



Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
December 7, 2023 | 7:00 pm

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

Tour Details: Wednesday, December 6, 2023 at 9:00 am
Departing from 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. November 2, 2023 Regular Meeting
 - b. November 16, 2023 Special Work Session
- 5. Receive all Materials and Submittals into Record**

Previously Distributed:

 - a. Complete meeting packet including staff reports with attachments for agenda items 7a and 9a
- 6. Public Hearings – New Applications**

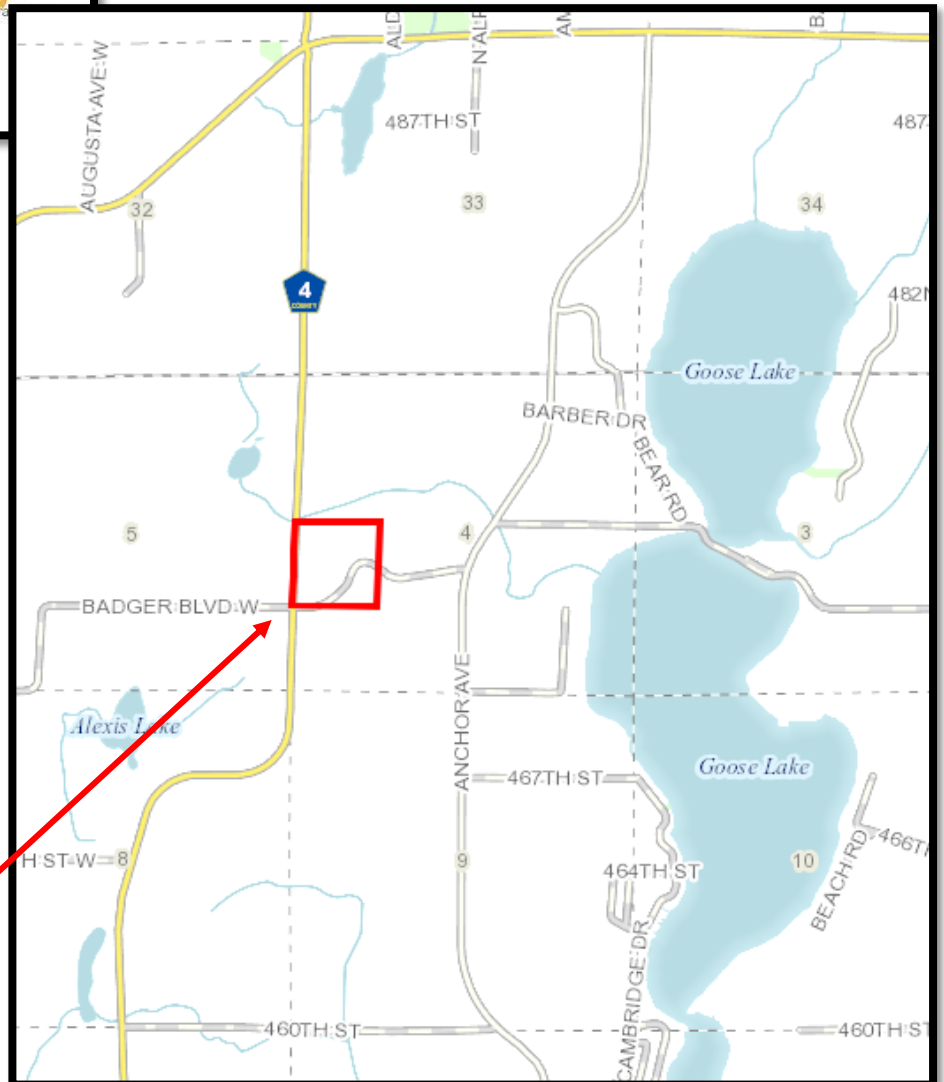
None
- 7. Public Hearings – Continued Hearings**
 - a. **Sheryl Bearhart and Jordan Waggoner** – Applicant Sheryl Bearhart and property owner Jordan Waggoner and are requesting an Interim Use Permit (IUP) allowing a Residential and Commercial Kennel on 40.00± acres in the Agricultural (AG) District. The subject site is located at 450 Badger Boulevard in Fish Lake Township, S4, T36, R22 (PID 03.00041.00).
- 8. Old Business**
- 9. New Business**
 - a. Adoption of 2024 Meeting Schedule
- 10. Communications and Reports**
 - a. County Board Liaison Report / Update
- 11. Miscellaneous**
- 12. Adjourn Meeting**
 - The next special work session is scheduled for Thursday, December 21, 2023 at 6:00 pm.
 - The next regular meeting is tentatively scheduled for Thursday, January 4, 2023 at 7:00 pm.

Planning Commission

Tour Date and Time:

Wednesday, December 6, 2023 at 9:00 am

Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012



**Sheryl Bearhart and
Jordan Waggoner**
450 Badger Boulevard
Fish Lake Township
PID 03.00041.00

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

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
November 16, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, November 16, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose, Eric Leivian, Jim McCarthy, John Sutcliffe, Dave Whitney, Jolene Wille and Chip Yeager. Commissioners Absent: None.

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

Others Present: Ex Officio County Commissioner Rick Greene.

Zoning Ordinance

- A. **Major Home Occupations** – The Work Group reviewed standards for Major Home Occupations, including a maximum number of employees and the proposed minimum lot size of five acres. The Work Group did not offer any changes to the draft language.
- B. **Rural Retail Tourism** – Gervais noted that the current draft ordinance included a requirement that trees required for screening needed to be set back 15 feet from property lines unless there was “mutual consent between property owners” and questioned how the County would verify that consent had been provided by a neighboring property owner. The Work Group discussed options and reached consensus that the draft ordinance language should read “.... mutual written consent ...” and that this same modification should be applied to any section requiring trees for screening as part of a Conditional or Interim Use Permit. The group also noted that Section 4.11 Fences, A.2. discussed placement of fences in relation to the property boundary and that this language may be contradictory. Wille noted that Section 4.17 Rural Retail Tourism B.7. still included a second sentence which authorized the County to require more or less than the standard required 20 acres, commenting that the Work Group had agreed to eliminate this entire sentence. The Work Group also identified that the proposed minimum lot size for Rural Retail Tourism activity was 20 acres, however this may not work well in the RVC District where properties were often far less than 20 acres. DuBose noted that Section 4.17, B.8., pertaining to required setbacks, would also be challenging to achieve in the RVC District. The group discussed possible remedies, including the possibilities of not having a minimum lot size or setback requirement in the RVC District or separating the Rural Retail Tourism regulations specific to the AG District and specific to the RVC District.
- C. **Duplexes and Townhomes** – Gervais noted that the current draft ordinance, based on the Work Group’s previous discussions, included definitions for “Duplex” and “Townhome” and that these uses were added to the RR, UFR and RVC Districts but, as previously discussed by the group, not added to the AG District. Gervais added that the Work Group’s prior discussion, specific to the RVC District, included a requirement that each dwelling unit be required to meet the minimum lot size of the district and that this had not been incorporated into the draft ordinance. Gervais suggested that this same requirement be applied to the UFR District, given that the UFR and RVC Districts had the same minimum lot size of 11,500 sf. Leivian shared that Sunrise Township had discussed septic

systems for multiple dwelling units and recognized that this may present challenges for this particular use.

- D. **Home Site Area Standard** – The Work Group discussed that all references related to “one acre buildable” should be replaced with language related to the “Home Site Area” standard. Whitney commented that he believed the definition for “Home Site Area” included in the draft ordinance was based on the former “one acre buildable” and asked that it be reviewed.
- E. **Bulk Power Storage** – Having discussed the use of “Bulk Power Storage” at previous work sessions, the Work Group noted that the current draft ordinance included Section 7.10 Bulk Storage which stated that storage of certain identified materials “shall be in compliance with and regulated by the Minnesota Pollution Control Agency rules, Minnesota State Fire Code and the Minnesota State Building Code”. There was no consensus on this draft language and the group expressed interest in having more discussion with consultant Haila Maze on this topic.
- F. **Manufactured Home Parks** – The Work Group noted that Manufactured Home Parks were only allowed within the UFR District and discussed various performance and dimensional standards. Gervais shared that the draft ordinance included a new section immediately after Section 7.19 Manufactured Home Parks which was titled “Campground Dwelling”. Gervais wasn’t sure of the intent for this new section and noted that it mirrored part of the Manufactured Home Parks language very closely. Schneider suggested that the new section may have been added to address the use of park models but he was also uncertain. Leivian shared that the tracked version of the draft ordinance included notation that this new section was intended to address the situation of campgrounds resembling permanent manufactured home parks more so than temporary campgrounds. McCarthy commented that there were State requirements related to Manufactured Home Parks which may not be required for campgrounds. Schneider speculated that this new section was intended to address the more permanent style of campgrounds rather than seasonal campgrounds and suggested that more discussion was needed with consultant Haila Maze on this topic.
- G. **Rural Village Center (RVC) District** – McCarthy explained that he discussed the RVC District with Sunrise Township officials and, while there had been some initial concern, the township did not express any interest in modifying the district regulations or the district boundaries. McCarthy also shared that Sunrise Township officials expressed concern with the loss of ability to have horses after the consolidation of the Rural Residential I (RRI) and Rural Residential II (RRII) Districts. The Work Group reached consensus that horses should be allowed as a Permitted Use in the newly consolidated Rural Residential (RR) District if the property was two acres or larger (same language as existing RRII District).
- H. **Shipping Containers as a Building Material (DuBose)** – DuBose requested that the group revisit the concept of allowing shipping containers to be used as a building material. Before the group revisited this concept, Commissioner Greene questioned the meaning of “temporary” in regard to Section 4.19 Storage Containers, Temporary, commenting that the vast majority of unlawful storage containers throughout the County appeared to be there on a more permanent basis. Schneider responded that the draft ordinance language would allow the use of temporary storage containers for up to 90 days with issuance of an administrative permit and on a longer basis with issuance of an Interim Use Permit (IUP). Gervais noted that an IUP would require a sunset provision (i.e., a period of time or an event which would end the approved use) and questioned whether the Work Group would rather see this use approved as an IUP or as a Conditional Use Permit (CUP) or either. The group discussed the possibility of developing paths for both an IUP and a CUP, with the IUP utilized when the property owner had a predetermined amount of time in mind for the storage container and the CUP utilized when the property owner intended to use the storage container permanently.

Ultimately, the group reached consensus that the 90-day timeframe for administrative permits should be increased to one year and any use longer than one year would require issuance of a CUP. The group also stated that a temporary storage container should be subject to structural setback requirements but not subject to screening requirements.

DuBose offered support for allowing the use of shipping containers as a building material, explaining that the containers could be used for such things as retaining walls and structures, with approval of a CUP. Schneider noted that Section 4.07 Building Requirements may be the appropriate ordinance location for this proposed language. DuBose suggested – and the Work Group reached consensus – to add language to Section 4.19 Storage Containers, Temporary which provided a permissive statement for the use of storage / shipping containers as a building material subject to and in accordance with Section 4.07 Building Requirements.

Whitney inquired about the use of roll off dumpsters and the possibility of requiring that these dumpsters be periodically emptied. Schneider suggested that the management of dumpsters was better suited for the Solid Waste Ordinance rather than the Zoning Ordinance.

DuBose commented that Section 4.19, B.4. made reference to “temporary storage containers” where it should instead read “temporary storage trailers”. Whitney also commented that Section 4.19, B.5. made reference to “non-residential trailers” where it should instead read “non-residential districts”. Wille questioned the provision (Section 4.19, B.6.) which required screening of temporary storage trailers which were present for longer than seven days. The group identified that storage trailers were different than storage containers and requested that a definition be added for “temporary storage trailer”.

I. Other Topics Identified by Work Group Members –

1. **Trees in the Agricultural (AG) District** – Whitney reintroduced the idea of requiring a 15’ setback between newly planted trees and all property boundaries within the AG District. Gervais reminded the Work Group that it had previously reached consensus that this setback requirement would only be applied as a condition of approval to land use requests (i.e., CUPs and IUPs) and not the entire AG District. Whitney encouraged the group to reconsider given the potential impact of trees on neighboring crops. No other support was offered for this possible setback requirement.
2. **Development Density Calculation** – Whitney commented that Section 7.18 Planned Unit Development, C.1.b. explained that density was based on an initial conventional five-acre lot layout and that the total number of lots allowed would be calculated using this initial conventional layout. Whitney recollected that the Work Group had previously suggested changing this way of calculating density. Additionally, Whitney commented that Section 7.18, C.2.b. required a minimum lot width of 200’ and he recollected that the Work Group had previously reached consensus that, as part of a Planned Unit Development (PUD), there should not be a minimum required width and it should be more flexible like Section 7.18, C.3.b.
3. **Application of Shoreland Management Ordinance** – Whitney reintroduced the topic of subdivisions involving land both within and outside of the Shoreland Management District, questioning whether the Shoreland Management Ordinance or Subdivision Ordinance would apply. Whitney suggested additional language to clarify which ordinance applied. Schneider suggested that, without ordinance language stating differently, the Shoreland Management Ordinance would apply to land within the Shoreland Management District and the Subdivision Ordinance would apply to land outside of the Shoreland Management District. Schneider added that consultant Haila Maze could include additional language to clarify this issue for developers and general public.

4. **Sunrise Lake Overlay (SLO) District** – DuBose, based on past Work Group discussions, requested that Section 6.09 Sunrise Lake Overlay (SLO) District, D.1. be amended to replace “in-home haircutting and hair care services in accordance with Section 0” with “Minor Home Occupations in accordance with Section 4.04”. The Work Group supported this change.
5. **Commercial Kennels** – Leivian proposed the development of performance standards specific to Commercial Kennels in order to elevate proposals and prevent nuisances. McCarthy concurred and Wille added that she would like to learn more about State licensing requirements related to this use. DuBose expressed concern for and impact on neighboring properties. Ultimately, the Work Group reached consensus that it would like consultant Haila Maze to provide guidance / suggested performance standards for Commercial Kennels for the Work Group’s future review and discussion. Identified issues included, but was not limited to, maximum number of animals allowed, kennel structure specifications (flooring, drainage, etc.), sanitation plan, soundproofing, and animal runs.
6. **Minimum Dwelling Size** – Gervais noted that the draft ordinance included a reduction of the minimum dwelling size from 960 sf to 720 sf; however, the draft language did not include a description of how the dwelling size would be measured. Gervais requested that the Work Group discuss its preferred method for measurement. The consensus of the Work Group was to offer two options for measuring (i.e., minimum square footage must meet one criterion or the other): 1) as measured at the foundation (as was the current method); or, 2) by measuring the main level finished square footage.

Subdivision Ordinance

- A. **Park Land Dedication and Consistency with Shoreland Management Ordinance** – The Work Group was unclear as to why this topic was included on the agenda; therefore, there was no discussion.
- B. **Other Topics Identified by Work Group Members** –
 1. **Platting Requirements** – Whitney commented that Section 1.06 Platting Required, B.3. still included reference to a 500’ width requirement for 20-acre parcels rather than 400’ as previously discussed by the Work Group and as included in Section 1.06, A. Whitney also commented that Section 1.06, A. stated “...where the parcel length exceeds the width by” where it should state “.... where the parcel length does not exceed the width ...”.
 2. **Park Land Dedication** – Whitney suggested that Section 4.04 Park Land Dedication, A. should also allow the five percent dedication to be counted toward the 30% open space requirement in the non-Shoreland Management District as well as the 50% open space requirement in the Shoreland Management District.

Shoreland Management Ordinance

- A. **DNR Review Process** – Schneider shared that staff had submitted the draft Shoreland Management Ordinance to the DNR and directly to the Area Hydrologist for preliminary review. Gervais commented that she had not received any response and that she would follow up with the DNR.
- B. **Other Topics Identified by Work Group Members** – None.

With no further business to discuss, the work session adjourned at 8:06 pm.

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Interim Use Permit for Residential and Commercial Kennel
 450 Badger Boulevard, Fish Lake Township
 DATE: December 7, 2023

SITE & APPLICATION INFORMATION

Applicant(s):	Sheryl Bearhart
Property Owner(s):	Jordan Waggoner
Location:	450 Badger Boulevard Fish Lake Township Section 4, Township 36, Range 22
PID:	03.00041.00
Property Area:	40.00± 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:	September 29, 2023
Date Application Complete:	October 4, 2023
60-Day Review Period:	December 3, 2023
Extended Review Period:	February 1, 2024



BACKGROUND & ACTION TO CONSIDER

The Planning Commission opened a public hearing on November 2, 2023 to consider an after-the-fact Interim Use Permit (IUP) for a Residential and Commercial Kennel for up to 29 adult dogs and up to two litters of puppies (for a total of 30 puppies) on 40.00± acres in the Agricultural (AG) District. After receiving a verbal report from staff, hearing from the applicant and property owner, and opening the public hearing, the Planning Commission motioned to continue the public hearing to its December 7, 2023 meeting.

Based on the Planning Commission's actions and to allow for due process, staff provided written notice to the applicant and property owner that the State mandated 60-day review period was extended by an additional 60 days (see attached). The applicant and property owner were also instructed to provide specific additional / updated application materials for further review and consideration at the Planning Commission's December 7, 2023 meeting, including:

- Estimated distances of the dwelling and detached garage from neighboring property boundaries;
- Existing and proposed methods of screening the proposed use;
- A noise evaluation / study;
- Existing and proposed methods for noise mitigation;

- Commercial Kennel layout plan / design drawn to scale, including the size of kennels / crates;
- Proposed fencing materials / specifications with said fencing forming a complete enclosure;
- Frequency and duration of outdoor time for all dogs (both Residential Kennel and Commercial Kennel);
- Anticipated amount of customer traffic on a daily and weekly basis;
- Location(s) and dimension(s) of customer parking areas;
- Documentation verifying that applicant Sheryl Bearhart is an authorized agent of Designer Dogs MN LLC OR an updated application form including Registered Agent Richard Carter; and
- A letter from property owner Jordan Waggoner explaining how many dogs he is authorizing the applicant(s) to have on the property at any given time / include in the request for IUP.

The original application materials reviewed by the Planning Commission on November 2, 2023 indicated that applicant Sheryl Bearhart, with consent from property owner Jordan Waggoner, was requesting an after-the-fact Interim Use Permit (IUP) to allow a Residential and Commercial Kennel on 40.00± acres in the Agricultural (AG) District. Upon review of the updated materials, submitted by the applicant and property owner, it appears that the request has been amended to eliminate the Commercial Kennel component and to allow a Residential Kennel with up to 10 dogs and up to two litters per year.

The Planning Commission will now continue the public hearing, review the updated application materials, and provide a recommendation for the County Board's consideration.

ANALYSIS OF ADDITIONAL / UPDATED APPLICATION MATERIALS

Upon receiving the updated materials on November 27 and November 28, 2023, staff conducted a cursory review for preparation of this staff report. Staff notes that, in response to the requested information, the applicant and property owner provided the following:

- A written statement from property owner Jordan Waggoner;
- An updated application form sign dated November 27, 2023;
- An updated written narrative;
- A kennel layout plan; and
- A business filing from the Secretary of State's website.

Written Statement from Property Owner:

- Property owner Jordan Waggoner has provided the Planning Commission with a written statement explaining that he is authorizing the applicant to seek approval of an IUP for Residential Kennel which houses up to 10 dogs and a maximum of two litters per year. The statement also explains that the property owner and applicant have "an explicit agreement that there will be no commercial, retail, or storefront operations taking place" on the subject site.
- Being that the written statement cites a 2018 IUP for Residential Kennel (50628 Evergreen Court, Nessel Township) and this may raise questions, staff has attached the 2018 legal recording for reference.

Written Narrative:

- The narrative begins by indicating that the applicant is amending the request to eliminate the Commercial Kennel component and to increase the number of dogs associated with the proposed Residential Kennel to 10 adult dogs and up to two litters of puppies per year.
 - Based on the County's definitions of Residential Kennel and Commercial Kennel, if the applicant's intent is to breed the dogs to produce two litters for commercial purposes, staff questions whether or not a Commercial Kennel IUP is still required for this component.

However, the property owner has cited a 2018 IUP for Residential Kennel which includes a condition allowing “occasional litters of puppies” (refer to condition no. 5 on the attached legal recording).

- As of November 28, 2023, staff found no evidence that the property was being advertised as a commercial dog park on www.sniffspot.com. The website notes that “the host has made this spot indefinitely unavailable for bookings”.
- The narrative explains that the nearest dwellings to the west and east are located .2 miles (1,056’) from the detached garage / kennel. Based on the County’s GIS Viewer and as reported in the November 2, 2023 staff report, staff believes that the closest neighboring dwelling appears to be approximately 870’ from the garage / kennel.
- In response to the request for a noise evaluation / study, the narrative reports that the applicant took decibel readings from the west and east property boundaries. The results showed a reading of 40-70 decibels with no audible sound of barking. A reading was also taken next to the garage / kennel and the results showed 50-70 decibels while the dogs were barking. The applicant states that no barking can be heard beyond 100’ from the garage / kennel. Staff notes that no additional detail is provided about the noise evaluation (i.e., method of conducting the noise evaluation, number of dogs on-site during noise evaluation, etc.).
- In response to the request for detail about methods for noise mitigation and screening, the written narrative explains that the garage / kennel is situated in the center of a 40-acre parcel with existing tree lines located along the north, east, and south property boundaries as well as west of the dwelling. The applicant believes that the existing vegetation will mitigate noise and provide screening to all nearby dwellings. Additionally, the applicant believes that elevation changes provide screening from CSAH 4 / the west property boundary and the neighboring dwelling to the east. The applicant reports that there are no visible dwellings to the north or south.
- The narrative provides detail about the detached garage / kennel, including:
 - The structure is now reported to be 24’ x 24’ (576 sf) in size, which is slightly larger than the 20’ x 26’ (520 sf) structure reported in the original application materials.
 - The structure is reported to be fully insulated, but there is no additional detail provided (i.e., type of insulation, specifications, etc.).
 - Noise reduction panels have been installed in the structure to help mitigate noise, but there is no additional detail provided (i.e., type of panels, specifications, etc.).
 - The garage / kennel will include 10 individual kennels / crates. The kennels / crates vary in size and are detailed in the written narrative and on the kennel layout plan.
- In response to the request for detail about proposed fencing materials / specifications, the written narrative explains that the site currently includes a “larger” enclosed chain link area located on the west side of the dwelling and an enclosed wood panel fence located on the north side of the garage / kennel. Additionally, the applicant is reporting that more fencing may be added in the future. Staff notes that no additional detail is provided about the fenced enclosures (i.e., size of fenced areas, height of fences, location and specifications of future fencing, etc.). Staff also notes that one of the concerns identified in the November 2, 2023 staff report was that the site plan did not show any areas where the fencing formed a complete enclosure to ensure containment of the dogs. While the updated written narrative suggests that there are two fenced enclosures, the applicant has not provided an updated site plan to illustrate that these fenced areas are completely enclosed.

- The narrative explains that dogs are allowed outside time at least five times throughout the day, with duration being 15 minutes to one hour. Additionally, the dogs are allowed outside in turns when residents of the subject site are outside. The dogs alternate being inside the dwelling and the garage / kennel.
- Kennels / crates are sanitized daily and dog waste is bagged and placed in the household garbage receptacles.
- The applicant eliminated the Commercial Kennel component of the request; therefore, no information was provided in regard to customer traffic or customer parking areas.

Kennel Layout Plan:

- The kennel layout plan shows a 24' x 24' structure with locations and dimensions of 10 kennels / crates.
- No other detail is provided about the garage / kennel (i.e., floor material, floor drains, etc.).

Business Filing:

- As requested by the Planning Commission, the applicant has provided documentation verifying that she's an authorized agent of Designer Dogs MN LLC. Staff visited the Secretary of State website and verified the updated information.
- Staff notes that Designer Dogs MN LLC is no longer included on the application materials. Based on this and the understanding that the applicant has eliminated the Commercial Kennel component of the request and is only seeking approval of an IUP for Residential Kennel, there is no longer any need for the applicant to verify that she's a registered agent of the business or for the Planning Commission to focus discussion on this aspect.

For more detail about the original application materials and request, please refer to the staff report prepared for the Planning Commission's November 2, 2023 meeting.

WRITTEN TESTIMONY

No Additional written testimony has been received since the Planning Commission's November 2, 2023 meeting.

STAFF RECOMMENDATION

Upon review of the updated materials provided by the applicant and property owner on November 27 and November 28, 2023, staff still has concerns about the lack and quality of information needed to review the proposed IUP thoroughly and adequately. However, staff believes that the proposed use generally complies with and is consistent with the intent of the Chisago County Zoning Ordinance and Chisago County Comprehensive Plan and that it may be possible to mitigate potential negative impacts with approval and implementation of appropriate conditions. For the sake of discussion and development of a recommendation by the Planning Commission, **staff recommends approval** of the amended request with conditions (see below) and has prepared a resolution for the Commission's consideration.

Alternatively, if the Planning Commission supports a recommendation of denial, staff has provided a draft resolution with draft Findings of Fact to support said recommendation. The Planning Commission may amend these findings as deemed appropriate.

Recommended Conditions:

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than ten (10) adult dogs in accordance with updated application materials dated received November 27 and November 28, 2023 and kept on file with the Department of Environmental Services. This approval also allows a maximum of two litters of puppies per year, so long as the puppies are removed from the property by four (4) months of age.
2. All dogs shall be housed indoors in either the dwelling or the detached garage, apart from brief periods of time for waste elimination occasional and outdoor activity in which the dogs will either be confined to a fenced enclosure or allowed outside of the fenced enclosure with direct supervision of a resident of the property. No more than two (2) adult dogs shall be outdoors at the same time, whether in the fenced enclosure or outside of the fenced enclosure with direct supervision of a resident of the property.
3. The detached garage / kennel shall be equipped for both heating and cooling.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
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 a resident of the household.
7. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following measures:
 - a. The detached garage / kennel shall be fully insulated with insulation specifically designed for soundproofing.
 - b. The permit holder shall maintain existing vegetation (large stands of trees) between the dwelling / detached garage and the adjacent property boundaries. Further, the property owner shall replace dying, dead, or downed vegetation.
 - c. The permit holder shall implement "quiet hours" / "outside hours" for the ten (10) adult dogs as follows:
 - i. Aside from brief periods of time for waste elimination, no dogs shall be allowed outdoors before 8:00 am or later than 9:00 pm.
 - ii. Per condition no. 2 above, no more than two (2) adult dogs shall be outdoors at the same time.
 - d. To further mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall either plant and maintain additional landscaping around all segments of the fenced enclosures AND/OR construct all fenced enclosures with board-on-board fencing material at least six (6') feet in height so as to create a solid visual barrier between the dogs and the neighboring parcels. If installing additional landscaping, it shall include low-growing varieties to achieve the visual barrier. Plantings and/or fence construction shall be completed within one (1) year of Interim Use Permit approval.
8. Existing and future fenced enclosure(s), for purposes of dog containment, shall be located no closer than 400 feet to any property boundary.
9. There shall be no commercial activity of any kind associated with the Residential Kennel, apart from the sale of puppies (referenced in condition no. 1) on an appointment-only basis. For the purposes

of this approval, prohibited commercial activity shall be defined as, but not limited to: boarding, grooming, training, vaccinating, microchipping, artificial insemination, and birthing assistance for non-resident dogs. Further, the property shall not be utilized as a commercial dog park and, instead, shall only be utilized by resident dogs.

10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards and licensing.
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. Any expansion of the approved use, including the number of adult dogs or the number of litters per year or as otherwise determined by the Department of Environmental Services, 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.
13. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
14. This Interim Use Permit shall expire at such time that the property is no longer owned in full or in part by Jordan Waggoner or Sheryl Bearhart (in the event that Bearhart purchases the property from Waggoner).

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; |
| <i>Finding #1</i> | <i>The Chisago County Comprehensive Plan does not specifically address the proposed use of Residential Kennel; however, the Zoning Ordinance (development policy) 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.</i> |
| 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; |
| <i>Finding #2</i> | <i>The proposed Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.</i> |
| 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 dogs associated with the proposed Residential Kennel are intended to be housed within the dwelling as well as the detached garage, with limited periods of outdoor time. County staff estimates that the dwelling is situated approximately 170' from the centerline of Badger Boulevard and roughly 450' to 830' from all property boundaries, and that the detached garage is situated approximately 165' from the centerline of Badger Boulevard and roughly 480' to 800' from all property boundaries. In addition to these distances, the applicant reports that the subject site has existing vegetation (trees) located adjacent to the north, east, and south property boundaries as well as trees located adjacent to the west side of the dwelling. Additionally, the applicant reports that changes in elevation provide natural screening from the west and east. Therefore, the County finds that the subject site is sufficiently separated by distance and screening (i.e., existing vegetation and changes in elevation) from adjacent development 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 Residential Kennel will utilize the existing dwelling and detached garage to house all dogs. Additionally, the proposed kennel will utilize fenced enclosures for outdoor dog activity. Being that the proposed Residential Kennel will have no impact on the exterior appearance of the existing structures, the County finds that the proposed use will not have an adverse effect upon adjacent properties by way of appearance of the dwelling and detached garage. Further, given the existing tree lines located adjacent to the north, east, and south property boundaries, as well as the existing stand of trees located west of the structures, the County further finds that the proposed use will not have an adverse effect upon adjacent properties by way of appearance of the outdoor fenced enclosures.*
- 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 Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed uses are 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 Kennel is for residential use rather than commercial use, the applicant is not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Fish Lake Township – has not identified any concerns specifically related to traffic hazards or 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 did receive verbal and*

written testimony during the November 2, 2023 public hearing suggesting that noise was a concern amongst surrounding property owners. The County finds that noise resulting from the Residential Kennel can be mitigated with implementation of appropriate measures and conditions, such as distance, maintenance of existing landscaping (trees), installation of additional landscaping (trees), installation of soundproofing insulation in the detached garage / kennel, and implementation of established quiet hours. If these measures and conditions are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions as 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 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 Interim Use Permit based on factors deemed appropriate.
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The extended review period expires on February 1, 2024 and the next regularly scheduled Planning Commission meeting will be held on January 4, 2024, allowing the County Board one meeting to consider the request prior to the expiration of the review period.

ACTION REQUESTED

Continue the public hearing and receive any additional public testimony. Upon closing the public hearing, motion to adopt Resolution No. PC2023-1201, a resolution recommending approval of an Interim Use Permit allowing a Residential Kennel on property located at 450 Badger Boulevard in Fish Lake Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Correspondence provided to applicant and property owner dated November 3, 2023
2. Additional / updated application materials stamp dated November 27, 2023:
 - a. Application
 - b. written narrative
 - c. Kennel layout plan
 - d. Secretary of State business filing
3. Written statement from property owner
4. Legal recording for 2018 IUP for Residential Kennel (50628 Evergreen Court, Nessel Township)
5. Draft Resolution No. PC2023-1201 (recommendation of approval)
6. Draft Resolution No. PC2023-1201 (recommendation of denial)

CC: Sheryl Bearhart, applicant
Jordan Waggoner, property owner
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

November 3, 2023

Sheryl Bearhart
450 Badger Boulevard
Stanchfield, MN 55080

Jordan Waggoner
4660 560th Street
Pine City, MN 55063

Sent via USPS and email to: [REDACTED]

RE: Proposed After-the-Fact Interim Use Permit (IUP) for Residential and Commercial Kennel
PID 03.00041.00

NOTICE OF EXTENSION OF REVIEW PERIOD

The Chisago County Department of Environmental Services received your application for Interim Use Permit (IUP) for Residential and Commercial Kennel on September 29, 2023 and, following review, the application was deemed complete on October 4, 2023. The State mandated 60-day review period is scheduled to expire on December 3, 2023.

The Chisago County Planning Commission scheduled and opened the requisite public hearing on November 2, 2023 and ultimately motioned to continue the public hearing to its December 7, 2023 meeting. Because the initial review period is scheduled to expire on December 3, 2023 and the continued public hearing will take place after this date, the County is exercising its ability to extend the review period by an additional 60 days as allowed per MN Statute 15.99. The purpose of the extension is to allow time for due process (i.e., continued public hearing and all other required meetings) and to allow you additional time to prepare and submit information requested by the Planning Commission. The extended review period will expire on February 1, 2023, which means that a final determination will be made on your request prior to or on February 1, 2023.

During the Planning Commission's November 2, 2023 discussion, Commission members requested that you provide additional / updated information, including:

- Estimated distances of the dwelling and detached garage from neighboring property boundaries;
- Existing and proposed methods of screening the proposed use;
- A noise evaluation / study;
- Existing and proposed methods for noise mitigation;
- Commercial Kennel layout plan / design drawn to scale, including the size of kennels / crates;
- Proposed fencing materials / specifications with said fencing forming a complete enclosure;
- Frequency and duration of outdoor time for all dogs (both Residential Kennel and Commercial Kennel);
- Anticipated amount of customer traffic on a daily and weekly basis; and,
- Location(s) and dimension(s) of customer parking areas.

You're encouraged to update the previously submitted application materials, including the written narrative and site plan, with the new information so that the Planning Commission and County Board of Commissioners have the ability to review one complete set of application materials.

Additionally, as discussed at the November 2, 2023 meeting, it is suggested that the following items be provided to the County:

- Applicant Sheryl Bearhart should provide documentation verifying that she's an authorized agent of DesignerDogs MN OR update the application form to include Registered Agent Richard Carter.
- Property owner Jordan Waggoner should provide a letter explaining how many dogs he is authorizing the applicant(s) to have on the property at any given time / include in the request for IUP. This letter should provide specific detail about the allowable number of personal dogs (Residential Kennel), the allowable number of non-personal dogs (Commercial Kennel), and other Commercial Kennel activities (i.e., dog park, grooming, etc.).

In order for staff to complete a cursory review of the above listed information and assemble/disburse it for the December 7, 2023 Planning Commission meeting, all information must be submitted to the Department of Environmental Services no later than Monday, November 27, 2023 at 10:00 am.

Best regards,



Beth Gervais
Land Services Coordinator



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # _____

Township Fish Lake S/T/R _____ PID# _____

Project Address 450 Badger Blvd Stanchfield MN 55080

Property Owner(s) Jordan Waggoner

Mailing Address (If Different from Project Address) 4660 560th St. Pine City MN 55063

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Sheryl Beachart

Mailing Address (If Different from Project Address) HS

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
☐ Administrative Appeal

Planning Commission

- ☐ Conditional Use Permit (CUP)
☒ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP
- ☐ Preliminary Plat
☐ Rezoning
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Dog Kennel

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

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

[Signature]
Applicant Signature

11.27.23
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

Base Fee \$ _____
Recording Fee \$ _____
Plat Fee – No Road(s) / With Road(s) \$ _____
Septic Compliance Fee \$ _____
Wetland Fee \$ _____
TOTAL FEE \$ _____

Dates

Application Received _____
Application Complete _____
60 / 120 Day Review Period _____
Extended Review Period _____

RECEIVED

NOV 27 2023

Chisago County
Dept. of Environmental Services

86



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Fish Lake S/T/R _____ PID# _____

Project Address 450 Badger Blvd Starchfield MN 55080

Property Owner(s) Jordan Waggoner

Mailing Address (If Different from Project Address) 4660 560th St Pine City MN 55063

Phone# _____ Email [REDACTED]

Applicant(s) Sheryl Beachart

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
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Planning Commission

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☒ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP

- ☐ Preliminary Plat
☐ Rezoning
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) _____

Dog Kennel

SEBO

Applicant Signature _____ Date of Application 11.27.23

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 _____

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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NOV 27 2023



**Chisago County Department of Environmental Services
Planning & Zoning Application**

Authorization to Pursue Application

Submittal of this form is only necessary if the applicant is NOT the property owner

I, the undersigned, being the property owner of record as noted on the accompanying Planning & Zoning Application Form do hereby authorize _____, the applicant for this planning proposal, to pursue this zoning application on / for my property, as legally described on the attached application.

Jordan Waggoner
Print Property Owner Name(s)



[Signature]

Signature(s) of Property Owner(s)

Date 11/27/23

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NOV 27 2023

Chisago County
Dept of Environmental Services

BG

Dog kennel

A request for an IUP for a residential dog kennel. Location is 450 Badger Blvd. Stanchfield, MN 55080. Kennel is asking for permission to house a maximum of up to 10 adult dogs and a possible 2 litters a year. Nearest houses from were the building that houses the dogs is .2 miles away from the east and West. There has been a decibel reading done from the property line of 574 Badger Blvd, as well as the west edge of the property and the results were 40-70 decibels with no audible sound of barking. A decibel reading was taken next to the building where the dogs could be heard, and the reading remained at 50-70 decibels while dog were barking. No barking noise can heard from more than 100' from the building.

The building is situated in the center of a 40 acre property. Tree lines cover the north, east, and south edges of the property, as well as tree coverage on the west side of the house, giving visual and noise screening to all nearby residences. The east and west crop fields and north pasture are 8+ acres and include elevation changes that block the view of the property from CR-4 (the west property line) and the neighboring residence to the east. Residences to the north are not visible from any place on the property, and there is a large wooded swamp with no nearby residence to the south.

The building housing dogs is a fully insulated 24x24 structure. Noise reduction panels have been attached to the walls to help reduce any barking that may occur.

Kennel sizes

3- 4'L x 4'W x 4.5'H

2- 50"L x 30"W x 42"H

1- 40"L x 28"W x 30"H

1- 43"L x 30"W x 32"H

1- 37"L x 32"W X 32 1/2 "H

1- 37"L x 25"W x 29"H

1- 4.2'L x 4'W x 4.5'H

Fencing currently includes a larger enclosed chainlink are located on the west side of house and an enclosed wood panel fence is located on the north side of the garage. There are current plans for additional fencing to be added in future.

Dogs are let out to play and relieve themselves for 15 minute to 1 hour durations no less than 5 times per day. In addition, the dogs are let out in turns for training and to accompany residents while doing yard work or outside chores. Dogs alternate being in the house with residents and in the kennel structure.

Kennels are sanitized daily and if any mess is made inside kennel it is cleaned and sanitized. Dog waste is bagged and disposed of in garbage.

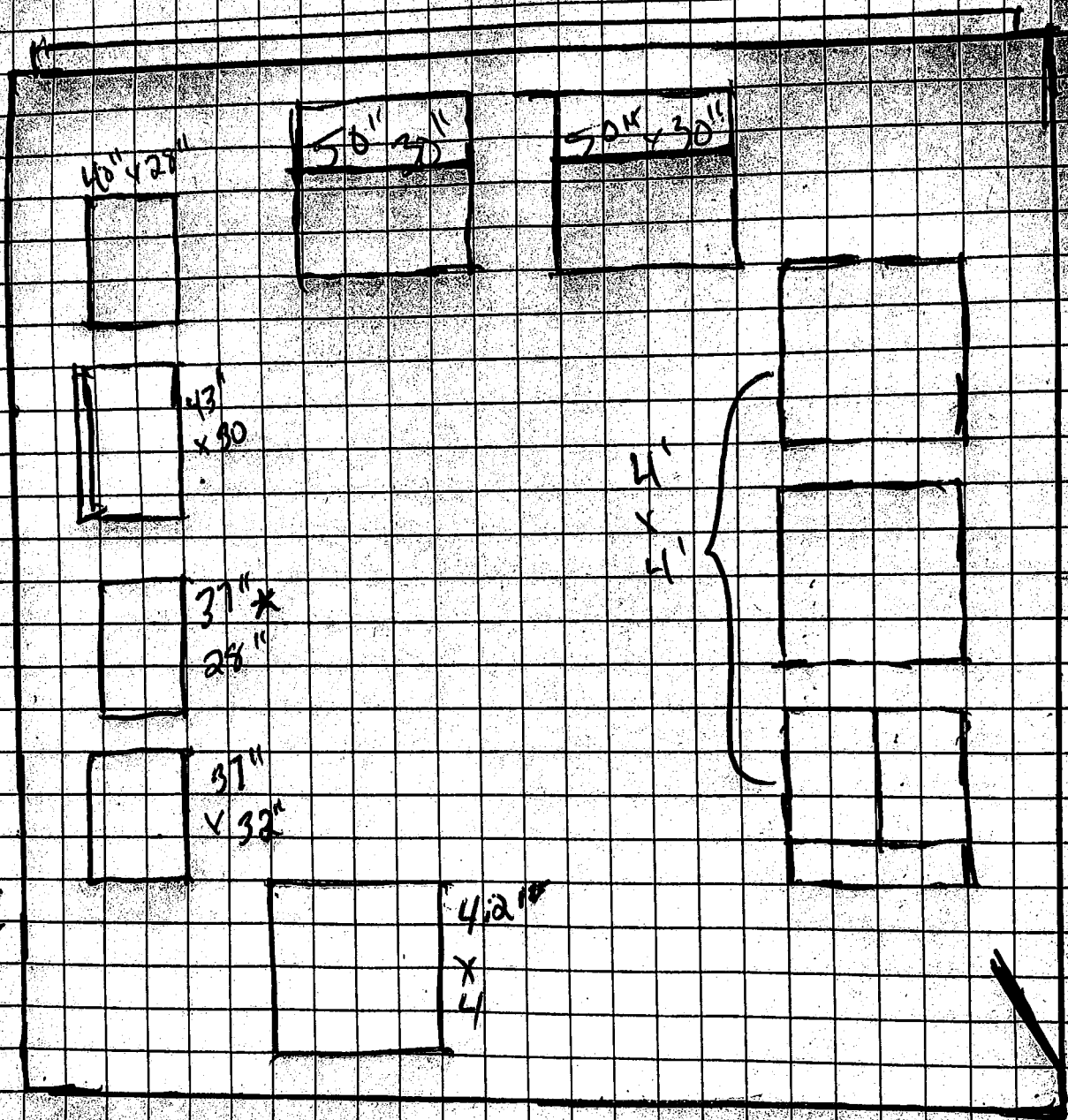
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NOV 27 2023

There will be no formal business operations or customer traffic on the property.

Chicago County
Dept. of Environmental Services

861



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NOV 27 2023

Chicago County
Dept. of Environmental Services

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Business Record Details »

Minnesota Business Name

Designer Dogs MN LLC

Business Type

Limited Liability Company (Domestic)

MN Statute

322C

File Number

1392076500029

Home Jurisdiction

Minnesota

Filing Date

5/18/2023

Status

Active / In Good Standing

Renewal Due Date

12/31/2024

Registered Office Address

[REDACTED]
Saint Paul, MN 55103-2054
USA

Registered Agent(s)

Sheryl Bearhart

Filing History

Filing History

Select the item(s) you would like to order: [Order Selected Copies](#)

☐	Filing Date	Filing	Effective Date
☐	5/18/2023	Original Filing - Limited Liability Company (Domestic) (Business Name: Designer Dogs MN LLC)	
☐	11/11/2023	Registered Office and/or Agent - Limited Liability Company (Domestic)	

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NOV 27 2023

Chicago County
Dept. of Environmental Services

BG

RECEIVED

NOV 27 2023

Chisago County
Dept. of Environmental Services

86

Beth M. Gervais

From: Jordan W [REDACTED]
Sent: Tuesday, November 28, 2023 5:47 PM
To: Beth M. Gervais
Subject: Re: IUP forms

This is an external email message!

This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

I have authorized Sheryl to request up to 10 dogs in the permit for flexibility in maintaining compliance with the county beyond the confines of our current lease agreement. We have a signed lease addendum allowing for a maximum of 7 dogs on the property, and a maximum of 2 litters per year, with an explicit agreement that there will be no commercial, retail, or storefront operations taking place on the property at 450 Badger Blvd.

In regards to adjusting the IUP request to be a residential permit instead of a commercial permit, this was done because planned commercial activities will not be undertaken on the property and a residential permit most accurately reflects the request. My tenants do not qualify as a commercial kennel according to the state of Minnesota. There is precedent of residential kennel permits being approved in chisago county with stated expectation of having litters with the intent to sell. Example: a residential permit was approved for a single lot in Nessel Estates, 50628 Evergreen Court, Rush City, MN. The permit states there will be "no retail activity... apart from the sale of puppies on an appointment only basis" and houses a "maximum of 11 dogs... except for occasional litters of puppies".

This residential permit application approved by Chisago county clearly shows intentions of breeding with intent to sell puppies "occasionally". A commercial kennel as defined by the state of Minnesota must have a minimum of 10 breeding dogs producing a minimum of 5 litters per year. Based on this definition, a "possible" 2 litters per year we felt was a more specific way to define "occasional" and to maintain consistency with the lease agreement. It was my suggestion they worded it that way for those specific reasons. If this is problematic we are happy to adjust it to the more vague wording of other approved permits.

For clarity, applicant intentions are to maintain personal dogs on the property, some of which they may engage in recreational activities such as dog showing and training. Occasional breeding of show dogs may happen in which case some puppies may be given to friends and family, kept by applicants, or sold. There will be no activities that exceed the limitations of other approved residential kennel permit applications within the county, or will qualify as a commercial kennel activity based on state definitions.

Please let me know if there are any further questions or clarifications needed.

Thank you,

Jordan W



Chisago
Office of County Recorder
Chisago County, Minnesota
Certified, filed and/or Recorded on: July 18, 2018 10:09 AM
Janet R. Converse, County Recorder
Well Certificate [] Received
Fee \$46.00
Pages: 2
Doc # A610713
Received from: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
Returned To: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
ATTN TARA

Chisago County Department of
Environmental Services and Zoning

313 No. Main St.
Center City, MN 55012-9663
651-213-8379

Official Notice of County Board Approval

INTERIM USE PERMIT

OWNER NAME AND ADDRESS: Valera B. Wagner and Clayton S. Wagner, joint tenants
50628 Evergreen Court
Rush City, MN 55069

PERMIT APPLICANT: Susan Wagner

DESCRIPTION OF PERMIT: Interim Use Permit to maintain a residential dog kennel.

PROPERTY ADDRESS, PID# 50628 Evergreen Court, Rush City, MN PID #06.01188.28
AND LEGAL DESCRIPTION Lot 2, Block 1, Nessel's Estates, Chisago County, Minnesota

COUNTY BOARD ACTION: Approved with conditions.

SPECIAL CONDITIONS:

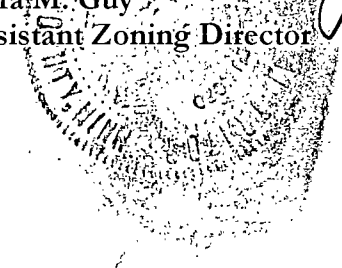
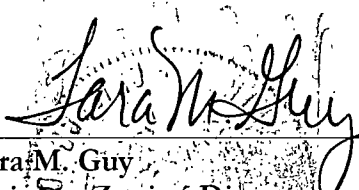
1. This permit is an Interim Use Permit to maintain a residential dog kennel at the described property in accordance with the conditions herein specified.
2. The dogs will be housed indoors in the kennel, or in their fenced kennel outdoor runs, apart from scheduled supervised periods of exercise and training in the larger fenced enclosure.
3. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
4. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the business, apart from the sale of puppies on an appointment-only basis.
5. There shall be a maximum of eleven dogs kept at the property at any one time, except for occasional litters of puppies.
6. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
7. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
8. This IUP will terminate upon sale of property to anyone outside of the family.

ORIGINAL DATE OF PERMIT ISSUANCE: June 20, 2018

CERTIFICATION

State of Minnesota)
) ss.
County of Chisago)

Permit document generated by me on this date pursuant to the official record of Chisago County Board of Commissioners proceedings on June 20, 2018.



7/13/18

Tara M. Guy
Assistant Zoning Director

Date

This document drafted by Tara M. Guy, Assistant Zoning Director, Chisago County Environmental Services., 313 No. Main St. #243, Center City, MN 55012

Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #243
Center City, MN 55012

RESOLUTION NO. PC2023-1201

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING A RESIDENTIAL KENNEL ON
PROPERTY LOCATED AT 450 BADGER BOULEVARD IN FISH LAKE TOWNSHIP**

WHEREAS, applicant Sheryl Bearhart and property owner Jordan Waggoner submitted an application dated received September 29, 2023 and considered complete on October 4, 2023 for an Interim Use Permit allowing a Residential and Commercial Kennel on property located at 450 Badger Boulevard in Fish Lake Township; and

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

WHEREAS, the subject site is 40.00± acres in size and legally described as:

PID 03.00041.00

Northwest Quarter of Southwest Quarter (NW1/4 of SW1/4) of Section 4, Township 36, Range 22, Chisago County, Minnesota.

WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant and property owner, and opened the public hearing on November 2, 2023 and ultimately continued the public hearing to December 7, 2023 and instructed the applicant and property owner to provide specific materials for further review and consideration on December 7, 2023; and

WHEREAS, based on the Planning Commission's November 2, 2023 action, the County extended the review period by 60 days (expiring on February 1, 2024); and

WHEREAS, the Planning Commission heard from the Land Services Coordinator and the applicant and/or property owner, invited members of the public to comment, received additional materials from the applicant and property owner as requested, and closed the public hearing on December 7, 2023; and

WHEREAS, the additional materials submitted by the applicant and property owner on November 27 and November 28, 2023 indicated that the request for IUP had been amended to eliminate the Commercial Kennel component; 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 of Residential Kennel; however, the Zoning Ordinance (development policy) 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 Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; 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 dogs associated with the proposed Residential Kennel are intended to be housed within the dwelling as well as the detached garage, with limited periods of outdoor time. County staff estimates that the dwelling is situated approximately 170' from the centerline of Badger Boulevard and roughly 450' to 830' from all property boundaries, and that the detached garage is situated approximately 165' from the centerline of Badger Boulevard and roughly 480' to 800' from all property boundaries. In addition to these distances, the applicant reports that the subject site has existing vegetation (trees) located adjacent to the north, east, and south property boundaries as well as trees located adjacent to the west side of the dwelling. Additionally, the applicant reports that changes in elevation provide natural screening from the west and east. Therefore, the County finds that the subject site is sufficiently separated by distance and screening (i.e., existing vegetation and changes in elevation) from adjacent development 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 Residential Kennel will utilize the existing dwelling and detached garage to house all dogs. Additionally, the proposed kennel will utilize fenced enclosures for outdoor dog activity. Being that the proposed Residential Kennel will have no impact on the exterior appearance of the existing structures, the County finds that the proposed use will not have an adverse effect upon adjacent properties by way of appearance of the dwelling and detached garage. Further, given the existing tree lines located adjacent to the north, east, and south property boundaries, as well as the existing stand of trees located west of the structures, the County further finds that the proposed use will not have an adverse effect upon adjacent properties by way of appearance of the outdoor fenced enclosures.*
- 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 Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed uses are 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 Kennel is for residential use rather than commercial use, the applicant is not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Fish Lake Township – has not identified any concerns specifically related to traffic hazards or 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 did receive verbal and written testimony during the November 2, 2023 public hearing suggesting that noise was a concern amongst surrounding property owners. The County finds that noise resulting from the Residential Kennel can be mitigated with implementation of appropriate measures and conditions, such as distance, maintenance of existing landscaping (trees), installation of additional landscaping (trees), installation of soundproofing insulation in the detached garage / kennel, and implementation of established quiet hours. If these measures and conditions 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 Residential Kennel allows for the keeping of no more than ten (10) adult dogs in accordance with updated application materials dated received November 27 and November 28, 2023 and kept on file with the Department of Environmental Services. This approval also allows a maximum of two litters of puppies per year, so long as the puppies are removed from the property by four (4) months of age.
2. All dogs shall be housed indoors in either the dwelling or the detached garage, apart from brief periods of time for waste elimination occasional and outdoor activity in which the dogs will either be confined to a fenced enclosure or allowed outside of the fenced enclosure with direct supervision of a resident of the property. No more than two (2) adult dogs shall be outdoors at the same time, whether in the fenced enclosure or outside of the fenced enclosure with direct supervision of a resident of the property.
3. The detached garage / kennel shall be equipped for both heating and cooling.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
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 a resident of the household.
7. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following measures:
 - a. The detached garage / kennel shall be fully insulated with insulation specifically designed for soundproofing.
 - b. The permit holder shall maintain existing vegetation (large stands of trees) between the dwelling / detached garage and the adjacent property boundaries. Further, the property owner shall replace dying, dead, or downed vegetation.
 - c. The permit holder shall implement "quiet hours" / "outside hours" for the ten (10) adult dogs as follows:
 - i. Aside from brief periods of time for waste elimination, no dogs shall be allowed outdoors before 8:00 am or later than 9:00 pm.
 - ii. Per condition no. 2 above, no more than two (2) adult dogs shall be outdoors at the same time.

- d. To further mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall either plant and maintain additional landscaping around all segments of the fenced enclosures AND/OR construct all fenced enclosures with board-on-board fencing material at least six (6') feet in height so as to create a solid visual barrier between the dogs and the neighboring parcels. If installing additional landscaping, it shall include low-growing varieties to achieve the visual barrier. Plantings and/or fence construction shall be completed within one (1) year of Interim Use Permit approval.
8. Existing and future fenced enclosure(s), for purposes of dog containment, shall be located no closer than 400 feet to any property boundary.
 9. There shall be no commercial activity of any kind associated with the Residential Kennel, apart from the sale of puppies (referenced in condition no. 1) on an appointment-only basis. For the purposes of this approval, prohibited commercial activity shall be defined as, but not limited to: boarding, grooming, training, vaccinating, microchipping, artificial insemination, and birthing assistance for non-resident dogs. Further, the property shall not be utilized as a commercial dog park and, instead, shall only be utilized by resident dogs.
 10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards and licensing.
 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. Any expansion of the approved use, including the number of adult dogs or the number of litters per year or as otherwise determined by the Department of Environmental Services, 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.
 13. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
 14. This Interim Use Permit shall expire at such time that the property is no longer owned in full or in part by Jordan Waggoner or Sheryl Bearhart (in the event that Bearhart purchases the property from Waggoner).

Adopted by the Planning Commission of Chisago County, Minnesota,
this 7th day of December, 2023.

Chris DuBose
Eric Leivian
Jim McCarthy
John Sutcliffe

Dave Whitney
Jolene Wille
Chip Yeager

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator

RESOLUTION NO. PC2023-1201

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING DENIAL OF AN INTERIM USE PERMIT ALLOWING A RESIDENTIAL KENNEL ON
PROPERTY LOCATED AT 450 BADGER BOULEVARD IN FISH LAKE TOWNSHIP**

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

WHEREAS, the subject site is 40.00± acres in size and legally described as:

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*Northwest Quarter of Southwest Quarter (NW1/4 of SW1/4) of Section 4, Township 36, Range 22,
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WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant and property owner, and opened the public hearing on November 2, 2023 and ultimately continued the public hearing to December 7, 2023 and instructed the applicant and property owner to provide specific materials for further review and consideration on December 7, 2023; and

WHEREAS, based on the Planning Commission's November 2, 2023 action, the County extended the review period by 60 days (expiring on February 1, 2024); and

WHEREAS, the Planning Commission heard from the Land Services Coordinator and the applicant and/or property owner, invited members of the public to comment, received additional materials from the applicant and property owner as requested, and closed the public hearing on December 7, 2023; and

WHEREAS, the additional materials submitted by the applicant and property owner on November 27 and November 28, 2023 indicated that the request for IUP had been amended to eliminate the Commercial Kennel component; 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 | <i>The Chisago County Comprehensive Plan does not specifically address the proposed use of Residential Kennel; however, the Zoning Ordinance (development policy) 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.</i> |

- 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 Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; 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 use of the dwelling and detached garage for Residential Kennel purposes – is located as close as approximately 450' from adjacent property boundaries and approximately 165' from the centerline of Badger Boulevard. While there are existing trees haphazardly surrounding the structures and property boundaries, the applicant has not proposed the use of any additional vegetation or screening to address negative impacts to adjacent properties, such as noise impacts and visual blocks. Despite these distances and existing trees, testimony received from multiple surrounding property owners during the November 2, 2023 public hearing indicated that noise was an existing problem and concern. Further, while the applicant has proposed fenced enclosures for outdoor activity, the applicant has not provided any specific detail about these enclosures to demonstrate and ensure that dogs will be contained on the subject site, nor has the applicant provided detail about the proposed distances between these enclosures and adjacent properties. Testimony received during the November 2, 2023 public hearing also indicated that containment of dogs and personal safety were concerns for surrounding property owners. Without specific detail provided about the existing vegetation (such as types of trees, size of trees, and general dimensions of the stands of trees) or details about the fenced enclosures (such as fence height and location of fenced enclosures in relation to adjacent properties), the County finds that the applicant has not demonstrated that there is sufficient distance and screening to mitigate potential negative impacts of the proposed use, specifically related to aesthetics, the noise produced by up to 10 adult dogs and up to two litters of puppies (estimated by the applicant to be up to 30 puppies), and ensuring that all dogs will be contained on the subject site and not have the ability to trespass onto neighboring properties where they may cause physical harm to persons and property.*
- 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 Residential Kennel will utilize the existing dwelling and detached garage to house all dogs. As existing structures in the Agricultural (AG) District, the County finds that there is no evidence to suggest that these structures will have an appearance that would have an adverse effect on adjacent properties. However, the County further finds that the applicant has not provided sufficient detail about the proposed outdoor area / fenced enclosures (such as fence height, fencing materials, and location of fenced enclosures in relation to adjacent properties) to determine what the appearances and potential effects will be to 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 specifically allows Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the*

proposed uses are 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 Kennel is for residential use rather than commercial use, the applicant is not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Fish Lake Township – has not identified any concerns specifically related to traffic hazards or 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, the County finds that the applicant has not provided sufficient detail to determine potential impacts related to noise and general unsightliness. In support of this finding, the County received testimony from multiple surrounding property owners during the November 2, 2023 public hearing indicating that noise was an existing problem and concern. Aside from suggesting that existing trees and elevation changes will greatly reduce noise and visual impacts from neighboring properties, the applicant has not provided any specific detail about the existing trees or elevations or any indication of other methods used to mitigate the noise resulting from up to 10 adult dogs and up to 30 puppies. The County further finds that the applicant has not provided sufficient detail about the proposed fenced enclosures to help the County understand the potential visual impacts to nearby properties. Ultimately, the County finds that there is insufficient evidence to ensure that the proposed use will not cause adverse impacts to nearby properties in terms of noise and general unsightliness as has been presented via public testimony.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends denial of the request for Interim Use Permit, based on the findings provided herein.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 7th day of December, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Adoption of 2024 Meeting Schedule
DATE: December 7, 2023

ACTION TO CONSIDER

The Planning Commission will consider adoption of the 2024 meeting schedule.

DISCUSSION

The Planning Commission adopts an annual meeting schedule which includes dates, times and locations for tours, regular meetings and special work sessions. Attached is the draft 2024 meeting schedule showing dates and times consistent with previously adopted schedules: tours held one day prior to regular meetings at 9:00 am; regular meetings on the first Thursday of the month at 7:00 pm; and, special work sessions on the third Thursday of the month at 6:00 pm. The draft schedule also provides dates for application deadlines.

The only known conflicts with the draft meeting schedule are related to the July tour and July regular meeting, given that the regular meeting falls on the Independence Day holiday. Therefore, staff has proposed that the tour be conducted one day earlier on Tuesday, July 2nd and the regular meeting be held one day earlier on Wednesday, July 3rd.

This is the Planning Commission's opportunity to review the draft meeting schedule and discuss possible changes, such as starting times for tours and/or meetings.

STAFF RECOMMENDATION

Staff recommends adoption of the 2024 meeting schedule as presented or amended.

OPTIONS

1. Adopt the 2024 meeting schedule as presented or amended.
2. Table adoption of the 2024 meeting schedule until the January 4, 2024 meeting.

ACTION REQUESTED

Motion to adopt the Chisago County, MN Planning Commission 2024 Meeting Schedule as presented or amended.

ATTACHMENTS

1. Draft 2024 Meeting Schedule



Chisago County, MN
Planning Commission
DRAFT * 2024 Meeting Schedule * DRAFT

Purpose:	Date:	Time:	Location:
Application Deadline for Jan 4 Meeting	Friday, December 1, 2023	4:00 PM	
Tour	Wednesday, January 3	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, January 4	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, January 18	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Feb 1 Meeting	Friday, December 29, 2023	4:00 PM	
Tour	Wednesday, January 31	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, February 1	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, February 15	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Mar 7 Meeting	Thursday, February 1	4:00 PM	
Tour	Wednesday, March 6	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, March 7	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, March 21	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Apr 4 Meeting	Friday, March 1	4:00 PM	
Tour	Wednesday, April 3	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, April 4	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, April 18	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for May 2 Meeting	Monday, April 1	4:00 PM	
Tour	Wednesday, May 1	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, May 2	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, May 16	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Jun 6 Meeting	Wednesday, May 1	4:00 PM	
Tour	Wednesday, June 5	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, June 6	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, June 20	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Jul 3 Meeting	Friday, May 31	4:00 PM	
Tour	Tuesday, July 2	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Wednesday, July 3	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, July 18	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Aug 1 Meeting	Monday, July 1	4:00 PM	
Tour	Wednesday, July 31	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, August 1	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, August 15	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Sep 5 Meeting	Thursday, August 1	4:00 PM	
Tour	Wednesday, September 4	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, September 5	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, September 19	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Oct 3 Meeting	Friday, August 30	4:00 PM	
Tour	Wednesday, October 2	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, October 3	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, October 17	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Nov 7 Meeting	Tuesday, October 1	4:00 PM	
Tour	Wednesday, November 6	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, November 7	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, November 21	6:00 PM	Government Center/Lower Conference Room 150B
Application Deadline for Dec 5 Meeting	Friday, November 1	4:00 PM	
Tour	Wednesday, December 4	9:00 AM	Depart from Chisago County Public Works
Regular Meeting	Thursday, December 5	7:00 PM	Government Center/Board Room 160A
Special Work Session	Thursday, December 19	6:00 PM	Government Center/Lower Conference Room 150B

*Rescheduled Tour and/or Meeting Dates

All Tours, Regular Meetings and Special Work Sessions are open to the public.
Public Comment is reserved for public hearing portions of meetings and at the discretion of the Planning Commission Chair.

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

Chisago County Public Works
31325 Oasis Road
Center City, MN 55012