

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
November 2, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, November 2, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Nikki Garner, Office Support Specialist.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Commission members present: Chris DuBose, Eric Leivian, Chair Chip Yeager, John Sutcliffe, Jolene Wille, Jim McCarthy, and Dave Whitney. A quorum was established with all members present. Also present: Ex Officio County Commissioner Rick Greene.

Approval of Agenda – Motion by John Sutcliffe to approve the agenda as presented; second by Eric Leivian. The **motion passed 7-0.**

Approval of Minutes – Motion by Chris DuBose to approve the September 21, 2023 special work session minutes as presented; second by Jolene Wille. The **motion passed 7-0.** **Motion** by Jolene Wille to approve the October 5, 2023 regular meeting minutes as presented; second by Dave Whitney. The **motion passed 7-0.**

Receive all Materials and Submittals into Record – Motion by Dave Whitney to accept all materials and submittals into the record, including two items provided immediately prior to the meeting (one provided by Sunrise Township for agenda item 6a and one provided by County staff for agenda item 9a); second by Eric Leivian. The **motion passed 7-0.** Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments and the two additional items described above. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Sunrise Township – Coordinator Gervais provided an overview of property owner Sunrise Township’s request for approval of a Conditional Use Permit (CUP) allowing Local Government and Administration Buildings on property located at 1xxxx Sunrise Road in Sunrise Township (PID 09.00041.20). Gervais explained that the request involved the construction of a new town hall facility and maintenance building. The town hall facility was intended to be used for regular monthly meetings, elections, occasional events, and would replace the existing town hall facility located at 41259 Oak Street. The 10.50± acre subject site was zoned Agricultural (AG) District and generally located two-tenths (.20) of a mile northerly of the intersection of Sunrise Road / CSAH 9 and Olson Road on the easterly side of Sunrise Road / CSAH 9, S5, T35, R20.

Gervais reviewed details of the subject site, surrounding area, and application materials. The subject site was currently developed with a single 40’ x 40’ (1,600 sf) structure which was constructed in 2015 for the purposes of storing sand and salt for township road maintenance. Records showed that Sunrise Township applied for and received a CUP for Local Government and Administration Buildings in 2015 for this structure. The proposed town hall facility was shown on the site plan to be 3,228 sf in size and the proposed maintenance building was shown to be 4,800 sf in size and located straight east of the proposed town hall facility. While the town hall facility would be constructed upon approval of the CUP, the application indicated that the proposed maintenance building would be constructed within five years. Gervais noted that the town hall facility would be constructed with a maximum capacity of 100 people; the parking lot would be designed to accommodate 50

vehicles; and, the general public would access the site from Sunrise Road / CSAH 9 while the township would continue to utilize the existing Ferry Road access.

The Technical Review Committee met with township representative Greg Strom on October 11, 2023. The County Engineer commented that the existing field access on Sunrise Road / CSAH 9, proposed to become the main public access, should be improved / upgraded to handle the proposed level of traffic. The County Engineer offered support for the main access to be located on Sunrise Road / CSAH 9 rather than Ferry Road so as to cause less impact to the Ferry Road neighborhood. No other concerns were identified. The Sunrise Town Board considered the request on October 19, 2023 and recommended approval with no conditions. The 60-day review period was scheduled to expire on December 2, 2023.

Gervais concluded by offering a recommendation of approval with draft Findings of Fact and conditions, and reviewed options available to the Planning Commission.

Chair Yeager invited the applicant to address the Planning Commission. Greg Strom, Sunrise Town Board, was present and available to address questions and concerns. Strom noted that he had reviewed staff's recommended conditions of approval and was satisfied with the proposed hours of operation for use and events and commented that events would be limited and there would be no outdoor music. Strom expressed concern with the proposed amount of vegetative screening and requested that the Commission consider a reduced amount (280' of screening along the southerly property boundary rather than 630'). Chair Yeager asked Planning Commission members and the applicant for additional questions and comments. Eric Leivian inquired if the proposed 280' of vegetative screening included a staggered double-row of trees as recommended by staff. Strom confirmed that the township was agreeable to a staggered double-row of trees. Chris DuBose inquired about the location of the proposed septic system in relation to the southerly property boundary and the potential impact on proposed vegetative screening. Strom stated that there was sufficient space on-site for both the septic system and trees.

Chair Yeager opened the public hearing and sought comment.

Bill Campbell of 41594 Ferry Road, Sunrise Township – Campbell explained that he owned the farm immediately south of the subject site and was concerned about potential impacts related to exterior lighting and noise. Campbell advocated for as much screening as possible and commented that the vegetative screening recommended by staff would be very beneficial.

Mark Osland of 37194 Oasis Road, Sunrise Township – Osland introduced himself as a Sunrise Town Board member and shared that he was speaking on behalf of property owner Jerry Bjork of 11936 Sunrise Road. Osland explained that Bjork's property was located immediately north of the subject site and Bjork was in full support of the new town hall facility.

Sara Rockensock of 41446 2nd Street, Sunrise Township – Rockensock questioned if an Environmental Impact Statement had been completed in order to evaluate the impact of the proposed parking lot on the nearby river and surrounding properties.

Tia Szymanski of 36108 Oasis Road, Sunrise Township – Szymanski offered support for requiring additional screening in order to protect neighboring residents.

Pete Johnson of 40708 Sunrise Road, Sunrise Township – Johnson stated that he was a Sunrise Town Board member and shared that the new town hall would look similar to the Chisago Lake Town Hall but on a smaller scale. Johnson, like Strom, requested a reduced amount of vegetative screening.

With no additional persons wishing to speak, ***motion*** by Chris DuBose to close the public hearing; second by Dave Whitney. The **motion passed** 7-0. Chair Yeager asked Planning Commission members for additional comments. Jim McCarthy suggested and discussed modification of recommended conditions pertaining to landscaping / screening and exterior lighting. Eric Leivian sought clarification from staff on the 2015 CUP (allowing the salt shed) and suggested that the Planning Commission should not be requiring screening of a structure that had received prior CUP approval. Chris DuBose noted that required vegetative screening should not be located in a manner which would impair traffic visibility and advocated for only requiring screening to address the proposed structures.

Motion by Jim McCarthy to amend the recommended condition pertaining to vegetative screening such that the landscaping would start 150' from the road and extend 280' easterly; second by Chris DuBose. The **motion passed** 7-0. Dave Whitney questioned whether an Environmental Impact Statement would be required for the project; Jim McCarthy responded that he did not believe that the proposed project warranted this particular study. ***Motion*** by Jim McCarthy to amend the recommended condition pertaining to exterior lighting such that downcast LED lighting be required; second by Dave Whitney. The **motion passed** 7-0. ***Motion*** by Chris DuBose to adopt Resolution No. PC2023-1101, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing Local Government and Administration Buildings on property located at 1xxxx Sunrise Road / CSAH 9 in Sunrise Township, as presented and amended; second by Dave Whitney. The **motion passed** 7-0.

Conditions as Amended:

1. This Conditional Use Permit for Local Government and Administration Buildings allows for a town hall facility and maintenance building per the application materials dated received September 22, 2023 and kept on file with the Department of Environmental Services 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.
2. There shall be no established hours of operation for government related activities; however, private events shall adhere to the following hours of operation:
Monday through Thursday – 8:00 am to 9:00 pm
Friday and Saturday – 8:00 am to 10:00 pm
Sunday – 8:00 am to 9:00 pm
3. The maximum number of private events (i.e., facility rental by the general public for non-government activities) shall be two (2) per calendar month.
4. Noise generated from the approved use shall be subject to the Chisago County noise standards. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries.
5. There shall be no outdoor amplified music at any time. Further, if there are events featuring indoor amplified music, all exterior doors shall remain closed so as to minimize the impact to surrounding properties.
6. The permit holder shall install vegetative screening adjacent to the southerly property boundary beginning ~~no less than 60' from centerline~~ 150' from the easterly edge of Sunrise Road / CSAH 9 ~~(so as to be in line~~

~~with the west boundary of the parking lot) and ending at the point where the property boundary changes from a southwest-northeast orientation to a more east-west orientation (a total distance of approximately 630')~~ extending easterly a distance of 280' from the point of beginning. The screening shall be located no closer than 15' from the property boundary and shall consist of two (2) staggered rows of six foot (6') tall coniferous trees planted no greater than sixteen feet (16') on center which meet or exceed 75% opacity within three (3) years of the approval date.

7. The permit holder shall accommodate all parking on-site and no parking shall be allowed on Sunrise Road / CSAH 9 or Ferry Road.
8. The Sunrise Road / CSAH 9 access shall be upgraded and improved to a minimum width of 25'. The permit holder shall be responsible for obtaining any necessary permit(s) from the Chisago County Highway Department related to this access.
9. Any exterior lighting shall be designed as LED downcast lighting so as to limit light visible from adjacent roadways and adjacent properties.
10. All refuse containers shall be fully screened or enclosed.
11. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
12. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Carol Hauglie – Coordinator Gervais provided an overview of property owner Carol Hauglie's request for approval of the Preliminary Plat of Autumn Woods Cottages involving the creation of six lots from a 28.20± acre tract of land. The subject site was zoned Rural Residential II (RRII) District and generally located at the northwest corner of Rush Lake Trail / CSAH 1 and Belle Isle Drive in Nessel Township, S11, T37, R22 (PID 06.00235.20).

Gervais reviewed details of the subject site and surrounding area and explained that the applicant intended to create six lots ranging in size from 2.3 acres to 8.11 acres. Noting that a small portion of the subject site was located in the Shoreland Management District, Gervais commented that, as a non-riparian lot, the subject site was subject to the dimensional standards of the underlying RRII District. As proposed, all proposed parcels complied with the County's minimum dimensional requirements.

The Technical Review Committee met with Hauglie on October 11, 2023. It was reported that both the soils report and wetland delineation had been reviewed by County staff and found to be accurate. The County Engineer was satisfied with the proposed access points and would require a shared driveway for the two lots proposed to access Rush Lake Trail / CSAH 1. No other concerns were identified. The Nessel Town Board considered the request on October 10, 2023 and recommended approval with no conditions. The ordinance prescribed 120-day review period was scheduled to expire on January 31, 2023.

Gervais concluded by offering a recommendation of approval with draft conditions and reviewed options available to the Planning Commission.

Chair Yeager invited the applicant to address the Planning Commission. Property owner Carol Hauglie and surveyor Kelly Jordan were present and available to address questions and concerns. Hauglie stated that she believed all proposed lots met the minimum requirements and opened herself for questions. The Planning Commission had no questions for the applicant.

Chair Yeager 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 Eric Leivian. The **motion passed** 7-0.

Chair Yeager asked Planning Commission members for additional comments. **Motion** by John Sutcliffe to adopt Resolution No. PC2023-1102, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Autumn Woods Cottages, as presented; second by Eric Leivian. The **motion passed** 7-0.

Conditions:

1. The Preliminary Plat of Autumn Woods Cottages is approved per plat drawing dated signed September 27, 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. One access shall be granted from Rush Lake Trail / CSAH 1, requiring that proposed Lots 5 and 6, Block 1 utilize a shared driveway.
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.

Sheryl Bearhart and Jordan Waggoner – Coordinator Gervais provided an overview of applicant Sheryl Bearhart's request for approval of an after-the-fact Interim Use Permit (IUP) allowing a Residential and Commercial Kennel on property located at 450 Badger Boulevard in Fish Lake Township, S4, T36, R22 (PID 03.00041.00). Gervais reviewed details of the subject site and surrounding area.

Gervais shared that the business, operating under the name of DesignerDogs MN, was proposing to house personal dogs in the dwelling and utilize a detached garage to house non-personal dogs. There were currently five personal dogs and one puppy on-site, along with 10 dogs that were being temporarily housed until rehomed and three puppies which were "waiting for their forever home". The request included up to seven dogs within the dwelling (Residential Kennel) and up to 22 dogs within the 20' x 26' (520 sf) detached garage (Commercial Kennel) for a total of 29 dogs and 30 puppies. Gervais noted that puppies less than four months of age were not factored into the total number for zoning purposes as the definition of "Kennel" excluded animals less than four months of age.

Gervais reviewed details of the application materials. The proposed Kennels would only house dogs and no other types of animals; proposed services included vaccinations, microchipping, boarding, grooming, breeding, artificial insemination, and birthing assistance; the business proposed to have a maximum of two litters of puppies at any given time; the detached garage was heated with an electric heater during winter months and cooled with multiple oscillating fans during summer months; kennels were cleaned and sanitized daily; dogs were fed twice daily and water was treated with a product to prevent cross contamination; dog waste would be

bagged and placed in the household garbage receptacles; dogs would be allowed outside time throughout the day with no more than four dogs allowed outside at one time; existing trees were proposed to address screening and mitigate potential noise impacts; the hours of operation were reported to be 9:00 am to 5:00 pm, seven days a week by appointment only; and, there would not be any employees other than residents of the property. Gervais shared that the application materials did not include or make reference to a commercial dog park; however, as part of the County's code enforcement efforts, staff found that the subject site was being advertised on www.sniffspot.com as "Richard's 35 Acre Partially Fenced Private Dog Park in Stanchfield". The listing showed that the dog park charged a fee of \$10 per dog per hour with a maximum of 20 dogs per booking. Gervais noted that this type of activity required prior zoning approval and, was therefore, considered an illegal land use. Gervais reviewed approximate setbacks of the dwelling and detached garage from surrounding property boundaries and the closest neighboring dwelling.

The Technical Review Committee met with applicant Sheryl Bearhart on October 11, 2023. Bearhart confirmed that she rented the property from Jordan Waggoner and that Waggoner was fully aware of all existing and proposed Kennel activities. Bearhart also shared that dogs within the detached garage would be kept in extra-large crates; the primary dog breed was Exotic Bully; she was investigating the option of composting dog waste; she would provide all vaccinations with the exception of the rabies vaccination; and, she was investigating the possible need for a State license. The Fish Lake Town Board reviewed the request on October 9, 2023 and recommended denial, noting a lack of information on housing, fencing and vaccinations. The 60-day review period was scheduled to expire on December 3, 2023.

Gervais reviewed several concerns identified by staff, including:

- The application was submitted by applicant Sheryl Bearhart and property owner Jordan Waggoner, and the written narrative provided a business name of DesignerDogs Mn. Based on concerns expressed by the Fish Lake Town Board and neighboring property owners, staff reviewed the State of Minnesota business filing and confirmed that the only registered agent for the business is Richard Carter with a registered office address in St. Paul, MN. Staff suggested that Bearhart either provide documentation verifying that she was an authorized agent of the business or the application be amended to include Carter.
- The Fish Lake Town Board suggested that a Kennel license would be required from the State of Minnesota. Staff was not entirely certain if a State license was required; however, Bearhart had requested that the request be tabled in order to allow her time to investigate this potential requirement.
- The application materials did not make reference to a commercial dog park; however, as part of the County's code enforcement efforts, staff found that the subject site was being advertised as a dog park. Gervais added that this type of activity required prior zoning approval and, was therefore, considered an illegal land use.
- Gervais noted that the application was lacking significant detail about such things as estimated distances from neighboring properties, screening, a noise evaluation / study, noise mitigation efforts, Commercial Kennel layout / design and size of kennels / crates, fencing materials / specifications, frequency and duration of outdoor time, anticipated amount of customer traffic, and customer parking areas.

Given the complexity of the request and the lack of detail provided in the application materials, and based on the applicant's written request for the Planning Commission to table the request to its December 7, 2023 meeting, staff recommended that the Planning Commission open the advertised public hearing and either continue the public hearing to the December 7, 2023 meeting or close the public hearing and table the request for further consideration at the December 7, 2023 meeting. Gervais reviewed options available to the Planning Commission.

Chair Yeager invited the applicant to address the Planning Commission. Applicant Sheryl Bearhart and property

owner Jordan Waggoner were present and available to address questions and concerns. Bearhart shared that she had checked with the State and learned that her proposed Kennel activities were below the threshold for a State-issued commercial kennel license. Waggoner provided a lengthy statement, which included an explanation that he began renting the subject site to Bearhart and her partner along with their five dogs in the fall of 2022 and hadn't had any complications with his tenants. Waggoner shared that several family members, friends, and contractors who had recently visited the site reported that the dogs were well mannered and well taken care of. Waggoner also shared that his lease agreement included an addendum which allowed Bearhart and her partner to have five permanent dogs, a couple of temporary dogs which were allowed to stay no longer than one week at a time, and no more than a couple of litters per year, along with a requirement that the tenants carry liability insurance.

Chris DuBose requested, that if there was a future site visit, that the Commission be given access to the detached garage where the dogs were proposed to be housed. Bearhart acknowledged this request. Jim McCarthy suggested that the property owner provide the Planning Commission with a written statement of how many dogs he would be willing to allow on his property.

Chair Yeager opened the public hearing and sought comment.

Michelle Reiter of 574 Badger Boulevard, Fish Lake Township – Reiter shared that she resided immediately east of the subject site and, from her property, she could hear several dogs at all hours and it had affected her daily living. She had not seen the dogs in her yard but was concerned about their containment and her personal safety.

Christopher Forslund of 47659 Acacia Trail, Fish Lake Township – Forslund shared that he lived immediately north of the subject site and that barking was an ongoing concern. Forslund explained that the size and scope of the application differed from what was presented during the meeting. Forslund expressed concerns and stated that he was opposed to the IUP request.

Larry Rose of 1020 470th Street, Fish Lake Township – Rose shared that he lived approximately eight-tenths of a mile from the subject site and had lived there since 1981. He explained that he did not support commercial businesses in this agricultural area and did not support the Bearhart application.

Zack Newstrom of 4800 Anchor Ave, Fish Lake Township – Newstrom stated that he lived northeast of the subject site and expressed concerns about containment of the dogs, lack of fencing, and treatment and supervision of the dogs.

Kevin Rausch of 47440 Acacia Trail, Fish Lake Township - Rausch explained that he lived immediately west of the subject site and he and his family could hear barking at all times of day and night and it could be very loud in the summer when the windows were open. Rausch explained that there was very little landscaping / screening between the two properties and noise carried. He felt that the condition of the subject site was not appropriate for the scope of the application and he was concerned about his childrens' safety.

Property owner Jordan Waggoner provided a rebuttal to Rausch's comments, explaining that some of the issues described by Rausch occurred prior to Bearhart and her partner occupying the subject site.

Motion by Chris DuBose to continue the public hearing to the December 7, 2023 Planning Commission meeting; second by Dave Whitney. The **motion passed** 7-0.

Chris DuBose suggested that, prior to the December 7th meeting, the applicant should address short comings within the application, including fencing specifications and plans to form a complete enclosure for the dogs. DuBose also reiterated his request that the Commission be given access to the detached garage during the next site visit. Dave Whitney suggested that the applicant provide more detail on the size of the kennels / crates proposed to be used in the detached garage, clearer detail on how many dogs were intended to be personal / permanent dogs and how many were intended to be housed within the Commercial Kennel, and a layout plan of the detached garage showing locations of the proposed kennels / crates and other proposed services (i.e., microchipping, grooming, vaccinations, etc.). Jim McCarthy explained that he had researched the possible need for State licensing for the proposed kennel and was not able to determine whether a license was indeed required, but suggested that, if approved, the IUP – and all future similar IUP requests – include a general condition requiring that the use comply with State regulations. Eric Leivian concurred with staff concerns relating to the inclusion of Richard Carter on the application. Dave Whitney suggested that staff's identified concerns, which were included in the staff report, be used for reference as the applicant prepared updated application materials.

Public Hearings – Continued Hearings – None

Old Business – None

New Business

October 25, 2023 CCATO Meeting and Township Feedback on Rural Village Center (RVC) District – Director Schneider provided a summary of his presentation to the Chisago County Association of Township Officers (CCATO) at its October 25, 2023 meeting, explaining that he reviewed the Planning Commission's ordinance update efforts, highlighted many of the suggested amendments, and solicited feedback from the 25-30 township officials in attendance. Schneider shared that the engagement effort was well received and several feedback forms were submitted for Planning Commission review.

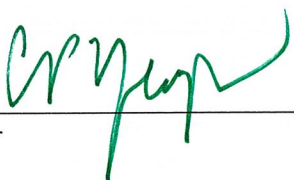
Chris DuBose noted that several comments provided by township officials were topics that had already been discussed by the Planning Commission Work Group, suggesting that the Work Group was on the right track. Jim McCarthy offered that he had talked with Sunrise Township about the possible expansion of the Rural Village Center (RVC) District and there seemed to be a lot of interest. Staff noted that no other townships had provided feedback on the RVC District.

Communications and Reports

County Board Liaison Report / Update – County Commissioner Greene reported that the County Board was anxiously awaiting review of the draft ordinances.

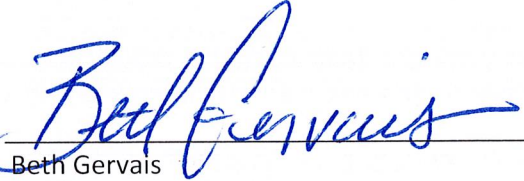
Miscellaneous – None

Adjourn Meeting – **Motion** by Eric Leivian to adjourn the meeting; second by Dave Whitney. The **motion passed** 7-0. The meeting was adjourned at 8:22 p.m.



Chip Yeager
Chair

ATTEST:



Beth Gervais
Land Services Coordinator