

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
August 17, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, August 17, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose (Remote), Eric Leivian, Jim McCarthy, John Sutcliffe, Dave Whitney (Remote), Jolene Wille and Chip Yeager. Commissioners Absent: None.

Staff Present: Kurt Schneider, Environmental Services Director, and Beth Gervais, Land Services Coordinator.

Others Present: Haila Maze of Bolton & Menk.

Shoreland Management Ordinance Discussion

A. **Open Space Requirements** – Maze shared that the DNR’s model ordinance required that portions of the Shore Impact Zone (SIZ) within Planned Unit Developments (PUDs) be preserved as open space, with the amount being 50% of the SIZ in existing residential PUDs and 70% in new residential PUDs. Maze also reviewed types of land which qualified or did not qualify as open space. DuBose recollected that the Work Group had discussed reducing the amount of open space required; Maze responded that the County could propose a reduction but it would need to be approved by the DNR. The group briefly discussed the possibility of reducing the requirement to 30% to match the requirement of standard non-Shoreland Management District PUDs. Whitney noted that the ordinance also required 5% for park preservation and felt that the 5% should be part of the 50% / 30% open space dedication. Whitney sought and Schneider provided clarification on the meaning of SIZ and application of SIZ regulations.

B. **DNR Review Process and Flexibility** – Maze explained that the DNR would need to review the County’s draft ordinance prior to adoption and may allow for some variation from the model ordinance. Schneider spoke about the DNR’s involvement in land use proposals and zoning approvals. Maze acknowledged that the draft ordinance contained a significant number of changes and explained that the changes were taken directly from the DNR’s model ordinance.

Yeager inquired about language pertaining to non-conformities, noting that the draft language was significantly different than the County’s existing language, and he questioned the motivation behind the change. Maze again explained that the draft ordinance was based on the DNR’s model ordinance and suggested that the Work Group could propose retaining certain language if the group felt it to be prudent. The group briefly discussed the existing provision for allowing deck additions on non-conforming structures without the need for Variance, suggesting that it may be good language to retain. Gervais added that, if retaining the deck language, it may be helpful to update the language to allow composite decks rather than strictly requiring wood decks. The group did not reach a consensus on whether or not to retain the deck provision.

C. **Relationship to County Standards** – Maze spoke about the relationship between shoreland regulations and regulations of the underlying zoning district or other overlay district, noting that the

most stringent regulations applied. Schneider suggested, for ease of interpretation and use, adding references within the ordinance to provide guidance on the relationship to other County standards.

Whitney noted that the list of Natural Environment lakes did not include Lendt Lake and requested that it be added. DuBose also noted that the DNR had updated its lake ID numbering system to an 8-digit system and the ordinance should reflect this change.

Zoning Ordinance Discussion

- A. Home Occupations Revisited – Maze reviewed the Work Group’s previous discussion on Home Occupations and performance standards related to building size, parking, etc. Whitney commented on the difference between minimum lot sizes and setbacks for Home Occupations and Rural Retail Tourism, suggesting that the difference may have been too extreme. The Work Group had a lengthy conversation about minimum dimensional requirements for the two uses. Noting that the draft language stated that the County reserved the right to increase or decrease the minimum lot area required for Major Home Occupations, the group reached a consensus that this language would be difficult to apply and that it should be eliminated. Work Group members debated whether the minimum lot size for Major Home Occupations should be five acres or 10 acres, with final consensus being five acres. Maze provided draft performance standards related to such issues as screening, parking and traffic for discussion. DuBose questioned language pertaining to “street type”, noting the importance of knowing the road classification (township, County, State Highway, etc.) and surface material in order to thoroughly analyze potential impacts. Chair Yeager noted that Minor Home Occupations were proposed to be allowed within detached accessory structures up to 1,200 sf in size and Major Home Occupations were allowed in detached accessory structures which were over 1,200 sf and that this left a small gap for structures which were exactly 1,200 sf. Maze commented that she would address this gap.
- B. Rural Retail Tourism Revisited – Maze noted that she had inserted performance standards based on the Work Group’s July 20, 2023 discussion and sought feedback. Various members acknowledged the establishment of a minimum lot size (20 acres) and offered their support. After a brief discussion, the Work Group reached consensus that the language pertaining to the County reserving the right to increase or decrease the minimum lot area should be eliminated as it would be challenging to administer.
- C. Transfer Development Credits – McCarthy reintroduced the topic of using Transfer Development Credits (TDCs) within the school district of origin rather than the township of origin. For reference, the Work Group had previously reached consensus that the use of TDCs should be limited to the township of origin, and McCarthy shared that he believed this to be too limiting for landowners and developers. Greene shared his concern that townships would lose tax capacity if TDCs were allowed to be used outside of the township of origin; Wille concurred. Whitney shared historical perspective on the use of TDCs within the same school district, explaining that the school districts were concerned in the past with potential loss of students. Whitney added that he was in favor of keeping TDCs within the township. At the conclusion of the discussion, the Work Group maintained its desire to restrict the use of TDCs to the township where the credits were originated and previously issued credits would be allowed to be used within the school district where the credits were originated.
- D. Electrical Power Storage Facilities – McCarthy mentioned that electrical power storage facilities were being constructed in other areas of the state and he suggested that the County include / identify this use in the updated Zoning Ordinance. The Work Group discussed including this use as a Conditional Use within the Agricultural (AG) District. Maze commented that she would research this particular use and provide draft language for future review and consideration.

- E. Campgrounds – McCarthy questioned whether seasonal / long-term campgrounds should be treated similar to manufactured home parks in terms of design standards. The Work Group discussed seasonal campgrounds and likened them to seasonal manufactured home parks. The Work Group did not reach any consensus on the issue of campgrounds but acknowledged that they would be visiting a larger campground (Flickabirds Resort) as part of the Planning Commission’s scheduled September 6, 2023 tour and would intentionally view the site with this conversation in mind for future discussion.
- F. File Management – McCarthy suggested developing an electronic repository of land use files which would be accessible by County officials as well as the public. Schneider shared that the Environmental Services Department was in the process of building and transitioning to an on-line permitting software platform and some records may become more accessible.
- G. Electric Vehicle Charging Stations – McCarthy suggested including electric vehicle charging stations as an allowable use within certain zoning districts. The Work Group briefly discussed likely locations for charging stations, such as parks, trails, retail operations, and gas stations. The group discussed the possibility of allowing a certain number of charging stations by right (up to four) and perhaps more charging stations would only be allowed within specific zoning districts, such as the RVC District and/or CLI District, similar to commercial / retail operations or gas stations. Maze indicated that she would explore appropriate locations within the Zoning Ordinance to address charging stations.
- H. Frack Sand Restrictions – McCarthy suggested that transfer and storage operations should be addressed. Schneider suggested including the Code Enforcement Officer in the discussion to see how this use had been permitted and enforced in the past.
- I. Solar Vegetation Management – The Work Group discussed developing standard landscaping / screening requirements for solar projects. McCarthy explained that he had heard complaints from other individuals about on-going maintenance of vegetative landscaping, including weed control. The group acknowledged that vegetative screening was and should be required for commercial solar projects but there was no interest in requiring that weeds be controlled.
- J. Rural Village Center (RVC) District – Leivian inquired about the status of coordinating with applicable townships on RVC District boundaries and allowable uses. Schneider shared that the Department had not yet sent information to the townships but would do so in the near term, acknowledging that the townships may need a couple of months / meetings for discussion. Leivian also mentioned that campgrounds were listed as an allowable use in the RVC District and questioned if the Work Group supported this particular use in a commercial district. The group did not discuss this question at length but suggested that it would be good to solicit feedback from the applicable townships. Maze questioned if multi-family structures – such as duplexes and townhomes – should be allowed in the RVC District. The Work Group discussed lot size and septic system needs for multi-family structures, with consensus being that duplexes and townhomes should be allowed as a Permitted Use so long as the structures complied with all required setbacks and the sites could support the necessary septic system(s).
- K. Accessory Structures – Whitney questioned the existing requirement that the second floor of accessory structures be unfinished and recollected that the Work Group had discussed changing this to allow finished habitable space. After discussing the issue, the group reached consensus that Section 4.08, E. should be eliminated entirely. Whitney then commented that Section 4.08, F. and G. may contradict each other. Gervais explained her interpretation of the two subsections, commenting that they worked together but could perhaps be combined to be made more

understandable. Whitney then questioned the ability of having living quarters within horse barns. Maze and others responded that living quarters would now be addressed as ADUs.

Subdivision Ordinance Discussion


- A. Park Land Dedication – Whitney questioned the proposed language pertaining to park dedication fees which read that the cash contribution amount would be “based upon the County staff’s discretion” based on market value, asking if the market value used in determining a cash contribution was the value prior to development or the value after development. The Work Group discussed that the County had been using an established park dedication fee of \$1,600 per lot rather than basing the fee on market value. Gervais and group members recollected that the group had previously discussed changing the ordinance language to reference the County’s adopted Fee Schedule on a per lot basis rather than basing the fee on market value. Ultimately, it was suggested that Maze look for examples of similar language from other jurisdictions to model. Staff added that platted lots with existing dwellings were not subject to park dedication fees and this should be included in the newly drafted ordinance language.

Timeline for Review

Maze sought feedback on how many more meetings were desired prior to formal adoption of the updated ordinances. In response, Schneider requested that Maze map out a manageable timeline from the current point through public hearing proceedings. McCarthy noted that the County would need to allow time for the townships to offer feedback on the RVC District. The Work Group discussed possible approaches for the formal review process. McCarthy suggested that developing a brief summary of proposed changes, including the larger policy changes, would be beneficial for the County Board; Schneider added that it would be most helpful if Bolton & Menk prepared this summary. It was also suggested that the summary include illustrations to better explain certain topics. Maze inquired at what point the DNR should become involved in review of the draft Shoreland Management Ordinance. Schneider encouraged DNR involvement as early as possible and prior to the County Board’s formal review in case the DNR recommended / required significant changes. Gervais commented that the DNR may have a prescribed process for review and adoption of the Shoreland Management Ordinance available on its website.

Whitney and others thanked Maze for her efforts on the ordinance update project.

With no further business to discuss, the work session adjourned at 8:27 pm.



Chip Yeager
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator