the buffer must completely block the line of sight from the house roof to the noise source, commonly the street or highway.

Considerations

- *Cost and availability of materials:* The cost of trees and shrubs must be balanced against the cost of constructing an alternative structural barrier such as a wall or earthen mound.
- *Urgency of the situation:* Man-made landforms can be constructed rather quickly, whereas the time required to develop a tree and shrub buffer, capable of providing substantial noise protection, may take several years.
- *Aesthetics:* Certain situations are not compatible with a sterile-looking fence. Combining trees and shrubs with the structure will improve overall aesthetics and provide a softer profile increasing noise protection for the long term.
- *Safety and conflict:* Avoid planting under or over utilities, on rights-of-ways, and too close to sidewalks. Think safety to maintain visibility for pedestrians and traffic.
- *Traffic noise:* Traffic noise is a combination of the volume, speed, and number of trucks in the flow of traffic. Generally speaking 2,000 vehicles per hour is twice as loud as 200 vehicles per hour; 65 mph traffic is twice as loud as 30 mph traffic; one truck at 55 mph is twice as loud as ten cars at 55 mph.

Additional benefits and uses

Noise buffers can be designed for multiple uses and to produce a variety of products. For example, a noise buffer oriented properly may also serve as a windbreak. When the design includes a diverse mixture of native plants and physical structure, a noise buffer can also provide food, cover, and travel corridors for wildlife. Finally, individual plant species can also be incorporated for other products like fruits, nuts, or decorative florals.

Conclusion

Where noise is a problem and where a natural environment is sought, trees, shrubs, and other vegetation can offer more than just a psychological advantage gained by screening the view of the noise source. Anticipating a noise problem and employing vegetative noise buffers is an opportunity to act, rather than react.

Additional information

Suburban Noise Control with Plant Materials and Solid Barriers, David I. Cook and David F. Van Haverbeke, USDA Forest Service, Rocky Mountain Research Station, Research Bulletin EM100, 1977

Tree-Covered Land-Forms for Noise Control, David I. Cook and David F. Van Haverbeke, USDA Forest Service, Rocky Mountain Research Station, Research Bulletin 263, 1974

FHWA Highway Noise Barrier Design Handbook, U.S. Department of Transportation, Research and Special Programs Administration, John A. Volpe National Transportation Systems Center (Volpe Center), Acoustics Facility, in support of the Federal Highway Administration (FHWA), Office of Natural Environment, *wwwcf.fhwa.dot.gov/environment/noise/table.htm*

Keeping the Noise Down-Highway Traffic Noise Barriers, Federal Highway Administration Washington, DC 20590, *www.fhwa.dot.gov/environment/keepdown.htm*

This Quiet House-Noise Control for the Home, James P. Cowan, *www.nonoise.org/library/qz7/HomeNoiseControl.pdf*

Author

Richard Straight, USFS Lead Agroforester, USDA National Agroforestry Center, Lincoln, Nebraska. Email: *rstraight@fs.fed.us*

USDA National Agroforestry Center

A partnership of

USDA Forest Service, NRCS Natural Resources Conservation Service

Contact: USDA National Agroforestry Center, 402.437.5178 ext. 4011, 1945 N. 38th St., Lincoln, Nebraska 68583-0822. *www.unl.edu/nac*

The USDA National Agroforestry Center (NAC) is a partnership of the Forest Service (Research & Development and State & Private Forestry) and the Natural Resources Conservation Service. NAC's staffs are located at the University of Nebraska, Lincoln, NE and in Blacksburg, VA. NAC's purpose is to accelerate the development and application of agroforestry technologies to attain more economically, environmentally, and socially sustainable land use systems by working with a national network of partners and cooperators to conduct research develop technologies and tools, establish demonstrations, and provide useful information to natural resource professionals.

Opinions expressed in *Agroforestry Notes* are those of the author and do not necessarily represent the policy of the USDA Forest Service or the USDA Natural Resources Conservation Service.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free 866-632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at 800-877-8339 (TDD) or 866-377-8642 (relay voice). USDA is an equal opportunity provider and employer.



Becky Meyer & Bill Lloyd - Property owners Becky Meyer & Bill Lloyd are seeking approval of an Interim Use Permit (IUP) allowing a Commercial Kennel for pet boarding and daycare on 37.05± acres in the Agricultural (AG) District / Sunrise River Overlay (SO) District. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).

Becky Meyer and Bill Lloyd property - ▯

Sunrise Township
S16, T35, R20
PID 09.00168.00



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Becky Meyer and Bill Lloyd property -

Sunrise Township
S16, T35, R20
PID 09.00168.00

RESOLUTION NO. PC2023-0701

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING A COMMERCIAL KENNEL ON PROPERTY LOCATED AT 12690 ST. CROIX TRAIL / TH 95 IN SUNRISE TOWNSHIP

WHEREAS, Becky Meyer and William (Bill) Lloyd, property owners, submitted an application dated received May 30, 2023 and considered complete on June 2, 2023 for an Interim Use Permit allowing a Commercial Kennel for pet boarding and day care on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 37.05± acres in size and legally described as:

PID 09.00168.00

The Southeast Quarter of the Southwest Quarter of Section 16, Township 35, Range 20, Chisago County, Minnesota EXCEPT that part described as follows:

Beginning at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 49 minutes 51 seconds East, assumed bearing along the East line of said Southeast Quarter of the Southwest Quarter, a distance of 600.42 feet; thence North 89 degrees 50 minutes 58 seconds West, a distance of 146.00 feet; thence South 00 degrees 49 minutes 51 seconds West, a distance of 179.33 feet; thence South 42 degrees 31 minutes 00 seconds West, a distance of 231.55 feet; thence South 00 degrees 49 minutes 51 seconds West, a distance of 250.00 feet to the South line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 50 minutes 58 seconds East, along said South line, a distance of 300.00 feet to the Point of Beginning.

WHEREAS, notice was provided and on July 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant(s) and/or property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, it does identify as an economic development goal that "The County should continue to allow agricultural activities and related agricultural businesses in the Agricultural zoning district." The Chisago County Zoning Ordinance provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed Commercial Kennel will have no associated use of parks, schools, or other public facilities or utilities, and will likely not create any appreciable demand on St. Croix Trail / TH 95; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed use – including boarding shed and outdoor play area – is located no closer than approximately 345' from any property boundary and there is well-established landscaping between the boarding shed and outdoor play area and the north, east, and southeast property boundaries (closest property boundaries). The County finds that distance, existing landscaping, required additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours will mitigate potential negative impacts, such as noise, so as to neither cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Commercial Kennel will utilize an existing 36' x 80' detached accessory structure (boarding shed) and a 90' x 150' enclosed outdoor play area. After reviewing the application materials and the Planning Commission having conducted a site visit on July 5, 2023, the County finds no evidence to suggest that the proposed use will have an appearance that will have an adverse effect upon adjacent properties. Further, the County finds that the appearance of the boarding shed and outdoor play area will have an appearance consistent with similar uses in the Agricultural (AG) District.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance specifically allows Commercial Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Because the proposed Commercial Kennel is located on a property immediately adjacent to a well-established, well-maintained, and highly traveled State highway (TH 95) with an unobstructed line of site from the end of the driveway to the west and east, the County finds that the proposed use will not cause an appreciable increase in traffic levels or traffic hazards / congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received comments from at least one adjacent property owner expressing concerns about potential noise pollution. The County finds that noise resulting from the Commercial Kennel can be mitigated with distance, maintenance of existing landscaping (trees), installation of additional landscaping (trees), installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. If these measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit, subject to the following conditions:

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than thirty (30) dogs and small mammals - including but not limited to cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. This number includes any domestic pets owned or otherwise kept by the permit holder.
2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
6. 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 the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.
7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
    a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe ‘n’ Sound, or equivalent, soundproofing insulation.
    b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
    c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to

the south side of the outdoor play area as described in the May 30, 2023 application materials.

d. The required fence / wall and plantings shall be installed prior to any boarding of animals.
e. The permit holder shall implement “quiet hours” in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.

9. The permit holder may employ up to one additional employee.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
11. 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.
12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, 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.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota, this 6th day of July, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

Item No. 6b

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Blue Ribbon Tree Farm
40XXX Sunrise Road / CSAH 9, Sunrise Township
DATE: July 6, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Blue Ribbon Tree Farm, involving the creation of two lots from a 26.4± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	John & Janet Swanson
Applicant(s):	Milo Horak
General Location:	North of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road / CSAH 9 Sunrise Township Section 9, Township 35, Range 20
PID:	09.00119.00
Property Area:	26.4± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	May 31, 2023
Date Application Complete:	June 2, 2023
120-Day Review Period:	September 30, 2023



BACKGROUND

Property owners John & Janet Swanson and applicant Milo Horak of Landmark Surveying, Inc. are seeking approval of the Preliminary Plat of Blue Ribbon Tree Farm. The property owners wish to create two parcels from the 26.4± acre tract of land located north of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township.

SITE & PROPOSAL ANALYSIS

The subject site is currently vacant land located approximately one-quarter mile southeasterly of the unincorporated Village of Sunrise. The subject site and all surrounding properties are zoned Agricultural (AG) District. Topography of the site includes fairly level elevations ranging from 882’ to 891’ and large stands of established trees throughout but with the heaviest concentration located in the north half.

There are no identified wetland areas. Surrounding properties range widely in size from 5 acres to 80 acres and appear to be used primarily for residential and agricultural purposes, consistent with the stated purpose of the AG District.

Staff notes that the proposed plat, as submitted on May 31, 2023, includes the dedication of 60' of Right-of-Way (R-O-W) for Sunrise Road / CSAH 9 and 33' of R-O-W for 405th Street North. There are no known issues with the dedication of R-O-W for Sunrise Road / CSAH 9; however, as detailed below, the Sunrise Planning Commission recommended that the dedication of R-O-W for 405th Street North be eliminated from the plat. While there does appear to be an existing driveway in the location of proposed 405th Street North (see adjacent image), this driveway is not a public road and, based on the Sunrise Planning Commission's recommendation, the township does not seem interested in establishing this as a public road.



In response to the Sunrise Planning Commission's recommendation, the applicant submitted a revised Preliminary Plat drawing dated June 15, 2023 showing that the proposed dedication for 405th Street North had been eliminated and replaced with an easement (see attached).

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed parcels. As proposed, both new parcels comply with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1, Block 1	16.79 acres	Approx. 865'	924.66' + 60' R-O-W	51,897 sf
Lot 2, Block 1	7.76 acres***	Approx. 520'***	677.94' + 60' R-O-W***	46,808 sf

** Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."*

**** As shown on revised Preliminary Plat drawing dated June 15, 2023.*

REVIEW PROCESS

The Technical Review Committee met with Janet Swanson and Milo Horak on June 14, 2023. The following items were discussed:

- The group discussed the proposed dedication of Right-of-Way for 405th Street North and the Sunrise Planning Commission's recommendation that it be eliminated from the plat. In lieu of public Right-of-Way and to provide access to the property immediately southeast of the subject site, County staff encouraged Swanson to provide an access easement.
- Wetland Specialist Fertig verified soils and the wetland delineation and found no concerns.
- County Engineer Triplett commented that the property owners will need to apply for access permits for each proposed parcel.

The Sunrise Planning Commission reviewed the proposed Preliminary Plat at its June 6, 2023 meeting and recommended approval with the condition that the proposed dedication of 33' for 405th Street North be eliminated "so that the only public road in the plat would be [Sunrise Road / CSAH 9]". Based on this recommendation and immediately prior to the Sunrise Town Board's review at its June 15, 2023 meeting, the applicant revised the Preliminary Plat drawing to show that the proposed dedication for 405th Street North had been eliminated and replaced with an easement. The Town Board recommended approval of the revised Preliminary Plat with no conditions.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on September 30, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the Preliminary Plat of Blue Ribbon Tree Farm with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Blue Ribbon Tree Farm is approved per plat drawing dated signed May 31, 2023 and revised on June 15, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Access permits shall be required from the Chisago County Highway Department.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Blue Ribbon Tree Farm with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Blue Ribbon Tree Farm based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on September 30, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0702, a resolution recommending approval of the Preliminary Plat of Blue Ribbon Tree Farm, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing dated signed May 31, 2023
    c. Preliminary Plat drawing revised on June 15, 2023
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0702

CC: John & Janet Swanson, property owners
Milo Horak, applicant
County file

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 23-812

Township SUNRISE **S/T/R** 09/35/20 **PID#** 09.00119.00

Project Address _____

Property Owner(s) JOHN V. & JANET E. SWANSON

Mailing Address (If Different from Project Address) 40453 SUNRISE ROAD, NORTH BRANCH, MN 55056

Phone# [redacted] **Email** [redacted]

Applicant(s) MILO HORAK, LANDMARK SURVEYING INC

Mailing Address (If Different from Project Address) PO BOX 65, SCANDIA MN 55073

Phone# [redacted] **Email** [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☒ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) MINOR SUBDIVISION - 2 LOTS

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☐ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

Janet Swanson — 5-30-23

Applicant Signature — **Date of Application**

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Fees		Dates	
Base Fee	$ 500 —	Application Received	5-31-23
Recording Fee	$ 46 —	Application Complete	6-2-23
Plat Fee – No Road(s) / With Road(s)	$ 150 —	60 / 120 Day Review Period	9-30-23
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$ 200 —		
TOTAL FEE	$ 896 —		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township SUNRISE S/T/R 09/35/20 PID# 09.00119.00

Project Address _____

Property Owner(s) JOHN V. + JANET E. SWANSON

Mailing Address (If Different from Project Address) 40453 SUNRISE ROAD, NORTH BRANCH, MN 55056

Phone# [redacted] Email [redacted]

Applicant(s) MILO HORAK, LANDMARK SURVEYING INC

Mailing Address (If Different from Project Address) PO BOX 65, SCANDIA, MN 55073

Phone# [redacted] Email [redacted]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☐ Conditional Use Permit (CUP)	☒ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) ~~MINOR~~ SUBDIVISION - 2 LOTS

Janet Swanson 5-30-23

Applicant Signature Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Date of County Public Hearing JULY 6, 2023 Date of Township Presentation JUNE 15, 2023

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Motion by Dan Kaiser, second by Carl Peter "Pete" Johnson to accept the current plat revision of June 15, 2023 which eliminated 405th Street from the plat so that the only public road in the plat would be CR 9. Motion carried.

Signatures of Township Officials or Authorized Personnel

Carl Peter Johnson Daniel J. Kaiser 6/15/23

Preliminary Plat Drawing Dated Signed May 31, 2023

BOUNDARY SURVEY AND PRELIMINARY PLAT OF

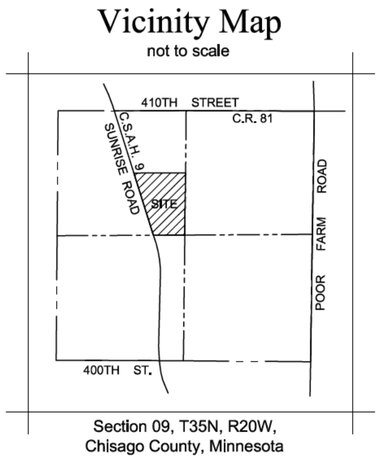
BLUE RIBBON TREE FARM

Part of the Southeast Quarter of the Northwest Quarter,
Section 09, Township 35 North, Range 20 West,
Sunrise Township, Chisago County, Minnesota.

Prepared for:
John V. & Janet E. Swanson
40453 Sunrise Road
North Branch, MN 55056

Vicinity Map

not to scale



Section 09, T35N, R20W,
Chisago County, Minnesota

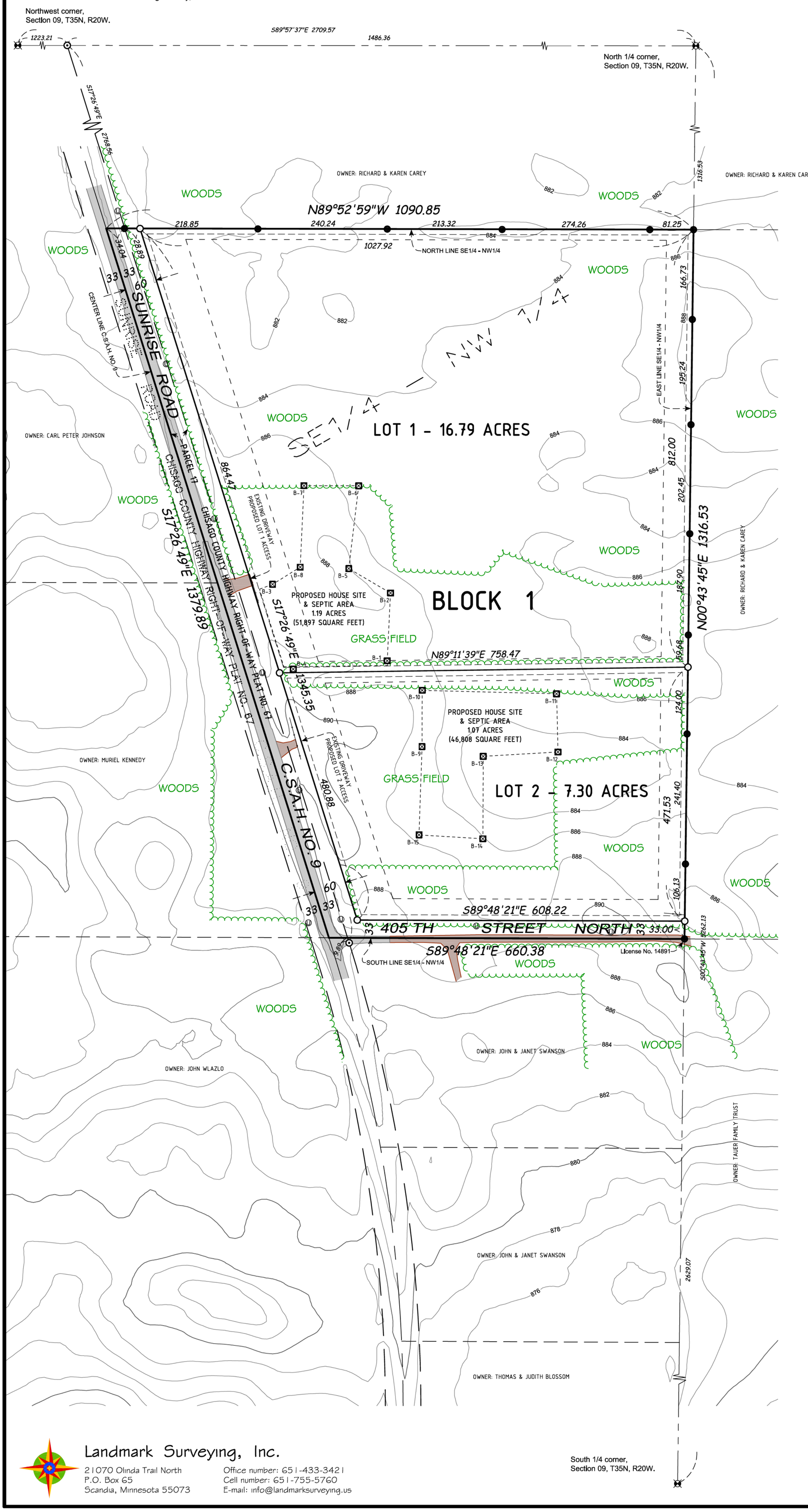
RECORD PARCEL DESCRIPTION

WARRANTY DEED
DOCUMENT No. A578914

EXHIBIT A - Legal Description

That part of the Southeast Quarter of the Northwest Quarter (SE1/4 of NW 1/4) of Section Nine (9), Township Thirty-five (35) North, Range Twenty (20) West, Chisago County, Minnesota, lying easterly of County State Aid Highway Number Nine (9).

Abstract Property



OWNER/DEVELOPER
JOHN V. & JANET E. SWANSON
40453 SUNRISE ROAD
NORTH BRANCH, MN 55056
651-497-7122

APPLICANT:
LANDMARK SURVEYING INC.
MILO HORAK, L.S.
PO BOX 65
SCANDIA, MN 55073
651-433-3421

EXISTING PID:
09.00119.00

EXISTING ZONING:
AG

ADJOINING LAND ZONING
ALL PARCELS - AG

MINIMUM LOT REQUIREMENTS
LOT AREA 5 ACRES
MINIMUM LOT WIDTH 300 FEET

NUMBER OF BUILDABLE LOTS: 2
LOT 1 = 16.791 ACRES
LOT 2 = 7.303 ACRES

PROPOSED USE OF BUILDABLE LOTS:
SINGLE FAMILY RESIDENTIAL

TOTAL AREA OF PROPOSED SUBDIVISION:
26.451 ACRES ±

AREA DEDICATED FOR ROADS:
2.357 ACRES±

AREA OF WETLAND
0.00 ACRES

AREA OF STEEP SLOPES
0.00 ACRES

BUILDING SETBACKS:
FRONT - 135 FEET FROM CENTERLINE
TOWN ROAD - 40 FEET FROM RIGHT OF WAY
SIDE - 20 FEET
REAR - 50 FEET

WETLAND DELINEATION:
JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVENUE NORTH
BROOKLYN CENTER, MN 55430
612-802-6619

SOIL TESTING:
ZIERKE SOIL TESTING
28587 JEFFREY AVENUE
CHISAGO CITY, MN 55013
651-249-1346

ENGINEERING:
NONE

WATER SUPPLY:
PRIVATE WELL

SEWAGE DISPOSAL:
PRIVATE SEPTIC

PROPOSED GRADING PLAN:
NONE - NO GRADING

PROPOSED DRAINAGE PLAN:
EXISTING CONDITIONS - NO GRADING

EROSION AND SEDIMENT CONTROL PLAN:
NONE - NO GRADING

Legend

- Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- Denotes found 7/8 inch outside diameter iron pipe with a plastic cap, License Number 44125, unless otherwise noted.
- Denotes found 3.25 inch diameter aluminum cap - Chisago County Highway right of way monument.
- Denotes Chisago County section corner monument.
- B-1 Denotes wood lath witness to soil observation location, set by others, and corresponding report identifier.
- Denotes utility pole.
- Denotes proposed drainage and utility easement boundary.
- Denotes building setback line.
- Denotes wood split rail fence.

Bearings are oriented to the Chisago County Coordinate System, NAD 83, 1996 HARN adjustment.

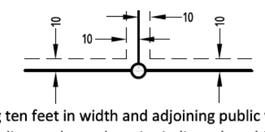
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Distances and dimensions shown as 50, 100, 90°, etc. are exact extrinsic values.

Elevations are based on the North American Vertical Datum of 1988 (N.A.V.D. 88).

Contours are at two foot intervals and were derived from field measurements and data published by the Minnesota Department of Natural Resources.

Drainage and utility easements are proposed thus:



Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

Scale in Feet
0 50 100 200
1 inch = 100 feet

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.

Milo B. Horak Minnesota License No. 52577 — May 31, 2023 Date

Landmark Surveying, Inc.
21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: info@landmarksurveying.us

Job No. 2023-09

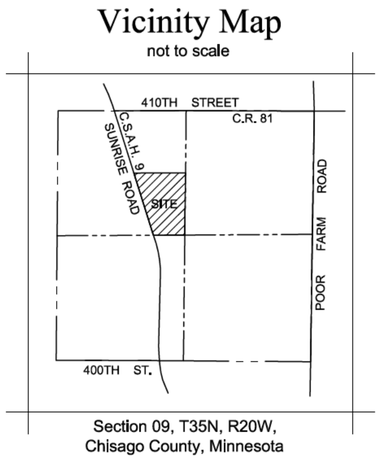
BOUNDARY SURVEY AND PRELIMINARY PLAT OF

BLUE RIBBON TREE FARM

Part of the Southeast Quarter of the Northwest Quarter,
Section 09, Township 35 North, Range 20 West,
Sunrise Township, Chisago County, Minnesota.

Prepared for:
John V. & Janet E. Swanson
40453 Sunrise Road
North Branch, MN 55056

Vicinity Map
not to scale



Section 09, T35N, R20W,
Chisago County, Minnesota

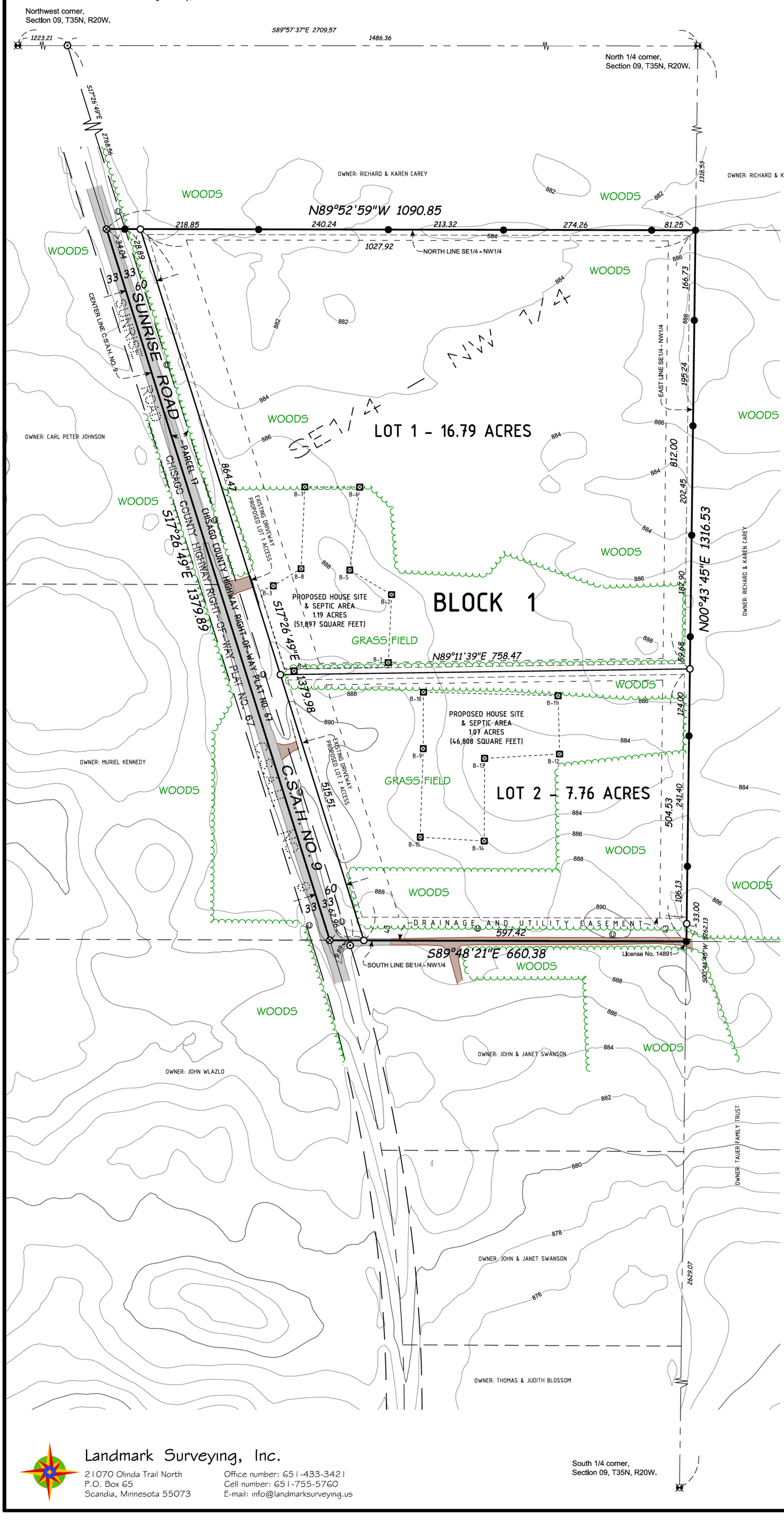
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Abstract Property



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NORTH BRANCH, MN 55056
651-497-7122

APPLICANT:
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EXISTING PID:
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EXISTING ZONING:
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ADJOINING LAND ZONING
ALL PARCELS - AG

MINIMUM LOT REQUIREMENTS
LOT AREA 5 ACRES
MINIMUM LOT WIDTH 300 FEET

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LOT 2 = 7.760 ACRES

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TOTAL AREA OF PROPOSED SUBDIVISION:
26.451 ACRES ±

AREA DEDICATED FOR ROADS:
1.901 ACRES±

AREA OF WETLAND
0.00 ACRES

AREA OF STEEP SLOPES
0.00 ACRES

BUILDING SETBACKS:
FRONT - 135 FEET FROM CENTERLINE
SIDE - 20 FEET
REAR - 50 FEET

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JACOBSON ENVIRONMENTAL
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BROOKLYN CENTER, MN 55430
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SOIL TESTING:
ZIERKE SOIL TESTING
28587 JEFFREY AVENUE
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ENGINEERING:
NONE

WATER SUPPLY:
PRIVATE WELL

SEWAGE DISPOSAL:
PRIVATE SEPTIC

PROPOSED GRADING PLAN:
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PROPOSED DRAINAGE PLAN:
EXISTING CONDITIONS - NO GRADING

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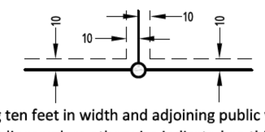
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Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

Scale in Feet
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1 inch = 100 feet

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.
Milo Horak — May 31, 2023
Milo B. Horak Minnesota License No. 52577 — Date
REVISED: JUNE 15, 2023

Landmark Surveying, Inc.
21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: info@landmarksurveying.us

Job No. 2023-09



John and Janet Swanson - Property owners John & Janet Swanson and applicant Milo Horak are seeking approval of the Preliminary Plat of Blue Ribbon Tree Farm involving the creation of two lots from a 26.4± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located north of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road in Sunrise Township, S9, T35, R20 (PID 09.00119.00).

John and Janet Swanson property -

Sunrise Township
S9, T35, R20
PID 09.00119.00

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John and Janet Swanson property -

Sunrise Township
S9, T35, R20
PID 09.00119.00



RESOLUTION NO. PC2023-0702

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF BLUE RIBBON TREE FARM

WHEREAS, property owners John Swanson & Janet Swanson and applicant Milo Horak submitted an application dated received May 31, 2023 and considered complete on June 2, 2023 for the Preliminary Plat of Blue Ribbon Tree Farm; and

WHEREAS, the applicant submitted a revised Preliminary Plat drawing dated June 15, 2023 showing that the proposed dedication of 33' for 405th Street North had been eliminated upon recommendation by Sunrise Township; and

WHEREAS, the property owners desire to create two buildable parcels from the 26.4± acre subject site; and

WHEREAS, the subject site is generally located north of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00119.00
That part of the Southeast Quarter of the Northwest Quarter (SE1/4 of NW 1/4) of Section Nine (9), Township Thirty-five (35) North, Range Twenty (20) West, Chisago County, Minnesota, lying easterly of County State Aid Highway Number Nine (9).

WHEREAS, notice was provided and on July 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission finds that the Preliminary Plat of Blue Ribbon Tree Farm is consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Blue Ribbon Tree Farm is approved per plat drawing dated signed May 31, 2023 and revised on June 15, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Access permits shall be required from the Chisago County Highway Department.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 6th day of July, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Conditional Use Permit for a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District
2340 Stark Road / CSAH 10, Fish Lake Township
DATE: July 6, 2023

ACTION TO CONSIDER

The Planning Commission opened a public hearing to consider a Conditional Use Permit (CUP) for a Drive-Through Business and a single Accessory Residential Unit in the Rural Village Center (RVC) District at its June 1, 2023 meeting and continued the public hearing to July 6, 2023. In addition to continuing the public hearing, the Commission extended the review period by an additional 60 days and instructed the applicant to provide specific updated application materials for further review and consideration at the July 6, 2023 meeting.

SITE & APPLICATION INFORMATION

Applicant(s):	Marvin "Joe" Beaulieu
Property Owner(s):	Boozhoo Coffee & Café, LLC
Location:	2340 Stark Road / CSAH 10 Fish Lake Township Section 26, Township 36, Range 22
PID:	03.00385.00
Property Area:	.92± Acres
Current Zoning:	Rural Village Center (RVC) District
Adjacent Zoning:	
North:	Rural Village Center (RVC) District
South:	Rural Village Center (RVC) District
East:	Rural Village Center (RVC) District
West:	Rural Village Center (RVC) District
Date Application Received:	April 14, 2023
Date Application Complete:	May 3, 2023
60-Day Review Period:	July 2, 2023
Extended Review Period:	August 31, 2023



BACKGROUND

Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are requesting a CUP for a Drive-Through Business and an Accessory Residential Unit on a .92± acre property in the Rural Village Center (RVC) District. The primary use of the subject site will be a coffee shop and café, which is classified as a Permitted Use in the RVC District.

The Planning Commission received a presentation from staff, heard from the applicant, and opened the requisite public hearing at its June 1, 2023 meeting. Ultimately, the Commission motioned to continue the public hearing, extend the review period by 60 days and instructed the applicant to provide specific updated application materials for further review and consideration at the July 6, 2023 meeting. Staff provided the applicant with written notice of the extension and provided a detailed list of updated application materials requested by the Commission, and provided a due date of Monday, June 26, 2023 (see attached). This notice was sent via USPS as well as email. As of the preparation of this staff report on June 28, 2023, staff had not received any updated application materials or any verbal or written updates from the applicant.

Staff is aware that the applicant met with the Chisago County Highway Department on June 6, 2023 and provided the Highway Department with an updated site rendering. A response from County Engineer Joe Triplett to the applicant indicated that there was still not enough information for the Highway Department to adequately review the proposed CUP. Triplett encouraged the applicant to provide more information – such as location of the site, distance of access points from CSAH 8, more detail about the access points / drive lane, location of adjacent Rights-of-Way, and more detail about proposed medians – and provide an actual site plan. As of June 28, 2023, staff had not received any indication that the applicant provided the requested information to the Highway Department.

The staff report prepared for the June 1, 2023 Planning Commission meeting has been attached for reference.

STAFF RECOMMENDATION

While staff has deemed the application "technically" complete, staff does not believe that the application materials satisfactorily address or fully demonstrate compliance with all requirements established by Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses. Further, the applicant submitted substantially different site renderings on May 18, 2023 which show a significantly redesigned parking lot, and neither department staff or other agency staff (i.e., Chisago County Highway Department) nor the Fish Lake Town Board had opportunity to fully review or comment on the proposed revisions prior to the June 1, 2023 meeting. Recognizing that the request also includes a proposed Accessory Residential Unit, staff notes that no specific concerns have been identified relating to the single Accessory Residential Unit use.

Based on the Planning Commission's June 1, 2023 discussion, it seems that the Commission agreed with staff that the application materials did not satisfactorily address or fully demonstrate compliance with all requirements established by the Zoning Ordinance and, further, that updated / revised / more complete application materials were necessary in order to complete a thorough analysis of the proposed CUP.

While staff has serious concerns about the lack of plan details for the proposed Drive-Through Business (refer to the June 1, 2023 staff report), staff has included draft Findings of Fact to support discussion of potential approval and recommended conditions of approval below for the Planning Commission's consideration. These Findings of Fact and conditions were presented to the Commission on June 1, 2023, but the Commission will see revised or added language shown in *blue*. Staff notes that the conditions specifically involve the Chisago County Highway Department in review and approval of certain aspects of the project and prohibit the installation and use of an intercom system for drive-through orders.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:*

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and meet the intent of the RVC District.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). The Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion. Further, the County has included conditions of approval which require a Variance from the Chisago County Highway Department in order to have more than one access point from Stark Road / CSAH 10, Highway Department review and approval of parking lot surface material(s), and prohibition of customer and resident parking on Stark Road / CSAH 10.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion impacting nearby properties would be the proposed use of an intercom system for drive-through orders. Therefore, in an effort to mitigate potential intrusions and because the proposed intercom system is physically unable to meet the required setbacks mandated prescribed by the Zoning Ordinance, the County has prohibited the use of such electronic devices. The County finds no evidence to suggest that the proposed uses would cause glare, general unsightliness or other forms of intrusion upon nearby properties.*

Recommended Condition(s):

1. This Conditional Use Permit allows a Drive-Through Business and single Accessory Residential Unit in the Second Story. The property shall be developed and used in accordance with application materials kept on file with the Department of Environmental Services, including written narratives dated received April 18, 2023 and May 1, 2023 and site plans dated received April 14, 2023 and May 2, 2023, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

<u>Conditions Specific to the Approved Drive-Through Business:</u>

2. The Drive-Through shall be allowed to operate seven days a week, operating no earlier than 6:00 am and no later than 10:00 pm.

3. Due to the current site dimensions / configuration and inability to meet required setbacks applicable to electronic devices, no electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices shall be allowed outside of the principal structure.
4. The drive-through lane shall be designed and used for one-way traffic only.
5. The drive-through lane shall have a minimum dedicated width of twelve feet (12').
6. Delivery trucks and other service vehicles must utilize the parking lot and shall not park on Stark Road / CSAH 10.
7. The permit holder shall provide suitable storage containers for all waste material and all storage containers shall be screened. Further, the permit holder shall place refuse receptacles at all exist as well as one refuse receptacle per ten vehicle parking spaces within the parking area.
8. All food and beverage preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
9. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.

Conditions Specific to the Approved Accessory Residential Unit:

10. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story.

General Conditions Applicable to Subject Site and Approved Uses:

11. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way. The lighting plan shall be reviewed and approved by the Zoning Administrator.
12. Noise generated from the approved uses, 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 shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
13. The property owner shall request and obtain an administrative Variance from the Chisago County Highway Department in order to have more than one access point from Stark Road / CSAH 10.
14. The parking lot shall be surfaced with materials reviewed and approved by the Chisago County Highway Department.
15. The permit holder shall accommodate all parking on-site and no customer or resident parking shall be allowed on Stark Road / CSAH 10. Further, no perpendicular parking shall be allowed adjacent to Stark Road / CSAH 10.
16. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles. Local fire chief inspection and approval of drive access suitability for emergency access purposes shall be obtained prior to opening to the public.
17. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed. Neither approved use shall commence until such time that a Certificate of Occupancy has been issued.
18. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.

19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
22. 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.
23. 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.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to August 3, 2023 to allow the Planning Commission opportunity to receive additional public testimony before making a recommendation on the request.
4. **Table** the request to August 3, 2023 to allow for submission of additional supporting and/or clarifying documentation and/or further review and consideration. The extended review period expires on August 31, 2023, allowing the Planning Commission to further review and consider the request on August 3, 2023 and provide a recommendation to the County Board at its August 16, 2023 meeting.

ACTION REQUESTED

Lacking updated application materials which were specifically requested by the Planning Commission at its June 1, 2023 meeting and as detailed in written correspondence provided to the applicant on June 6, 2023, staff is hesitant to provide a recommendation of approval. Staff believes that department staff, the Chisago County Highway Department, and the Planning Commission should be allowed sufficient time to receive and review updated application materials pursuant to the Commission's June 1, 2023 motion and as detailed in the notice dated June 6, 2023 prior to the proposed CUP – specifically the Drive-Through Business portion – receiving a recommendation.

If the Planning Commission agrees with staff, staff would encourage the Commission to consider tabling the request to the August 3, 2023 meeting to again allow the applicant additional time to submit the requested updated application materials.

Alternatively, if the Planning Commission supports the request for CUP as presented, motion to adopt Resolution No. PC2023-0703, a resolution recommending approval of a Conditional Use Permit allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Notice of extension of review period dated June 6, 2023
2. Staff report prepared for June 1, 2023 Planning Commission meeting
3. Draft Resolution No. PC2023-0703

CC: Joe Beaulieu, applicant
County file

Chisago County
Department of Environmental Services

Beth Gervais, Land Services Coordinator
313 N. Main Street, Suite 240 | Center City, MN 55012
Office: 651-213-8379 | Email: beth.gervais@chisagocountymn.gov

June 6, 2023

Boozhoo Coffee & Café, LLC
Attn: Joe Beaulieu
2340 Stark Road
Harris, MN 55032

Sent via USPS and email to: [redacted]

RE: Proposed Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit in the Rural Village Center (RVC) District
PID 03.00385.00
NOTICE OF EXTENSION OF REVIEW PERIOD

The Chisago County Department of Environmental Services received your application for Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit on April 14, 2023 and, following review, the application was deemed incomplete on April 27, 2023. After review of additional information, which you submitted on May 1 and May 2, 2023, the application was deemed technically complete on May 3, 2023. The state mandated 60-day review period is scheduled to expire on July 2, 2023.

The Chisago County Planning Commission scheduled the requisite public hearing for June 1, 2023 and ultimately motioned to continue the public hearing and extend the initial 60-day review period by an additional 60 days as allowed per MN Statute 15.99. Because the initial review period is scheduled to expire on July 2, 2023 and the public hearing was continued to the Planning Commission's next regularly scheduled meeting of July 6, 2023, the purpose of the extension is to allow time for due process (i.e., continued public hearing and all required meetings). The extended review period will expire on August 31, 2023, which means that a final determination will be made on your request prior to or on August 31, 2023.

In its June 1, 2023 motion, the Planning Commission specifically identified information that you must submit for further review and consideration of your request, including:

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

- Wetland delineation
- Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10

In order for staff to complete a cursory review of the above listed information and present it to the Planning Commission for further review and consideration, all information must be submitted to the Department of Environmental Services no later than Monday, June 26, 2023 at 10:00 am.

Recognizing that the Fish Lake Town Board next meets on Monday, June 12, 2023 and you may likely not be able to prepare and submit all required information by June 12th, the Department of Environmental Services encourages you to contact Fish Lake Township at your very earliest convenience and request to be added to the June 12th agenda to present any revised plans you may have for their review and consideration. If presenting revised plans to the Town Board on June 12th, these plans should be generally similar to the plans submitted to the Department of Environmental Services by the June 26th deadline.

Best regards,

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Conditional Use Permit for a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District
2340 Stark Road / CSAH 10, Fish Lake Township
DATE: June 1, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) for a Drive-Through Business and a single Accessory Residential Unit in the Rural Village Center (RVC) District.

SITE & APPLICATION INFORMATION

Applicant(s):	Marvin "Joe" Beaulieu
Property Owner(s):	Boozhoo Coffee & Café, LLC
Location:	2340 Stark Road / CSAH 10 Fish Lake Township Section 26, Township 36, Range 22
PID:	03.00385.00
Property Area:	.92± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Rural Village Center (RVC) District
South:	Rural Village Center (RVC) District
East:	Rural Village Center (RVC) District
West:	Rural Village Center (RVC) District
Date Application Received:	April 14, 2023
Date Application Complete:	May 3, 2023
60-Day Review Period:	July 2, 2023



BACKGROUND

Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are requesting a CUP for a Drive-Through Business and an Accessory Residential Unit on a .92± acre property in the Rural Village Center (RVC) District. The primary use of the subject site will be a coffee shop and café, which is classified as a Permitted Use in the RVC District.

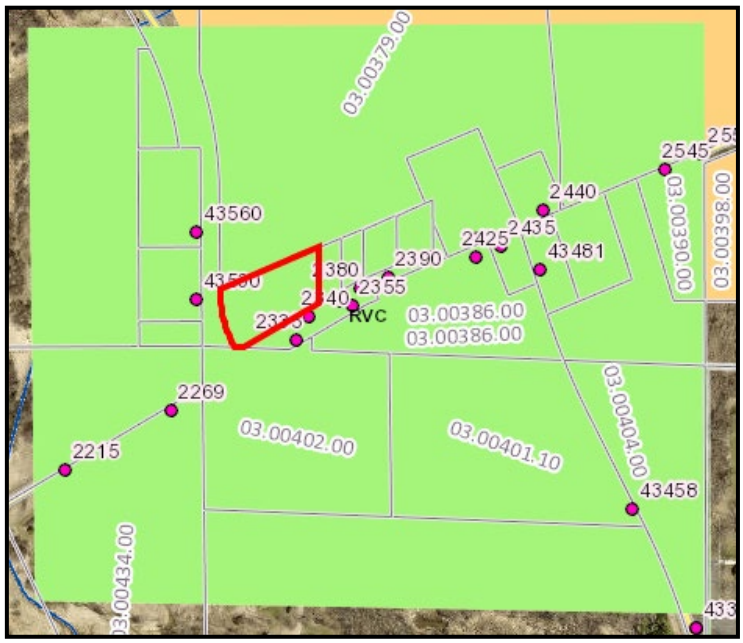
SITE ANALYSIS

The subject site is located at the intersection of Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8 in the

historic unincorporated Village of Stark. The site has been developed with a single structure. While there does appear to be two accessory structures and/or recreational vehicles in the northeast corner of the property, staff suspects these belong to the neighboring property owner given their alignment with the neighboring dwelling. Topography of the site includes elevations ranging from 932' in the northwest corner to 947' in the southeast corner, and a wetland area in the northwest corner (see left image below).

Surrounding properties vary widely in size from .2 acres to 28.5 acres. Surrounding uses also vary widely from residential to commercial to agricultural. The property is bordered by two County State Aid Highways to the west and south; the property immediately east is used for residential purposes; and, the property immediately north appears to be used for agricultural purposes. All immediately adjacent properties are zoned RVC District (see right image below, subject site outlined in red).





The exact age of the existing structure is unknown; however, the May 1, 2023 written narrative suggests that the structure is more than 105 years old. The adjacent photo is on file with the Chisago County Assessor's Office and was likely taken in the early 1970s. Notes from the Assessor's Office suggest that the structure has been used for mixed commercial and residential purposes in the past.



The structure has changed significantly in recent months to accommodate the property owner's intended uses. Unfortunately, the vast majority of this

work has been completed without the necessary building permit(s); however, in conjunction with the CUP application submittal, the applicant also submitted the necessary building permit application and plans for formal review.

PROPOSAL ANALYSIS

In addition to the completed application form, the applicant provided the following supporting documents for review and consideration:

- Written narrative dated received April 18, 2023
- Written narrative "addendum" dated received May 1, 2023
- Site plan dated received April 14, 2023
- Site plan dated received May 2, 2023

Following the application being deemed complete on May 3, 2023 and following the May 8, 2023 Fish Lake Town Board meeting, the applicant provided site renderings that corresponded with the already submitted application materials at the May 10, 2023 Technical Review Committee meeting and via email on the same date (see attached).

Following the application being deemed complete on May 3, 2023, following the May 8, 2023 Fish Lake Town Board meeting, and following the May 10, 2023 Technical Review Committee meeting, the applicant provided new and significantly different site renderings dated received May 18, 2023 for further review and consideration (see attached). Because these renderings were submitted well after the application deadline and well into the formal review process, neither department staff or other agency staff (i.e., Chisago County Highway Department) nor the township had the ability to thoroughly review the renderings. Therefore, the information and comments provided below are largely based on the previously submitted written narratives and site plans and include minimal detail about the May 18, 2023 renderings. Staff notes that the information shown on the May 18, 2023 renderings is substantially different than the previously submitted written narratives and site plans, specifically in terms of parking lot design (customer parking, employee parking and residential parking), lighting, and the garbage receptacle area.

All items listed above, including the substantially changed May 18, 2023 site renderings, are attached for the Planning Commission's reference and summarized below.

According to the April 18, 2023 written narrative, the applicant is proposing the following Conditional Uses:

- Accessory Residential Unit on Second Story:
    - Remodeling and expanding the second story of an existing building for a <u>single</u> Accessory Residential Unit. The proposed second story will be approximately 3,174 sf built over the entire first story.
    - The residential unit will have a total of five bedrooms, four bathrooms, and two kitchens.
    - The residential unit will have two entrances. A 6' x 8' enclosed entryway will be constructed on the north side of the structure. A second entryway of the same size is reportedly proposed for the east side of the structure. The attached site renderings show the northerly entryway; however, it's not entirely clear where the easterly entryway will be located.
    - The residential unit will have an 8' deck on the north side of the structure. In addition to standard residential use, the deck will provide access to a utility room.

- The second story will include a 12’ x 12’ utility room for placement of a furnace, water heater, water softener, duct work, etc.

Staff notes that Zoning Ordinance Section 5.11 Rural Village Center (RVC) District allows, as a Conditional Use, an “Accessory residential unit in the second story of a permitted use”. Staff interprets this to mean a single residential unit will be allowed upon approval of a Conditional Use Permit.

- Drive-Through Business:
  - The first story / main level will be designed and operated as a coffee shop and café. The proposed drive-through will support the coffee shop and café and the drive-through window will be located on the west side of the structure.
  - The drive-through lane will enter the property from the southwesterly side of the parking lot and circle around the proposed parking lot to access the drive-through window on the west side of the structure. The drive-through lane will then exit back onto Stark Road / CSAH 10 from the southeasterly side of the parking lot. It’s staff’s understanding that the drive-through lane will be a “one way” lane.
  - The written narrative describes the drive-through lane as being 10’ wide.
  - The April 14, 2023 site plan shows a parking lot with a total of 25 parking spaces, including two rows of diagonal parking (17 spaces total) and one row of parking which is perpendicular to Stark Road / CSAH 10 (8 spaces).
  - The April 18, 2023 written narrative describes that parking will be provided for staff and residents on the east side of the structure; however, the May 2, 2023 site plan shows two or three parking spaces for residents on the north side of the structure.
  - The May 1, 2023 written narrative suggests that the applicant intends to surface the parking lot, drive-through lane, and garbage area with a four-inch layer of Reclaimed Asphalt Pavement (RAP) which will be graded and compressed to create a compacted base. The applicant believes that this compacted RAP base will create a hard surface to control dust and direct water flow / drainage. The written narrative further explains that the applicant intends to utilize this surface for the first year of business operations so that the RAP will further compact before installing concrete or pavement.
  - The May 1, 2023 written narrative states that the parking lot will be at its highest point near the north and west sides of the structure and slope down 3% away from the structure toward the north and west. This 3% slope is suggested to allow water flow / drainage away from the structure and toward adjacent ditches and wetland area.
  - The May 1, 2023 written narrative states that the parking lot will maintain a 15’ setback from the wetland area. However, staff notes that the applicant has not provided a wetland delineation or other precise detail establishing the location of the wetland area in relation to the proposed parking lot and, therefore, cannot verify the proposed setback.
  - The April 14, 2023 site plan shows a menu screen and intercom system for ordering located in the northwest corner of the parking lot / drive-through lane. The May 1, 2023 written narrative further describes the installation of a 4’ x 5’ menu screen and intercom system. The written narrative describes the intercom as meeting all required setbacks; however, staff does not agree with this point and has provided more detail on this issue below.

- The proposed septic system will be located on the north side of the structure. The septic design has not yet been fully reviewed or approved. Staff notes that a Certificate of Occupancy will not be issued for the structure until such time that an approved septic system has been installed and, therefore, the proposed uses may not commence until such time that an approved septic system has been installed.
- The April 18, 2023 written narrative describes and the May 2, 2023 site plan shows that garbage containers will be located in the northeast corner of the parking lot. The April 18, 2023 written narrative describes a 14' x 14' concrete pad with gated enclosure to contain and screen garbage and recycling receptacles. The May 1, 2023 written narrative further describes that, upon further study, the garbage area will instead be 10' x 16' in size providing enough room for three or four receptacles. All receptacles will be of standard commercial size (3' x 4' x 6') and serviced one time per week.
- The May 1, 2023 written narrative describes a landscaping plan. The written plan details a proposed porch, sidewalk, entrance to the coffee shop and café, patio, proposed water flow / drainage, parking lot, and garbage area. The written plan concludes by stating that the applicant does not intend to install any "flower beds, bushes or trees that are not already planted. [The] area will be left as natural as possible so that [landscaping] does not interfere with [the] proposed building, parking lot, and sidewalk design".
- The May 1, 2023 written narrative describes the installation of five street / parking lot lights evenly spaced around the perimeter of the parking lot, as well as two additional lights on the front of the structure (south side). The May 2, 2023 site plan shows the location of two parking lot lights and one light on the east side of the structure. The written narrative and site plan offer conflicting information and, therefore, staff is unable to verify the proposed lighting.
- The May 1, 2023 written narrative describes and the May 2, 2023 site plan shows the proposed installation of a two-sided lighted sign in the southwest corner of the subject site. The sign is proposed to be 4' x 8' (32 sf) with a height of 20' above ground surface. This sign will require a building permit prior to installation.
- The proposed hours of operation are 6:00 am to 10:00 pm, seven days a week.

DRIVE-IN / DRIVE-THROUGH BUSINESSES

Zoning Ordinance Section 7.22 states that the purpose of the section is to allow for drive-in businesses to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and to ensure the public safety. Section 7.22 specifically requires the following items and staff has provided comments for the Planning Commission's consideration (shown in *blue italics*):

C. Site Plan Requirements.

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened. *The May 2, 2023 site plan shows and the written narratives describe the handling of waste material. Additionally, the May 18, 2023 site renderings show the garbage area in a completely different location. Staff assumes that the May 18, 2023 site renderings show the final location; however, these renderings were submitted after the Technical Review Committee meeting and the Fish Lake Town Board meeting, and, therefore, have not been fully reviewed.*

2. A landscaping plan shall be provided. *The applicant provided a written landscaping plan which essentially states that no additional landscaping will be provided.*

3. The design of any structure shall be compatible with other structures in the surrounding area or future planned uses.

4. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district. *Given the dimensions of the subject site (approximately 285' wide x 150' deep, according to the April 14, 2023 site plan), staff finds that it would be impossible for the proposed intercom system to meet all required setbacks. Staff does not support and the Zoning Ordinance does not allow the use of an intercom system on this property purely based on the fact that it cannot meet the required setbacks.*

5. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers serviced in vehicles shall be parked to the sides and/or rear of the principal structure. *The proposed drive-through is shown to be located on the side of the principal structure.*

6. No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit. *The May 1, 2023 written narrative describes and the May 2, 2023 site plan shows the proposed installation of a two-sided lighted sign in the southwest corner of the subject site. The sign is proposed to be 4' x 8' (32 sf) with a height of 20' above ground surface. This sign will require a building permit prior to installation.*

7. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. *Assistant County Engineer Hobert has provided written comments, including comments specifically pertaining to parking and traffic circulation. The Chisago County Highway Department has stated the following in their review of the April 18, 2023 and May 1, 2023 written narratives and April 14, 2023 and May 2, 2023 site plans (note that this review did not include review of the substantially changed May 18, 2023 site renderings):*
    - *According to the Chisago County Access Management Ordinance, [an administrative] variance will be required in order to construct two accesses off of Stark Road / CSAH 10.*
    - *90-degree parking off of Stark Road / CSAH 10 will not be allowed. Consideration would be given to parking in a parallel direction to Stark Road / CSAH 10, should the developer pursue that. However, the Access Management Ordinance requires a turn lane be constructed when the site generates over 100 trips per day, which would conflict with any on-street parking. More discussion is needed regarding this, as well as how any improvements coincide with the County's plan for the reconstruction of this portion of Stark Road / CSAH 10, which is planned for 2025 or 2026. Public Works would be happy to be meet with the applicant.*
    - *From the smaller widths depicted in the sketch, it appears one-way driveways will be implemented. The site plan will need to show proposed signage to control traffic entering and leaving the site.*
    - *Public Works has some concerns about an unpaved parking lot:*
        - *The continual turning throughout the site to park or traverse through the drive-through will cause gravel to loosen and track out on to Stark Road / CSAH 10.*
        - *Without a hard surface, pavement marking arrows will not be able to be constructed to help the movements to and from the site.*

D. Design Standards.

1. The entire area of any drive-in/drive-through business shall have an engineered drainage system approved by the Zoning Administrator. *The applicant provided a written drainage plan which describes a 3% slope north and west away from the structure. While the applicant "technically" provided a drainage plan, it does not provide sufficient detail necessary for a thorough review. Further, the Assistant County Engineer has provided written comments, including comments specifically pertaining to grading, drainage, erosion control and removals. The Chisago County Highway Department has stated the following:*
    - *Missing any elevation information, so unclear how the grading and drainage of this site coincides with Stark Road / CSAH 10.*
    - *Removals on or adjacent to Stark Road / CSAH 10 will need to occur to construct the access locations (namely curb and gutter). The plan needs to depict these removals and the plan for restoration of bituminous, curb and gutter, turf, etc.*
    - *Public Works has road signage that is placed near the western access. The site plan should account for this.*

    Additionally, the Highway Department has commented that:
    - *Site sediment control practices are missing. This site drains toward the ditch along Cedarcrest Trail / CSAH 8 which flows north toward Horseshoe Lake, listed as an impaired water by the MN Department of Natural Resources, and should be noted in the Construction Stormwater Permit Application that will need to be obtained from the MN Pollution Control Agency.*

2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material that will control dust and drainage. *The applicant is proposing to install, for year one of business operations, a four-inch layer of Reclaimed Asphalt Pavement (RAP) which will be graded and compressed to create a compacted base. While the applicant is proposing to install concrete or pavement after year one, staff is concerned about the County's ability to enforce future hard surfacing. If the Planning Commission and County Board support the initial use of RAP, staff would encourage the Planning Commission and County Board to consider requiring a bond for future hard surfacing with either concrete or pavement.*

3. A fence or screen of an acceptable design to the Zoning Administrator shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained. *Not applicable as the subject site does not abut a residential district.*

E. General.

1. Any drive-in/drive-through business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage seating area. *It's staff's understanding that the applicant is proposing indoor seating in addition to the proposed drive-through. The applicant has not provided and was not required to provide any detail about the indoor seating area.*

2. The hours of operation may be set forth as a condition of any Conditional Use Permit for drive-in/drive-through business. *The applicant is proposing that the coffee shop and café will be open seven days a week from 6:00 am to 10:00 pm.*

3. Each drive-in/drive-through business serving food may have outside seating. *Staff does not believe that outdoor seating is proposed at this time.*

4. Each food or beverage drive-in/drive-through business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area. *The applicant has provided detail about a main garbage collection area; however, no detail has*

been provided about receptacles at exits or available to customers based on number of parking spaces.

F. Location.

1. No drive-in/drive-through business shall be located such that it may unduly increase traffic volumes on nearby residential streets. *The subject site is located at the intersection of two County State Aid Highways and, therefore, should not impact nearby residential streets.*

2. No drive-in/drive-through shall be located on any street other than one designated as a thoroughfare on which businesses are located. *The subject site is located at the intersection of two thoroughfares in a commercial zoning district.*

G. In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property. *Not applicable.*

H. The lighting shall be approved by the Zoning Administrator so as to limit light visible from public rights-of-way. *The May 1, 2023 written narrative describes and the May 2, 2023 site plan shows proposed lighting within the parking lot and on the structure. However, information included in the written narrative and on the site plan do not match. Additionally, the May 18, 2023 site renderings show lighting, but this rendering does not match either the written narrative or the site plan. Further, the May 18, 2023 site renderings were submitted after the Technical Review Committee meeting and the Fish Lake Town Board meeting, and, therefore, have not been fully reviewed.*

Upon review of all submitted application materials, staff deemed the application "technically" complete on May 3, 2023; however, staff believes that the application materials are conflicting and lacking, at best, and likely do not satisfactorily address or comply with all requirements established by Zoning Ordinance Section 7.22. Staff's concerns are noted above in *blue italics*.

REVIEW PROCESS

As part of the review process, the Technical Review Committee met with applicant Joe Beaulieu on May 10, 2023. The Committee discussed wetland concerns, septic concerns and potential traffic concerns. The following items were discussed:

- Wetland Specialist Jeff Fertig suggested that silt fencing be installed at the toe of the slope to prevent debris from entering the wetland. Fertig also commented that there is no required setback from the wetland.
- Sanitarian Troy Davidsavor stated that the septic design was still under review but it appeared to fit the site. Davidsavor added that the septic system cannot be installed until such time that the easterly neighboring well is properly sealed; and, the business cannot begin operating / a final Certificate of Occupancy cannot be granted until the septic system has been installed.
- Deputy Derek Griggs suggested that there may be concerns relating to the proposed perpendicular parking on Stark Road / CSAH 10 but deferred comments to the Chisago County Highway Department.
- Assistant County Engineer Ben Hobert, following the May 10, 2023 Technical Review Committee meeting, provided several comments relating to adequacy of the application materials, environmental concerns, parking / parking lot, access points / entrances, and lack of plans for grading, drainage, erosion control and removals. Hobert's comments have been incorporated into the "DRIVE-IN / DRIVE-THROUGH BUSINESSES" section above (shown in *blue italics*).

The Fish Lake Town Board reviewed the proposed CUP at its May 8, 2023 meeting and recommended approval of the CUP with no conditions or comments.

The application was submitted on April 14, 2023 and, upon review, deemed incomplete on April 27, 2023. After submission of additional information, the application was deemed "technically" complete on May 3, 2023. Staff notes that the final application submittal was deemed "technically" complete because the applicant addressed, in some manner, all required elements. The State mandated 60-day review period expires on July 2, 2023. The submission of significantly changed site renderings does not change the review period expiration.

STAFF RECOMMENDATION

While staff has deemed the application "technically" complete, staff does not believe that the application materials satisfactorily address or fully demonstrate compliance with all requirements established by Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses. Further, the applicant submitted substantially different site renderings on May 18, 2023 which show a significantly redesigned parking lot, and neither department staff or other agency staff (i.e., Chisago County Highway Department) nor the Fish Lake Town Board has had opportunity to fully review or comment on the proposed revisions. Recognizing that the request also includes a proposed Accessory Residential Unit, staff notes that no specific concerns have been identified relating to the single Accessory Residential Unit use.

Staff recommends that the Planning Commission review the application materials, discuss the proposal with the applicant, open the public hearing, and then motion to **continue the public hearing to July 6, 2023 AND/OR table the request to July 6, 2023**. Being that the review period expires on July 2, 2023 and the next regularly scheduled Planning Commission meeting is on July 6, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

- Continuing the public hearing would allow the Planning Commission to receive additional public testimony at the July 6, 2023 meeting before making a recommendation on the request.
- Tabling the request would allow time for the applicant to submit additional supporting and/or clarifying documentation and/or allow the Planning Commission further opportunity for review and consideration before making a recommendation on the request.

Alternatively, if the Planning Commission supports the request for CUP as presented, staff would encourage the Commission to consider the following Findings of Fact and conditions.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:*

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and meet the intent of the RVC District.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). The Chisago County Highway Department has reviewed the proposed parking plan and required modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion. Further, access points will be reviewed by the Chisago County Highway Department and approved only if found to be in compliance with the Chisago County Access Management Ordinance.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion impacting nearby properties would be the use of electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices. Therefore, in an effort to mitigate potential intrusions, the County has prohibited the use of such electronic devices. The County finds no evidence to suggest that the proposed uses would cause glare, general unsightliness or other forms of intrusion upon nearby properties.*

Recommended Condition(s):

1. This Conditional Use Permit allows a Drive-Through Business and single Accessory Residential Unit in the Second Story. The property shall be developed and used in accordance with application materials kept on file with the Department of Environmental Services, including written narratives dated received April 18, 2023 and May 1, 2023 and site plans dated received April 14, 2023 and May 2, 2023, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

<u>Conditions Specific to the Approved Drive-Through Business:</u>

2. The Drive-Through shall be allowed to operate seven days a week, operating no earlier than 6:00 am and no later than 10:00 pm.
3. Due to the current site dimensions / configuration and inability to meet required setbacks applicable to electronic devices, no electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices shall be allowed outside of the principal structure.
4. The drive-through lane shall be designed and used for one-way traffic only.
5. The drive-through lane shall have a minimum dedicated width of twelve feet (12').
6. Delivery trucks and other service vehicles must utilize the parking lot and shall not park on Stark Road / CSAH 10.
7. The permit holder shall provide suitable storage containers for all waste material and all storage containers shall be screened. Further, the permit holder shall place refuse receptacles at all exist as well as one refuse receptacle per ten vehicle parking spaces within the parking area.
8. All food and beverage preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
9. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.

Conditions Specific to the Approved Accessory Residential Unit:

10. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story.

General Conditions Applicable to Subject Site and Approved Uses:

11. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way. The lighting plan shall be reviewed and approved by the Zoning Administrator.
12. Noise generated from the approved uses, 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 shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
13. The property owner shall request and obtain an administrative Variance from the Chisago County Highway Department in order to have more than one access point from Stark Road / CSAH 10.
14. The parking lot shall be surfaced with materials reviewed and approved by the Chisago County Highway Department.
15. The permit holder shall accommodate all parking on-site and no customer or resident parking shall be allowed on Stark Road / CSAH 10. Further, no perpendicular parking shall be allowed adjacent to Stark Road / CSAH 10.
16. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles. Local fire chief inspection and approval of drive access suitability for emergency access purposes shall be obtained prior to opening to the public.
17. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed. Neither approved use shall commence until such time that a Certificate of Occupancy has been issued.
18. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
22. 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.
23. 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.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with draft Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to July 6, 2023 to allow the Planning Commission opportunity to receive additional public testimony at the July 6, 2023 meeting before making a recommendation on the request.
4. **Table** the request to July 6, 2023 to allow for submission of additional supporting and/or clarifying documentation and/or further review and consideration. Being that the review period expires on July 2, 2023 and the next regularly scheduled Planning Commission meeting is on July 6, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to **continue the public hearing** to July 6, 2023 to allow opportunity for additional public testimony and/or **table** the request to July 6, 2023 to allow for submission of additional supporting and/or clarifying documentation and/or further review and consideration. Being that the review period expires on July 2, 2023 and the next regularly scheduled Planning Commission meeting is on July 6, 2023, the Commission should also include in its motion a **60-day extension** of the review period.

Note: If the Planning Commission chooses to table the request to allow for submission of additional information, the Commission should be very clear and specific about what information is being required from the applicant. Some suggested items include but are not limited to:

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

- *Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10*

Alternatively, if the Planning Commission supports the request for CUP as presented, motion to adopt Resolution No. PC2023-0602, a resolution recommending approval of a Conditional Use Permit allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
    a. Application
    b. Written narrative dated received April 18, 2023
    c. Written narrative "addendum" dated received May 1, 2023
    d. Site plan dated received April 14, 2023
    e. Site plan dated received May 2, 2023
2. Site renderings dated emailed May 10, 2023
3. Site renderings dated received May 18, 2023
4. Aerial location map (1) – subject property
5. Aerial location map (2) – vicinity map
6. Draft Resolution No. PC2023-0601

CC: Joe Beaulieu, applicant
County file

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 23-395

Township Fish Lake **S/T/R** 26/036/022 **PID#** 03.00385.00

Project Address 2340 Stark Rd. Harris, MN 55032

Property Owner(s) Boozhoo Coffee & Cafe LLC / Joe Beaulieu

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Applicant(s) Joe Beaulieu

Mailing Address (If Different from Project Address) _____

Phone# Same **Email** Same

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☒ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Install Drive-thru on west side of Coffee shop & Build/remodel existing single family residential unit. Requesting new floor design, deck, & staircases (enclosed)

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

☐ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

Joe Beaulieu — 4/12/23

Applicant Signature **Date of Application**

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Fees		Dates	
Base Fee	$ ~~1,035.00~~ 525.00	Application Received	4-14-23
Recording Fee	$ 46.00	Application Complete	5-3-23
Plat Fee – No Road(s) / With Road(s)	$ _____	(60) / 120 Day Review Period	7-2-23
Septic Compliance Fee	$ _____	Extended Review Period	_____
Wetland Fee	$ _____		
TOTAL FEE	$ 571		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Fish Lake **S/T/R** 26/036/022 **PID#** _____

Project Address 2340 Stark Rd Harris, MN 55032

Property Owner(s) Boozhoo Coffee & Cafe LLC / Joe Beaulieu

Mailing Address (If Different from Project Address) _____

Phone# [redacted] **Email** [redacted]

Applicant(s) Joe Beaulieu

Mailing Address (If Different from Project Address) S

Phone# Same **Email** Same

Type of Request (Check All That Apply)

Board of Adjustment & Appeals	Planning Commission	
☐ Variance	☒ Conditional Use Permit (CUP)	☐ Preliminary Plat
☐ Administrative Appeal	☐ Interim Use Permit (IUP)	☐ Rezoning
	☐ Amendment to CUP or IUP	☐ Ordinance Amendment

Description of Request (Attach Separate Sheet If Necessary) _____

Build/Remodel existing single family residential unit Requesting new floor design, deck, & enclosed Entry to staircases

Applicant Signature _____ **Date of Application** 4/12/23

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

****

Date of County Public Hearing _____ **Date of Township Presentation** May 8, 2023

Township Action Taken (Township Use Only)

☒ Recommendation of Approval ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

_____

Signatures of Township Officials or Authorized Personnel

_____ _____ _____

_____ _____ _____

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Conditional Use Permit

Accessory Residential Unit on Second Story

1. We are remodeling the second story of the existing building and requesting additional building space to accommodate for staircase and entrances to access unit, and a utility room. The second story will be approximately 3,174 sq. ft. Built over the entire first story of a coffee shop and café.
2. It will have five bedrooms, four bathrooms, and two kitchens.
3. This unit will be designed and used as an accessory residential unit to house my family and mother-in-law. As well as additional family guests when visiting.
4. It is designed to provide plenty of amenities because we will host our family holidays seasonally, and a second kitchen to allow my mother-in-law an area to do her own cooking. Being Native American and my wife Filipino, this follows our culture and traditions of keeping our family together until death.
5. We will propose two entrances, this is requested to provide access to unit as well as provide escape access in an emergency. One entrance proposed is off the back of the study room, located on northwest corner of building. Our request is to build a 6'x 8' enclosed entry way with a staircase leading to the ground on the north side of the building. This will have the necessary post footings installed, with required posts to support structure. The second entry will be the same dimensions, located above attached garage on east side of second unit. An enclosed staircase will be designed to run down into the existing attached garage.
6. Our plan is to build an 8' deck off north of this unit to entertain our family and guests throughout the year. This will also be used to access our utility room located off our residential unit. Also giving us outside privacy to enjoy the seasons and additional escape routes in case of an emergency. As well as fairly standard to have a deck or patio connected to your home.
7. Lastly, our request is to build a 12'x 12' utility room on top of second story flat roof that has been designed to support this room. This room will be insulated and used to accommodate our furnace, water heater, and water softener. Duct work and water supply lines from here will be installed to provide heat and water for the second story unit.

Drive-through

1. We have designed the first story to accommodate a drive-through window on west side of coffee shop café.
2. The window will be located directly off the west end of the staff area of the main countertop, and in front of the kitchen allowing easy access to beverages and food.
3. We will have an employee door located in the drive-through area on the south side to be able to run out orders our customers may have to wait to be prepared.

4. The drive-through lane will enter the property from the south and run into our parking lot on the west side of business we are designing, running around the perimeter to allow a loop. There will be an intercom located at the back of the parking lot with a menu to order when using this service. This lane will be allowed 10' around perimeter of parking, smoothly traveling around to back of lot where we will have an intercom and menu located. In doing so, this will stay safely out of our parking area in same lot.
5. The septic system will have five separation tanks installed approximately 25 feet from the north wall of the building, connected to the new upgraded mound design. The complete system will also start 25 feet east of the northeast corner of the building. Mound part of system is located approximately 40 feet north of the main part of restaurant sitting area, running west to east.
6. Our garbage area will be located north of the building and just east of the northwest corner. Our plan is to pour approximately a 14' x 14' concrete pad, install posts and walls with a gate to contain our containers.
7. Parking for staff and residence will be located east of building. We are currently purchasing the property to our west. Our plan is to merge these properties as one to create staff, residence, and additional customer parking once we are fully open. This will only be used for staff and residential parking initially. At some point if needed, we will apply for conditional use permit for this additional parking lot for approval once we are ready to open main part of restaurant.

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Addendum to Conditional Use Permit

Section 7.22, c. Site Plan Requirements:

Garbage Area

1. We are showing an updated plan design that will encompass an additional area where we intend to install garbage storage containers. It is our preference to have three to four containers to create a recycling system. There will be containers for biodegradable materials, metal, glass, and plastics. We will also provide and container for cooking oils if necessary. Each container will be of standard commercial size compatible with one week garbage pick-up. According to our studies, these containers are 3'x4'x6', this will require us to have a screened in garbage area approximately 10'x16'. Containers will be placed back-to back and side-to-side. We will have two gates on each side of the screened garbage area for easy access for pick-up and placing garbage containers back in place. As described before, we will have an area located north of the main building and directly behind our intended spot for our kitchen that will be built in the northwest corner of the building. As stated above, we will show location, garbage receptacle design in additional drawings.

Landscaping

2. On the south side of the building, there will be a concrete porch at the height of entrance into cafe installed that connects directly to the shoulder of existing or new proposed road planned somewhere in the near future. This will run the entire length of the future café area. As our drawing already shows, we will raise the existing sidewalk across the front of the café area, installing two steps along the south and west edge to allow access to our café area. In front of the west section of the building where the main coffee shop and entrance will be located, we will install a sidewalk from building to existing or new proposed road planned in near future. This sidewalk will be installed at the height of coffee shop entrance and slope gradually away from building and taper into parking lot and shoulder, allowing a handicap access on west side.

   The Southeast section of property has about a 27'x 31' area located east of café area and south of current garage area. Our plan is to develop this into a patio area that connects into the east side of front porch, raising up the existing asphalt driveway and pouring a stamped concrete patio at the same height of the garage door on east side of café area. With the unique change in elevation around the building and in this location will allow us to create handicap access to patio through both main entrance of café and glass garage door leading onto patio. This stamped patio will be sloped down to the east and run-off from rain and water will travel east away from building and then north around east end of building, flowing into existing back yard and most likely ending up in wetland

area. All drainage and run-off will be consistent with existing run-off of the current area and the building that has been there for over 105 years.

West side of the building will consist mostly of parking lot, with drive-thru as earlier drawings indicated. The updated parking lot will include a garbage area and additional parking for the second story residential unit. The parking lot will be mostly on west end of building, but now a portion will wrap around back of building on north side. After reviewing our requirements. The becomes the most sensible place to locate garbage area and residential parking. Here will be two spots located directly behind the building, making easy access to staircase leading down from second story residential unit. We will then build an enclosed garbage area with earlier mentioned dimensions Approximately 25 feet behind building, off of its northwest corner.

The backyard and remaining areas not detailed or developed, will be brushed, cleaned of all debris, and mowed regularly.

At this time, there won't be any flower beds, bushes or trees that are not already planted. Our area will be left as natural as possible so that does not interfere with our proposed building, parking lot, and sidewalk design.

Electronic Devices

1. As we have shown on earlier drive-thru and parking lot drawings, we will have a menu screen approximately 4'x 5', located in north area of lot in our drive-thru lane. There will also be an intercom connected to this screen to order from before arriving at the drive-thru window. For the most part this intercom complies with all setbacks and requirements. I believe all adjacent lots have been designated RVC, even though some property was once considered residential. The only property in question is the lot connected to our property on the east side. We are currently purchasing this property on contract for deed, and as things progress and develop, we intend on unifying this property with the current business lot. So currently, if this property does not fall under RVC domain, our intercom would be approximately 170 feet from property line on east side our business lot. We have looked in all other directions, we believe they are zoned wetlands or RVC domain. It is our request that the intercom be approved due to the purchase of this property and once owned, we will be within all requirements of intercom setbacks and dimensions. Though I do believe the lot I am referring to has been changed to RVC domain and use as well.

   We plan on having a two-sided lighted sign located just off the southwest end of the parking lot, near the entrance of drive-thru lane. The sign will be approximately 4' x 8', mounted on a side post with bottom of sign approximately 20' off the ground. Sign will be completely on business property and not interfere with any traffic in line of sight.

<u>Section 7.22, Design Standards</u>

1. Our current proposal for the parking lot area in order to save some costs, is to install Reclaimed Asphalt Pavement (RAP) for our parking lot surface, drive-thru, residential

lots, and garbage area. Our intentions are to put down a four-inch base of RAP, we will then grade and compress it to give us a nice compact base. When graded and compressed, this material will be a hard surface to control dust and is durable rain/water will drain or run-off, and when it snows, it can be plowed. Our plan is to use this for material for the first year of business to allow our lot to firmly compact itself, then the following year to pave or install concrete for our finished lot. This will help our lot from settling or cracking because our base has been driven on and compacted for now a year, reducing the future settling.

This lot will be at its highest point near the west and north side of the building. Our drive-thru will be slightly elevated from the main parking lot at pick-up window with a 3% grade away from building. As we continue to move away from the building, we will maintain this 3% grade traveling west and north away from building. This will allow the water flow and drainage to run away from building into adjacent ditches and wetland area.

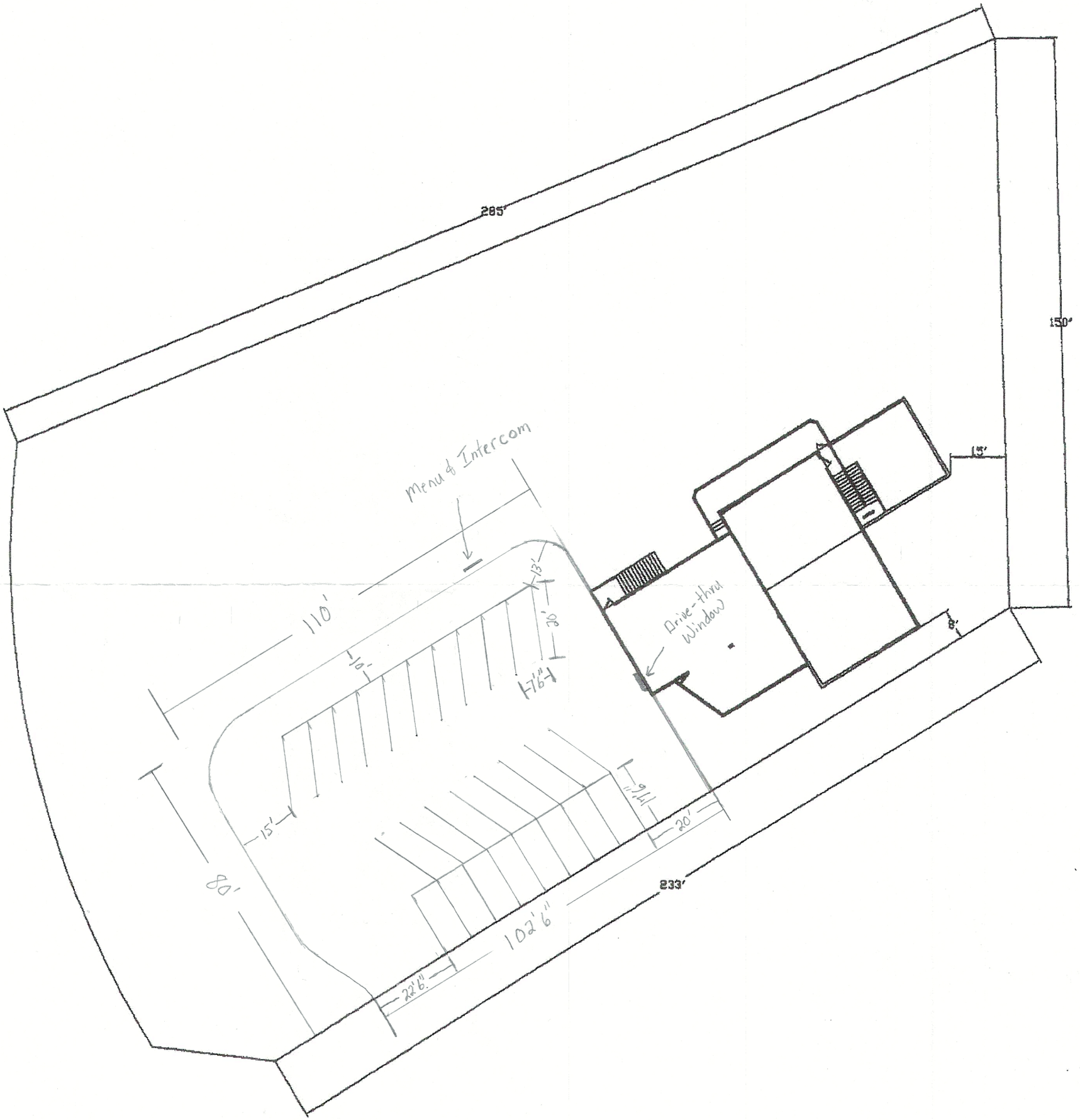
This Parking lot will maintain a distance of no less 15 feet away from wetland area connected to north side of property.

Section 7.22, E. General

1. Our proposed hours of operation would be Monday-Sunday 6:00 AM-10PM

Section 7.22, H.

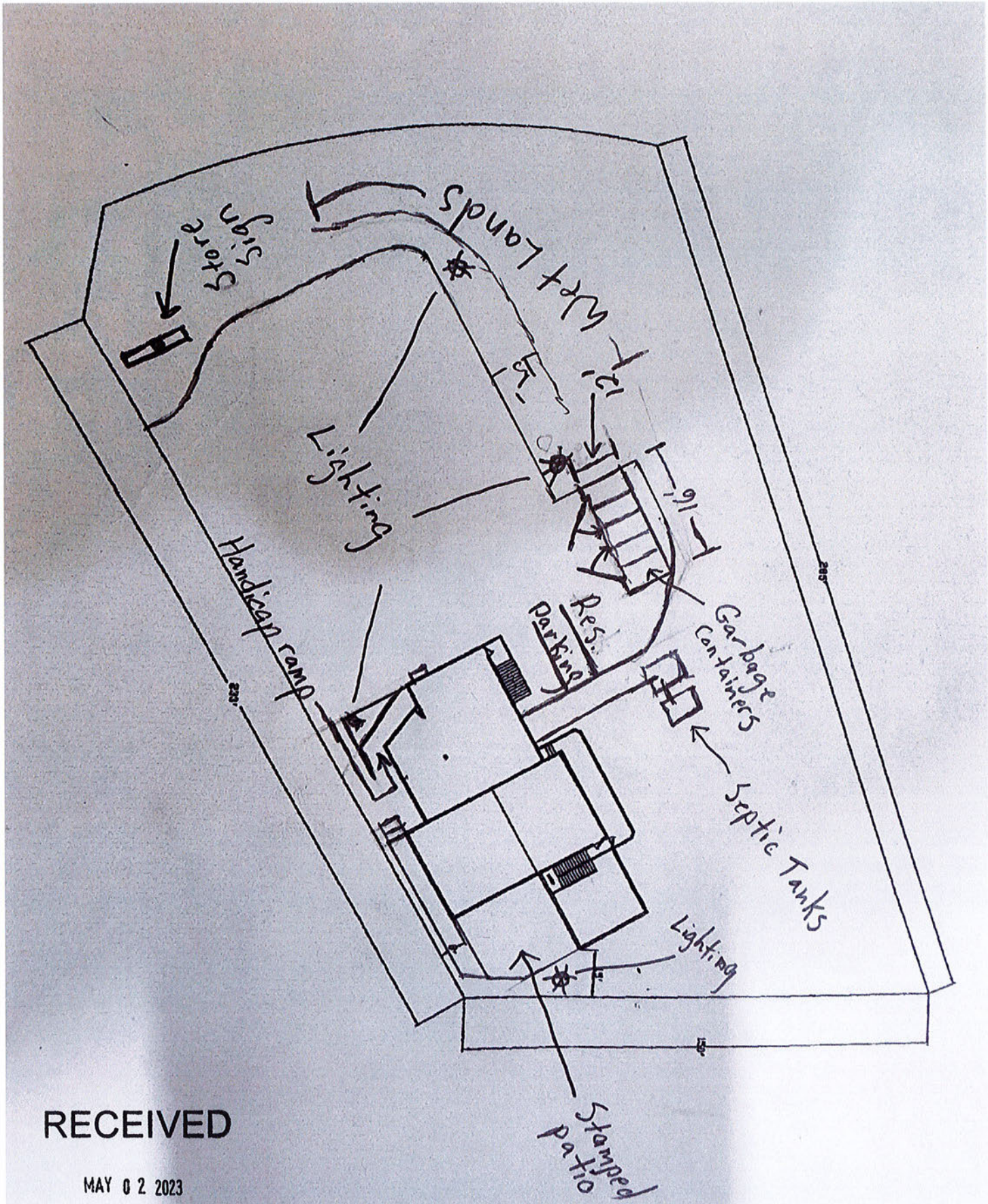
Our request is to install five street/parking lot lights evenly spaced around the perimeter of our parking lot. We will then have two more located on the sidewalk in front of the building. One at west end and one at east end, with both of these light on business property. Hoping to provide safe access to our parking lot and making pedestrians and cars visible at night to passing traffic.



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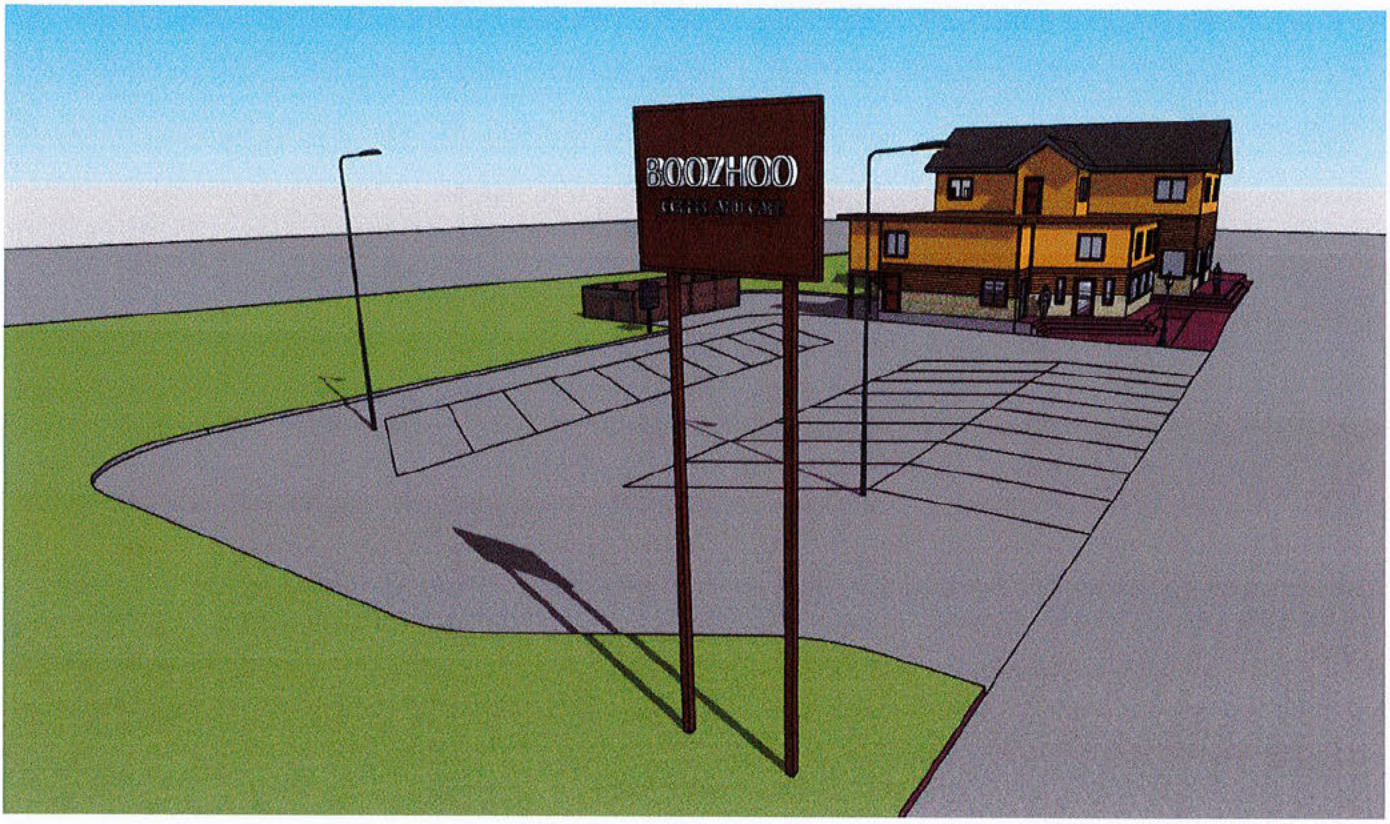
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Photo from Joe Beaulieu

From: Joe Beaulieu [redacted]

To: [redacted]

Date: Wednesday, May 10, 2023 at 08:13 AM CDT



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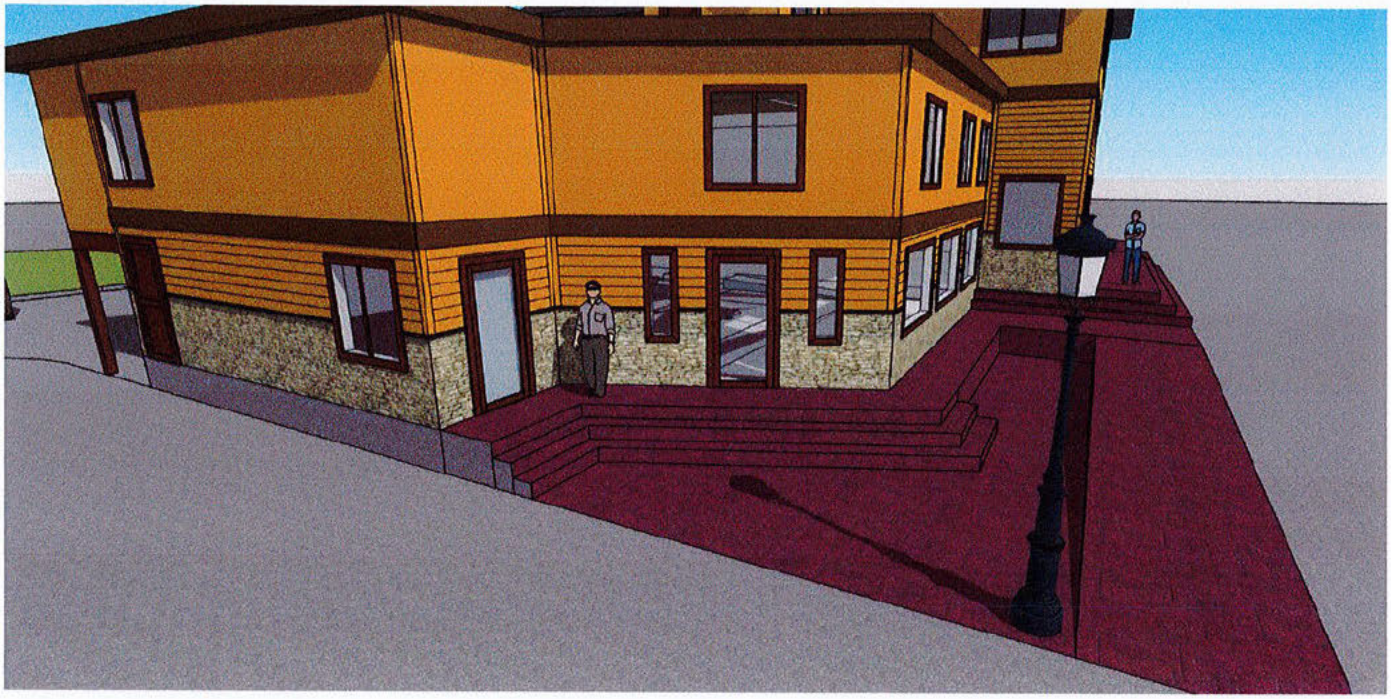
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To: [redacted]

Date: Wednesday, May 10, 2023 at 08:12 AM CDT



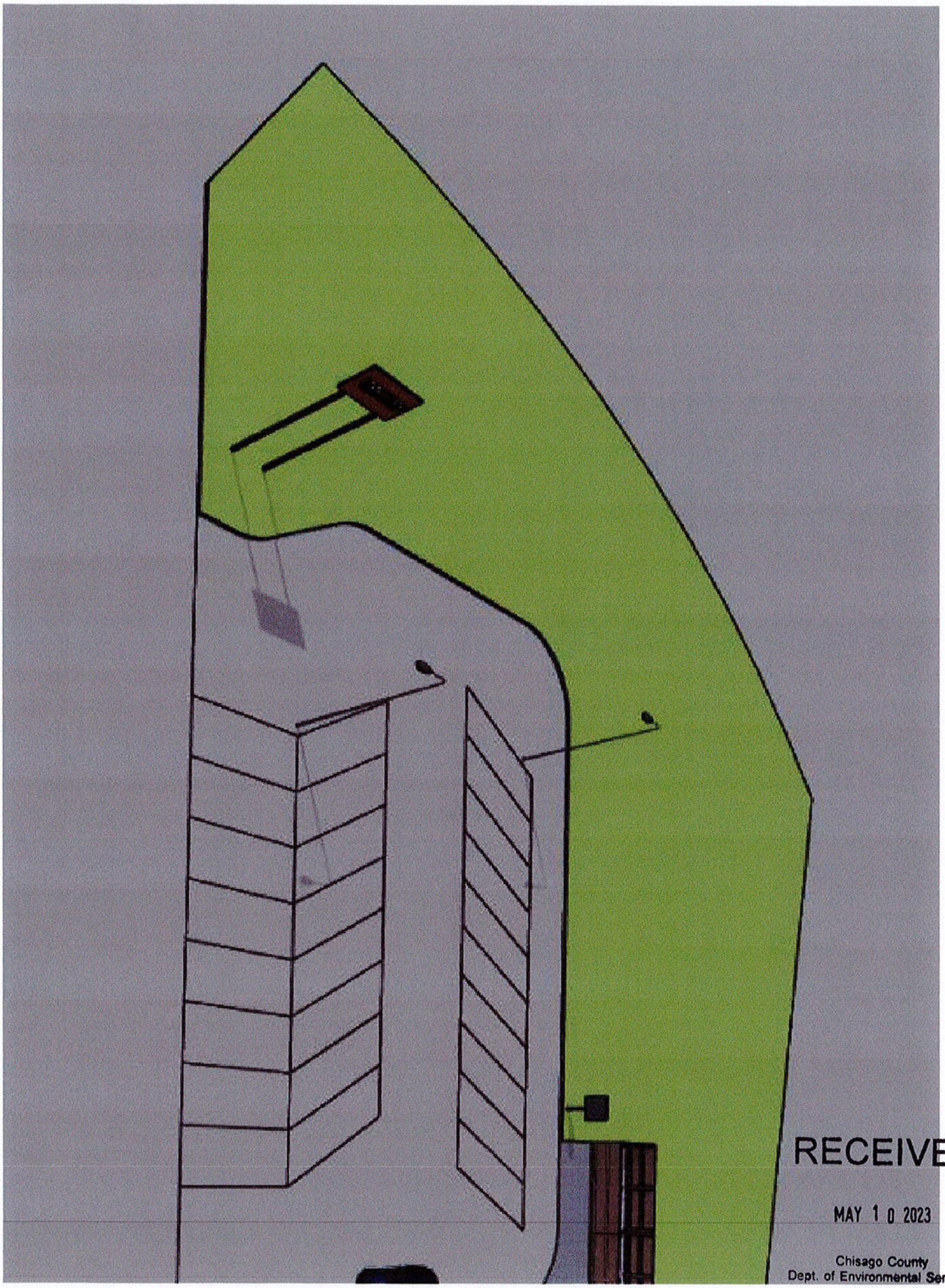
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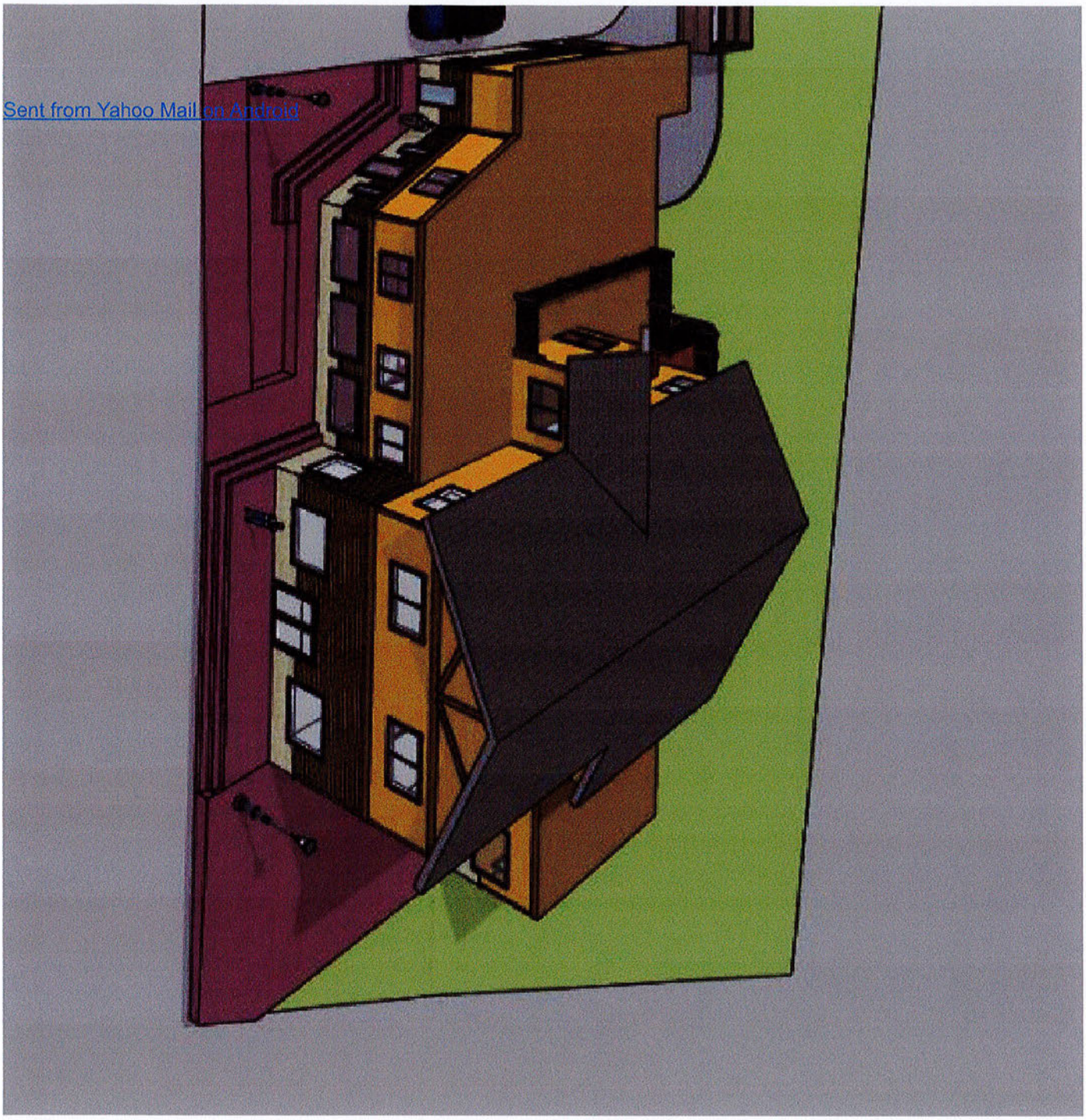
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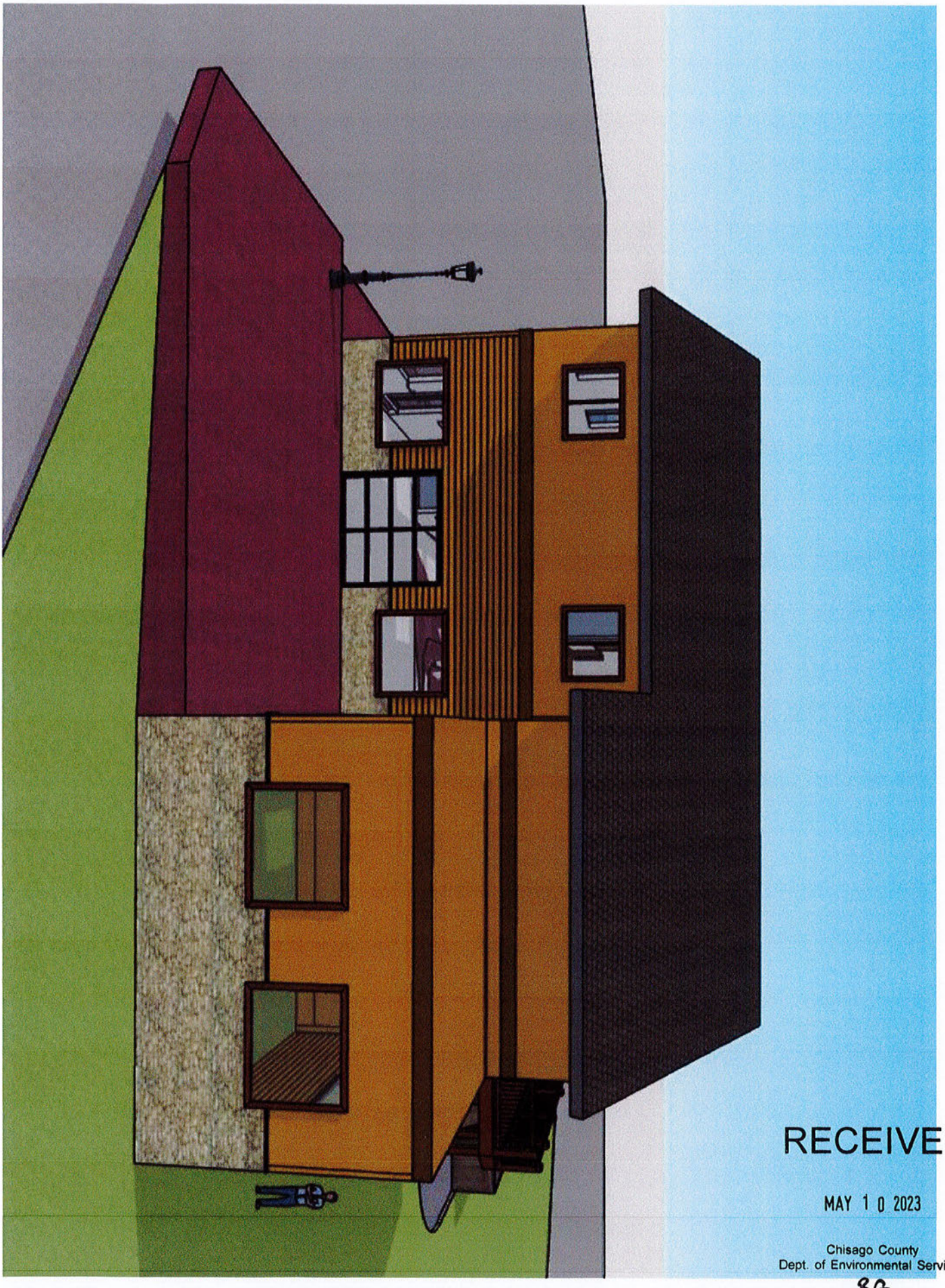
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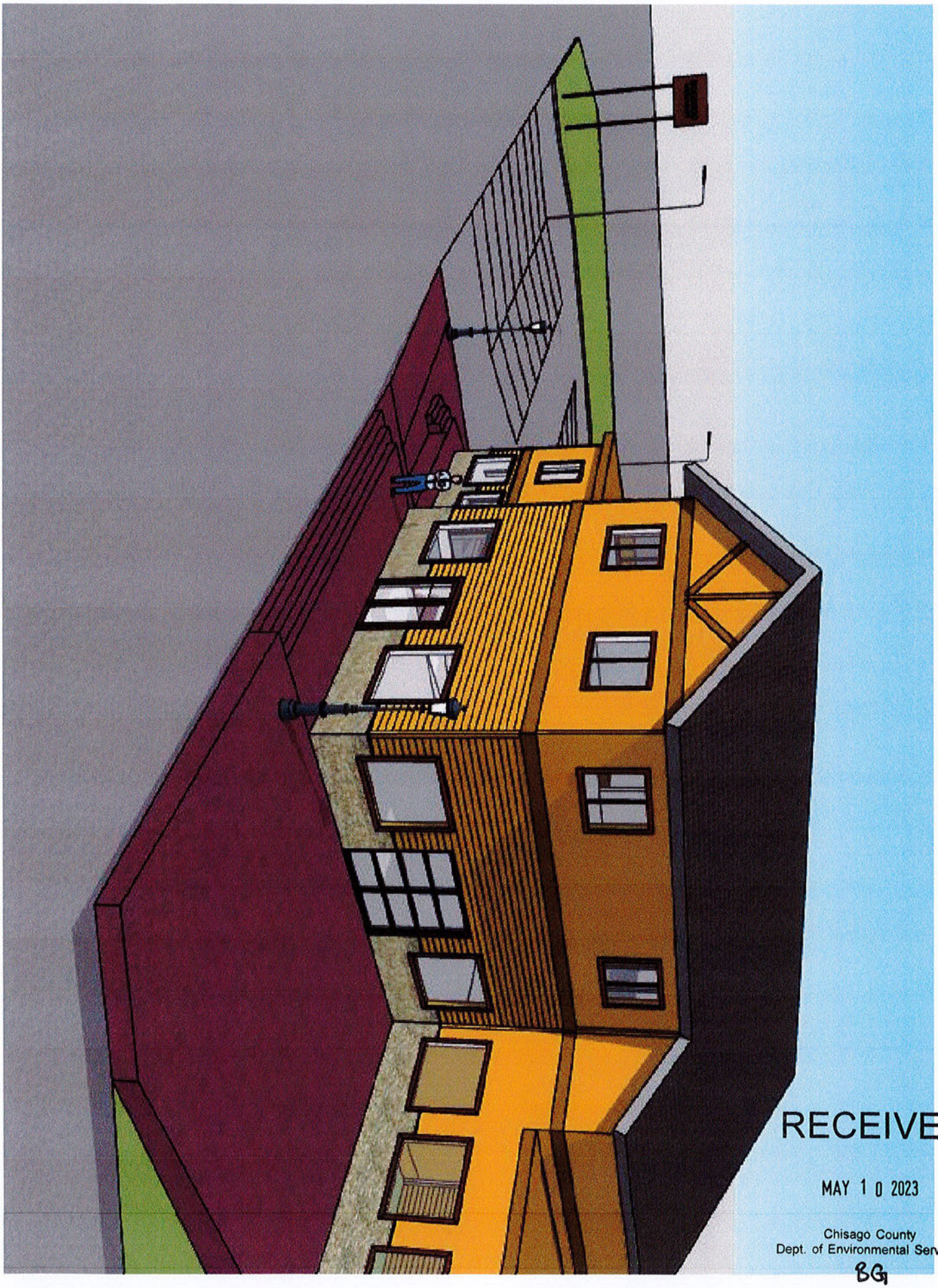


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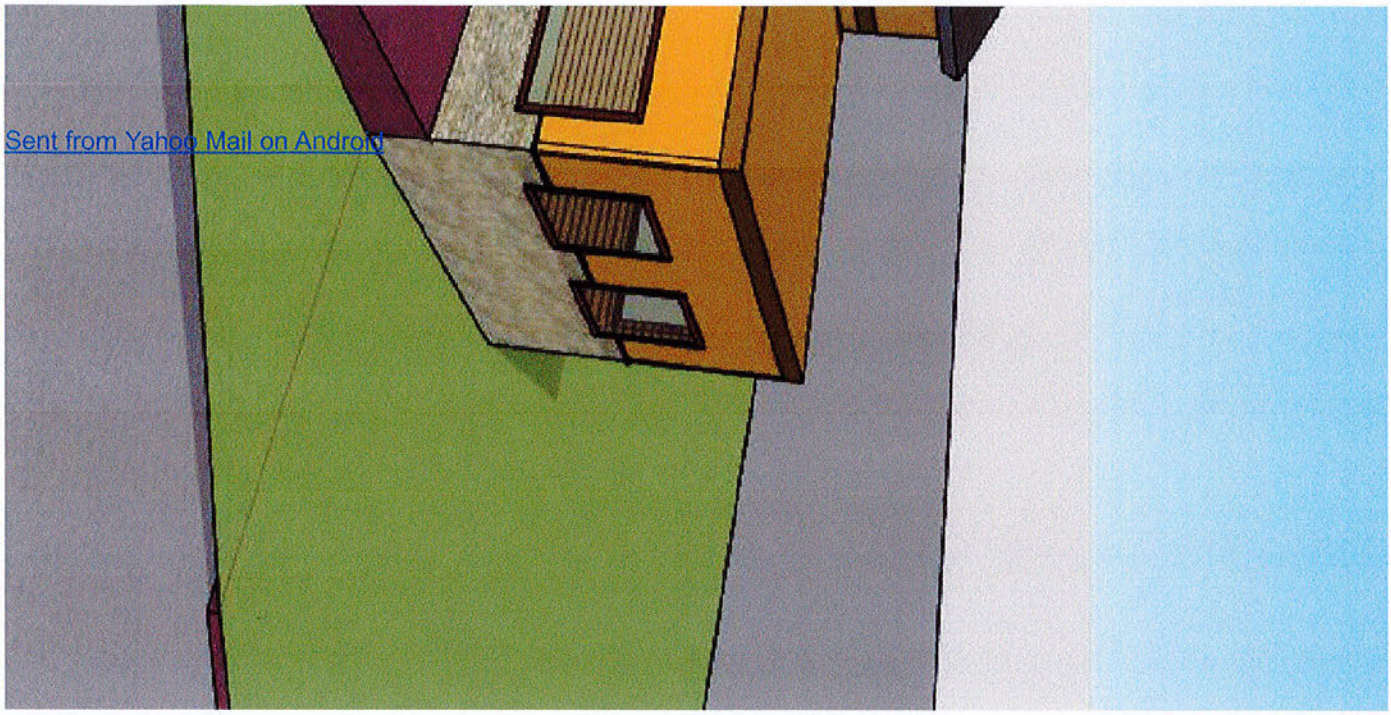


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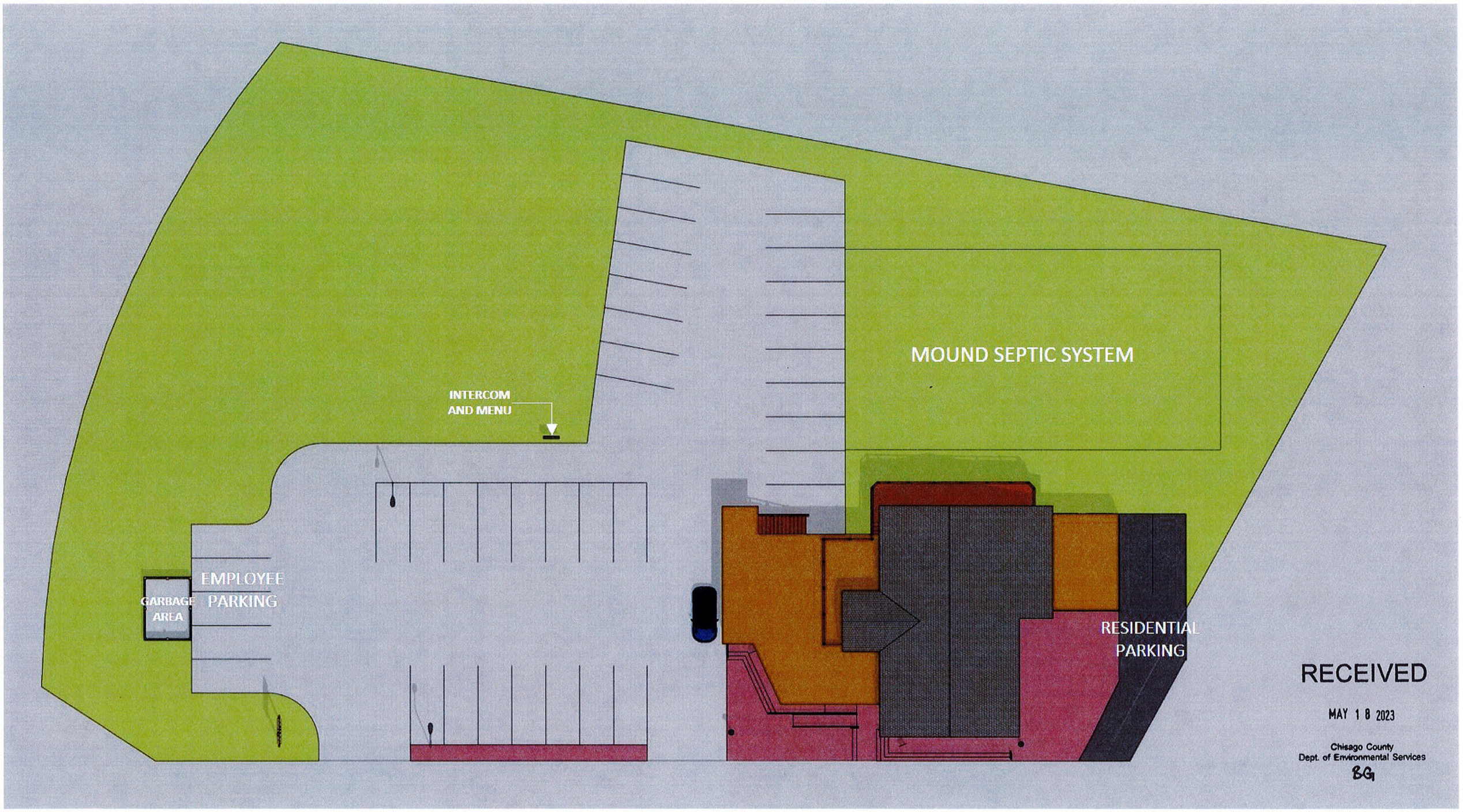
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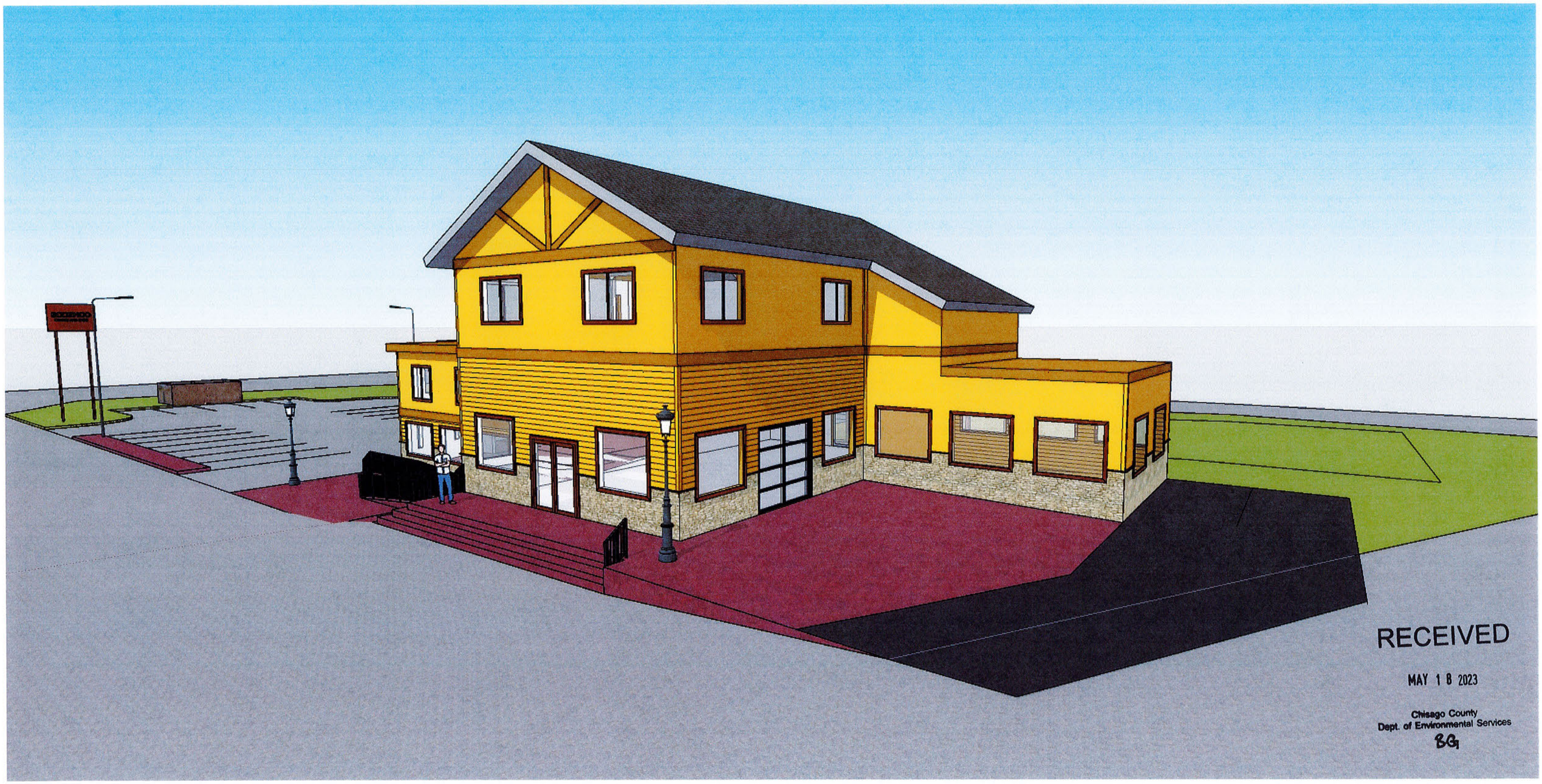
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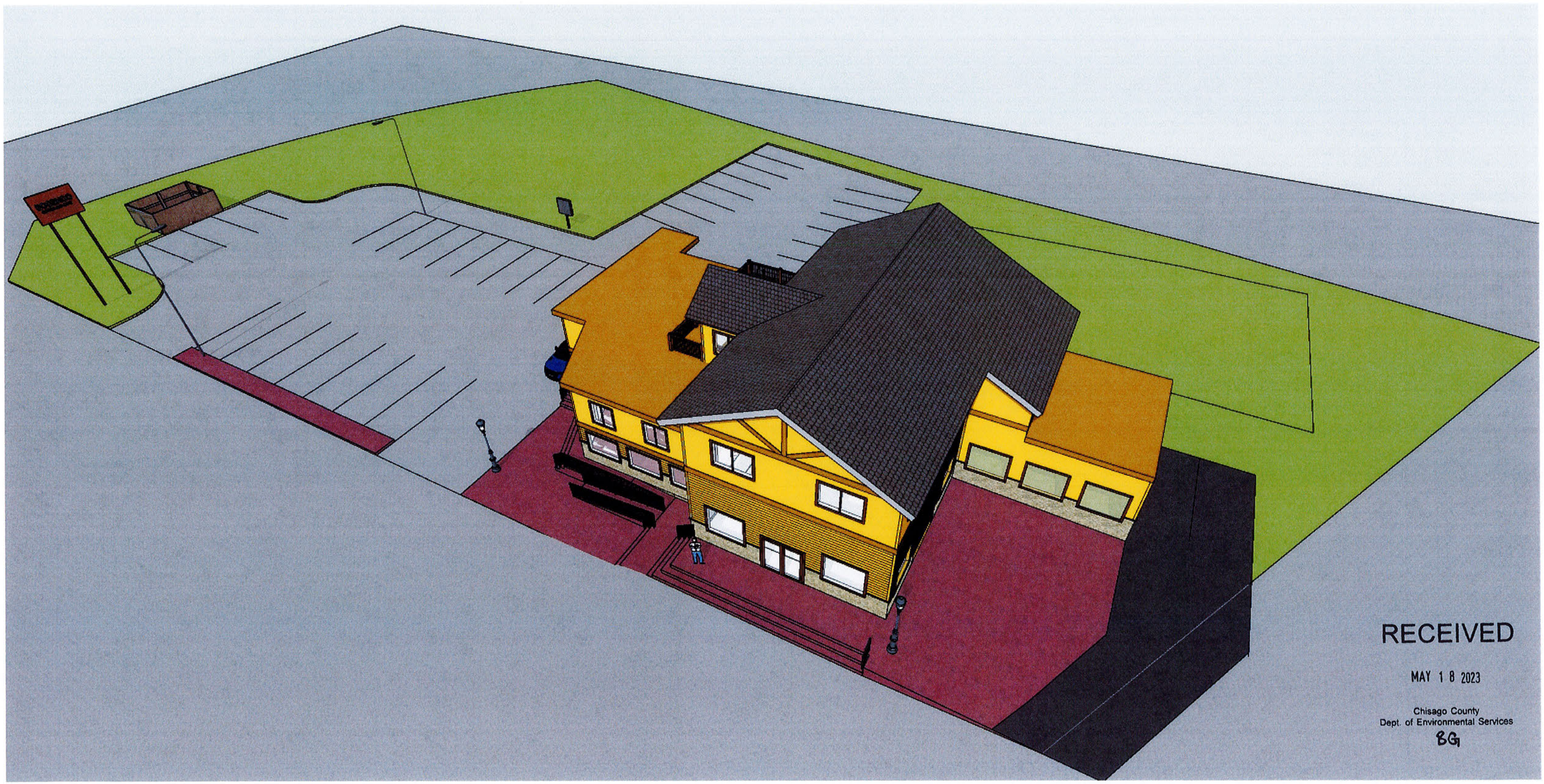
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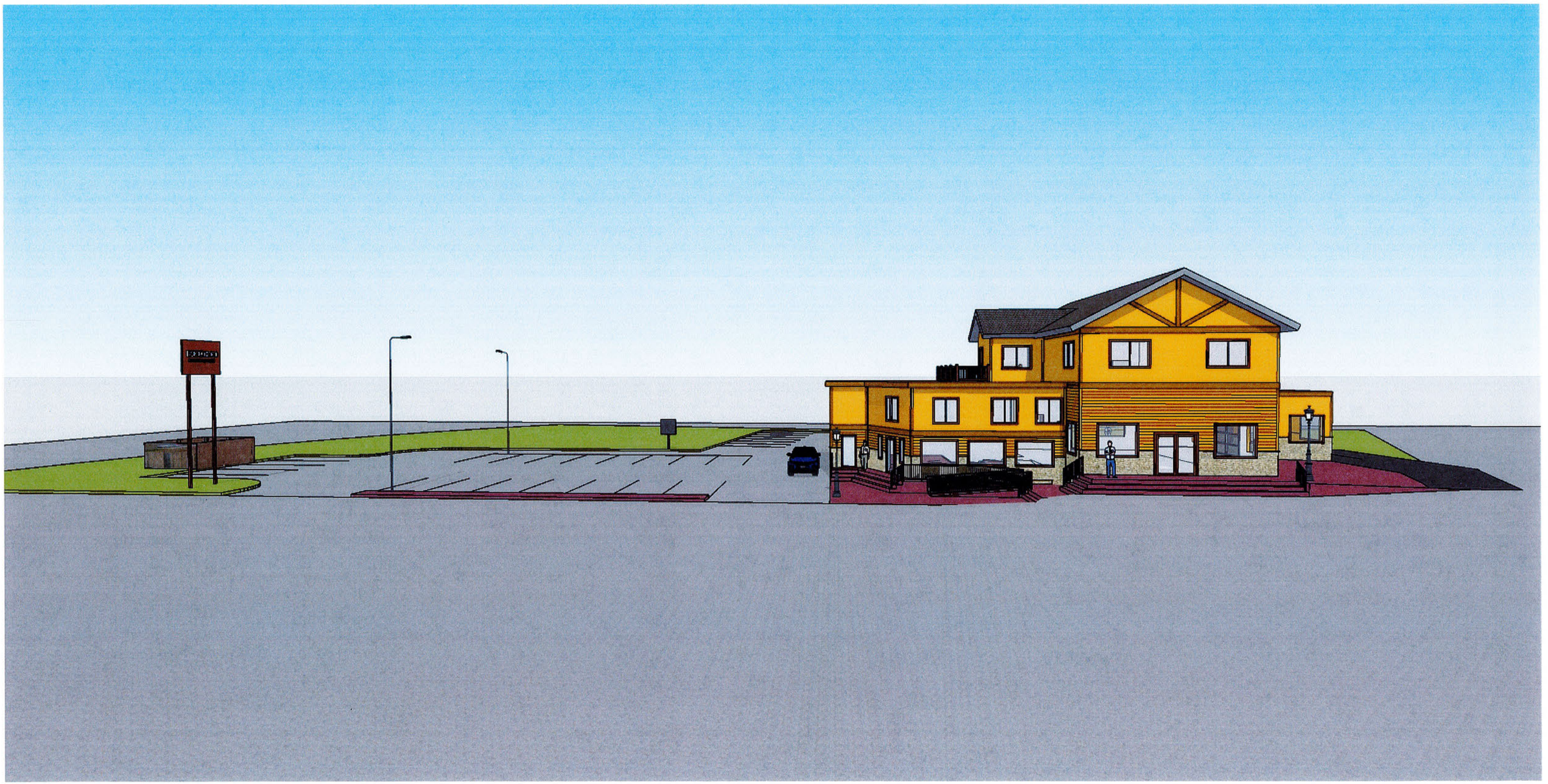
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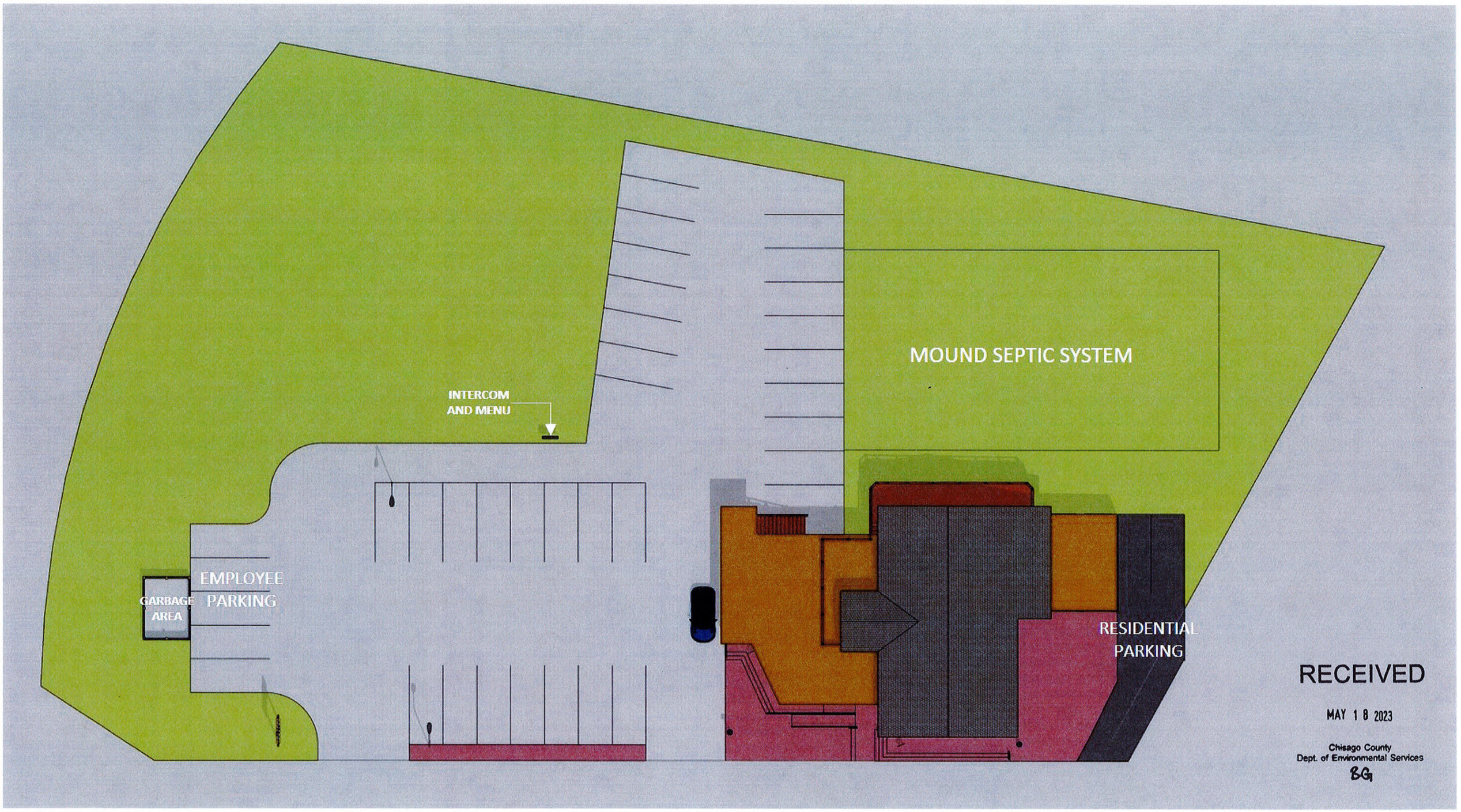


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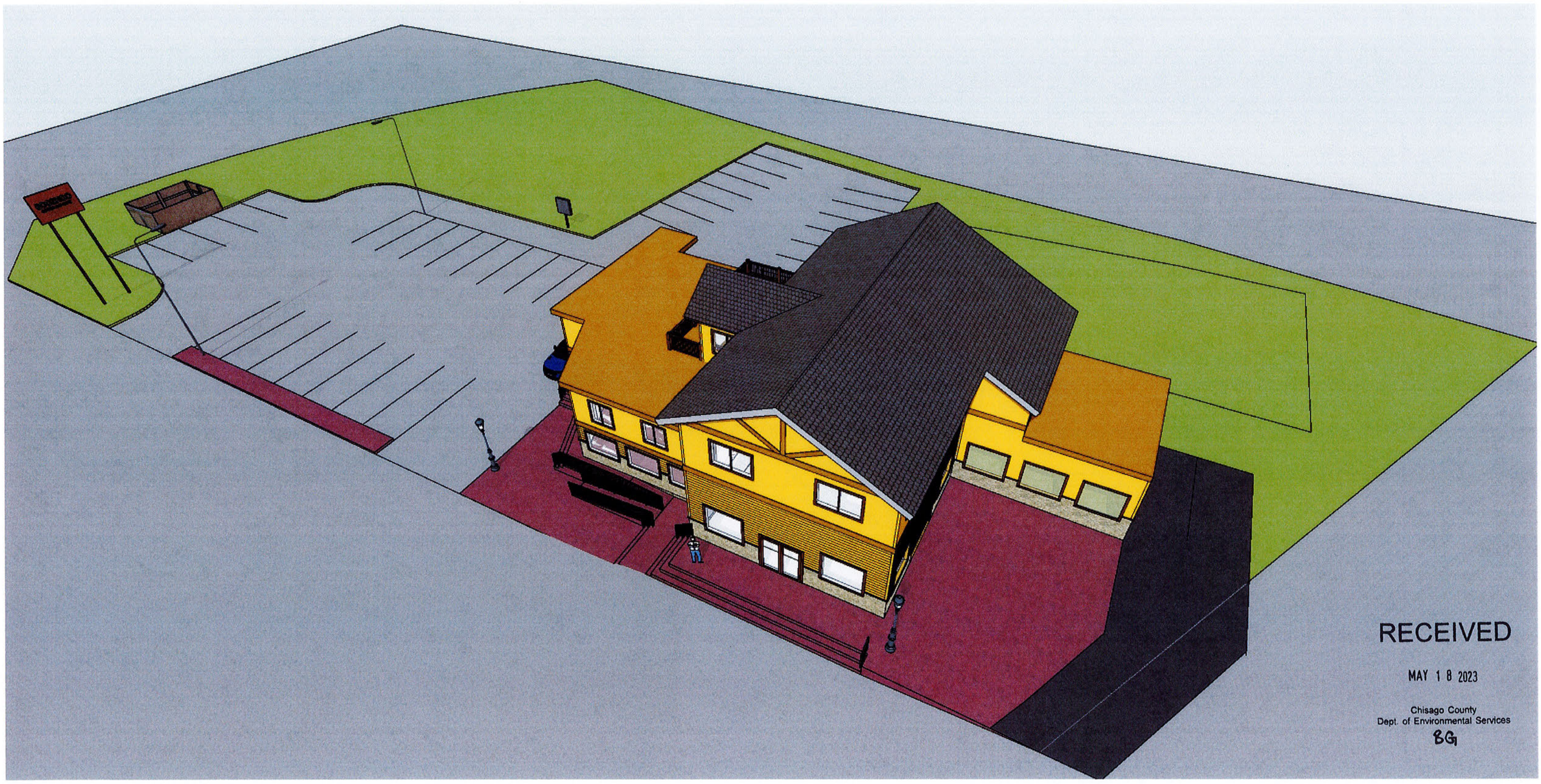
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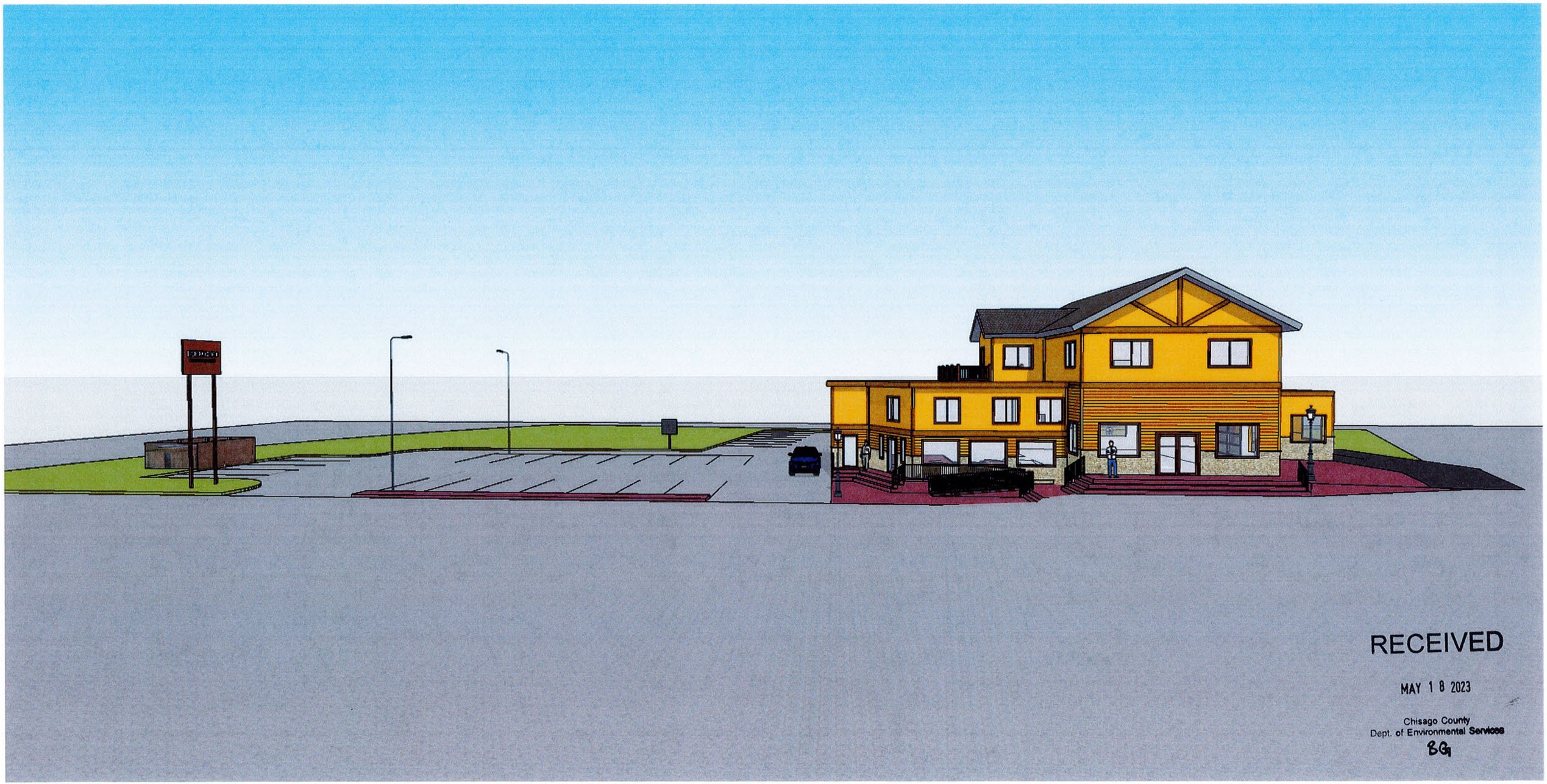
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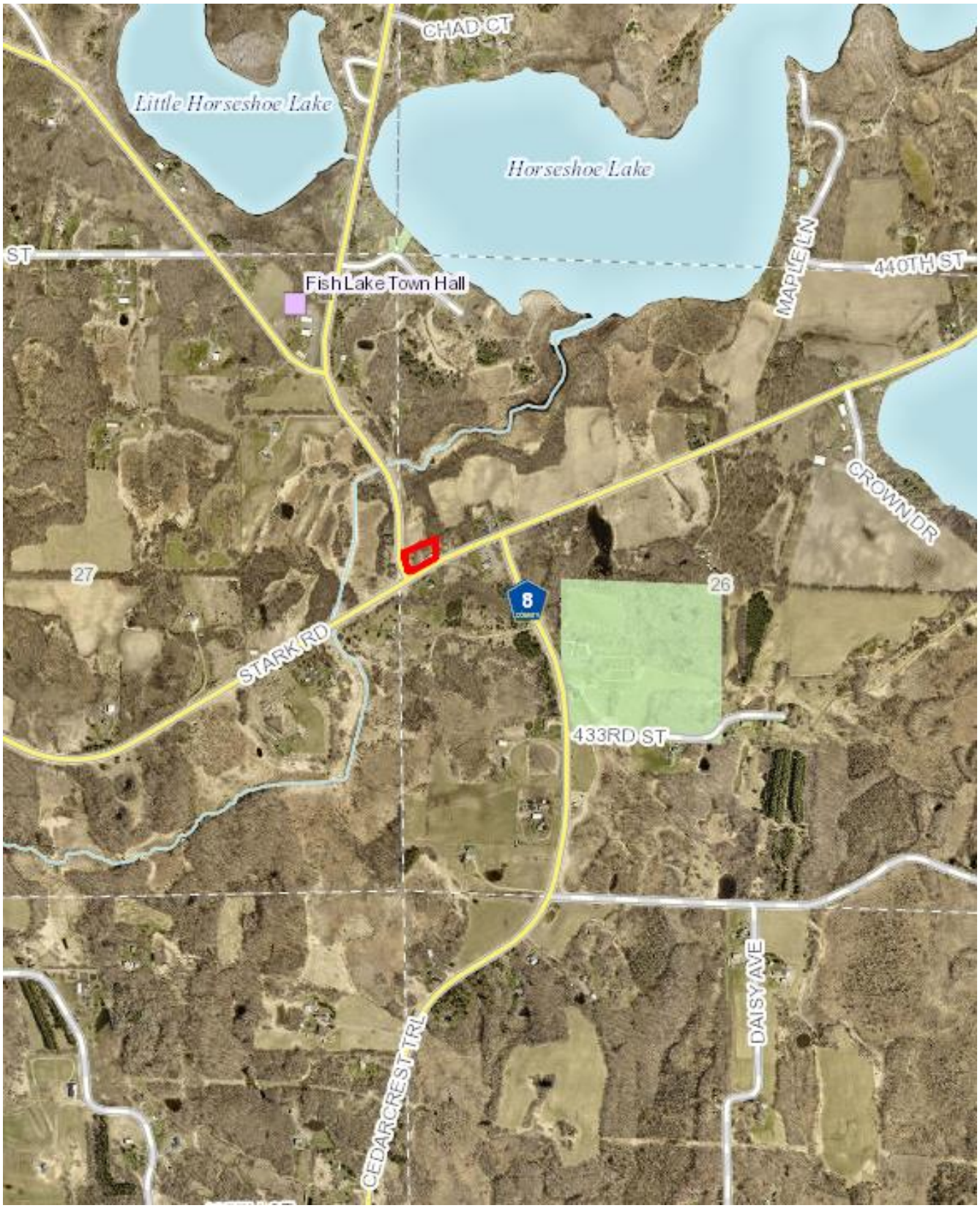
Boozhoo Coffee & Café, LLC – Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are seeking approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District. The .92± acre subject property is located at 2340 Stark Road / CSAH 10 in Fish Lake Township, S26, T36, R22 (PID 03.00385.00).

Boozhoo Coffee & Café, LLC property -



Boozhoo Coffee & Café, LLC – Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are seeking approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District. The .92± acre subject property is located at 2340 Stark Road / CSAH 10 in Fish Lake Township, S26, T36, R22 (PID 03.00385.00).

Boozhoo Coffee & Café, LLC property – 



RESOLUTION NO. PC2023-0703

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING A DRIVE-THROUGH BUSINESS AND AN ACCESSORY RESIDENTIAL UNIT ON PROPERTY LOCATED AT 2340 STARK ROAD / CSAH 10 IN FISH LAKE TOWNSHIP

WHEREAS, property owner Boozhoo Coffee & Café, LLC and applicant Marvin "Joe" Beaulieu submitted an application dated received April 14, 2023 and considered complete on May 3, 2023 for a Conditional Use Permit allowing a Drive-Through Business and Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township; and

WHEREAS, the .92± acre subject site is located in the Rural Village Center (RVC) District and legally described as:

PID 03.00385.00

All that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 26; Township 36, Range 22, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter, Section 26, Township 36, Range 22; thence East 2 chains to the North side of Fish Lake Road and Cambridge Road; thence on the North boundary of said road East 25 degrees North 3 chains and 10 links; thence North 2 chains; thence West parallel with said Fish Lake and Cambridge Road 5 chains to the West line of said Southwest Quarter of the Northwest Quarter of said Section 26; thence South 2 chains to the place of beginning. Excepting therefrom that certain tract deeded to the County of Chisago by Quit Claim Deed, dated March 27, 1973, filed April 5, 1973, and recorded as microfilm number 137732.

Abstract property

WHEREAS, notice was provided and on June 1, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant, and opened the public hearing on June 1, 2023 and ultimately continued the public hearing to July 6, 2023, extended the review period by 60 days (expiring on August 31, 2023), and instructed the applicant to provide specific updated application materials for further review and consideration on July 6, 2023; and

WHEREAS, the Planning Commission concluded the public hearing and further considered the application on July 6, 2023; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:*

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and meet the intent of the RVC District.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). The Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion. Further, the County has included conditions of approval which require a Variance from the Chisago County Highway Department in order to have more than one access point from Stark Road / CSAH 10, Highway Department review and approval of parking lot surface material(s), and prohibition of customer and resident parking on Stark Road / CSAH 10.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion impacting nearby properties would be the proposed use of an intercom system for drive-through orders. Therefore, in an effort to mitigate potential intrusions and because the proposed intercom system is physically unable to meet the required setbacks established by the Zoning Ordinance, the County has prohibited the use of such electronic devices. The County finds no evidence to suggest that the proposed uses would cause glare, general unsightliness or other forms of intrusion upon nearby properties.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit, subject to the following conditions:

1. This Conditional Use Permit allows a Drive-Through Business and single Accessory Residential Unit in the Second Story. The property shall be developed and used in accordance with application materials kept on file with the Department of Environmental Services, including written narratives dated received April 18, 2023 and May 1, 2023 and site plans dated received April 14, 2023 and May 2, 2023, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

<u>Conditions Specific to the Approved Drive-Through Business:</u>

2. The Drive-Through shall be allowed to operate seven days a week, operating no earlier than 6:00 am and no later than 10:00 pm.
3. Due to the current site dimensions / configuration and inability to meet required setbacks applicable to electronic devices, no electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices shall be allowed outside of the principal structure.
4. The drive-through lane shall be designed and used for one-way traffic only.
5. The drive-through lane shall have a minimum dedicated width of twelve feet (12').

6. Delivery trucks and other service vehicles must utilize the parking lot and shall not park on Stark Road / CSAH 10.
7. The permit holder shall provide suitable storage containers for all waste material and all storage containers shall be screened. Further, the permit holder shall place refuse receptacles at all exist as well as one refuse receptacle per ten vehicle parking spaces within the parking area.
8. All food and beverage preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
9. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.

Conditions Specific to the Approved Accessory Residential Unit:

10. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story.

General Conditions Applicable to Subject Site and Approved Uses:

11. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way. The lighting plan shall be reviewed and approved by the Zoning Administrator.
12. Noise generated from the approved uses, 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 shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
13. The property owner shall request and obtain an administrative Variance from the Chisago County Highway Department in order to have more than one access point from Stark Road / CSAH 10.
14. The parking lot shall be surfaced with materials reviewed and approved by the Chisago County Highway Department.
15. The permit holder shall accommodate all parking on-site and no customer or resident parking shall be allowed on Stark Road / CSAH 10. Further, no perpendicular parking shall be allowed adjacent to Stark Road / CSAH 10.
16. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles. Local fire chief inspection and approval of drive access suitability for emergency access purposes shall be obtained prior to opening to the public.
17. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed. Neither approved use shall commence until such time that a Certificate of Occupancy has been issued.
18. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. The property owner shall apply for and obtain a Construction Stormwater Permit from the

Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.

22. 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.
23. 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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 6th day of July, 2023.

Chris DuBose	_____	Dave Whitney	_____
Eric Leivian	_____	Jolene Wille	_____
Jim McCarthy	_____	Chip Yeager	_____
John Sutcliffe	_____		

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator