

**CHISAGO COUNTY  
PLANNING COMMISSION  
OFFICIAL PROCEEDINGS  
OCTOBER 6, 2016**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, October 6, 2016 in Meeting Room 131 of the Government Center in Center City, with the following Commission members present: Frank Storm, Jim Froberg, Dave Whitney, Jim McCarthy, Chris DuBose, and John Sutcliffe.

Ex Officio: Commissioner Rick Greene

Not Present: Craig Mold (excused)

Also Present: Tara Guy, Assistant Zoning Director  
Ken Roberts, Planner

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established.

**APPROVAL OF AGENDA** - On motion by Storm and second by Sutcliffe, the meeting agenda was approved as published.

**APPROVAL OF MINUTES** - On motion by Froberg and second by DuBose, the minutes of the meeting of September 1, 2016 were approved as presented.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Storm, and second by Sutcliffe, all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Planning Commission and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

**ATTENDANCE DURING TOUR OF AGENDA ITEMS** - Chairman Storm noted that the Planning Commission had toured the agenda item property on site, on Tuesday, October 4, 2016. Members Storm, Froberg, Whitney, DuBose, and Greene were present for the tour, escorted by Tara Guy.

**NEW PUBLIC HEARING:**

**Ryan Anderson and Melissa Carpentier-Anderson** - The Andersons were present at the meeting to request an Interim Use Permit to establish and maintain a sled dog kennel at their home property in Sunrise Township, Sec.3, T.35, R.20, at 13645 River Road (PID #09.00009.10). The Sunrise Township Planning and Commission and Sunrise Township Board had recommended approval with no conditions. The applicants propose to keep a maximum of 55 sled dogs at the 55-acre property at various times of the year, when they are not training or competing up north near Ely, MN. The application materials showed plans for an exterior fenced and fully contained kennel, an additional shed to be constructed, and a tree-planting plan to enhance screening around the fenced containment area. The Chair invited the applicants to give an overview of their proposal. Mr. Anderson explained that he is a professional competitive musher, and their home and sled dog kennel is presently located in Ray, Minnesota. Ms. Carpentier-Anderson is a veterinary neurologist who is practicing in the Twin Cities. They

acquired the subject property in the hope that they could establish a home in between her workplace, and northern Minnesota where he does his competitive racing and much of the training. Dr. Carpentier Anderson explained that they are both lifelong “dog-people”, Ryan as a musher and

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she is a veterinary neurologist treating mainly dogs. She has also raised service dogs for the blind. Their dogs are not only valuable, but they are cherished pets and companions. They hope to move the kennel here in the spring, following the Iditarod competition. The dogs will stay through the summer, and be moved north for most of the fall, and through the winter. Their plan is to create the fenced kennel in the area directly southeast of the house, and east of the existing barn. The dogs will be housed out of doors in individual kennel structures which provide shade and shelter, and the larger kennel area will be completely fenced with a combination privacy/wire fence to shield the dogs from being able to spot wildlife on the property which could start them barking. Dr. Carpentier Anderson explained that the dogs are extensively trained and highly responsive to voice commands, which greatly reduces the incidence of barking. She added that they, along with the neighbors, also do not wish to listen to frequent barking. When Mr. Anderson had concluded his summary, the Chair invited questions and comments from the Commission members. General discussion ensued concerning the fencing, the tree plantings, the anticipated noise levels, and the procedure for enforcement if it becomes necessary.

When the applicant’s overview concluded, Chairman Storm opened the hearing for public comment. Three people were present to offer testimony in the matter, including **Hardy Boyce** (13674 410<sup>th</sup> St.), **Stephanie Marzullo** (13794 River Road), and **Milt Krona** (13540 River Road). In addition, an email expressing opposition to the proposed kennel had been received from **Thomas Boyce** (no address provided—the email is on file and available for review) and distributed to the members. Hardy Boyce stated that he lived directly south of the subject property, and owned the acreage to the east. He explained that a previous neighbor had also kept dogs, and they had experienced a great deal of barking which disrupted their peace and quiet until the dog numbers were reduced. He expressed concern that the dogs being situated on the property would also diminish hunting opportunities on his property to the south and east. Thomas Boyce shared the same concerns, as outlined in his email. Ms. Marzullo stated that she wasn’t as concerned about the possible noise as much as she would be concerned about odor from the dog waste, and associated flies that could likely result. She feels that 55 dogs is an unreasonable number to attempt to accommodate on this “small tract of land” which is all open in the middle. She expressed concern about the well-being of the dogs during the hot days of summer. Mr. Krona stated that his land is northwest of the property. He had no specific objection, but was interested in what sort of corrective actions could be required if odor or smell became a problem for the neighborhood. There were no further persons wishing to offer comment. Chris DuBose moved to close the public hearing, seconded by John Sutcliffe, and the public comment period was closed. The Chair then invited the Commission to deliberate, and allowed some additional questions and answers of the applicant by the members. Chris DuBose asked why 55 dogs were necessary when a sled dog pack was normally only 12 dogs. Mr. Anderson explained that although 55 is the number they requested, they presently have 30 active dogs in training, and counting puppies and retired dogs, generally keep between 40 and 48 dogs. They identified 55 as the maximum number to be sure they wouldn’t exceed the maximum allowed, as they retire dogs and raise new pups for training. Jim Froberg commented that he had lived  $\frac{3}{4}$  mile from a sled dog kennel, and the barking was exactly as described, a few minutes morning and night, and that it didn’t rise to the level of an annoyance. Dave Whitney asked what would constitute “best management practices” regarding the dog waste. Mr.

Anderson replied that they would have a contained area for the compost pile, and regularly lime the waste to neutralize potential odor. Discussion followed on the various conditions of approval suggested for consideration in the Staff Report. The plan for an enhanced tree buffer around the fenced containment area was discussed at some length. Chris DuBose favored at least one row of fairly mature trees being established around the perimeter immediately. Chairman Storm commented that the Commission usually allowed two to three years to establish a buffer if mature trees were being required, due to the cost impacts of transplanting such large evergreens. Chris would also like to see a  
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condition requiring the maintenance of the existing tree buffer around the perimeter of the 55 acre parcels, in case of fire or other hazard. After discussion on possible conditions produced a unanimous consensus, Jim Froberg moved, and was seconded by Dave Whitney, to adopt the Staff analysis contained in the Staff Report as findings of fact in support of approval, and to recommend approval of the Interim Use Permit. The following are the findings of fact in support of approval:

- 1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. The Comprehensive Development Plan provides for a number of varied land uses in the Agricultural Zone, including the establishment of animal-keeping facilities, such as farms with livestock and poultry, and commercial and residential animal kennels.
- 2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** No. This use will be fully contained on the subject property, will generate virtually no additional traffic, nor will it impact or require other public facilities or utilities.
- 3. Will the use 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?** Yes. The property is a large tract of land, completely forested around the perimeter, which provides distance and visual screening from other properties in the vicinity. The developed portion of the property (i.e. house, shed, barn, and proposed kennel location) are generally invisible from the road, or any abutting properties.
- 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?** Please refer to #3 above in this section.
- 5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/ Zoning District in which the applicant intends to locate the proposed use ?** Yes. The County's Comp Plan intends to provide for a wide variety of land uses in the Ag zone. The Chisago County Zoning Ordinance specifically provides for animal kennels, both residential and commercial, as Interim Uses. By specifically listing kennels as an allowed use, the County indicates its clear intent to allow them in the Ag zoning district.
- 6. Will the use cause traffic hazard or congestion?** No. The use will not cause any traffic hazard or congestion. There will be little additional traffic—apart from the customary residential traffic levels—to and from this property, and minimal traffic that is related to the proposed kennel.

**7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** As discussed in Item IX in the preceding section, the only potential negative impact identified by Staff was the purportedly short-lived, twice daily barking that lasts approximately 15 minutes. The applicants intend to plant another double row of evergreens around the kennel enclosure to add an additional layer of sound buffer. There will be no additional noise, glare vibration or other negative impact that will result from this proposed kennel.

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The following are the recommended conditions of approval:

- 1. This permit is an Interim Use Permit for the establishment, maintenance and operation of a commercial sled dog kennel, for a maximum of 55 permanent adult dogs.**
- 2. No more than two full time employees or full time equivalents outside of the family shall be employed at the kennel.**
- 3. A security/ privacy containment fence shall be constructed and maintained around the kennel area; active racing dogs shall be confined to the fenced containment area at all times when not being trained or transported.**
- 4. There shall be no retail sale of puppies to the general public.**
- 5. Permit holder shall establish and maintain a double row of staggered non-deciduous trees around the perimeter of the fenced enclosure. The first row of trees shall consist of evergreen trees between two and three feet in height, planted 20 feet apart, to be successfully established at a five-foot height, within three years of the date of permit approval. The staggered second row may be smaller trees at the time of planting. The existing tree buffer around the property perimeter shall be maintained in its present configuration.**
- 6. All dog waste shall be handled and composted in a manner consistent with best waste-management practices, to avoid health, sanitary and odor issues (i.e. three sided wooden containment area to house the compost pile, regularly limed to reduce odor.)**
- 7. Barking shall be controlled by permit owner to avoid undue disruption to nearby property owners. Noise levels originating from the kennel operation shall not exceed the maximum decibel level or duration stipulated by MPCA Rule 7030.0020.**
- 8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.**
- 9. This Interim Use Permit shall terminate upon the sale of the property to any party outside of a family member.**

When put to a vote, the motion to recommend approval with adoption of the above findings of fact and recommended conditions of approval passed unanimously.

**Discussion on Comp Plan Revisions** - The Commission reviewed and discussed proposed updates to Chapter 4 (Recreation and Open Space Element) of the Comprehensive Plan. Planner Roberts answered questions from the Commission about the proposed updates for the Recreation and Open Space Element. After some discussion among the Commission members, it was the consensus of the Commission that the proposed updates were acceptable and directed staff to proceed with the updates to Chapter 4 as presented.

There being no further business, the meeting was adjourned at 8:13 p.m.