

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
December 5, 2024**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, December 5, 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, Chip Yeager, Chris DuBose, and Jolene Wille. Absent: John Sutcliffe (excused). A quorum was established. Also present: Ex Officio County Commissioners Rick Greene and Dan Dahlberg.

Approval of Agenda – Whitney requested that the Planning Commission add “Discussion with Staff Regarding the Draft Zoning Ordinance” under Miscellaneous. **Motion** by Yeager to approve the agenda as amended; second by Leivian. The **motion passed** 6-0.

Approval of Minutes – Yeager noted a typo on page 7 of the November 7, 2024, regular meeting minutes under the “Chisago County Ordinance Relating to the Regulation and Registration of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retailer Businesses” discussion, commenting that there was reference to “help” where it should have read “hemp”. **Motion** by McCarthy to approve the November 7, 2024, regular meeting minutes as amended; second by Whitney. The **motion passed** 6-0.

Receive all Materials and Submittals into Record – **Motion** by Leivian to accept all materials and submittals into the record; second by Yeager. 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

Garrett Kerkow – Coordinator Gervais provided background on the request for an after-the-fact Conditional Use Permit (CUP) for a Major Home Occupation for a business, known as Kerkow Barrel Horses, LLC, offering horse training and boarding services. The subject site was located at 19239 310th Street / CSAH 37 in Shafer Township, S33, T34, R19 (PID 08.00330.10).

Coordinator Gervais shared that property / business owner Garrett Kerkow had applied for an after-the-fact CUP for a Major Home Occupation for a business, known as Kerkow Barrel Horses, LLC, offering horse training and boarding services on a 5± acre property located in the Agricultural (AG) District. Gervais reviewed topography of the site and noted that, based on the County’s GIS Viewer, staff approximated that 1.5 acres were used as pasture, along with approximately .3 acres on the neighboring property to the south. Surrounding properties were also located within the AG District and they ranged significantly in size from 2.5 acres to nearly 112 acres, with the majority of properties used for residential and / or agricultural purposes. The subject site had been developed with a dwelling and multiple detached accessory structures. Access to the site was currently gained from 310th Street / CSAH 37, which was a well-established and well-maintained County road.

Gervais reviewed details of the application materials sharing that Kerkow Barrel Horses, LLC trained and competed in the equine sport of barrel racing. The business would train a maximum of ten horses per month, with training services provided on a month-to-month basis. A horse in full-time training would be boarded at

the subject site for the duration of training. The written narrative suggested that some horses were owned by the business / property owner while others were owned by customers. The application materials offered details about hours of operation, employees, buildings and structures, access, landscaping and screening, vehicles and equipment, manure and waste disposal, and setbacks from neighboring properties. Gervais highlighted that the property owner would be constructing a 70' x 112' (7,840 sf) structure which would serve as an indoor arena.

The Technical Review Committee met with property / business owner Garrett Kerkow on November 13, 2024. Kerkow indicated that he had been 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 State mandated 60-day review period was scheduled to expire on January 3, 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.

Chair Wille invited the applicant to address the Planning Commission. Property / business owner Garrett Kerkow was present but had no additional information to provide. DuBose asked Kerkow whether Shafer Township had approved the second driveway. Kerkow responded that he had submitted an application to the township and had been working with two township officials, neither of whom had raised any concerns. Yeager inquired whether Kerkow was aware of staff-recommended condition no. 8, which required screening along the north property boundary. Kerkow confirmed that he was aware, as it had been part of his discussions with the township. Kerkow added that he had already planned to install a privacy fence due to having young children and animals on the property. McCarthy asked whether the proposed five employees would be full-time or part-time. Kerkow clarified that the proposed employees would be part-time, as horse training was not his primary career. Kerkow added that he had no intention of hiring full-time employees at this time. McCarthy then asked whether Kerkow intended to host barrel racing competitions in the proposed arena. Kerkow replied that he did not plan to host competitions on the property. McCarthy indicated his desire to add a condition of approval which would prohibit competitions from taking place on the property.

Chair Wille opened the public hearing and sought comment.

Tony Lombardo of 30847 Teal Avenue, Shafer Township, expressed concerns regarding the condition and maintenance of Teal Avenue, traffic and watershed impacts, and the absence of a culvert on the second driveway.

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

Chair Wille addressed Lombardo's concern regarding the culvert by stating that the County would need to defer to Shafer Township as it was the Road Authority for Teal Avenue, and suggested following up with the township directly.

Whitney and Kerkow discussed the operations and logistics at the training facility. They reviewed several details, including whether the riding arena would be heated, the availability of bathroom facilities, the number of horses that would be kept on site, and whether clients would visit to check on the progress of the training. Kerkow explained that the arena would not be heated at this time, that four of the horses on the property were his (with an additional two currently in training), and that he planned to either have a porta-potty on site or allow staff to

use his home for restroom facilities. Kerkow also mentioned that client visits to the site would depend on the individual client and that, at present, he primarily shared progress updates with clients through videos and photos. Whitney emphasized the importance of clearly defining the number of customer-owned horses allowed on the property in recommended condition no. 2 to avoid any confusion.

Leivian, Yeager, and Kerkow discussed the logistics of maneuvering trailers on the property, as well as the process for entering and exiting the site. Kerkow explained that a second driveway was being added to allow customers to enter the site from either 310th Street / CSAH 37 or Teal Avenue and exit the site from the other, ensuring that customers would not need to back out into traffic.

Chair Wille sought clarification on the number of proposed horses, noting that the application mentioned ten horses in training, and asked if the total number of horses on site would include the ten horses in training plus Kerkow's four personal horses. Kerkow stated that ten horses in total would be his maximum capacity.

Leivian asked Kerkow whether he planned to board any horses that were not in training. Kerkow replied that he did not intend to offer boarding services as part of his business.

Motion by McCarthy to add a condition of approval which would prohibit the facility from being used for public barrel racing competitions or any other equine competitions; second by Whitney. The **motion passed** 6-0.

DuBose asked if the Planning Commission needed to include any recommended conditions of approval specific to the driveway and the need to work directly with Shafer Township. Gervais responded that she didn't believe the suggested condition was necessary as the property owner would be required to work with the township / Road Authority regardless of a condition being added.

Whitney expressed the view that the second part of recommended condition no. 6 was unnecessary and could unnecessarily limit the applicant in the future. Whitney argued that customers should be able to visit and observe the progress of their horses without County-imposed limitations and it was up to the business owner to establish appropriate guidelines. Yeager inquired about the intent behind staff's recommended condition. Gervais clarified that the intention was to restrict customer access to the property such that visits would be by appointment only, rather than unrestricted access. McCarthy agreed with Whitney's point, noting that the property owner would be responsible for establishing and explaining the facility's operating rules to customers.

Motion by Whitney to amend recommended condition no. 2 by adding "customer" after ten (10) and recommended condition no. 6 to omit "nor will customers of the business have direct access to the structures or land."; second DuBose. The **motion passed** 6-0.

Motion by Whitney to adopt 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, as presented and amended; second by DuBose. The **motion passed** 6-0.

Amended 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) customer-owned 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. The facility shall not be used for public barrel racing competitions or any other equine competitions.
8. All animal waste shall be disposed of in a legal and appropriate manner.
9. 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.
10. The permit holder shall utilize downcast LED lighting for all outdoor lighting.
11. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
12. 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.
13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Public Hearings – Continued Hearings

None

Old Business

None

New Business

Amendment to 2025 Meeting Schedule – Gervais informed the Planning Commission that staff had recently learned that the County Board would not be making appointments to the Commission until its organizational meeting on January 7, 2025, and three Planning Commissioner terms would expire on December 31, 2024. Given that the Planning Commission would only have four seated Commissioners at the time of the January 2, 2025 regular meeting, staff had included a recommendation in the staff report to reschedule the January 2nd meeting to January 9, 2025. Gervais continued by explaining that, since preparation of the staff report, an application deadline had passed and there were no new planning cases for consideration in January. Gervais reviewed options available to the Commission, noting that they could either reschedule the January 2nd meeting to January 9th or cancel the regular January meeting altogether. Gervais added that, if the Planning Commission chose to meet in January, they could elect a Chair and Vice-Chair and review its "by-laws". Alternatively, if the Commission chose to cancel the January meeting, these activities could be held over until the February 6, 2025 meeting. Commission members discussed whether they should meet in January and ultimately reached consensus to cancel the regular meeting. **Motion** by DuBose to cancel the December 31, 2024 tour and January 2, 2025 regular meeting; second by Leivian. The **motion passed** 6-0.

Communications and Reports

County Board Liaison Reports – County Commissioner Greene shared that the County Board received copies of the draft Ordinances at its December 4, 2024 meeting and that a vote would likely take place during the December 18, 2024 meeting. Director Schneider clarified that staff's intent was to have the Ordinances voted on during the December 18th meeting, with the goal of moving into the new year with the updated Ordinances. Greene suggested that, once the Ordinances were adopted, the Planning Commission could begin working on an Amendment for wedding venues. The Planning Commission discussed using its January 16, 2025 special work session to discuss wedding venues. Greene also mentioned that the Truth in Taxation meeting on December 4, 2024 had gone well, with good questions from the public and productive discussion. County Commissioner Dahlberg shared that the Park Board had successfully secured funding for the Swedish Immigrant Regional Trail. Finally, Schneider presented the Planning Commission with copies of the Chisago County 2024 Annual Report, noting that it included information from each of the County's departments.

Miscellaneous

Discussion with Staff Regarding the Draft Zoning Ordinance – Whitney noted that the draft Zoning Ordinance did not include definitions for "commercial" and "non-commercial" equine facilities, making it difficult to apply the Zoning Ordinance effectively. He mentioned that he had drafted suggested verbiage and asked for Planning Commission consent to discuss the verbiage with staff in the hope that it could be incorporated into the draft Zoning Ordinance being presented to the County Board for adoption on December 18, 2024. DuBose suggested that the Planning Commission, as a whole, discuss the proposed verbiage during its January 16, 2025 special work session, allowing for an open discussion. After a brief discussion, the Commission agreed to add the topic to the agenda for the January work session.

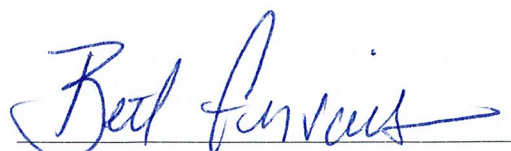
Motion by Yeager to cancel the special work session scheduled for December 19, 2024; second by DuBose. The **motion passed** 6-0.

Adjourn Meeting – **Motion** by Leivian to adjourn the meeting; second by McCarthy. The **motion passed** 6-0. The meeting adjourned at 7:46PM.



Jolene Wille
Chair

ATTEST:



Beth Gervais
Land Services Coordinator