

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
June 15, 2023**

The Chisago County Planning Commission met in session at 6:00 pm on Thursday, June 15, 2023 at the Chisago County Government Center.

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

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

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

Introduction of New Consultant Team Project Staffing – Haila Maze of Bolton & Menk introduced herself and explained that she would be replacing Rose Schroder on the County’s ordinance update project. Maze explained that she and her team had reviewed all past materials and correspondence in an effort to familiarize themselves with the project and to develop draft materials. Maze provided background information about herself and her team members.

Subdivisions: Planned Unit Developments (PUDs), Cluster Developments, and Conventional Development – Maze provided a table providing a comparison of all subdivision options, acknowledging that the Planning Commission had expressed a desire to present subdivision options in a more clear and understandable manner. The comparison highlighted such items as general regulations, density bonuses, and open space requirements. Maze questioned if any of the noted subdivision options should be consolidated. The group discussed a past suggestion from Commissioner DuBose that all subdivisions be processed as PUDs, and, after a review of the PUD process, the consensus was that the work group preferred to establish two types of subdivisions, including conventional developments and PUDs. Whitney commented that the table should address developments within the Shoreland Management District, adding that most of the larger subdivisions included shoreline property. Maze stated that she would update the table to include descriptions about each subdivision option, identify each type of subdivision, general standards, and overlay district implications.

The group briefly discussed the difference between PUDs and Cluster Developments. It wasn’t clear to the group what all differences could be; however, it was determined that not all PUDs were Cluster Developments. It was further decided that if the Planning Commission and staff were unable to fully understand the differences between the two types of subdivision, then they should be consolidated and simplified (as previously discussed). Chair Yeager suggested that, once the subdivision language was solidified, it would be helpful to see illustrative examples of subdivision options. In regard to Cluster Developments with Utilities, the group discussed scenarios in which a single subdivision could include lots which were part of a community system as well as lots which had individual systems, and that lots with individual systems were not currently factored into density bonus calculations.

Overlay Districts – Maze commented that Chair Yeager had questioned the differences between the two St. Croix Overlay Districts and if they could be consolidated. Maze, not knowing the full history of the two districts, hypothesized that the County’s regulations for the two districts were based upon State and Federal regulations. Maze added that the Lower St. Croix Overlay District was established after establishment of the Upper St. Croix Overlay District and the former was more restrictive and consolidating the two districts would likely result in the latter becoming more restrictive. Chair Yeager acknowledged that Maze had provided him with information prior to the work session and he had not yet had time to review it, and, therefore, suggested tabling the issue for future discussion. Director Schneider offered that he believed the County’s regulations for the two districts mirrored State and Federal regulations and there was likely little that could be changed.

Whitney commented that there was currently no overlay district for the watershed districts and suggested that this be added as it could play a significant factor in development. Director Schneider shared that there was one watershed district within the County, the Comfort Lake Forest Lake Watershed District. The work group briefly discussed the role and responsibilities of the Planning Commission in review of subdivisions within the watershed district. Ultimately, the consensus of the work group was to add language to the Subdivision Ordinance advising developers to consult with the watershed district directly if applicable.

Other Updates:

- **Definitions** – Maze commented that Bolton & Menk’s goal was to clean up the definitions section and make sure it included all necessary references.
- **Accessory Dwelling Units (ADUs)** – Maze commented that Bolton & Menk intended to include clear and concise language pertaining to ADUs.
- **Rural Residential District and Urban Fringe Residential District** – Maze explained that there were questions from Commissioners as to whether these two districts should be separate or consolidated and suggested that this could be further discussed.
- **Campgrounds** – Maze commented that definitions pertaining to campgrounds were added for clarification.

Maze invited discussion on the above topics or any other topics identified by the work group. McCarthy commented that he wanted to discuss campground regulations and accessory structures in greater detail. Director Schneider clarified for Maze that the County recently adopted new regulations pertaining to accessory structures, allowing non-agricultural accessory structures without the presence of a principal structure under certain scenarios.

Whitney noted that current ordinance language only allowed the second story of an accessory structure to be used for unfinished storage space and that this language prohibited such uses as office space and ADUs in the second story. The work group discussed possible language to allow other uses so long as constructed and used in a lawful manner. Chair Yeager suggested defining the term lawful. Through discussion it was realized that the current draft Zoning Ordinance did not include a separate section pertaining to ADUs; Maze stated that she would create a section specific to ADUs and populate it with performance standards previously discussed by the work group. Director Schneider recalled that the work group had previously come to a consensus that ADUs should: 1) be allowed; 2) they should not exceed 720 square feet in size; and, 3) the Zoning Ordinance should define ADU. Director Schneider inquired if there were other performance standards desired by the work group. The work group responded that they had reached consensus that ADUs should not be situated any closer to the roadway than the principal dwelling. Coordinator Gervais questioned if there should be a minimum size for ADUs.

Wille recalled that the work group had previously reached consensus that ADUs must have permanent and dedicated utilities. Discussion transitioned to the current allowance for temporary manufactured home permits related to construction of a permanent dwelling, farm employees, and medical hardships. Ultimately, the work group requested that Maze develop recommendations for ADUs based on previous work group discussions and other possible ideas not previously considered by the work group. Maze offered the following suggestions: 1) ADUs must be constructed with materials compatible / harmonious to the principal dwelling; 2) one of the dwellings must be owner occupied rather than being two rental properties; and 3) ADUs could either be attached to or detached from the principal dwelling. Returning to the topic of temporary mobile home permits, Coordinator Gervais commented that Schroder had intentionally eliminated the use of temporary mobile homes for medical hardships from the draft ordinance under the premise that these temporary dwellings would be addressed by the new ADU language. The work group discussed the medical hardship scenario with consensus that the allowance for temporary mobile homes should be added back into the draft ordinance given that this allowance was intended to be temporary and ADUs were intended to be permanent.

Returning to the topic of campgrounds, McCarthy commented that the County had experienced issues with density but suggested holding discussion for a future work session.

Whitney introduced the topic of the Rural Village Center (RVC) District and his desire to involve the applicable townships in a discussion about expanding the districts to allow for commercial growth. Whitney also suggested that single family and multi-family dwellings be added as allowable uses in the district. Coordinator Gervais noted that the current Zoning Ordinance draft showed "dwelling units" as a Conditional Use in the RVC District. Work group consensus was to allow dwellings as a Permitted Use rather than a Conditional Use. Whitney again suggested involving the townships in discussions related to the RVC District. McCarthy added that Sunrise Township had expressed interest in expanding the RVC District in order to allow more commercial development. Whitney commented that the RVC District, as currently configured, created split zoning classifications for several properties and this should be corrected. Director Schneider suggested that County staff prepare letters and zoning maps for the townships with an RVC District in an effort to seek feedback on possible adjustment to the district boundaries and allowable uses.

Sutcliffe introduced the topic of Airbnbs (short-term rentals) and commented that the growing number of short-term rentals was creating issues in certain areas, including issues with parking, septic systems, and noise. Director Schneider explained that the County currently allowed dwellings to be licensed as short-term rentals and complaints / concerns should be forwarded to staff for review and, if warranted, action.

Whitney raised the issue of zoning districts, commenting on the proposed consolidation of the Rural Residential I (RRI) and Rural Residential II (RRII) Districts and noting that part of the stated purpose of the Urban Fringe Residential (UFR) District was for the district to be in close proximity to incorporated cities and within immediate connection to public facilities. Whitney commented that none of the townships had or intended to have municipal utility systems and questioned the purpose of identifying that the UFR District was intended for immediate connection, and also questioned whether it would be better to consolidate all three districts (RRI, RRII and UFR). Coordinator Gervais responded that she was only familiar with one Urban Residential (UR) District (current name of district) within the County and it was somewhat close to the City of Center City and likely a natural location for the extension of municipal utilities rather than township utilities. Whitney again questioned whether all three districts could be consolidated. In response, Gervais also commented that, in the one UR District she was familiar with,

the parcel sizes were extremely small compared to the RR Districts, noting that the minimum required lot area was significantly less than that of the RR Districts and property size may be a reason for not consolidating. Coordinator Gervais also commented that review of the dimensional standards for the UR / UFR District was needed given that, as proposed in the draft Zoning Ordinance, the required Home Site Area exceeded the minimum lot area.

Whitney commented that properties around lakes were typically zoned RRI District or RRII District and the current draft Zoning Ordinance was proposing that these two districts be consolidated into the Rural Residential (RR) District; however, the stated purpose of the RR District did not include recognition of lakes / lake properties. The work group discussed possible added language to address and recognize properties near and adjacent to bodies of water and historic shoreland development. The work group also discussed at greater length the inconsistencies surrounding dimensional standards for various zoning districts and the need to further review and adjust accordingly, and possibly reducing the required lot area for properties within the RVC District.

Whitney mentioned his ongoing concern with the current requirement that cul-de-sacs not exceed 1,320 feet in length and the County's past practice of not enforcing this requirement as well as the challenges it presented to new subdivisions. The work group discussed possible reasons for the maximum length, including maneuverability of emergency service vehicles and a method to establish street connections / a road network so as not to create a series of dead-end roads or reliance entirely on County roads. Whitney recalled that hammerheads had been approved in the past as a method of allowing streets to be longer than 1,320 feet, with the understanding that the hammerhead was temporary and would allow connection to adjacent land for future development. Whitney added that there was a clear distinction made in the past between cul-de-sacs and hammerheads as a means of addressing the street length issue. Maze stated that she would review the existing language and provide suggested language for future review. Director Schneider suggested a requirement that temporary cul-de-sacs be signed in a manner that creates awareness for surrounding property owners that the street was intended to be a future through-street.


Whitney questioned the current park dedication language for new subdivisions, noting that the ordinance required a land dedication but he had always heard that a cash dedication was required. Director Schneider further noted that the current language required a cash dedication to be based on market value of the subject site and it should instead be based on the adopted fee schedule but, ultimately, the County Board would decide whether to accept land, cash, or a combination thereof. Maze stated that she would review the current language and revise based on the work group's discussion. Director Schneider shared that 75% of the park dedication fees collected through the subdivision process was allocated to the host township for development of new parks and the remaining 25% was used by the County for County parks. Commissioner Greene commented that creating new parks was challenging for townships and there was interest in being able to use the park dedication funds for maintenance as well.

Whitney addressed the issue of lot size related to Rural Retail Tourism and Major Home Occupations, commenting that, based on a recent land use application and subsequent court ruling, the County should consider implementing a minimum lot size and/or additional setback requirements. McCarthy commented that there could be potential negative impacts to neighboring landowners regardless of the lot size and suggested that another option could be a limit on the number of people that could be on-site at any given time and/or better define the term "small scale". Commissioner Dunne suggested prohibiting these types of activity from being adjacent to residential development thereby creating a

buffer zone. The work group discussed possible complications with this idea, including subsequent limits placed on adjacent landowners and their ability to use / develop their land. Wille acknowledged that it would be difficult if not impossible to create regulations addressing every possible concern and suggested that, ultimately, each proposal be considered on its individual merits. Director Schneider requested that Bolton & Menk consider the term “small scale” as it related to Rural Retail Tourism and help the County to better define and/or quantify the term. McCarthy noted that Isanti County adopted similar Rural Retail Tourism language but added detail about the number of people allowed at gatherings and events (i.e., a measurable performance standard). Maze suggested that, in review of the current language, she would consider such issues as hours of operation, quiet hours, noise / outdoor music, lighting, number of people, traffic impacts / access.

Next Steps – The work group discussed the next work session and agreed to meet on the regularly scheduled date of July 20, 2023 at 6:00 pm. Maze stated that she would provide the work group with draft materials for review at least one week prior to the work session, including the Shoreland Management Ordinance and other updates based on the work group’s June 15, 2023 discussions.

With no further business to discuss, the work session adjourned at 8:42 pm.



Chip Yeager
Chair

ATTEST: 

Beth Gervais
Land Services Coordinator