Chisago COUNTY USA | PLANNING COMMISSION

Meeting Agenda
September 5, 2024 | 7:00 pm

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

Tour Details: Wednesday, September 4, 2024 at 9:00 am
Departing from Chisago County Highway Department, 31325 Oasis Road, Center City, MN

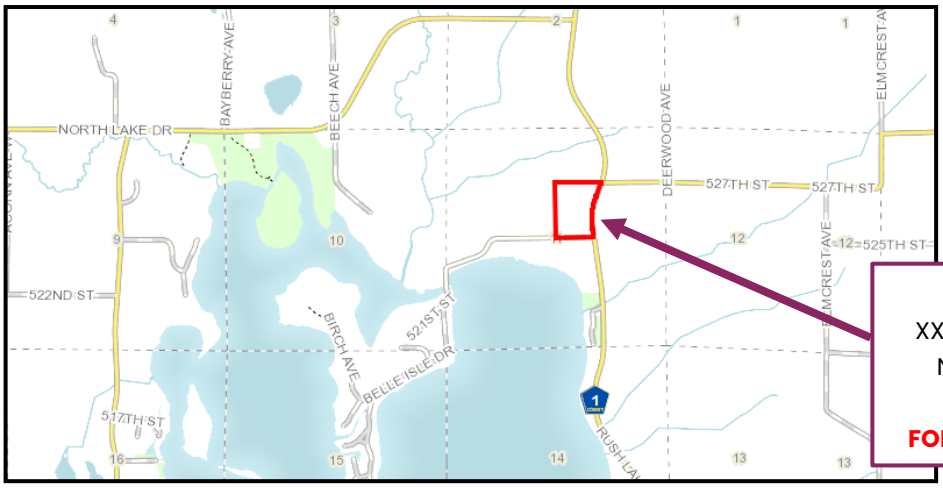
1. **Call to Order and Pledge of Allegiance**
2. **Roll Call and Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
   a. August 1, 2024 Regular Meeting
5. **Receive all Materials and Submittals into Record**
   Previously Distributed:
   a. Complete meeting packet including staff reports with attachments for agenda items 6a, 6b, 6c and 9a.
6. **Public Hearings**
   a. **Joseph Winberg** – Property owner Joseph Winberg is requesting approval of the Preliminary Plat of Winberg Addition involving the creation of two 5± acre lots, with frontage on Wilcox Road, from a combined 80± acre tract of land located in the Agricultural (AG) District. The plat request includes two subject properties, with one located at 11290 Wilcox Road and the other generally located north and northwest of 11290 Wilcox Road in Sunrise Township, S18 and 7, T35, R20 (PIDs 09.00189.00 and 09.00078.00).

   b. **Kale Wolff and Federated Co-ops Inc.** – Property owner Kale Wolff and applicant Federated Co-ops Inc. are requesting the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. The subject properties, totaling 2.95± acres, are located at 18397 St. Croix Trail / TH 95 in Shafer Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

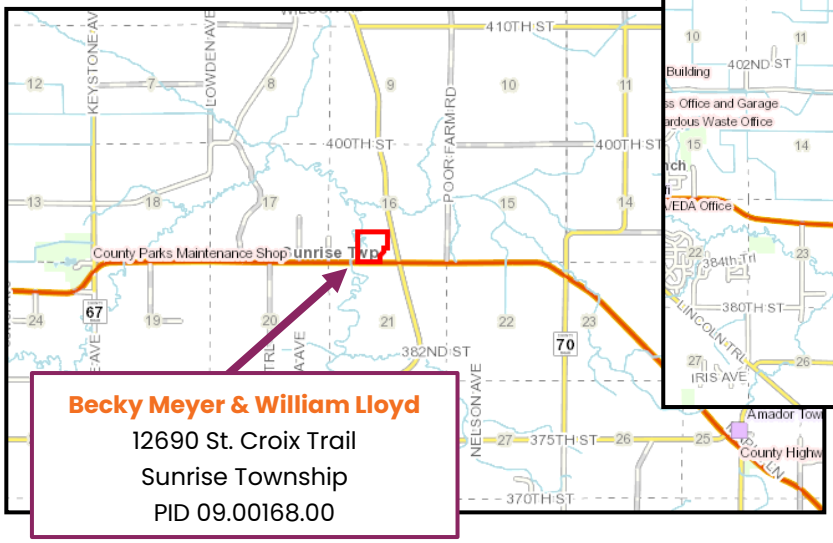
   c. **Becky Meyer & William Lloyd** – Property owners Becky Meyer & William Lloyd are requesting an Amendment to an Interim Use Permit granted in 2023 allowing a Commercial Kennel on 37.05± acres in the Agricultural (AG) District. The proposed Amendment includes, but is not limited to, relocation of a fenced enclosure for animals, different fencing material for the fenced enclosure than originally proposed, and allowance for animals to be boarded within the dwelling. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).
7. **Public Hearings – Continued Hearings**
   None
8. **Old Business**
   a. Zoning Ordinance, Subdivision Ordinance, and Shoreland Management Ordinance Discussion

9. **New Business**
    a. Request for Extension for Final Plat of Autumn Woods Cottages
10. **Communications and Reports**
    a. County Board Liaison Reports – Commissioners Greene and Dahlberg
11. **Miscellaneous**
12. **Adjourn Meeting**
    - The next special work session is scheduled for Thursday, September 19, 2024 at 6:00 pm.
    - The next regular meeting is scheduled for Thursday, October 3, 2024 at 7:00 pm.

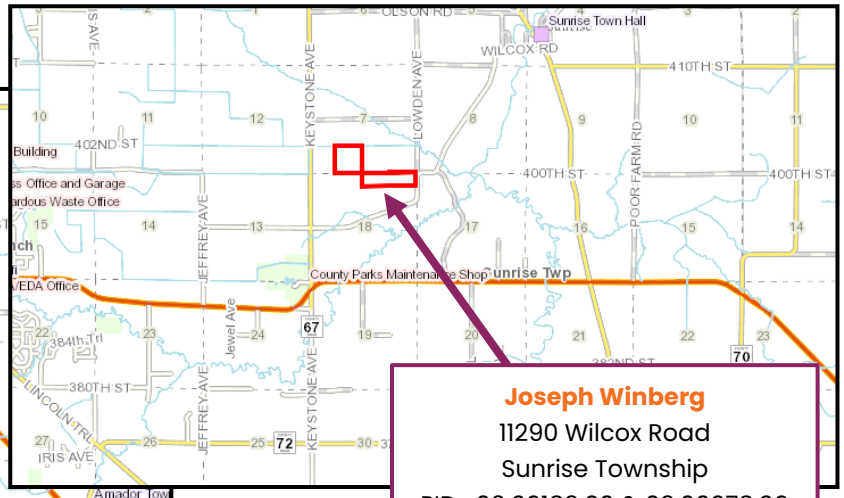
Planning Commission
Tour Date and Time:
Wednesday, September 4, 2024 at 9:00 am
Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012



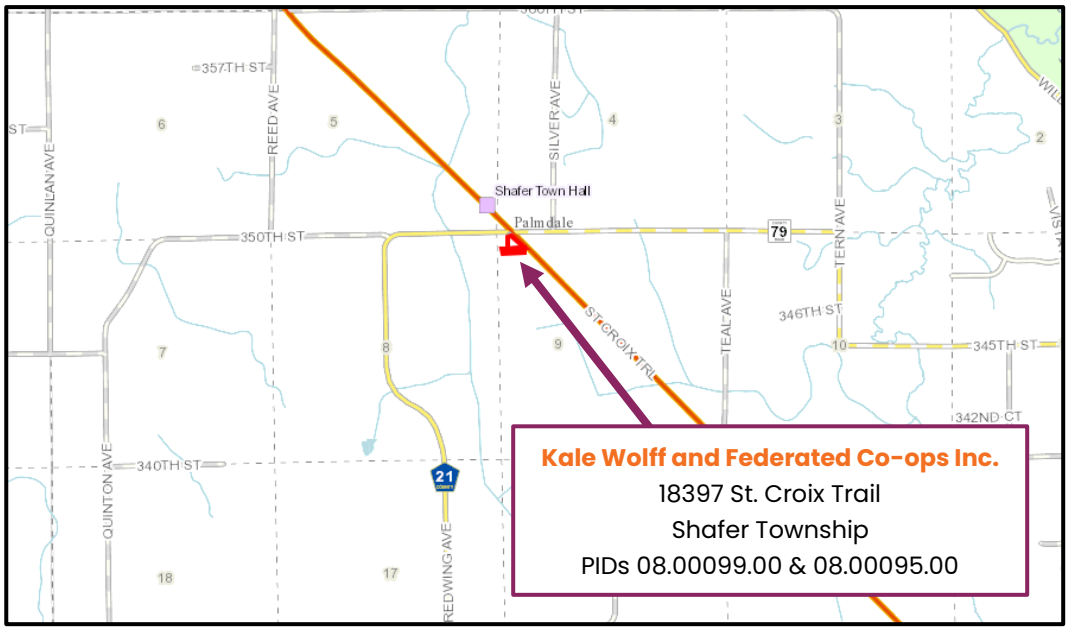
Carol Hauglie
XXXX Rush Lake Trail
Nessel Township
PID 06.00235.20
FOR REFERENCE ONLY



Becky Meyer & William Lloyd
12690 St. Croix Trail
Sunrise Township
PID 09.00168.00



Joseph Winberg
11290 Wilcox Road
Sunrise Township
PIDs 09.00189.00 & 09.00078.00
FOR REFERENCE ONLY



Kale Wolff and Federated Co-ops Inc.
18397 St. Croix Trail
Shafer Township
PIDs 08.00099.00 & 08.00095.00

CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
August 1, 2024

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 1, 2024, at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and Sarah Scheunemann, Office Support Specialist – Land Services.

Acting 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: Dave Whitney, Eric Leivian, Acting Chair Chip Yeager, John Sutcliffe, and Chris DuBose. Absent: Chair Jolene Wille (excused) and Vice Chair Jim McCarthy (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – ***Motion*** by DuBose to approve the agenda as presented; second by Leivian. The **motion passed** 5-0.

Approval of Minutes – ***Motion*** by Sutcliffe to approve the July 11, 2024, regular meeting minutes as presented; second by Leivian. The **motion passed** 5-0.

Receive all Materials and Submittals into Record – ***Motion*** by Sutcliffe to accept all materials and submittals into the record; second by DuBose. The **motion passed** 5-0. Materials distributed to the Planning Commission in advance of the meeting for their review included the full meeting packet with staff reports and attachments. Copies of all materials were made available to the public.

Public Hearings
Bonny & Paul Mack and Mallory Mack – Coordinator Gervais provided background on the request for the approval of the Preliminary Plat of Mack Estates involving the creation of one 5± acre lot from an 80± acre tract of land. The subject site was located at 26995 Redwing Avenue/CR86 in Franconia Township, S20, T33, R19 (PID 04.00218.00).

Gervais reviewed details of the subject site sharing that the site and all surrounding properties were located within the Agricultural (AG) District with surrounding properties ranging in size from 4.5 acres to 80 acres and most having been developed for residential use and/or they were being used for agricultural purposes. Gervais explained that the property owners and applicant were proposing the creation one 5± acre lot and, as proposed, it met all of the County's minimum dimensional requirements for the AG District.

Gervais shared that the Technical/Plat Review Committee met with applicant Mallory Mack on July 10, 2024. County staff had verified the soils report and wetland delineation and found them to be accurate. The Committee did not identify any immediate concerns. The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 2024 meeting and recommended approval with no conditions or comments. The ordinance prescribed 120-day review period was scheduled to expire on October 26, 2024.

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

Acting Chair Yeager invited the property owners and applicant to address the Planning Commission. Property owners Bonny & Paul Mack and applicant Mallory Mack approached the Commission but had nothing additional to add.

Acting Chair Yeager opened the public hearing and sought comment.

With no members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second by Whitney. The **motion passed** 5-0.

Motion by DuBose to adopt Resolution No. PC2024-0801, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Mack Estates, with conditions as presented; second by Leivian. The **motion passed** 5-0.

Conditions:

1. The Preliminary Plat of Mack Estates is approved per plat drawing dated signed June 26, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Haven Homes, LLC– Coordinator Gervais presented the request for the approval of the Preliminary Plat of Peaceful Sunrise involving the creation of one 9± acre lot from a 9.3± acre tract of land. The subject site was located at 29813 Rydeen Avenue in Franconia Township, S5, T33, R19 (PID 04.00065.40).

Gervais noted that the subject site may have appeared to be a platted parcel but, after a building permit application had been submitted to the Department of Environmental Services earlier in 2024 and staff had researched the history of the property, staff found that the existing 9.3-acre subject site was created on September 13, 1999 through the recording of deed. Gervais further explained that this would have been the correct process for creating the parcel prior to the County's adoption of the Subdivision Ordinance in June 1999; however, after June 1999, the Ordinance required that the parcel be created through the platting process being that it was less than 20 acres in size with at least 500' in all dimensions. The building permit was denied and, as a remedy, the property owner initiated the platting process.

Gervais reviewed details of the subject site and surrounding area, noting that the site and all surrounding properties were located in the Agricultural (AG) District. The subject site was currently undeveloped and it featured two distinct wetland areas and was otherwise primarily open grassland. Surrounding properties ranged in size from five acres to 40 acres, with most surrounding properties developed for residential use and/or being used for agricultural purposes. Gervais stated that the proposed lot complied with the County's minimum dimensional requirements for the AG District.

Gervais shared that the Technical/Plat Review Committee considered the plat on July 10, 2024 and did not identify and immediate concerns. The soils report and wetland delineation had been verified by County staff and found to be accurate. The Franconia Town Board reviewed the proposed Preliminary Plat at its July 9, 2024 meeting and recommended approval with no conditions or comments. The ordinance prescribed 120-day review period was scheduled to expire on October 26, 2024.

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

Acting Chair Yeager invited the property owner to address the Planning Commission. Brandon Derks of Haven Homes, LLC approached the Commission but had nothing additional to add.

Acting Chair Yeager opened the public hearing and sought comment.

With no members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second by Whitney. The **motion passed** 5-0.

Motion by Whitney to adopt Resolution No. PC2024-0802, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of the Preliminary Plat of Peaceful Sunrise, with conditions as presented; second by DuBose. The **motion passed** 5-0.

Conditions:

1. The Preliminary Plat of Peaceful Sunrise is approved per plat drawing dated signed June 21, 2024 and revised last on June 28, 2024. Any significant deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.

Public Hearings – Continued Hearings

None

Old Business

Whitney expressed interest in discussing the pending Zoning Ordinance update, sharing that he had further reviewed the draft ordinance following the Planning Commission's June 6, 2024 public hearing and came to the realization that there could be various ways for the ordinance to be interpreted and applied. Whitney stated that, through his further review, he came across significant inconsistences and recommended that the ordinance be presented to the County Board for adoption and then go back to the Planning Commission for further review and editing so that the ordinance was easier for staff and the public to interpret.

Whitney provided one example of an inconsistency within the Zoning Ordinance pertaining to the Planned Unit Development section, explaining that the maximum allowable density within a Planned Unit Development Cluster was 1.5 homes per 5 acres of gross land area unless the subdivision was served by a community utility system, whereas a subdivision with a community utility system was subject to a multiplier of 1.3 which resulted in fewer lots. Whitney explained that a developer who took on the expense of installing a community utility system would lose density which he believed to be a deterrent. Whitney reiterated that he would like to see the draft ordinance presented to the County Board for adoption and then the Planning Commission could review the ordinance on a quarterly basis for the next one to two years, suggesting that the activity could be added to the meeting agenda as an opportunity to check in with staff and address any concerns. Whitney believed that the ordinance should be treated as a working document with the long-term goal of making it easier for staff and the community to interpret.

Yeager asked staff if the County was still working with consultant Bolton & Menk. Gervais shared that staff would be meeting with Bolton & Menk on August 6, 2024 for the purpose of discussing finalization of the draft ordinances. Gervais added that she agreed with Whitney in that there were inconsistences within the draft ordinances and that they needed some refinement, but not necessarily large changes, and she was hopeful that Bolton & Menk would be able to assist with this effort. Sutcliffe commented that Bolton & Menk was hired to help the County review the ordinances and identify issues, such as inconsistencies, contradictions, and clerical errors.

DuBose responded to Whitney's Planned Unit Development example, stating that he believed it was more of an editorial mistake and suggested that Whitney prepare a written explanation and submit it to staff so that staff could make the editorial correction before the ordinance was presented to the County Board. Whitney stated

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that he could provide a written explanation but was concerned that there may be other mistakes or inconsistencies that may not be caught until someone applied for that particular use. DuBose added that he believed a quarterly review would be too extreme and, instead, suggested an annual review during the winter months. Whitney maintained that, at least initially following adoption, there may be greater need to more frequently review the ordinance and address issues. Acting Chair Yeager commented that, in the past, if staff identified an issue, it was presented to the Planning Commission Chair to determine if it should be added to a meeting agenda for discussion, adding that he believed this to be a good practice. Leivian commented that the Planning Commission shouldn't expect the amended ordinance to be perfect at time of adoption and that he supported regular reviews by the Planning Commission. As a compromise, Whitney suggested reviews once every six months. Sutcliffe offered support for DuBose's suggestion of an annual review during winter months. Acting Chair Yeager suggested that the annual review could be held in January after the holidays. DuBose suggested that the Planning Commission could further discuss concerns at the September 5, 2024 meeting before the draft ordinances were presented to the County Board.

New Business
None

Communications and Reports
County Board Liaison Reports – County Commissioner Greene reported that some townships felt like they didn't receive enough information upfront to provide recommendations on pending applications, adding that, after the application was presented to the Planning Commission, the townships weren't able to provide any additional feedback because the public hearing was closed. Greene stated that the townships would like more information upfront. DuBose asked staff if the townships received a packet similar to what the Planning Commission received. Gervais reviewed the process for providing application materials to the townships, explaining that the application deadline was generally on the first of each month and County staff provided all application materials to the individual townships for review at their monthly Town Board meeting. Gervais further explained that some Town Board meetings were held early in the month and it didn't allow staff much time to send the application materials. As an example, Gervais noted that the Shafer Town Board's August meeting was scheduled for August 1, 2024, requiring that staff quickly process any applications for Shafer Township on the same day that they were received. Gervais again noted that the townships received the complete application packet. Gervais stated that some Township Supervisors contacted County staff to ask clarifying questions prior to their respective Town Board meetings and she welcomed this communication.

County Commissioner Dalberg reported that the County Board was currently working on the 2025 budget.

Acting Chair Yeager asked if there was anything coming to the Planning Commission in regard to the regulation of cannabis. County Commissioners Greene and Dahlberg noted that they received a general template from the State and were working on putting something together.

Miscellaneous – ***Motion*** by DuBose to cancel the special work session scheduled for August 15, 2024; second by Whitney. The **motion passed** 5-0.

Adjourn Meeting – ***Motion*** by DuBose to adjourn the meeting; second by Whitney. The **motion passed** 5-0. The meeting adjourned at 7:34 PM.

_____ ATTEST: _____

Chip Yeager
Acting Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Winberg Addition
11290 Wilcox Road, Sunrise Township
DATE: September 5, 2024

ACTION TO CONSIDER

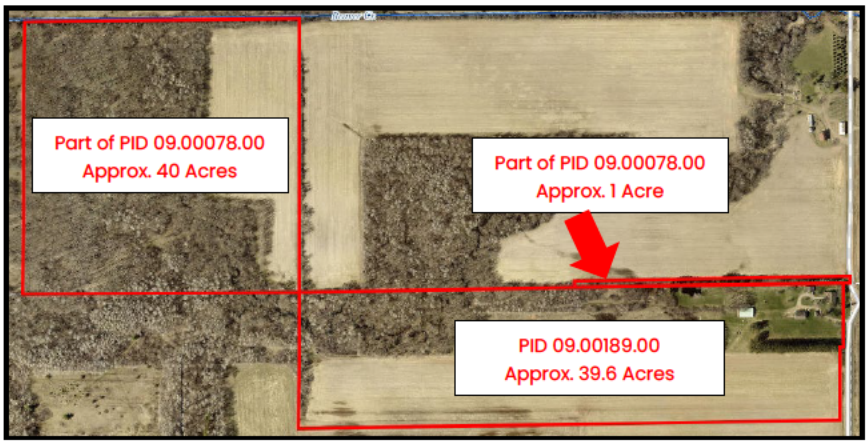
The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Winberg Addition, involving the creation of two lots from a combined 80± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	Joseph Winberg
Applicant(s):	Joseph Winberg
General Location:	11290 Wilcox Road Sunrise Township Sections 18 and 7, Township 35, Range 20
PIDs:	09.00189.00 and 09.00078.00
Property Area:	80± Acres Combined
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:	July 18, 2024
Date Application Complete:	July 25, 2024
120-Day Review Period:	November 22, 2024

BACKGROUND

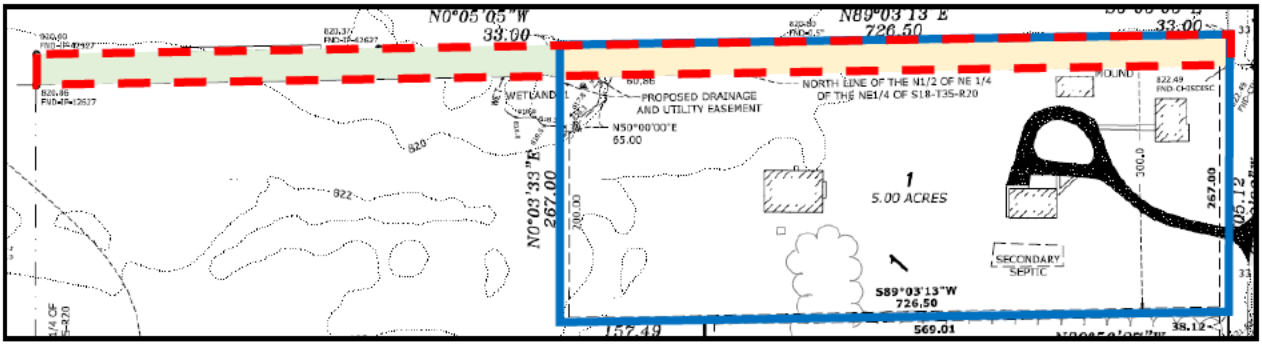
Property owner Joseph Winberg is seeking approval of the Preliminary Plat of Winberg Addition, involving the creation of two 5-acre lots from the combined 80± acre tract of land located at 11290 Wilcox Road in Sunrise Township.



SITE & PROPOSAL ANALYSIS

The 80± acre subject site is generally located west of the intersection of Wilcox Road and Lowden Avenue in Sunrise Township. The subject site consists of two parcels, including a 39.6± acre parcel at 11290 Wilcox Road (PID 09.00189.00) and a 41.3± acre parcel north and northwest of 11290 Wilcox Road (PID 09.00078.00). The parcel identified as PID 09.00078.00 is uniquely configured in that it features an approximate 40-acre tract of land northwest of 11290 Wilcox Road / PID 09.00189.00 as well as a completely separated approximate 1-acre tract of land (33' wide x 1,296' deep) directly north of 11290 Wilcox Road / PID 09.00189.00. Staff is unaware of how or when this unique configuration originated. The image on the previous page provides an illustration of the parcel configuration.

Through the current platting process, the property owner is proposing to plat the easterly 726.5' of the 1-acre "sliver" (shown in light yellow in the image below) as part of Lot 1, Block 1 (shown outlined in blue in the image below) being that the septic mound serving the existing dwelling is located in this area. Per the property owner, the remaining westerly 569.5' of the 1-acre sliver (shown in light green in the image below) will eventually be combined with the remainder / exception area of PID 09.00189.00. Being that the westerly 569.5' and the remainder area of PID 09.00189.00 are exempted from the platting process, this combination cannot be processed through the current platting process and, instead, will be processed as an administrative Lot Reconfiguration and Tie Together once the platting process is complete.



Topography of the proposed lots includes nearly level elevations ranging from 822' to 824'. The northerly proposed lot features a small wetland area in the extreme northwest corner as well as scattered groupings of trees, including substantial rows of trees along the proposed north property boundary and adjacent to the proposed south property boundary. The southerly proposed lot does not include any wetland areas but does include a substantial row of trees along the proposed north property boundary. The northerly proposed lot is currently developed with a dwelling and at least four detached accessory structures, whereas the southerly proposed parcel is currently vacant and appears to be used for agricultural purposes.

The subject site and all surrounding properties are located within the Agricultural (AG) District. Surrounding properties range in size from five acres to 80 acres, with most surrounding properties being used for residential and/or agricultural purposes.

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

AG District Minimum Requirements	**Lot Size 5 acres**	**Lot Width* 300 feet**	**Lot Depth** 300 feet**	**Home Site Area 21,500 square feet**
Lot 1, Block 1	5 acres	300'	726.5'	25,000 sf
Lot 2, Block 1	5 acres	393'±	552'+	25,000 sf

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

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

REVIEW PROCESS

The Technical / Plat Review Committee met with property owner Joseph Winberg on August 14, 2024. Land Services Coordinator Gervais addressed the issue of the "sliver" portion of PID 09.00078.00, explaining that the eastern portion of the sliver would be made part of Lot 1 through the platting process but the unplatted western portion would remain as a smaller sliver until the property owner requested and was granted a Lot Reconfiguration and Tie Together to make it part of the remainder of PID 09.00189.00 (a Tie Together processed by the Department of Environmental Services would be necessary rather than a more formal Lot Combination processed by the Auditor-Treasurer's Office given that the two tracts of land are located in different sections). Sanitarian Davidsavor and Wetland Specialist Fertig noted that the soils report and wetland delineation had been verified and found to be accurate. The Committee did not identify any immediate concerns.

The Sunrise Town Board reviewed the proposed Preliminary Plat at its August 15, 2024 meeting and recommended approval "with the understanding that the orphan strip that is to the east and part of parcel number 09.00078.00 will be combined with Lot 1 of the new plat and the westerly portion of said orphan strip will be combined with the remainder 30 acre parcel". Having been identified by both staff and the Sunrise Town Board, the issue of the sliver / orphan strip has been addressed with a recommended condition of approval.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on November 22, 2024.

WRITTEN TESTIMONY

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

STAFF RECOMMENDATION

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

Recommended Condition(s):

1. The Preliminary Plat of Winberg Addition is approved per plat drawing dated signed July 16, 2024. 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. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.
4. Following completion of the Final Plat process, the property owner shall submit complete applications for Lot Reconfiguration and Tie Together in order to split the westerly 569.5'± of the easternmost portion of PID 09.00078.00 (that portion which has frontage on Lowden Avenue) and combine it with the 29±-acre remainder / exception area of PID 09.00189.00.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Winberg Addition with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Winberg Addition based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the Preliminary Plat of Winberg Addition.
4. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The ordinance prescribed 120-day review period expires on November 22, 2024 allowing the Planning Commission to further consider the request at its October 3, 2024 meeting.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0901, a resolution recommending approval of the Preliminary Plat of Winberg Addition, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2024-0901

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-1350

Township Sunrise **S/T/R** 18-35-20 **PID#** 09.00189.00 09.00078.00

Project Address 11290 Wilcox Rd Sunrise

Property Owner(s) Joseph Winbers

Mailing Address (If Different from Project Address) 17293 Fyunby Rd shafer, mn 55074

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

Applicant(s) _____

Mailing Address (If Different from Project Address) _____

Phone# _____ **Email** _____

Type of Request (Check All That Apply)

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

Description of Request (Attach Separate Sheet if Necessary) Subdivision is to make Lot 1 and 2

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

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

Applicant Signature

7-18-2024
Date of Application

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

Fees		Dates	
Base Fee	$ 500—	Application Received	7-18-24
Recording Fee	$ 46—	Application Complete	7-25-24
Plat Fee – No Road(s) / With Road(s)	$ 150—	60 / 120 Day Review Period	11-22-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$ nn		
TOTAL FEE	$ 696—		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Sunrise **S/T/R** 18-35-20 **PID#** 09.00189.00

Project Address 11290 Wilcox Rd Sunrise 09.00078.00

Property Owner(s) Joseph Winberg

Mailing Address (If Different from Project Address) 17293 Funke Rd Shafer, MN 55074

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

Applicant(s) _____

Mailing Address (If Different from Project Address) _____

Phone# _____ **Email** _____

Type of Request (Check All That Apply)

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

Description of Request (Attach Separate Sheet if Necessary) Subdivision is to make Lot 1 and 2

Joseph Winberg — 7-18-2024

Applicant Signature — **Date of Application**

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

****

Date of County Public Hearing SEPT. 5, 2024 **Date of Township Presentation** AUG. 15, 2024

Townsh ☒ Re Recomi Motion by Jeske Noordergraaf, second by Adam Grobove III to accept the recommendation of the Sunrise Township Planning Commission to approve Mr. Joseph Winberg's Preliminary Plat of Winberg Addition with no conditions but with the understanding that the orphan strip that is to the east and part of parcel number 09.00078.00 will be combined with Lot 1 of the new plat and the westerly portion of said orphan strip will be combined with the remainder 30 acre parcel. Motion carried

Signatures of Township Officials or Authorized Personnel

Carl Pitzer — Jeske Noordergraaf — Adam Grobove III

Mark Dalsin — Ryan Ahlin — _____

PRELIMINARY PLAT

~for~ WINBERG ADDITION
~of~ 11290 WILCOX ROAD
SUNRISE TOWNSHIP, MN

APPLICANT

WINBERG COMPANIES, LLC
JOE WINBERG
11290 WILCOX ROAD
NORTH BRANCH, MN 55056
(651) 248-5133

LAND SURVEYOR

E.G. RUD & SONS, INC.
6776 LAKE DRIVE N.E., SUITE 110
LINO LAKES, MN 55014
(651)361-8200

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES CHISAGO COUNTY MONUMENT
- DENOTES AIR CONDITIONING UNIT
- DENOTES CLEAN OUT
- DENOTES ELECTRICAL BOX
- DENOTES FIBER OPTIC BOX
- DENOTES TELEPHONE PEDESTAL
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES LIGHT POLE
- DENOTES MAILBOX
- DENOTES SANITARY SEWER MANHOLE
- DENOTES SIGN
- DENOTES SOIL BORING. (ZIERKE SOIL TESTING)
- WET DENOTES WET LAND
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- PIN No. 17-119-22-14-0008 Owner: City of X Address: Unassigned — DENOTES ADJACENT PARCEL OWNER INFORMATION (PER CHISAGO COUNTY TAX INFORMATION)

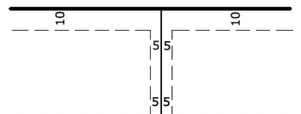
NOTES

- Field work was completed by E.G. Rud and Sons, Inc. on 05-24-24.
- Parcel ID Number: 09.00189.00 and 09.00078.00
- Address of the surveyed premises: 11290 Wilcox Road, North Branch, MN 55056
- Bearings shown are on Chisago County datum.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map No. 27025C0030D Community No. 270682 Panel No. 0030 Suffix D by the Federal Emergency Management Agency, effective date April 17, 2012.
- Wetland delineation preformed by Jacobson Environmental, PLLC in June of 2024.

BENCHMARK

MNDOT NAME: RUMP
ELEVATION: 870.441
DATUM: NAVD 88

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

EXISTING PROPERTY DESCRIPITON

The North half of the Northeast Quarter of the Northeast Quarter and the North half of the Northwest Quarter of the Northeast Quarter of Section 18, Township 35, Range 20, Chisago County, Minnesota.

EXCEPT Parcel 11A described as follows: That part of Parcel 11A Chisago County Highway Right-Of-Way Plat No. 32, Lying northerly of the south line of the North Half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 35, Range 20, Chisago County, Minnesota.

AND

The South 2 rods of the Southeast Quarter of the Southeast Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

AND

The Southeast Quarter of the Southwest Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

EXISTING ZONING/LOT STANDARDS

AG - AGRICULTURAL
MINIMUM LOT AREA = 5 ACRES
MINIMUM LOT WIDTH = 300 FEET
MINIMUM LOT DEPTH = 300 FEET

SETBACKS

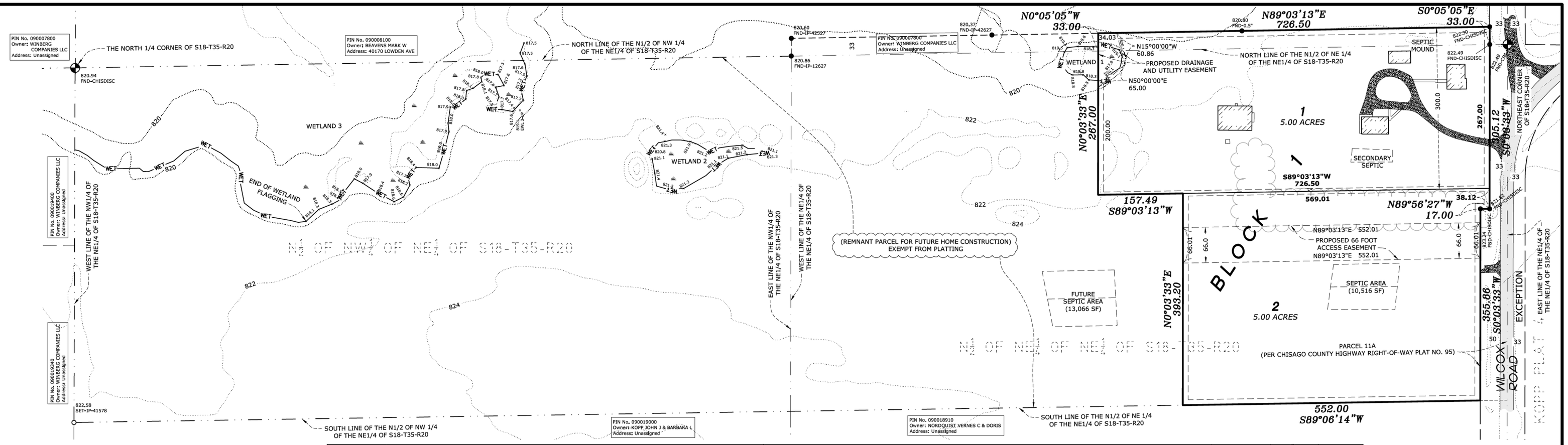
FRONT C.S.A.H. =135 FEET TO CENTERLINE
FRONT TOWNSHIP ROAD =40 FEET TO R/W
DWELLING ATTACHED GARAGE SIDE YARD =20 FEET
AG STRUCTURE SIDE SETBACK =40 FEET
REAR YARD =50 FEET

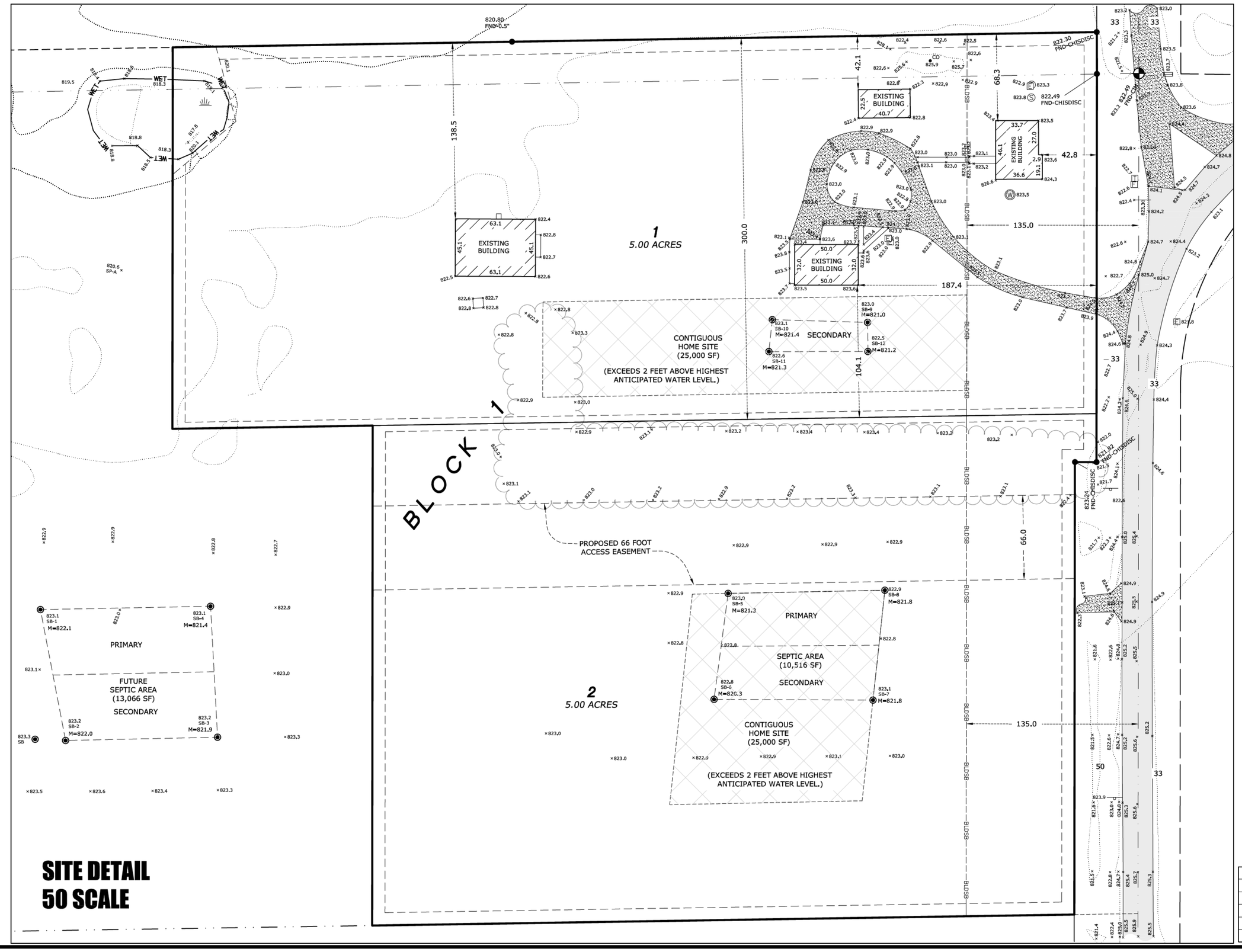
E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

HIGH WATER LEVEL NOTE

The nearest flood zone is a designated Zone A (which does not have a published 100 year flood elevation) lying approximately 480 feet northerly of this parcel.

The highest anticipated water elevation is determined to be at elevation = 818.5, based upon the wetland flag elevations as measured in the nw corner of this parcel, which are contiguous with the Zone A noted above.





GRAPHIC SCALE
100 0 50 100 200
1 INCH = 100FEET

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

JASON E. RUD
Date: 7/16/2024 License No. 41578

DRAWN BY: BCD	JOB NO: 240438PP	DATE: 07-01-24	
CHECK BY: JER	FIELD CREW: RW/MR/JR		
1	07/11/24	UPDATED PRELIM. PLAT BOUNDARY	BCD
2	07/16/24	UPDATED PRELIM. PLAT	BCD
3			
NO.	DATE	DESCRIPTION	BY

S:\RUD\CAD\24PROJ\240438PP\240438PP.DWG

PRELIMINARY PLAT

~for~ WINBERG ADDITION
~of~ 11290 WILCOX ROAD
SUNRISE TOWNSHIP, MN

APPLICANT

WINBERG COMPANIES, LLC
JOE WINBERG
11290 WILCOX ROAD
NORTH BRANCH, MN 55056
(651) 248-5133

LAND SURVEYOR

E.G. RUD & SONS, INC.
6776 LAKE DRIVE N.E., SUITE 110
LINO LAKES, MN 55014
(651)361-8200

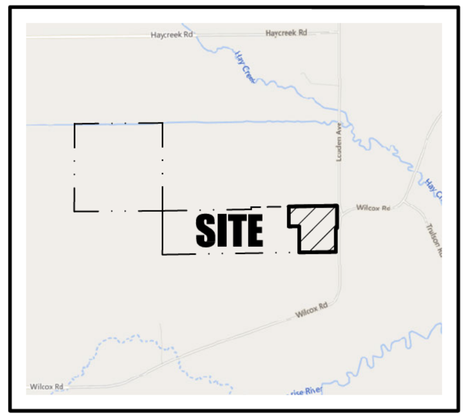
GRAPHIC SCALE
150 0 75 150 300
1 INCH = 150FEET

BENCHMARK

MNDOT NAME: RUMP
ELEVATION: 870.441
DATUM: NAVD 88

VICINITY MAP

PART OF SEC. 7 & 18, TWP. 35, RNG. 20



CHISAGO COUNTY, MINNESOTA
(NO SCALE)

PIN No. 090007300 Owner: STEVEN & ANN ANDERSON TRUST Address: 10429 HAY CREEK RD NORTH BRANCH
PIN No. 090008030 Owner: TERRI ANNE NELSON Address: 10805 HAY CREEK RD
PIN No. 090008020 Owner: PATRICK A BUMP Address: 10865 HAYCREEK RD
PIN No. 090008010 Owner: CHRISTA TIEFENBACHER-HUDSON Address: 10869 HAY CREEK RD
PIN No. 090008000 Owner: ROBERT A & SHARON C JOHNSON Address: 11019 HAY CREEK RD
PIN No. 090007900 Owner: NORMAN L & CINDY M LELM Address: 40370 LOWDEN AVE
PIN No. 090075900 Owner: PA YANG Address: 40187 KEYSTONE AVE
PIN No. 090075901 Owner: MICHAEL T HONICO Address: 40183 KEYSTONE AVE
PIN No. 090075902 Owner: ELIZABETH D WAWERSICH Address: 40057 KEYSTONE RD
PIN No. 090075903 Owner: ROSS E & RENEE P THORMODSGARD Address: 40057 KEYSTONE RD
PIN No. 090008100 Owner: BEAVENS MARK W Address: 40170 LOWDEN AVE
PIN No. 090019400 Owner: WINBERG COMPANIES LLC Address: Unassigned
PIN No. 090019340 Owner: WINBERG COMPANIES LLC Address: Unassigned
PIN No. 090019000 Owner: KOPP JOHN J & BARBARA L Address: Unassigned
PIN No. 090018910 Owner: NORDQUIST VERNES C & DORIS Address: Unassigned

S89°22'35"W 1326.22
THE NORTH LINE OF THE SE 1/4 OF THE SW 1/4 OF S7-T35-R20
N0°12'47"E 1319.45
THE WEST LINE OF THE SE 1/4 OF THE SW 1/4 OF S7-T35-R20
SE1/4 OF SW1/4 OF S7-T35-R20
(REMNANT PARCEL) EXEMPT FROM PLATTING
THE EAST LINE OF THE SE 1/4 OF THE SW 1/4 OF S7-T35-R20
S0°03'56"W 1322.90
BEAVER CREEK ACRES
THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF S7-T35-R20
1329.58
N89°31'36"E
THE NORTH 1/4 CORNER OF S18-T35-R20
N89°03'13"E 1329.08
N0°00'34"W 33.00
THE NORTH LINE OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF S18-T35-R20
S89°03'13"W 1296.03
N0°05'05"W 33.00
THE NORTHEAST CORNER OF S18-T35-R20
1
5.00 ACRES
305.12
N0°03'33"E
S89°56'27"E 17.00
(REMNANT PARCEL FOR FUTURE HOME CONSTRUCTION) EXEMPT FROM PLATTING
THE WEST LINE OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF S18-T35-R20
S0°11'12"W 658.42
THE EAST LINE OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF S18-T35-R20
N1/2 OF NW1/4 OF NE1/4 OF S18-T35-R20
THE WEST LINE OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF S18-T35-R20
THE EAST LINE OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF S18-T35-R20
2
5.00 ACRES
N1/2 OF NE1/4 OF NE1/4 OF S18-T35-R20
355.86
N0°03'33"E
THE SOUTH LINE OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF S18-T35-R20
2609.57
S89°06'14"W
THE SOUTH LINE OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF S18-T35-R20
THE EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF S18-T35-R20
WORTHINGTON PLAT 4

EXISTING PROPERTY DESCRIPTON

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EXCEPT Parcel 11A described as follows: That part of Parcel 11A Chisago County Highway Right-Of-Way Plat No. 32, Lying northerly of the south line of the North Half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 35, Range 20, Chisago County, Minnesota.

AND

The South 2 rods of the Southeast Quarter of the Southeast Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

AND

The Southeast Quarter of the Southwest Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CHISAGO COUNTY MONUMENT
- DENOTES LIDAR CONTOURS

NOTES

- Field work was completed by E.G. Rud and Sons, Inc. on 05-24-24.
- Parcel ID Number: 09.00189.00 and 09.00078.00
- Address of the surveyed premises: 11290 Wilcox Road, North Branch, MN 55056
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DRAWN BY: BCD	JOB NO: 240438PP	DATE: 07-15-24
CHECK BY: JER	FIELD CREW: RW/MR/JR	

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

S:\RUD\CAD\24PRO\\240438PP\240438PP.DWG

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Joseph Winberg – Property owner Joseph Winberg is requesting approval of the Preliminary Plat of Winberg Addition involving the creation of two 5± acre lots, with frontage on Wilcox Road, from a combined 80± acre tract of land located in the Agricultural (AG) District. The plat request includes two subject properties, with one located at 11290 Wilcox Road and the other generally located north and northwest of 11290 Wilcox Road in Sunrise Township, S18 and 7, T35, R20 (PIDs 09.00189.00 and 09.00078.00

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

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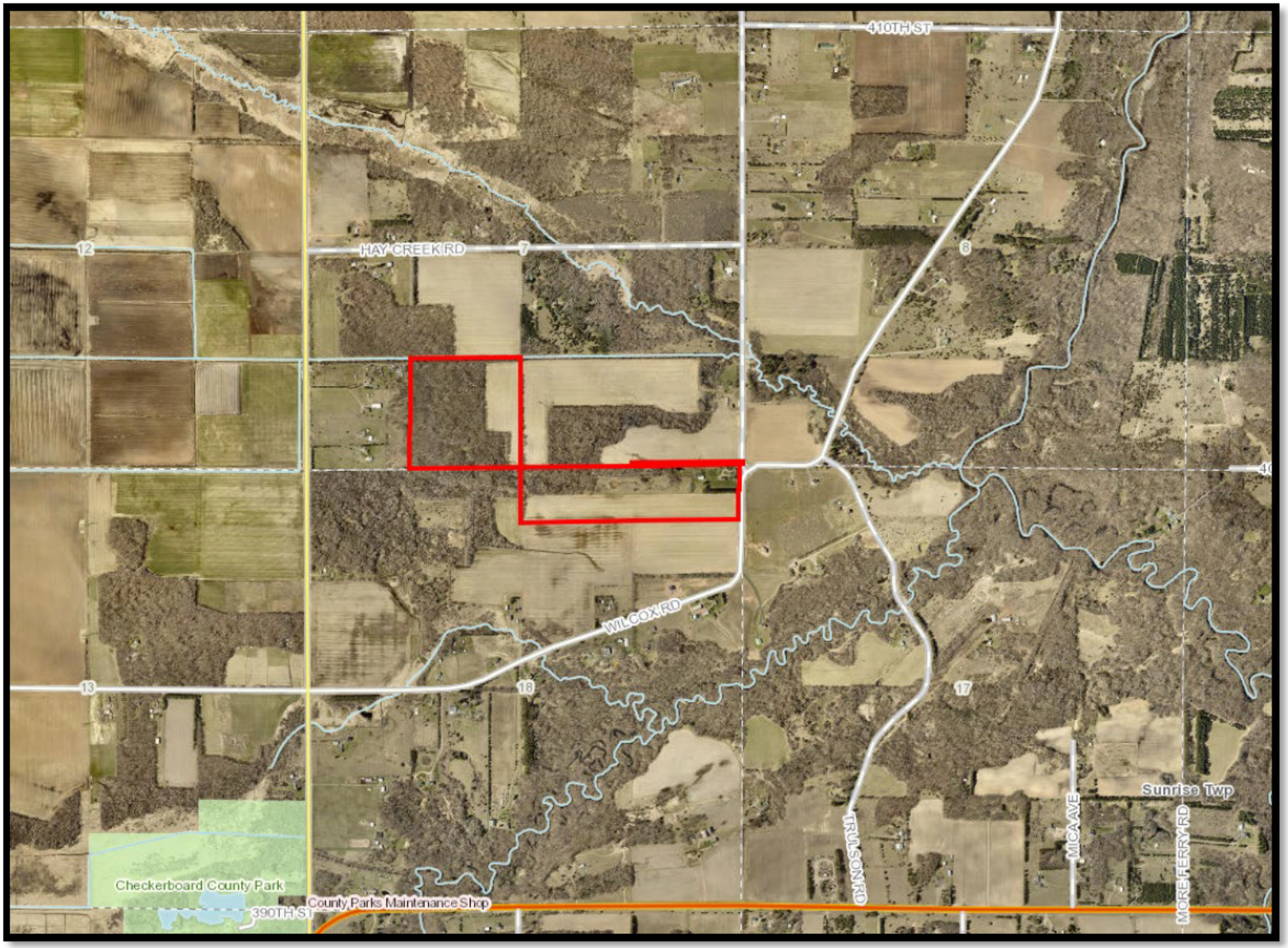


RESOLUTION NO. PC2024-0901
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF WINBERG ADDITION

WHEREAS, property owner Joseph Winberg submitted an application dated received July 18, 2024 and considered complete on July 25, 2024 for the Preliminary Plat of Winberg Addition; and

WHEREAS, the property owner wishes to create two 5-acre lots from the combined 80± acre subject site; and

WHEREAS, the subject site includes two separate parcels, with one located at 11290 Wilcox Road and the other generally located north and northwest of 11290 Wilcox Road in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PIDs 09.00189.00 and 09.00078.00

The North half of the Northeast Quarter of the Northeast Quarter and the North half of the Northwest Quarter of the Northeast Quarter of Section 18, Township 35, Range 20, Chisago County, Minnesota.

> *EXCEPT Parcel 11A described as follows: That part of Parcel 11A Chisago County Highway Right-Of-Way Plat No. 32, Lying northerly of the south line of the North Half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 35, Range 20, Chisago County, Minnesota.*

AND

The South 2 rods of the Southeast Quarter of the Southeast Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

AND

The Southeast Quarter of the Southwest Quarter of Section 7, Township 35, Range 20, Chisago County, Minnesota.

WHEREAS, notice was provided and on September 5, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Winberg Addition was consistent with the intent of the County's Zoning and Subdivision Ordinances.

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

1. The Preliminary Plat of Winberg Addition is approved per plat drawing dated signed July 16, 2024. 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. The property owner shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. Request for Final Plat shall be submitted within one year of Preliminary Plat approval unless an extension of time is requested by the property owner and/or applicant and granted by the County Board upon recommendation of the Planning Commission.
4. Following completion of the Final Plat process, the property owner shall submit complete applications for Lot Reconfiguration and Tie Together in order to split the westerly 569.5'± of the easternmost portion of PID 09.00078.00 (that portion which has frontage on Lowden Avenue) and combine it with the 29±-acre remainder / exception area of PID 09.00189.00.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of September, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Rezoning from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District
18397 St. Croix Trail / TH 95, Shafer Township
DATE: September 5, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Rezoning of two parcels, with a combined land area of 2.95± acres, from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District.

SITE & APPLICATION INFORMATION

Property Owner(s):	Kale Wolff
Applicant(s):	Federated Co-ops Inc.
General Location:	18397 St. Croix Trail / TH 95 Shafer Township Section 9, Township 34, Range 19
PIDs:	08.00099.00 and 08.00095.00
Property Area:	2.95± Acres Combined
Current Zoning:	Rural Village Center (RVC) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Rural Village Center (RVC) District / Agricultural (AG) District
Date Petition Received:	July 30, 2024
Date Petition Complete:	July 31, 2024
60-Day Review Period:	Not Applicable

BACKGROUND

Property owner Kale Wolff and applicant Federated Co-ops Inc., represented by Mark Grave, have petitioned for the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. The north parcel, identified as 08.00099.00, is 1.60± acres in size and the south parcel, identified as 08.00095.00, is 1.35± acres in size

for a combined total of 2.95± acres. For locational and historical reference, the former CJ's Bar & Grill was located on the north subject parcel (PID 08.00099.00).

The Zoning Ordinance provides the following purpose statements for the current RVC District and the proposed CLI District:

- Per Zoning Ordinance Section 5.11, the **Rural Village Center (RVC) District** is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas.
- Per Zoning Ordinance Section 5.12, the **Commercial / Limited Industrial (CLI) District** is intended to provide a district that will allow for light manufacturing, limited business and warehousing facilities, which do not require a high level of public services or public sewer and water.

Zoning Ordinance Sections 5.11 and 5.12 are attached for reference.

SITE & PROPOSAL ANALYSIS

The approximate 2.95±-acre subject area is located southwesterly of the intersection of St. Croix Trail / TH95 and 350th Street / CSAH 21 in Shafer Township. The two subject parcels currently account for two of four parcels located in this particular RVC District and is otherwise surrounded by the AG District. The adjacent image shows current zoning, with the RVC District shown in green highlighting and all other non-highlighted properties being part of the AG District.

The two subject parcels are currently vacant but, historically, the north parcel was the site of the former CJ's Bar & Grill. The other two parcels within this RVC District (which are not included in the petition for Rezoning) are currently developed with dwellings and related detached accessory structures. Staff is not aware of the full history of these dwellings, but, based on records from the Chisago County Assessor's Office, they appear to pre-date the County's adoption of official land use controls which means that they're considered legal non-conforming uses within the RVC District. As legal non-conforming uses, the dwellings have a statutory right to continue being utilized for

residential purposes until the use is discontinued for a period of one year or until the non-conforming use is changed to a conforming use.

Historical zoning maps show that there has been some amount of RVC District (or Highway Business District, as it was called in 1987) in this general area since at least 1987 (the earliest Zoning Map available to staff is 1987). The exact configuration or boundary of the RVC District varies slightly between the 1987 Zoning Map, the 1997 Zoning Map, and the current Zoning Map; however, it's generally the same. Staff can't be certain of how this RVC District originated, but one possibility is that it was created to accommodate an existing commercial business (CJ's Bar & Grill) located on one of the subject parcels.

This particular RVC District – being made up of four parcels and being approximately 5.5 acres in size – is a rather small district in comparison to other zoning districts within the County and in general. The Rezoning, if approved, would reduce the remaining RVC District to two parcels totaling approximately 2.55 acres and create a new CLI District made up of two parcels totaling approximately 2.95 acres. In other words, the proposed Rezoning would reduce the current RVC District by more than half (nearly 54%).

Traditionally, staff would provide a table showing the minimum dimensional requirements for the current and proposed zoning districts in an effort to show that the subject parcels either meet or don't meet the minimum requirements of the proposed district; however, the Zoning Ordinance does not provide minimum dimensional requirements for the CLI District. Therefore, staff can only assume that there are no minimum dimensional requirements for the CLI District and, if the Rezoning is approved by the County Board, there will be no concern with the lot areas, lot widths, or lot depths.

The written narrative provided by the applicant indicates that Federated Co-ops Inc. intends to purchase the two subject parcels, if the Rezoning is approved, and utilize them for purposes of propane storage and distribution. Propane storage on its own, without a principal commercial building / business, is considered by staff to be an "Open Storage Yard" which is not allowed in the RVC District but is allowed as a Conditional Use in the CLI District. The attached images show placement of two 30,000 gallon propane tanks situated on the south subject parcel. While this is useful information – and the Shafer Town Board even provided a recommended condition for the intended use – the specific intended use of the subject parcels should not be a factor in the Planning Commission's recommendation. Instead, the Planning Commission's recommendation should be based on the following factors as outlined in Zoning Ordinance Section 8.08:

- compatibility of the proposed zoning district with surrounding zoning districts and surrounding uses;
- whether the proposed Rezoning is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

- whether the proposed Rezoning will create excessive demand on existing public facilities and utilities which serve the area;
- whether the proposed Rezoning will cause traffic hazard or congestion; and
- compatibility of the proposed Rezoning with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

If the Rezoning is approved by the County Board, the County cannot require that the property be developed by applicant Federated Co-ops Inc. or for the specific use cited by the applicant. If Rezoned, the subject parcels can be developed by any current or future property owner(s) with any use allowed in the CLI District, and the Planning Commission should consider the compatibility and impact of all of these CLI District uses on the surrounding area. While there are a number of CLI District uses that require zoning approval by way of Conditional Use Permit or Interim Use Permit, there are also several uses that are classified as Permitted Uses which require no zoning approval, such as Light Manufacturing, Warehousing, Wholesaling, Contracting and Building Establishments, and others. The CLI District is also the County's only zoning district which allows, with approval of Interim Use Permits, Adult Uses. While there are required setbacks from Adult Uses to dwellings – whether located within a residential zoning district or not – staff believes it *may* be possible to locate an Adult Use on the southern subject parcel. This belief is based on the interpretation that the required 100' setback (required distance between Adult Use premises and dwelling unit within a non-residential zone) would be measured from the property boundary of the parcel proposed to be used for Adult Use purposes and the dwelling itself.

Zoning Ordinance Section 8.08 (Amendments and Rezonings) discusses compatibility of proposed Amendments and Rezonings with the Chisago County Comprehensive Plan and that this compatibility – or incompatibility – should be considered by the Planning Commission and County Board. The Comprehensive Plan includes a chapter (Chapter 9) specific to Land Use and Growth Management. Much of this chapter combines goals for commercial and industrial development together, so it's difficult for staff to apply established goals and policies specific to and only to industrial development. Comprehensive Plan Chapter 9 is attached for reference and use for development of the Planning Commission's Findings of Fact and recommendation.

STAFF CONCERNS

The existing RVC District is already unusual in that it's rather small and includes only four parcels with a total land area of 5.5± acres. The proposed Rezoning would reduce the total parcel count by 50% and reduce the land area by approximately 54% and create a new zoning district with only two parcels with a total land area of 2.95± acres. Staff is concerned that the proposed Rezoning could constitute spot zoning, which is prohibited by State law. The County's Zoning Ordinance does not include a definition for "Spot Zoning"; however, a commonly used and readily available definition for spot zoning is "*the process of singling out a small parcel of land for a use classification totally different from that of the surrounding*

area for the benefit of the owner of such property and to the detriment of other owners." Spot zoning is generally discouraged and is contrary to sound zoning principles.

While the applicant is currently proposing a specific use of the subject area, the County must consider that any allowable CLI District use could be located on the two subject parcels and these uses could have a significant impact on the remaining RVC District – which presently includes two dwellings – and the surrounding AG District. Low-density residential areas are commonly buffered from industrial areas by high and/or medium density residential areas and commercial areas; however, in this case, the applicant is proposing an industrial area immediately adjacent to existing dwellings and the surrounding AG District which is often developed for low-density residential purposes. Staff encourages the Planning Commission to consider the compatibility of the proposed CLI District with the existing neighboring uses and surrounding zoning districts.

REZONING FINDINGS OF FACT

Zoning Ordinance Section 8.08 (Amendments and Rezoning) states that the Planning Commission shall consider possible effects of the proposed Rezoning based upon the following factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 Whether the amendment will 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 #1 *If the proposed Rezoning is approved, it will allow for development of the subject parcels in accordance with the Commercial / Limited Industrial (CLI) District rather than the Rural Village Center (RVC) District. Whether the subject parcels are zoned for industrial use or for commercial use, the County finds that the proposed Rezoning will have no impact on existing parks or schools and, being that the subject parcels are accessed by a well-established and well-maintained State highway (TH 95), the County further finds that any amount of demand on the roadway can be accommodated. The County is not aware of any potential impacts to other public facilities or utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will change the zoning classification of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. Given that the properties are already allowed to be developed for commercial purposes, the County finds that allowing them to be developed for industrial purposes will have little or no increased impact on existing and future uses within the surrounding area.*

-OR-

Finding #2 *While the subject parcels are currently zoned Rural Village Center (RVC) District, this particular RVC District features a total of four parcels with two of them being developed with legal non-conforming residential uses and two, being the subject parcels, currently being vacant. Further, the surrounding area, beyond this particular RVC District, is zoned Agricultural (AG) District, which commonly includes low-density residential uses. The County finds that the proposed Rezoning will allow development of the subject parcels with potentially the most impactful industrial uses (i.e., noise, views, glare, traffic, odors, etc.) immediately adjacent to the least impactful residential uses and potentially deter other undeveloped neighboring parcels, located in the AG District, from being developed.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *The subject parcels gain access from St. Croix Trail / State Highway 95. Based on aerial imagery, it appears that the north subject parcel has four distinct access points, while the south parcel has no direct access to the roadway. If the Rezoning is approved, the subject parcels will be required to be developed in accordance with the Commercial / Limited Industrial (CLI) District. If the property owner(s) choose(s) to develop the land in a manner requiring a Conditional or Interim Use Permit, the State of Minnesota will receive notice of the proposed action and have opportunity to evaluate traffic impacts at that time. If the property owner(s) choose(s) to develop the land in a manner identified as a Permitted Use, it's presumed that the use has already been determined to not cause significant traffic hazards or congestion. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the 2017 Chisago County Comprehensive Plan includes a Growth Management Plan map which appears to identify the subject area as a Rural Business Center for Commercial / Industrial development. The Comprehensive Plan also identifies various goals and policies to support Commercial / Industrial development within the County, including*:

Goal: *Plan for the orderly, efficient growth of commercial and industrial development in the County.*

Policy No. 6: Indicate in the Land Use Plan and Zoning Ordinance areas designated for commercial and industrial development, such as locations adjacent to I-35 and other areas near primary transportation routes that provide the best use of the land and where there is adequate infrastructure in place.

Policy No. 11: Allow for commercial and industrial districts where public services are available and where land use conflicts between commercial / industrial and residential uses will not impede commercial and industrial growth.

-OR-

Finding #4 *While the Chisago County Comprehensive Plan does generally support commercial / industrial development and identifies the subject area as a Rural Business Center for Commercial / Industrial development, the Comprehensive Plan also includes a goal to recognize the challenges and compatibility of present and future land uses and strive for the most harmonious balance. The County finds that establishing an industrial district immediately adjacent to properties with existing dwellings and an Agricultural (AG) District which commonly includes low-density residential development, without any buffering districts between them, has the potential for creating a situation of incompatible and non-harmonious neighboring land uses and conflict.*

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. The Zoning Ordinance and the County's Official Zoning Map identify various zoning districts and allowable uses within those districts. While the subject parcels are immediately adjacent to existing dwellings and an Agricultural (AG) District, which often includes low-density residential development, the County finds that, as an already well-established area for commercial use, there will be little to no increased impact by Rezoning the subject parcels for industrial use.*

-OR-

Finding #5 *While the Chisago County Comprehensive Plan does generally support commercial / industrial development and identifies the subject area as a Rural Business Center for Commercial / Industrial development, the Comprehensive Plan also includes a goal to recognize the challenges and compatibility of present and future land uses and strive for the most harmonious balance. The County finds that the less intensive uses identified by the Zoning Ordinance as being allowed within the existing zoning district of Rural Village Center (RVC) District provide for greater compatibility and harmony with existing surrounding uses and zoning districts than the more intensive uses allowed in the proposed Commercial / Limited Industrial (CLI) District. Further, the County finds that the proposed Rezoning would establish a new CLI District, which is viewed as the highest intensity district within the County, immediately adjacent to the Agricultural (AG) District, which is viewed as the lowest intensity district within the County. Further, the County finds that*

the proposed Rezoning of two parcels, which would differ from all surrounding zoning districts, constitutes "spot zoning" which is prohibited by State law and generally viewed as being contrary to sound zoning principles.

REVIEW PROCESS

The Shafer Town Board considered the proposed Rezoning at its August 1, 2024 meeting and recommended approval with the recommended condition that downcast security lighting be utilized. Staff notes that the current petition is for Rezoning and not for a specific use of the property; therefore, the recommended condition cannot be incorporated into a resolution recommending approval (Planning Commission) or an ordinance to effectuate the Rezoning (County Board).

The Technical Review Committee met with Mark Grave of Federated Co-ops Inc. and considered the proposed Rezoning on August 14, 2024. Staff explained that the County's focus for this particular request is a change in zoning rather than the specific intended use of the property and also spoke about concerns with spot zoning. Following a conversation about septic system related issues, Grave indicated that Federated Co-ops Inc. has no intention of building a structure on this site.

The petition was submitted on July 30, 2024 and deemed complete on July 31, 2024. Based on a legal opinion provided by Assistant County Attorney Fuge in September 2022, Amendments to the County's official controls are not subject to the State mandated 60-day rule / review period and there is no established timeframe in which a petition to Amend the County's official controls must be decided.

STAFF RECOMMENDATION

As previously identified in this report, staff has concerns with the proposed Rezoning. Staff is primarily concerned that the proposed Rezoning could be considered spot zoning; it would drastically decrease the size of an already small RVC District; and, it may potentially cause negative impacts / compatibility issues by allowing industrial uses immediately adjacent to low-density residential uses.

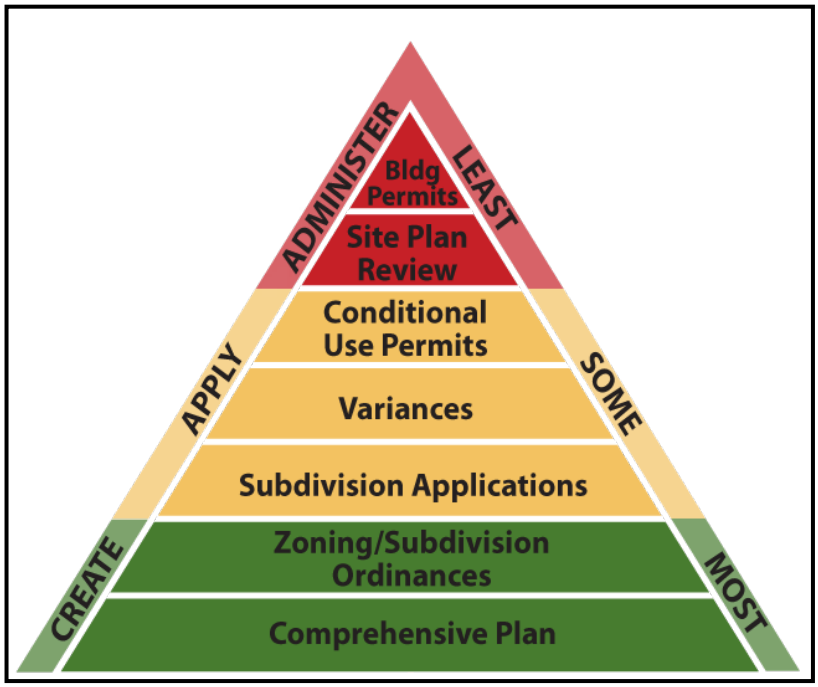
Per the Zoning Ordinance, staff strongly encourages the Planning Commission to base its recommendation on the following factors as outlined in Zoning Ordinance Section 8.08:

- compatibility of the proposed zoning district with surrounding zoning districts and surrounding uses;
- whether the proposed Rezoning is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- whether the proposed Rezoning will create excessive demand on existing public facilities and utilities which serve the area;
- whether the proposed Rezoning will cause traffic hazard or congestion; and

- compatibility of the proposed Rezoning with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Staff has prepared draft Findings of Fact to support either approval (*black italics*) or denial (*red italics*), along with corresponding resolutions, for review and further development by the Planning Commission.

When considering and acting on any petition for Amendment or Rezoning, the County is exercising its legislative authority. The adjacent image, known as the "pyramid of discretion", illustrates that the County has the most discretion when making land use decisions at the base of the pyramid, including Amendments and Rezonings, and less discretion as the decision-making moves up the pyramid. In other words, the County has greatest discretion when creating local laws and the least when administering those laws. With the current petition for Rezoning, the Planning Commission has the broadest discretion to consider how the request moves forward.



OPTIONS

1. Recommend that the County Board **approve** the Rezoning as presented or amended.
2. Should the Planning Commission determine that the proposed Rezoning 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 Rezoning based on factors deemed appropriate. *(Note: The Commission will need to include specific finding(s) for denial in its motion, using Zoning Ordinance Section 8.08 for reference.)*
3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the proposed Rezoning.
4. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Rezonings and other Ordinance Amendments are not subject to the State-mandated 60-day review period, allowing the Planning Commission to table the request without the concern of a review period expiring.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0902, a resolution recommending approval / denial of the Rezoning of PIDs 08.00099.00 and 08.00095.00 from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District, with Findings of Fact as presented or amended.

ATTACHMENTS

1. Petition / application materials
    a. Petition / application
    b. Written narrative
    c. Survey
    d. Site plans
    e. Photos
2. Zoning Ordinance Section 5.11 (Rural Village Center District)
3. Zoning Ordinance Section 5.12 (Commercial / Limited Industrial District)
4. Comprehensive Plan Chapter 9 (Land Use / Growth Management Element)
5. Aerial photo (1) – subject site
6. Aerial photo (2) – vicinity map
7. Aerial photo (3) – existing zoning
8. Draft Resolution No. PC2024-0902 (recommendation of approval)
9. Draft Resolution No. PC2024-0902 (recommendation of denial)

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 24-1470

Township Shafer **S/T/R** 09/034/019 **PID#** 08.00099.00 & 08.00095.00

Project Address 18397 St. Croix Trail

Property Owner(s) Kale Wolff

Mailing Address (If Different from Project Address) 4478 242nd Street, Forest Lake, MN 55025

Phone# _____ **Email** _____

Applicant(s) Federated Co-ops Inc. Mark Grave

Mailing Address (If Different from Project Address) 502 South 2nd Street, Princeton, MN 55371

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) Requesting rezoning from RVC to CLI. Our desire is to construct a propane distribution facility to serve rural residential and agricultural demand. The facility would initially consist of 2 - 30,000 gallon tanks with loading and unloading capabilities. Future expansion could follow.

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

☑ Full Legal Description ☑ Detailed Site Plan ☑ Detailed Written Narrative ☑ Plat Drawings

Mark Grave
Applicant Signature

7/25/24
Date of Application

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

Fees		Dates	
Base Fee	$ 650	Application Received	7-30-24
Recording Fee	$ 46	Application Complete	7-31-24
Plat Fee – No Road(s) / With Road(s)	$	60/120 Day Review Period	NA
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$		
TOTAL FEE	$ 696		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Shafer S/T/R 09/034/019 PID# 08.00099.00 & 08.00095.00

Project Address 18397 St. Croix Trail

Property Owner(s) Kale Wolff

Mailing Address (If Different from Project Address) 4478 242nd Street, Forest Lake, MN 55025

Phone# _____ Email _____

Applicant(s) Federated Co-ops Inc. Mark Grave

Mailing Address (If Different from Project Address) 502 South 2nd Street, Princeton, MN 55371

Phone# [redacted] Email [redacted]

Type of Request (Check All That Apply)

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Mark Grave
Applicant Signature

7-24-24
Date of Application

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Date of County Public Hearing SEPT. 5, 2024 Date of Township Presentation AUG. 8, 2024

Township Action Taken (Township Use Only)
- ☒ Recommendation of Approval
- ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial
Down Cast Security Lighting

Signatures of Township Officials or Authorized Personnel

"Value for life"
FEDERATED CO-OPS Inc.
Agronomy • Energy • Retail
502 South 2nd Street • Princeton, MN 55371 • Phone 218-522-1440

July 25, 2024

Shafer Township Board & Chisago County

Federated Co-ops Inc has a purchase agreement on the property at 18397 St. Croix Trail, the old bar/restaurant. Parcel # 08.00099.00 & #08.00095.00 The purchase is contingent upon obtaining a zoning change from RVC to CLI for the construction of a propane distribution facility. Propane is received by semi transport from various supply terminals and offloaded into 30,000 gallon tanks at the distribution facility. Federated Co-ops bobtails load this product and distribute to rural residents, businesses and farmers.

Our intent:
Relocate the 30,000 gallon propane tank currently located at Gopher Storage in Almelund.
Add an additional, new 30,000 gallon propane tank
- Having 2 – 30,000 gallon tanks provides additional capacity to serve our customer base.
- Estimated throughput of 500,000 gallons per year.
- 54 transport loads, 156 bobtail loads

Loading and unloading risers will be fenced and locked to prevent tampering. We do not intend to fence the entire property.
All required road setbacks and barrier requirements will be adhered to.
Tanks and equipment to be installed, conforming to industry standards and code compliance
Tanks will be placed on cement piers extending below the frost line

Our commitment to Shafer Township and Chisago County:
Tank placement to far corner of property to allow space for future retail development
The property will be well maintained and well kept. Weeds and brush will be under control
Federated Co-ops will adhere to all local, state and federal safety procedures.
The distribution facility shall be code compliant and installed to industry standards.
The existing well and septic will be dealt with according to County requirements.
Federated Co-ops will be suitable, if not beneficial, neighbors to adjoining landowners.
Federated Co-ops currently has 31 propane distribution facilities.
Federated Co-ops has a long history of giving back to the communities it serves.

Mark Grave
Director of Energy
Federated Co-ops Inc
[redacted]

LAKES AREA SURVEYING
P.O. BOX 572
LINDSTROM, MN 55045
PHONE: 651-213-1164
FAX 651-213-1165

CERTIFICATE OF SURVEY

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE: 03-17-06 SCALE: 1 inch = 100 feet

PAUL M. GIBSON, REGISTRATION NO 40087

the bearing orientation of this survey is based on the west line of the northwest quarter of section 9 and is an assumed bearing of south

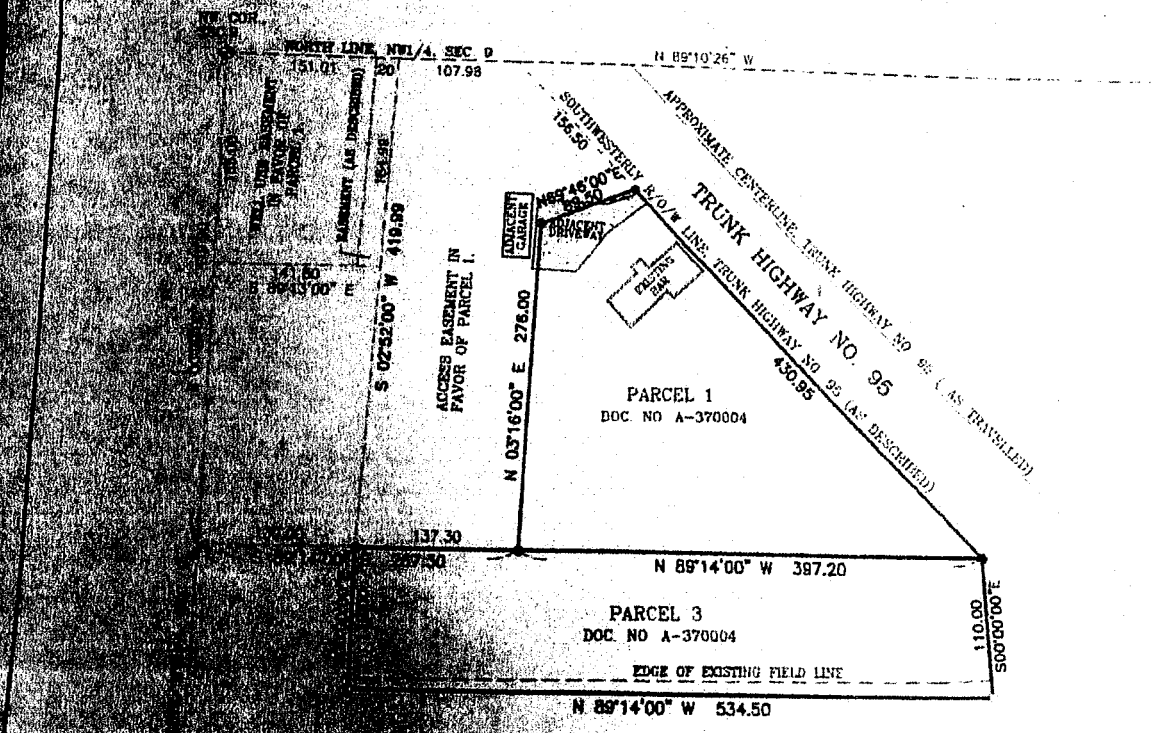
SURVEY FOR: DZ LAND HOLDING, LLC

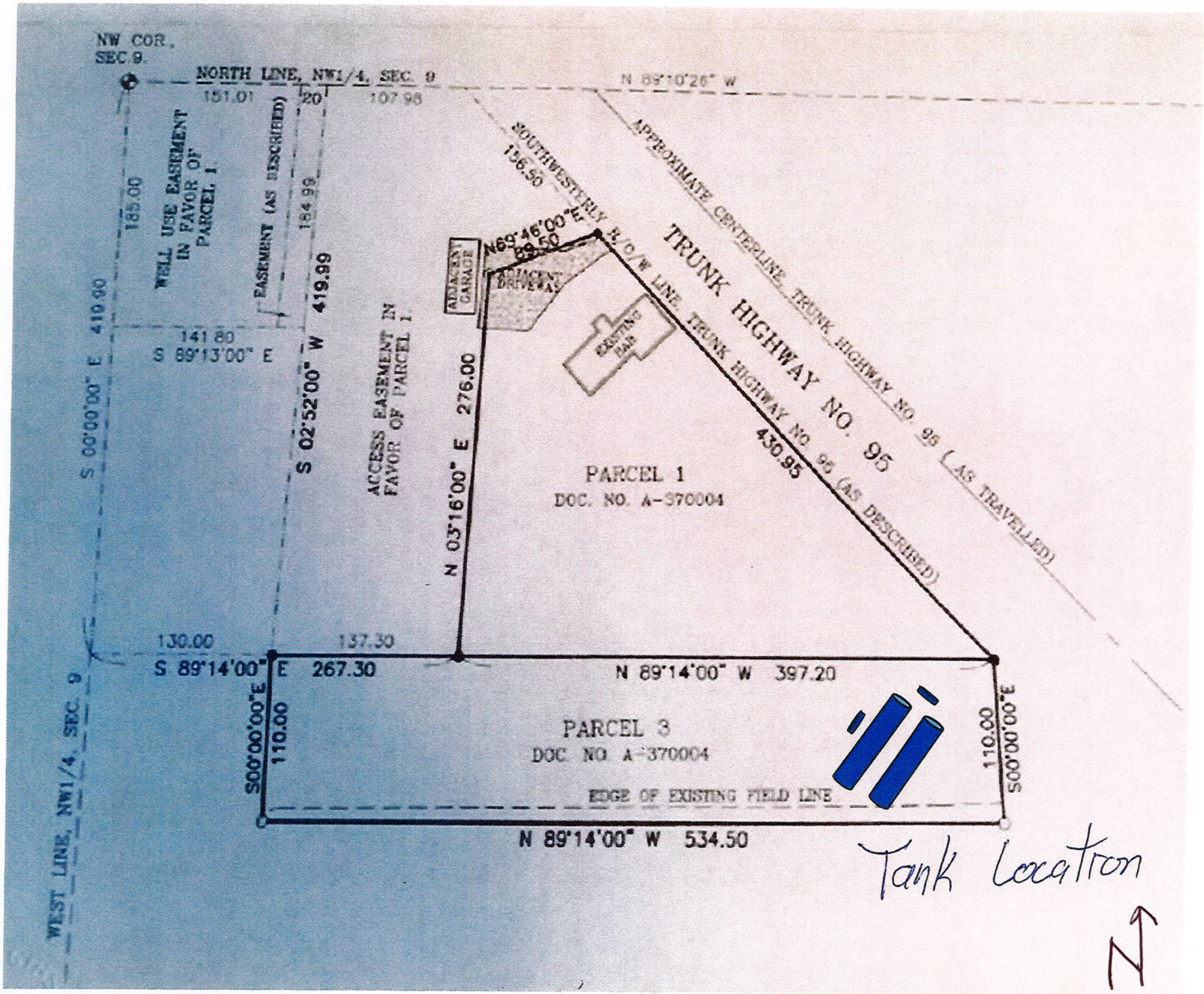
THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE DESCRIPTION SHOWN ON DOCUMENT NO A-370004, AS SUPPLIED BY CLIENT

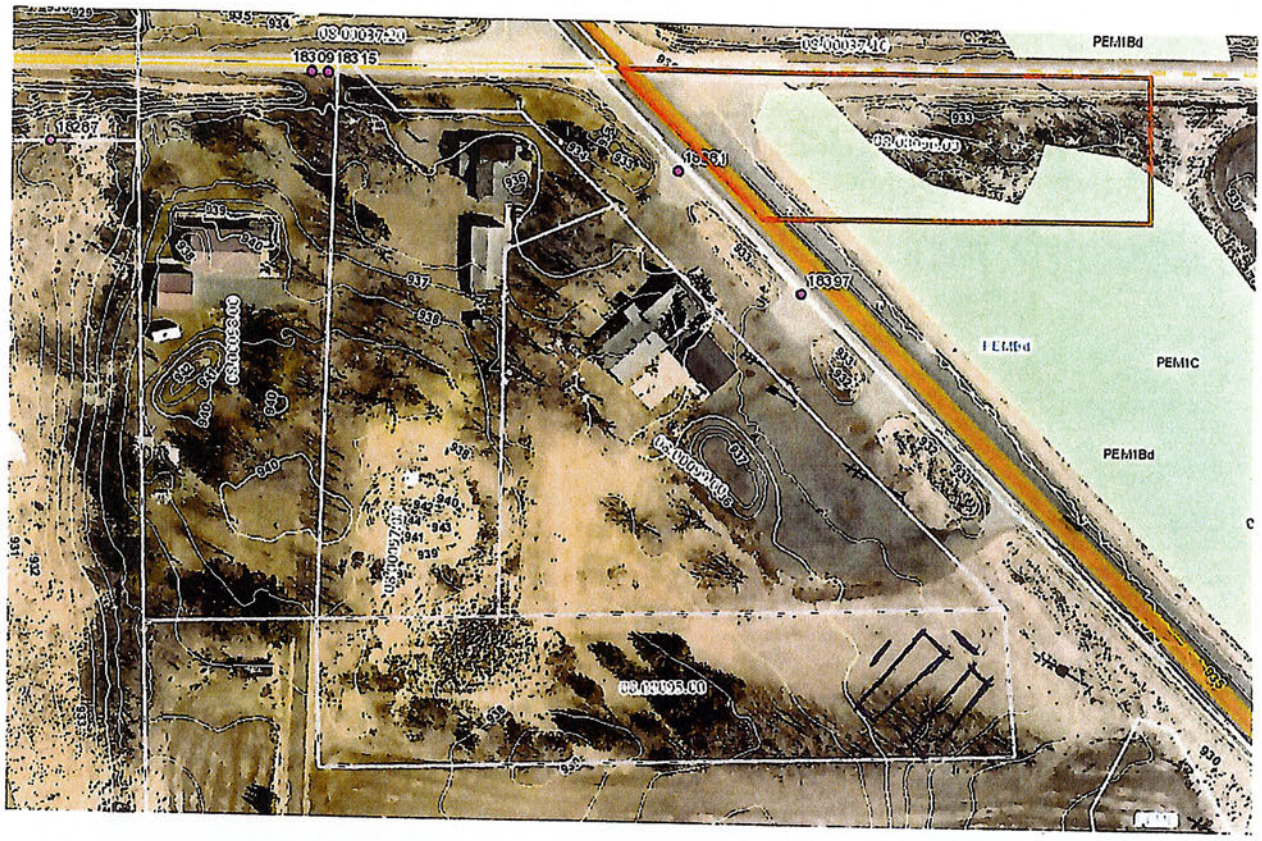
- DENOTES CHISAGO COUNTY MONUMENT
- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT
- DENOTES SET 6" SPIKE IN GRAVEL

SURVEYOR'S NOTES. The found survey monuments as shown on this survey agree with the computed position of the property corners within 0.5± feet

There may be an undefined easement in favor of the adjacent property for access to the public highway according to entry No 153 of the adjacent owners abstract. For interpretation of the language on said entry, it is recommended that a real eastate attorney be consulted.



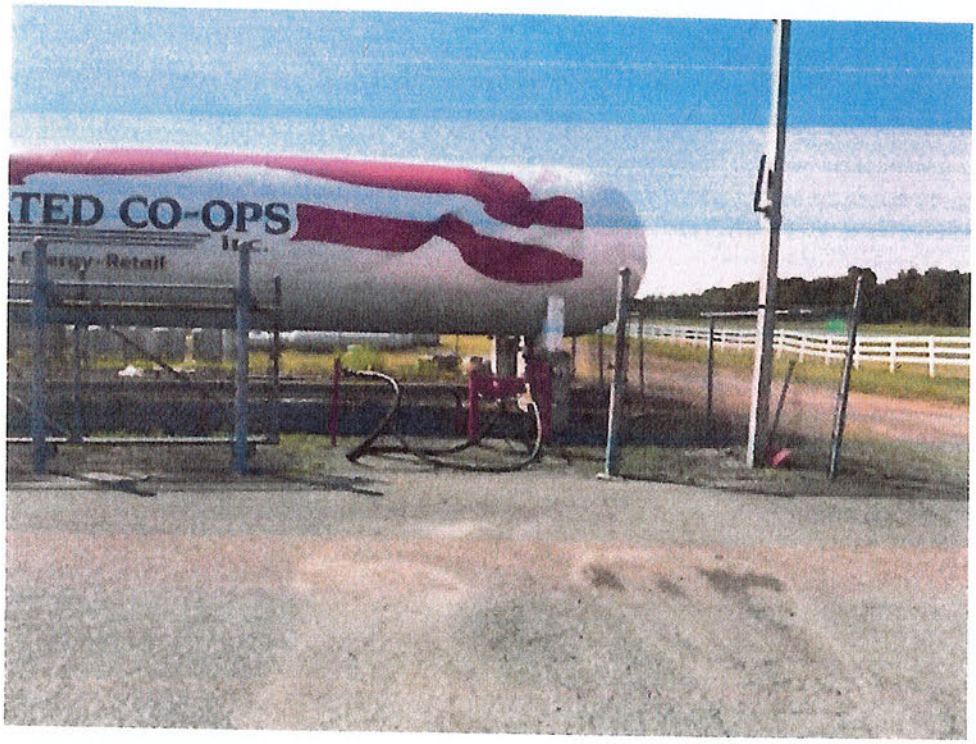

NW COR.
SEC 9.
NORTH LINE, NW1/4, SEC. 9
N 89°10'26" W
151.01
20
107.98
WELL USE EASEMENT IN FAVOR OF PARCEL 1.
EASEMENT (AS DESCRIBED)
185.00
184.99
S 00°00'00" E 410.00
141.80
S 89°13'00" E
S 02°52'00" W 419.99
ACCESS EASEMENT IN FAVOR OF PARCEL 1.
SOUTHWESTERLY R/C/W LINE TRUNK HIGHWAY NO. 95 (AS DESCRIBED)
156.50
N69°46'00"E
89.50
APPROXIMATE CENTERLINE TRUNK HIGHWAY NO. 95 (AS TRAVELLED)
TRUNK HIGHWAY NO. 95
ADJACENT GARAGE
ADJACENT DRIVEWAY
EXISTING BAR
N 03°16'00" E 276.00
430.95
TRUNK HIGHWAY NO. 95 (AS DESCRIBED)
PARCEL 1
DOC. NO. A-370004
130.00
137.30
S 89°14'00" E 267.30
N 89°14'00" W 397.20
S00°00'00"E
110.00
PARCEL 3
DOC NO A-370004
110.00
S00°00'00"E
EDGE OF EXISTING FIELD LINE
N 89°14'00" W 534.50
WEST LINE, NW1/4, SEC. 9
Tank Location
N



Tank Location

FEDERATED CO-OPS

FEDER


TED CO-OPS
Inc.

FEDERATED CO-OPS

FEDERATED CO-OPS

Chisago County, MN
Zoning Ordinance
Section 5.11 Rural Village Center (RVC) District

A. Purpose.

The Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas.

B. Permitted Uses.

1. Retail stores.
2. Restaurants and liquor establishments.
3. Offices.
4. Veterinary clinics.
5. Clubs and lodges.
6. Service and repair businesses.
7. Financial institutions.
8. Essential services in accordance with Section 4.05.
9. Local government administration and service buildings.
10. Bed and breakfast establishments, as a principal use or accessory use, in structures determined by the Zoning Administrator to be of historical or architectural significance.

C. Conditional Uses.

1. Motor vehicle sales and/or repair.
2. Seasonal businesses.
3. Educational facilities.
4. Planned unit developments in accordance with Section 7.19 (including multi-family residential developments utilizing communal septic systems)
5. Drive-in/drive-through businesses in accordance with Section 7.22.
6. Accessory residential unit in the second story of a permitted use.
7. Farm implement sales and service.
8. Hotels and motels.
9. Churches, chapels, temples, mosques, synagogues, and cemeteries, and associated accessory structures.
10. Commercial recreation facilities.
11. Motor vehicle service stations.
12. Rural Retail Tourism Uses
13. Furniture making, woodworking, wood turning and refinishing, pottery, glassblowing and other such artisan uses as determined by the Zoning Administrator with associated retail/showroom space.

Chisago County, MN
Zoning Ordinance
Section 5.12 Commercial / Limited Industrial (CLI) District

A. **Purpose**.
The Commercial / Limited Industrial (CLI) District is intended to provide a district that will allow for light manufacturing, limited business and warehousing facilities, which do not require a high level of public services or public sewer and water.

B. **Permitted Uses**.
1. Light manufacturing.
2. Warehousing.
3. Wholesaling.
4. Offices.
5. Contracting, building establishments.
6. Service and repair businesses, including motor vehicle repair.
7. Public storage Buildings.
8. Essential services in accordance with Section 4.05.
9. Local government administration and service buildings.

C. **Conditional Uses**.
1. Motor vehicle reduction/salvage yards in accordance with Section 7.25.
2. Open storage yards.
3. Motor vehicle service stations in accordance with Section 7.24.
4. Solid waste facilities in accordance with Section 7.26
5. Commercial wireless telecommunication services, including towers and antennae, which meet the requirements of Section 7.28, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
6. ~~Adult uses pursuant to Section 7.29~~.

SECTION 5.12, C - AMENDED 11/21/2012
Moving certain uses from Conditional to Interim Category
(Note Strikethrough Text)

Section 5.12, D - AMENDED 11/16/2011
Adding New Section D "Interim Uses"

D. **Interim Uses**
1. Adult uses pursuant to Section 7.29.

LAND USE/GROWTH MANAGEMENT ELEMENT

September 2017

Chisago County Comprehensive Plan

2017

Land Use

Introduction

The existing land use and land use trends are important factors in developing policies and preparing a future land use plan for Chisago County. Land use is a major factor as it determines the physical and economic characteristics of the County as well as determining the level of public services that agencies need to provide.

The Chisago County Land Use Plan describes how the County will guide growth in the unincorporated areas. The Land Use Plan is an official document, adopted by the Chisago County Board. It sets the broad policy that guides decisions about the physical development of the County. The Land Use Plan is the legal basis for land use controls.

The Land Use Plan is general and long-term while the zoning ordinance and zoning map are short-range and precise. The Land Use Plan sets the general guidelines and policies for reviewing and evaluating development proposals, the zoning map and ordinances are tools to implement the general guidelines and policies. The Land Use Plan delineates the general land use areas by type. The Zoning Ordinance and map define the zoning districts; special management overlay districts, the permitted, conditional and interim uses and requirements for each use within specific land use zones.

The Land Use Plan provides for logical development patterns that preserve the existing natural resources, respects the existing character of the county and provide a high quality of life. The planned development attempts to meet current needs without placing environmental, economic and social burdens on future generations to meet their needs.

Chisago County administers several ordinances that control land use and protect the unique and varied natural resources of the county. All County ordinances are enforceable only in the unincorporated areas. Cities are responsible for establishing and enforcing ordinances within their boundaries. Townships may adopt ordinances that are as restrictive as or more restrictive than County regulations.

The overall vision of the Chisago County Land Use Plan is to accommodate the county's projected population growth of 13,778 people (an increase of about 25 percent to a total of 68,071 residents) by 2030 while incorporating sustainable growth and preserving the natural, cultural and historic characteristics of the County.

Existing Conditions

Chisago County's diverse land use patterns include historic towns and villages, rural fringes, exurban residential communities and growing suburban-style cities. These areas are interspersed with rivers, natural areas, wetlands, lakes, bluffs and agricultural areas. The variety of developed and open space areas provides a mixture of visual landscapes unique to Chisago County.

A majority of land in Chisago County remains largely undeveloped, primarily in agricultural use, woodlands or wetlands. However, from 1990 – 2007, development occurred at a rapid rate. More recently, development slowed during the recession of 2008 – 2012 and but the rate of new development increased in the years 2013 – 2016. The majority of development has occurred in the southwest area of the County and along I-35 on the western side of the County and the Northern Lakes Area.

The lakes area around Wyoming, Lindstrom, Chisago City and Center City has attracted significant residential development over the past 20-30 years. This part of the County continues to be an area of growth, given proximity to employment centers in the eastern Twin Cities Metropolitan Area. Development also continues to occur along I-35, north to the County border.

Commercial development is found primarily within incorporated cities in the County. Unincorporated centers, such as Almelund, Rush Point, Sunrise and Stark also have a limited amount of commercial uses. Increased interest in commercial sites has occurred over the past several years along Interstate 35 and along Highway 8, primarily in Wyoming, Chisago City and Center City.

In total, there are 283,422 acres in Chisago County. Chisago County includes 68,555 acres of protected lakes, waters and wetlands (24% of the total county area). There are 91 lakes in Chisago County. In addition, there are 70,272 acres in incorporated cities (24.8%) and 213,150 acres in townships (75.2%).

State-owned land accounts for a significant portion of land (16,825 acres – about 6 percent of the County) in the County. Carlos Avery Wildlife Management Area consists of about 8,740 acres, Wild River State Park 7,000 acres, Interstate State Park 295 acres, Chengwatana State Forest 250 acres and Janet Johnson Wildlife Management Area (WMA) with 540 acres.

Factors Influencing Land Use

The land use situation in the county has not been static but has been constantly changing, both quantitatively and qualitatively. Over time, a multitude of factors have shaped and changed land characteristics, affecting and altering policies and decisions. The present situation has been influenced by characteristics of population, culture, geographical location, natural resource base and many other factors. A brief review of some of the major influences is presented here to summarize their relationship to land use.

1. Geographical Location
   The county is located in the glaciated east-central area of Minnesota, bounded on the east by the St. Croix River. The river was a major transportation route at the time of original settlement because it was navigable by steamboat to Taylors Falls. The county lies roughly one-hour drive from the center of the Twin Cities on Interstate 35, which also is the route to Duluth.

2. Cultural Influences
   The original settlers of Chisago County came from predominately an agricultural background. Subsistence agriculture on homesteads set the pattern for farm size, which has altered little in later years despite influences such as increased land prices, types of crops grown, and combining of smaller farms into larger landholdings or breaking up of large farms through inheritance or sale.

3. Population Characteristics
   The population of the county was relatively stable until the last 20 years when it showed a rather marked increase and a continuing increase in population is expected. With more people coming into the county there has been a corresponding increase of demand on agricultural and open lands for urban and residential uses.

4. Natural Resource Base
   The soil quality of Chisago County ranges from very good to unsuitable for agriculture and/or development. Originally, much of the land was covered by forest or oak savannah. There are several areas of poorly drained or steeply sloping land that owners cannot use for agriculture or residential development. The county has little mineral wealth, but has adequate supplies of water resources, that attracted both early settlers and more recently, new residents.

5. Residential Development Patterns
   The major development corridors in the county are located around the northern lakes (Rush Lake, Goose Lake, Fish Lake and Horseshoe Lake), adjacent to Interstate 35, in the southern lakes area and along Highway 8. In addition, new home construction is distributed throughout the county.

Some factors affecting land use in the county in the past that are still affecting land use in the county today include:

1. Population Increase
   Perhaps the single most important factor affecting land use in Chisago County today and in the near future is the growing population. In-migration of new families has created a demand for more residential areas and support services, leading to conversion of agricultural and open space lands to suburban and urban uses. By 2030, the State is estimating the County population will grow another 25 percent to 68,071 residents.

2. Transportation System
   Interstate 35, in conjunction with the remaining highway network within the county, has increased the accessibility of county residents and businesses to the Twin City

Metropolitan Area. People now find it quite feasible to commute to a job in the Twin Cities and still reside in a relatively uncrowded ex-urban/rural environment.

4. Zoning Laws
   Past and present zoning laws have had the goal of protecting agricultural lands from urbanization. Scattered small acreages have been developed for residential use.

5. Recreational Demand
   Chisago County has the potential for providing recreational uses of the land and on the waters; uses which have increased in importance in recent years. The Wild River State Park and Interstate State Park have become important influences on the area as a major recreational area. There are several important water resources in the County: The St. Croix River, the Sunrise River, the Chisago Lakes in the southern part of the county and lakes in the northwest part of the county including Rush Lake that are all important recreation amenities.

Land Use Regulations

Chisago County provides for the orderly growth and renewal of the county by regulating land uses in the unincorporated areas. Chisago County administers several ordinances that regulate land uses and development. All ordinances are enforceable only in the unincorporated areas of the County. Cities and Lent Township are responsible for establishing and enforcing their own ordinances and implementing their own comprehensive and land use plans.

The following is a summary of the Chisago Land Use Codes and Ordinances:

Zoning Ordinance

The County's zoning ordinance protects the health, safety and welfare of residents and allows wise use of the land, while protecting and conserving its natural resources, its ecological systems and its economic stability.

Subdivision Ordinance

The subdivision ordinance establishes procedures and standards for the division of land in the townships in which the County administers plat and land split review.

Shoreland Ordinance

Through the shoreland ordinance (as mandated by the DNR), the County regulates the subdivision, use and development of shorelands of public waters in the county. These regulations are to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of the shorelands and provide for wise use of waters and related land resources.

Special Management Overlay Districts

Chisago County has several overlay zoning districts as part of the County zoning ordinance. These include the Upper St. Croix Overlay, Lower St. Croix Overlay, Sunrise River Overlay, Carlos Avery Overlay, Highway 8 Overlay and Sunrise Lake Overlay. It is the purpose of each of these overlay districts to identify extraordinary standards and requirements desirable for the protection of special or unique resources in Chisago County.

Floodplain Ordinance

Chisago County regulates flood hazard areas within the unincorporated areas that are subject to periodic inundation. The floodplain ordinance regulates new development as well as the extension, conversion or structural alteration of buildings in the floodway, flood fringe or general floodplain districts. These regulations prevent or limit building or expanding structures in floodplains in order to protect the public health, safety and general welfare and to conserve and enhance natural resources by preserving the capacity of floodplains to carry and discharge regional floods.

Subsurface Sewage Treatment System (SSTS) Ordinance

This ordinance regulates the design, installation, use and maintenance of community and subsurface sewage treatment systems. In addition, this ordinance helps provide for the orderly development of areas that do not have access to central public wastewater systems. Please see the Infrastructure Element for more details about this ordinance.

Land Use/Growth Management Goals & Policies

Overall Growth Management & Land Use Statements

Goal: Establish a comprehensive growth management strategy for Chisago County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the county's rural character.

Policies:

1. Recognize and respond proactively to internal and external growth pressures.
2. In the land use plan, select locations for types of uses based on transportation needs and availability and the best economic development potential, making these inter-supportive of each other.
3. Encourage an integrated approach to land use, transportation and natural resources, including development review for: a sufficient level of supportive services (i.e. schools, jails, emergency services, etc) and infrastructure, compatibility of land use and natural features, and economic viability of the land use.

4. Work towards minimizing conflicts between different and/or incompatible uses by establishing standards, such as, physical barriers, landscape screening and/or setbacks to provide buffers between districts/uses.
5. Define growth management in terms of “public service areas” where growth will be expected, allowed or limited due to the availability of services. These service areas are especially important in the two miles around cities where state law encourages extra-territorial planning of roads and subdivisions.
6. Recognize the importance of gateways to the community. Land uses along the corridor should be closely considered, as they will reflect upon the community’s image. (Hwy 8, Hwy 95, I-35 Interchanges).
7. Identify and preserve viewshed corridors along heavily traveled routes. Some options may include additional setbacks, and/or plantings in these areas.
8. Create a plan to restore or convert improperly used land by using incentives that will compensate for conversions. An example would be converting marginal land along a creek or ditch into a grass buffer strip to reduce run off into the surface water or using alternative reduction strategies for non-point source pollution such as rain gardens or vegetated swales.
9. Promote the proper management of natural and cultural resources for future generations.
10. Preserve the natural and open landscapes of the county’s unincorporated areas.

Goal: Recognize the challenges and compatibility of present and future land use and strive for the most harmonious balance.

Policies:

1. Coordinate plans and work with all local governments and agencies responsible for the regulation of land use.
2. Promote opportunities to communicate with the citizens of Chisago County concerning land development and resource management.
3. Develop an outreach strategy to inform citizens of land use related educational opportunities.
4. Encourage compatible land uses along bordering jurisdictions.
5. Where there is conflict between zoning district standards and the standards in special management overlay districts, the County seeks to have balance in the goals and standards between underlying zoning and management overlay districts.

Residential Development Statements

Goal: Plan for the orderly and efficient growth of residential development in the County.

Policies:

1. Encourage non-farm residential development to be clustered on small lots in and around unincorporated rural village centers, areas that are considered marginal for agricultural use and in locations with adequate road service.
2. Encourage density transfers and clustering techniques for non-farm rural residential development to preserve agriculture and environmentally sensitive areas.
3. Encourage higher residential densities and multiple family housing alternatives to be located in areas serviced by public sewer and water or in areas with community utility systems.
4. Provide a variety of rural housing opportunities, consistent with the natural amenities in the County and the protection of environmental systems.
5. Provide for the orderly development of safe and efficient housing opportunities in the County.
6. Preserve and/or enhance the character of established rural residential neighborhoods (homes on parcels 2 acres or larger with septic systems and wells) that are not planned for public sanitary sewer service. Use incentives for private property owners to preserve trees and maintain lower-density development to maintain rural character.
7. Encourage cluster developments to create appealing, low environmental impact rural neighborhoods.
8. Support compatible agricultural and rural residential development in the County.
9. Develop and adopt provisions in development ordinances that encourage innovative site and housing unit designs.
10. Maintain and encourage sustainable agriculture as a land use and a viable economic activity in the county.
11. Promote land uses throughout the county that encourage active and sustainable living.
12. Encourage land uses throughout the County that promote a full spectrum of life-cycle housing types for all incomes, ages and races.
13. Rural residents and developments can reasonably expect agricultural, forestry and mining activities within the vicinity of their homes. The County should add Right to Farm language in its ordinances and develop a handbook of what newcomers might expect in the rural areas of Chisago County.
14. Encourage cities in the County to carefully study and plan for their possible expansion and future development within 2 miles of their boundaries as allowed by State Statute 462.358. The townships and property owners should recognize and consider protecting these areas from premature development or subdivision in coordination with or at the request of the nearby cities.

Commercial/Industrial Development Statements

Goal: Plan for the orderly, efficient growth of commercial and industrial development in the County.

Policies:

1. Encourage new commercial and industrial development that requires public sewer and water to locate within the county's cities in accordance with their Comprehensive Plans.
2. Encourage limited commercial developments that do not need public sewer and water to locate in areas with adequate road service within rural village centers.
3. Promote commercial and industrial development in planned clusters such as business parks and mixed-use developments where adequate public infrastructure is available.
4. Allow for home occupations, rural retail tourism and limited rural businesses on homesteads in agricultural areas as well as small, community-based retail in the county's unincorporated rural village centers.
5. Clearly define and regulate or limit the type of commercial and industrial uses that can be operated under the definition of a farm/agricultural use.
6. Indicate in the land use plan and zoning ordinance areas designated for commercial and industrial development, such as locations adjacent to I-35 and other areas near primary transportation routes that provide the best use of the land and where there is adequate infrastructure in place.
7. Consider the I-35 corridor as a location for commercial/industrial land uses.
8. Strive to provide land for commercial development to meet a standard of 5% to 6% (14,000 – 17,000 acres) of the total developed land in the county. Future locations for commercial development will primarily be based on the transportation system.
9. Support land use patterns that efficiently connect housing, jobs, transportation and retail and commercial centers.
10. Establish performance standards for commercial and industrial development that promotes quality new development site design.
11. Allow for commercial and industrial districts where public services are available and where land use conflicts between commercial/industrial and residential uses will not impede commercial and industrial growth.
12. Commercial recreation, home occupations and rural retail tourism opportunities should be allowed in the Agricultural district as long as performance standards are established and met.

Growth Management Strategy

Descriptions, Purposes and Intent

Rural Village Center

- Rural centers (unincorporated areas) that have been historically formed shall be encouraged to add new housing units and businesses, if such growth is consistent with their historic character; is located as a contiguous extension of the existing village center; and can be feasibly supported by on-site or feasible community provided public infrastructure and services.

- New homes will be supported provided on-site sanitary sewer and water standards are met. Under a conditional use process, smaller lot sizes may be allowed if clustered/community septic and wells are used. Desirable design criteria shall be determined based upon a review of the community's pattern of houses, lots, streets, major building views, open spaces, trees and hills.

- These centers are intended to be areas of multiple uses to serve the local public that have a historic basis for their existence. These areas are defined as Almelund, Stark, Rush Point, Sunrise, Palmdale and the I-35/County Road 17 Center in Lent Township.

- The village centers are planned to evolve as a small, self-contained town center and as an alternative to urban sprawl.

Rural Transit Center

- Provide appropriate and centralized support facilities and retail and service businesses adjacent to Interstate 35/County Road 17 interchange.

- Permitted uses include uses such as single family dwellings, public parking and transit facilities, local government administration and service buildings, agriculture uses, farm drainage systems, flood control and watershed structures and erosion control devices, temporary or seasonal stands for sale of agricultural products, greenhouses or nurseries, forestry and sod farming, wildlife areas, forest preserves, public parks and other open space uses and daycare centers.

Rural Residential Areas

- Such areas are to accommodate and acknowledge existing residential development and those areas that are located outside of any identified growth or expansion area of a municipality. Examples of such areas include existing

residential development near the Chisago, Rush and Goose chain-of-lakes, Almelund and Sunrise.

- Land that is suitable for residential but not commercial/industrial uses.

- The long-term predominant use of these areas is intended to be large-lot, low-density residential development. However, long or short-term temporary uses may include crop production, animal husbandry not involving new feedlots, forest management, other agricultural uses and sand and gravel operations within the vicinity of residences.

Commercial/Limited Industrial Area

- Areas where there are legally existing commercial and/or industrial uses already in place.

- Minimum lot size dependent on use and area needed for water and on-site sewage treatment system.

- New development or redevelopment in this area must provide buffer from residentially zoned land and existing residential development.

- All new commercial/industrial development sites must be served by adequate transportation infrastructure including roads, highways or railroad facilities.

Agricultural and Resource Protection Areas

- These are areas in Chisago County outside of highly developed areas that will remain more rural in nature.

- Includes areas intended for exclusive resource related use: areas intended primarily for agriculture and other resource uses, with limited rural residential development; recreational commercial and other resource related business uses; rural retail tourism uses; natural resource areas protected by easement or acquisition or limited due to site constraints; and areas which will accommodate a very limited amount of subdivision activity.

- Both traditional agriculture and larger hobby farms will be encouraged. Some residential development in this area will be allowed but it will be limited to a base density of 1 per 5 acres. Clustering will be encouraged, preserving most of the land area in larger parcels (20+acres) for agriculture, hobby farms, or open space.

- Base density will not necessarily mean the minimum lot size. Building eligibilities deriving from base density may be transferred from contiguous parcels under

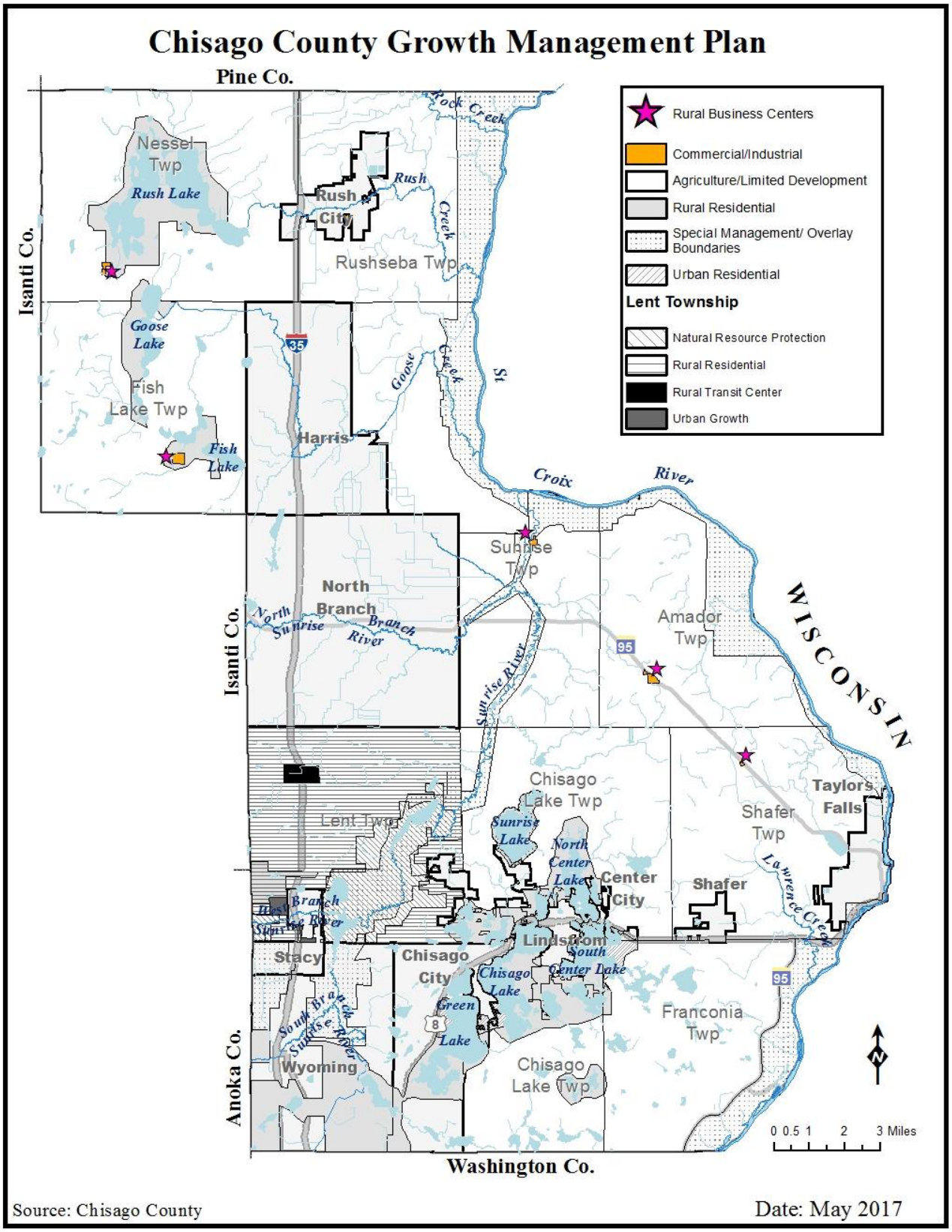
common ownership. Density transferred may not be used more than once for any piece of land.

- Any clustered subdivisions will require approval of a conditional use permit. The conditional use process will consider whether the development is sited and designed in a manner to protect rural view sheds and to have minimal impact to adjacent agricultural uses, forestland, special or unique natural resources or other natural resources. Conditions should be attached to minimize impact to surrounding land uses, natural resources, historical resources, natural corridors and the environment. Such conditions may consist of landscaping criteria, buffering and minimizing visual intrusion caused by the new development.

- Anyone building in this District should accept and understand the rural environment as it is found. Anyone building or living in this district also should be aware that residential development is not the primary or sole purpose of this district. Chisago County intends and allows a wide-variety of land uses and activities in this District including farming and livestock operations, rural retail tourism, animal kennels, renewable energy resources and commercial recreation. The County does not consider farm or agricultural activities public nuisances provided those activities do not violate any State statute or rule or any other laws or ordinances.

- Allow other uses – essential services/public services, large scale land uses requiring a location in a unique rural land area and small-scale home occupations.

The map on page 9-14 depicts the Growth Management Plan for Chisago County and the map on page 9-15 shows the possible local city extraterritorial subdivision/land use protection areas.


Chisago County Growth Management Plan
Pine Co.
Isanti Co.
Anoka Co.
Washington Co.
WISCONSIN
Rural Business Centers
Commercial/Industrial
Agriculture/Limited Development
Rural Residential
Special Management/ Overlay Boundaries
Urban Residential
Lent Township
Natural Resource Protection
Rural Residential
Rural Transit Center
Urban Growth
Nessel Twp
Rush Lake
Rush City
Rushseba Twp
Goose Lake
Fish Lake Twp
Fish Lake
Harris
Rock Creek
Rush Creek
Goose Creek
St Croix River
Sunrise Twp
North Branch
North Sunrise Branch River
Sunrise River
Amador Twp
Lent Twp
Chisago Lake Twp
Sunrise Lake
North Center Lake
Center City
Shafer
Shafer Twp
Taylors Falls
Lawrence Creek
Lindstrom
South Center Lake
Chisago Lake
Chisago City
Green Lake
Stacy
South Branch Sunrise River
Wyoming
Franconia Twp
Chisago Lake Twp
35
95
8
0 0.5 1 2 3 Miles
Source: Chisago County
Date: May 2017

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Kale Wolff and Federated Co-ops Inc. – Property owner Kale Wolff and applicant Federated Co-ops Inc. are requesting the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. The subject properties, totaling 2.95± acres, are located at 18397 St. Croix Trail / TH 95 in Shafer Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Kale Wolff and Federated Co-ops Inc.– Property owner Kale Wolff and applicant Federated Co-ops Inc. are requesting the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. The subject properties, totaling 2.95± acres, are located at 18397 St. Croix Trail / TH 95 in Shafer Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

RVC District

PAT District

AG District – Written in Yellow and over aerial photo

Kale Wolff and Federated Co-ops Inc.– Property owner Kale Wolff and applicant Federated Co-ops Inc. are requesting the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. The subject properties, totaling 2.95± acres, are located at 18397 St. Croix Trail / TH 95 in Shafer Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

RESOLUTION NO. PC2024-0902

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE REZONING OF PIDS 08.00099.00 AND 08.00095.00 FROM RURAL VILLAGE CENTER (RVC) DISTRICT TO COMMERCIAL / LIMITED INDUSTRIAL (CLI) DISTRICT

WHEREAS, property owner Kale Wolff and applicant Federated Co-ops Inc. submitted a petition dated received July 30, 2024 and considered complete on July 31, 2024 for the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District; and

WHEREAS, the approximate 2.95-acre subject area is located at 18397 St. Croix Trail / TH 95 in Shafer Township; and

WHEREAS, the subject properties are legally described as:

PID 08.00099.00

PARCEL 1

That part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 34 North, Range 19 West, Chisago County, Minnesota, described as follows:

Commencing at the northwest corner of Section 9; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 419.9 feet; thence South 89 degrees 14 minutes East, a distance of 267.3 feet to the point of beginning; thence North 3 degrees 16 minutes East, a distance of 276 feet; thence North 69 degrees 46 minutes East, a distance of 89.5 feet to the southwesterly right-of-way line of Trunk Highway No. 95; thence southeasterly, along said southwesterly highway right-of-way line, a distance of 431 feet, more or less, to the point of intersection with a line that bears South 89 degrees 14 minutes East from the point of beginning; thence North 89 degrees 14 minutes West, along said line, a distance of 397.2 feet to the point of beginning.

Together with an easement for the purpose of accessing well on property westerly of and adjacent to the tract described as follows, over, under and across that part of the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section Nine (9), Township Thirty-four (34) North, Range Nineteen (19) West, Chisago County, Minnesota, described as follows: Commencing at the Northwest corner of Section 9; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 419.9 feet; thence South 89 degrees 14 minutes East, a distance of 130 feet to the point of beginning; thence continuing South 89 degrees 14 minutes East, a distance of 137.3 feet; thence North 3 degrees 16 minutes East, a distance of 276 feet; thence North 69 degrees 46 minutest East, a distance of 89.5 feet to the southwesterly right-of-way line of Trunk Highway No. 95; thence Northwesterly, along said southwesterly highway right-of-way line, a distance of 261 feet, more or less, to the north line of Section 9; thence North 89 degrees 11 minutes West, along said North line, a distance of 4 feet, more or less, to the point of intersection with a line that bears North 2 degrees 52 minutes East from the point of beginning; thence South 2 degrees 52 minutes West, along said line, a distance of 420 feet to the point of beginning.

Together with an easement for use of the well located on property described as follows, to-wit: Beginning at the Northwest corner of Section 9, Township 34 North, Range 19 West; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 185 feet; thence South 89 degrees 13 minutes East, a distance of 141.8 feet; thence North 2 degrees 52 minutes East, a distance of 185 feet to the north line of Section 9; thence North 89 degrees 11 minutes West, along said north line, a distance of 151 feet to the point of beginning, subject to a 20 foot easement lying west of and adjacent to the east line thereof.

PID 08.00095.00

PARCEL 3
That part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 34, Range 19, Chisago County, Minnesota, described as follows:

Commencing at the NW corner of said NW¼ of NW¼; thence South 0 degrees 00 minutes, assumed bearing, along the west line of said Sec. 9, 419.9 feet; thence South 89 degrees 14 minutes East, 130 feet, to the point of beginning; thence continuing South 89 degrees 14 minutes East, 534.5 feet, more or less, to the SW'ly highway right-of-way line of Trunk Highway No. 95; thence South 0 degrees 00 minutes, 110 feet; thence North 89 degrees 14 minutes West 534.5 feet, more or less, to a point lying South 0 degrees 00 minutes of the point of beginning; thence North 0 degrees 00 minutes, 110 feet, to the point of beginning.

WHEREAS, notice was provided and on September 5, 2024 the Planning Commission conducted a public hearing regarding this petition, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Rezonings and made the following findings per Zoning Ordinance Section 8.08:

Factor #1 Whether the amendment will 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 #1 *If the proposed Rezoning is approved, it will allow for development of the subject parcels in accordance with the Commercial / Limited Industrial (CLI) District rather than the Rural Village Center (RVC) District. Whether the subject parcels are zoned for industrial use or for commercial use, the County finds that the proposed Rezoning will have no impact on existing parks or schools and, being that the subject parcels are accessed by a well-established and well-maintained State highway (TH 95), the County further finds that any amount of demand on the roadway can be accommodated. The County is not aware of any potential impacts to other public facilities or utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *The proposed Rezoning will change the zoning classification of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District. Given that the properties are already allowed to be developed for commercial purposes, the County finds that allowing them to be developed for industrial purposes will have little or no increased impact on existing and future uses within the surrounding area.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *The subject parcels gain access from St. Croix Trail / State Highway 95. Based on aerial imagery, it appears that the north subject parcel has four distinct access points, while the south parcel has no direct access to the roadway. If the Rezoning is approved, the subject parcels will be required to be developed in accordance with the Commercial / Limited Industrial (CLI) District. If the property owner(s) choose(s) to develop the land in a manner requiring a Conditional or Interim Use Permit, the State of Minnesota will receive notice of the proposed action and have opportunity to evaluate traffic impacts at that time. If the property owner(s) choose(s) to develop the land in a manner identified as a Permitted Use, it's presumed that the use has already been determined to not cause significant traffic hazards or congestion. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *The County finds that the 2017 Chisago County Comprehensive Plan includes a Growth Management Plan map which appears to identify the subject area as a Rural Business Center for Commercial / Industrial development. The Comprehensive Plan also identifies various goals and policies to support Commercial / Industrial development within the County, including:*

Goal: Plan for the orderly, efficient growth of commercial and industrial development in the County.

Policy No. 6: Indicate in the Land Use Plan and Zoning Ordinance areas designated for commercial and industrial development, such as locations adjacent to I-35 and other areas near primary transportation routes that provide the best use of the land and where there is adequate infrastructure in place.

APPROVED

Policy No. 11: Allow for commercial and industrial districts where public services are available and where land use conflicts between commercial / industrial and residential uses will not impede commercial and industrial growth.

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *The proposed Rezoning meets the intent of the land use goals identified in the Comprehensive Plan as described in Finding #4 above. The Zoning Ordinance and the County's Official Zoning Map identify various zoning districts and allowable uses within those districts. While the subject parcels are immediately adjacent to existing dwellings and an Agricultural (AG) District, which often includes low-density residential development, the County finds that, as an already well-established area for commercial use, there will be little to no increased impact by Rezoning the subject parcels for industrial use.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the Planning Commission hereby recommends **approval** of the Rezoning of PIDs 08.00099.00 and 08.00095.00 from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District as requested by Kale Wolff and Federated Co-ops Inc.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of September, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

APPROVAL

RESOLUTION NO. PC2024-0902

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING DENIAL OF THE REZONING OF PIDS 08.00099.00 AND 08.00095.00 FROM RURAL VILLAGE CENTER (RVC) DISTRICT TO COMMERCIAL / LIMITED INDUSTRIAL (CLI) DISTRICT

WHEREAS, property owner Kale Wolff and applicant Federated Co-ops Inc. submitted a petition dated received July 30, 2024 and considered complete on July 31, 2024 for the Rezoning of two parcels from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District; and

WHEREAS, the approximate 2.95-acre subject area is located at 18397 St. Croix Trail / TH 95 in Shafer Township; and

WHEREAS, the subject properties are legally described as:

PID 08.00099.00

PARCEL 1

That part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 34 North, Range 19 West, Chisago County, Minnesota, described as follows:

Commencing at the northwest corner of Section 9; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 419.9 feet; thence South 89 degrees 14 minutes East, a distance of 267.3 feet to the point of beginning; thence North 3 degrees 16 minutes East, a distance of 276 feet; thence North 69 degrees 46 minutes East, a distance of 89.5 feet to the southwesterly right-of-way line of Trunk Highway No. 95; thence southeasterly, along said southwesterly highway right-of-way line, a distance of 431 feet, more or less, to the point of intersection with a line that bears South 89 degrees 14 minutes East from the point of beginning; thence North 89 degrees 14 minutes West, along said line, a distance of 397.2 feet to the point of beginning.

Together with an easement for the purpose of accessing well on property westerly of and adjacent to the tract described as follows, over, under and across that part of the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section Nine (9), Township Thirty-four (34) North, Range Nineteen (19) West, Chisago County, Minnesota, described as follows: Commencing at the Northwest corner of Section 9; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 419.9 feet; thence South 89 degrees 14 minutes East, a distance of 130 feet to the point of beginning; thence continuing South 89 degrees 14 minutes East, a distance of 137.3 feet; thence North 3 degrees 16 minutes East, a distance of 276 feet; thence North 69 degrees 46 minutest East, a distance of 89.5 feet to the southwesterly right-of-way line of Trunk Highway No. 95; thence Northwesterly, along said southwesterly highway right-of-way line, a distance of 261 feet, more or less, to the north line of Section 9; thence North 89 degrees 11 minutes West, along said North line, a distance of 4 feet, more or less, to the point of intersection with a line that bears North 2 degrees 52 minutes East from the point of beginning; thence South 2 degrees 52 minutes West, along said line, a distance of 420 feet to the point of beginning.

Together with an easement for use of the well located on property described as follows, to-wit: Beginning at the Northwest corner of Section 9, Township 34 North, Range 19 West; thence South 0 degrees 00 minutes, assumed bearing, along the west line of Section 9, a distance of 185 feet; thence South 89 degrees 13 minutes East, a distance of 141.8 feet; thence North 2 degrees 52 minutes East, a distance of 185 feet to the north line of Section 9; thence North 89 degrees 11 minutes West, along said north line, a distance of 151 feet to the point of beginning, subject to a 20 foot easement lying west of and adjacent to the east line thereof.

PID 08.00095.00

PARCEL 3
That part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 34, Range 19, Chisago County, Minnesota, described as follows:

Commencing at the NW corner of said NW¼ of NW¼; thence South 0 degrees 00 minutes, assumed bearing, along the west line of said Sec. 9, 419.9 feet; thence South 89 degrees 14 minutes East, 130 feet, to the point of beginning; thence continuing South 89 degrees 14 minutes East, 534.5 feet, more or less, to the SW'ly highway right-of-way line of Trunk Highway No. 95; thence South 0 degrees 00 minutes, 110 feet; thence North 89 degrees 14 minutes West 534.5 feet, more or less, to a point lying South 0 degrees 00 minutes of the point of beginning; thence North 0 degrees 00 minutes, 110 feet, to the point of beginning.

WHEREAS, notice was provided and on September 5, 2024 the Planning Commission conducted a public hearing regarding this petition, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Rezonings and made the following findings per Zoning Ordinance Section 8.08:

Factor #1 Whether the amendment will 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 #1 *If the proposed Rezoning is approved, it will allow for development of the subject parcels in accordance with the Commercial / Limited Industrial (CLI) District rather than the Rural Village Center (RVC) District. Whether the subject parcels are zoned for industrial use or for commercial use, the County finds that the proposed Rezoning will have no impact on existing parks or schools and, being that the subject parcels are accessed by a well-established and well-maintained State highway (TH 95), the County further finds that any amount of demand on the roadway can be accommodated. The County is not aware of any potential impacts to other public facilities or utilities.*

Factor #2 Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #2 *While the subject parcels are currently zoned Rural Village Center (RVC) District, this particular RVC District features a total of four parcels with two of them being developed with legal non-conforming residential uses and two, being the subject parcels, currently being vacant. Further, the surrounding area, beyond this particular RVC District, is zoned Agricultural (AG) District, which commonly includes low-density residential uses. The County finds that the proposed Rezoning will allow development of the subject parcels with potentially the most impactful industrial uses (i.e., noise, views, glare, traffic, odors, etc.) immediately adjacent to the least impactful residential uses and potentially deter other undeveloped neighboring parcels, located in the AG District, from being developed.*

Factor #3 The amendment will not cause traffic hazard or congestion;

Finding #3 *The subject parcels gain access from St. Croix Trail / State Highway 95. Based on aerial imagery, it appears that the north subject parcel has four distinct access points, while the south parcel has no direct access to the roadway. If the Rezoning is approved, the subject parcels will be required to be developed in accordance with the Commercial / Limited Industrial (CLI) District. If the property owner(s) choose(s) to develop the land in a manner requiring a Conditional or Interim Use Permit, the State of Minnesota will receive notice of the proposed action and have opportunity to evaluate traffic impacts at that time. If the property owner(s) choose(s) to develop the land in a manner identified as a Permitted Use, it's presumed that the use has already been determined to not cause significant traffic hazards or congestion. Therefore, the County finds that the Rezoning will have no negative impact on traffic or congestion.*

Factor #4 The amendment, in the opinion of the County, is reasonably related to the land use goals of the County and the needs of the greater community; and

Finding #4 *While the Chisago County Comprehensive Plan does generally support commercial / industrial development and identifies the subject area as a Rural Business Center for Commercial / Industrial development, the Comprehensive Plan also includes a goal to recognize the challenges and compatibility of present and future land uses and strive for the most harmonious balance. The County finds that establishing an industrial district immediately adjacent to properties with existing dwellings and an Agricultural (AG) District which commonly includes low-density residential development, without any buffering districts between them, has the potential for creating a situation of incompatible and non-harmonious neighboring land uses and conflict.*

DENIAL

Factor #5 The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.

Finding #5 *While the Chisago County Comprehensive Plan does generally support commercial / industrial development and identifies the subject area as a Rural Business Center for Commercial / Industrial development, the Comprehensive Plan also includes a goal to recognize the challenges and compatibility of present and future land uses and strive for the most harmonious balance. The County finds that the less intensive uses identified by the Zoning Ordinance as being allowed within the existing zoning district of Rural Village Center (RVC) District provide for greater compatibility and harmony with existing surrounding uses and zoning districts than the more intensive uses allowed in the proposed Commercial / Limited Industrial (CLI) District. Further, the County finds that the proposed Rezoning would establish a new CLI District, which is viewed as the highest intensity district within the County, immediately adjacent to the Agricultural (AG) District, which is viewed as the lowest intensity district within the County. Further, the County finds that the proposed Rezoning of two parcels, which would differ from all surrounding zoning districts, constitutes "spot zoning" which is prohibited by State law and generally viewed as being contrary to sound zoning principles.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the Planning Commission hereby recommends **denial** of the Rezoning of PIDs 08.00099.00 and 08.00095.00 from Rural Village Center (RVC) District to Commercial / Limited Industrial (CLI) District as requested by Kale Wolff and Federated Co-ops Inc.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of September, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

DENIAL

Item No. 6c

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Amendment to an Interim Use Permit Allowing a Commercial Kennel
12690 St. Croix Trail / TH 95, Sunrise Township
DATE: September 5, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to an Interim Use Permit (IUP) allowing a Commercial Kennel for the boarding and day care of animals. The original IUP was granted by the County Board in July 2023.

SITE & APPLICATION INFORMATION

Applicant(s):	Becky Meyer & William Lloyd
Property Owner(s):	Becky Meyer & William Lloyd
Location:	12690 St. Croix Trail / TH 95 Sunrise Township Section 16, Township 35, Range 20
PID:	09.00168.00
Property Area:	37.05± Acres
Current Zoning:	Agricultural (AG) District / Sunrise River Overlay (SO) District
Adjacent Zoning:	
North:	Agricultural (AG) District / Sunrise River Overlay (SO) District
South:	Agricultural (AG) District / Sunrise River Overlay (SO) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District / Sunrise River Overlay (SO) District
Date Application Received:	July 31, 2024
Date Application Complete:	August 1, 2024
60-Day Review Period:	September 30, 2024

BACKGROUND

Property owners Becky Meyer & William Lloyd are seeking approval of an Amendment to a 2023 Interim Use Permit allowing a Commercial Kennel for pet boarding and day care on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township.

The table below offers a brief history of the IUP:

Date	Action
July 6, 2023 (Original IUP)	Planning Commission conducted public hearing to consider IUP allowing for Commercial Kennel and **recommended approval** with Findings of Fact and 14 conditions.
July 19, 2024 (Original IUP)	County Board **approved IUP** allowing for Commercial Kennel with following conditions: 1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. 2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only. 3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited. 4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner. 5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts. 6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors. Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus 1 in outdoor pen at a time. 7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present. 8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures: a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.

	b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed. c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024. d. The required fence shall be installed prior to any boarding of animals. e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination. f. The boarding shed shall be both heated and cooled. 9. The permit holder may employ up to two additional employees to be present at any given time. 10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards. 11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency. 12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd. 13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment. 14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
September 5, 2024 (IUP Amendment #1)	Planning Commission conducts public hearing to **consider IUP Amendment**. Proposed Amendments include changing location and size of the outdoor fenced enclosure, changing type of fencing used for the outdoor fenced enclosure, allowance for dogs to be boarded within the dwelling, and allowance for commercial sales of pet boarding related products.

Excerpts from the Planning Commission's July 6, 2023 and the County Board's July 19, 2023 meeting minutes have been attached for reference, as well as the 2023 legal recording.

CONSIDERATION OF IUP AMENDMENTS

When considering an Amendment to an IUP, the County may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that the County, in hindsight, wishes it had imposed when the original IUP was granted.

Approval of the requested Amendment will allow a change to the location and size of the outdoor fenced enclosure and a change to the type of fencing used for the outdoor fenced enclosure, and allow the boarding of dogs within the dwelling and for the commercial sales of pet boarding related products. Denial of the requested Amendment will not result in automatic revocation of the existing IUP or otherwise render it null and void; it will simply leave the existing IUP in effect as-is. Alternatively, if the Planning Commission feels that the subject site no longer supports the scope and scale of the approved IUP or the Commission finds other probable cause, the Commission may wish to consider recommending that the County Board consider review and/or revocation of the IUP.

SITE ANALYSIS

The 37.05± acre subject site is located approximately 800' west of the intersection of Oasis Road / CSAH 9 and St. Croix Trail / TH 95 on the north side of St. Croix Trail / TH 95 in Sunrise Township. Topography of the site includes elevations ranging significantly from 808' near the west property boundary to 857' near the southeast corner of the property with steep slopes between the river and the existing structures, heavy forestation primarily in the western half of the property, and approximately 2,300' of the Sunrise River flowing through the western third of the property.

The subject site has been developed with a dwelling, multiple detached accessory structures, and large hard surfaced areas for parking. The subject site is located in the AG District / SO District and is entirely surrounded by properties in the AG District / SO District. Properties in the general area range in size from five acres to 82 acres, with the majority of properties currently used for residential and/or agricultural purposes. The immediate area is heavily wooded.

PROPOSAL ANALYSIS

The application materials indicate that the property owners are seeking approval of an IUP Amendment allowing a change to the location and size of the outdoor fenced enclosure and a change to the type of fencing material used for the outdoor fenced enclosure, and allowance for the boarding of dogs within the dwelling and for the commercial sales of pet boarding related products to customers. Additionally, because the property owners are proposing a change to the location of the fenced enclosure, staff would recommend that one condition specific to landscaping of the fenced enclosure be amended as well. The property owners' proposed Amendments affect existing condition nos. 1, 3, and 4, and staff's suggested Amendment affects existing condition no. 8c. These affected conditions are listed below:

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of

no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services.

3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.

4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.

8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
    c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024.

The property owners have provided the following information for each of the proposed Amendments, as paraphrased by staff. Staff has also provided additional detail shown in *italics*.

- **Fenced Enclosure** – The previously approved location for the fenced enclosure has shown itself to be too wet to be used as a dog exercise / play area. The proposed location is immediately adjacent to the dwelling and is in close proximity to the boarding shed. Additionally, the proposed location is at a lower elevation than the previously approved location and features mature trees / landscaping in close proximity so as to provide a better buffer from adjacent dwellings.

  The original application materials explained and showed that the outdoor play area / fenced enclosure would be 90' x 150' or 13,500 sf. The attached fenced enclosure plan shows that the proposed outdoor play area / fenced enclosure includes two, possibly three, separate areas located immediately north of the dwelling, including a 40' x 90' (3,600 sf) main play area, a 34' x 54' (1,836 sf) play area, and a potential future play area of 28' x 40' (1,120 sf). The first two areas provide a total of 5,436 sf of fenced enclosure, and all three areas provide a total of 6,556 sf of fenced enclosure. Per the existing IUP (refer to existing condition no. 6), outdoor activity within the fenced enclosure is generally limited to no more than 10 dogs at a time.

- **Fencing Material** – The property owners had originally proposed the use of 6' tall chain link fencing; however, they're now proposing to install a 6' tall fence made with treated lumber and 12-gauge welded wire coated for safety. The cited reason for this proposed Amendment is that chain link has edges which can harm dogs.

- **Use of Dwelling for Boarding of Dogs** – The property owners originally intended to renovate an existing shed for use as a boarding shed. Meeting minutes from the Planning Commission's July 6, 2023 meeting indicate that dogs would be housed within the boarding shed while smaller animals would be housed within the dwelling. As part of the proposed Amendment, the property owners are seeking approval to house up to 10 dogs at any given time within the dwelling until the boarding shed is complete. Two rooms within the dwelling would be dedicated to dog kennels / boarding and one additional room would be dedicated as an indoor play area as needed for inclement weather.

  The dimensions of these three rooms are unknown to staff; however, the applicants did provide pictures of the proposed kennels (attached).

  The applicants have further indicated to staff that they would like to be able to board dogs within the dwelling indefinitely and not only until completion of the boarding shed. They've stated that "It is likely that the business will stay small and in the home instead of getting larger …". Staff notes that, whether the applicants are allowed to board up to 10 dogs within the dwelling indefinitely or not, there will still be a cap on the total number of dogs allowed at the facility and indefinite use of the dwelling will not allow for a greater number of dogs on site at any given time.

  Staff notes that the existing IUP allows animals, presumably including dogs, to be boarded within the dwelling. However, given that the original IUP request suggested that dogs would be housed within the boarding shed and smaller animals would be housed within the dwelling, the applicants chose to seek clear approval to house dogs within the dwelling as part of the current IUP Amendment process.

- **Commercial Sales of Pet Boarding Related Products** – The existing IUP states that no commercial activity, apart from the boarding and day care of animals, shall be permitted; however, the applicants are now requesting that they be allowed to sell pet boarding related products such as pet food and treats, water, branded apparel, and pet care items.

  The property owners clarified during the August 14, 2024 Technical Review Committee meeting that proposed sales are intended for kennel customers only and not the general public.

The attached written narrative provides a detailed explanation of all requested Amendments.

Because the property owners are proposing a change to the location of the fenced enclosure, staff would recommend that existing condition no. 8c (now recommended condition no. 9c), a condition specific to landscaping of the fenced enclosure, be amended as well. The written narrative states that "Mature trees and over 50 shrubs have been planted between the [proposed fenced enclosure] and the area to the east". Staff is not aware of the exact location or details of these plantings (variety, size at time of planting, size at maturity, etc.), but would encourage the Planning Commission to observe this landscaping during the September 4, 2024 site visit and further discuss at the September 5, 2024 regular Planning Commission meeting.

REVIEW PROCESS

The Technical Review Committee met with property owners Becky Meyer & William Lloyd on August 14, 2024. The property owners reviewed details of the proposed Amendments, explaining that the proposed commercial sales would be available for kennel customers only and not the general public; that they're hoping to complete renovation of the boarding shed by summer 2025; and, that they feel the proposed location of the fenced enclosure is an improvement in that it's farther from neighboring dwellings and at a lower elevation than the previously approved enclosure with mature trees nearby to better mitigate any potential noise related to the kennel. The Committee did not identify any immediate concerns.

The Sunrise Town Board considered the proposed IUP Amendment at its August 15, 2024 meeting and recommended approval with no comments or conditions.

The application was submitted on July 31, 2024 and deemed complete on August 1, 2024. The State mandated 60-day review period expires on September 30, 2024.

WRITTEN TESTIMONY

The County received written testimony from adjacent property owners Eric & Tara Leivian (see attached). No other written testimony was received as of the completion of this report.

FINDINGS OF FACT

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

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

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

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

Finding #2 *The previously approved 2023 Interim Use Permit for Commercial Kennel and the proposed Interim Use Permit Amendment will have no associated use of*

parks, schools, or other public facilities or utilities, and will not create any appreciable demand on St. Croix Trail / TH 95; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.

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

Finding #3 *The proposed use – including boarding shed and outdoor play area – is located no closer than approximately 390' from any property boundary and there is well-established landscaping between the boarding shed and outdoor play area and the north, east, and southeast property boundaries (closest property boundaries). The County finds that distance, existing landscaping, required additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours will mitigate potential negative impacts, such as noise, so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The proposed Commercial Kennel will utilize an existing 36' x 80' detached accessory structure for boarding shed purposes and an outdoor fenced enclosure / play area with a combined area of 6,556± sf. After reviewing the application materials and the Planning Commission having conducted a site visit on September 4, 2024, the County finds no evidence to suggest that the proposed use will have an appearance that will have an adverse effect upon adjacent properties. Further, the County finds that the appearance of the boarding shed and outdoor play area will have an appearance consistent with similar uses in the Agricultural (AG) District.*

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

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

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

Finding #6 *See Finding #5.*

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

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

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

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County received public comment during the original 2023 Interim Use Permit process from at least one adjacent property owner expressing concerns about potential noise pollution. The County found in 2023, and continues to find, that noise resulting from the Commercial Kennel can be mitigated with distance, maintenance of existing landscaping, installation of additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. If these measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

STAFF RECOMMENDATION

Staff believes that the existing IUP and proposed IUP Amendment comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the IUP Amendment with draft Findings of Fact and conditions and has prepared a resolution for the Commission's consideration.

Staff notes that the proposed conditions of approval are the exact conditions approved by the County Board in July 2023, with the exception of the addition of condition no. 1 to clarify that this approval is an Amendment to the original 2023 approval and modifications to condition nos. 4 and 5 (previously nos. 3 and 4) based on the requested Amendments and a modification to condition no. 9c (previously no. 8c) as recommended by staff as it relates directly to the proposed Amendment.

As a reminder, existing conditions that have no relationship to the requested Amendment cannot be added, eliminated, or altered.

Recommended Conditions:

1. <u>This Interim Use Permit (IUP) Amendment supersedes the IUP granted by the Chisago County Board of Commissioners on July 19, 2023 (original IUP) which granted approval for a Commercial Kennel on property located at 12690 St. Croix Trail in Sunrise Township (recorded as Document No. A669246). This Amendment provides modifications to certain</u>

aspects of the 2023 approval, including a change to the location and size of the outdoor fenced enclosure and a change to the type of fencing material used for the outdoor fenced enclosure, and allowance for the boarding of dogs within the dwelling and for the commercial sales of pet boarding related products to customers.

2. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time, including but not limited to dogs, cats, rabbits and guinea pigs, as specifically described in the application materials dated received May 30, 2023 (original IUP) and July 31, 2024 (IUP Amendment) and kept on file with the Department of Environmental Services.
3. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
4. No commercial activity, apart from the boarding and day care of animals as described above and the sale of pet boarding related items such as pet food and treats, water, branded apparel and items, and pet care items to Commercial Kennel customers, shall be permitted. No sales of pet boarding related items shall be made to the general public. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
5. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner. In addition to other animals as described in condition no. 2 above, no more than 10 dogs shall be boarded within the dwelling at any given time. Use of the boarding shed for Commercial Kennel purposes shall not preclude the boarding of dogs within the dwelling.
6. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
7. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

   Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus I in outdoor pen at a time.
8. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
9. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:

a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the ~~south~~ east side of the outdoor ~~play area~~ fenced enclosure ~~as described in the May 30, 2023 application materials~~. The plantings shall be installed ~~by June 1, 2024~~ prior to the Commercial Kennel opening for business.
d. The required fence shall be installed prior to any boarding of animals.
e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
f. The boarding shed shall be both heated and cooled.

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

OPTIONS

1. Recommend that the County Board **approve** the proposed Interim Use Permit Amendment with Findings of Fact and conditions as presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit Amendment 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 Amendment based on amended Findings of Fact or other factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

Note: Denial of the requested Amendment will not result in automatic revocation of the existing IUP or otherwise render it null and void; it will simply leave the existing IUP in effect as-is.

3. **Continue the public hearing** to a specific date in order to receive additional public testimony prior to making a recommendation on the proposed Interim Use Permit Amendment.
4. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the current review period expires on September 30, 2024 and the next regularly scheduled Planning Commission meeting is on October 3, 2024, the Commission should also include in its motion a **60-day extension** of the review period.
5. Recommend that the County Board consider **revocation** of the existing Interim Use Permit due to the inability of the subject site to support the scope and scale of the approved IUP or the Commission finds other probable cause.

   Note: If the Planning Commission moves to recommend revocation, the motion should include explicit reason(s) for such action.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0903, a resolution recommending approval of an Amendment to an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Written narrative with:
        i. Site plans
        ii. Photos of proposed kennel enclosures
        iii. 2023 Legal recording
2. Fenced enclosure plan (stamp dated received August 20, 2024)
3. Excerpt of July 6, 2023 Planning Commission meeting minutes
4. Excerpt of July 19, 2023 County Board meeting minutes
5. Written testimony from Eric & Tara Leivian
6. Aerial location map (1) – subject site
7. Aerial location map (2) – vicinity map
8. Draft Resolution No. PC2024-0903

Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # ~~23-0719-1~~ 24-01476

Township Sunrise **S/T/R** 16/35/20 **PID#** 09.00168.00

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

Property Owner(s) Becky Meyer + William Lloyd

Mailing Address (If Different from Project Address) same

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

Applicant(s) Becky Meyer + William Lloyd

Mailing Address (If Different from Project Address) same

Phone# same **Email** same

Type of Request (Check All That Apply)

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

Description of Request (Attach Separate Sheet if Necessary) See attached revise area for fencing, additional information on boarding areas.

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

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

BM — **Applicant Signature**

7-29-2024 — **Date of Application**

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

Fees		Dates	
Base Fee	$ 650.00	Application Received	7-31-24
Recording Fee	$ 46.00	Application Complete	8-1-24
Plat Fee – No Road(s) / With Road(s)	$	(60) / 120 Day Review Period	9-30-24
Septic Compliance Fee	$	Extended Review Period	
Wetland Fee	$		
TOTAL FEE	$ 696.00		

Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Sunrise **S/T/R** 16/35/20 **PID#** 09.00168.00

Project Address 12690 St. Croix Trail

Property Owner(s) Becky Meyer + William Lloyd

Mailing Address (If Different from Project Address) _____

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

Applicant(s) Becky Meyer + William Lloyd

Mailing Address (If Different from Project Address) Same

Phone# Same **Email** Same

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) See attached revise area for fencing, additional information on board and c

Applicant Signature [signature] **Date of Application** 7-29-2024

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 SEPT. 5, 2024 **Date of Township Presentation** AUG. 15, 2024

Township Action Taken (Township Use Only)
- ☒ Recommendation of Approval
- ☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

ACCEPT AS PRESENTED

Signatures of Township Officials or Authorized Personnel

Case Peterson [signature] [signature] 8/15/2024

Mark Oscarson Gary J Stenlund

We are seeking an amendment to our current Permit #23-0179-1

All conditions and requirements of the original request remain the same with the following exceptions:

1. Changing the footprint for the outdoor fenced area:
    a. Fenced area for outdoor dog exercise area be moved to the identified area next to the house. See drawing.
        i. The original area is too wet to use reliably for outdoor dog exercise/play.
        ii. The amended area is easy access to the home and the original proposed shed.
        iii. The amended outdoor area has water, electricity, storage, and shade available.
        iv. The amended area is part of the fenced in area originally on the property.
        v. The amended area is at a lower grade than the area immediately to the east.
        vi. Mature trees and over 50 shrubs have been planted between the amended area and the area to the east.
        vii. The areas to the north and west of the amended area are fully tree covered.
        viii. The area to the south of the amended area is the home.

2. Dogs will be boarded in the home until the shed is remodeled.
    a. Home is insulated, heated, air conditioned, has smoke detectors, safety cameras and CO2 detectors. Limit to 10 dogs overnight at any one time until the outdoor shed is remodeled as required per original permit and to code.
    b. Two rooms of the home will be dedicated to dog kennels and one large room dedicated as an indoor play area as needed for inclement weather days.

3. Fencing will be six foot high, treated lumber and 12 ga welded wire instead of chain link.
    a. Chain link has edges that can harm the dogs. The welded wire is coated for safety.

4. Commercial sales of pet boarding related products will be permitted.
    a. Logo items, dog food, dog treats, pet care related items.

Detailed site Plan:
Exhibit 1.
This is the original site plan, with the changes outlined:

A. This is the new area for outdoor play.
B. This is the new area for shrub plantings
C. Existing mature pines and shrubs between the pines
D. Point A is lower than Point C by about 2.5 feet.
E. Home where dogs will be boarded until the existing shed is renovated.

(renovations and code requirements are taking longer than anticipated)

Attachments:
Exhibit A: Legal Description
Exhibit B: Detailed new site plan
Exhibit C: Comparison old and new plan
Exhibit D: Aerial view of property
Exhibit E: Neighboring properties
Exhibit F: Plat view
Exhibit G: Picture of kennels
Exhibit H: Permit 23-0719-01

Original Proposal:

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

Items for IUP application

1 Site plan attached

2. Location of buildings attached

3. Curbs and driveways attached

4. Topography attached

5. Drainage plan- NA

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

7. Floor plan attached

8. Sewer and water plan NA

9. Soil type NA

10. Location map attached

11. Land within 350 of parcel attached

12. Business name will be Birch Bark Boarding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Benefits of Composting (per USDA publication)

- Composting removes raw dog waste from the environment where it can pollute groundwater and streams.

- Good composting destroys pathogens and produces a safe soil amendment.
- Good on-site composting eliminates transporting dog waste to a disposal facility. This saves time, money, energy, and landfill space.
- Good composting produces a quality soil additive that improves both the physical condition and fertility of the soil.

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

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

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

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

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

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

Becky Meyer & Bill Lloyd

EXHIBIT A

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

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

Exhibit B

Exhibit C

Existing shed to renovate for dog boarding. 36'x 80'
Fenced in play area for dogs .35 Acres
A
B
C
D
16

60'x 20'
Cattle barn
1200 sq ft
36'x80' Dog
Boarding Shed
4480 sq ft
Residence
2558 sq ft
12940
12590
12810
12385
12715

Exhibit D

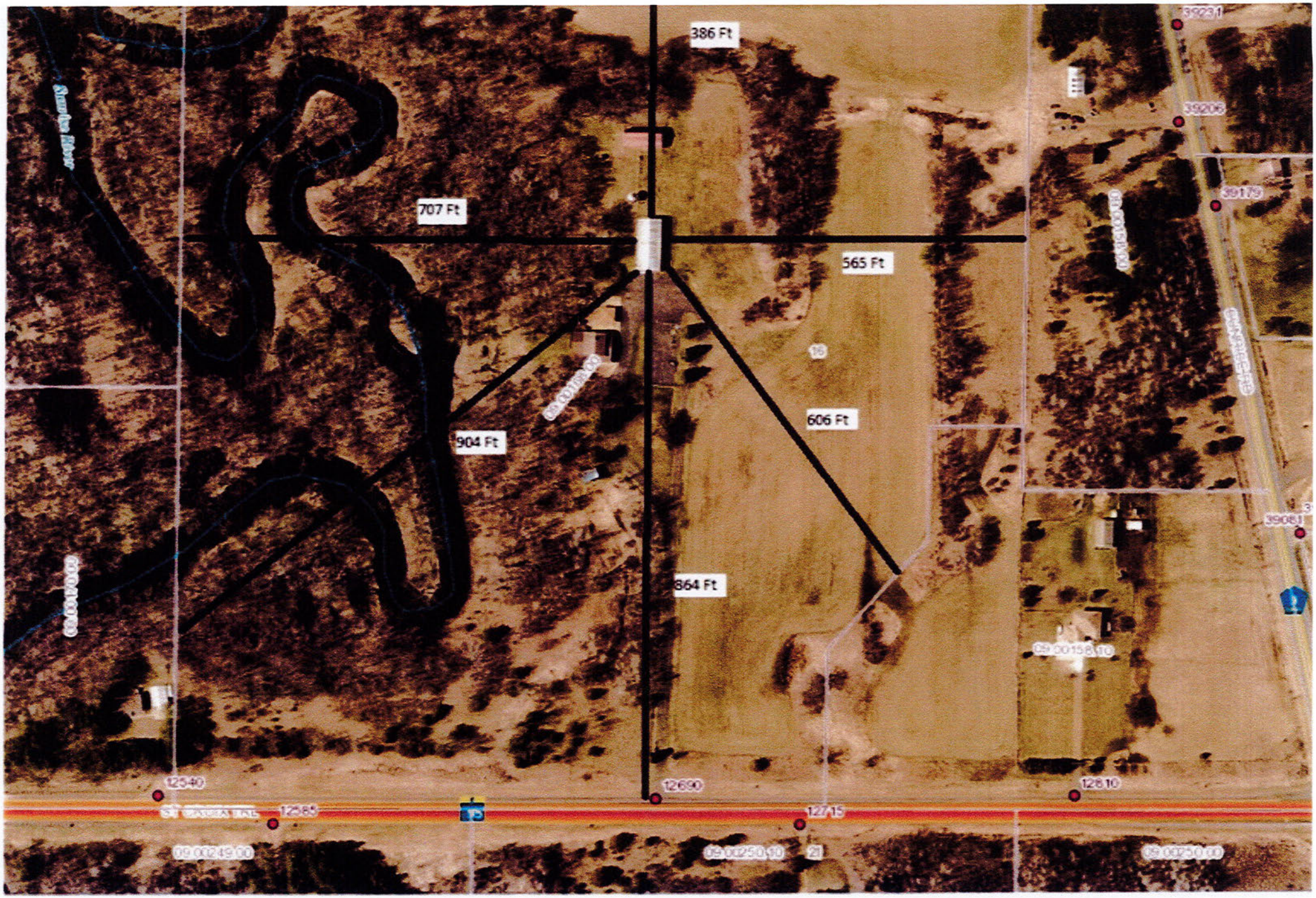

386 Ft
707 Ft
565 Ft
606 Ft
904 Ft
864 Ft
Amarillo Street
12540
12690
12810
12583
12715

Exhibit E

E JEFFREY AVE
JEFFREY AVE
Jewel Ave
VIEJO DR
CRIOLLO AVE
POWERS TRL

Exhibit F

Exhibit 1-9

Exhibit 6-2

EXHIBIT H

Doc# A-669246
Recorded on:
August 03, 2023 3:29 PM

KAREN M LONG
CHISAGO COUNTY RECORDER
CHISAGO COUNTY, MN

Fee: **$46.00** Pages: 5
Returned To: CHISAGO COUNTY DEPT OF ENVIRON

STATE OF MINNESOTA)
) ss.
COUNTY OF CHISAGO)

I, Beth Gervais, Land Services Coordinator for the County of Chisago hereby certify that the attached

RESOLUTION NO. 23/0719-1
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN INTERIM USE PERMIT ALLOWING A COMMERCIAL KENNEL ON PROPERTY LOCATED AT 12690 ST. CROIX TRAIL / TH 95 IN SUNRISE TOWNSHIP

is a true and correct record of the decision adopted by the Chisago County Board of Commissioners at a duly authorized meeting thereof held on the 19th day of July, 2023.

Beth Gervais 7-28-23
Beth Gervais, Land Services Coordinator Date

SEAL

This document drafted by:
Beth Gervais, Land Services Coordinator
Chisago County Department of Environmental Services
313 N. Main Street, Suite 240
Center City, MN 55012

Please return to:
Beth Gervais, Land Services Coordinator
Chisago County Department of Environmental Services
313 N. Main Street, Suite 240
Center City, MN 55012

Chase Burnham
County Administrator

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Commissioners:
District 1
Jim Swenson
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Dan Dahlberg

Commissioner Dahlberg offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0719-1
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN INTERIM USE PERMIT ALLOWING A COMMERCIAL KENNEL ON PROPERTY LOCATED AT 12690 ST. CROIX TRAIL / TH 95 IN SUNRISE TOWNSHIP

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

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

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

PID 09.00168.00

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

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

WHEREAS, notice was provided and on July 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit with conditions per Resolution No. PC2023-0701; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its July 19, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04-1, C.:

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

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

Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2	*The proposed Commercial Kennel will have no associated use of parks, schools, or other public facilities or utilities, and will likely not create any appreciable demand on St. Croix Trail / TH 95; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	*The proposed use – including boarding shed and outdoor play area – is located no closer than approximately 345' from any property boundary and there is well-established landscaping between the boarding shed and outdoor play area and the north, east, and southeast property boundaries (closest property boundaries). The County finds that distance, existing landscaping, required additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours will mitigate potential negative impacts, such as noise, so as to neither cause undue negative impact nor deter future development.*
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	*The proposed Commercial Kennel will utilize an existing 36' x 80' detached accessory structure (boarding shed) and a 90' x 150' enclosed outdoor play area. After reviewing the application materials and the Planning Commission having conducted a site visit on July 5, 2023, the County finds no evidence to suggest that the proposed use will have an appearance that will have an adverse effect upon adjacent properties. Further, the County finds that the appearance of the boarding shed and outdoor play area will have an appearance consistent with similar uses in the Agricultural (AG) District.*
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	*The Chisago County Zoning Ordinance specifically allows Commercial Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	*See Finding #5.*
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	*Because the proposed Commercial Kennel is located on a property immediately adjacent to a well-established, well-maintained, and highly traveled State highway (TH 95) with an unobstructed line of site from the end of the driveway to the west and east, the County finds that the proposed use will not cause an appreciable increase in traffic levels or traffic hazards / congestion.*
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8	*While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received comments from at least one adjacent property owner expressing concerns about potential noise pollution. The County finds that noise resulting from the Commercial Kennel can be mitigated with distance, maintenance of existing landscaping (trees), installation of additional landscaping (trees), installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. If these measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for Interim Use Permit, subject to the following conditions:

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services.
2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

   Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus 1 in outdoor pen at a time.
7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
   a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
   b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
   c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024.
   d. The required fence shall be installed prior to any boarding of animals.
   e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
   f. The boarding shed shall be both heated and cooled.
9. The permit holder may employ up to two additional employees to be present at any given time.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals,

shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.

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

Commissioner Greene seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Dahlberg, Dunne, Greene, Montzka, Swenson
OPPOSED: None.

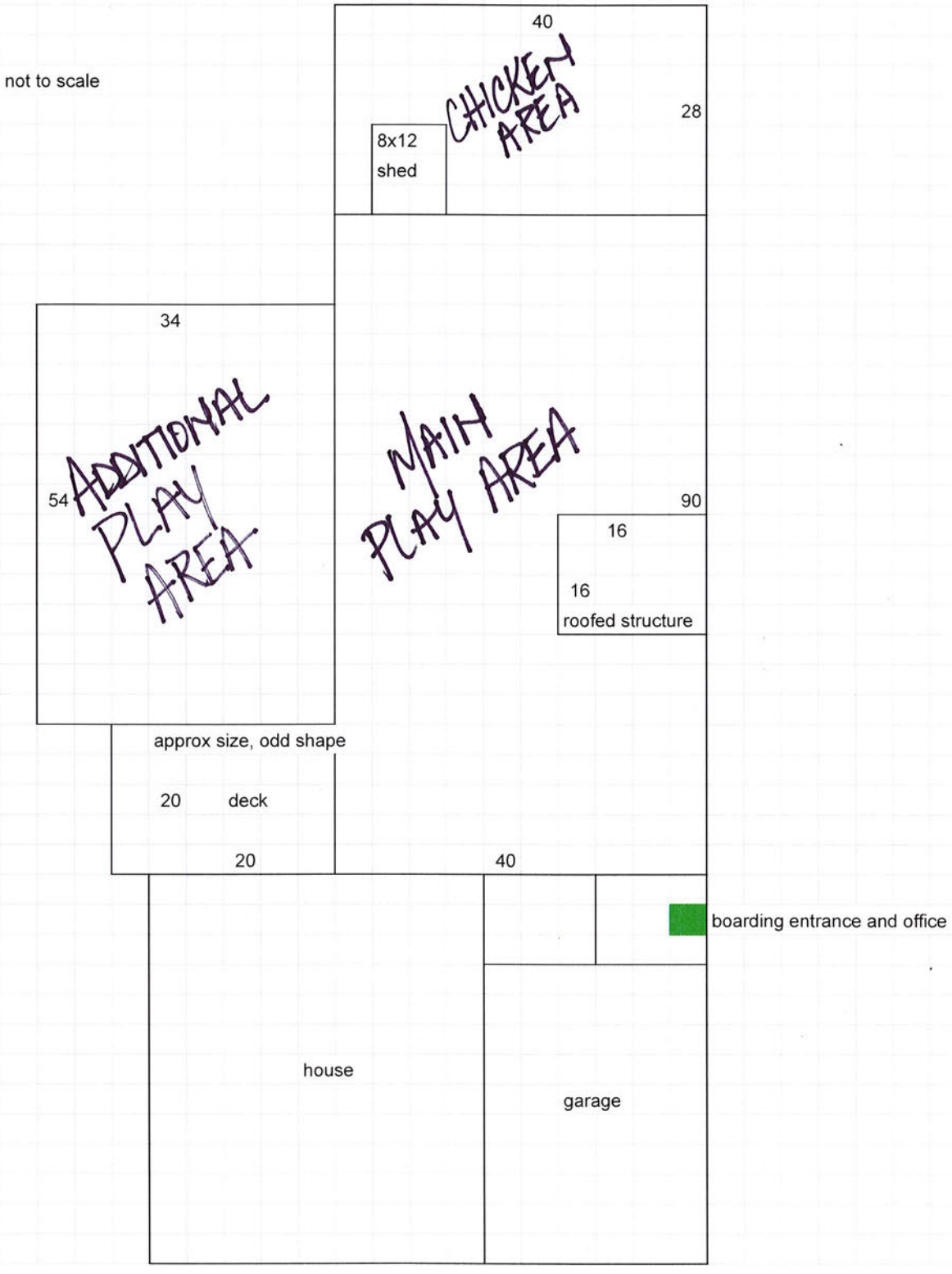
Approved: July 19, 2023

Ben Montzka
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator

CHISAGO COUNTY
JUL 19 2023
BOARD APPROVED

not to scale



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AUG 20 2024

Chisago County
Dept. of Environmental Services

BG

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 6, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 6, 2023 at the Chisago County Government Center.

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

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Dave Whitney, Chris DuBose, Eric Leivian, Chip Yeager, James McCarthy, John Sutcliffe, and Jolene Wille. Absent: None. A quorum was established with all members present.

Approval of Agenda – ***Motion*** by John Sutcliffe to approve the agenda as presented; second by Jolene Wille. **Motion passed** 7-0.

Approval of Minutes – ***Motion*** by Chris DuBose to approve the June 1, 2023 Regular Meeting minutes as presented; second by Eric Leivian. **Motion passed** 7-0. ***Motion*** by Jolene Wille to approve the June 15, 2023 Special Work Session minutes as presented; second by Eric Leivian. **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 additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023; second by Jolene Wille. **Motion passed** 6-0-1. Abstained: Eric Leivian. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda item 6a, 6b, and 7a and additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Becky Meyer & Bill Lloyd – Eric Leivian recused himself being that he was an adjacent landowner and because he had submitted written comments about the request to the Planning Commission. Coordinator Gervais provided a brief background on the request for approval of an Interim Use Permit (IUP) for a Commercial Kennel at 12690 St. Croix Trail / TH 95 in Sunrise Township. Gervais explained that the 37.05± acre property was zoned Agricultural (AG) District / Sunrise River Overlay (SO) District and was developed with a dwelling, multiple detached accessory structures, and large hard surfaced areas for parking. Surrounding properties ranged in size from five to 82 acres and were used for residential and/or agricultural purposes.

Gervais further explained that the property owners were requesting approval to open and operate a pet boarding and daycare facility, to be known as Birch Bark Boarding. The property owners intended to use an existing 36' x 80' pole building as the boarding shed. The interior would be insulated and the dog kennel areas would be finished with a fiber reinforced plastic; the insulation was reported to reduce the sound of dog barking from inside to outside by 50 decibels. Existing and added landscaping would also be used to mitigate noise. Electric heating units were proposed to be suspended from the ceiling. Each kennel would be large enough for a raised bed, food and water dishes, and a small play area. Gervais clarified that the facility was not intended to be operated as a grooming business or a dog /animal

breeding facility, nor would the facility operate as a shelter or rescue organization. There would be 10 – 8' x 8' dog suites that would each have the ability to house up to three dogs from a single household. The business would be open to cats and other small animals, including rabbits, guinea pigs, and other small mammals; however, the application materials did not clarify where these small animals would be boarded. The proposed maximum number of animals to be boarded at any given time was 30. The proposed facility would operate 24 hours a day, seven days a week, with pet daycare hours being from 7:00 am to 7:00 pm. The property owners proposed to operate the business themselves and with the assistance of one additional part-time employee. In addition to a 20' x 40' indoor play area, there would be a 90' x 150' outdoor play area located immediately east of the boarding shed. The outdoor play area would be enclosed by a 6' tall fence, with the fence reinforced against digging by installing turf reinforcement mesh. Dogs not able to play in the fenced enclosure would be walked by leash around the property. Animal waste would be composted as per United Stated Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) research. The driveway and parking area were surfaced with asphalt, and the parking area was reported to accommodate 30 vehicles.

The Technical Review Committee met on June 14, 2023 and no concerns were identified. The Sunrise Town Board met on June 15, 2023 and recommended approval with no conditions. The 60-day review period was scheduled to expire on August 1, 2023. Coordinator Gervais concluded by stating that, despite one adjacent property owner expressing concern with noise resulting from the proposed use, staff believed the proposed IUP complied with and was consistent with the intent of the Chisago County Zoning Ordinance and that noise could be mitigated with implementation of noise reducing measures, including the retention of existing landscaping materials, the planting of additional landscaping materials, the installation of soundproofing insulation, and the implementation of quiet hours. Staff recommended approval of the request with draft Findings of Fact and conditions.

Chair Yeager invited the applicants to address the Planning Commission. Property owners / applicants Becky Meyer and Bill Lloyd stepped forward. Chair Yeager asked if they had anything to add. Meyer stated they had conducted and provided results of a sound study, as they were taking the concerns of noise seriously. She also stated, at the time of application, they were only considering hiring one employee, however, they now believed more employees would be necessary. Lloyd reviewed details of the sound study at length. Chair Yeager asked the Planning Commission if they had any questions or comments for the applicants. Jim McCarthy sought clarification from the applicants on conditions related to the sound study; Lloyd provided detail about weather conditions as requested and offered to show video files of the sound study to the Planning Commission. The Commission did not choose to view the video files. John Sutcliffe sought clarification on the number of animals to be boarded in the house; Meyer responded that boarding in the house would be limited to small animals (not dogs) and she estimated the maximum number to be approximately six. Chair Yeager inquired if a back-up generator would be used to ensure heat was provided in the boarding shed in case of an electrical outage; Meyer responded that they had investigated use of a generator but had not yet purchased a generator. Chair Yeager then sought clarification on the proposed composting of animal waste; Meyer explained that they would use a three-container system and shared details of the composting process. Chair Yeager asked if the composted material would be used on the property or otherwise removed from the property; Meyer explained that they would use all composted material on site for fertilizer. Chair Yeager asked if composting was a viable option in winter months; Meyer explained that animal waste would be added to the composting containers but the actual break down of materials would not take place until warmer weather conditions returned.

Chair Yeager opened the public hearing and sought comment. **Jeske Noordergraaf** of Sunrise Township stepped forward and inquired what the applicants intended to do in summer months when the weather was warm. The applicants responded that they would utilize air conditioners in the boarding shed; and, Chair Yeager commented that the proposal indicated that they would open doors and windows to allow for air circulation. With no other comments, ***motion*** by Chris DuBose to close the public hearing and acknowledged receipt of written comments from Eric & Tara Leivian; second by Jolene Wille. **Motion passed** 6-0.

Chair Yeager asked the Planning Commission if they had any additional questions or comments. Jim McCarthy explained that he had visited the site and he was concerned about the driveway location. McCarthy clarified that he was concerned about the proper site distance for stopping and he requested that the County Engineer double check this issue. Gervais responded that the County Engineer had reviewed the proposal and did not identify any concerns. McCarthy requested that the County Engineer double check this concern. Chris DuBose expressed concern with the number of dogs on site at any given time and suggested reducing the maximum allowable number of dogs. DuBose also acknowledged and commented on the applicants' request to increase the number of employees and allow for additional landscaping materials to be planted by June 1, 2024. On the topic of employees, Lloyd sought clarification on whether the number of employees referred to the number on payroll or the number on site at any given time; DuBose responded that it would not be his intention to limit the number of employees on payroll, only the number of employees on site at any given time.

Motion by Chris DuBose to amend recommended condition no. 1 allowing a maximum of 20 boarded dogs at any given time and a maximum of 30 boarded animals at any given time; second by Jolene Wille. **Motioned passed** 6-0. ***Motion*** by Chris DuBose to amend recommended condition no. 9 allowing up to two additional employees on site at any given time; second by John Sutcliffe. **Motion passed** 6-0. ***Motion*** by Chris DuBose to amend recommended condition no. 8 allowing the installation of additional landscaping materials to be complete by June 1, 2024; second by Jolene Wille. **Motion passed** 6-0. ***Motion*** by Jim McCarthy to amend recommended condition no. 6 requiring that outdoor time be limited to dogs from one kennel at a time, and requiring that the boarding shed be both heated and cooled and the opening or doors and/or windows for ventilation be prohibited; second by Dave Whitney. **Motion passed** 4-2 (Ayes – Sutcliffe, McCarthy, Chair Yeager, and Whitney; Nays – DuBose and Wille). ***Motion*** by Chair Chip Yeager to amend recommended condition no.5 requiring that animal waste be disposed of on the subject property; second Jim McCarthy. **Motion passed** 6-0.

Motion by Jim McCarthy to approve Resolution PC2023-0701, a resolution recommending approval of an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township, with Findings of Fact as presented and with conditions as amended; second by Dave Whitney. **Motion passed** 6-0.

Amended Conditions:

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) ~~dogs~~ boarded animals at any given time ~~and small mammals~~ - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. This number includes any

domestic pets owned or otherwise kept by the permit holder.

2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

   Outdoor activity in the fenced enclosure is limited to one dog or one family of dogs from a single kennel at any given time.
7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
   a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
   b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
   c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024.
   d. The required fence ~~/ wall and plantings~~ shall be installed prior to any boarding of animals.
   e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
   f. The boarding shed shall be both heated and cooled. Open air ventilation (i.e., opening of doors and/or windows) shall be prohibited.
9. The permit holder may employ up to ~~one~~ two additional employees to be present at any given time.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.

11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

John & Janet Swanson and Milo Horak – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Blue Ribbon Tree Farm, involving the creation of two lots from a 26.4± acre tract of land located north of 400th Street and south of 410th Street in Sunrise Township. Gervais explained that the original Preliminary Plat drawing showed dedication of Right-of-Way for the creation of 405th Street North at the southern boundary of the proposed plat, and that this was eliminated by the applicant based on recommendation by the Sunrise Township Planning Commission and Town Board. Gervais added that both proposed parcels complied with the Agricultural (AG) District dimensional standards.

The Technical Review Committee met on June 14, 2023 and no concerns were identified, other than the County Engineer commenting that access permits would be required. The Sunrise Town Board met on June 15, 2023 and recommended approval of the revised Preliminary Plat with no conditions. The ordinance prescribed 120-day review period was scheduled to expire on September 30, 2023. Gervais concluded by stating that staff believed that the proposed Preliminary Plat complied with and was consistent with the intent of the County's Zoning and Subdivision Ordinances and staff recommended approval with conditions.

Chair Yeager invited the applicants to address the Planning Commission. Property owner Janet Swanson and applicant Milo Horak came forward but did not offer any additional information. Chair Yeager asked the Planning Commission if they had any questions or comments for the applicants; there were none.

Chair Yeager opened the public hearing and sought comment. No members of the audience were present to speak to this request. ***Motion*** by Chris DuBose to close the public hearing; second by John Sutcliffe. **Motion passed** 7-0.

Motion by Chris DuBose to approve Resolution PC2023-0702, a resolution recommending approval of the Preliminary Plat of Blue Ribbon Tree Farm, as presented; second by Jolene Wille. **Motion passed** 7-0.

Conditions:

EXCERPT OF COUNTY BOARD MEETING MINUTES JULY 19, 2023

On motion by Greene, seconded by Swenson, the Board moved to reopen the Road and Bridge Committee of the Whole at 7:41 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved items 2-3 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Swenson, the Board moved to close the Road and Bridge Committee of the Whole at 7:41 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Dunne, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

2.) R&B Committee Recommendation – County Engineer's Report
3.) R&B Committee Recommendation – AET Subsurface Testing Services Contract
4.) Minutes from the July 5, 2023 County Board Meeting
5.) Payment of County's Warrants and Miscellaneous Bills

Per Minnesota Statutes 375.1, proceedings of the County Board including a list of itemized accounts, claims or demands must be published in the official newspaper. The itemized list of claims is available for public review on the County website at https://www.chisagocounty.us/1197/Claims-Paid. Claims less than $2,000 are listed as a total dollar amount and notes the number of claims included in the total.

6.) Budget Adjustment Request – State Municipal Revenue to Road Construction Payment
7.) Equipment Expenditure Request – Tandem Purchases
8.) Temporary Liquor License Request – Almelund Lion's Club

Environmental Services Director Kurt Schneider presented the Board with the Director's Report and action items. ***No action was taken.***

On motion by Dunne, seconded by Swenson, the Board moved to accept the Environmental Services Director's Report. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Greene, the Board moved to approve Resolution No. 23/0719-1, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving applicant Becky Meyer & Bill Lloyd are requesting an Interim Use Permit (IUP) to allow a Commercial Kennel for pet boarding

and day care on this 37.05± acre property. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township (PID #09.00168.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO: 23/0719-1
APPROVAL OF AN INTERIM USE PERMIT ALLOWING A COMMERCIAL KENNEL ON PROPERTY LOCATED AT 12690 ST. CROIX TRAIL / TH 95 IN SUNRISE TOWNSHIP

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

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

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

PID 09.00168.00

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

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

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

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

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

Finding #1 The Chisago County Comprehensive Plan does not specifically address the proposed use; however, it does identify as an economic development goal that "The County should continue to allow agricultural activities and related agricultural businesses in the Agricultural zoning district." The Chisago County Zoning Ordinance

provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.

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

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

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

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

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

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

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

Finding #5 The Chisago County Zoning Ordinance specifically allows Commercial Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds

that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.

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

Finding #6 See Finding #5.

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

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

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

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

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

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) dogs boarded animals at any given time and small mammals - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. This number includes any domestic pets owned or otherwise kept by the permit holder.
2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.

3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus 1 in outdoor pen at a time.

7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
    a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
    b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
    c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024.
    d. The required fence / wall and plantings shall be installed prior to any boarding of animals.
    e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
    f. The boarding shed shall be both heated and cooled.
9. The permit holder may employ up to one two additional employees to be present at any given time.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use

Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

On motion by Dahlberg, seconded by Greene, the Board moved to approve Resolution No. 23/0719-2, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Blue Ribbon Tree Farm located North of 400th Street and south of 410th Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township, (PID #09.00119.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO: 23/0719-2
APPROVAL OF THE PRELIMINARY PLAT OF BLUE RIBBON TREE FARM

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

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

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

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

WHEREAS, the subject site is legally described as:

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

Beth M. Gervais

From: Eric L. [redacted]
Sent: Tuesday, August 27, 2024 10:28 AM
To: Beth M. Gervais
Subject: Public Comment: Meyer-Lloyd IUP Amendment PID 09.00168.00

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.

Eric & Tara Leivian
12180 Saint Croix Trl, Sunrise MN, 55056
PID: 09.00158.10

Hi Beth,

We received notification in the mail from the county of proposed IUP amendments at property PID 09.00168.00, as well as received information from Sunrise township as part of their review, As adjacent property owners, we know it's not necessary or required to provide public comment, but understand commentary can be helpful for staff, applicants and commissioners throughout the process.

We have reviewed the proposed IUP changes and evaluated any potential impact to our property. In doing so, as adjacent property owners, we have no concerns with the proposed changes. We appreciate the diligence of the applicants, county and township throughout the process.

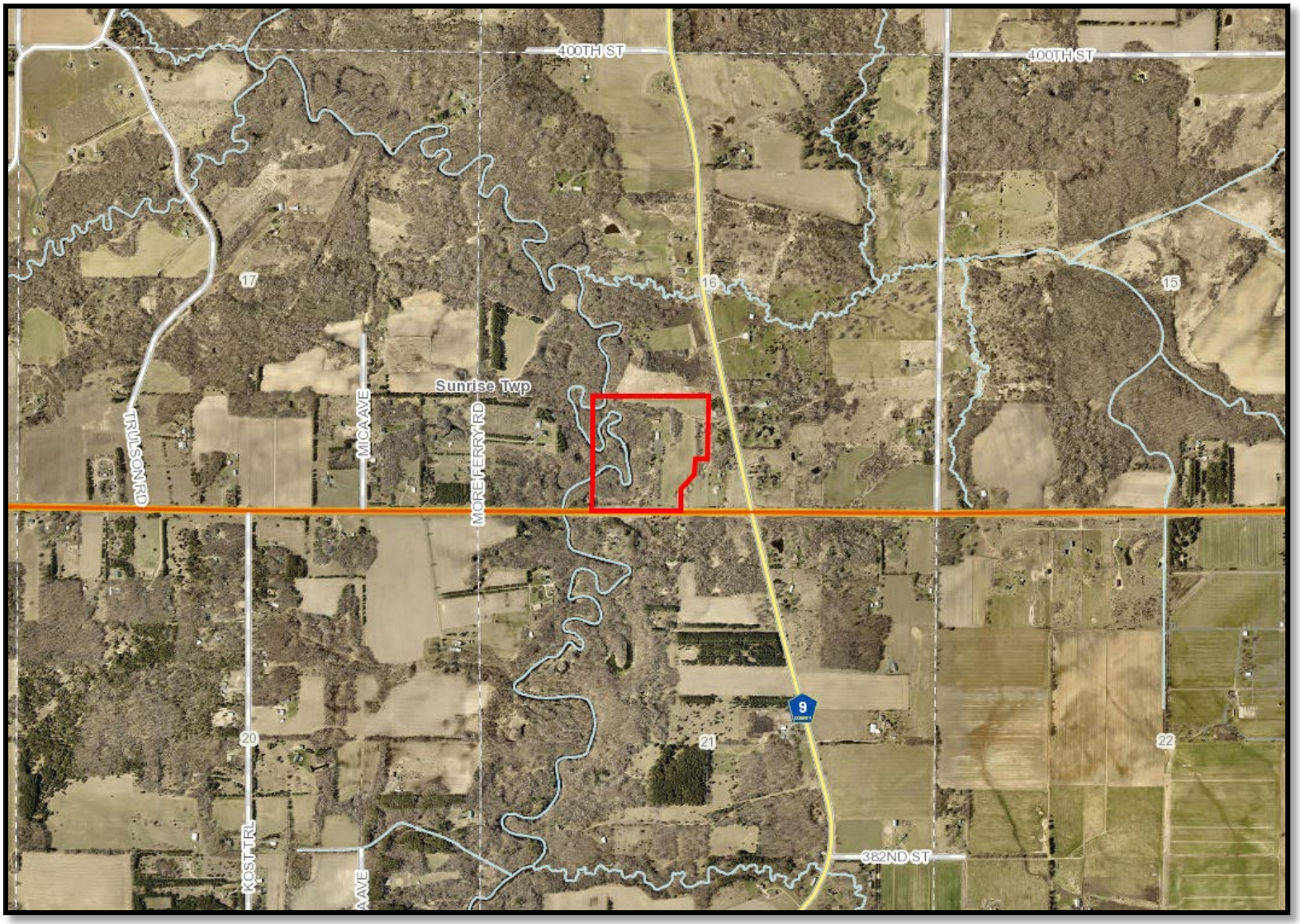
Thank you,
Eric and Tara Leivian

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Becky Meyer & William Lloyd – Property owners Becky Meyer & William Lloyd are requesting an Amendment to an Interim Use Permit granted in 2023 allowing a Commercial Kennel on 37.05± acres in the Agricultural (AG) District. The proposed Amendment includes, but is not limited to, relocation of a fenced enclosure for animals, different fencing material for the fenced enclosure than originally proposed, and allowance for animals to be boarded within the dwelling. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).

Chisago COUNTY USA | ENVIRONMENTAL SERVICES

Becky Meyer & William Lloyd – Property owners Becky Meyer & William Lloyd are requesting an Amendment to an Interim Use Permit granted in 2023 allowing a Commercial Kennel on 37.05± acres in the Agricultural (AG) District. The proposed Amendment includes, but is not limited to, relocation of a fenced enclosure for animals, different fencing material for the fenced enclosure than originally proposed, and allowance for animals to be boarded within the dwelling. The subject site is located at 12690 St. Croix Trail / TH 95 in Sunrise Township, S16, T35, R20 (PID 09.00168.00).



RESOLUTION NO. PC2024-0903
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF AN AMENDMENT TO AN INTERIM USE PERMIT ALLOWING A COMMERCIAL KENNEL ON PROPERTY LOCATED AT 12690 ST. CROIX TRAIL / TH 95 IN SUNRISE TOWNSHIP

WHEREAS, property owners Becky Meyer & William Lloyd submitted an application dated received July 31, 2024 and considered complete on August 1, 2024 for an Amendment to an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township; and

WHEREAS, the original Interim Use Permit was granted by the Chisago County Board of Commissioners on July 19, 2023 and the approval was filed by the Chisago County Recorder's Office as Document #A669246; and

WHEREAS, the property owners wish to Amend the 2023 Interim Use Permit in order to change to the location and size of the outdoor fenced enclosure, change the type of fencing material used for the outdoor fenced enclosure, allow for the boarding of dogs within the dwelling, and allow for the commercial sales of pet boarding related products; and

WHEREAS, the 37.05± acre subject site is located in the Agricultural (AG) District and legally described as:

PID 09.00168.00

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

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

WHEREAS, notice was provided and on September 5, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s), and invited members of the public to comment; and

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

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, it does identify as an economic development goal that*

"The County should continue to allow agricultural activities and related agricultural businesses in the Agricultural zoning district." The Chisago County Zoning Ordinance provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.

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

Finding #2 *The previously approved 2023 Interim Use Permit for Commercial Kennel and the proposed Interim Use Permit Amendment will have no associated use of parks, schools, or other public facilities or utilities, and will not create any appreciable demand on St. Croix Trail / TH 95; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

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

Finding #3 *The proposed use – including boarding shed and outdoor play area – is located no closer than approximately 390' from any property boundary and there is well-established landscaping between the boarding shed and outdoor play area and the north, east, and southeast property boundaries (closest property boundaries). The County finds that distance, existing landscaping, required additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours will mitigate potential negative impacts, such as noise, so as to neither cause undue negative impact nor deter future development.*

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

Finding #4 *The proposed Commercial Kennel will utilize an existing 36' x 80' detached accessory structure for boarding shed purposes and an outdoor fenced enclosure / play area with a combined area of 6,556± sf. After reviewing the application materials and the Planning Commission having conducted a site visit on September 4, 2024, the County finds no evidence to suggest that the proposed use will have an appearance that will have an adverse effect upon adjacent properties. Further, the County finds that the appearance of the boarding shed and outdoor play area will have an appearance consistent with similar uses in the Agricultural (AG) District.*

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

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

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

Finding #6 *See Finding #5.*

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

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

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

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County received public comment during the original 2023 Interim Use Permit process from at least one adjacent property owner expressing concerns about potential noise pollution. The County found in 2023, and continues to find, that noise resulting from the Commercial Kennel can be mitigated with distance, maintenance of existing landscaping, installation of additional landscaping, installation of soundproofing insulation in the boarding shed, and implementation of quiet hours. If these measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. <u>This Interim Use Permit (IUP) Amendment supersedes the IUP granted by the Chisago County Board of Commissioners on July 19, 2023 (original IUP) which granted approval for a Commercial Kennel on property located at 12690 St. Croix Trail in Sunrise Township (recorded as Document No. A669246). This Amendment provides modifications to certain aspects of the 2023 approval, including a change to the location and size of the outdoor fenced enclosure and a change to the type of fencing material used for the outdoor fenced enclosure, and allowance for the boarding of dogs within the dwelling and for the commercial sales of pet boarding related products to customers.</u>

2. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) boarded animals at any given time, including but not limited to dogs, cats, rabbits and guinea pigs, as specifically described in the application materials dated received May 30, 2023 (original IUP) and July 31, 2024 (IUP Amendment) and kept on file with the Department of Environmental Services.
3. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
4. No commercial activity, apart from the boarding and day care of animals as described above and the sale of pet boarding related items such as pet food and treats, water, branded apparel and items, and pet care items to Commercial Kennel customers, shall be permitted. No sales of pet boarding related items shall be made to the general public. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
5. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner. In addition to other animals as described in condition no. 2 above, no more than 10 dogs shall be boarded within the dwelling at any given time. Use of the boarding shed for Commercial Kennel purposes shall not preclude the boarding of dogs within the dwelling.
6. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
7. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

   Outdoor activity in the fenced enclosure is limited to no more than 10 dogs at a time in outdoor pen. If more than 10 dogs on site, limited to 50% plus I in outdoor pen at a time.
8. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
9. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
   a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
   b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.

c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the ~~south~~ east side of the outdoor ~~play area~~ fenced enclosure ~~as described in the May 30, 2023 application materials~~. The plantings shall be installed ~~by June 1, 2024~~ prior to the Commercial Kennel opening for business.
d. The required fence shall be installed prior to any boarding of animals.
e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
f. The boarding shed shall be both heated and cooled.

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

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of September, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Request for Extension for Final Plat of Autumn Woods Cottages
Northwest Corner of Rush Lake Trail / CSAH 1 and Belle Isle Drive, Nessel Township
DATE: September 5, 2024

ACTION TO CONSIDER

The Planning Commission will consider granting a one-year extension for submission of the Final Plat of Autumn Woods Cottages.

BACKGROUND

Property owner / subdivider Carol Hauglie requested and was granted Preliminary Plat approval in November 2023 for a 28.2± acre property located at the northwest corner of Rush Lake Trail / CSAH 1 and Belle Isle Drive in Nessel Township. The Chisago County Subdivision Ordinance requires that the request for Final Plat be submitted within one year of Preliminary Plat approval, "unless an extension of time is requested by the subdivider and granted by the County Board upon recommendation of the Planning Commission".

Hauglie submitted a written request, dated August 14, 2024, for a one-year extension for submission of the Final Plat of Autumn Woods Cottages. If the extension is granted by the County Board, Hauglie would be required to submit request for Final Plat by November 15, 2025 rather than November 15, 2024.

STAFF RECOMMENDATION

Staff has not identified any concerns with the requested extension and therefore recommends approval. A resolution has been prepared for the Planning Commission's consideration.

OPTIONS

1. Recommend that the County Board **approve** the request for a one-year extension.
2. Recommend that the County Board **deny** the request for a one-year extension.
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. Being that the request for Final Plat is currently due by November 15, 2024, it's feasible that the Planning Commission could further consider the request at its October 3, 2024 meeting. The request and the Planning Commission's recommendation would be presented to the County Board for consideration on October 16, 2024, allowing Hauglie approximately one month to submit the request for Final Plat if the request for extension is denied.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-0904, a resolution recommending approval of a request for a one-year extension for submission of the Final Plat of Autumn Woods Cottages, with conditions as presented or amended.

ATTACHMENTS

1. Written request for extension
2. Legal Recording for Preliminary Plat
3. Draft Resolution No. PC2024-0904

8/14/24

Attention: Chisago County Planning Commission
Chisago County Board of Commissioners

Subject: Autumn Woods Cottages
Parcel 06.00235.20
Preliminary Plat Approved 11/15/23

Re: Request for a one year extension to complete the final plat procedure. This would be 11/15/25. My plan is to begin initiating the required steps for final plat filing in early 2025.

I have been advised for financial and health reasons a one year extension would be helpful.

I understand this option could be available to me. Please review this request.

Thank you,

Carol Haugli
52275 Rush Lake Trl.
Rush City, MN 55069
[redacted]

Doc# A-**672086**
Recorded on:
November 20, 2023 1:15 PM

KAREN M LONG
CHISAGO COUNTY RECORDER
CHISAGO COUNTY, MN

Fee: **$46.00** Pages: 3
Returned To: CHISAGO COUNTY DEPT OF ENVIRON

STATE OF MINNESOTA)
) ss.
COUNTY OF CHISAGO)

I, Beth Gervais, Land Services Coordinator for the County of Chisago hereby certify that the attached

RESOLUTION NO. 23/1115-4
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF AUTUMN WOODS COTTAGES

is a true and correct record of the decision adopted by the Chisago County Board of Commissioners at a duly authorized meeting thereof held on the 15th day of November, 2023.

Beth Gervais 11-17-23
Beth Gervais, Land Services Coordinator Date

SEAL

This document drafted by:
Beth Gervais, Land Services Coordinator
Chisago County Department of Environmental Services
313 N. Main Street, Suite 240
Center City, MN 55012

Please return to:
Beth Gervais, Land Services Coordinator
Chisago County Department of Environmental Services
313 N. Main Street, Suite 240
Center City, MN 55012

Chase Burnham
County Administrator

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Commissioners:
District 1
Jim Swenson
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Dan Dahlberg

Commissioner Dahlberg offered the following resolution and moved its adoption:

RESOLUTION NO. 23/1115-4
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF AUTUMN WOODS COTTAGES

WHEREAS, property owner Carol Hauglie submitted an application dated received September 27, 2023 and considered complete on October 3, 2023 for the Preliminary Plat of Autumn Woods Cottages; and

WHEREAS, the property owner desires to create six buildable parcels from the 28.20± acre subject site; and

WHEREAS, the subject site is generally located at the northwest corner of Rush Lake Trail / CSAH 1 and Belle Isle Drive in Sunrise Township and is zoned Rural Residential II (RRII) District; and

WHEREAS, the subject site is legally described as:

PID 06.00235.20

That part of the Southwest Quarter of the Northeast Quarter, Section 11, Township 37, Range 22, Chisago County, Minnnesota lying West of the centerline of Chisago County Road No. 1 as laid out and traveled August 14, 2003.

WHEREAS, notice was provided and on November 2, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator and property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Autumn Woods Cottages with conditions per Resolution No. PC2023-1102; and

WHEREAS, the Board of Commissioners considered the request for Preliminary Plat of Autumn Woods Cottages and the Planning Commission's recommendation at its November 15, 2023 meeting and determined the plat to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the Preliminary Plat of Autumn Woods Cottages, subject to the following 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.

Commissioner Greene seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Dahlberg, Greene, Montzka, Swenson
OPPOSED: None
ABSENT: Dunne

Whereupon the proclamation was declared duly **passed** and **adopted**.

Approved: November 15, 2023

Ben Montzka
Chair, Board of Commissioners

ATTEST:

Chase Burnham
County Administrator

CHISAGO COUNTY
NOV 15 2023
BOARD APPROVED

RESOLUTION NO. PC2024-0904
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF A REQUEST FOR A ONE-YEAR EXTENSION FOR SUBMISSION OF THE FINAL PLAT OF AUTUMN WOODS COTTAGES

WHEREAS, property owner Carol Hauglie submitted an application dated received September 27, 2023 and considered complete on October 3, 2023 for the Preliminary Plat of Autumn Woods Cottages; and

WHEREAS, the property owner desires to create six buildable parcels from the 28.20± acre subject site; and

WHEREAS, the subject site is generally located at the northwest corner of Rush Lake Trail / CSAH 1 and Belle Isle Drive in Nessel Township and is zoned Rural Residential II (RRII) District; and

WHEREAS, the subject site is legally described as:

PID 06.00235.20

That part of the Southwest Quarter of the Northeast Quarter, Section 11, Township 37, Range 22, Chisago County, Minnnesota lying West of the centerline of Chisago County Road No. 1 as laid out and traveled August 14, 2003.

WHEREAS, notice was provided and on November 2, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Autumn Woods Cottages with conditions per Resolution No. PC2023-1102; and

WHEREAS, the Board of Commissioners considered the request for Preliminary Plat of Autumn Woods Cottages and the Planning Commission's recommendation at its November 15, 2023 meeting and determined the plat to be consistent with the intent of the County's Zoning and Subdivision Ordinances; and

WHEREAS, the Board of Commissioners approved the Preliminary Plat of Autumn Woods Cottages with conditions per Resolution No. 23/1115-4; and

WHEREAS, the Chisago County Subdivision Ordinance and Resolution No. 23/1115-4 require that the subdivider submit request for Final Plat of Autumn Woods Cottages within one year of Preliminary Plat approval unless an extension of time is requested by the subdivider and granted by the County Board upon recommendation of the Planning Commission; and

WHEREAS, property owner / subdivider Carol Hauglie submitted a written request dated August 14, 2024 for a one-year extension for submission of the Final Plat of Autumn Woods Cottages; and

WHEREAS, the Planning Commission considered the request for extension at its September 5, 2024 meeting.

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

1. The subdivider's request for a one-year extension for the submission of the Final Plat of Autumn Woods Cottages is approved, requiring that the request for Final Plat be submitted by November 15, 2025 rather than November 15, 2024.
2. The Final Plat shall be subject to all previously adopted conditions provided in Resolution No. 23/1115-4, with the exception of condition no. 4.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of September, 2024.

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

_____ ATTEST: _____

Jolene Wille
Chair

Beth Gervais
Land Services Coordinator