

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
September 21, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, September 21, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose, Eric Leivian, Jim McCarthy, Dave Whitney, Jolene Wille and Chip Yeager. Commissioners Absent: John Sutcliffe.

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

Others Present: Ex Officio County Commissioner Rick Greene, Haila Maze of Bolton & Menk, and Kelsey Zaavedra.

Shoreland Management Ordinance Discussion

- A. **Lake Classification System** – Maze provided an updated list of lake classifications and Schneider volunteered to review the list for accuracy and/or have the DNR review the list for accuracy.
- B. **DNR Review Process** – Gervais explained that the DNR offered an optional preliminary review of draft ordinance amendments which could be submitted along with a Notice of Intent to amend an existing ordinance. Gervais shared that the Notice of Intent form included an estimated schedule for the County's review process, including public hearing(s) and date of adoption. The Work Group generally agreed that the draft ordinance should be submitted to the DNR in its current form with the estimated schedule beginning in December 2023.
- C. **Open Space Requirements** – Whitney reintroduced the topic of open space requirements for subdivisions in the Shoreland Management District, noting that the Subdivision Ordinance also required 5% for park dedication and he felt that the 5% should be part of the overall open space dedication for subdivisions in the Shoreland Management District rather than in addition to the overall open space dedication. McCarthy responded by suggesting that if the subdivision was located in the Shoreland Management District, it would only be subject to the open space dedication requirements of the Shoreland Management Ordinance and not subject to the open space dedication requirements of the Subdivision Ordinance. Whitney requested that language be added to the ordinance to make this point clear. Whitney also suggested that Transfer Development Credits (TDCs) could be used to satisfy up to 20% of the total open space dedication requirement. Fellow Work Group members hypothesized that the DNR's intent was to preserve and protect land adjacent to public bodies of water and may not agree to the use of TDCs for this purpose. Whitney responded that the County's goal should be to preserve the best types of land, which included more than just land adjacent to water.
- D. **Application of Shoreland Management Ordinance** – Whitney expressed concern over and questioned how the Shoreland Management Ordinance would be applied in situations where part of the land being subdivided was located within the Shoreland Management District and partly located outside of the Shoreland Management District. Schneider suggested adding language to the ordinance clarifying and providing direction on which ordinance – Shoreland Management

Ordinance or Subdivision Ordinance – would be used in this scenario. Maze added that, upon completion, the ordinances would cross-reference each other for clarity.

Zoning Ordinance Discussion

- A. **Major Home Occupations – Varying Lot Sizes Revisited** – Maze reintroduced draft language stating that “the County reserves the right to increase or decrease the minimum required lot size based on the size, intensity, and performance standards of the Major Home Occupation and impose as a condition of approval” and sought feedback. Maze added that she and her team had researched Home Occupation language from other jurisdictions and only found examples with either no minimum lot size or a minimum lot size but no other examples which left it to the discretion of the governing body. DuBose offered support for incorporating language which allowed the County to increase the lot size to be something more than 5 acres but felt that anything less than 5 acres should only be allowed with Variance approval. The Work Group discussed the term “intensive” and how it could be defined / applied when determining the required lot size, with some suggestions including number of employees, amount of truck traffic, road type / surface, noise generated, and specific Home Occupation activity. General consensus of the Work Group was to require that Major Home Occupations be located on properties at least 5 acres in size and to not include any language allowing the County to increase or decrease the lot size.

Maze commented that the Work Group had previously discussed road classification and surfacing in relation to Major Home Occupations and questioned whether Major Home Occupations should be required to be on paved roads as opposed to unpaved roads. The Work Group discussed traffic in terms of customers, deliveries, and/or number of trips per day.

- B. **Adding Duplexes and Townhomes** – Maze reintroduced the topic of allowing duplexes and townhomes within certain zoning districts, noting that, if the Work Group supported these housing types, definitions would need to be added to the Zoning Ordinance. The Work Group offered support for duplexes and townhomes and generally supported these uses in the RVC, UF and RR Districts. Schneider questioned the difference between a duplex and an ADU and, in response, the group acknowledged that they were very similar yet they did not want to allow both a duplex / townhome and an ADU on a single property. Given the proposed minimum lot size for RVC District properties (11,500 sf) and the need to have sufficient space for septic systems, the group discussed increasing the minimum lot size in relation to the number of units. The Work Group reached consensus that each unit should be required to meet the minimum lot size, so that if, for example, a two-unit dwelling structure (i.e., duplex) was proposed in the RVC District where the minimum lot size was 11,500 sf, the two-unit dwelling structure would be required to be on a property at least 23,000 sf in size, and, likewise, a four-unit dwelling structure (i.e., townhome) would be required to be on a property at least 46,000 sf in size. The group also reached consensus that duplexes and townhomes should not be allowed in the AG District. The group had a lengthy discussion about the differences and similarities between duplexes and ADUs. Finally, the group reached consensus that duplexes and townhomes should be a Permitted Use within the RVC, UF, and RR Districts as opposed to a Conditional Uses, with the understanding that properties with duplexes and townhomes would not be allowed to have ADUs.
- C. **Dimensional Standards** – Maze commented that more work was needed on dimensional standards and she suggested that she and her team would focus on this task.
- D. **Energy Storage Facilities** – Maze shared that definitions for Electric Vehicle (EV) Charging Station and Energy Storage Facility were added to the current draft ordinance, based on the Work Group’s previous discussions. The group briefly discussed Chisago County being an attractive location for

Solar Energy Systems / power generation and Energy Storage Facilities given the 750 Kv line and large substation. The consensus of the Work Group was to allow Energy Storage Facilities as a Conditional Use in the AG and CLI Districts.

- E. **Campground Park Model Discussion** – Based on the Work Group’s August 17, 2023 discussion, Maze reintroduced the topic of park models. Gervais commented that the Planning Commission visited a large campground in Nessel Township, as part of a CUP Amendment request, on September 6, 2023 and witnessed several park models where the existing CUP strictly prohibited them. Schneider noted that the Zoning Ordinance did not define Park Model and adding a definition would be helpful for administration and enforcement. The group discussed the implications of allowing park models, including property taxes, similarity to manufactured home parks (permanent use vs. seasonal use), and the tendency for people to add other structures to the park models (i.e., decks, porches, roofs). Given that the Work Group was aware of at least one campground which had park models, the consensus of the group was to add a definition for Park Model to the Zoning Ordinance. It was also suggested by Whitney that the Zoning Ordinance define what types of units were allowed within campgrounds and what types of units were allowed within manufactured home parks, with the goals of preventing campgrounds from becoming locations for permanent residency and providing clear ordinance language to support enforcement efforts. After much discussion and debate, the Work Group ultimately reached consensus that campgrounds should be allowed to have recreational vehicles, including park models, so long as all recreational vehicles had a current license / current tabs and remained road worthy.
- F. **Accessory Dwelling Units (ADUs)** – Whitney questioned draft ADU language requiring that ADUs be located in the rear yard of the primary residence, commenting that it was too restrictive and may not always be practical. The Work Group discussed options for ADU locations and reached consensus that the draft language (Section 4.10, D.) should be eliminated entirely.

Comments from Kelsey Zaavedra – Zaavedra was present to address the Planning Commission Work Group. Zaavedra reminded Work Group members that she went through the Conditional Use Permit process in 2021 which, in part, allowed her to reside in, what she referred to as, a tiny home. Zaavedra urged the Work Group to recognize that people didn’t generally choose to live in manufactured homes because they wanted to but, rather, because it may have been their only option. Zaavedra commented on the current real estate market and median home price in Chisago County, noting that there was no such thing as a starter home anymore and sometimes manufactured homes and tiny homes were the only option for people. Zaavedra urged the Work Group to remember that they were serving the entire County, not just those with financial resources and options, and encouraged them to be part of the housing solution.

- G. **Agricultural (AG) District** – Whitney suggested adding language to the AG District’s Permitted Uses requiring that trees be planted so that they maintained a 15’ setback from property boundaries at maturity so as not to intrude on neighboring properties. Whitney noted that the suggestion had been made in the past and the current draft ordinance included a note that this suggested requirement would not be enforceable, but he believed that the added language could be used as a guideline for property owners so that trees didn’t cause boundary line disputes or cause negative impacts to neighboring crop fields. Schneider commented that it may be suitable language if worded as a recommendation rather than a requirement due to this suggested requirement putting the County in the middle of countless property boundary disputes and requiring property owners to obtain a survey to verify property boundary locations. Schneider added that the County had ability to require that trees be planted with a setback as part of Conditional Use Permits and Interim Use Permits, but it wouldn’t be a practical requirement for the general public. As a compromise, the

Work Group discussed adding a 15' setback requirement to all existing landscaping references within the Zoning Ordinance where a Conditional Use Permit or Interim Use Permit was required (i.e., Rural Retail Tourism, Solar Energy Systems, Planned Unit Developments, etc.). Commissioner Greene spoke about a personal issue he had with a neighboring property owner who planted trees on the property boundary and those trees impacted his field, and encouraged a setback requirement. Maze sought clarification on which zoning districts this new language should be applied to – in the case of landscaping as part of Conditional Use Permits and Interim Use Permits – and the consensus of the Work Group was that it should be applied to all districts. The Work Group also generally agreed that the language should state that trees be planted no less than 15' from adjacent property boundaries at time of planting.

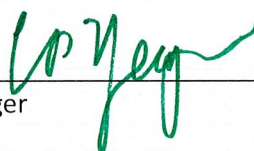
- H. **Rural Village Center (RVC) District** – Maze and Schneider shared that applicable townships received materials from the Environmental Services Department on behalf of the Work Group in an attempt to solicit feedback on the RVC District regulations and district boundaries. Schneider added that two townships – Franconia and Shafer Townships – also received materials and a request for feedback pertaining to the Highway 8 corridor and opportunity to establish new RVC Districts. The group discussed efforts to share information with the townships regarding the more significant proposed changes to the County's ordinances, acknowledging that township feedback would be helpful and their buy-in crucial.

Leivian shared that Sunrise Township had questioned why government buildings were only allowed with Conditional Use Permit approval in the AG District when they were a Permitted Use in the RVC District. The Work Group briefly discussed impacts of government buildings (i.e., parking, traffic, large events, loss of tax revenue) and no action was taken to allow government buildings as a Permitted Use in the AG or RR Districts.

Timeline for Review

Maze noted that the ordinance update effort was nearing the end and sought feedback from the Work Group on how they wished to move into the final review phase. Noting that RVC District feedback was requested from townships by October 31, 2023, after the scheduled October 19, 2023 work session, and due to other scheduling conflicts, the Work Group canceled the October 19th work session and confirmed that the next work session would be held on November 16, 2023. Further, the Work Group asked that township feedback be presented to the Planning Commission at its regular November 2, 2023 meeting. The Work Group discussed scheduling public hearings and/or public forums for review of the draft ordinances, with no specific timeline established.

With no further business to discuss, the work session adjourned at 8:12 pm.



Chip Yeager
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator