

**CHISAGO COUNTY  
PLANNING COMMISSION  
Special Work Session  
November 16, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, November 16, 2023 at the Chisago County Government Center.

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

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

Others Present: Ex Officio County Commissioner Rick Greene.

**Zoning Ordinance**

- A. **Major Home Occupations** – The Work Group reviewed standards for Major Home Occupations, including a maximum number of employees and the proposed minimum lot size of five acres. The Work Group did not offer any changes to the draft language.
- B. **Rural Retail Tourism** – Gervais noted that the current draft ordinance included a requirement that trees required for screening needed to be set back 15 feet from property lines unless there was “mutual consent between property owners” and questioned how the County would verify that consent had been provided by a neighboring property owner. The Work Group discussed options and reached consensus that the draft ordinance language should read “.... mutual written consent ...” and that this same modification should be applied to any section requiring trees for screening as part of a Conditional or Interim Use Permit. The group also noted that Section 4.11 Fences, A.2. discussed placement of fences in relation to the property boundary and that this language may be contradictory. Wille noted that Section 4.17 Rural Retail Tourism B.7. still included a second sentence which authorized the County to require more or less than the standard required 20 acres, commenting that the Work Group had agreed to eliminate this entire sentence. The Work Group also identified that the proposed minimum lot size for Rural Retail Tourism activity was 20 acres, however this may not work well in the RVC District where properties were often far less than 20 acres. DuBose noted that Section 4.17, B.8., pertaining to required setbacks, would also be challenging to achieve in the RVC District. The group discussed possible remedies, including the possibilities of not having a minimum lot size or setback requirement in the RVC District or separating the Rural Retail Tourism regulations specific to the AG District and specific to the RVC District.
- C. **Duplexes and Townhomes** – Gervais noted that the current draft ordinance, based on the Work Group’s previous discussions, included definitions for “Duplex” and “Townhome” and that these uses were added to the RR, UFR and RVC Districts but, as previously discussed by the group, not added to the AG District. Gervais added that the Work Group’s prior discussion, specific to the RVC District, included a requirement that each dwelling unit be required to meet the minimum lot size of the district and that this had not been incorporated into the draft ordinance. Gervais suggested that this same requirement be applied to the UFR District, given that the UFR and RVC Districts had the same minimum lot size of 11,500 sf. Leivian shared that Sunrise Township had discussed septic

systems for multiple dwelling units and recognized that this may present challenges for this particular use.

- D. **Home Site Area Standard** – The Work Group discussed that all references related to “one acre buildable” should be replaced with language related to the “Home Site Area” standard. Whitney commented that he believed the definition for “Home Site Area” included in the draft ordinance was based on the former “one acre buildable” and asked that it be reviewed.
- E. **Bulk Power Storage** – Having discussed the use of “Bulk Power Storage” at previous work sessions, the Work Group noted that the current draft ordinance included Section 7.10 Bulk Storage which stated that storage of certain identified materials “shall be in compliance with and regulated by the Minnesota Pollution Control Agency rules, Minnesota State Fire Code and the Minnesota State Building Code”. There was no consensus on this draft language and the group expressed interest in having more discussion with consultant Haila Maze on this topic.
- F. **Manufactured Home Parks** – The Work Group noted that Manufactured Home Parks were only allowed within the UFR District and discussed various performance and dimensional standards. Gervais shared that the draft ordinance included a new section immediately after Section 7.19 Manufactured Home Parks which was titled “Campground Dwelling”. Gervais wasn’t sure of the intent for this new section and noted that it mirrored part of the Manufactured Home Parks language very closely. Schneider suggested that the new section may have been added to address the use of park models but he was also uncertain. Leivian shared that the tracked version of the draft ordinance included notation that this new section was intended to address the situation of campgrounds resembling permanent manufactured home parks more so than temporary campgrounds. McCarthy commented that there were State requirements related to Manufactured Home Parks which may not be required for campgrounds. Schneider speculated that this new section was intended to address the more permanent style of campgrounds rather than seasonal campgrounds and suggested that more discussion was needed with consultant Haila Maze on this topic.
- G. **Rural Village Center (RVC) District** – McCarthy explained that he discussed the RVC District with Sunrise Township officials and, while there had been some initial concern, the township did not express any interest in modifying the district regulations or the district boundaries. McCarthy also shared that Sunrise Township officials expressed concern with the loss of ability to have horses after the consolidation of the Rural Residential I (RRI) and Rural Residential II (RRII) Districts. The Work Group reached consensus that horses should be allowed as a Permitted Use in the newly consolidated Rural Residential (RR) District if the property was two acres or larger (same language as existing RRII District).
- H. **Shipping Containers as a Building Material (DuBose)** – DuBose requested that the group revisit the concept of allowing shipping containers to be used as a building material. Before the group revisited this concept, Commissioner Greene questioned the meaning of “temporary” in regard to Section 4.19 Storage Containers, Temporary, commenting that the vast majority of unlawful storage containers throughout the County appeared to be there on a more permanent basis. Schneider responded that the draft ordinance language would allow the use of temporary storage containers for up to 90 days with issuance of an administrative permit and on a longer basis with issuance of an Interim Use Permit (IUP). Gervais noted that an IUP would require a sunset provision (i.e., a period of time or an event which would end the approved use) and questioned whether the Work Group would rather see this use approved as an IUP or as a Conditional Use Permit (CUP) or either. The group discussed the possibility of developing paths for both an IUP and a CUP, with the IUP utilized when the property owner had a predetermined amount of time in mind for the storage container and the CUP utilized when the property owner intended to use the storage container permanently.

Ultimately, the group reached consensus that the 90-day timeframe for administrative permits should be increased to one year and any use longer than one year would require issuance of a CUP. The group also stated that a temporary storage container should be subject to structural setback requirements but not subject to screening requirements.

DuBose offered support for allowing the use of shipping containers as a building material, explaining that the containers could be used for such things as retaining walls and structures, with approval of a CUP. Schneider noted that Section 4.07 Building Requirements may be the appropriate ordinance location for this proposed language. DuBose suggested – and the Work Group reached consensus – to add language to Section 4.19 Storage Containers, Temporary which provided a permissive statement for the use of storage / shipping containers as a building material subject to and in accordance with Section 4.07 Building Requirements.

Whitney inquired about the use of roll off dumpsters and the possibility of requiring that these dumpsters be periodically emptied. Schneider suggested that the management of dumpsters was better suited for the Solid Waste Ordinance rather than the Zoning Ordinance.

DuBose commented that Section 4.19, B.4. made reference to “temporary storage containers” where it should instead read “temporary storage trailers”. Whitney also commented that Section 4.19, B.5. made reference to “non-residential trailers” where it should instead read “non-residential districts”. Wille questioned the provision (Section 4.19, B.6.) which required screening of temporary storage trailers which were present for longer than seven days. The group identified that storage trailers were different than storage containers and requested that a definition be added for “temporary storage trailer”.

I. **Other Topics Identified by Work Group Members –**

1. **Trees in the Agricultural (AG) District** – Whitney reintroduced the idea of requiring a 15’ setback between newly planted trees and all property boundaries within the AG District. Gervais reminded the Work Group that it had previously reached consensus that this setback requirement would only be applied as a condition of approval to land use requests (i.e., CUPs and IUPs) and not the entire AG District. Whitney encouraged the group to reconsider given the potential impact of trees on neighboring crops. No other support was offered for this possible setback requirement.
2. **Development Density Calculation** – Whitney commented that Section 7.18 Planned Unit Development, C.1.b. explained that density was based on an initial conventional five-acre lot layout and that the total number of lots allowed would be calculated using this initial conventional layout. Whitney recollected that the Work Group had previously suggested changing this way of calculating density. Additionally, Whitney commented that Section 7.18, C.2.b. required a minimum lot width of 200’ and he recollected that the Work Group had previously reached consensus that, as part of a Planned Unit Development (PUD), there should not be a minimum required width and it should be more flexible like Section 7.18, C.3.b.
3. **Application of Shoreland Management Ordinance** – Whitney reintroduced the topic of subdivisions involving land both within and outside of the Shoreland Management District, questioning whether the Shoreland Management Ordinance or Subdivision Ordinance would apply. Whitney suggested additional language to clarify which ordinance applied. Schneider suggested that, without ordinance language stating differently, the Shoreland Management Ordinance would apply to land within the Shoreland Management District and the Subdivision Ordinance would apply to land outside of the Shoreland Management District. Schneider added that consultant Haila Maze could include additional language to clarify this issue for developers and general public.

4. **Sunrise Lake Overlay (SLO) District** – DuBose, based on past Work Group discussions, requested that Section 6.09 Sunrise Lake Overlay (SLO) District, D.1. be amended to replace “in-home haircutting and hair care services in accordance with Section 0” with “Minor Home Occupations in accordance with Section 4.04”. The Work Group supported this change.
5. **Commercial Kennels** – Leivian proposed the development of performance standards specific to Commercial Kennels in order to elevate proposals and prevent nuisances. McCarthy concurred and Wille added that she would like to learn more about State licensing requirements related to this use. DuBose expressed concern for and impact on neighboring properties. Ultimately, the Work Group reached consensus that it would like consultant Haila Maze to provide guidance / suggested performance standards for Commercial Kennels for the Work Group’s future review and discussion. Identified issues included, but was not limited to, maximum number of animals allowed, kennel structure specifications (flooring, drainage, etc.), sanitation plan, soundproofing, and animal runs.
6. **Minimum Dwelling Size** – Gervais noted that the draft ordinance included a reduction of the minimum dwelling size from 960 sf to 720 sf; however, the draft language did not include a description of how the dwelling size would be measured. Gervais requested that the Work Group discuss its preferred method for measurement. The consensus of the Work Group was to offer two options for measuring (i.e., minimum square footage must meet one criterion or the other): 1) as measured at the foundation (as was the current method); or, 2) by measuring the main level finished square footage.

#### **Subdivision Ordinance**

- A. **Park Land Dedication and Consistency with Shoreland Management Ordinance** – The Work Group was unclear as to why this topic was included on the agenda; therefore, there was no discussion.
- B. **Other Topics Identified by Work Group Members** –
  1. **Platting Requirements** – Whitney commented that Section 1.06 Platting Required, B.3. still included reference to a 500’ width requirement for 20-acre parcels rather than 400’ as previously discussed by the Work Group and as included in Section 1.06, A. Whitney also commented that Section 1.06, A. stated “...where the parcel length exceeds the width by ....” where it should state “... where the parcel length does not exceed the width ...”.
  2. **Park Land Dedication** – Whitney suggested that Section 4.04 Park Land Dedication, A. should also allow the five percent dedication to be counted toward the 30% open space requirement in the non-Shoreland Management District as well as the 50% open space requirement in the Shoreland Management District.

#### **Shoreland Management Ordinance**

- A. **DNR Review Process** – Schneider shared that staff had submitted the draft Shoreland Management Ordinance to the DNR and directly to the Area Hydrologist for preliminary review. Gervais commented that she had not received any response and that she would follow up with the DNR.
- B. **Other Topics Identified by Work Group Members** – None.

With no further business to discuss, the work session adjourned at 8:06 pm.

  
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Chip Yeager  
Chair

ATTEST:   
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Beth Gervais  
Land Services Coordinator