

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
February 15, 2024**

The Chisago County Planning Commission met for a special work session at 7:00 pm on Thursday, February 15, 2024 at the Chisago County Government Center.

Chair Wille 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 Dan Dahlberg, County Commissioner Marlys Dunne, Consultant Haila Maze of Bolton & Menk, Heidi Neff and Randy Neff.

Review of Issue Resolution Matrix and Other Topics Identified by Work Group Members:

- A. **Minor and Major Home Occupations** – It was noted that there was a slight discrepancy for home occupation activity taking place within an accessory structure, such that there was a gap for structures which were exactly 1,200 square feet. Maze noted that she would correct this discrepancy.
- B. **Storage Containers** – Whitney suggested that Zoning Ordinance Section 4.19 Storage Containers, Temporary be further clarified by adding the word “administrative” to the beginning of the second sentence of B.4. and B.5. DuBose reintroduced the possibility of allowing storage containers to be used as building materials and suggested that Section 4.19 include language specifically address this as a Conditional Use. Gervais noted that Section 4.07 Building Requirements may be the more appropriate location for this type of language, suggesting that Section 4.19 was specifically related to storage containers being used temporarily for storage purposes. The Work Group reached consensus to add Section 4.07, 2.f. to address and allow the use of storage containers as a building material with Conditional Use Permit approval and to add a cross reference to Section 4.07, 2.f. within Section 4.19. Gervais inquired with Maze if uses which were being proposed to be allowed with Conditional or Interim Use Permit approval, such as the use of storage containers as building materials, were being added to the list of Conditional and Interim Uses within each applicable zoning district. Maze noted that she would verify that all newly proposed Conditional and Interim Uses would be added to the applicable zoning districts. The Work Group agreed that the specific use of storage containers as a building material should be added as a Conditional Use in all zoning districts.

Chair Wille invited audience members Heidi Neff and Randy Neff to address the Work Group. R. Neff explained that he was a professional welder fabricator and created many structural elements, such as staircases, and he was interested in constructing a dwelling out of storage containers. R. Neff noted that there may be concerns with appearance but assured the Work Group that the end result would be aesthetically pleasing and it would comply with all County regulations. R. Neff concluded by sharing that the allowance for storage containers as a building material may bring new residents to the County.

DuBose inquired if the definition for “Storage Container, Temporary” should be amended to reflect that storage containers may be used as a permanent building material. Maze noted that, if a storage

container is used as a permanent building material, it would no longer be classified as a temporary storage container and it would not be necessary to amend the definition.

- C. **Numbering Issue** – Whitney pointed out that Zoning Ordinance Section 5.09, C. needed to be reformatted to correct the numbering of allowable Conditional Uses.
- D. **Development Transfer Overlay (DTO) District** – Whitney noted that Zoning Ordinance Section 6.10 did not show that the Work Group’s suggested amendments had been fully incorporated into the latest draft ordinance and he requested that additional language be added to Section 6.10 stating that “Transfer of development credits can be transferred within parcels owned by the same person as long as they are within the same township.” The Work Group generally agreed to this addition.
- E. **Platting Required** – Whitney noted that Subdivision Ordinance Section 1.06, A. referred to parcels being “not less than 20 acres” and he believed that it should be “not less than 25 acres” in order to have a lawful five-acre parcel and a lawful 20-acre parcel. Gervais clarified that Section 1.06, A. was intended to exempt 20-acre parcels from the platting process and not to address the subdivision of a 20-acre parcel. Whitney then inquired which section of the ordinance allowed the creation of five-acre parcels without the formal platting process, as was discussed at the January 18, 2024 work session. Gervais responded that Section 1.09 provided an exemption from the formal platting process for single lot divisions. Gervais noted that the latest draft Subdivision Ordinance no longer showed the heading for Section 1.09; Maze commented that it was likely a formatting error and would be corrected. It was noted by Work Group members that Section 1.09 did not include any minimum required lot areas. Gervais responded that the minimum lot areas would follow the zoning district requirements. Gervais read the existing (1999 ordinance) language included in Section 1.09 for the Work Group, with the Work Group noting that the existing language was more extensive. It was agreed that the current draft language should be amended and made clearer, and it was agreed that neither resulting parcel from the one-time administrative split should be able to be further subdivided without using the formal platting process (unless one or both met the requirements for the 20-acre exemption per Section 1.06).
- F. **Street Plan** – Whitney commented that Subdivision Ordinance Section 4.05, G. prohibited private streets yet the Zoning Ordinance allowed private streets in some instances. Whitney also provided several examples of subdivisions within / areas of the County which had been developed with private streets, such as Trophy Lake Estates. The Work Group had a lengthy discussion about Whitney’s suggested language and whether or not private streets should be allowed. Ultimately, the Work Group generally agreed that Section 4.05, G. should be amended in such a way that would allow the County to consider new private streets so long as they met minimum street standards established by the road authority.
- G. **Indexes** – Whitney requested that Maze include word / phrase indexes in the Zoning Ordinance, Subdivision Ordinance, and Shoreland Management Ordinance for ease of locating relevant sections. Consensus of the Work Group was that indexing would be cumbersome as it would become inaccurate with future ordinance amendments and difficult to maintain. McCarthy suggested utilizing electronic search functions instead.
- H. **Park Land Dedication** – DuBose noted that, while there was a reference to “buildable land” within Subdivision Ordinance Section 4.04, B., there was no definition for the term. The Work Group discussed various land types and their suitability for dedication purposes. It was generally agreed that Section 4.04, B. should be rewritten to include something to the effect that the Planning Commission reserved the right to determine suitability of land proposed for dedication purposes. It was also suggested that the applicant be required to provide a written explanation / plan of how the land would be used.

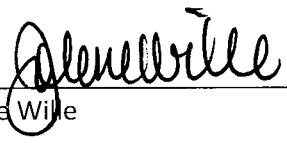
- I. **Major Home Occupations** – DuBose suggested amending Zoning Ordinance Section 4.04, C. (paragraph pertaining to “Intent”) to read “.... are within a structure not less than 1,200 square feet or not meeting the criteria of a Minor Home Occupation, and intensity ...” in order for all possible Home Occupations to fit into either the Minor or Major category. The Work Group generally agreed with the intent of the suggested amendment and also agreed that this portion of Section 4.04 should be reviewed / reworded for clarity.
- J. **Preliminary Re-Subdivision Plan** – DuBose sought clarity on Subdivision Ordinance Section 3.03, D. and the intent of the term “preliminary re-subdivision plan”. Schneider commented that he interpreted this term to be synonymous with the term “ghost plat”. It was generally agreed that the section should be reviewed / rewritten for clarity and a definition for “ghost plat” should be added to the ordinance. Whitney noted the importance of this language as more municipalities may wish to utilize their extraterritorial rights as the City of Lindstrom had done.
- K. **Preparing and Filing the Final Plat** – It was noted that Subdivision Ordinance Section 3.06, F. was an extremely long and somewhat confusing sentence and that it should be reviewed / rewritten for clarity.
- L. **Cannabis** – Commissioner Dunne introduced the topic of cannabis and suggested that the Zoning Ordinance address related uses, explaining that some municipalities within the County were already receiving inquiries and proposals for cannabis-related facilities. Schneider shared that he was part of an organization of Minnesota Counties and the organization had been discussing the role of ordinances as related to cannabis, explaining that much of the discussion related to issues such as licensing and retail controls rather than zoning regulations. Work Group members discussed the possibility of identifying cannabis retail sales within the Zoning Ordinance in a similar fashion to “liquor establishments” within the Rural Village Center (RVC) District. Chair Wille cautioned that it may be premature to include specific cannabis-related language within the Zoning Ordinance as State regulations were still being developed and there were still many unknown factors / considerations. DuBose suggested that commercial growing, manufacturing, and production facilities should only be allowed with a Conditional Use Permit in order to regulate potential impacts such as odor, and that retail sales should be allowed in a similar fashion to liquor establishments within the RVC District. Ultimately, the Work Group reached consensus that the Zoning Ordinance should include “Commercial Processing and/or Manufacturing of Cannabis” as a Conditional Use within the AG and CLI Districts, and wherever the Zoning Ordinance referenced liquor establishments, it should also include “State Licensed Cannabis Sales”. Additionally, wherever the Zoning Ordinance referenced “the Processing and Packaging and Retail Sales of Agricultural Products”, such as a Conditional Use within the AG District, it should be amended to specifically exclude the processing and packaging and retail sales of cannabis.
- M. **Tree Setback** – DuBose noted that there were several duplicative references to the newly proposed tree setback requirement within the Zoning Ordinance and identified one such example being a tree reference as a Permitted Use AND Conditional Use within Section 5.06 Agricultural District. Rather than listing the tree setback as a Permitted Use or Conditional Use within individual zoning districts, DuBose suggested that it simply be added as a new section or performance standard and be applicable to all or certain districts.
- N. **Dimensional Standards** – DuBose noted that Zoning Ordinance Section 5.14 did not include any setback requirements for County Roads or County State Aid Highways and suggested that the County Engineer be consulted on his preferences.

Next Steps – Maze indicated that the February work session was intended to be the Work Group’s final review of the draft ordinances and encouraged Work Group members to voice any outstanding or

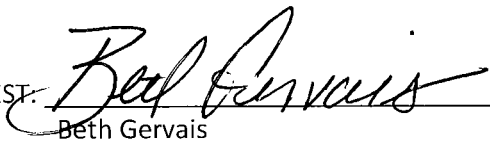
unresolved issues. Maze also indicated that she would incorporate all suggested changes / amendments / added language within the following one to two weeks.

Schneider commented that he had reached out to the Chair of the Chisago County Association of Township Officers (CCATO) regarding possible dates for a presentation of draft ordinances in an effort to solicit feedback, with possible meeting dates being either February 28, 2024 or March 27, 2024. The Work Group briefly discussed possible timelines for the ordinance adoption process. When it was suggested that the public hearing be scheduled as part of a regular meeting, Whitney requested that the Work Group hold the next work session in order to review and address comments received at the public hearing prior to the ordinances being presented to the County Board for adoption. DuBose suggested presenting at the February 28th CCATO meeting and then holding the March 21, 2024 work session to review and address comments received from township officers with the public hearing scheduled as early as April 4, 2024. Schneider suggested forwarding the most up-to-date draft ordinances to the County Board for review with an indication that the Planning Commission would like to move forward with a public hearing. To this, DuBose suggested forwarding the draft ordinances to the County Board at its first meeting in March 2024 for preliminary review, allowing the Work Group to discuss the County Board's feedback at an upcoming work session. Ultimately, Schneider commented that staff would map out an adoption schedule for the Work Group's consideration. It was also decided that the Planning Commission would determine at its regular March 7, 2024 meeting whether or not they would hold or cancel the March 21st work session.

With no further business to discuss, the work session adjourned at 9:00 pm.



Jolene Wille
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator