

**CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 6, 2023**

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

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

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

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

Approval of Minutes – Motion by Chris DuBose to approve the June 1, 2023 Regular Meeting minutes as presented; second by Eric Leivian. **Motion passed** 7-0. **Motion** by Jolene Wille to approve the June 15, 2023 Special Work Session minutes as presented; second by Eric Leivian. **Motion passed** 7-0.

Receive all Materials and Submittals into Record - Motion by Dave Whitney to accept all materials and submittals into the record, including additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023; second by Jolene Wille. **Motion passed** 6-0-1. Abstained: Eric Leivian. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda item 6a, 6b, and 7a and additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

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

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

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

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

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

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

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

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

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

Amended Conditions:

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

domestic pets owned or otherwise kept by the permit holder.

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

Outdoor activity in the fenced enclosure is limited to one dog or one family of dogs from a single kennel at any given time.

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

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

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

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

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

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

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

Conditions:

1. The Preliminary Plat of Blue Ribbon Tree Farm is approved per plat drawing dated signed May 31, 2023 and revised on June 15, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Access permits shall be required from the Chisago County Highway Department.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Public Hearings – Continued Hearings

Boozhoo Coffee & Café, LLC and Joe Beaulieu - Coordinator Gervais provided a brief background and update on the request for approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township. Coordinator Gervais shared that staff had prepared and provided a written notice to the applicant, following the Planning Commission's June 1, 2023 meeting, explaining that the Planning Commission had taken action to continue the public hearing to July 6, 2023, extended the 60-day review period by an additional 60 days, and directed the applicant to provide specific updated application materials. Gervais added that the applicant was instructed to provide the updated materials to Environmental Services staff by June 26, 2023. Gervais stated that no materials were received prior to the July 6, 2023 meeting nor did the applicant contact staff until the morning of July 6, 2023. Without the benefit of updated materials, staff suggested that the Planning Commission consider either tabling the request one additional month for submission of the additional requested supporting materials or making a recommendation for the County Board's consideration.

Chair Yeager invited the applicant to address the Planning Commission. Joe Beaulieu came forward and shared that, due to personal issues, he was not able to produce the required materials and he asked the Commission to table the request one additional month. Jolene Wille inquired if the applicant believed one additional month would be sufficient for producing and submitting the materials; Beaulieu affirmed that one month would be sufficient.

Motion by Chris DuBose to close public hearing; second by Jim McCarthy. **Motion passed** 7-0.

Motion by Jolene Wille to table the request for CUP to August 3, 2023 allowing time for submission of materials pursuant to the Planning Commission's June 1, 2023 motion; second by John Sutcliffe. **Motion passed** 7-0.

Old Business – None

New Business – None

Communications and Reports – County Board Liaison Greene commented that the closing of the public hearing for Boozhoo Coffee & Café may have been premature given that new materials would be submitted and the public would not have opportunity to comment on those materials. Coordinator

Gervais suggested that the Planning Commission Chair may have discretion in accepting written comments from the public. Commissioner Greene shared that the County Board had recently received a presentation regarding the proposed relocation of the Chisago County Fair Grounds and that the decision was not the County Board's to make.

Miscellaneous – None

Adjourn Meeting – *Motion* by Chris DuBose to adjourn the meeting; second by Jolene Wille. **Motion passed** 7-0. The meeting was adjourned at 8:05 p.m.



Chip Yeager
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator