

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 1, 2021

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 1, 2021 at the Chisago County Government Center.

Staff Present: Kurt Schneider; Environmental Services Director and Patty Perreault; Office Manager.

Chair Johnson called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Jim McCarthy, Shellene Johnson, Frank Storm, Dave Whitney, John Sutcliffe, Jim Froberg, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. A quorum was established with members present.

APPROVAL OF AGENDA – Motion to approve the agenda made by Frank Storm. Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

APPROVAL OF MINUTES – Motion to approve the June 3, 2021 minutes by Jim Froberg. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by Frank Storm, second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments for Mold PID#06.00553.00. Staff Memo June 23, 2021 Public Hearing Draft Ordinance(s) Buildable Area Concept(s). Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Johnny and Brittany Mold

Director Schneider presented background information on Mold’s preliminary plat application for “Dogwood Addition”. The parcel size is 15 acres, zoned Agricultural (AG), with proposed subdivision for a total of two lots. Lot 1 is ten acres with an existing dwelling and Lot 2 is five acres. Each lot meets the AG lot size, width and depth requirements. Technical Review was held on June 9, 2021 and no concerns were identified. Parcels are not located in the floodplain, no severe slope conditions, with no wetlands on the plat. Soils were verified and found accurate. There are no new roads as part of the proposal. Nessel Township Board recommended approval with no conditions at their June 8, 2021 meeting. Mr. and Mrs. Mold were present to address questions and concerns. Chair Johnson asked each Planning Commission member and Mr. Mold for additional questions and comments.

Chair Johnson opened the public hearing and sought comment. With no additional person wishing to speak, **motion** by John Sutcliffe to close the public hearing. Second by Chip Yeager. The motion was approved 7 – 0 with a roll call vote. Ayes: Whitney, McCarthy, Yeager, Johnson, Sutcliffe, Storm, and Froberg. Nays: none. Each Planning Commission member was asked for additional questions and comments. **Motion** by Frank Storm to approve Preliminary Plat “Dogwood Addition” as requested at 49150 Dogwood Avenue, PID# 06.00553.00 for two residential lots as outlined in the Staff’s report, site plan, and narrative of record. Second

by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Old Business:

Zoning Ordinance Review & Update

Draft Ordinance Amendment

Director Schneider provided a timeline of past action on the proposed language to remove and amend the one acre buildable requirement for a home site area alternative which began in November of 2020 with a draft presented in December, additional questions in January, a subcommittee in February, public hearing in March, continued work in April and May, and concepts reviewed and further modified in June. He pointed out that these amendments include changes to four ordinances, which are under review by the County Attorney's office, and while form and format have been approved, the review period remains open. The draft was presented:

Proposed Amendments to Zoning, Subdivision, Shoreland Management, and Subsurface Sewage Treatment Ordinances *SUMMARIZED* as follows:

1. **Remove and amend language in reference to parcels requiring minimum buildable area "one acre buildable"**
 - Removes current 1 foot to redoximorphic "mottled" soils specification totaling 43,560 sq. ft. (1 acre)
2. **Introduce a new Home Site Area definition and incorporate Home Site Area General Provisions and Home Site Area Specific Provisions**
 - Replace/Require 21,500 – 30,000 sq. ft. contiguous soils meeting desirable construction/soils/100-year flood contour and/or anticipated water level criteria
 - Requires survey / elevation and area study to implement
 - One work group proposal allows incorporation of Fill to create Home Site area; one proposal directs no Fill allowed requiring lot(s) in their natural state.
3. **Reduce the required Type 1 septic system area**
 - Reduce required area from 10,000 sq. ft. to 8,000 sq. ft. (two system sites @ 4,000 sq. ft. each)
 - Maintains natural 1 ft. separation to redoximorphic "mottled" soils State of MN requirement
4. **Allow Type 2 septic systems (holding tanks) for some uses; and**
 - Existing lots of record in support of accessory bldg. washrooms
 - Homes less than 1,000 sq. ft. & homes/cabins occupied less than 6 months per year
5. **Identify home construction soils correction/footing standards for unsuitable soils or water**
 - Presence of suitable soils required; outlines geotechnical engineer drainage system elements/foundation protection measures

Discussion followed regarding requiring a 30,000 square foot area vs. 21,500 square feet. Reducing septic area from 10,000 to 8,000 square feet, and footing or water corrections and engineering. **Motion** by Jim Froberg, second by Jim McCarthy to open the public hearing. The motion was approved 7 – 0 with a roll call vote. Ayes: Whitney, McCarthy, Yeager, Johnson, Sutcliffe, Storm, and Froberg. Nays: none.

Vince Charles, Sunrise Homes - spoke about his concern of a more restrictive requirement by changing from one acre buildable to the proposed Home Site Area and the elevation/flood plain requirement. He was against the 21,500 contiguous site and yard option and the proposed use of fill for creating buildable area.

Joe Charles, JC Homes - spoke and was also against the elevation requirement explaining that footings in the county are routinely placed within four feet of the water table, and this requirement would all but eliminate

basements and split entry homes. Isanti County, which also has clay soils, he stated requires one foot above for the lowest floor or an engineered drain tile system.

They both spoke to the fact that the water table is seasonal meaning findings on digging a basement would vary greatly between April and August, and what the perceived highest water table would be besides mottled soil. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none. ***Motion*** by Dave Whitney that the Chisago County Planning Commission recommend to the County Board the removal of the one acre buildable requirement and replace it with a Home Site Area including new septic system regulations which were drafted and distributed by county staff on June 18, 2021 – included in the motion is the amending language entitled Final HOME SITE AREA Ordinance changes to staff language which he emailed to staff and planning commission members on June 30, 2021 at 10:24 a.m. with 21,500 square feet, with fill allowed.

INSERT Of Commissioner Whitney’s draft changes from email of 6/30/21-

DOCUMENT KEY:

- Staff Language of June 18, 2021
- **New Language**
- ~~Deleted Staff Language of June 18, 2021~~

SECTION 4. GENERAL PROVISION

4.06 Yard Regulation

C. Home Site Area Standards

The following shall be required of all lots and parcels at time of subdivision and/or time of principal structure (home) construction permitting:

1. A land area measuring a minimum of 21,500 square feet which may be identified in its natural state or modified with clean fill and identified with soil boring and survey elevation study as determined by the County to support the following:
 - a. Contiguous 10,000 square foot principle building pad site that is:
 - i. A minimum of 2 feet above the 100 year flood contour and
 - ii. **Two (2) feet above the highest anticipated water level and**
 - iii. **Meet the Building Requirements in Section 4.07**
 - iv. ~~1 foot above highest encountered redoximorphic “mottled” soil elevation; or~~
 - v. ~~A Minimum of 4 feet above highest anticipated water level as determined by piezometer data and soils report prepared by a civil geo technical engineer.~~

4.07 Building Requirements

D. Soils Corrections Footing Stability

The following is highly recommended in the construction of principal residence including occupied homes/cabins prior to the digging of the lower level and/or footings:

1. **A deep soil boring extending 2’ below footings to analyze soil and water conditions within the Home Site Area or a piezometer report to determine that the water table is 2’ or more below the footings and lower floor.**

Second by Jim Froberg. The motion was approved 4 - 3 with a roll call vote. Ayes: Whitney, Sutcliffe, Johnson, Froberg. Nays: McCarthy, Yeager, Storm. Dave Whitney explained due to issues that were raised during public comment, he would suggest minimum above 2 feet above 100 year flood and above highest water table and then the building requirements in 4.07. He would like to see instead of a requirement, that the county would highly recommend deep soil boring prior to digging the basement to analyze soil and water conditions.

Jim McCarthy commented he would like to see a graduated approach based on the size of the parcel, perhaps 30,000 square feet for 5 acres or greater, and 21,500 square feet for smaller Rural Residential parcels. He wanted to clarify that the reason for the contiguous area was to allow for septic, yard and house instead of many small areas that meet the soil criteria. Chip Yeager pointed out that requirement is split into two as the house/septic is key for the stringent requirements, with less stringent for yard. Dave Whitney wanted to amend to clarify instead of two feet above footing, lower level – delete footings and just put lower level. Jim McCarthy asked to amend for AG and PAT to have a 30,000 square foot area, and smaller 21,500 for RR subdivisions. Dave Whitney said he would like a vote for those that don't feel comfortable accepting it. **Motion** by Chip Yeager for a vote on Jim McCarthy's friendly amendment. Second by Frank Storm. The motion was approved 3 - 4 with a roll call vote. Ayes: McCarthy, Yeager, Storm. Nays: Whitney, Sutcliffe, Froberg, Johnson. Frank Storm stated he had issues with the language regarding modified clean fill, what the definition of that was, and what was or wasn't allowed by the PCA, especially in wetland or lowland areas. He wondered what comments were made by the County Engineer or Building Official regarding allowing this. Lastly, he was concerned whether or not staff would now make revisions based on tonight's discussion and bring back a final draft in August for review.

Accessory Structures

Director Schneider presented the draft amendment to the ordinance to allow for the construction of an accessory structure to be built on vacant land prior to the construction of the principal house with a Conditional or Interim Use Permit with a defined expiration term for parcels of a certain size, for personal storage in the A, AP, and PAT Districts. Discussion followed regarding the IUP requirement and term limits as well as parcel size. **Motion** by Jim Froberg to approve with an IUP for a term of three years in order to support saving the structure. Second by John Sutcliffe. Frank Storm suggested a friendly amendment that the structure must be maintained in a usable condition or removed. **Motion amended** by Dave Whitney to approve with an IUP for a term of three years and the structure must be maintained in a usable condition or removed. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none. **Motion** by Chip Yeager to remove "on parcels x acres or greater in size". Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none. Director Schneider suggested reviewing "C. Commercial storage of recreational structures is prohibited. Personal storage of recreational structures must meet setbacks." General discussion of this section and whether or not it related to letting someone store their recreational vehicles in ones own accessory structure, and if this was a commercial use. (Clerk's note – this section of the ordinance was added to address the storage of recreational structures such as a fish house – to prevent a commercial outdoor storage yard of them, and so a personal off season fish house was not stored next to a property line, road, or lake during the summer). **Motion** by Frank Storm for staff to review the definition of commercial as it relates to this section, develop new language to allow for an accessory structure to remain after demolition of a house; and to bring back a draft of the ordinance with discussed changes at the next meeting. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Commercial Shooting Ranges

Director Schneider discussed the ordinance that was presented to the Planning Commission and the new language proposed based on the comments from that meeting. Jim McCarthy brought up the noise issue and the fact that no outdoor shooting range would meet the state standard, with that and the fact that an outdoor range would not give neighbors a reasonable use of their property he would not support this as a change to the ordinance. Many members had mixed feelings about the use of rifles outdoors as they relate to noise. **Motion** by Jim McCarthy to develop an indoor range ordinance. Second by Jim Froberg. After further

discussion on the size of the property that would be required, including Frank Storm pointing out the distances needed to site in a rifle, Jim Froberg removed his second if the motion was to exclude outdoor ranges. Dave Whitney seconded it if meant at this point they do not do both, as they can't make it work. Jim McCarthy clarified that his **motion** was to produce an indoor range ordinance to look at, a conditional use for indoor use. Second by Dave Whitney. The motion was approved 5 - 2 with a roll call vote. Ayes: Whitney, McCarthy, Yeager, Sutcliffe, Storm; Nays: Froberg, Johnson. **Motion** by John Sutcliffe to table this discussion until next month for shooting ranges. Second by Frank Storm. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

Communications and Reports

County Commissioner DuBose provided a brief review of County Board items that included steps taken recently regarding broadband internet service.

Motion by Frank Storm to cancel the Planning Commission's July 15, 2021 Special Work Session. Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

ADJOURNMENT: There being no further business, **motion** by Jim Froberg and second by John Sutcliffe to adjourn. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Meeting was adjourned at 9:55 p.m.