

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
January 18, 2024**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, January 18, 2024 at the Chisago County Government Center.

Chair Wille 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 Dan Dahlberg, Ex Officio County Commissioner Rick Greene and Haila Maze of Bolton & Menk.

Zoning and Subdivision Ordinances

- A. **Major Home Occupations / Rural Retail Tourism** – Maze reintroduced the topic of minimum lot size requirements in relation to Major Home Occupations and Rural Retail Tourism, recalling that the Work Group had previously discussed a five acre minimum lot size. Members of the Work Group reconfirmed that they had reached consensus on a minimum lot size of five acres.
- B. **Bulk Electrical Power Storage** – Maze shared that she had researched regulations from other jurisdictions on bulk electrical power storage and commented that there was not much yet available, adding that the City of Becker required a Conditional Use Permit for this activity. The Work Group reached consensus that Bulk Electrical Power Storage should be added as a Conditional Use, with the understanding that it could be reevaluated in the future as more guidance was provided by the State.
- C. **Campgrounds** – Maze reintroduced the topic of campgrounds designed or intended for recreational vehicles, explaining that she reviewed regulations from other jurisdictions and suggested that the County could treat them like or similar to manufactured home parks or the County could require that they be approved as a Planned Unit Development. DuBose mentioned that the Zoning Ordinance currently limited the placement of recreational vehicles to 30 out of 60 days. Director Schneider commented that the Work Group may have previously discussed the 30-out-of-60-day regulation and expressed interest in changing this to a broader or more seasonal timeframe, partially for ease of tracking and enforcement. Hearing that some Work Group members were associating the 30-out-of-60-day regulation with campgrounds, Director Schneider clarified that the 30-day regulation only applied to vacant / undeveloped lots and not permitted campgrounds. In regard to the 30-day regulation, the Work Group reached consensus that an Interim Use Permit should be required for any person wanting to use a recreational vehicle for more than 30 out of 60 days. In regard to campgrounds designed or intended for recreational vehicles, the Work Group reached consensus that recreational vehicles and park models should be licensed. Maze stated that she would update the draft ordinance based on the Work Group's discussion.
- D. **Home Site Area Size Discrepancy** – Maze noted that dimensional requirements for the UFR and RVC Districts were contradictory in that they required a minimum lot size of 11,000 sf and a minimum Home Site Area of 20,000 sf and 21,500 sf respectively. The Work Group reached consensus that the minimum Home Site Areas for these two specific districts should be reduced to be the same as the minimum lot size, meaning that the Home Site Area should be reduced to 11,000 sf.

- E. **Commercial Kennels** – Maze reintroduced the topic of Commercial Kennels, noting that McCarthy had provided suggested best practices and performance standards for discussion. McCarthy reviewed his research for the Work Group. Maze noted that the draft ordinance included some suggested performance standards for Commercial Kennels and, upon review, it was the general consensus of the Work Group to allow staff and Maze to determine the best placement for the performance standards (i.e., Section 4. General Provisions or elsewhere) and to incorporate McCarthy's suggested performance standards into the already-drafted performance standards (with the exception of the second proposed performance standard under "Kennel Design").
- F. **Other Topics Identified by Work Group Members** –
1. **Maximum Number of Attendees at Rural Retail Tourism Uses** – Maze noted that McCarthy had suggested reducing the maximum number of Rural Retail Tourism attendees from 300 (as included in the current draft Zoning Ordinance) to 200. The Work Group discussed the differing scale of various Rural Retail Tourism events (i.e., a pottery venue versus the annual Hay Days event, etc.) and differing circumstances related to certain Rural Retail Tourism activities. Commissioner Dahlberg commented that once a venue reached an occupancy level of 300, additional Fire Code regulations came into play, such as the requirement for a sprinkler system, and this may be a limiting factor. The general consensus of the Work Group was to leave the maximum number of attendees at 300 with the understanding that the number could be reviewed again in the future.
 2. **Development Transfer Credits** – Maze noted that McCarthy had suggested the implementation of an expiration for Development Transfer Credits. Whitney spoke to this topic, explaining that he believed there should be an expiration so as not to limit development in the future. DuBose and McCarthy noted that there wasn't currently an expiration but credits could be transferred / sold. Work Group members discussed the issue of permanent development restrictions at length and, rather than offering support for an expiration date, offered support for allowing the permanent development restriction to be lifted if future credits were purchased and applied to the property. The Work Group also discussed the issue of either better defining Development Transfer Protection Area and Development Transfer Receiving Areas or eliminating these terms altogether and simply require that credits originate and be used within the same township. Ultimately, the general consensus was to eliminate the terms and require that credits originate and be used within the same township.
 3. **Exceptions for Single Lot Divisions** – Maze noted that McCarthy had inquired about the general application of Subdivision Ordinance Section 1.09. Whitney commented that this section was originally implemented to address the scenario of a property owner wanting to split off land for a family member and allowing it as a one-time option without formal plat approval. The Work Group discussed how the exception could be utilized and possible modifications. It was agreed that the section could be written in a more understandable way while also being simplified. It was generally agreed that the one-time metes and bounds subdivision should be processed administratively. Gervais inquired if one-time single lot divisions should be processed in a similar manner as the Minor Subdivision process, including the same application requirements (i.e., survey, compliance with the Home Site Area Standard, etc.). DuBose noted that the one-time exception currently did not necessarily require a survey. Commissioners Dahlberg and Greene commented that the one-time exception would be more efficient than the platting process and would save property owners time and expense. Gervais advocated for requiring a survey in order to verify compliance with minimum dimensional requirements and to establish new property boundaries. The Work Group agreed that surveys were a reasonable requirement. The

group also agreed that a deed restriction should be placed on the remnant parcel to indicate that no additional one-time exceptions would be allowed and any future subdivisions would be subject to the platting process. In regard to minimum lot dimensions for the remnant parcel and new parcel, it was decided that staff would work with Maze to work out the details.

4. **County Plat Review Committee** – Maze noted that McCarthy recommended having a Planning Commissioner on the Plat Review Committee. McCarthy added that the appointed Planning Commissioner could serve as a liaison to interpret the updated Subdivision Ordinance for the Committee and applicants. Schneider shared that the Plat Review Committee meetings were held on a set schedule and would not be rescheduled based on the Planning Commission liaison's schedule. Gervais added that, by the time of the Plat Review Committee meeting, interpretation of the ordinance was complete. Ultimately, it was agreed that a Planning Commission liaison would be added to the list of "additional technical advisors". Whitney commented that the Planning Commission liaison could also monitor the application of the subdivision regulations and suggest modifications to the ordinance to address any concerns or issues.
5. **Intersections** – McCarthy noted that the current ordinance required 90 degree intersections and he suggested exempting roundabouts and reduced conflict intersections. The Work Group concurred with this suggestion.
6. **Dedication of Open Space for PUDs and Cluster Developments** – McCarthy suggested that a deed restriction be recorded against any land dedicated as open space at time of Final Plat to prohibit future development. The Work Group concurred with this suggestion.
7. **Tree Setback** – Maze noted that Whitney reintroduced the topic of a tree setback within the Agricultural (AG) District. Whitney commented that a performance standard had been added to the draft Zoning Ordinance for such land use approvals as Major Home Occupations and Rural Retail Tourism which would require a 15' setback for trees from property boundaries, and he advocated for a 15' setback for all newly planted trees within the AG District as well. Commissioner Greene spoke about trees growing over property boundaries which had the potential to negatively impact crops as well as create the potential for adverse possession claims. DuBose offered support for a tree setback. Schneider questioned enforcement concerns, such as the challenge of identifying the property boundary. When it was suggested that a survey be required, Schneider questioned who would be responsible for providing the survey. Schneider advocated for clear language indicating that the issue would be a private property / civil litigation matter. McCarthy suggested language requiring that the complainant be responsible for providing a survey to support their claim. Schneider questioned how the County would deal with volunteer trees and other trees which were not intentionally planted. Schneider strongly advocated for any tree related disputes to be dealt with privately and not through County code enforcement efforts. Through discussion it was questioned whether a tree setback should be added to all zoning districts and then clarified that it should only be added as a performance standard for land use approvals (i.e., Major Home Occupations and Rural Retail Tourism) and the AG District. It was generally agreed that Maze would draft language which would require a 15' setback for newly planted trees from all property boundaries in the AG District, unless mutually agreed upon by impacted property owners, and that any disputes would be handled as a civil matter rather than a County code enforcement effort. Maze encouraged legal review of this specific item.

8. **Planned Unit Developments** – Whitney raised the issue of how the maximum density was calculated and the need for clarity on dimensional requirements. Work Group members discussed at length the process for determining maximum density.
9. **Cul-de-Sac Streets** – Whitney requested that the Subdivision Ordinance include the term “hammer-head” within the section pertaining to cul-de-sac streets as some Townships preferred the hammer-head design over the cul-de-sac design. The Work Group concurred with this suggestion.
10. **General Clarifications / Corrections** – Yeager provided Maze with several items to be clarified or corrected, including:
 - i. the square footage distinction between Minor and Major Home Occupations;
 - ii. wording within the definition of “Park Model”;
 - iii. a typo within the Off-Street Parking section;
 - iv. replacement of “home” with “dwelling” or “primary dwelling” within the section pertaining to the PAT District;
 - v. removal of duplicate information within Section 8.03; and
 - vi. the addition of language to Section 8.04.The Work Group concurred with all suggested clarifications / corrections.
11. **Definitions** – Schneider shared that Commissioner Dahlberg had provided suggested changes for several Zoning Ordinance definitions immediately prior to the work session. Schneider added that Maze and staff would work off-line to review and incorporate the suggested changes.

Adoption Schedule

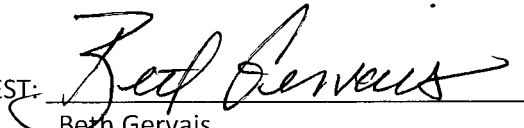
Maze provided a proposed schedule for adoption showing that the Work Group would be conducting a final review of draft ordinances at its February work session, followed by a 30-day comment period, a public hearing held by the Planning Commission in April, and County Board action as early as April. The Work Group discussed the proposed schedule in order to determine if it was a comfortable timeline or too aggressive. The consensus of the Work Group was that they wanted to proceed with the proposed schedule, while still creating as much opportunity as possible for the townships and general public to review and comment on the draft ordinances. Maze mentioned that she would prepare a brief document identifying the goals of updating the ordinances as well as summarizing the most significant changes included in the draft ordinances. It was suggested that Maze include section numbers for each of the changes / topics for easier reference. It was also suggested that the County make effort to attend a Chisago County Association of Township Officers (CCATO) meeting during the 30-day review period in order to reach more township officials and gain as much feedback as possible.

Schneider inquired if the Work Group would like to review the Zoning Map and discuss possible Map Amendments in conjunction with the Zoning Ordinance update. The consensus of the Work Group was that preferred to review the map following adoption of the ordinance.

With no further business to discuss, the work session adjourned at 8:49 pm.



Jolene Wille
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator