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

Planning Commission Tour: Wednesday, December 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. November 7, 2024 Regular Meeting
- 5. Receive all Materials and Submittals into Record**

Previously Distributed:

 - a. Complete meeting packet including staff report(s) with attachments for agenda item(s) 6a and 9a.
- 6. Public Hearings**
 - a. **Garrett Kerkow** – Property owner Garrett Kerkow is requesting an after-the-fact Conditional Use Permit for Major Home Occupation. The proposed business, known as Kerkow Barrel Horses, LLC, will offer horse training and boarding services. The 5± acre subject site is zoned Agricultural (AG) District and located at 19239 310th Street / CSAH 37 in Shafer Township, S33, T34, R19 (PID 08.00330.10).
- 7. Public Hearings – Continued Hearings**

None
- 8. Old Business**

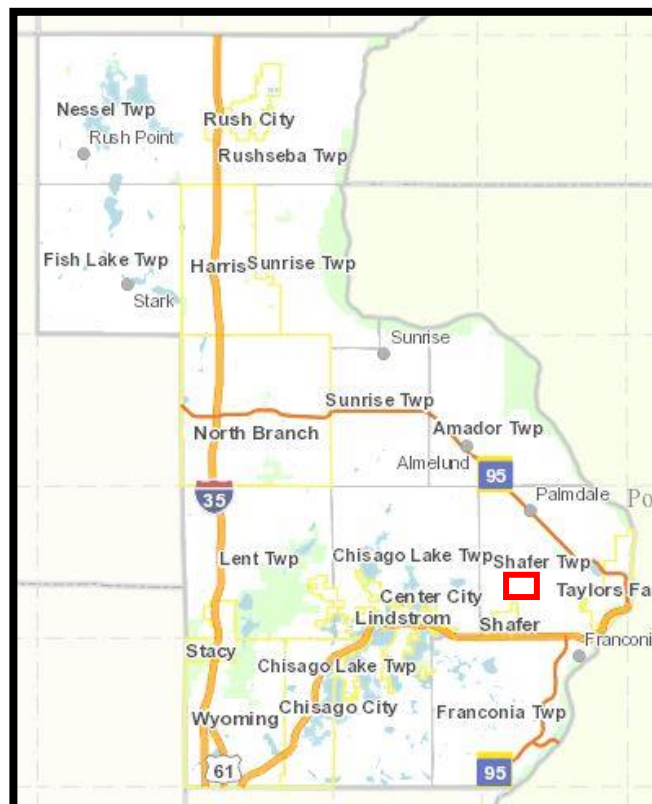
None
- 9. New Business**
 - a. Amendment to 2025 Meeting Schedule
- 10. Communications and Reports**
 - a. County Board Liaison Reports – Commissioners Greene and Dahlberg
- 11. Miscellaneous**
- 12. Adjourn Meeting**
 - The next special work session is scheduled for Thursday, December 19, 2024 at 6:00 pm.
 - The next regular meeting is scheduled for Thursday, January 2, 2025 at 7:00 pm.

Planning Commission

Tour Date and Time:

Wednesday, December 4, 2024 at 9:00 am

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



**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
November 7, 2024**

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

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

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

Approval of Agenda – Director Schneider requested that the Planning Commission add two items to the agenda, including a recently adopted ordinance relating to the regulation and registration of cannabis retail businesses and lower-potency hemp edible retailer businesses and discussion about public notice requirements as part of the Zoning Ordinance update. **Motion** by DuBose to approve the agenda as amended; second by Sutcliffe. The **motion passed** 6-0.

Approval of Minutes – **Motion** by Sutcliffe to approve the October 3, 2024, regular meeting minutes as presented; second by Whitney. The **motion passed** 6-0.

Receive all Materials and Submittals into Record – **Motion** by DuBose to accept all materials and submittals into the record, including written testimony from James and Dorothy Notsch of 42996 Daisy Avenue, Fish Lake Township for the requested After-the-Fact Interim Use Permit (agenda item 6b), Chisago County Ordinance #2024-1107-1, an ordinance relating to the regulation and registration of cannabis retail businesses and lower-potency hemp edible retailer businesses, and supplemental information for the discussion about public notice requirements; second by Sutcliffe. The **motion passed** 6-0. 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

Kale Wolff and Federated Co-ops, Inc. – Coordinator Gervais provided background on the request for the approval of a Conditional Use Permit allowing a Bulk Gas or Fuel Facility on 2.95± acres (combination of two parcels) in the Rural Village Center (RVC) District. The subject parcels were located at 18397 St. Croix Trail / TH95 in Shafter Township, S9, T34, R19 (PIDs 08.00099.00 and 08.00095.00).

Gervais shared that property owner Kale Wolff and applicant Federated Co-ops, Inc. were seeking approval to locate two 30,000-gallon LP gas storage tanks on two parcels in the Rural Village Center (RVC) District. Gervais noted that, under Zoning Ordinance Section 4.05 Essential Services and Transmission Services, this was a permitted use with the issuance of a Conditional Use Permit. Gervais continued by reviewing details of the subject site noting that the north parcel appeared to have four access points from St. Croix Trail / TH 95 but did not have direct access to the roadway being that an adjacent parcel was situated between the subject site and the roadway. Staff was under the impression that the applicant was negotiating the purchase of or was in the process of purchasing land from the adjacent property owner, including the strip between the subject parcels and St. Croix Trail / TH 95. Gervais shared that the other two properties within the RVC District were developed

with dwellings and related detached accessory structures. The other surrounding properties were located within the Agricultural (AG) District and appeared to be developed for residential use and or used for agricultural purposes. Gervais provided detail of the proposed use, sharing that Federated Co-ops, Inc. had one 30,000-gallon tank already located in Amador Township and was proposing to relocate this tank to the subject site and add a second 30,000-gallon tank at the same time. The site would serve as a propane gas bulk plant storage and loading facility. The facility would be designed and used to receive propane gas by truck transport and to load trucks for local propane deliveries to residential, commercial, and agricultural customers in the surrounding area. Gervais reviewed the application materials at length including details about construction, construction timeline, lighting, and the location of the tanks and their setbacks from the roadway and adjacent property boundaries.

The Technical Review Committee met with Mark Grave of Federated Co-ops, Inc. on October 9, 2024. The group discussed access to St. Croix Trail / TH 95 and the applicant's efforts to acquire land between the subject site and the roadway, and the proposed use of downcast LED Lighting. The Committee did not identify any immediate concerns. The Shafer Town Board considered the request at its October 10, 2024 meeting. While the Town Board did not specifically note on the Township Presentation Form whether it offered a recommendation of approval or denial, the Town Board commented that the applicant should install downcast lighting and meet with fire departments to review the emergency plan. The State mandated review period was scheduled to expire on November 29, 2024.

Coordinator Gervais concluded by offering a recommendation of approval with draft Findings of Fact and conditions and reviewed options available to the Planning Commission. Gervais noted that the recommended conditions of approval did not include any conditions related to screening of the proposed use from adjacent properties. While staff recognized that the proposed tanks would be difficult to screen, Gervais suggested that the Planning Commission may wish to address screening of other potential impacts, such as headlight wash.

Chair Wille invited the applicant to address the Planning Commission. Tim Loescher, Location Manager for the Osceola, WI facility, was present on behalf of Federated Co-ops, Inc. but had no additional information to offer. McCarthy inquired if Federated Co-ops, Inc. had any intention to expand the proposed use in the future. Loescher stated that it would be unlikely that the use would expand beyond the two proposed 30,000-gallon tanks.

Chair Wille opened the public hearing and sought comment.

John Schmalz of 30619 Shady Avenue, Shafer Township shared that he served on the Shafer Town Board and the Town Board had indeed recommended approval of the proposed Conditional Use Permit. Schmalz added that he believed the proposed use would be a good fit in the area and a good use of the property.

With no additional members of the audience wishing to speak, **motion** by Sutcliffe to close the public hearing; second by Leivian. The **motion passed** 6-0.

McCarthy commented that historically the subject site had been a commercial area, and he didn't believe that screening would be necessary as the proposed use was low intensity. McCarthy also noted that the Almelund location did not have screening.

Motion by DuBose to adopt Resolution No. PC2024-1101, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing a Bulk Gas or Fuel Facility on property located at 18397 St. Croix Trail / TH 95 in Shafer Township, as presented; second by Whitney. The **motion passed** 6-0.

Recommended Conditions:

1. This Conditional Use Permit for Bulk Gas or Fuel Facility allows for the construction and operation of a propane gas bulk plant storage and loading facility, including the placement and use of two 30,000-gallon tanks, in accordance with the application materials dated received September 24, 2024 (including subsequent materials received by the Department from the applicant via email on October 2, 2024 and October 3, 2024) and kept on file with the Chisago County Department of Environmental Services and in accordance with the conditions contained herein.
2. Placement of the tanks shall generally conform to the site plan submitted to and kept on file with the Department of Environmental Services, including meeting or exceeding the proposed setbacks of 135' from the centerline of St. Croix Trail / TH 95, 55' from the south property boundary, and 200'+ from the west and north property boundaries.
3. The permit holder shall provide copy of the final Emergency Response / Action Plan, created specifically for the subject site, to the Department of Environmental Services and the area fire department(s) which serve(s) the subject site.
4. The submitted lighting plan is hereby approved, with the requirements that all exterior lighting shall be downcast LED lighting and that the lights shall have sensors and be activated dusk to dawn.
5. Prior to submission of application for building permit, the property owner shall combine the two subject parcels (PIDs 08.00099.00 and 08.00095.00). Further, the lot combination process shall be complete prior to building permit application submittal.
6. Prior to issuance of building permit, the permit holder shall provide the Department of Environmental Services with evidence demonstrating legal access to the subject site.
7. All of the conditions listed above shall be satisfied prior to commencement of the approved Bulk Gas or Fuel Facility use.
8. The facility shall not operate between the hours of 10:00 pm and 6:00 am, meaning that there shall be no Bulk Gas or Fuel Facility related traffic on-site or loading / unloading of liquid propane during these hours.
9. The tanks shall be painted in such a manner as to prevent glare from adjacent properties and roadway traffic and, further, the appearance of the tanks shall be maintained in good repair (i.e., no prolonged chipping or otherwise unmaintained appearance).
10. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
11. The property and uses thereon are subject to all applicable local, State and Federal codes, including Zoning, Building and Septic Codes, and the National Fire Protection Association.
12. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
13. Any significant deviation from the approved use or any significant expansion or intensification of the approved use, as determined by the Department of Environmental Services, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of Conditional Use Permit Amendment. The term "significant expansion or intensification" may mean, but is not limited to, placement of additional bulk tank(s) or temporary storage of "residential" tanks.

Behrant Miller & Samantha Riehm – Coordinator Gervais provided background on the request for the approval of an after-the-fact Interim Use Permit allowing a Contracting Business Owned and Operated by Persons Residing at the Property on 40± acres in the Agricultural (AG) District. The business was known as East Central Masonry, LLC and the subject site was located at 42895 Daisy Avenue in Fish Lake Township, S35, T36, R22 (PID 03.00538.00).

Gervais shared that the subject site had been developed with a dwelling and multiple detached accessory structures and noted that all structures were generally situated in the northwest corner of the subject site. Gervais spoke briefly about the subject site, indicating that it was located in the AG District and surrounding parcels ranged significantly in size from five acres to nearly 100 acres, with the majority of properties currently used for residential and/or agricultural purposes. Gervais reviewed the application materials sharing that Miller was a masonry contractor and chimney sweep, specializing in chimney restoration and repair. Business activities included fireplace restoration and repair, masonry related to new residential and commercial construction, residential and commercial construction, residential and commercial masonry repair, and fireplace and stove installations. The application also included details on employees, scope of business activity, hours of operation, buildings and structures, materials and equipment stored on-site, trash disposal, setbacks from neighboring properties, and visual screening.

The Technical Review Committee met with property / business owner Behrant Miller on October 9, 2024. The group discussed the business, possible methods and the purpose for screening, and, given that the written narrative described use of a conex box for storage of supplies and tools, staff noted that the County currently prohibited the use of shipping containers. The Committee did not identify any other immediate concerns. The Fish Lake Town Board considered the request at its October 14, 2024 meeting and recommended approval with no conditions or comments. The State mandated 60-day review period was scheduled to expire on November 29, 2024.

Coordinator Gervais concluded by offering a recommendation of approval with draft Findings of Fact and conditions and reviewed options available to the Planning Commission. Gervais noted that, in an effort to address potential negative impacts to surrounding properties / property owners, the recommended conditions of approval included the establishment of hours of operation, limiting the timing of deliveries, and additional screening measures. In regard to screening, Gervais pointed out that staff had provided two options for the Commission's consideration (recommended condition nos. 5c and 5d).

Chair Wille invited the applicant to address the Planning Commission. Property / business owner Behrant Miller was present and addressed the Planning Commission. Having obtained cost estimates for screening trees, Miller stated that the cost of planting six-foot tall trees would be \$35,000. Miller referenced the November 6, 2024 site visit explaining that the majority of materials on-site were not for his personal business but were instead excess materials he received from his full-time job for personal use. Miller shared that he worked full-time for a masonry business and he received free materials which were left-over from jobs and he then sold these materials. Miller added that about 15% of the items on-site during the Planning Commission's visit were for his personal business and the remainder were for his personal use. DuBose asked the applicant about his future plans for storage of materials, referencing that Miller had indicated that he intended to move the materials below the first retaining wall (east of the existing storage yard and structure E on the site map). Miller responded that his goal was to relocate the materials from their current location to the area east of / below the retaining wall. DuBose followed up by asking how Miller intended to use the existing storage yard after the materials were relocated. Miller stated that the existing storage yard had been graded and could be used for as a building site for a pole building in the future. Miller added that he had no intention of building a pole building but it may make the property more marketable. Miller added, in regard to the conex box, that he decided to remove it from the property. Miller shared that, when the proposal was written, the site work hadn't been completed and, now

that it was done, it no longer made sense to keep the conex box. McCarthy asked if the conex box was intended to be for temporary use. Miller responded in the affirmative. McCarthy explained that the County was considering allowing the use of storage containers as part of the Zoning Ordinance update and Miller may have the opportunity for such use if the Ordinance was adopted as recommended by the Planning Commission and he was able to meet all requirements. McCarthy referenced written testimony received from James & Dorothy Notsch which, among other things, expressed concern about concrete washout and he requested more information from Miller on this issue. Miller said that his work didn't produce any washout. Miller explained his process for the small-scale concrete casting and how he did everything the same day and the small quantity of concrete was mixed in a wheelbarrow. McCarthy stated that he had concerns with the retaining wall and noted that a wall of that size, being greater than four feet in height, would require a building permit. Miller explained that he believed a building permit was only necessary if the wall was over six feet in height, adding that he would apply for a building permit if necessary. Whitney asked Miller if, prior to applying for the IUP, he had intended to plant trees for screening. Miller answered that he had intended to plant trees and had recently ordered a large quantity of trees. Miller shared that a few years ago he had planted 265 Norway Spruce saplings but, due to two years of drought, they had all died. For purposes of screening for the proposed IUP, Miller added that he intended to hire a landscaping company to plant the trees. Whitney asked if the semi-trucks, which were cited in written testimony, were related to his personal masonry business. Miller responded that semi-trucks had never been used to deliver materials for his business and the most recent semi-truck delivery was for his bee keeping equipment. Leivian asked Miller if the bricks on-site were for his personal business. Miller responded that only approximately 500 of the 6,000-8,000 bricks on-site were owned by East Central Masonry / his personal business. Miller reiterated that he worked full-time for a commercial masonry outfit and he received excess materials.

Chair Wille opened the public hearing and sought comment.

Lochlan Stuart of 42395 Daisy Avenue, Fish Lake Township stated that she was speaking on behalf of James & Dorothy Notsch of 42996 Daisy Avenue, Fish Lake Township. Stuart shared that they had reviewed the staff report and draft resolution with recommended conditions of approval, and they wanted to share some concerns that had not been addressed. The first concern that Stuart shared was that the Notsch's wanted a clear understanding of the commercial operations which could take place on the property. Stuart mentioned that the Notsch's had observed many semi-trucks entering and leaving the property and they believed the activity to be commercial in nature as the trucks were loaded with fill and concrete blocks. Stuart added that the Notsch's requested that it be made clear to Miller that the IUP, if approved, would be specific to Miller and no other person or business would be allowed to conduct commercial activity on his property. For purposes of screening, Stuart noted that the Notsch's proposed that Miller install a 100' x 100' privacy fence along the property boundaries as it would provide sufficient screening and would be significantly cheaper than installing trees. Stuart concluded by stating that the Notsch's were supportive of Miller's business and hoped that neighborly relations would improve.

With no additional members of the audience wishing to speak, ***motion*** by Sutcliffe to close the public hearing; second by Whitney. The **motion passed** 6-0.

DuBose referenced the November 6, 2024 site visit noting that he believed the materials were set far enough back from the road and, with Miller's intent to move the materials below the retaining wall, he believed the applicant's visual screening plan to be sufficient for purposes of screening. Chair Wille sought clarification from DuBose, asking if he supported the planting of 2' tall trees as part of recommended condition no. 5 as opposed to staff's recommendation of 6' tall trees. DuBose responded in the affirmative. Whitney agreed with DuBose's statement and, in an effort to address the Notsch's concern, suggested that there was already sufficient screening based on distance from the road. Whitney added that, based on the applicant's testimony, most of

the materials on-site weren't related to the IUP but were instead for the applicant's personal use. McCarthy commented that a fence would be an easier screening option for Miller because the fence could go right up against the storage yard as opposed to planting hundreds of trees. McCarthy added that he would support a condition requiring an after-the-fact building permit for the existing retaining wall. Leivian asked if the retaining wall was within the scope of the Planning Commission's review of the request for IUP and if the Planning Commission was able to comment on the retaining wall and/or add conditions related to the retaining wall. DuBose responded that a building permit was required either way, whether it was included as a condition of approval or not. McCarthy noted that Miller and staff were aware of the issue and he felt comfortable that it would be resolved.

Motion by DuBose to adopt Resolution No. PC2024-1102, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing a Contracting Business Owned and Operated by Persons Residing at the Property on property located at 42895 Daisy Avenue in Fish Lake Township, as presented with the exception that recommended condition nos. 5c and 5d be eliminated and replaced by the applicant's "visual screening plan"; second by Whitney. The **motion passed** 6-0.

Recommended Conditions:

1. This Interim Use Permit grants approval for the operation of a Contracting Business specializing in masonry construction / repair and chimney installation / restoration / repair as specifically described in the application materials dated received September 25, 2024 and kept on file with the Chisago County Department of Environmental Services. No commercial or retail activity, apart from the activities described in the application materials, shall be permitted as part of this approval.
2. Aside from office work conducted indoors, all Contracting Business activity taking place on-site – including loading / unloading of trucks and trailers, small-scale concrete casting for chimney crowns or other precast concrete applications, organization of tools, equipment and materials, and the cutting of materials – shall be allowed to operate Monday through Saturday (no Sundays) with hours of operation being 7:00 am to 9:00 pm. This condition is not intended to establish hours of operation for Contracting Business activity taking place off-site.
3. Deliveries related to the approved Contracting Business shall be limited to Monday through Saturday (no Sundays) between the hours of 8:00 am and 6:00 pm.
4. The Contracting Business shall not be open to the public; however, any sales of excess Contracting Business materials from the subject site shall be conducted by appointment.
5. To mitigate potential adverse impacts related to noise and appearance, the Contracting Business shall be subject to the following:
 - a. Noise generated from the approved use shall be subject to the Chisago County noise standards. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries.
 - b. The permit holder shall maintain existing tree cover and replace dying, dead, or downed trees located between the area of business operations and the surrounding property boundaries to the greatest extent possible.
 - c. The permit holder shall install screening in accordance with the Visual Screening Plan dated received September 25, 2024 and kept on file with the Department of Environmental Services, as follows:
 - i. Two staggered rows of 2' tall white pine trees planted no greater than 13' apart adjacent to Daisy Avenue (between the north driveway and 430th Street) and 430th Street (between Daisy Avenue and existing tree cover), with an approximate quantity of 100 trees.

- ii. Two staggered rows of bareroot black walnut trees planted no greater than 14' apart adjacent to the north driveway and north boundary of the storage lot, with an approximate quantity of 52 trees. Trees tubes shall be utilized to aid in the growth of these trees.
 - iii. Screening shall be fully installed within one year of the date of Interim Use Permit approval.
6. There shall be no employees, other than the property owners, reporting to / departing from the subject site or working at the subject site.
 7. The use of conex boxes (aka, shipping containers) shall not be allowed. Any conex boxes currently on site shall be removed within six months of Interim Use Permit approval, unless the Chisago County Zoning Ordinance is amended before the end of six months to allow storage containers and the use complies with all established requirements.
 8. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
 9. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by either Behrant Miller or Samantha Riehm.
 10. Any expansion or intensification of the approved use – including, but not limited to, the construction of new structures used for the Contracting Business, the addition of employees reporting to / departing from the subject site or working at the subject site, expanded hours of operation, or other expansion or intensification as determined by the Chisago County Department of Environmental Services – shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment. The County acknowledges that the permit holder intends to construct a lean-to addition on the structure labeled "D" on the approved site plan, and the construction of this addition shall be allowed with this approval so long as it's constructed in compliance with all applicable codes and regulations.
 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.

Public Hearings – Continued Hearings

None

Old Business

None

New Business

2025 Planning Commission Meeting Schedule – Motion by Whitney to adopt the Chisago County Planning Commission 2025 Meeting Schedule as presented; second by DuBose. The **motion passed** 6-0.

Chisago County Ordinance Relating to the Regulation and Registration of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retailer Businesses – Director Schneider provided the Planning Commission with a copy of the recently adopted Chisago County Ordinance #2024-1107-1, an ordinance relating to the regulation and registration of cannabis retail businesses and lower-potency help edible retailer businesses. Schneider informed the Planning Commission that the ordinance included Subsection 2.1 which provided minimum setback requirements from various uses, such as schools, daycare facilities, places of worship, and others, and

suggested that the setbacks be incorporated into the draft Zoning Ordinance. The Planning Commission discussed the ordinance at length and agreed by consensus to include the setback requirements in the draft Zoning Ordinance.

Public Notice Discussion / Recommendation – Director Schneider explained that the Planning Commission had previously recommended an increased public notice requirement for Conditional Use Permits and Interim Use Permits as part of the Zoning Ordinance update, and shared that staff had concerns with this recommended increase. Schneider provided the Planning Commission with a summary of statutory requirements, current Zoning Ordinance requirements, draft Zoning Ordinance requirements, and staff's recommendations. Schneider noted that the current Zoning Ordinance followed the statutory requirement (1/4 mile or 10 nearest properties, whichever was greater) and the Planning Commission's recommended notification requirement (1.5 miles or 10 nearest properties, whichever was greater) far exceeded the statutory requirement. Schneider explained that, as recommended by the Commission and depending on the exact location, the County could potentially be required to provide notice to an entire city which would be extremely costly. Schneider offered a recommendation to continue to follow the statutory requirement of 1/4 mile but require that the 20 nearest properties receive notification rather than the 10 nearest properties. The Planning Commission discussed staff's concerns and agreed by consensus to amend their recommendation in accordance with staff's recommendation of notices for Conditional Use Permits and Interim Use Permits being sent to all property owners within ¼ mile or the 20 nearest properties, whichever was greater.

Communications and Reports

County Board Liaison Reports – County Commissioner Greene stated that the recently adopted ordinance relating to the regulation and registration of cannabis retail businesses was provided to all Chisago County Townships and Cities. Greene inquired when the County Board would receive final drafts of the Zoning, Subdivision, and Shoreland Management Ordinances for consideration and adoption. Schneider responded by sharing that staff had two meetings scheduled with the consultant for the week of November 11, 2024 to review the final drafts and resolve any outstanding issues, and he was hopeful that final drafts would be presented to the County Board in December. Greene shared that, at a recent Township meeting, some Townships had expressed concerns with driveways being installed in relation to Conditional Use Permits and Interim Use Permits. The Townships had shared that citizens would receive their CUP or IUP and start building without a driveway in place. Greene acknowledged that some Townships said that the driveway permit process was working well and others were stating that there was no communication. DuBose asked if there was verbiage on the building permit application indicating that the applicant had to verify driveway requirements with the Township. Greene asked if a condition of approval could be added to CUPs and IUPs requiring that the applicant work with the Township on the driveway permitting process. Chair Wille asked Greene if this issue related specifically to CUPs and IUPs or to all new construction. Greene responded that it related to CUPs, IUPs, and new construction. McCarthy shared that, as it related to Sunrise Township, things were lagging too much and driveways were not being assigned house numbers because the permit didn't go to the Township soon enough. DuBose suggested that the Planning Commission could make the driveway permit a standard condition of approval for CUPs and IUPs. Director Schneider stated that he appreciated the discussion and he believed the first step would be to speak with the Townships to learn more about their concerns. Schneider reviewed the current process, explaining that an address was assigned to a property prior to issuance of a building permit and noted that every Township had different driveway and driveway permitting requirements. Schneider noted that, in the past, the Department of Environmental Services had collected driveway permit fees for the Townships and this process was currently in the process of changing, requiring that the Townships administer their own driveway permitting processes. Schneider stated that this discussion was a good reminder to consider access to a property when considering CUP and IUP requests. Sutcliffe stated that it was his understanding that the County collected fees for driveways and E911 signs in Nessel Township. Schneider informed Sutcliffe that the transition, if it had not already taken place, would be taking effect at some point in the near future. DuBose

suggested letting applicants know that they would need to check with their respective Township prior to building. Whitney commented that there was already a standard condition of approval which stated that the permit holder would be required to follow all applicable codes, noting that the Planning Commission could add driveways to this same condition. Sutcliffe asked if, through the building permit process, it could be a requirement to have the driveway installed prior to issuance of the building permit. Schneider stated that it could possibly be added as a step during the building permit intake process and noted that this may become easier with the upcoming implementation of an online permitting program. Chair Wille asked if the Townships were discussing driveway concerns with applicants during the Township meetings required for all CUPs and IUPs. Audience member John Schmalz, representing the Shafer Town Board, addressed the Planning Commission and noted that a couple of houses were recently built without the necessary driveway permits and, from his experience, driveways were not always constructed to Township specifications. Schmalz asked if it would be possible to withhold Certificates of Occupancy until driveways were approved by the Townships. Schneider responded that, with the new online permitting program, there would be various ways to ensure that the driveway issue was addressed. Sutcliffe asked how the Townships would collect money for the driveways, E911 signs, and mailboxes. In response, Schmalz shared Shafer Township's process. Sutcliffe stated that Nessel Township followed the same process, but the County collected the money. Schneider provided insight stating that a system would need to be created by the Township.

Miscellaneous

None

Motion by DuBose to cancel the special work session scheduled for November 21, 2024; second by Sutcliffe. The **motion passed** 6-0.

Adjourn Meeting – Motion by DuBose to adjourn the meeting; second by Leivian. The **motion passed** 6-0. The meeting adjourned at 8:26 PM.

Jolene Wille
Chair

ATTEST:

Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: After-the-Fact Conditional Use Permit for Major Home Occupation
 19239 310th Street / CSAH 37, Shafer Township
 DATE: December 5, 2024

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an after-the-fact Conditional Use Permit (CUP) allowing a Major Home Occupation for the training and boarding of horses in the Agricultural (AG) District.

SITE & APPLICATION INFORMATION

Property Owner(s): Garrett Kerkow
 Applicant(s): Garrett Kerkow
 General Location: 19239 310th Street / CSAH 37
 Shafer Township
 Section 33, Township 34, Range 19
 PID: 08.00330.10
 Property Area: 5± acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Agricultural (AG) District
 East: Agricultural (AG) District
 West: Agricultural (AG) District
 Date Application Received: October 24, 2024
 Date Application Complete: November 4, 2024
 60-Day Review Period: January 3, 2025

BACKGROUND

Property owner Garrett Kerkow has applied for an after-the-fact CUP for Major Home Occupation. The business, known as Kerkow Barrel Horses, LLC, will offer horse training and boarding services on the 5± acre subject site.



SITE ANALYSIS

The 5± acre subject site is located at the southwest corner of 310th Street / CSAH 37 and Teal Avenue in Shafer Township. Aside from a berm in the northwest corner of the subject site (adjacent to 310th Street / CSAH 37) and another along the east property boundary (adjacent to Teal Avenue), topography of the site includes fairly level elevations ranging from 917' to 921'. There is sparse tree cover in the area of the existing structures and larger stands of trees along the east property boundary and near the southeast corner of the site. Based on the attached site plan and the County's GIS Viewer, staff approximates that 1.5 acres are used as pasture, along with approximately .3 acres on the neighboring property to the south. There are no wetlands per the National Wetland Inventory.

The subject site is located in the AG District and is entirely surrounded by the AG District. Properties in the general area range significantly in size from 2.5 acres to nearly 112 acres, with the majority of properties currently used for residential and/or agricultural purposes.

The site has been developed with a dwelling and multiple detached accessory structures, consistent with properties in the AG District. Access to the site is currently gained from 310th Street / CSAH 37, which is a well-established and well-maintained County road.

PROPOSAL ANALYSIS

The attached written narrative explains that Kerkow Barrel Horses, LLC trains and competes in the equine sport of barrel racing. The business will train a maximum of 10 horses per month, with training services provided on a month-to-month basis. A horse in full-time training is boarded at the subject site for the duration of training. The written narrative suggests that some horses may be owned by the business / property owner while others are owned by customers.

The application materials offer the following details about Kerkow Barrel Horses, LLC and the request for CUP for Major Home Occupation:

- Hours of Operation –
 - Because the business is not open to the public and is currently staffed only by residents of the property, the business does not have established hours of operation.
 - Moving forward, for the purposes of the CUP, the business proposes to operate between the hours of 8:00 am and 8:00 pm.
- Employees –
 - Aside from the property owner and residents of the property, there are currently no employees.
 - The business proposes having up to five employees in the future.
- Buildings / Structures –
 - The subject site currently features five box stalls for horses to live / stay while on-site for training.

- The property / business owner is proposing the construction of a new 70' x 112' (7,840 sf) structure to serve as an indoor arena. The arena will be used for the riding and training of horses on a year-round basis.
- The arena will feature an additional five box stalls, for a total of 10 box stalls. The arena will not include any viewing areas or bleachers.
- The proposed arena will not be available to be rented by the general public, nor will customers have unlimited access to or use of the structure.
- Access –
 - Access to the subject site is currently gained from 310th Street / CSAH 37, which is a well-established and well-maintained paved County road.
 - The site plan indicates a new second access from Teal Avenue, which is a gravel surfaced Township road. Teal Avenue is a dead-end road which extends approximately one-quarter mile south from 310th Street / CSAH 37. It appears that the new driveway will eliminate some of the existing tree cover adjacent to the east property boundary / Teal Avenue; however, it's unclear to staff exactly how many trees will be removed and how many will remain.
- Landscaping and Screening –
 - The written narrative explains that a suitable landscape and fencing is proposed; however, staff notes that the applicant has not provided specific detail on this topic other than to suggest that grass will be planted around the proposed structure and horse fencing currently exists.
 - It does not appear that the applicant is proposing any new screening or landscaping for purposes of screening. However, based on the site plan and topography of the site, it seems that the pasture is currently screened from the north and east by berms and tree cover, and is similar and consistent with neighboring land uses to the west and south. The proposed arena will be screened from the east by existing tree cover and partially screened from the west and south by existing tree cover and existing structures, but there does not appear to be any existing or proposed screening to the north.
- Vehicles and Equipment –
 - All vehicles and equipment routinely on-site are owned by the property owner and not the business. These vehicles include two passenger vehicles, a truck, and a horse trailer.
 - While not specifically mentioned in the application materials, it's reasonable to assume that there will be customer trucks and trailers on-site when horses are delivered to and collected from the subject site. The Planning Commission may wish to discuss traffic impacts, such as the drop-off and pick-up schedule and the amount of anticipated traffic, with the applicant.

- Manure and Waste Disposal –
 - Manure is / will be removed from the subject site and land applied in St. Croix Falls, WI once a month. The manure will be removed and hauled by Kerkow Barrel Horses, LLC.
 - General waste disposal is managed by Chisago Lakes Sanitation with service provided on a weekly basis.
- Setbacks from Neighboring Properties –
 - The site plan shows approximately 1.5 acres of pasture in the southern portion of the subject site. This pasture abuts the west and south property boundaries and an additional approximate .3 acres extends into the property immediately south (acreage based on the site plan and the County's GIS Viewer). Staff notes that the written narrative describes the neighboring grazing land as being one acre in size.
 - The proposed arena is shown to be located approximately 150' from the centerline of 310th Street / CSAH 37 and approximately 122' from the centerline of Teal Avenue, where the required setbacks are 135' from the centerline of CSAHs and 40' from Township Right-of-Way or 73' from centerline where no Right-of-Way exists. Additionally, the structure is shown to be approximately 128' from the south property boundary and, based on the County's GIS Viewer, staff estimates the structure to be approximately 460' from the west property boundary. Staff has no concerns with the proposed structural setbacks.
 - The image below shows the subject property outlined in red and the blue dots represent the closest neighboring dwellings.



REVIEW PROCESS

The Technical Review Committee met with property / business owner Garrett Kerkow on November 13, 2024. Kerkow reviewed details of the request and indicated that he was working with Shafer Township, serving as Road Authority, on permitting and installation of a second driveway, with the second driveway being accessed from Teal Avenue. The Committee did not identify any immediate concerns with the request.

The Shafer Town Board considered the request at its November 14, 2024 meeting and recommended approval with the conditions that either trees be planted or a fence be installed along 310th Street / CSAH 37 and lighting be down cast.

The application was submitted on October 24, 2024 and deemed complete on November 4, 2024. The State mandated 60-day review period expires on January 3, 2025.

WRITTEN TESTIMONY

As of completion of the staff report, the County received written testimony from Marc & Shannon Polsfuss of 30787 Teal Avenue.

FINDINGS OF FACT

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

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

Finding #1 Chapter 6 of the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan and either meets or has the ability to meet, with application of appropriate conditions of approval, all performance standards provided in Zoning Ordinance Section 4.04, C.

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

Finding #2 The proposed use will utilize existing private sanitary facilities, private utilities, and off-street parking for customers and employees, and access to the subject site will be gained from the well-established and well-maintained 310th Street / CSAH 37 and Teal Avenue. Further, there is no evidence to suggest that the proposed use will have any impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Major Home Occupation

will not create an excessive demand on existing parks, schools, streets, or other public facilities and utilities which serve the subject site and surrounding area.

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 subject site and proposed use are largely screened from adjacent properties by existing berming, natural vegetation (trees) and distance; however, the Shafer Town Board has identified a need for additional screening between the proposed 70' x 112' structure and 310th Street / CSAH 37. Therefore, the County finds that the proposed use, with existing screening and distance and the implementation of a condition requiring additional screening, will be sufficiently screened and/or separated by distance from adjacent properties so as to not cause undue negative impact or 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 Major Home Occupation, including the training and boarding of horses, will primarily be conducted within a proposed 70' x 112' structure. Based on the description provided in the application materials submitted to the County on October 24, 2024, the County finds that the proposed structure will be constructed in a manner which will be aesthetically pleasing and generally consistent with structures found in the County's Agricultural (AG) District. Therefore, the County finds no evidence to suggest that the proposed use or proposed structure will have an appearance which would cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance identifies Major Home Occupations as an allowable Conditional Use in various zoning districts, including the Agricultural (AG) District. The County finds that the proposed use, including the training and boarding of horses, is consistent with the purposes of the AG District and consistent with existing land uses in the general area of the subject site. Further, as described in Finding #1 above, the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. Therefore, the County finds that the proposed use directly relates to the land use goals of the County.*

- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 See Finding #5.
-
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 *The subject site is located immediately adjacent to a well-established and well-maintained road system, including 310th Street / CSAH 37 to the north and Teal Avenue to the east. As proposed, the Major Home Occupation will not be open to the general public and will not feature events which would generate a significant increase in the amount of traffic entering and existing the site. Further, neither the Chisago County Highway Department, serving as Road Authority for 310th Street / CSAH 37, nor the Shafer Town Board, serving as Road Authority for Teal Avenue, expressed any concerns about impacts related to traffic hazard or congestion as a result of the proposed use. Therefore, the County finds no evidence to suggest that the proposed use will cause traffic hazards or congestion.*
-
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 *The proposed Major Home Occupation will primarily be conducted within a proposed 70' x 112' structure. Other areas of the subject site will also be utilized for business purposes, including pastureland. Based on the nature of the proposed use, the limited number of employees, and the business not being open to the general public, the County finds that the proposed use will likely not cause adverse impacts to nearby properties by way of noise or glare. Further, based on the nature of the business, existing berming and vegetation, and the implementation of a condition requiring additional screening, the County finds that the proposed use will be consistent with nearby properties and the Agricultural (AG) District as a whole and will not cause adverse impacts by way of general unsightliness.*

STAFF RECOMMENDATION

Staff believes that the proposed CUP complies with and is consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after completion of this report or during the course of the public hearing, **staff recommends approval** of the request with draft Findings of Fact (see above) and recommended conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This Conditional Use Permit grants approval for the operation of a Major Home Occupation for the training and boarding of horses as described in the application materials dated received October 24, 2024 and kept on file with the Chisago County

Department of Environmental Services and as conditioned herein.

2. The Major Home Occupation shall be limited to the training and boarding of no more than ten (10) horses at any given time.
3. All Major Home Occupation activities taking place outside of the dwelling, including, but not limited to, delivery and collection of customer-owned horses and the training of customer-owned horses, shall be allowed on a year-round basis with hours of operation being 8:00 am to 8:00 pm.
4. In addition to the property owner and residents of the subject site, there shall be no more than five (5) employees on site at any given time.
5. The Major Home Occupation business shall not be open to the public. Additionally, no structure or land used in association with the business shall feature bleachers or general public seating areas.
6. No structure or land used in association with the Major Home Occupation shall be made available to be rented by the general public, nor will customers of the business have direct access to the structures or land.
7. All animal waste shall be disposed of in a legal and appropriate manner.
8. To mitigate potential adverse impacts related to noise and appearance, the Major Home Occupation business shall be subject to the following:
 - a. The permit holder shall maintain existing tree cover and replace dying, dead, or downed trees located between the area of business operations and the surrounding property boundaries to the greatest extent possible.
 - b. The permit holder shall install a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center, which meet or exceed 75% opacity within three years of the approval date, adjacent to the north property boundary extending from the driveway to the east property boundary. This screening shall be fully installed within one year of the date of Conditional Use Permit approval.
9. The permit holder shall utilize downcast LED lighting for all outdoor lighting.
10. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
11. Any expansion or intensification of the approved use – including, but not limited to, the construction of new structures used for the Major Home Occupation, an increase in the number of employees, an increase in the number of horses trained and/or boarded, expanded hours of operation, or other expansion or intensification as determined by the Chisago County Department of Environmental Services – shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Conditional Use Permit Amendment. The County acknowledges that the permit holder has obtained a building permit for the construction of the proposed arena, and this structure shall be allowed with this approval so long as it's constructed in compliance with the building permit and all applicable codes and regulations.

12. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions as presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific finding(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 proposed Conditional Use Permit. If continuing the public hearing, the Commission should also include in its motion a **60-day extension** of the review period being that the initial 60-day review period expires on January 3, 2025.
4. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. If tabling the request, the Commission should also include in its motion a **60-day extension** of the review period being that the initial 60-day review period expires on January 3, 2025.

ACTION REQUESTED

Motion to adopt Resolution No. PC2024-1201, a resolution recommending approval of a Conditional Use Permit for Major Home Occupation on property located at 19239 310th Street / CSAH 37 in Shafer Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials
 - a. Application
 - b. Written narrative
 - c. Site plans
2. Aerial photo (1) – subject site
3. Aerial photo (2) – vicinity map
4. Written testimony from Marc & Shannon Polsfuss
5. Draft Resolution No. PC2024-1201



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 2024-2277

Township Shafer S/T/R 33/34/19 PID# 08.00330.10
Project Address 19239 310th St Shafer MN 55074
Property Owner(s) Garrett Kerkow
Mailing Address (If Different from Project Address) 19239 310th St Shafer MN 55074
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Garrett Kerkow
Mailing Address (If Different from Project Address) 11
Phone# 11 Email 11

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

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

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

[Signature]
Applicant Signature

10/18/24
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

Base Fee AFTER-THE-FACT \$ 1,300
Recording Fee \$ 40
Plat Fee - No Road(s) / With Road(s) \$
Septic Compliance Fee \$
Wetland Fee \$
TOTAL FEE \$ 1,340

Dates

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

10-24-24
11-4-24
1-3-25



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Shafer S/T/R 33/34/19 PID# 08.00330
Project Address 19239 310th St Shafer MN 55074
Property Owner(s) Garrett Kerkow
Mailing Address [REDACTED]
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Garrett Kerkow
Mailing Address (if Different from Project Address) [REDACTED]
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) See attached

[Signature]

Applicant Signature

10/18/24

Date of Application

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

Date of County Public Hearing DEC 5, 2024 Date of Township Presentation Nov

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Trees or Fence Along 310th St. DownCast Lighting

Signatures of Township Officials or Authorized Personnel

[Signature] [Signature]

Description of Request:

Kerkow Barrel Horses LLC trains and competes in the equine sport of barrel racing. We are requesting a **Conditional Use Permit** under the category **Major Home Occupation** for our business. We are building an indoor arena to better suit our hobby and our business. This allows us to train year-round out of the weather. This new building will be 70'x112'x14' tall. The building will be all white in color. There will be two garage doors, one on each north and south facing end and one man door. The building will be a clear span building with a sand floor throughout. There will be **no** concrete, viewing areas, bleachers, etc. We will have 10 box stalls available to the horses to better support the horses that will live full time on the property. Five stalls currently exist on property and 5 will be built within the new building.

The purpose of the building is to be used for riding and training horses. These horses can be owned by either Kerkow Barrel Horses or by customers of Kerkow Barrel Horses. We intend to train **at most** 10 horses per month in any given month.

Customers will be able to send horses to us for training. Training is on a month-to-month basis. A horse in full time training lives at Kerkow Barrel Horses premises. Their full-time cares are provided as well as training daily.

Manure removal will be hauled out and spread on a family farm in St Croix Falls, Wisconsin once per month with removal and hauling provided by Kerkow Barrel Horses.

General waste disposal is contracted with Chisago Lakes Sanitation. We have two large garbage cans that are emptied weekly. We do not produce much waste above and beyond what a normal family would.

All vehicles are personally owned and not owned by our business. We do have two passenger vehicles (a Ford Escape and a Buick Enclave), a truck (a Ford F250), and a Featherlite horse trailer that will be parked on our property near or around our existing barn or new arena at any time.

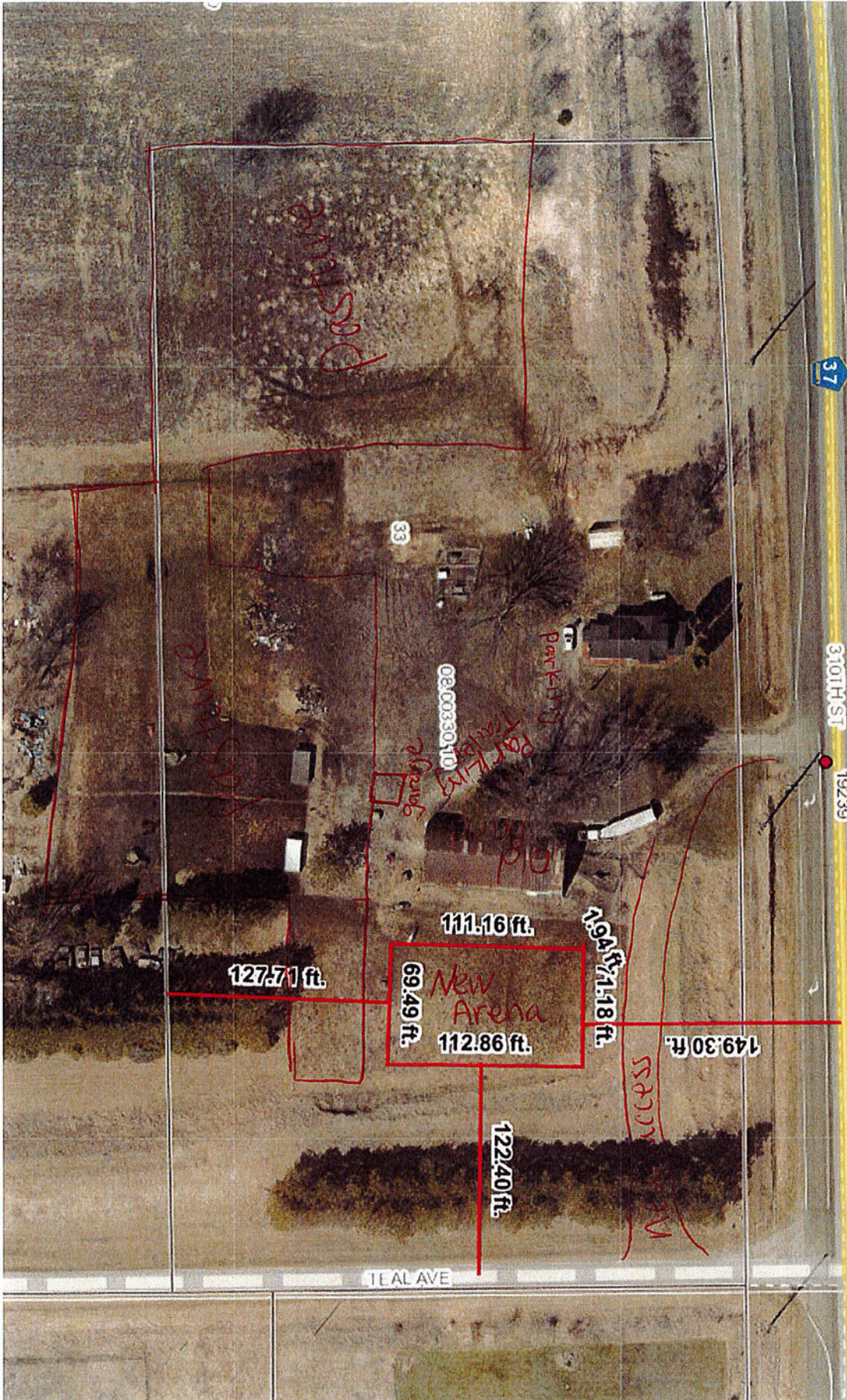
The use will not adversely affect the residential or agricultural character of the surrounding area due to any noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance, etc. A suitable landscape as well as fencing is apart of the plan. Grass will be planted around the new building. Adequate and safe horse fencing is currently established and built.

We rent an additional acre from the neighbor adjacent to us to use as extra space to house our horses for grazing purposes.

This business will not be open for public use and will strictly be used by the residents or employees of Kerkow Barrel Horses. Because of this we also do not have set operating hours. If operating hours are a requirement, they will be from approximately 8 am to 8 PM. We intend to only have 5 or less employees, however, we currently have zero.

This building will not be available to be rented to the public for events. Clients with horses in training will not have access to our facility for their unlimited use.

Attached is a scaled site plan measuring the setbacks and the dimensions of the new riding arena. Also attached is a hand written detailed site plan for things such as parking, pasture space, the new driveway access, etc.

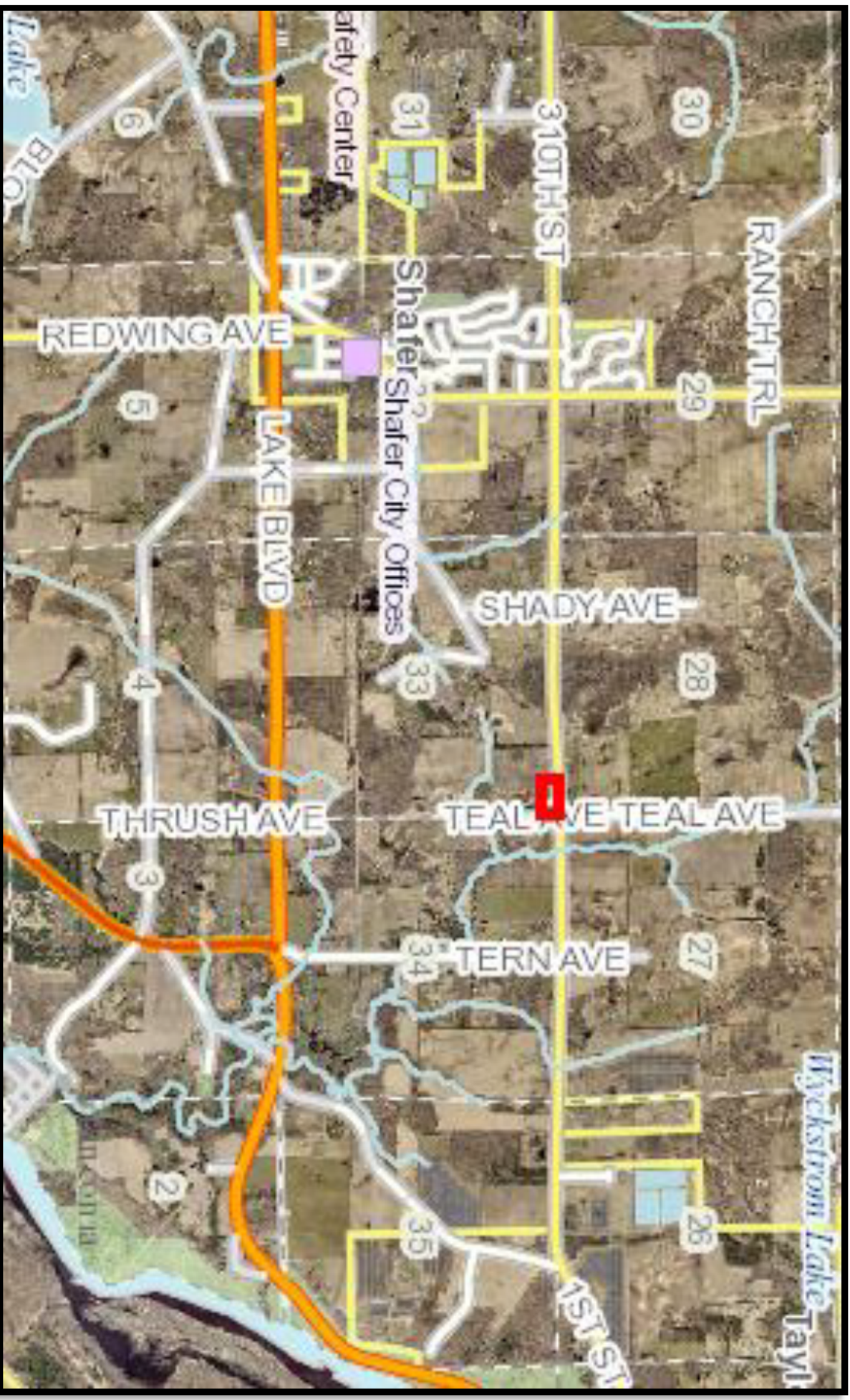




Garrett Kerkow – Property owner Garrett Kerkow is requesting an after-the-fact Conditional Use Permit for Major Home Occupation. The proposed business, known as Kerkow Barrel Horses, LLC, will offer horse training and boarding services. The 5± acre subject site is zoned Agricultural (AG) District and located at 19239 310th Street / CSAH 37 in Shafter Township, S33, T34, R19 (PID 08.00330.10).



Garrett Kerkow – Property owner Garrett Kerkow is requesting an after-the-fact Conditional Use Permit for Major Home Occupation. The proposed business, known as Kerkow Barrel Horses, LLC, will offer horse training and boarding services. The 5± acre subject site is zoned Agricultural (AG) District and located at 19239 310th Street / CSAH 37 in Shafter Township, S33, T34, R19 (PID 08.00330.10).



To Whom It May Concern,

I appreciate the opportunity to share my thoughts regarding the permit request for the proposed business, Kerkow Barrel Horses, LLC.

My husband and I have lived on this road since 1999. One of the primary reasons we chose to purchase this home was the quiet and serene environment of the street. Over the years, there has been very little turnover in property ownership, and the surrounding land has been preserved for agricultural use, maintaining a peaceful atmosphere that has kept housing developments at bay. We greatly value the tranquility and the low traffic of this dead-end road.

However, I have concerns regarding the proposed business, particularly with respect to the construction of a driveway onto our dead-end road. This raised my initial concern, as I worry the business could increase traffic and disrupt the quiet nature of the street, especially with the new driveway being built to exit directly onto our road. If the operation of this business were to change the character of our road, potentially diminishing property values or altering the peaceful environment we've enjoyed for many years, I would be strongly opposed to the proposal.

While I understand that the business is intended to operate as a farm-style enterprise, I remain concerned about the potential impact this could have on the property and surrounding area.

Thank you for taking the time to consider the views of those of us who will be directly affected by this development.

Sincerely,

Marc and Shannon Polsfuss

RECEIVED

NOV 26 2024

Chisago County
Dept. of Environmental Services

BG

RESOLUTION NO. PC2024-1201
A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR MAJOR HOME OCCUPATION
ON PROPERTY LOCATED AT 19239 310TH STREET / CSAH 37 IN SHAFER TOWNSHIP

WHEREAS, property owner Garrett Kerkow submitted an application dated received October 24, 2024 and considered complete on November 4, 2024 for a Conditional Use Permit allowing a Major Home Occupation for the training and boarding of horses on property located at 19239 310th Street CSAH 37 in Shafer Township; and

WHEREAS, the 5± acre subject site is located in the Agricultural (AG) District and legally described as:

PID 08.00330.10

That part of the North 387.10 feet of the East 660.00 feet of Northeast Quarter of the Northeast Quarter of Section 33, Township 34, Range 19, Chisago County, Minnesota, lying south of Parcel 89, Chisago County Right of Way Plat No. 25.
Subject to 310th Street and Teal Avenue.

WHEREAS, notice was provided and on December 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 considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04, C.:

- | | |
|-------------------|---|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| <i>Finding #1</i> | <i>Chapter 6 of the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan and either meets or has the ability to meet, with application of appropriate conditions of approval, all performance standards provided in Zoning Ordinance Section 4.04, C.</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| <i>Finding #2</i> | <i>The proposed use will utilize existing private sanitary facilities, private utilities, and off-street parking for customers and employees, and access to the</i> |

subject site will be gained from the well-established and well-maintained 310th Street / CSAH 37 and Teal Avenue. Further, there is no evidence to suggest that the proposed use will have any impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Major Home Occupation will not create an excessive demand on existing parks, schools, streets, or other public facilities and utilities which serve the subject site and surrounding area.

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 subject site and proposed use are largely screened from adjacent properties by existing berming, natural vegetation (trees) and distance; however, the Shafer Town Board has identified a need for additional screening between the proposed 70' x 112' structure and 310th Street / CSAH 37. Therefore, the County finds that the proposed use, with existing screening and distance and the implementation of a condition requiring additional screening, will be sufficiently screened and/or separated by distance from adjacent properties so as to not cause undue negative impact or 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 Major Home Occupation, including the training and boarding of horses, will primarily be conducted within a proposed 70' x 112' structure. Based on the description provided in the application materials submitted to the County on October 24, 2024, the County finds that the proposed structure will be constructed in a manner which will be aesthetically pleasing and generally consistent with structures found in the County's Agricultural (AG) District. Therefore, the County finds no evidence to suggest that the proposed use or proposed structure will have an appearance which would cause adverse effects upon adjacent properties.*

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

Finding #5 *The Chisago County Zoning Ordinance identifies Major Home Occupations as an allowable Conditional Use in various zoning districts, including the Agricultural (AG) District. The County finds that the proposed use, including the training and boarding of horses, is consistent with the purposes of the AG District and consistent with existing land uses in the general area of the subject site. Further, as described in Finding #1 above, the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the*

County's economy, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. Therefore, the County finds that the proposed use directly relates to the land use goals of the County.

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

Finding #6 See Finding #5.

Factor #7 The proposed use will not cause traffic hazard or congestion; and
Finding #7 *The subject site is located immediately adjacent to a well-established and well-maintained road system, including 310th Street / CSAH 37 to the north and Teal Avenue to the east. As proposed, the Major Home Occupation will not be open to the general public and will not feature events which would generate a significant increase in the amount of traffic entering and existing the site. Further, neither the Chisago County Highway Department, serving as Road Authority for 310th Street / CSAH 37, nor the Shafer Town Board, serving as Road Authority for Teal Avenue, expressed any concerns about impacts related to traffic hazard or congestion as a result of the proposed use. Therefore, the County finds no evidence to suggest that the proposed use will cause traffic hazards or congestion.*

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

Finding #8 *The proposed Major Home Occupation will primarily be conducted within a proposed 70' x 112' structure. Other areas of the subject site will also be utilized for business purposes, including pastureland. Based on the nature of the proposed use, the limited number of employees, and the business not being open to the general public, the County finds that the proposed use will likely not cause adverse impacts to nearby properties by way of noise or glare. Further, based on the nature of the business, existing berming and vegetation, and the implementation of a condition requiring additional screening, the County finds that the proposed use will be consistent with nearby properties and the Agricultural (AG) District as a whole and will not cause adverse impacts by way of general unsightliness.*

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

1. This Conditional Use Permit grants approval for the operation of a Major Home Occupation for the training and boarding of horses as described in the application

materials dated received October 24, 2024 and kept on file with the Chisago County Department of Environmental Services and as conditioned herein.

2. The Major Home Occupation shall be limited to the training and boarding of no more than ten (10) horses at any given time.
3. All Major Home Occupation activities taking place outside of the dwelling, including, but not limited to, delivery and collection of customer-owned horses and the training of customer-owned horses, shall be allowed on a year-round basis with hours of operation being 8:00 am to 8:00 pm.
4. In addition to the property owner and residents of the subject site, there shall be no more than five (5) employees on site at any given time.
5. The Major Home Occupation business shall not be open to the public. Additionally, no structure or land used in association with the business shall feature bleachers or general public seating areas.
6. No structure or land used in association with the Major Home Occupation shall be made available to be rented by the general public, nor will customers of the business have direct access to the structures or land.
7. All animal waste shall be disposed of in a legal and appropriate manner.
8. To mitigate potential adverse impacts related to noise and appearance, the Major Home Occupation business shall be subject to the following:
 - a. The permit holder shall maintain existing tree cover and replace dying, dead, or downed trees located between the area of business operations and the surrounding property boundaries to the greatest extent possible.
 - b. The permit holder shall install a 6' tall privacy fence and/or a double, staggered row of 6' tall evergreen or other non-deciduous trees planted no greater than 16' on center, which meet or exceed 75% opacity within three years of the approval date, adjacent to the north property boundary extending from the driveway to the east property boundary. This screening shall be fully installed within one year of the date of Conditional Use Permit approval.
9. The permit holder shall utilize downcast LED lighting for all outdoor lighting.
10. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
11. Any expansion or intensification of the approved use – including, but not limited to, the construction of new structures used for the Major Home Occupation, an increase in the number of employees, an increase in the number of horses trained and/or boarded, expanded hours of operation, or other expansion or intensification as determined by the Chisago County Department of Environmental Services – shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Conditional Use Permit Amendment. The County acknowledges that the permit holder has obtained a building permit for the construction of the proposed arena,

and this structure shall be allowed with this approval so long as it's constructed in compliance with the building permit and all applicable codes and regulations.

12. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

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

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

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Jolene Wille
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Amendment to 2025 Meeting Schedule
DATE: December 5, 2024

ACTION TO CONSIDER

The Planning Commission will consider an amendment to the recently adopted 2025 meeting schedule.

DISCUSSION & ACTION REQUESTED

The Planning Commission adopted its 2025 meeting schedule on November 7, 2024. The adopted meeting schedule shows that the January tour will be held on Tuesday, December 31, 2024 and the regular meeting will be held on Thursday, January 2, 2025.

Staff recently became aware that three Planning Commissioner terms will expire on December 31st and the County Board will not be making appointments until its January 7th organizational meeting. Given that the Planning Commission will only have four seated Commissioners at the time of the January 2nd meeting and given that this is the meeting, by Ordinance, at which the Chair and Vice Chair are elected, staff is recommending and requesting that the Commission amend the 2025 meeting schedule to show that the January tour will be held on Wednesday, January 8th at 9:00 am and the regular meeting will be held on Thursday, January 9th at 7:00 pm.

If the tour and meeting are rescheduled as requested, County Administrator Burnham has indicated that the land use requests considered by the Planning Commission on January 9th can be added to the same January 15th County Board agenda. This will require a very quick turn-around for the Department of Environmental Services and Administration, but it will allow consideration of land use requests within the mandatory 60-day review period.