

ZONING OFFICE

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Trina Bergloff, Zoning Administrator/Solid Waste Officer
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Erica Wilson, Administrative Assistant/Permit Technician

Isanti County Planning Commission
Public Hearing
February 10, 2022
Isanti County Government Center

Members present: Teresa Jones, Lyle Reynolds, Bruce Mickelson, Dave Ringstad, Bruce Bloomgren, Susan Morris, Angela Kersting, Larry Fredlund, Greg Anderson (In Susan Morris place), Kathy Skiba

Other members present: Trina Bergloff, Zoning Administrator, Holly Nelson, Deputy Zoning Administrator, Tim Nelson, Chief Deputy County Attorney

Members not present: Dennis Haubenschild, Shaun Fiedler

Bruce Mickelson, Chairperson called the meeting to order at 6:00 p.m.

A motion was made by Dave Ringstad and seconded by Bruce Bloomgren to approve the minutes of the January 13, 2022 meeting as presented. Motion carried unanimously.

Trina Bergloff stated that agenda item #2, Toni & Don John & Donald & Dawn John, 26362 Lyons Street NE, Stacy, MN 55079 to present a preliminary plat of Lyons Addition has been requested to be tabled until the March 10, 2022 Planning Commission meeting per their request.

1. Draft Accessory Dwelling Unit Ordinance by the Task Force.

Susan Morris stated that since the last Planning Commission meeting there were some minor changes made and the draft Accessory Dwelling Unit is as follows:

Secondary Dwelling Units – Notes and Sample Draft Ordinance Language

“Revised January 31, 2022”

General Notes

- The ordinance language below was prepared in response to a request from the Accessory Dwelling Unit Task Force. The purpose is to translate some of the concepts discussed at prior meetings into sample ordinance language. The purpose is not to identify the best way to resolve the differing policy options discussed by the Task Force, which will ultimately be addressed by the Task Force, the Planning Commission, and the County Board.

Potential Draft Language

1. General Provisions

- a. Findings
 - i. There are many benefits associated with the creation of legal accessory dwelling units (ADUs) on parcels that are otherwise limited to single-family dwellings. Those benefits include:
 - 1. Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement;
 - 2. Increasing the supply of affordable housing without government subsidies;
 - 3. Providing a cost-effective means of accommodating development by making better use of existing infrastructure and reducing the need to provide new infrastructure;
 - 4. Benefiting older homeowners, single parents, young home buyers, and the disabled;
 - 5. Integrating affordable housing uniformly within the community;
 - 6. Providing homeowners with extra income to help meet rising home ownership costs;
 - 7. Reducing the incidence of housing deterioration and community blight by preventing absentee ownership of properties; and
 - 8. ADUs provide the opportunity for increased security and companionship for older and other homeowners who fear crime and personal accidents.
- b. Purposes and Intent.
 - i. It is the policy of Isanti County to promote and encourage the creation of ADUs in a manner that enhances residential areas in order for the people of Isanti County to meet their housing needs and to realize the benefits of ADUs.
 - ii. It is not the purpose of this ordinance to alter the density restrictions outlined in Isanti County's Comprehensive Plan and implemented in Isanti County's Zoning Ordinance. Accordingly, to the extent that the Comprehensive Plan identifies limits to the number of dwelling units within particular areas of land, it is the intent of the County Board that a principal dwelling unit accompanied by an accessory dwelling unit shall be deemed to constitute a single dwelling unit for the purposes of provisions in the Comprehensive Plan and the Zoning Ordinance that address density. In addition, it is the intent of the County Board that it shall not require an additional building right for a property-owner to add an accessory dwelling unit to their property in conformity with the requirements for such an addition given below.
- c. Definitions.
 - i. "Accessory dwelling unit" (ADU) means a residential living unit on the same parcel as a single-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
 - ii. "Detached ADU" means a type of ADU that is a house built or placed permanently on the same parcel as a single-family house. An accessory detached ADU is not built within the existing house.

- iii. “Accessory” means that the ADU serves single-family dwelling purposes, rather than meaning that an ADU must necessarily be subordinate to or smaller than the principal dwelling unit on a single-family parcel, other than as set forth in the additional requirements for ADU’s given in Isanti County’s Zoning Ordinance.
- iv. “Dwelling unit” means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
- v. “Living Area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- vi. “Zoning Administrator” means the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.

2. Permits: Eligibility and Application

- a. Authorization for ADUs by Zoning District.
 - i. An ADU ***may be permitted in the Agriculture/Residential zoning district if it meets all the requirements of this ordinance.***
- b. Approval Process.
 - i. A total of one ADU is permitted per parcel.
 - ii. An ADU may be permitted in the agriculture/residential district, provided the Zoning Administrator first approves the proposed ADU as complying with the standards of Isanti County’s Zoning Ordinance.
 - iii. An ADU shall require a building permit that may either be applied for concurrently with the application for a building permit for construction of the principal structure on the parcel, or after construction of the principal structure.
- c. Continuing Authorization.
 - i. Authorization for an ADU shall expire if the ADU does not conform to the Zoning Ordinance.

3. ADU Standards

- a. Homestead Status.
 - i. The parcel on which the ADU is located must have received ***and maintain*** homestead status.
- b. Parcel Standards – Minimum Size.
 - i. ADUs may be developed on parcels meeting the minimum parcel size in the agriculture/residential district where it is located.
 - ii. A property may not be subdivided or otherwise segregated to provide separate ownership of an ADU.
- c. Parcel Standards – Setbacks.
 - i. The setbacks applicable to ADU’s shall be the same as those applicable to single-family dwelling units in the agriculture/residential zoning district where the ADU is located.
 - ii. ***A detached ADU shall be located at least 10’ from the principal dwelling on the lot.***
- d. Unit Building Standards – Existing Dwelling Unit, Existing Structure, or New Dwelling Unit

- i. An ADU may be incorporated in an existing dwelling unit, an existing structure, or a new dwelling unit.
- e. Unit Buildings Standards – Size of Detached ADU
 - i. The living area within a detached ADU may not be larger than the living area within the associated principal dwelling unit.
- f. Unit Building Standards – Compliance with the Building Code
 - i. The ADU must satisfy the requirements of the Minnesota State Building Code.
- g. Parking and Traffic
 - i. In order for an ADU to be approved, an applicant must demonstrate to the Zoning Administrator that there are sufficient parking spaces available on the parcel to prevent the need for residents to park on adjacent streets.
 - ii. One driveway access allowed per parcel for the ADU and principal dwelling on the parcel, ***unless otherwise approved by the road authority.***
- h. Public Health
 - i. ADU applicants must demonstrate to the Zoning Administrator that the water supply and sewage disposal facilities are adequate to satisfy all state laws and applicable Minnesota Pollution Control Agency regulations.
- i. Addressing for an ADU***
Isanti County has implemented a county-wide address system in order to provide enhanced emergency 9-1-1 services to Isanti County residents to provide for emergency vehicles.

Susan went through the findings of support for this proposed new Accessory Dwelling Unit Ordinance. She stated that some of the changes from the last meeting are listed above in the highlighted and italic areas which included driveways, addressing and setbacks. Trina Bergloff worked with Sheriff Chris Caulk with the primary residence labeled A and the secondary dwelling labeled B. Lyle Reynolds stated his concerns with the standards of one acre in the Agriculture/Residential District. Susan Morris stated that she does not want to limit the property size if they can meet the required setbacks. Kurt Daudt, Minnesota State Representative stated that he supports the Accessory Dwelling Unit Ordinance for Isanti County. He stated that this proposed ordinance gives Isanti County residences more freedom with their property. Robert Olson, who lives in North Branch Township supports the proposed ordinance. Jake Gillard, who lives in Springvale Township supports the Accessory Dwelling Unit Ordinance. Larry Fredlund expressed his concern with the size of the accessory dwelling unit. **A motion was made by Dave Ringstad and seconded by Larry Fredlund to recommend approval of this draft Accessory Unit Ordinance.** Motion carried unanimously.

2. The request of Toni & Don John & Donald & Dawn John, 26362 Lyons Street NE, Stacy, MN 55079 to present a preliminary plat of Lyons Addition. Legal description is Pt. of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ & the SE $\frac{1}{4}$ fct. of Section 12, Township 34, Range 22, Oxford Township.

Trina Bergloff stated that agenda has been tabled until the March 10, 2022 Planning Commission meeting per the applicant's request.

A motion was made by Lyle Reynolds and seconded by Kathy Skiba to move agenda item #3 to the end of the Planning Commission meeting. Motion carried unanimously.

3. The request of Paul Sjodin, 3001 343rd Avenue NE, Cambridge, MN 55008 to present a preliminary plat of Sjodin's Ranch. Legal description is Pt. of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 36, Range 23, Cambridge Township.

Don Hansen, Hansen Surveying was present for this request representing Paul Sjodin. Trina Bergloff stated that this property is zoned Agriculture/Residential District. This property is 24.78 acres. This preliminary plat is for two lots. Lot 1 – 3.00 acres and Lot 2 – 18.78 acres. There is an existing single family dwelling on Lot 2. No soil borings or a septic compliance inspection on the existing system has been done on Lot 2 due to weather conditions. Cambridge Township has no objections to this preliminary plat. There is no flood plain on this property. The required lot size is a minimum of one acre, maximum of three acres with 150' of lot width. **A motion was made by Dave Ringstad and seconded by Lyle Reynolds to recommend approval of this request to present a preliminary plat of Sjodin's Ranch with the following conditions: 1. Soil borings must be completed prior to making application for the final plat. 2. A septic compliance inspection for Lot 2 Block 1 must be completed prior to making application for the final plat.** Motion carried unanimously.

4. The request of Samuel Bartz, 32266 Virgo Street NE, North Branch, MN 55056 to present a preliminary plat of Poko Acres. Legal description is the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 35, Range 22, North Branch Township.

Samuel Bartz was present for this request. Trina Bergloff stated that this property is 20 acres. This preliminary plat is for two lots. Lot 1 – 3.00 acres and Lot 2 – 14.24 acres. There is an existing single family dwelling on Lot 1. Soil borings have been completed for both lots locating primary and an alternative septic sites. A new septic system was installed on Lot 1 in 2017. North Branch Township has no objection to this preliminary plat. The required lot size is a minimum of one acre, maximum of three acres with 150' of lot width. Mark Renn, Minnesota Department of Transportation stated that there will be no new accesses off State Highway 95. Larry Fredlund stated his concerns with the proposed plat with creating two parcels larger than three acres. Bruce Mickelson stated that this preliminary plat does meet the Isanti County Zoning Ordinance. **A motion was made by Lyle Reynolds and seconded by Bruce Bloomgren to recommend approval of this request to present a preliminary plat of Poko Acres.** Opposed – Larry Fredlund. Motion carried.

5. The request of Samuel Bartz, 32266 Virgo Street NE, North Branch, MN 55056 to present a preliminary plat of Poko Acres First Addition. Legal description is the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 35, Range 22, North Branch Township.

Samuel Bartz was present for this request. Trina Bergloff stated that this property is 20 acres. This preliminary plat is for two lots. Lot 1 – 3.00 acres and Lot 2 – 16.49 acres. There are wetlands on Lot 1. Soil borings have been completed. North Branch

Township has no objection to this preliminary plat. The required lot size is a minimum of one acre, maximum of three acres with 150' of lot width. Mark Renn, Minnesota Department of Transportation stated that there will be no new access off State Highway 95. Sam Bartz stated that the driveway access is off Virgo Street. Larry Fredlund stated his concerns with the proposed plat with creating two parcels larger than three acres. **A motion was made by Kathy Skiba and seconded by Dave Ringstad to recommend approval of this request to present a preliminary plat of Poko Acres First Addition.** Opposed – Larry Fredlund. Motion carried.

6. The request of Hunting Homes 4U, 350 County Road 6 NE, Stanchfield, MN 55080 to present a preliminary plat of High Bridge Forest. Legal description is Pt. of the NE ¼ of the NE ¼ of Section 34, Township 37, Range 23 & the E ½ of the SE ¼ fct. of Section 27, Township 37, Range 23, Stanchfield Township.

Mac Perry was present representing Hunting Homes 4U. Trina Bergloff stated that this property is zoned Agriculture/Residential District. This preliminary plat includes two parcels for a total of 50 acres in size. They are proposing four lots. Lot 1 – 2.5 acres, Lot 2 – 2.5 acres, Lot 3 – 8.00 acres and Lot 4 – 37.00 acres. One of the development rights in the E ½ of the SE ¼ Section 27, Township 37, Range 23 is being transferred to the NE ¼ of the NE ¼ Section 34, Township 37, Range 23. Soil borings have been completed. There are wetlands located on Lot 3 and Lot 4. There is no flood plain on the property per the FEMA map. The required lot size is a minimum of one acre, maximum of three acres with 150' of lot width. At the February 3, 2022 Stanchfield Township Board meeting they discussed the preliminary plat of High Bridge Forest but took no action at this time. They had questions on the easements and access to Lot 4 that could not be answered at the meeting but should not hold up the planning commission process. Because there are no new roads, their only concern is the lot's access to 379th Avenue. **A motion was made by Lyle Reynolds and seconded by Bruce Bloomgren to recommend approval of this request to present a preliminary plat of High Bridge Forest.** Motion carried unanimously.

7. The request of Mark & Tammy Nutt, 28726 116th Street, Princeton, MN 55371 for a conditional use permit for indoor storage of excavation/contractor equipment in a fully enclosed building. Legal description is the NE ¼ of the SW ¼ fct. of Section 21, Township 35, Range 25, Spencer Brook Township.

Mark Nutt was present for this request. Mark Nutt stated that he would like to store his equipment in a pole structure on his property. Ms. Bergloff stated there was an ordinance amendment for this type of use on 4/21/21. Mr. Nutt would like to construct an 80' x 120' pole type structure to store his excavating equipment in. He owns a septic installing business. No business will be transacted from the building as it is storage only. The hours of operation will be Monday thru Saturday 7:00 a.m. to 6:00 p.m. There will be no sign as this is for storage only. There is to be no outside storage of excavating equipment. He farms approximately 18 acres of this property and approximately 11 acres of this property are wetlands to the north. He is the owner of the property and the operator of Mark's Sewer Service. His main business is located in Sherburne County. Trina Bergloff stated that this property is 30 acres in size. **A motion was made by Larry Fredlund and seconded by Teresa Jones to recommend approval of this**

request for a Conditional Use Permit for indoor storage of excavation/contractor equipment in a fully enclosed building with the following conditions: 1. The fee owner of the property must be the business owner and/or the principal operator of the business whose excavation equipment or contractor supplies are stored. 2. No outdoor storage of excavating equipment for this business. 3. The hours of operation will be Monday through Saturday 7:00 a.m. to 6:00 p.m. 4. There will be no advertising sign. 5. Any work in the wetland area must have prior approval. Findings: 1. This is a large parcel and the use will be similar to agriculture practices so that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the immediate vicinity. 2. This is a large parcel with no impact to the area so the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area. 3. The building permit process will deal with the drainage on the property so that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. 4. There will be no off street parking so that adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. 5. There will be no lighted advertising sign so that adequate measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in a manner that no disturbance to neighboring properties will result. Motion carried unanimously.

8. The request of David & Jodi Barnett, 30731 Dysprosium Street NW, Cambridge, MN 55008 for an interim use permit for an extended home occupation conducted within an accessory structure for the storage of portable toilets and pumping trucks. Legal description is the S ½ of the NE ¼ of the NW ¼ of Section 13, Township 35, Range 25, Spencer Brook Township.

David & Jodi Barnett were present for this request. David Barnett stated that they own a portable toilet business (Affordable Sanitation Inc.) and would like to store the empty portable toilets that are not being used and three pumping trucks in the existing 40' x 80' pole barn structure on the property. The business hours are seven days a week from 6:00 a.m. to 10:00 p.m. They own approximately 300 portable toilets that are utilized by parks, schools, construction sites, cities, farms and events. They do not have a store front or allow customers on site. One to two trucks leave the premises in the morning and then return in the afternoon when they are done with the route. The property is screened with 30' plus high trees on all sides of the property lines. They currently have one employee but are requesting up to four non-family employees. They would not have an advertising business sign on the property. Matt Witt, a neighbor stated his concerns with odor. Mr. Barnett stated that "there will be no disposal of sewage on the property and there will be no odor as this is for storage of clean portable toilets". **A motion was made by Lyle Reynolds and seconded by Kathy Skiba to recommend approval of this request for an Interim Use Permit for an extended home occupation conducted within an accessory structure for the storage of portable toilets and pumping trucks with the following conditions: 1. This interim use permit is for the storage of portable toilets and pumping trucks. 2. Hours of**

operation will be seven days a week from 6:00 a.m. to 10:00 p.m. 3. No more than four non family member employees. 4. No customers on site and not open to the public. 5. No advertising sign on the property. 6. No outside storage allowed for this business. 7. One accessory building will be utilized for the business. 8. Adequate off street parking shall be provided. 9. The principle operator of the home occupation must reside and have homestead status on this parcel. 10. This Interim Use Permit will cease once David and Jodi Barnett no longer live on the property and/or the business ceases for one consecutive year. 11. Must meet all local, state and federal regulations. Findings: 1. There is an existing structure with no customers on site so the interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the immediate vicinity. 2. There are eleven conditions in place for this request so that the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. 3. Parking will be provided so that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. 4. There is a parking area for the non-family member's vehicles so that adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. 5. There is one existing yard light and will not be adding any lighting so that adequate measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in a manner that no disturbance to neighboring properties will result. Motion carried unanimously.

A motion was made by Lyle Reynolds and seconded by Dave Ringstad to adjourn the meeting at 8:05 p.m. Motion carried unanimously.

Trina Bergloff
Zoning Administrator

TB:hn