

CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
**March 4, 2021**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 4, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator, Diane Sander; Land Services & Parks Specialist, and Kurt Schneider; Environmental Services Director.

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.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand”, with the Chair leading and following meeting order/procedures.

**APPROVAL OF AGENDA** – Motion to approve the amended agenda with the addition of Staff Responses to Commission Questions on One Acre Buildable/Septic and seventeen public comments made by Frank Storm. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously.

**APPROVAL OF MINUTES** – Motion to approve the February 4, 2021, Special Work Session January 21, 2021 and Special Work Session February 18, 2021 minutes by Jim Froberg. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously.

**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 Chip Yeager. Second by Frank Storm. Roll call vote was taken and motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Staff Report Ordinance Discussion, Staff Responses to Commission Questions on One Acre Buildable/Septic and seventeen - Public Hearing Comments for One Acre Buildable/Septic. Copies of all correspondence and meeting materials were made available for electronic distribution.

**Public Hearing Items:**

Chair Johnson provided a brief overview on the proposed language amendments with questions the Planning Commission is seeking public feedback on pertaining to One Acre Buildable and septic system types. As amended in April 1, 2021 minutes. Chair stated questions will be addressed at end of public hearing. Chair Johnson opened the public hearing for comments.

*Rick Keller* – Stacy, I am a septic professional and Lent Township Chair. I would make changes to allow for leniency. Septic systems installed correctly work and would recommend a change in these requirements.

*Byron Dahlheimer* - Oasis Road in Chisago Lake Township. I have a farm on North Center Lake. Identified the perfect spot for building. Septic experts indicate not a problem, potential sites are close but soil borings do not pass. There is an opportunity to make some homesites, help farmers and potential homeowners.

*Max Gustafson* – Chisago Lake and Sunrise Township. I farm in the area. This feels arbitrary and limits growth. We understand limitations and preserving open space. There is an opportunity to add to the tax base. We have some land not usable farm operation, but great for a nice home. Seems like more reasonable standard to promote growth. Farming is not easy and difficult to stay profitable as taxes increase. There is a better use for this land and ask that One Acre Buildable be removed.

*Greg Shaleen* - 15932 Quite Valley Road. I am a real estate agent in the Chisago Lake area. There are landowners with large parcels near Shafer with wetlands that have recorded lots. Seems like limited communication on buildable which then causes conflict. Real estate agents from metro area assume a house can be built. Example provided on Redwing Avenue with issue of buildable soils and recording of non-conforming lots. Mr. Shaleen highlighted a registered century farm that after hours of conducting soil borings found minimal suitable area. There are a fair number of parcels that could accommodate a septic system but could not meet the one acre minimum requirement.

*Tony Randall* – Center City, Real estate agent in the area. Mr. Randall provided an example of a landowner transaction and spending additional money to prove one acre buildable. Generate more revenue with increase tax base. In favor of removing One Acre Buildable and allowing septic designers to do their job.

*Lin Strong* - Amador Township Chair. Amador, Shafer and Rushseba Townships submitted a joint letter opposing the removal of One Acre Buildable. There is marginal land in our townships and all townships, we are opposed to development on marginal land. Not all land should be developed. Go with choice one, keep 10,000 ft of mottled soils. County has worked hard to put these protections in place and should not be changed.

*Marlys Dunne* - Chisago County Commissioner. Asked clarifying questions on the perception of One Acre Buildable and Septic types. Is there any data to support or discourage the perception of limiting development/growth? Chair Johnson indicated that analysis has not been done. Based on what she knows, there has not been huge growth and could look a little further into that matter. Director Schneider reported it would be an extensive study. Staff could review recent years of platted developments the Planning Commission has reviewed. He noted platting could increase or decrease by changing the requirements. Commissioner Dunne asked if substandard septic systems would be installed and impacts of removing mottled soils. Chair Johnson responded it is separate from One Acre Buildable and would still be addressing a buildable lot/area. Current septic is beyond MPCA requirements. MPCA requires adequate location for primary and secondary septic systems. Mottling is for Type I system on new parcels, Type 2 – 4 are not allowed. We are looking to expand that and could set the size to accommodate both systems. If a parcel did not meet the twelve-inch mottled soils Type 2-4 could be installed. MPCA does have wetland regulations. Director Schneider reported there is no way to tell if poorer septic designs or installation would be done if One Acre Buildable was removed. There is a greater likelihood that other septic systems would be installed if a different size requirement was set for the primary and secondary septic systems sites. Director Schneider noted the County does allow the other types of septic systems and that homeowners do not have to put the house and septic in the buildable area. If they choose not to, then most likely a Type 3 or Type 4 septic system is installed on the property. The Type 1 system tries to minimize building in a poor-quality area. New construction can install different septic systems; but newly created lots must demonstrate their ability to support a Type 1 system. One Acre Buildable is not a state regulation, it is a county decision that could be kept or not.

As amended in April 1, 2021 minutes. Chair was questioned if public hearing had ended and is the Planning Commission in discussion? Public hearing continued.

*Chris DuBose* – Chisago County Commissioner. The thing that bothers me the most is One Acre Buildable. It doesn't have anything to do with land that is buildable. I don't think any house is built on twelve-inch mottled soils. The building site has dirt scraped away for concrete slab or basement. No purpose in it since that soil is not use in septic installation. The homeowner doesn't have to put the building or septic in that spot. Commissioner DuBose described a situation of a 20 acre parcel, which the landowner purchased one acre from the neighbor opposite of parcel to have the area to meet the One Acre Buildable. There is a sensible and fair way to limit development rather than an arbitrary and nonlogical based regulation. I am in favor of eliminating the One Acre Buildable.

*Mike Willcoxon* – Stacy, Chair of Planning Commission for Lent Township. We have a lot of Carlos Avery State Wildlife Management Area with numerous wetlands and lowlands. Development has been hindered from beautiful homesites since it does not meet those standards. Rules seem burdensome and should be removed.

*Rick Keller* – Director Schneider did a great job providing the rules and guidelines for septic design. Commissioner Dubose was right that this is an arbitrary decision, which does not make sense if the site can support a primary and secondary system. The key is protecting septic areas while building and during the time of the homeowners living there. A pole barn cannot be built on the designated septic areas. Homeowners should have some forethought on how to manage their property.

*Max Gustafson* – Provided another example of a larger parcel with house, with the idea of the house being split off onto a five acre plot. House had a new septic in 2006 and inspected in 2015 and was fully functioning. If we want to plat the five acre, soil borings are still required. That is ridiculous with a functioning septic.

*Greg Shaleen* – I understand a Type 1 must be installed and One Acre is over kill. County Zoning will receive little feedback due to septic installers and realtors are well educated on the ordinance. Mr. Shaleen believed the One Acre Buildable is the most restrictive in the state. Surrounding counties roll their eyes at the strictness and uniqueness of Chisago County.

*Marty Harding* – Chisago City, People that are in favor of this change are real estate agents and landowners who will benefit from this. I am proud that Chisago County has the best zoning in the state, not ashamed. We have a large lakes area with wetlands that need protection. One Acre Buildable for new lake lots are needed since there is a lot of pressure to develop marginal land around lakes. One Acre Buildable should be kept as is.

Chair Johnson indicated public comment letters will be available with request by email or by reviewing comments at Environmental Services. Chair Johnson requested the list of names and/or agencies be displayed. The list of written public comments submitted in advance of the meeting on One Acre Buildable/Septic include:

1. Jeske Noordergraaf – Sunrise Township Supervisor
2. Betsy Rising – Nessel Township Supervisor
3. Max Gustafson
4. Frederick Weck, Zoning Administrator – City of Wyoming
5. Kevin Stenson, Mayor – City of Lindstrom
6. Gary Noren & Marty Harding
7. Tony Randall
8. Mike and Linda Gallagher
9. John Pechman, City Administrator – City of Chisago City
10. Josh Putt
11. Wayne Jacobson, Jacobson Environmental
12. Chisago County Townships Amador, Shafer, and Rushseba
13. Benjamin Zierke, Zierke Soil Testing
14. Paul Dennison
15. Kirk Bluhm, Bluhm Construction, Inc.
16. Sherry Stirling – Chisago Lake Township Supervisor
17. Minnesota Pollution Control Agency (MPCA)

Chair Johnson identified members from the public on electronically and asked if they would like to speak on One Acre Buildable and septic system types. With no additional person wishing to speak, ***motion*** by Dave Whitney to closed the public hearing. Second by Jim Froberg. Chair Johnson conducted a roll call vote. The motion passed with Dave Whitney, Jim McCarthy, Chip Yeager, John Sutcliffe, Jim Froberg and Shellene Johnson in favor. Frank Storm was opposed.

Chair Johnson asked each Planning Commission member for additional questions and comments. Frank Storm indicated he was opposed to closing the public hearing with the intention to carry over public comment to April's meeting. Public hearing has been closed. Chair Johnson indicated the Planning Commission was collecting comments, but she thought there will be an opportunity for further comments. Frank Storm disagreed. Dave Whitney specified that following discussion he would like to make a motion on this issue. Jim Froberg inquired about soil mottling. John Sutcliffe provided a quick overview of different septic systems and separation requirement. Commissioner DuBose asked if a mound septic system had any negative impacts to the environment? John Sutcliffe indicated if properly designed, no. **Motion** by Dave Whitney to remove One Acre Buildable from all ordinances as provided by staff on December 23, 2020 and create a new buildable site requirement to be inserted in applicable Chisago County Ordinances. Second Jim Froberg. Dave Whitney clarified creating new buildable site requirements would mean a lot more and limit issues raised tonight. Dave Whitney noted a working group could draft and make modifications on defining a buildable site. Draft can be reviewed at the special work session and at the April Planning Commission meeting. Chip Yeager inquired how applications would be handled. Current ordinance language would be used until the County Board approves the recommended ordinance language. Jim McCarthy commented this is going too fast and need time to discuss and debate One Acre Buildable. Excellent material that staff put together and many concerns from townships. Jim McCarthy noted the Planning Commission should be very careful, concerns for home buyers of what they are buying and impacts of climate change. Chair Johnson indicated she supported the motion and added the County Board gave direction on removing One Acre Buildable. As amended in April 1, 2021 minutes to reflect clarification comment, "County Board only authorized review of ordinance, not removing One Acre Buildable." This item needs to move forward to County Board, remove One Acre Buildable and create a new buildable site requirement by the working group and then move to a public hearing. Frank Storm concurred with Jim McCarthy concerns and does not support moving it to County Board with the number of submitted letters that need to be read and addressed.

Jim McCarthy indicated he was not ready to vote with lengthy list of submitted comments. The Planning Commission has not discussed and would like to go through each comment. Discussion was held on the ability to read the comments submitted prior to the meeting and the Chisago County Press letter to editor. Public hearing had been closed and Chair Johnson asked if the Planning Commission would like to continue discussion. Jim McCarthy indicated yes and he would also like to discuss staff and MPCA comments. John Sutcliffe noted he did not have a chance to read the submitted comments and would like the motion read back. Frank Storm specified to hear the motion read back and call the question to vote. Dave Whitney restated his motion to remove One Acre Buildable from all ordinances and create a new buildable site requirement to be inserted in applicable Chisago County Ordinances. Chair Johnson conducted a roll call vote. The motion passed with Dave Whitney, John Sutcliffe, Jim Froberg and Shellene Johnson in favor. Jim McCarthy, Chip Yeager and Frank Storm was opposed.

Director Schneider asked for clarification moving forward and timeline for developing new buildable site requirement. Director Schneider noted the Planning Commission has a training in March and a proposed lengthy April agenda. Dave Whitney indicated his proposed timeline may be unrealistic and the working group could draft new buildable site requirement. Jim McCarthy indicated desire to work on modification instead of eliminating One Acre Buildable. **Motion** by Jim Froberg to recommend the following working group members: Chair Shellene Johnson, Jim McCarthy, Dave Whitney, and Coordinator Jagoe. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously. Chair Johnson indicated the working group would meet soon, develop draft for March's work session or at least provide an updated timeline. John Sutcliffe inquired if Planning Commission could provide comments. Chair Johnson said yes, the working group would accept comments.

**ADJOURNMENT:** There being no further business, motion by Frank Storm and second by Jim Froberg to adjourn. Roll call vote was taken and motion carried unanimously. Meeting was adjourned at 8:35 p.m.