



Chase Burnham
County Administrator

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Commissioners:
District 1
Chris DuBose
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
VACANT

REGULAR MEETING – Wednesday, August 17, 2022 County Board Room, Room 172

6:30 p.m. Convene; Pledge of Allegiance; Approve Agenda

Road & Bridge Committee of the Whole:

Discussion

- | | |
|-----------------------------------|-------|
| 1.) County Engineer's Report | TAB 1 |
| 2.) County Highway System Update | TAB 2 |
| 3.) Right-of-Way Plat Resolutions | TAB 3 |

Items for Committee Review/Recommendation: *(discussed in detail as requested)*

7:00 p.m. Citizen's Forum

"The Citizen's Forum is provided so you may make a comment, statement, question or proposal. You will be limited to three minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak that night."

Board of Commissioners' Consent Agenda:

- | | |
|--|-------|
| 1.) R&B Committee Recommendation – County Engineer's Report | TAB 1 |
| 2.) R&B Committee Recommendation – County Highway System Update | TAB 2 |
| 3.) R&B Committee Recommendation – Right-of-Way Plat Resolutions | TAB 3 |
| 4.) Minutes from the August 3, 2022 Meeting | TAB 4 |
| 5.) Payment of County's Warrants and Miscellaneous Bills | TAB 5 |
| 6.) Public Health Mileage Reimbursement | TAB 6 |
| 7.) Applications for Abatements (reduction) of Property Taxes | TAB 7 |
| 8.) Advertisement for Vacancy – Planning Commission, District 1 | TAB 8 |
| 9.) Temporary Liquor License Request – Franconia Sculpture Park | TAB 9 |

Environmental Services/Zoning Report – Kurt Schneider, Director

- | | |
|---|--------|
| 10.) Director's Report | TAB 10 |
| 11.) Alison Ogren & Garrett Bartholme Conditional Use Permit Commercial Recreation Area | TAB 11 |
| 12.) Matthew Holly Commercial Limited Industrial Open Storage Yard – CUP | TAB 12 |
| 13.) Ani Dagmar Kasten Conditional Use Permit Amendment - Commercial Recreation Area | TAB 13 |

Other Business of the County Board

- | | |
|---|--------|
| 14.) Report and Recommendations from the August 10 th , 2022 B/F Meeting | TAB 14 |
| 15.) Contract for Century College SLOT Continuing Education Program | TAB 15 |
| 16.) ARPA Expenditure - School Grant Program – Chisago Lakes School District | TAB 16 |
| 17.) SHIP Grant Agreement – Wyoming Elementary | TAB 17 |
| 18.) Lower St. Croix Watershed Partnership Policy Committee Projects | TAB 18 |
| 19.) Exempt Gambling Permit – East Central Friends of the NRA | TAB 19 |

Discussion Items:

- | | |
|-------------------------|-------|
| • Correspondence | CORR. |
| • Administrator Updates | |

- Commissioner Committee Reports

***** **Announce Closed Meeting (M.S. § 13D.03)*******

- Meetings of the Chisago County Board of Commissioners may be closed if the closure is expressly authorized by statute. Minn. Stat. §13D.03 subd. 1. The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies , including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

Adjourn Meeting of the Board of Commissioners



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CHISAGO COUNTY DEPARTMENT OF PUBLIC WORKS

Mail: 313 North Main Street, Room 400
Center City, MN 55012-9863
Office: 31325 Oasis Road, Center City, MN 55012-9863
Phone (651) 213-8700
Fax (651) 213-8772

Joe Triplett, P.E.
Director | County Engineer

Ben Hobert, P.E.
Assistant County Engineer

Paul Gibson, L.S.
County Surveyor

Bruce Lind
Maintenance Superintendent

Ben Utech
Traffic Operations Manager

Barbara Shimon
Finance | Office Manager

PUBLIC WORKS MEMORANDUM

TO: Chisago County Board of Commissioners
FROM: Joe Triplett, P.E.
DATE: August 10, 2022
RE: Public Works Director's Report

REMINDER: *I will be appearing remotely*

Project Development Update:

CSAH 10 Reconstruction: We have the public open house scheduled for August 24th from 5pm to 7pm.

Construction Update:

CSAH 19 Reconstruction

- o Complete

CR 55 Paving

- o Complete

CR 79 Paving

- o Complete

Seal Coat Project

- o Complete

CSAH 26 Reconstruction

- o Paving has begun

CSAH 23/24 Roundabout

- o Final traffic shift has happened
- o Concrete work on roundabout portion finishing up
- o Looking to have it open to traffic early next week

CR 86 Paving Project

- o Curb & gutter this week

2022 Maintenance Mill & Overlay Project

- o Work is scheduled to be done Sept 19th – Sept 26th

CR 60 Reconditioning Project

- o First lift has been paved
- o A couple of weeks of slope work
- o Final lift after Labor Day

CR 56 Bridge Project

- o Construction complete, open to traffic
- o Punchlist items remain

County Highway System Update

I have prepared the required resolutions for our system update. We have 6 resolutions to consider in order for Mndot to approve the changes:

- Revoking CSAH 32 in Center City (this was done years ago, however, neither Center city or us could find the resolution so we have to pass it again)
- Establishing CSAH 21
- Establishing CSAH 35
- Establishing CSAH 40
- Redesignating CSAH 9 to CSAH 3
- Redesignating CSAH 9 to CR 85

2023 Project Plat Resolutions

The County Surveyor has prepared plats for next year's reconstruction projects.

Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: 2
Title of Item for Consideration: County Highway System Update	
Action Requested by: Joe Triplett, Director	Department: Public Works
Previous Action on this Matter: None.	
Background: From time to time, the County Highway system requires an overall review and update. This would include jurisdictional transfers, renumbering and redesignation (from CR to CSAH and CSAH to CR). The last time this was a decade ago. The County has also not put out an updated County Highway Map since 2015. There are many reasons for changing a county highway number. These include, but are not limited to, funding, driver confusion, highway purpose and highway location. Because the County cannot just simply add CSAH mileage, the County needs to be very careful and strategic in how it designates and revokes the existing mileage. The Board must pass resolutions to revoke and establish County State Aid mileage. In the case of CSAH 32 in Center City, the highway was reverted years ago, however, neither the County nor the City could find the Mndot required documentation, so we need to re-pass the resolution. Public works has reviewed the system and offers up the following revisions and redesignations. Attachment(s): • Map • CSAH 9 to CSAH 1 to CSAH 3 resolution • CSAH 9 to Galaxy Ave to CSAH 30 resolution • CSAH 32 revoked to Center City resolution • Establish CSAH 21 resolution • Establish CSAH 35 resolution • Establish CSAH 40 resolution	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the resolutions. The following motion is suggested: <i>“Move to approve the resolutions to review and update the Chisago County Highway System at tonight’s meeting.”</i>	
Implications of Action: Approval will allow the County to work with Mndot on updating the CSAH system. Budget/Financial Implications: No direct implications. Passage, however, will allow State Aid funding on the new CSAH’s. Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	

Administrator's Recommendation

Approve 

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

2022 Proposed County Highway Re-Designation Plan

-  Proposed CR to CSAH
-  Proposed CSAH to CR
-  Proposed CSAH to CSAH
-  County Roads
-  State Highways
-  Proposed New Numbers

CSAH to County Road		
Old Num	Termni	New Num
CSAH 9	CSAH 1 to CSAH 3	CR 94
CSAH 9	CSAH 30 to CR 59	CR 85

County Road to CSAH		
Old Num	Termni	New Num
CR 59	CSAH 9 to CSAH 30	CSAH 40
CR 76	CSAH 20 to TH 95	CSAH 21
CR 86	CSAH 25 to TH 95	CSAH 35

CSAH to CSAH		
Road	Termni	New Num
CSAH 9	CSAH 7 to CSAH 1	CSAH 31
CSAH 9	CR 59 to CSAH 7	CSAH 40
CSAH 9	CSAH 3 to County Line	CSAH 3
CSAH 24	TH 3 to CSAH 14	CSAH 34



RESOLUTION NO.
REVOCATION OF CSAH 9 FROM
COUNTY ROAD 9 (FALCON AVENUE) BETWEEN
CSAH 1 (RUSH LAKE ROAD) AND CSAH 3 (530TH STREET)

Whereas, CSAH 9 (Falcon Avenue) is currently on the County's CSAH system, and

Whereas, Chisago County desires a CSAH system to perform at levels above local road functions, and

Whereas, CSAH 9 currently performs at more of a local County Road function than a Major Collector and County State Aid function, and

Whereas, CSAH 9 currently performs the functions of a County Highway.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED THAT:
CSAH 9 (Falcon Avenue), between CSAH 1 (Rush lake Road) & CSAH 3 (520th St.)
redesignated as a County Highway and placed on Chisago County's Highway system as
CR 94.

RESOLUTION NO.
REVOCATION OF CSAH 9
BETWEEN
460TH STREET AND CSAH 30 (FOREST BLVD)

Whereas, CSAH 9 (Galaxy Avenue and 440th St.) is currently on the County's CSAH system, and

Whereas, Chisago County desires a CSAH system to perform at levels above local road functions, and

Whereas, CSAH 9 currently performs at more of a local County Road function than a Major Collector and County State Aid function, and

Whereas, CSAH 9 currently performs the functions of a County Highway.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED THAT:
CSAH 9 (Galaxy Avenue and 440th St.), between 460TH Street and CSAH 30 (Forest Blvd) redesignated as a County Highway and placed on Chisago County's Highway system as CR 85.

Whereas, CSAH 32 (Summit Ave) between CSAH 9 (Andrews Avenue) and US Highway 8 is a County State Aid Highway and it begins and ends in the corporate limits of the City of Center City, and

Whereas, CSAH 32 is approximately 900 feet in length and runs parallel to CSAH 9, and

Whereas, the two County State Aid Highways are within 600 feet of each other and not representative of the desired CSAH system spacing.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED THAT:
CSAH 32 (Summit Ave) in its entirety is revoked to the City of Center City.

RESOLUTION NO.
APPROVING THE ESTABLISHMENT OF CSAH 21
(REDWING AVENUE AND 350TH STREET)
BETWEEN
CSAH 21 (FURUBY ROAD) AND TH 95 (ST. CROIX TRAIL)

WHEREAS, in keeping with the Chisago County Transportation Plan: and

WHEREAS, CR 76 (Redwing Avenue and 350th Street) performs at a collector level; and

WHEREAS, CR 76 connects County State Aid Highway 21 and Trunk Highway 95; and

WHEREAS, CR 76 currently performs the functions of a County State Aid Highway.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED, that County Road 76 (Redwing Avenue and 350th Street), between CSAH 21 (Furuby Road) and TH 95 (St. Croix Trail) an approximate length of 2.6 miles, be established as a County State Aid Highway and placed on Chisago County's CSAH system as CSAH 21.

RESOLUTION NO.
APPROVING THE ESTABLISHMENT OF CSAH 35
(PANOLA DRIVE)
BETWEEN
CSAH 25 (OLINDA TRAIL) AND TH 95 (ST. CROIX TRAIL)

WHEREAS, in keeping with the Chisago County Transportation Plan; and

WHEREAS, CR 86 (Panola Drive) performs at a collector level; and

WHEREAS, CR 86 connects County State Aid Highway 25 and Trunk Highway 95; and

WHEREAS, CR 86 currently performs the functions of a County State Aid Highway.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED, that County Road 86 (Panola Drive), between CSAH 21 (Furuby Road) and TH 95 (St. Croix Trail) an approximate length of 2.35 miles, be established as a County State Aid Highway and placed on Chisago County's CSAH system as CSAH 35.

RESOLUTION NO.
APPROVING THE ESTABLISHMENT OF CSAH 40 (460TH STREET)
BETWEEN
FALCON AVENUE AND CSAH 30 (FOREST BLVD)

WHEREAS, in keeping with the Chisago County Transportation Plan; and

WHEREAS, CR 59 (460TH St.) performs at a collector level; and

WHEREAS, CR 59 connects County State Aid Highway 9 and State Aid Highway 30; and

WHEREAS, CR 59 currently performs the functions of a County State Aid Highway.

NOW, THEREFORE, BE IT FULLY UNDERSTOOD AND RESOLVED, that County Road 59 (460th St.), between Falcon Avenue and CSAH 30 (Forest Blvd) an approximate length of 1.18 miles, be established as a County State Aid Highway and placed on Chisago County's CSAH system as CSAH 40.

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Chisago County Request For Board Action

<i>Meeting Date:</i> August 17, 2022	<i>Item Number:</i> 3	
<i>Title of Item for Consideration:</i> Right-of-Way Plats		
<i>Action Requested by:</i> Paul Gibson, County Surveyor	<i>Department:</i> Public Works	
<i>Previous Action on this Matter:</i> None.		
Background: County Surveyor Paul Gibson is request resolutions which authorize him to create Right-of-way plats for the acquisition of land for reconstruction of County Road Number 59 between C.S.A.H. No. 9 and C.S.A.H. No. 30, land for reconstruction of County Road Number 70 between C.S.A.H. No.11 and State Highway No.8, and acquisition of land for reconstruction of County Road Number 76 between CSAH No.20 and State Highway No. 95.		
Attachment(s): • Resolutions		
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners move to approve Chisago County Right-of-way Plat No. 112, 113 and 114. The suggested motion is as follows: <i>“Move to approve the resolutions for Right-of-Way Plats No. 112, 113 and 114.”</i>		
Implications of Action: By approving the resolutions, plats will be prepared for right of way acquisition.		
Budget/Financial Implications: None.		
Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies and procedures.		
Administrator's Recommendation		
Approve <u>CLB</u>	Deny _____	
Other _____		
Motion By: _____	Seconded by: _____	
To: _____		
Action on Motion:	Aye _____ <table border="1" style="display: inline-table; vertical-align: middle; margin-left: 10px;"> <tr> <td style="padding: 2px 10px;">Nay</td> </tr> </table> Abstain _____	Nay
Nay		



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Joe Triplett, P.E.
Director of Public Works
County Highway Engineer

Paul M. Gibson, LLS
County Surveyor

Barbara J Shimon
Financial Manager

Resolution # _____

BE IT RESOLVED, that the County Highway Engineer and County Surveyor are hereby authorized to prepare a plat for highway right of way acquisition for reconstruction and of County Road No. 59, CP 13-59-23 located between C.S.A.H. No. 9 and C.S.A.H. No. 30 in Harris, Minnesota .



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Joe Triplett, P.E.
Director of Public Works
County Highway Engineer

Paul M. Gibson, LL.S.
County Surveyor

Barbara J. Shimon
Financial Manager

Resolution # _____

BE IT RESOLVED, that the County Highway Engineer and County Surveyor are hereby authorized to prepare a plat for highway right of way acquisition for reconstruction of County Road No. 70, CP 13-70-23 located between C.S.A.H. No. 11 and State Highway No. 95 in Sunrise Township, Minnesota.



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Joe Triplett, P.E.
Director of Public Works
County Highway Engineer

Paul M. Gibson, LLS
County Surveyor

Barbara J Shimon
Financial Manager

Resolution # _____

BE IT RESOLVED, that the County Highway Engineer and County Surveyor are hereby authorized to prepare a plat for highway right of way acquisition for reconstruction and re-alignment of County Road No. 76, CP 13-76-23 located between C.S.A.H. No. 20 and State Highway No. 95 in Shafer Township, Minnesota .

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
UNOFFICIAL PROCEEDINGS
Wednesday, August 03, 2022**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, August 03, 2022 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Montzka. Also present: County Administrator Chase Burnham, Clerk of the Board Christina Vollrath, and County Attorney Janet Reiter.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance.

Commissioner DuBose offered a motion to approve the amended agenda with an addition of rescheduling the September 14 Budget and Finance Meeting. Motion seconded by Dunne, the motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by DuBose, seconded by Dunne, the board moved to open the Health and Human Services Committee of the Whole at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

Chair Greene gave the gavel to Vice-Chair Montzka.

Health and Human Services Director Robert Benson provided the department updates.
No action was taken.

On motion by Dunne, seconded by Greene, the Board moved to add items 1-3 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Dunne, the board moved to close the HHS Committee Board of the Whole at 6:40 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

Board of Commissioners' Consent Agenda:

- 1.) HHS Committee Recommendation – Directors Update
- 2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
- 3.) HHS Committee Recommendation – Central MN Health Care Preparedness Plan MOA
- ~~4.) HHS Committee Recommendation – SHIP Grant Agreement – Wyoming Elementary~~

5.) Payment of County's Warrants and Miscellaneous Bills

Per Minnesota Statutes 375.1, proceedings of the County Board including a list of itemized accounts, claims or demands must be published in the official newspaper. The itemized list of claims is available for public review on the County website at <https://www.chisagocounty.us/1197/Claims-Paid>. Claims less than \$2,000 are listed as a total dollar amount and notes the number of claims included in the total.

6.) Minutes from the July 20, 2022 Regular Meeting

On motion by DuBose, seconded by Dunne, the Board moved to adopt Resolution No. 22/0803-1, Resolution Referring to the Chisago County Planning Commission a Draft Amendment to the Chisago County Subdivision Ordinance to Revise the Title Evidence Requirements for Review and Approval of Final Plats and to Call for a Public Hearing before the Chisago County Planning Commission. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

RESOLUTION NO. 22/0803-1
RESOLUTION REFERRING TO THE CHISAGO COUNTY PLANNING
COMMISSION
A DRAFT AMENDMENT TO THE CHISAGO COUNTY SUBDIVISION ORDINANCE
TO REVISE THE TITLE EVIDENCE REQUIREMENTS FOR REVIEW AND
APPROVAL OF FINAL PLATS AND
TO CALL FOR A PUBLIC HEARING BEFORE THE CHISAGO COUNTY PLANNING
COMMISSION

WHEREAS, in accordance with the Minnesota Platting Law, Minnesota Statute section 505.03, Subd. 1, the Chisago County Board of Commissioners enacted in 1999 the current language in the Chisago County Subdivision Ordinance to regulate the review and approval process for plats for proposed subdivision developments and, as part of the process for final plat review and approval, the present language Chisago County Subdivision Ordinance requires the subdivider to demonstrate proof of ownership by submitting evidence of title in the form of an up-to-date abstract of title or certificate of title, together with a title opinion of the subdivider's attorney addressed to the County Board of Commissioners; and

WHEREAS, in 2015, the Legislature amended the Minnesota Platting Law to require counties to determine the forms of title evidence that must be submitted and satisfactorily demonstrate fee ownership of the subdivider in the land proposed for subdivision and the statutory amendment identified the five following forms of title evidence that a county may select for purposes of satisfactory evidence of title: Abstract of Title; Certificate of Title; Title Opinion, Title Commitment; or Title Policy; and

WHEREAS, the Chisago County Board of Commissioners has determined that it is in the best interest of Chisago County and its citizens that it consider an amendment to the Chisago

County Subdivision Ordinance to also allow for the submission of title policies as an alternative form of satisfactory evidence of title in the final plat review and approval process; and

WHEREAS, the Chisago County Board of Commissioners has received from the County Attorney's Office a draft amendment to the Chisago County Subdivision Ordinance, as attached hereto, that would, if enacted, provide for the submission of title evidence in one of two forms at the selection of the subdivider, as follows: an up-to date abstract of title or certificate of title together with a title opinion of the subdivider's attorney; or an up-to-date and in effect title policy; and

WHEREAS, the draft amendment preserves existing language in the Chisago County Subdivision Ordinance that allows for the County to require a subdivider to submit additional forms of title evidence if, in the opinion of the County Attorney's Office, the form of title evidence submitted by the subdivider fails to satisfactorily demonstrate that the subdivider has fee title in the land proposed for subdivision.

NOW THEREFORE BE IT RESOLVED, that the Chisago County Board of Commissioners declares its intent to consider amendments to the Chisago County Subdivision as described above and contained in the draft amendment.

BE IT FURTHER RESOLVED that the Chisago County Board of Commissioners refers the draft amendment to the Chisago County Planning Commission with the directive to review the draft amendment; call, notice and hold a public hearing on the draft amendment at its September 8, 2022; and to forward its recommendations and report to the Chisago County Board of Commissioners in sufficient time in advance of the September 21, 2022 meeting of the Chisago County Board of Commissioners for further consideration and enactment as appropriate.

On motion by Dunne, seconded by DuBose, the Board moved to approve the Household Hazardous Waste Facility Residential Recycling Drop-off Yard Construction Plans and Specifications and Authorize the Environmental Services Department to Release the Construction Project for Solicitation of Competitive Bids. The motion carried as follows: IN FAVOR THEREOF: DuBose, Greene, Dunne, Montzka OPPOSED: None.

On motion by Montzka, seconded by Greene, the Board moved to approve a letter of support Frontier Communications - Application to the MN Border to Border grant program. The motion carried as follows: IN FAVOR THEREOF: DuBose, Greene, Montzka OPPOSED: Dunne.

CITIZENS FORUM

TIME - 7:05 p.m. END TIME - 7:00 p.m.

of SPEAKERS -0

On motion by Montzka, seconded by Dunne, the Board moved to approve the Northwoods Humane Society's resolution to conduct a raffle at their event on September 17, 2022. The motion carried as follows: IN FAVOR THEREOF: DuBose, Greene, Dunne, Montzka OPPOSED: None.

RESOLUTION NO. 22/0803-2
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A RAFFLE
FOR NORTHWOODS HUMANE SOCIETY

WHEREAS, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

WHEREAS, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Lent Townhall located at 33155 Hemingway Ave, Stacy, MN 55079.

On motion by Montzka, seconded by Dunne, the Board moved to approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Stacy Lions Club at Ribfest at Al Tire. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Dunne, the Board moved to approve the revised North Branch Area Schools Chisago County's ARPA School Grant Program application. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Dunne, the Board moved to accept the donations for the Children's Water Festival from the Rush Lake Improvement Association, Rush City Lions Club and the Comfort Lake Forest Lake Watershed District. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

RESOLUTION NO: 22/0803-3
ACCEPTANCE OF DONATIONS BY CHISAGO COUNTY FOR THE CHILDREN'S
WATER FESTIVAL

WHEREAS, the Chisago County Board of Commissioners adopted Resolution No. 060419-3 on April 19, 2006 which established a policy regarding the acceptance of gifts by Chisago County; and

WHEREAS, the County has received a donation from a business or private individual in Chisago County and is requesting formal acceptance by the County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners hereby accepts the following donations received by the Chisago County for the Children's Water Festival:

- Rush Lake Improvement Association \$1000.00 for Children's Water Festival
 - Rush City Lions Club \$500.00 for Children's Water Festival
 - Comfort Lake Forest Lake Watershed District \$2000.00 for Children's Water Festival
-

County Administrator Chase Burnham provided administrator updates and correspondence. *No action was taken.*

Several Commissioners offered reports of their respective committee assignments. *No action was taken.*

On motion by Dunne, seconded by DuBose, the Board adjourned the meeting at 7:21 p.m. The motion carried as follows: IN FAVOR THEREOF: DuBose, Greene, Dunne, Montzka OPPOSED: None.

Richard Greene, Chair

Attest: _____

Christina Vollrath
Clerk of the Board

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CHISAGO COUNTY
BOARD OF COMMISSIONERS
August 17, 2022

TAB # 5

Payment of County's Warrants & Miscellaneous Bills

Bills to be Paid \$658,387.99

Authorize Payment of County's Warrants for HHS:

<u>Prepared Check Date</u>	<u>Amount</u>	<u>Mail Date</u>	<u>Type of Payment</u>
08/05/2022	\$85,707.47		County's Warrants
08/05/2022	\$81,755.53	08/17/2022	Auditor's Warrants

Lake Area Bank; Derek Ankla; Sheriff; registration; \$180.00

Lake Area Bank; Bridgitte Konrad; Auditor; supplies; \$334.56

Lake Area Bank; Daryl Moeller; Assessor; registration; \$277.75

Lake Area Bank; Kyle Puelston; Sheriff; supplies; \$1,507.33

Lake Area Bank; Janet Reiter; County Attorney; registration; \$628.00

Lake Area Bank; Barbara Shimmon; Public Works; supplies; \$367.14

Lake Area Bank; Kurt Schneider; Environmental Services; supplies; \$972.83

Lake Area Bank; Joseph Triplett; Public Works; registration; \$408.60

Lake Area Bank; Tracy Krona; HHS; supplies; \$840.00

Lake Area Bank; Todd McMurray; registration; \$300.00

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Chisago County Request For Board Action

<i>Meeting Date:</i> August 17, 2022	<i>Item Number:</i> 6
<i>Title of Item for Consideration:</i> Resolution for Mileage Reimbursement past 60 days	
<i>Action Requested by:</i> Robert Benson, Director	<i>Department:</i> Health & Human Services,
<i>Previous Action on this Matter:</i> The Board approved a previous reimbursement at the July 20 th meeting.	
<i>Background:</i> Seeking approval for mileage claims for November; 2021 mileage reimbursement for HHS employee, over the 60-day policy requirement. Travel dates between 11/9/21-11/19/21 for Brandie Christenson in the amount of \$38.43. <i>Attachment(s):</i> Reimbursement Form	
<i>Action Requested/Recommended:</i> It is respectfully requested that the Chisago County Board of Commissioners approve the November 2021 mileage reimbursement claims for above employee. The suggested motion is as follows: <i>"Move to approve late submission of mileage reimbursement by supervisor."</i>	
<i>Implications of Action:</i> Staff will be reminded of the 60-day policy, and this will be the last late submission.	
<i>Budget/Financial Implications:</i> Budgeted Levy Dollars.	
<i>Legal/Policy Implications:</i> The proposed activities are in general conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By: _____	Seconded by: _____
To: _____	
Action on Motion:	Aye _____ Nay _____ Abstain _____

2021 Employee Mileage Reimbursement Request

THIS ONLY

Address:

Job Title: PHN

State/ZIP:



Odometer readings are REQUIRED on all mileage reimbursements

Date	Destination (include location, of start & stop) Reason for Trip	Beginning Odometer	Ending Odometer	Mileage	Co Car Available yes or no	Mileage x .56	Mileage x .35
11/2/2021	Visit with A.B	43,000	43,011	11	Yes		\$ 3.85
11/3/2021	Visit with M.V.	43,050	43,067.40	17.4	Yes		\$ 6.09
11/4/2021	Visit with E.J.	43,100	43,107	7	Yes		\$ 2.45
11/9/2021	Dropped off Incentive bag at D.H.	43,300	43,308	8	Yes		\$ 2.80
11/10/2021	Visit with M.V.	43,350	43,367.40	17.4	Yes		\$ 6.09
11/10/2021	Vax Clinic at Wild Cat Center	43,370	43,400	30	Yes		\$ 10.50
11/17/2021	Visit with M.V.	44,000	44,017.40	17.4	Yes		\$ 6.09
11/18/2021	Vax Clinic at Wild Cat Center	44,050	44,080	30	Yes		\$ 10.50
11/19/2021	Visit with J.W.	44,100	44,107	7	Yes		\$ 2.45
11/23/2021	Vax Clinic at Wild Cat Center	44,200	44,230	30	Yes		\$ 10.50
11/24/2021	Visit with M.V.	44,250	44,267.40	17.4	Yes		\$ 6.09
11/30/2021	Visit with J.W.	44,300	44,307	7	Yes		\$ 2.45
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				0			
				0			
				0	KW		
				199.6		\$ -	\$ 69.86

any resolution 020123-7 claims must be submitted no later than 60 days following the date of incurrence

signature of
claimant

Brandt Christenson

DATE 1/4/2022

I declare under the penalty of perjury that this claim is just and correct, that the expense sought to be reimbursed was actually paid or incurred by claimant and that no part of it has been paid.

approved/
reviewed by

Kay Winterfeldt

1/19/2022

DATE _____

Approved based on the knowledge of the necessity for travel & expense. And on the basis of compliance with all provisions of county travel & mileage reimbursement policies, including availability of county vehicle.

Mileage

Mileage

Total Reimb Requested \$

98.86

VENDOR #

DATE PAID

WARRANT #

Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: 7
Title of Item for Consideration: Applications for Abatements (reduction) of Property Taxes	
Action Requested by: Bridgitte Konrad, County Auditor/Treasurer	Department: Auditor/Treasurer
Previous Action on this Matter: From time to time the Board of Commissioners is asked to address individual Abatement requests.	
Background: The applications are for the abatement (reduction) of property tax for tax payable in 2022. They are recommended by the Assessor's office and Auditor's office for approval. The reductions meet the County's policy for such actions. The following parcels are requesting abatement; - Laura Kost – 17.80022.00 - Lawrence Peterson – 16.80165.00	
Attachment(s): Applications for Abatement (available with Clerk of the Board)	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the applications of abatement of taxes for the tax parcels. The suggested motion is as follows: <i>“Move to approve the applications of abatement of taxes for the following tax parcels; 17.80022.00, and 16.80165.00.”</i>	
Implications of Action: By approving the applications, the property owners will be paying the appropriate property tax in 2022.	
Budget/Financial Implications: Minimal impact on the County finances and budget.	
Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

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Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: 8
Title of Item for Consideration: Advertisement for Vacancy on the Chisago County Planning Commission – District 1	
Action Requested by: Chase Burnham, County Administrator	Department: Administration
Previous Action on this Matter: Every year the Board of Commissioners is asked to appoint to specific County Committees at their meetings and/or as retirements or resignations occur. Due to these vacancies, the Board approves advertising for the vacancies before appointing to the committee.	
Background: The Board of Commissioners establishes committee assignments every year. A motion, voted on by the entire Board, is needed to appoint a citizen to a committee. Kelly Corbin's is resigning from the Chisago County Planning Commission. With County Board approval, the vacancy will be advertised on the Chisago County official website and in the Chisago County Press before the applicant/applicants are appointed to their committee. Ms. Corbin's term was to expire on 12/31/2022. Ms. Corbin's appointment is district specific. Attachment(s): • Advertisement	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve advertising for the vacancy on the Chisago County Planning Commission. The following motion is suggested; <i>“Move to approve advertising of the vacancy on the Chisago County Planning Commission for District 1.”</i>	
Implications of Action: If the motion is made, the County Board will approve advertising the vacancy on the Chisago County Planning Commission. Budget/Financial Implications: None. Legal/Policy Implications: The proposed activities are in conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

Chisago County Planning Commission Seeks Applicants

The Chisago County Board of Commissioners seeks one (1) applicant for appointment to the Chisago County Planning Commission. The Planning Commission needs a District 1 appointment. The Planning Commission's purpose is to promote the proper planning and development of Chisago County. The Planning Commission is established pursuant to Minnesota State Statute 394 and has the following duties and responsibilities:

This Board shall have the following powers with respect to the Chisago County Zoning and Subdivision Ordinance:

1. To adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendation.
2. To cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
3. To provide assistance to the County Board and Zoning Administrator in the administration of the zoning and subdivision ordinances and shall review, hold public hearings and make recommendation to the County Board.
4. Such other duties as the County Board may request or prescribe.

This appointment is to complete the current District 1 term which expires on 12/31/2022. The meetings are held on the 1st Thursday of every month at 7:00 p.m. in Room 131 of the Chisago County Government Center. Interested citizens must submit an Application for Appointment Form to the Chisago County Clerk of Board, 313 North Main Street, Room 175, Center City, MN 55012. The form is available by contacting County Administration at 651/213-8830 or by going to <http://mn-chisagocounty.civicplus.com/>. Information about the position is available from the Clerk of the Board at 651/213-8877 and on our website, <http://mn-chisagocounty.civicplus.com/>.

The Board requests that Applications for Appointment be received by September 7, 2022 by the end of the business day. However, the Board reserves the right to extend the application deadline.

Chisago County Request For Board Action

Meeting Date: August 17, 2022	Item Number: 9
Title of Item for Consideration: Temporary Liquor License Request – Franconia Sculpture Park	
Action Requested by: Bridgitte Konrad, County Auditor	Department: Auditor's Office
Previous Action on this Matter: From time to time the Board of Commissioners is asked to approve individual application requests.	
Background: The application is for a 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park on September 24, 2022. They are recommended by the Sheriff's office and Attorney's office for approval. The following are County businesses/organizations are requesting approval; 1. Franconia Sculpture Park – 9/24/2022	
Attachment(s): • License Application for 1 Day to 4 Day Temporary On-Sale Liquor License <i>(available with Clerk of the Board)</i>	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park. The suggested motion is as follows:	
<i>“Move to approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park.”</i>	
Implications of Action: By approving the applications, the businesses will be able to sell Liquor at their events planned for the specific dates.	
Budget/Financial Implications: None.	
Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

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**Chisago County Department of
Environmental Services and Zoning**

313 No. Main St. #243
Center City, MN 55012
651-213-8374 ~ kmschne@co.chisago.mn.us

Memo

To: Chisago County Board of Commissioners
From: Kurt Schneider, Director Environmental Services & Zoning
Date: August 10, 2022
Re: August 17, 2022, Directors Report

Enclosed within your packets are the following Department of Environmental Services and Zoning presentation/action item(s). Action items are further detailed in their corresponding Request for Board Action (RBA) reports. Please contact the Department if you have any questions or concerns or wish to view detailed Action Item hearing or file documents in advance of your August 17, 2022, Board meeting.

Action Items:

1. Receive Directors Report
2. Ani Dagmar Kasten Conditional Use Permit Amendment - Commercial Recreation Area
3. Matthew Holly Commercial Limited Industrial Open Storage Yard - Conditional Use Permit
4. Alison Ogren & Garrett Bartholme Conditional Use Permit Commercial Recreation Area

Informational Item(s):

Board of Adjustment and Appeals:

The next regularly scheduled Board of Adjustment meeting is scheduled for August 25, 2022, at 7:00 pm. at the Government Center. The Board will also meet on August 24, at 8:15 A.M. departing from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Item(s) for consideration include:

1. Rusty & Jenny Schmidt are requesting Variances to Zoning Ordinance Sections 4.08.2 and 5.15, allowing the construction of a single-family dwelling and attached garage closer to the township road Right-of-Way and southerly side yard than allowed and to exceed the maximum amount of accessory storage space. The property is located at 49960 Bayside Avenue, Nessel Township, S27, T37, R22 (PID# 06.01214.00).
2. Steve & Cynthia Eisenbraun and Al Eisenbraun are requesting Variances to Zoning Ordinance Sections 4.03 and 5.15 to construct a detached accessory structure closer to the centerline of Cedarcrest Trail / CSAH 8 than allowed. The property is located at 44044 Cedarcrest Trail, Fish Lake Township, S22, T36, R22 (PID# 03.00306.00).

3. James & Elizabeth Langevin are requesting Variances to construct a dwelling and attached garage closer to the township road Right-of-Way and Ordinary High Water Level than allowed and to exceed the maximum allowable amount of impervious surface area allowed. The property is located at 51685 Belle Isle Drive, Nessel Township, S15, T37, R22 (PID# 06.01018.00).
4. Teresa & Scott Simmons are requesting Variances to construct a detached garage closer to the township road Right-of-Way and southerly side yard than allowed. This is an amended request, originally considered and tabled by the Board of Adjustment and Appeals on June 30, 2022. A new / second public hearing has been scheduled due to the expanded nature of the request. The property is located at 32770 N. Center Court, Chisago Lake Township, S22, T34, R20 (PID# 02.01084.00).
5. Craig & Julie Granroth are requesting Variances to construct a dwelling and attached garage closer to the township road Right-of-Way and Ordinary High Water Level than allowed and to exceed the maximum allowable amount of impervious surface area allowed. The property is located at 51675 Belle Isle Drive, Nessel Township, S15, T37, R22 (PID# 06.01019.00).
6. John & Melinda Rieck are requesting Variances to construct a garage addition closer to two Ordinary High Water Levels than allowed and to exceed the maximum amount of accessory storage space and number of detached accessory structures allowed. The property is located at 30710 Mattson Court, Chisago Lake Township, S31, T34, R20 (PID# 02.00860.00).

Planning Commission:

The regularly Planning Commission meeting is scheduled for Thursday, September 1, 2022, at 7:00 p.m. in the Lower Level of the Chisago County Government Center. The Commission will also meet on August 30, at 9:00 A.M. departing from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Items for consideration include:

1. SP Farms LLC, represented by Sarah Storlie, is requesting approval of the Preliminary Plat of SP Farms Plat One, involving the creation of one lot from a 79.8-acre tract. The property is located east of Olinda Trail / CSAH 25 and west of Olympic Trail, Franconia Township, S14, T33, R20 (PID# 04.00370.20).
2. Byron & Judy Dahlheimer are requesting approval of the Preliminary Plat of North Dairy, involving the creation of one lot from a 34.7-acre tract. The property is located at the northeast corner of Oasis Road / CSAH 9 and Park Trail / CSAH 12, Chisago Lake Township, S26, T34, R20 (PID# 02.00742.00).
3. Mike & Erica Heinen are seeking an Ordinance Amendment to Zoning Ordinance Section 3. Definitions and Section 5.06 Agricultural (AG) District, B. Permitted Uses and C. Conditional Uses. The proposed Amendment pertains to slaughterhouses and meat processing facilities, with the intent of making said uses allowable within the AG District.
4. Ordinance Amendment, Chisago County Subdivision Ordinance No. 99-2 – Public comment is sought on Amending Chisago County Subdivision Ordinance No. 99-2 “Subdivision Ordinance” provisions concerning title evidence, opinion, and review.

5. *Continued Item* - Ordinance Amendment, Chisago County Zoning Ordinance Section 8.03 – *Functions of the Planning Commission*. The proposed ordinance amendment pertains to Planning Commission membership terms and residency locations following redistricting of the County in 2022. This item is continued from the Public Hearing held on August 4th.

General Department Informational Item(s):

Revenue associated with land use and construction permit activity thru August 9th has reached 78% of projected annual budget at \$654,514. Construction permit activity is summarized in the attached month-end report for July. Of note is a very high volume of permit activity in the additions/alterations/mechanical permit categories compared to prior YTD data.

The Zoning Ordinance Amendment proposal concerning Planning Commission membership terms/appointment as they relate to 2023 redistricting remains in review of the Planning Commission after conduct of the public hearing on August 4th. The Commission has requested alternatives/modification to the prepared draft ordinance for their September meeting. One alternative requested involves the removal and replacement of the current 6 month extended commissioner term language with a concept of a resolution appointing “supernumeraries” to the Commission for the duration of time required to finish ordinance updating. In this supernumerary’s alternative, displaced former commission members could retain a formal but non-voting capacity and be appointed to an ordinance development/review working group whilst new/redistricted January 2023 Commission appointees would be designated in January.

Sunrise Prairie Regional Trail soils and pavement repairs north of CSAH 17 have been carried out allowing recent removal of caution signage and hazard conditions. Director Tart programmed the timely repairs within the CIP budget and executed the effort via local contractor Bluhm Construction. We hope the pavement replacement of approximately 300 hundred feet will hold up over time given the difficult soils conditions in the area.

Planning Commissioner Kellie Corbin has announced a residency change outside of the county and has unfortunately resigned from the Commission. Commissioner Corbin held the District #1 appointment with a regular term expiration occurring at the end of this calendar year. The Commission as a body expressed disappointment and thanks for Ms. Corbin’s efforts at the meeting on the 4th. The commission will continue as a 6-member body until the vacancy is filled. Due to redistricting, District #1 will geographically encompass all the City of North Branch in 2023.

Building construction permitting plan review and workflow within the office is currently operating in a 2 ½ week review and issue timeline. This is down from a recent unfortunate peak approaching 3 ½ to 4 weeks wait on permits in which some Commissioners may have been contacted. As noted in the July additions/alterations permit volume spike it has been a challenging but brief window of processing delay.

The Planning Commission carried out their 4th consultant guided zoning ordinance work session on August 8th and is scheduled to complete an additional work session on their regularly scheduled work session date of Thursday August 18th. Of note, the inclusion of Accessory Dwelling Unit (ADU) provisions within the draft zoning ordinance appears to be supported but individualized and/or planned tiny home allowances (without a principal full-size home on the premise) lack support and appear to be removed from the various ordinance/policy discussions of the group at this time.

Environmental Services Department July 2022 Land Use/Construction Permit Activity:

LOCATION	1. New Houses		2. Additions / Alterations Roofs/Decks /Wind. Foundations		3. Mechanical (gas conv. MH setup, mech/plumbing, woodstove, fireplace)		4. Accessory / pole bldg., garage, shed, pool, fence, sign		5.6 Commercial New and Additions / alteration / mechanical		7. Multi-family		8. Septic Systems		Septic Certifications	
	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD
Amador	0	3	17	23	1	3	1	4	0	2	0	0	1	5	1	8
Center City	0	2	15	25	3	8	0	0	0	0	0	0	0	0	0	0
Chicago City	5	19	15	59	6	39	0	2	0	1	0	0	0	3	1	18
Chicago Lake	2	14	30	72	9	33	0	11	0	0	0	0	4	5	3	30
City Shafer*	0	0	9	17	0	6	0	1	0	1	0	0	0	0	0	0
Fish Lake	0	4	34	50	3	15	1	6	1	1	0	0	1	2	1	7
Franconia	0	6	8	23	2	8	2	4	0	0	0	0	0	0	0	4
Harris	0	1	4	8	1	4	0	2	1	2	0	0	0	0	0	5
Lent*	0	0	14	15	5	9	1	1	0	0	0	0	2	2	0	1
Lindstrom	3	14	23	82	3	32	0	4	0	1	0	0	0	0	0	20
Nessel	0	2	52	62	2	10	1	8	0	0	0	0	2	4	2	0
Rush City	0	3	14	19	2	7	2	3	0	2	0	0	0	0	0	0
Rushseba	0	1	4	5	0	1	0	5	0	0	0	0	1	1	1	4
Shafer	2	8	12	20	0	6	2	4	0	0	0	0	0	2	1	7
Sunrise	1	4	20	31	1	8	0	4	0	1	0	0	0	2	2	11
Taylor's Falls*	0	1	9	15	1	2	1	1	0	0	0	0	0	1	0	1
TOTAL:	13	82	280	526	39	191	11	60	2	11	0	0	12	33	15	128
Year to Year Comparison																
	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD
2021	9	77	36	321	13	118	10	68	4	30	0	1	18	38	32	174
2020	11	59	72	372	9	110	17	62	0	15	0	0	8	30	29	189
2019	15	93	72	367	17	122	19	63	3	26	0	0	12	39	23	138
2018	16	86	64	305	11	86	14	52	2	25	0	0	20	47	36	144
2017	15	86	52	335	18	104	14	64	0	13	0	1	13	31	23	150

* City of Shafer and Lent Township tracking began February 1st 2022 – Taylors Falls began May 1st, 2022

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
August 4, 2022 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 4, 2022 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Support Specialist.

Chair Yeager 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: Dave Whitney, Kelly Corbin, James McCarthy, John Sutcliffe, Chip Yeager and Frank Storm. Absent: Jolene Wille. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present except Wille.

Approval of Agenda – Motion by Frank Storm to approve the agenda; second by John Sutcliffe. The motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the July 7, 2022 Regular Meeting minutes as presented; second by Dave Whitney. The motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Receive all Materials and Submittals into Record - Motion by John Sutcliffe to accept all materials and submittals into the record with one written public hearing comment on the Kasten CUP, and written comments from Commissioners Yeager and Whitney; second by Kelly Corbin. The motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments, public hearing comment from property owners in Harmony Heights Section on Valley View Lane, and comments from Commissioners Yeager and Whitney. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Alison Ogren – Coordinator Gervais provided a brief background on the request for a Conditional Use Permit (CUP) for Commercial Recreation Area in order to establish a private campground with up to three campsites on a 5.4-acre tract of land located on St. Croix Trail / Hwy 95, approximately 2,000 feet west of the St. Croix River in the Agricultural (AG) District. The property is located at 28445 St. Croix Trail in Franconia Township (PID# 04.00144.00).

The proposed Recreational Camping Area will have two 4-season tent sites and one cabin, in addition to the existing single-family dwelling and accessory structures. Guests will utilize porta potties until the applicants/property owners can install a full septic system within a couple of years. A future bath house with two bathroom stalls and two shower stalls is being considered. There will be no running water or plumbing at the tent sites. Guests will be limited to one vehicle per site in designated parking areas. Site is heavily wooded and existing vegetation will screen all proposed campsites from all property boundaries. Signs denoting property boundaries will be installed to ensure guests do not trespass onto neighboring properties. Additional details for the recreational area include:

- All campsites will have a designated campfire area for recreation and outdoor cooking.
- Waste removal will be provided by Waste Management.

- The property owners reside within the existing dwelling on the subject site and will be onsite caretakers during all guest stays to supervise the property and enforce site rules.
- The site / grounds will be maintained by the property owners to allow for safe and clear access.
- All campsites will have fire extinguishers, water hoses and fire department contact information.
- Each campsite will have two small ground mounted solar panels to supply a limited amount of power for charging of cell phones, operation of fans, etc.
- Solar lanterns will be installed to light pathways to the campsites and bathroom facilities. Solar or battery powered lanterns will be provided for lighting inside the cabin and tents.
- Guest stays will be offered seven days a week with a two-night minimum stay to reduce the turnover and unique visitor rate.
- The proposed Recreational Camping Area will be open year-round.
- The property owners will not allow parties, loud music, or events.
- The property owners are proposing to enforce quiet hours from dusk to 9:00 am. *Note: Staff has incorporated a proposed condition of approval which would require quite hours to be observed between 10:00 pm and 7:00 am.*
- No pets will be allowed.

The Technical Review Committee met on July 13, 2022 and discussed the established easement to the river, plans for sanitation facilities, quiet hours, and tent specifications. The County's Sanitarian indicated porta potties would be acceptable until a full septic system is installed; a holding tank would not be allowed being since this is a commercial use. The Franconia Town Board reviewed the proposed CUP at its July 19, 2022 meeting and recommended approval with no conditions.

Applicants Alison Ogren and Garrett Bartholme were present and available to address questions and concerns. Chair Yeager asked the applicants and Planning Commission members for additional questions and comments. Brief discussion was held on the easement to the St. Croix River, the likelihood that water hoses will freeze during winter camping, and tents being left up year-round. Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Chair Yeager asked Planning Commission members for additional comments; there were none.

Motion by Frank Storm; second by Dave Whitney to adopt Resolution No. PC2022-0801, a resolution recommending approval of a Conditional Use Permit allowing a Commercial Recreation Area on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township, as presented with the following amendment:

Conditions:

1. The property shall be developed and used in accordance with the application materials, including site plan and written narrative, dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Commercial Recreation Area purposes (Recreational Campground Area) with operations allowed seven days a week.
3. The property is limited to a maximum of 3 campsites, to include one cabin and two 4-season tent sites. The maximum number of adult guests shall not exceed 6 at any given time.
4. Campsites shall not be located closer than 50 feet to any property boundary.

5. The Commercial Recreation Area (Recreational Campground Area) must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
6. The property owner shall install and continuously maintain in good repair permanent property boundary identification along the eastern and southern property boundaries, such as signage and/or fencing.
7. Noise generated from the Recreational Campground Area, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
8. All parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. The property and the s thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Matthew Holly – Coordinator Gervais provided a brief background on the Conditional Use Permit (CUP) allowing an Open Storage Yard in the Commercial / Limited Industrial (CLI) District. The property is located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township (PID# 07.00331.00).

Gervais explained that the open storage yard would provide storage of industrial equipment and recreational vehicles (including boats and snowmobiles). The site is also home to Holly's business, Precision Tunneling. The site is located near downtown Rush City with neighbors including: Perry's Auto Salon, Prefer Paving & Ready-Mix, BNSF Railway and Plastech. Currently, two structures are located on the site with two areas identified as operating activities for existing business. The only existing vegetation/screening on the property is a row of trees along the western boundary. Clarification will be needed from the applicant on site screening to determine if a building will be used as a visual barrier/screen from CSAH 30. In the Commercial/Limited Industrial (CLI) District, the Zoning Ordinance does not identify any required setbacks or other dimensional standards, and the Commission was asked to consider whether setbacks should be added as a recommended condition of approval. The applicant is proposing chain link fencing around the open storage yard. The site plan identifies a septic tank within the open storage yard area.

The Technical Review Committee met with the applicant's representative, Tanner Holly, on July 13, 2022. Holly explained that the Open Storage Yard is intended for the storage of equipment and recreational vehicles owned by others (necessitating the CUP). Holly added that there is no fencing around the perimeter of the property now, but it will be installed as part of the current proposal as well as a security system covering the entire property. The committee did not identify any concerns with the proposed CUP. The Rushseba Town Board reviewed the proposed CUP at its July 11, 2022 meeting and recommended approval with no conditions.

Applicant Matthew Holly and Tanner Holly were present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. M. Holly indicated the chain link fence will have plastic inserts to increase the visual barrier of the site. Discussion followed on traffic flow, security gate, and future building. Dave Whitney asked clarifying questions on the existing and new business. M. Holly provided a brief overview of the storage items and racking. Frank Storm inquired about the holding tank location and location of where the fence would end. Frank Storm stated the shipping container on the property is not allowed by the current Zoning Ordinance and it should be removed. M. Holly indicated the shipping container is used for items that cannot get wet.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Kelly Corbin. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Commission members held an extensive discussion on the fence, timeframe to install fencing around the perimeter of the property, and time limit for renters/stored items. Frank Storm indicated he talked with the Rush City City Administrator and City Council members and they had suggested it would be nice for the entrance of the property to be cleaned up. Kelly Corbin had concerns with capacity of storage space and emergency vehicles access. M. Holly indicated part of the yard needed soil amendments to create a better gravel, useable area.

Motion by Chair Yeager; second by John Sutcliffe to add conditions that address surface material of the storage area, customer access and hours of operation. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Discussion continued on fencing material, fencing length/location, and timeframe of installation. M. Holly indicated fencing/screening could be completed within three years and he is planning on soil remediation to increase use of open storage space. If fencing was to be installed within one year, he would have to remove sections for soil amendments and install fencing again. Discussion followed on gate location and flow of traffic inside of property. Dave Whitney had concerns with visibility of stored equipment through the gate from CSAH 30; he suggested that fencing should be installed along CSAH 30 and wrap around on the north and south property boundaries about 1/3 of the way down to the west to reduce visibility from CSAH 30. Commissioner DuBose asked what a reasonable timeframe for installation of fencing would be and if the proposed future building would act as part of the screening. M. Holly affirmed the future building would be part of the screening and fencing could be done within three years, adding that everything will be stored behind the fencing. Discussion continued on gate locations, future building location, fencing height and specific distance of fencing on the north and south property boundaries. Kelly Corbin raised concerns with ability to enforce the proposed conditions and accessibility for emergency vehicles. M. Holly indicated a security system had been installed and some areas will need to be reshaped and soil amended. John Sutcliffe noted if the conditions were not met, the Conditional Use Permit could be subject to revocation. M. Holly verbally acknowledged that the CUP could be revoked if the conditions were not met. ***Motion*** by Kelly Corbin; second by Dave Whitney to add a condition requiring that the entire property be accessible to emergency vehicles. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. ***Motion*** by Dave Whitney; second by Frank Storm to modify proposed condition nos. 2 and 3 requiring that the portion of fence – with screening – adjacent to CSAH 30 be installed within three years, the fence with screening should be installed 150 ft along the north and southern boundaries, and all fencing shall be 8' in height. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Motion by Jim McCarthy; second by John Sutcliffe to adopt Resolution No. PC2022-0802, a resolution recommending approval of a Conditional Use Permit allowing an open storage yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township, as amended, with the following conditions:

1. The Open Storage Yard shall be operated in general conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The permittee shall install a fence to enclose the entire Open Storage Yard area. ~~Per Zoning Ordinance Section 4.09,~~ The fence shall be 8 feet in height as measured from finished grade.
3. The permittee shall incorporate screening with the 8-foot fence located adjacent to the eastern property boundary as well as 150' westerly along the north and south property boundaries to create a visual barrier from S. Bremer Avenue / CSAH 30. Acceptable forms of screening shall include fence with landscaping, chain link fence with slats, or solid fence material / board-on-board fencing. This portion of the fence must be installed within three years of the date of approval.
4. The septic holding tank must remain accessible.
5. The entire Open Storage Yard shall remain accessible to emergency vehicles at all times.
6. Surface Material of the Open Storage Yard shall be gravel.
7. Customers shall not have direct access to the Open Storage Yard.
8. Hours of operation for the Open Storage Yard shall be limited to 7:00 am – 7:00 pm.
9. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require a Conditional Use Permit Amendment.
10. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
11. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

Motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Ani Dagmar Kasten – Coordinator Gervais provided a brief background on the request for an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (art studio) in order to add a camping area with up to two campsites on a 10.3-acre tract of land in the Agricultural (AG) / Highway 8 Overlay (HO) Districts. The property is located at 29815 Unity Avenue in Franconia Township (PID# 04.00003.00).

The CUP Amendment is needed to add a camping area on the property as well as modify previously approved conditions. The original CUP was granted in 1979 (known as a Special Use Permit at that time) to allow a wood carving shop in an existing barn. In 1996 a CUP Amendment was granted to operate an art studio; the CUP Amendment was approved with ten conditions. The property has Hwy 8 frontage with main entrance off of Unity Avenue, and the property has been developed with a single family dwelling, pottery / art studio, outdoor bathroom facility for customers / guests, and various parking areas. A tent site is currently located on the property for personal use. The proposed CUP Amendment would allow the existing tent site to be used for commercial purposes and allow for up to one additional tent site. Gervais explained that the 1996 CUP Amendment required the closure of the Hwy 8 access and encouraged the Planning Commission to discuss

whether this condition should remain or be eliminated. The request also includes two condition modifications by the applicants:

- The art studio is to be ~~educational in nature, rather than commercial~~ used for the production of art to be sold commercially.
- Days and hours of operation shall be limited to ~~seven days per week from 10:00 am to dusk from April 1st to December 1st of each year~~ Monday through Friday year-round from 9:00 am to 5:00 pm.

Additional details for the recreational area include:

- Tents will have bed, lounge chairs, tent stove, first aid kit, and rechargeable camping lanterns.
- Each campsite will allow for a maximum of two guests.
- Solar lanterns light pathway from campsite and bathroom facilities. Bathroom includes flush toilet and cold-water sink plumbed into existing septic system.
- The proposed Recreational Camping Area will be open spring, summer, and fall. No winter camping.
- Gravel parking pad can accommodate two small vehicles or one vehicle with trailer.
- Tent area is screened with two decorative fences planted with lilacs for privacy and heavily forested area on other sides.
- All campsites will have fire extinguishers, signage with instructions for fire safety and fire department contact information.
- A hose will be provided at all times to control fires.
- In-ground stone fire pit located 20' from existing tent
- The property owner will install signage and provide a handbook to illustrate the property boundaries to prevent trespassing.
- The decorative fence located just east of the existing tent includes an electrical outlet for guest use.
- Guest stays will be offered seven days a week with a two-night minimum stay to reduce the turnover and unique visitor rate.
- The property owner is proposing to enforce quiet hours from 10:00 pm to 7:00 am.
- The property owner will not allow additional guests, parties, noise, or pets.
- The property owner resides and works on the subject site and will be the onsite caretaker during all guest stays to supervise the property and enforce site rules.
- The site / grounds will be maintained by the property owner.
- Waste removal will be handled by the property owner's current provider.

The Technical Review Committee reviewed the proposed CUP Amendment on July 13, 2022; no concerns were identified. The Franconia Town Board recommended approval with no conditions at its July 19, 2022 meeting.

Ani Dagmar Kasten was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Kasten indicated she was not aware of the exiting condition requiring the closure of the Hwy 8 access and indicated that the access was primarily used during events such as a pottery tour. Kasten further explained that the Hwy 8 access is used to control traffic flow as an exit-only for smoother operation and improved safety. Kasten indicated she would like to keep the access but could use a chain to block access unless needed for deliveries or events. Kasten acknowledged concerns from Valley View residents and indicated her use of the land is less intensive/impactful than the former sculpture park use since she is only a one-person studio. Discussion was held on the Hwy 8 access and its usefulness in maintaining traffic flow during events and emergency vehicle accessibility.

Chair Yeager opened the public hearing and sought comment.

Marianne Calhoun – 20989 Valley View Lane. Residents of Valley View Lane have concerns with the property being zoned AG with a commercial/recreational use. Currently the use is small but there are concerns with expansion of operation and events, in addition to more vehicles, tourists, and campers coming down Valley View Lane. The change in use of the property creates opportunity for additional development near the neighbors. There is camping in the area; we do not need additional camping.

Fuller Cowles – 29615 Unity Avenue. I am an adjacent landowner and was the property owner who requested the 1996 CUP Amendment. We support the project and short term rental for families camping/visiting the area. I doubt we will see an impact of people wandering down to Harmony Heights, instead you see my dog visit more often. Additional traffic is a concern and should be addressed. Hwy 8 access has been a valuable safety feature for traffic flow during.

Virginia Anderson – 20995 Valley View Lane. Hwy 8 is a bad road with many accidents. It is a high speed racetrack from the roundabout. We had Franconia Township install no parking signs during the sculpture park because residents could not get through nor emergency vehicles. Valley View Lane is not a large road for passing. People are curious even if property line boundaries have been identified. People are curious on where the road goes and they end up in our properties. Signs in Taylors Falls indicate no parking or no road crossing and people still do it. Providing a guidebook is not going to work. We have a quiet road and would like to keep it that way.

Coordinator Gervais read the following submitted written public hearing comment:

John Calhoun/Marianne Calhoun, Roger Anderson/Virginia Anderson, Phillip Goldstein, Kathleen Bennet, and Darrel Boyce/Joan Boyce – Residents in Harmony Heights Section, residing on Valley View Lane. We are property owners on Valley View Lane and have concerns and oppose the Kasten CUP request. The CUP asks to change the usage of the property from agricultural to commercial/recreation. First objection, it opens future possibilities for uses expanding on the property and affect our residential properties with noise, unsightly commercial use, and scenic beauty leading to Interstate Park. Second objection, it sets precedent for more commercial or recreational use along Highway 8 corridor. Third objection, environmental damage to trees, native species, and agricultural land along the Highway 8 section. Also, there is an open existing access to Highway 8.

With no additional persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Frank Storm. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. ***Motion*** by John Sutcliffe; second by Frank Storm to eliminate the condition requiring the closure of the Hwy 8 access. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Frank Storm asked for clarification on the property boundaries. Dave Whitney asked for clarification on days of operation for camping and the art studio. ***Motion*** by Frank Storm; second by John Sutcliffe to add hours of operation for camping, with those hours being 7 days a week, and strict observance of quiet hours between 10:00 pm and 7:00 am. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Kelly Corbin asked for clarification on the specific months for camping. ***Motion*** by Kelly Corbin; second by Dave Whitney to add specific dates for camping, with those dates being April 1st through October 31st. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Commissioner DuBose addressed audience concerns regarding potential expansion of the camping area, stating that any expansion would require a CUP Amendment. Coordinator Gervais confirmed that a CUP Amendment would be required for an expansion and commented that neighbors would receive public hearing notices. ***Motion*** by John Sutcliffe; second by Dave Whitney to amend a proposed condition so that the maximum number of "adult" guests shall not exceed 4 at

any given time. **Motion passed** 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. Jim McCarthy asked for clarification on the property boundaries.

Motion by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-0803, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism and Commercial Recreation Area on property located at 29815 Unity Avenue in Franconia Township, as modified, with the following conditions:

1. This approval allows the property to be used for Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) purposes in accordance with the application materials, including site plan and written narrative, dated received July 1, 2022. Any significant deviation, as determined by Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The property is limited to a maximum of two Recreational Camping Area tent sites. The maximum number of adult guests shall not exceed four at any given time.
3. This CUP shall allow use of the property for Recreational Camping Area purposes seven days a week from April 1 through October 31 and the use must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
4. Noise generated from the approved uses shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
5. All guest and customer parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
6. The permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. Any and all MnDOT permits and approvals shall be obtained prior to work done in or near Highway 8 right-of-way (i.e., berming, sodding, etcetera).
8. Natural-appearing physical screening of the subject site from the Highway, including existing berming, shall be maintained.
9. Signage to be limited in accordance with ordinance provisions.
10. The art studio is to be used for the production of art to be sold commercially.
11. Not more than three Rural Retail Tourism commercial / retail special events are to be held annually, on non-holiday weekends.
12. Days and hours of operation shall be limited to Monday through Friday year-round from 9:00 am to 5:00 pm for the art production component of the Rural Retail Tourism use (art studio). No evening Rural Retail Tourism events are to be held.
13. No special lighting shall be permitted.
14. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time

during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

- ~~15. The existing access from Highway 8 is to be permanently closed, and the existing Unity Avenue access is to be the only access to the subject site.~~

Motion passed 6-0. Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Ordinance Amendment, Chisago County Zoning Ordinance Section 8.03 – Public Comment is sought on Amending Section 8.03 Functions of the Planning Commission of Chisago County Zoning Ordinance 08-03, known as the Zoning Ordinance, by repealing and replacing subsection A. and repealing subsection C. and renumbering, amending, or altering additional subsections accordingly. The proposed ordinance amendment pertains to Planning Commission membership terms and residency locations following redistricting of the County in 2022.

Director Schneider provided an overview of the impacts of the County redistricting to Planning Commission appointments and structure, commenting that the Commission and County Board will need to amend Section 8.03 by January 2023.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Kelly Corbin. **The motion passed 6-0.** Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm inquired if any written comments had been received. Staff indicated there were no submitted comments for this public hearing. Extensive discussion followed on recommended changes. Commissioner DuBose noted a minor correction was needed on line 50 on page 2, "...shall continue to serve his or her present term until June...". Chair Yeager provided his written comments to fellow Commissioners and recommended striking lines 56 – 64 (C.1 and C.2) on page 2. ***Motion*** by Chip Yeager; second by Dave Whitney to remove Section 8.03 Functions of the Planning Commission C.1 and C.2 on page 2 of the draft ordinance. Frank Storm commented on the need for more discussion and suggested holding all votes until all options were heard. ***Motion and second withdrawn.*** Dave Whitney suggested striking lines 81-84 (D.2) on page 2 and replace with, "County Commissioners in Districts 2 & 5 must nominate Planning Commission members from an unincorporated area of their district unless a qualified applicant residing in the unincorporated area of the district does not apply and an applicant residing in an incorporated area of the district with township and planning experience does apply." Dave Whitney commented it would provide a broader view and flexibility. Kelly Corbin stated language should reflect a qualified applicant, not just limiting their experience to just township and planning. Frank Storm indicated this is a unique situation and suggested keeping the current ordinance and reappoint at the first County Board meeting with a resolution, explaining that the resolution effective January 1, 2023 would appoint supernumeraries to the Planning Commission for the duration of time necessary to finish the revisions and updates to the County Zoning Ordinance, participate in work sessions, but would not be allowed to participate in normal Planning Commission work/meetings. Storm suggested keeping the existing members through the ordinance update process since they have been involved/have the knowledge. Frank Storm pointed out that the proposed resolution helps the Planning Commission get through the unique timing sequence of existing/new Planning Commission appointments. Discussion followed on incorporated vs. unincorporated representation, qualified applicants and willing volunteers. Chair Yeager indicated that the Planning Commission had time to review the draft ordinance as presented, create an updated draft incorporating Chair Yeager's and Dave Whitney's suggestions, and consider Frank Storm's recommendation of text change to current ordinance A. with resolution appointing supernumeraries to deal with unique timing sequence. Extensive discussion followed on timing of existing and new appointments and the potential ease of Storm's suggested resolution/addendum instead of another

public hearing for a text amendment to Zoning Ordinance that covered the unique timing sequence. Chair Yeager commented it was a good idea to keep existing members instead of having new appointments in the middle of the Zoning Ordinance update. **Motion** by Frank Storm; second by Kelly Corbin the have staff review and provide three drafts that would include: working draft, working draft incorporating Chair Yeager/Dave Whitney's suggestions, and current ordinance with Frank Storm's suggestion. **Motion passed 6-0.** Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None.

Public Hearings – Continued Hearings - None

Old Business - None

New Business

Ordinance Amendment, Chisago County Subdivision Ordinance No. 99-2, Sections 2, 3.06 and 3.07 – Director Schneider provided a brief overview of the acceptable forms of title evidence required for plat approvals. Commissioner DuBose provided an update of the draft ordinance. Cities will be notified once the draft is ready and scheduled for a public hearing.

Director Schneider provided an update on the Jim and Sher Investments LLC CUP request for Rural Retail Tourism to open and operate a winery and gathering venue. Jim Goodpaster & Sherry Timmermann Goodpaster, applicants and owners of Jim & Sher Investments LLC, have appealed the County Board's denial of the CUP.

Kelly Corbin announced this was her last Planning Commission meeting, due to relocation outside of Chisago County.

Brief discussion was held on shipping containers and Commission members' research. Frank Storm commented that he has not found any examples of shipping containers being allowed in other jurisdictions for permanent use, adding that he has only seen containers being allowed for temporary purposes.

Communications and Reports

County Board Liaison Report / Update

County Commissioner DuBose reported on the following: budget updates, review of pay study and difference in departments, and grant application from Frontier.

Miscellaneous – None

Adjourn Meeting – Motion by Frank Storm to adjourn the meeting; second by Kelly Corbin. **Motion passed 6-0.** Ayes: Whitney, Corbin, McCarthy, Sutcliffe, Storm, and Chair Yeager. Nays: None. The meeting was adjourned at 9:19 p.m.

Chisago County Request For Board Action

Meeting Date: August 17, 2022	Item Number: 11
Title of Item for Consideration: Alison Ogren & Garrett Bartholme Conditional Use Permit Commercial Recreation Area	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Alison Ogren & Garrett Bartholme, property owners, have applied for a Conditional Use Permit to allow a Commercial Recreation Area (Recreational Campground Area) on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township, Parcel #04.00144.00. In addition to the existing primary residence, the proposed campground request outlines a maximum of three campsites in the form of a cabin and two tent sites. At their meeting of August 4, 2022, the Planning Commission conducted the requisite public hearing and unanimously (6-0) adopted Resolution PC2022-0801 recommending approval of the request with conditions. A resolution of the Board of Commissioners consistent with that of the Commission's recommendation is presented for Board consideration. Pursuant to Minnesota Statute, the 60-day agency action deadline is September 5, 2022. Among the options for the County Board at tonight's meeting are the following: • Approve the CUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff in Resolution form. • Consider and Approve the CUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval). • The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." • The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	

Attachments:

- Draft Resolution of Approval
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Alison Ogren & Garrett Bartholme, Conditional Use Permit. The following is the suggested language for the motion:

"Move to approve Resolution No. 22/0817____, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Alison Ogren & Garrett Bartholme Conditional Use Permit to allow a Recreational Campground Area on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township, Parcel #04.00144.00."

Implications of Action – Recommended Board action grants the requested Conditional Use Permit with conditions.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. Conditions placed on the CUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve _____

Deny _____

Other CBS

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/0817-_____
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY,
MINNESOTA, APPROVING A CONDITIONAL USE PERMIT ALLOWING
A COMMERCIAL RECREATION AREA ON PROPERTY LOCATED AT
28445 ST. CROIX TRAIL / HWY 95 IN FRANCONIA TOWNSHIP

WHEREAS, Alison Ogren & Garrett Bartholme, property owners, submitted an application dated received June 30, 2022 and considered complete on July 7, 2022 for a Conditional Use Permit allowing a Commercial Recreation Area (Recreational Campground Area) on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 5.40± acres in size and legally described as:

PID 04.00144.00

That certain part of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4), of Section Ten (10), Township Thirty three (33), Range Nineteen (19), Chisago County, Minnesota, described as follows;
Beginning at a point 130.2 feet South of the intersection of the East right-of-way line of Trunk Highway No. 95, and the North line of said Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4); thence South 69 degrees 55 minutes East, a distance of 348.1 feet; thence South 04 degrees 10 minutes East, a distance of 734.4 feet; thence North, 80 degrees 05 minutes West, a distance of 272.2 feet to the East right-of-way line of Trunk Highway No. 95; thence in a Northerly direction along said East right-of-way line, a distance of 870.0 feet, more or less, to the point of beginning.

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the CUP with conditions, per Resolution No. PC2022-0801; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its August 17, 2022 meeting and made the following findings per Zoning Ordinance Section 8.04 C:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The County finds that the proposed Recreational Campground Area is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:*

- *To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and*

their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)

- *To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)*
- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)*
- *To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *Given that the proposed Recreational Campground Area will have three campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Given the dense vegetation of the subject site, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Commercial Recreation Areas as a Conditional Use in the AG District. In addition, Section 7.21 of the Chisago County Zoning Ordinance specifically encourages the*

development of Commercial Recreation Areas, with the stated purpose of providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *It is anticipated that there will be a slight increase in traffic on St. Croix Trail Hwy 95 as guests arrive and depart from the Recreational Camping Area; however, as a State highway, St. Croix Trail is designed and maintained to handle the anticipated traffic levels. The County finds that there is no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for CUP, subject to the following conditions:

1. The property shall be developed and used in accordance with the application materials, including site plan and written narrative, dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Commercial Recreation Area purposes (Recreational Campground Area) with operations allowed seven days a week.
3. The property is limited to a maximum of 3 campsites, to include one cabin and two 4-season tent sites. The maximum number of adult guests shall not exceed 6 at any given time.
4. Campsites shall not be located closer than 50 feet to any property boundary.
5. The Commercial Recreation Area (Recreational Campground Area) must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
6. The property owner shall install and continuously maintain in good repair permanent property boundary identification along the eastern and southern property boundaries, such as signage and/or fencing.
7. Noise generated from the Recreational Campground Area, including the playing of music.

shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.

8. All parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Commissioner _____ seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF:

OPPOSED:

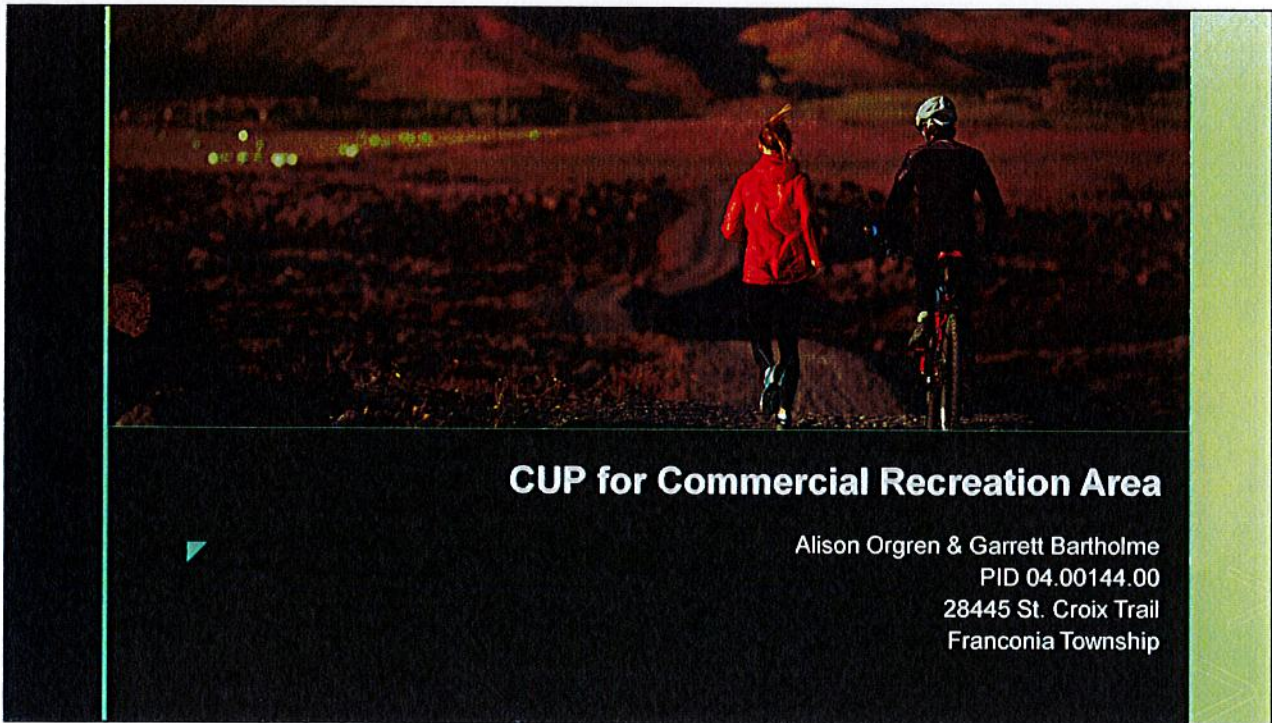
ABSENT:

Whereupon the proclamation was declared duly passed and adopted.

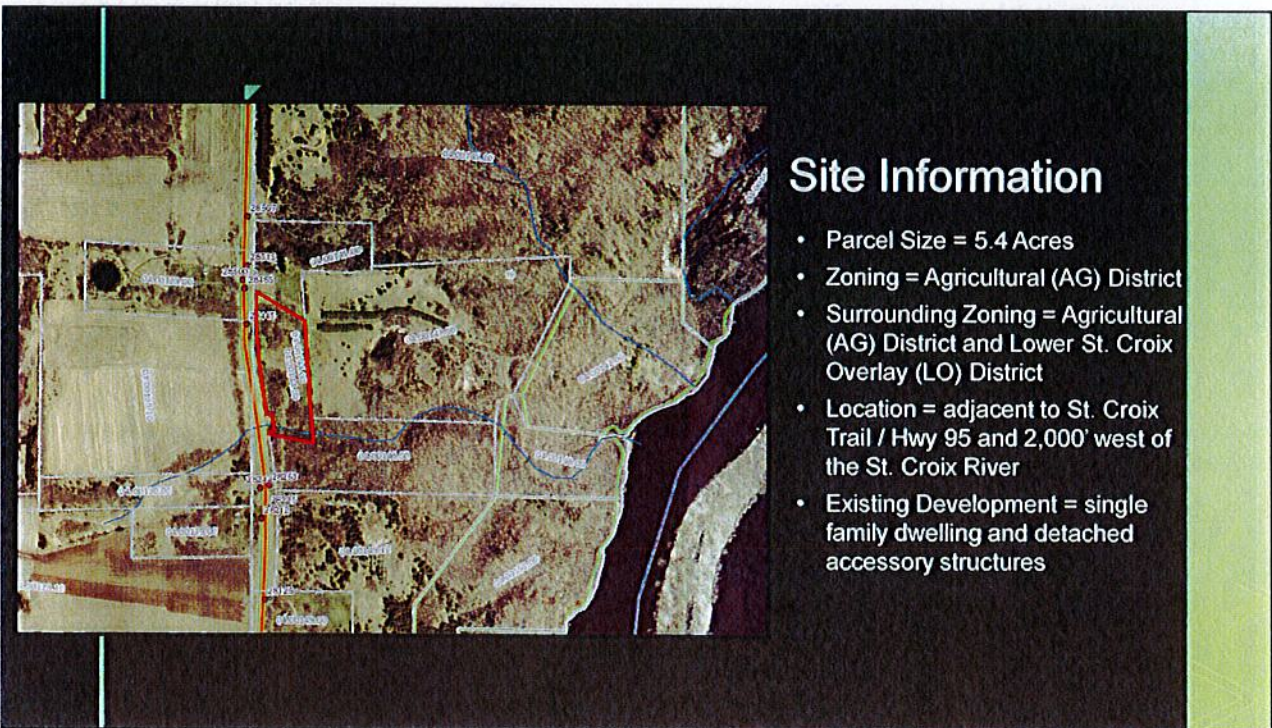
Approved: August 17, 2022

Richard Greene
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator



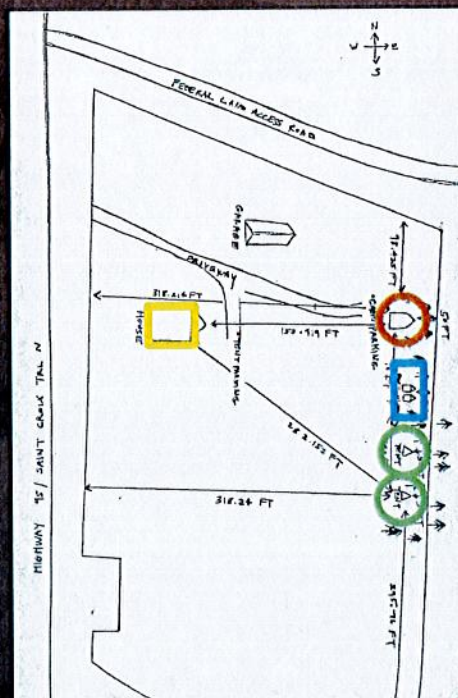
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2

Proposal + Site Plan

- CUP for Commercial Recreation Area in order to have a recreational camping area with up to 3 campsites
- Campsites include two 4-season tent sites and one cabin site
- Each campsite will allow a maximum of two guests
- All proposed structures proposed to be located no closer than 50' to property boundary
- 2 Porta potties to be used until a full septic system can be installed
- Guest stays offered 7 days a week with a 2-night minimum stay; open year-round
- Quiet hours proposed from dusk until 9:00 (staff is proposing 10:00 pm – 7:00 am)
- No pets allowed
- Property owner resides on-site



3

Review Process



TECHNICAL REVIEW
COMMITTEE
JULY 13, 2022

NO CONCERNS IDENTIFIED



FRANCONIA TOWN BOARD
JULY 19, 2022

RECOMMENDED APPROVAL WITH NO
CONDITIONS



60-DAY
REVIEW PERIOD

EXPIRES SEPTEMBER 5, 2022

4

Findings of Fact

- Finding #1** The County finds that the proposed Recreational Campground Area is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:
- To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)
 - To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)
 - To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)
 - To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)
 - To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)
 - To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)
- Finding #2** Given that the proposed Recreational Campground Area will have three campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site.
- Finding #3** Given the dense vegetation of the subject site, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.
- Finding #4** The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties.
- Finding #5** The County finds that the Chisago County Zoning Ordinance allows Commercial Recreation Areas as a Conditional Use in the AG District. In addition, Section 7.21 of the Chisago County Zoning Ordinance specifically encourages the development of Commercial Recreation Areas, with the stated purpose of providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.
- Finding #6** See Finding #5
- Finding #7** It is anticipated that there will be a slight increase in traffic on St. Croix Trail / Hwy 95 as guests arrive and depart from the Recreational Camping Area; however, as a State highway, St. Croix Trail is designed and maintained to handle the anticipated traffic levels. The County finds that there is no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion.
- Finding #8** Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness.

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Staff Recommendation

Staff believes that the proposed Commercial Recreation Area (Recreational Campground Area) use complies with and is consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP with conditions.

Options

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate.

Note: If the Commission considers this option, specific factor(s) for denial should be included in said motion or resolution. Potential factors may include but are not limited to:

- The Applicants have not provided application materials with the level of detail necessary to thoroughly and satisfactorily review the proposed land use.
 - The Applicants have not provided sufficient detail on land uses/activities or layout necessary to properly assess site functionality, adequate spacing/layout/parking, and scope of operations in order to ensure the proposed land use can be supported in a safe and efficient manner.
 - The Applicants have not demonstrated or provided satisfactory mitigating steps to address adverse impacts to adjacent properties / property owners.
3. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on September 5, 2022.

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Recommended Conditions of Approval

1. The property shall be developed and used in accordance with the application materials, including site plan and written narrative, dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Commercial Recreation Area purposes (Recreational Campground Area) with operations allowed seven days a week.
3. The property is limited to a maximum of 3 campsites, to include one cabin and two 4-season tent sites. The maximum number of guests shall not exceed 6 at any given time.
4. Campsites shall not be located closer than 50 feet to any property boundary.
5. The Commercial Recreation Area (Recreational Campground Area) must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
6. The property owner shall install and continuously maintain in good repair permanent property boundary identification along the eastern and southern property boundaries, such as signage and/or fencing.
7. Noise generated from the Recreational Campground Area, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
8. All parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Conditional Use Permit Allowing a Commercial Recreation Area
 28445 St. Croix Trail / Hwy 95, Franconia Township
 DATE: August 4, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) allowing a Commercial Recreation Area in the Agricultural (AG) District. The property owners are requesting the CUP in order to have a Recreational Camping Area with up to three campsites.

SITE & APPLICATION INFORMATION

Applicant(s):	Alison Ogren & Garrett Bartholme
Property Owner(s):	Alison Ogren & Garrett Bartholme
Location:	28445 St. Croix Trail / Hwy 95 Franconia Township Section 10, Township 33, Range 19
PID:	04.00144.00
Property Area:	5.4 Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District / Lower St. Croix Overlay (LO) District
East:	Agricultural (AG) District / Lower St. Croix Overlay (LO) District
West:	Hwy 95 / Agricultural (AG) District
Date Application Received:	June 30, 2022
Date Application Complete:	July 7, 2022
60-Day Review Period:	September 5, 2022



BACKGROUND & SITE ANALYSIS

Property owners Alison Ogren & Garrett Bartholme have applied for a Conditional Use Permit (CUP) for Commercial Recreation Area in order to have a Recreational Camping Area with up to three campsites on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township. The proposed Recreational Camping Area will have two 4-season tent sites and one cabin, in addition to the Ogren-Bartholme residence and accessory structures.

The subject site is a 5.4-acre tract of land located on St. Croix Trail / Hwy 95, approximately 2,000 feet west of the St. Croix River, approximately 1.1 miles south of Franconia Trail and approximately 2 miles north of Pleasant Valley Road / CSAH 26. The subject site is located in the AG District as are all surrounding properties. The Lower St. Croix Overlay (LO) District is located immediately east and south

of the subject site. The area surrounding the subject site includes a mix of residential and active agricultural uses as well as undeveloped land; surrounding properties range in size from 6 acres to 110 acres.

The subject site features a single family dwelling (residence of property owners) and detached garage in addition to other smaller accessory structures. The site is heavily wooded with elevations ranging from 851' near the southern property boundary to 917' slightly northwest of the dwelling. The proposed campsites will be located on a fairly level area near the eastern property boundary directly east and southeast of the dwelling. There are no wetlands on the property, nor is the property located in the Shoreland Management District or Flood Plain Management District.

PROPOSAL ANALYSIS

Campsites:

The property owners are proposing three campsites (outlined in red in the adjacent image), including two 4-season tent sites and one cabin. The cabin site will be located approximately 100-150 feet directly east of the dwelling near the eastern property boundary and the two tent sites will be located approximately 170 feet south of the cabin site. The site plan shows that two porta potties will be situated between the cabin site and tent sites. All proposed structures will be located no closer than 50' to the eastern property boundary (closest property boundary).

The application materials explain that the proposed cabin will be 120 square feet and include a living area, small eating area, sleeping loft, kitchenette with a two-burner propane cooktop, pump sink, trash and recycling, and a fireplace for heat. The two 4-season tents – made by CanvasCamp – will be 210 square feet in size and will be equipped with a wood burning stove for heat and a five gallon jug of drinking water. There will be no running water or plumbing at the tent sites.

Each campsite will allow for a maximum of two guests.

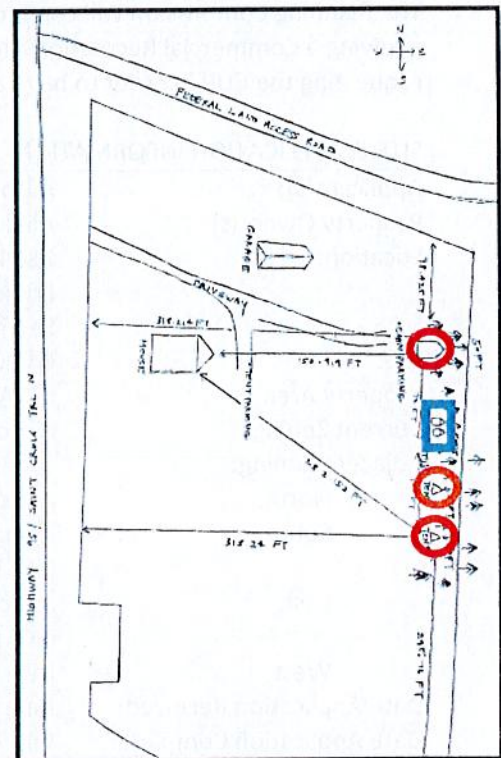
Sanitation Facilities:

The property owners are proposing to utilize porta potties for the Recreational Camping Area until such time that they're able to install a full septic system (outlined in blue in the adjacent image). The porta potties will be located within 100 feet of the campsites. The use of porta potties is acceptable per the County's Sanitarian.

The property owners are proposing to install a full septic system and running water within a couple of years. A bath house – with two bathroom stalls and two shower stalls – will be provided at this time.

Driveway and Parking Areas:

The subject site is and will be served by one driveway off of St. Croix Trail / Hwy 95. The application materials explain that there will be two parking areas provided for the Recreational Camping Area, one for the cabin site (one vehicle) and one for the tent sites (two vehicles). Guests will be limited to one vehicle per campsite.



Screening:

The subject site is heavily wooded. The written narrative explains that existing vegetation will screen all proposed campsites from visibility from all property boundaries. Additionally, the property owners will install signs denoting the property boundary to ensure that guests do not trespass onto neighboring properties.

Given that the proposed campsites are located near the eastern property boundary, the 30.7-acre property directly east will experience the greatest impact. The neighboring property is currently undeveloped.

Scenic Features:

The subject site is located approximately 2,000 feet west of the St. Croix River and the property owners have an access easement that leads to Eagles Nest Campground on the river. The access road / easement is located immediately north of the subject site and is maintained by the National Park Service. The access road / easement is not open to the general public and is gated to keep the general public from entering.

Other Details:

- All campsites will have a designated campfire area for recreation and outdoor cooking.
- Waste removal will be provided by Waste Management.
- The property owners reside within the existing dwelling on the subject site and will be onsite caretakers during all guest stays to supervise the property and enforce site rules.
- The site / grounds will be maintained by the property owners to allow for safe and clear access.
- All campsites will have fire extinguishers, water hoses and fire department contact information.
- Each campsite will have two small ground mounted solar panels to supply a limited amount of power for charging of cell phones, operation of fans, etc.
- Solar lanterns will be installed to light pathways to the campsites and bathroom facilities. Solar or battery powered lanterns will be provided for lighting inside the cabin and tents.
- Guest stays will be offered seven days a week with a two-night minimum stay to reduce the turnover and unique visitor rate.
- The proposed Recreational Camping Area will be open year-round.
- The property owners will not allow parties, loud music, or events.
- The property owners are proposing to enforce quiet hours from dusk to 9:00 am. *Note: Staff has incorporated a proposed condition of approval which would require quite hours to be observed between 10:00 pm and 7:00 am.*
- No pets will be allowed.

As part of the review process, the Technical Review Committee met with Ogren on July 13th. The committee discussed such things as the established easement to the river, plans for sanitation facilities, quiet hours and tent specifications. The committee didn't identify any concerns with the proposed CUP. In regard to the sanitation facilities, the County's Sanitarian informed the property owners that porta potties would be acceptable until such time that they choose to install a full septic system; a holding tank would not be allowed being that this is a commercial use.

RECREATIONAL CAMPING AREA STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 7.21, shall consider possible effects of the proposed Recreational Camping Area based upon the following general factors and any other

requirements set forth in the Zoning Ordinance or deemed otherwise relevant (*staff comments inserted in italics below*):

A. Purpose.

The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.

B. License Required.

No person, corporation, partnership, firm or other entity shall operate a Recreational Camping Area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational camping area.

This is not applicable as the State does not require a license for four or fewer campsites.

C. Conditional Use Permit Required.

A Conditional Use Permit shall be required for the construction or operation of a Recreational Camping Area. Recreational Camping Areas shall be restricted to the (A), (AP), (PAT), and (RRI/RRII) Districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

The subject site is located in the Agricultural (AG) District.

Each Conditional Use Permit application shall include the submission of a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. The site plan shall include the following:

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.
4. The proposed method of lighting the structures and site, lot field, or tract of land upon which said recreational camping area is to be located.
5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.
6. Location, size, and characteristics of each campsite.
7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.

8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.

The property owners have provided a written narrative, site plan and supplemental application requirements document for the Planning Commission's consideration. The site plan, written narrative and supplemental information address all of the items listed above.

D. Camping Area Spacing Requirements.

Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.

The State defines Recreational Camping Area (RCA) as "any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping areas" do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational vehicles created adjacent to motor sports facilities.

Given that the proposed Recreational Camping Area will consist of fewer than five campsites, it will not be subject to State licensing requirements. The County has previously reviewed and issued family and other private campground permits with fewer than five units / campsites in the Shoreland and AG areas.

For more information about the Minnesota Rules, visit:

www.health.state.mn.us/communities/environment/recreation/lodging/rca.html and [Sec. 327.20 MN Statutes](#).

- E. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

The property owners are not proposing the installation of any utilities at this time, with the exception of small solar panels and solar lighting which – of course – cannot be located underground.

- F. Water Supply, Sewage Disposal, and Toilet, Bathing, Laundry Facilities, and Lighting.

The water supply system, sewage disposal, and toilet, bathing, laundry facilities, and lighting shall be consistent with the Minnesota Rules.

The property owner has addressed all of these items in the application materials.

G. Plumbing.

All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.

The property owners are proposing to utilize porta potties initially and to install a full septic system for the campsites within a few years. The use of porta potties is acceptable, and the future septic system will be required to be installed in compliance with all applicable codes.

H. Garbage and Refuse - Handling and Disposal.

Garbage and refuse handling and disposal shall be consistent with the Minnesota Rules and the Chisago County Solid Waste Ordinance.

Campsites will have access to receptacles for trash and recycling, and disposal will be handled by Waste Management.

I. Caretaker/Operator Duties.

A responsible adult attendant or caretaker shall be in charge of every Recreational Camping Area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and records; and, to keep the facilities and the equipment in a clean, orderly and sanitary condition.

The property owners reside on the subject site and will be onsite during all guest stays to supervise the property and enforce site rules.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

- | | |
|------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>The County finds that the proposed Recreational Campground Area is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:</i> <ul style="list-style-type: none">• <i>To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)</i>• <i>To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)</i>• <i>To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)</i>• <i>To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)</i>• <i>To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)</i>• <i>To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <i>Given that the proposed Recreational Campground Area will have three campsites, the County finds that the proposed use will have a slight but not excessive demand on</i> |

certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Given the dense vegetation of the subject site, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Commercial Recreation Areas as a Conditional Use in the AG District. In addition, Section 7.21 of the Chisago County Zoning Ordinance specifically encourages the development of Commercial Recreation Areas, with the stated purpose of providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *It is anticipated that there will be a slight increase in traffic on St. Croix Trail / Hwy 95 as guests arrive and depart from the Recreational Camping Area; however, as a State highway, St. Croix Trail is designed and maintained to handle the anticipated traffic levels. The County finds that there is no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness.*

TOWNSHIP RECOMMENDATION

The Franconia Town Board reviewed the proposed CUP at its July 19th meeting. The Town Board recommended approval of the CUP with no conditions.

STAFF RECOMMENDATION

Staff believes that the proposed Commercial Recreation Area (Recreational Campground Area) use complies with and is consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The property shall be developed and used in accordance with the application materials, including site plan and written narrative, dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Commercial Recreation Area purposes (Recreational Campground Area) with operations allowed seven days a week.
3. The property is limited to a maximum of 3 campsites, to include one cabin and two 4-season tent sites. The maximum number of guests shall not exceed 6 at any given time.
4. Campsites shall not be located closer than 50 feet to any property boundary.
5. The Commercial Recreation Area (Recreational Campground Area) must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
6. The property owner shall install and continuously maintain in good repair permanent property boundary identification along the eastern and southern property boundaries, such as signage and/or fencing.
7. Noise generated from the Recreational Campground Area, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
8. All parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate.

Note: If the Commission considers this option, specific factor(s) for denial should be included in said motion or resolution. Potential factors may include but are not limited to:

- *The Applicants have not provided application materials with the level of detail necessary to thoroughly and satisfactorily review the proposed land use.*
 - *The Applicants have not provided sufficient detail on land uses/activities or layout necessary to properly assess site functionality, adequate spacing/layout/parking, and scope of operations in order to ensure the proposed land use can be supported in a safe and efficient manner.*
 - *The Applicants have not demonstrated or provided satisfactory mitigating steps to address adverse impacts to adjacent properties / property owners.*
3. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on September 5, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0801, a resolution recommending approval of a Conditional Use Permit allowing a Commercial Recreation Area on property located at 28445 St. Croix Trail / Hwy 95, with Findings of Fact and conditions as presented or amended.

If the Commission chooses to recommend denial of the request for Conditional Use Permit, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application Materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
 - d. Supplemental application requirements
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2022-0801

CC: Alison Ogren & Garrett Bartholme, property owners
County file

Permit #

22-1156

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 746-

Base Fee \$1025-

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE \$1041

Street Location 28445 Saint Croix Trl N Tax Parcel # 04.00144.00

Legal Description see attached E-Mail Address: _____

Owner: Alison Grier / Garrett Bartholme Day Phone _____

Address 28445 Saint Croix Trl N

Applicant (if other than owner) _____ Day Phone () _____

Address S10, T33, R19

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Ordinance Amendment ☐
(or amendment to CUP)

Interim Use Permit ☐ Rezoning ☐
(or amendment to IUP)

Applicable section of ordinance: _____

Description of request: Application for conditional use permit and commercial recreation area.

If Variance Application, Brief Description of Practical Difficulty

[Signature] 6/30/2022

Alison Grier 6/30/2022

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

6-30-22

Date Received

7-7-22

Date Complete

9-5-22

60 / 120 Day Review Period

Date of Public Hearing: August 4, 2022

TOWNSHIP PRESENTATION FORM

Street Location 28445 Saint Croix Trl N

Legal Description see attached

Owner Name Alison Ogren and Garrett Bartholme Day Phone: [REDACTED]

Address: 28445 Saint Croix Trl N

Applicant: _____ Day Phone: () _____
(if other than owner)

Address: _____

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request: Application for conditional use permit and commercial recreational area.

Date of County Public Hearing: AUGUST 4, 2022

Date of Township Presentation: JULY 19, 2022

TOWNSHIP ACTION TAKEN

Approved ☒

Denied ☐

Reasons and Conditions: _____

Signature of Township Officers:

[Signature]
[Signature]

[Signature]
Signature of Applicant

6/30/2020
Date

Written Proposal/narrative for Commercial recreational area/conditional use permit at 28445 Saint Croix Trl N, Shafer, MN

Thank you for your consideration of my written proposal to have short term rentals on my land. My name is Alison Ogren. I live with my husband Garrett Bartholme and my son August on 5.5 acres along the Saint Croix River in Shafer. I grew up coming to the Saint Croix River Valley, and when we bought our 1890's farmhouse two years ago it felt like coming home. I have always been drawn to the Saint Croix River and living here has been a dream come true that has truly transformed my life. My passion for the Saint Croix River and the River Valley is at the heart of my desire to share this place with others.

Our proposal is for up to three sites that would consist of two, four season Bell Tents made by a Belgian company called Canvas Camp. These tents are designed for four season use with an added heat source of a wood burning stove. They will be simply but beautifully outfitted with a Queen sized bed, Rugs, Side tables and solar lanterns. There will be no running water or plumbing at the tents. Solar power may be added to allow for fans and phones to be charged, but we want to encourage an experience where guests can unplug from their daily lives and devices and truly experience the wilderness. The Bell tents offer a true wilderness experience in all seasons for guests to explore the River Valley.

The other proposed rental will be a small 120 square foot cabin with a sleeping loft, small two burner propane stove top for cooking, and a small fireplace for heat. A pump sink will allow for guests to wash dishes and the sink water will be collected in a bucket and disposed of per the Sanitarian, Kelly Strogel's recommendations. We will be working with the building commissioner Justin Colbert to make sure the cabin is completely in compliance with building codes and can be occupied before renting it out. Our home is located off Saint Croix Trl N. We have a good relationship with our direct neighbors, but our property is uniquely secluded. Parking spots will be designated, and guests will be limited to one vehicle. Both proposed structures will have a maximum of 2 guests. We will not allow parties or loud music, events, or the like. Guest stays will be offered 7 days a week, but we will enforce a two-night minimum to reduce the turnover rate. We will also enforce quiet hours, and the hours of operation will be 9:00 am-dusk daily. We would like to operate the commercial recreational area year round.

Each Site will be located 50 ft from the closest property boundary. Other site measurements can be found in our site map/plan.

There are many trees and plants that screen all sites from being visible to our property boundaries. If more screening is required, we can add extra plantings to ensure proper screening. We will add private property signs to any neighboring properties to ensure no trespassing occurs on private land.

No pets will be allowed.

There will be two phases with the bathrooms. Phase one will be port o potties, which has been recommended to me by the county Sanitarian. And phase two will follow in a couple years from now and will involve building a bathroom and shower house with two-bathroom stalls and two showers for guest use that will have its own septic system and be connected to water per the rules for commercial recreation areas. Port O Potty's will be within 400 feet of each site.

Our property offers a unique opportunity for guests to access the river by hiking ½ mile down the easement that leads to Eagles Nest campground on the river. We would provide guests with a detailed map to make sure they know they stay on the road that leads to the federal land and the river. The Access Road is maintained by the National Park Service.

It is our hope to partner with the Wild River Conservancy and offer guided trips on the river to help educate guests about the Saint Croix River and help them to experience its beauty for themselves.

It is also our goal and desire to bring people to our area and help support local businesses, shops, stores, events, restaurants, local farmers and farmers markets, and activities such as state parks, kayaking or canoeing on the river, and the Franconia sculpture park. Our home is uniquely located in close proximity to many of the area's greatest attractions. We believe our commercial recreation area will help to bring tourists to the area in a safe and enjoyable way that will have a ripple effect on the areas tourism and will help support local businesses as well as bring awareness of the national scenic river way.

We also hope to bring added tourism to the area in the winter months and will offer suggestions for cross country ski trails as well as downhill skiing and snowshoeing in the area. Our property is uniquely equipped to encourage guests to get out and enjoy our beautiful Minnesota Winters, and we will offer our best recommendations for winter activities.

I will leave you with words from Amy Carrier and the Wild River Conservancy who are excited to partner with us to bring awareness off the river. Their words encompass what this River means to us and our desire to share this with guests.

"We are so lucky to spend the day on this beautiful wild and scenic, moving national park. Our riverway is much more than just a river. As I mentioned, I am with the wild river's conservancy, which is the official nonprofit partner of the St. Croix National Scenic Riverway. Our organization helps protect, preserve, and promote stewardship within the riverway and throughout the entire watershed. Our team monitors and controls invasive species to provide resources for woodland owners and creates educational experiences and events. Our moving national park is composed of two rivers. The St. Croix and the Namekagon. These rivers flow through a corridor where prairie and forests meet, creating a diversity of plant and animal habitats."

-Amy Carrier (wild rivers conservancy)

"The Saint Croix River watershed is a national treasure. We live, work, and play in the St. Croix River watershed because we love this place, and we celebrate that love at every opportunity."

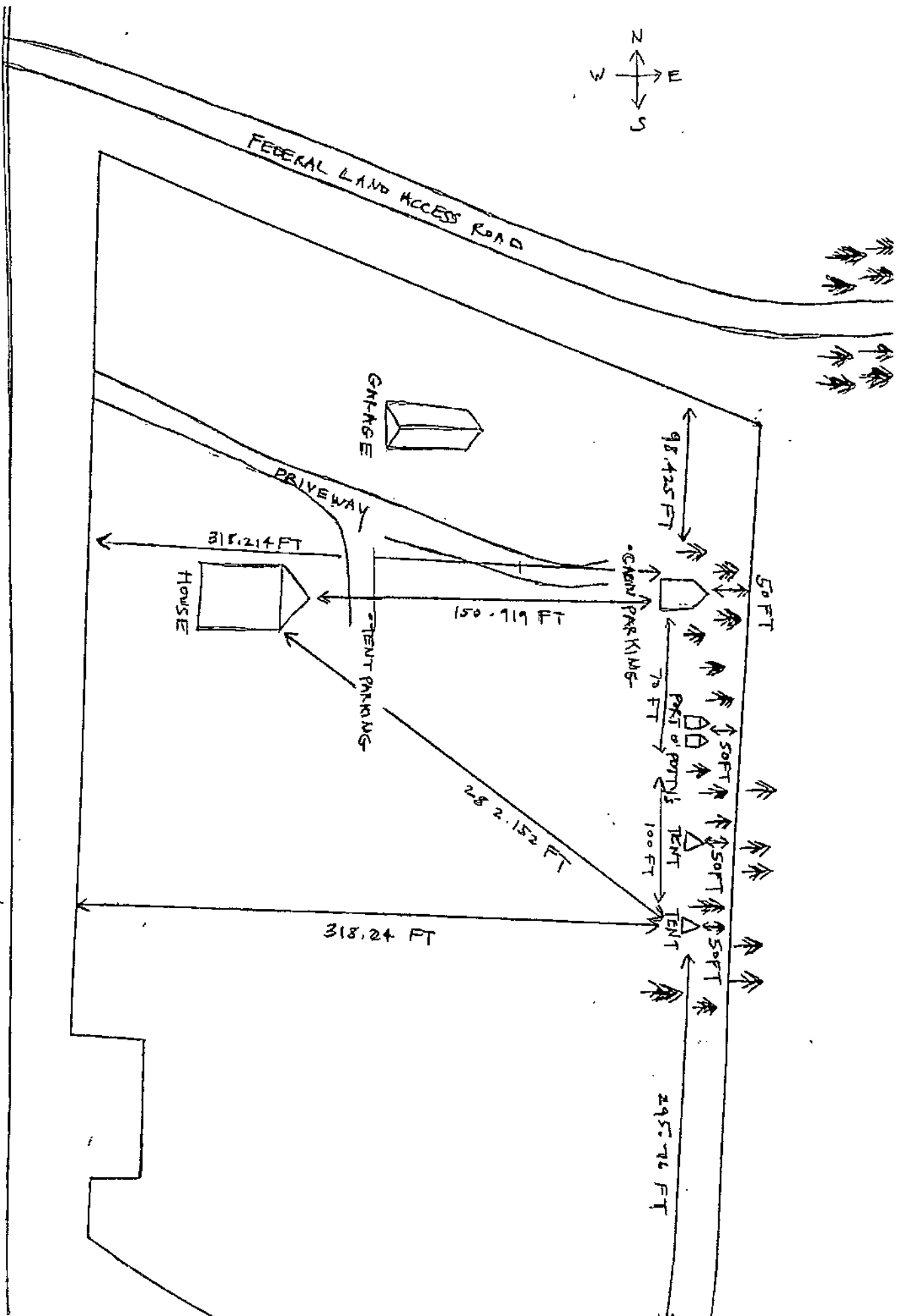
-Wild River Conservancy

We are asking that the county grants us a conditional use permit, and commercial recreation area usage.

Thank you for your kind consideration.

Alison Ogren and Garrett Bartholme

HIGHWAY 95 / SAINT CROIX TRL N



Supplemental Application Requirements

Legal Description of 28445 Saint Croix Trl N: PT OF NW1/4 OF SW1/4 DES AS FOL: BG AT A PT 130.2 FT S OF THE INTSEC OF E R/W LINE OF HY 95 & THE N LINE OF SAID NW1/4 OF SW 1/

*The location of the proposed Bell Tents sites as well as the cabin are along the eastern edge of our property line within our property boundaries. The neighboring land is vacant. The cabin is 120 square feet and consists of a living area, small eating area, sleeping loft, kitchenette with two burner propane cook top, pump sink, trash and recycling, and a fireplace.

*The Canvas camp Bell Tents are four season canvas tents that have been treated for fire resistance. They are 210 square feet and will also be equipped with a tent stove to heat with wood as a heat source during the colder months. Water will be supplied in 5gallon jug for drinking water.

*There will be two designated parking areas, one area for the tent sites and one for the cabin site. Both spots are accessible from our driveway. Both will be well marked.

*Both sites would have a designated campfire area that is safe for campers to have small campfires and do campfire cooking.

*Bathroom facilities for phase one of our proposal will consist of port o potties per the county sanitarians recommendations and will be located within 400 feet of the proposed sites.

*Phase two of our proposed sanitary facilities will be in a couple of years and would involve installing a septic system and running water to a bath house with bathrooms and shower stalls for guests.

*Waste removal will consist of labelled trash and recycling receptacles to gather waste and recycling from guests and will be disposed of using waste management who is the company we use for our home trash and recycling.

*We intend to be at the property during the time of our guest stays and will be there to supervise our property and enforce site rules.

*The grounds will be maintained to allow safe and clear access to the proposed sites and involve mowing and snow removal and any debris removal.

*All sites will have fire extinguishers, clear signage with fire dept phone number as well as water hoses that can reach each site.

*We would like to have small ground mounted solar panels to supply power to the cabin and to the tent sites. We would not have more than two small panels

per site. Other lighting will be solar lanterns to light the pathways to the sites and the bathroom facilities as well as small solar or battery powered lanterns for inside the structures.

*We are proposing that we allow guest rentals year round to offer guests an opportunity to take part in local winter activities and help support local tourism in the winter months.

Ogren - Aerial Photo

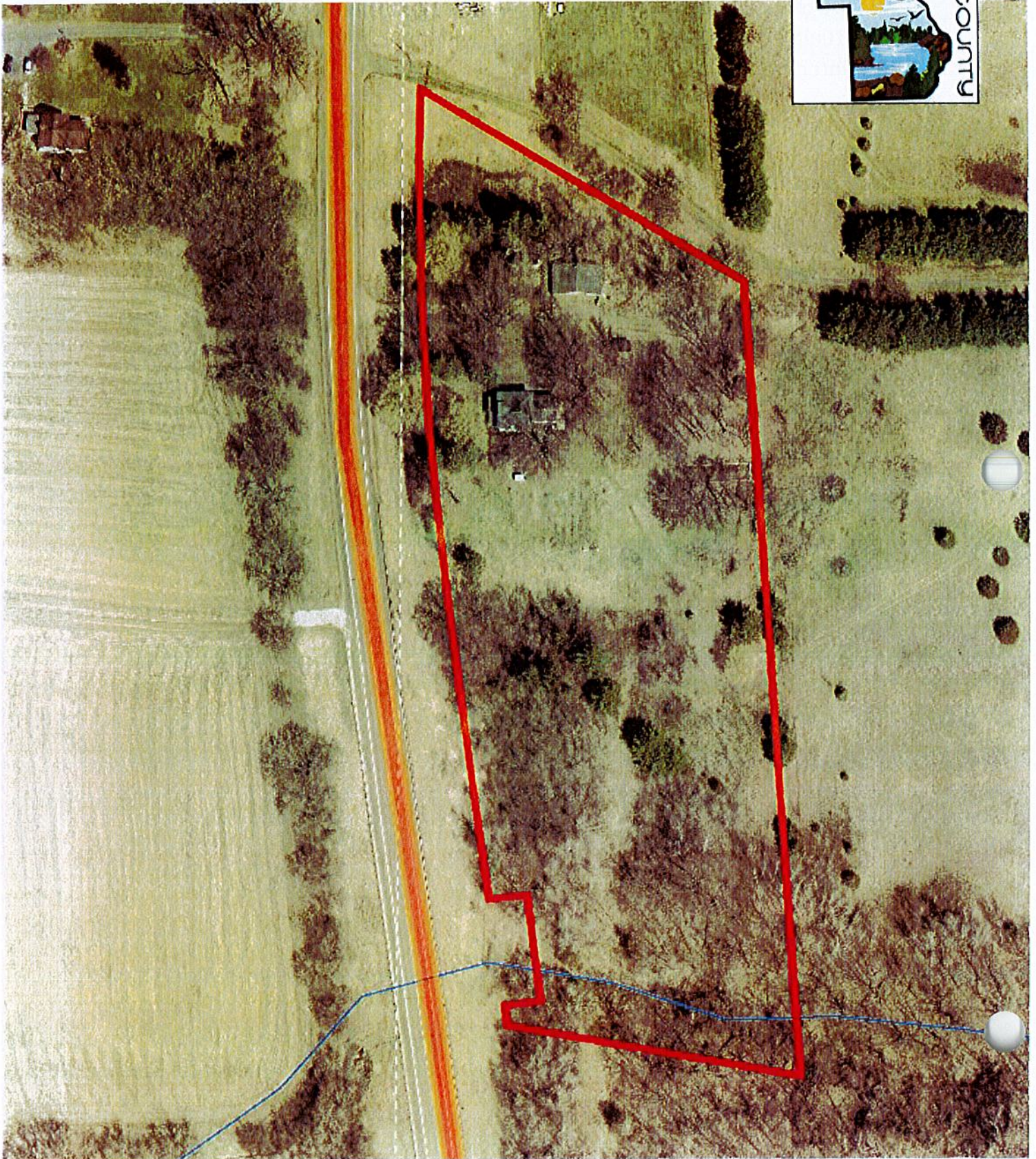
Alison Ogren – Alison Ogren and Garrett Bartholme, property owners, are requesting a Conditional Use Permit (CUP) for Commercial Recreation Area in order to establish a private campground with up to three campsites in the Agricultural (AG) District. The 5.24-acre property is located at 28445 St. Croix Trail, Franconia Township, S10, T33, R19 (PID# 04.00144.00).

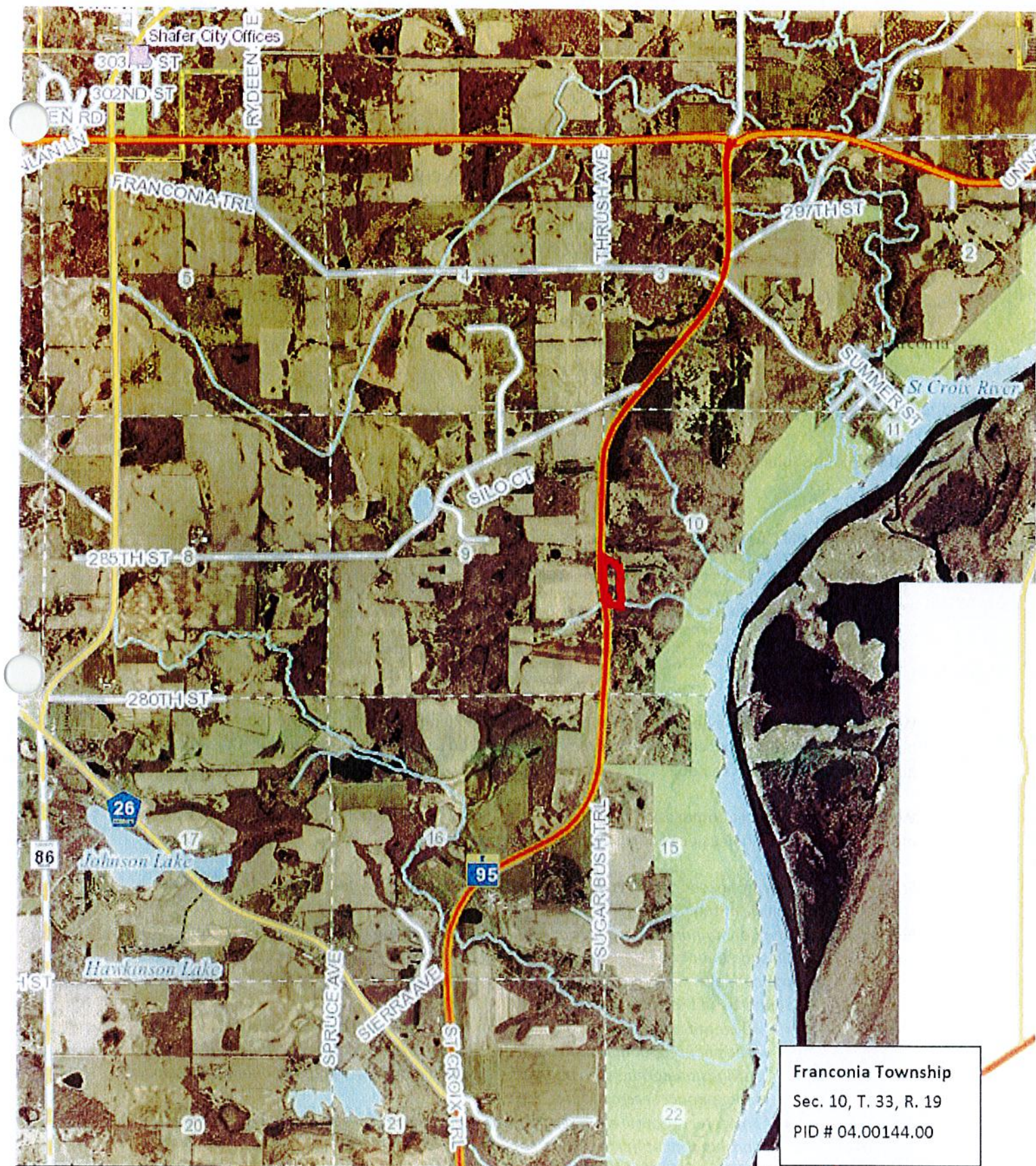
Ogren Property - 

Franconia Township

Sec. 10, T. 33, R. 19

PID # 04.00144.00





Franconia Township
Sec. 10, T. 33, R. 19
PID # 04.00144.00

Ogren - Aerial Photo

Alison Ogren – Alison Ogren and Garrett Bartholme, property owners, are requesting a Conditional Use Permit (CUP) for Commercial Recreation Area in order to establish a private campground with up to three campsites in the Agricultural (AG) District. The 5.24-acre property is located at 28445 St. Croix Trail, Franconia Township, S10, T33, R19 (PID# 04.00144.00).

Ogren Property - 



RESOLUTION NO. PC2022-0801

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING
A COMMERCIAL RECREATION AREA ON PROPERTY LOCATED AT
28445 ST. CROIX TRAIL / HWY 95 IN FRANCONIA TOWNSHIP**

WHEREAS, Alison Ogren & Garrett Bartholme, property owners, submitted an application dated received June 30, 2022 and considered complete on July 7, 2022 for a Conditional Use Permit allowing a Commercial Recreation Area (Recreational Campground Area) on property located at 28445 St. Croix Trail / Hwy 95 in Franconia Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 5.40± acres in size and legally described as:

PID 04.00144.00

That certain part of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4), of Section Ten (10), Township Thirty three (33), Range Nineteen (19), Chisago County, Minnesota, described as follows; Beginning at a point 130.2 feet South of the intersection of the East right-of-way line of Trunk Highway No. 95, and the North line of said Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4); thence South 59 degrees 55 minutes East, a distance of 348.1 feet; thence South 04 degrees 10 minutes East, a distance of 734.4 feet; thence North, 80 degrees 05 minutes West, a distance of 272.2 feet to the East right-of-way line of Trunk Highway No. 95; thence in a Northerly direction along said East right-of-way line, a distance of 870.0 feet, more or less, to the point of beginning.

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04 C:

- | | |
|------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>The County finds that the proposed Recreational Campground Area is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:</i> <ul style="list-style-type: none">▪ <i>To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)</i>• <i>To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)</i>• <i>To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)</i> |

	• <i>To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)</i> • <i>To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)</i> • <i>To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)</i>
Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2	<i>Given that the proposed Recreational Campground Area will have three campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site.</i>
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	<i>Given the dense vegetation of the subject site, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	<i>The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties.</i>
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	<i>The County finds that the Chisago County Zoning Ordinance allows Commercial Recreation Areas as a Conditional Use in the AG District. In addition, Section 7.21 of the Chisago County Zoning Ordinance specifically encourages the development of Commercial Recreation Areas, with the stated purpose of providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.</i>
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	<i>See Finding #5.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	<i>It is anticipated that there will be a slight increase in traffic on St. Croix Trail / Hwy 95 as guests arrive and depart from the Recreational Camping Area; however, as a State highway, St. Croix Trail is designed and maintained to handle the anticipated traffic</i>

levels. The County finds that there is no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit, subject to the following conditions:

1. The property shall be developed and used in accordance with the application materials, including site plan and written narrative, dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Commercial Recreation Area purposes (Recreational Campground Area) with operations allowed seven days a week.
3. The property is limited to a maximum of 3 campsites, to include one cabin and two 4-season tent sites. The maximum number of guests shall not exceed 6 at any given time.
4. Campsites shall not be located closer than 50 feet to any property boundary.
5. The Commercial Recreation Area (Recreational Campground Area) must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
6. The property owner shall install and continuously maintain in good repair permanent property boundary identification along the eastern and southern property boundaries, such as signage and/or fencing.
7. Noise generated from the Recreational Campground Area, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
8. All parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
9. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular

inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of August, 2022.

Kelly Corbin _____
James McCarthy _____
Frank Storm _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

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Chisago County Request For Board Action

Meeting Date: August 17, 2022	Item Number: 12
Title of Item for Consideration: Matthew Holly Commercial Limited Industrial Open Storage Yard - Conditional Use Permit	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Matthew Holly, property owner, has applied for a Conditional Use Permit to allow an Open Storage Yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township. Parcel # 07.00331.00. The subject site is in the Commercial/Limited Industrial (CLI) District. At their meeting of August 4, 2022, the Planning Commission conducted the requisite public hearing and unanimously (6-0) adopted Resolution PC2022-0802 recommending approval of the request with conditions. A resolution of the Board of Commissioners consistent with that of the Commission's recommendation is presented for Board consideration. Pursuant to Minnesota Statute, the 60-day agency action deadline is August 30, 2022. Among the options for the County Board at tonight's meeting are the following: - Approve the CUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff in Resolution form. - Consider and Approve the CUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval). - The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." - The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	

Attachments:

- Draft Resolution of Approval
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Matthew Holly Conditional Use Permit. The following is the suggested language for the motion:

"Move to Approve Resolution No. 22/0817____, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Matthew Holly Conditional Use Permit to allow an Open Storage Yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township, Parcel # 07.00331.00"

Implications of Action – Recommended Board action grants the requested Conditional Use Permit with conditions.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. Conditions placed on the CUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve _____

Deny _____

Other 

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/0817-_____

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY,
MINNESOTA, APPROVING A CONDITIONAL USE PERMIT ALLOWING AN OPEN
STORAGE YARD ON PROPERTY LOCATED AT 995 S. BREMER AVENUE /
CSAH 30 IN RUSHSEBA TOWNSHIP**

WHEREAS, Matthew Holly, property owner, submitted an application dated received June 30, 2022 and considered complete on July 1, 2022 for a Conditional Use Permit allowing an Open Storage Yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township; and

WHEREAS, the subject site is located in the Commercial/Limited Industrial (CLI) District; and

WHEREAS, the subject site is 5.06± acres in size and legally described as:

PID 07.00331.00

That part of the Northeast Quarter of the Southeast Quarter of Section 21, Township 37, Range 21, Chisago County, Minnesota, bounded on the west by the BNSF Railway Right of Way; bounded on the east by the west line of Parcel 2, Chisago County Highway Right-of-Way Plat No. 104, Chisago County, Minnesota; bounded on the south by the north line of the south 470 feet of said Northeast Quarter of the Southeast Quarter; and bounded on the north by the following described line:

Commencing at the East Quarter corner of said Section 21; thence 178 degrees 02 minutes 06 seconds, assigned azimuth from North, along the east line of the Southeast Quarter of said Section 21, a distance of 299.72 feet; thence 269 degrees 21 minutes 14 seconds 628.75 feet to the northwest corner of the parcel described in Document No. 240911, Chisago County, Minnesota; thence 179 degrees 15 minutes 15 seconds along the west line of said parcel described in Document No. 240911, a distance of 10.40 feet; thence 268 degrees 36 minutes 57 seconds 110.30 feet; thence 178 degrees 36 minutes 57 seconds 232.00 feet; thence 268 degrees 36 minutes 57 seconds to the east right-of-way line of the BNSF Railway and the point of beginning of the line to be described; thence returning 88 degrees 36 minutes 57 seconds to the west line of said Parcel 2, Chisago County Highway Right of Way Plat No. 104, and said line there terminating.

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the CUP with conditions, per Resolution No. PC2022-0802; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its August 17, 2022 meeting and made the following findings per Zoning Ordinance Section 8.04 C:

- Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
- Finding #1 *Chapter 6 of the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy. The County finds that the proposed Open Storage Yard is consistent with the Comprehensive Plan and complies with the intent of the Commercial/Limited Industrial (CLI) District.*
- Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
- Finding #2 *Given the nature of the proposed use, the County finds that there will be no impact on existing parks, schools, or utilities; however, there will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30. The County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.*
- Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3 *The subject site is surrounded by commercial and industrial uses to the north, south and west; therefore, the County finds that no screening is necessary in addition to the existing trees located adjacent to the westerly property boundary. The application materials show that the property owner is proposing to install a fence with screening along the easterly property boundary to provide screening from the adjacent roadway and uses to the east. The County finds that the proposed use will be sufficiently compatible with and/or separated from adjacent development by existing and proposed screening.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 *The proposed use is industrial in nature; therefore, the County finds that it will not have an adverse impact on adjacent commercial and industrial properties to the north, south and west. The proposed use will be screened from the roadway and uses to the east; therefore, the County find that the use will have an appearance – by way of screening – that will not have an adverse impact on adjacent properties to the east.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

- Finding #5 The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 There will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30 resulting from the proposed Open Storage Yard; however, the County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 Both the subject site and proposed use are industrial in nature and surrounded by similar commercial and industrial uses to the north, south and west; therefore, the County finds that the proposed use will not adversely impact surrounding properties by intrusion of noise, glare or general unsightliness. There are two dwellings located directly east of the subject site and proposed use; however, the County finds that the proposed use will be sufficiently separated by distance and screening to prevent any adverse impacts of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for CUP, subject to the following conditions:

1. The Open Storage Yard shall be operated in general conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The permittee shall install a fence to enclose the entire Open Storage Yard area. The fence shall be 8 feet in height as measured from finished grade.
3. The permittee shall incorporate screening with the 8-foot fence located adjacent to the eastern property boundary as well as 150' westerly along the north and south property boundaries to create a visual barrier from S. Bremer Avenue / CSAH 30. Acceptable forms of screening shall include fence with landscaping, chain link fence with slats, or solid fence material / board-on-board fencing. This portion of the fence must be installed within three years of the date of approval.
4. The septic holding tank must remain accessible.
5. The entire Open Storage Yard shall remain accessible to emergency vehicles at all times.

6. Surface Material of the Open Storage Yard shall be gravel.
7. Customers shall not have direct access to the Open Storage Yard.
8. Hours of operation for the Open Storage Yard shall be limited to 7:00 am – 7:00 pm.
9. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require a Conditional Use Permit Amendment.
10. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
11. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

Commissioner _____ seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF:

OPPOSED:

ABSENT:

Whereupon the proclamation was declared duly **passed** and **adopted**.

Approved: August 17, 2022

Richard Greene
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator

CUP for Open Storage Yard

Matthew Holly
PID 07.00331.00
995 S. Bremer Avenue / CSAH 30
Rushseba Township

1

Site Information:

- Parcel Size – 5.06 Acres
- Zoning – Commercial / Limited Industrial (CLI) District
- Surrounding Zoning –

North:	Commercial/Limited Industrial (CLI) District
South:	Commercial/Limited Industrial (CLI) District
West:	Agricultural (AG) District / BNSF Railway
East:	City of Rush City R-1 Single Family District / Chisago County Commercial/Limited Industrial (CLI) District
- Location - Immediately south of downtown Rush City
- Existing Development – Two commercial / industrial structures



2

Findings of Fact:

- Finding #1: Chapter 6 of the Chicago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy. The County finds that the proposed Open Storage Yard is consistent with the Comprehensive Plan and complies with the intent of the Commercial/Limited Industrial (CLI) District.
- Finding #2: Given the nature of the proposed use, the County finds that there will be no impact on existing parks, schools, or utilities; however, there will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30. The County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.
- Finding #3: The subject site is surrounded by commercial and industrial uses to the north, south and west; therefore, the County finds that no screening is necessary in addition to the existing trees located adjacent to the westerly property boundary. The application materials show that the property owner is proposing to install a fence with screening along the easterly property boundary to provide screening from the adjacent roadway and uses to the east. The County finds that the proposed use will be sufficiently compatible with and/or separated from adjacent development by existing and proposed screening.
- Finding #4: The proposed use is industrial in nature; therefore, the County finds that it will not have an adverse impact on adjacent commercial and industrial properties to the north, south and west. The proposed use will be screened from the roadway and uses to the east; therefore, the County finds that the use will have an appearance – by way of screening – that will not have an adverse impact on adjacent properties to the east.
- Finding #5: The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.
- Finding #6: The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.
- Finding #7: There will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30 resulting from the proposed Open Storage Yard; however, the County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.
- Finding #8: Both the subject site and proposed use are industrial in nature and surrounded by similar commercial and industrial uses to the north, south and west; therefore, the County finds that the proposed use will not adversely impact surrounding properties by intrusion of noise, glare or general unsightliness. There are two dwellings located directly east of the subject site and proposed use; however, the County finds that the proposed use will be sufficiently separated by distance and screening to prevent any adverse impacts of noise, glare or general unsightliness.

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Staff Recommendation:

Staff believes that the proposed CUP for Open Storage Yard complies with and is consistent with the intent of the County's Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report, or during the course of the public hearing, **staff recommends approval of the CUP with conditions:**

1. The Open Storage Yard shall be operated in general conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received June 30, 2022. Any significant deviation, as determined by Chicago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The permittee shall install a fence to enclose the entire Open Storage Yard area. Per Zoning Ordinance Section 4.09, the fence may be up to 8 feet in height as measured from finished grade.
3. The permittee shall incorporate screening with the fence located adjacent to the eastern property boundary to create a visual barrier from S. Bremer Avenue / CSAH 30. Acceptable forms of screening shall include fence with landscaping, chain link fence with slats, or solid fence material / board-on-board fencing.
4. The septic holding tank must remain accessible.
5. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require a Conditional Use Permit Amendment.
6. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chicago County Department of Environmental Services and/or any duly authorized law enforcement agency.
7. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

6

Options:

1. Recommend that the County Board approve the Conditional Use Permit with findings of fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board deny the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. Recommend that the County Board extend the review period an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on August 30, 2022.



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Conditional Use Permit for Open Storage Yard
 995 S. Bremer Avenue / CSAH 30, Rushseba Township
 DATE: August 4, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) allowing an Open Storage Yard in the Commercial / Limited Industrial (CLI) District.

SITE & APPLICATION INFORMATION

Applicant(s):	Matthew Holly
Property Owner(s):	Matthew Holly
Location:	995 S. Bremer Avenue / CSAH 30 Rushseba Township Section 21, Township 37, Range 21
PID:	07.00331.00
Property Area:	5.06 Acres
Current Zoning:	Commercial/Limited Industrial (CLI) District
Adjacent Zoning:	
North:	Commercial/Limited Industrial (CLI) District
South:	Commercial/Limited Industrial (CLI) District
West:	Agricultural (AG) District / BNSF Railway
East:	City of Rush City R-1 Single Family District / Chisago County Commercial/Limited Industrial (CLI) District
Date Application Received:	June 30, 2022
Date Application Complete:	July 1, 2022
60-Day Review Period:	August 30, 2022

BACKGROUND & PROPOSAL ANALYSIS

Property owner Matthew Holly has applied for a Conditional Use Permit (CUP) allowing an Open Storage Yard at 995 S. Bremer Avenue / CSAH 30 for the outdoor storage of industrial equipment and recreational vehicles (including boats and snowmobiles). The subject site is also home to Holly's business, Precision Tunneling.



The applicants' written narrative and site plan offer the following information about the proposed Open Storage Yard and subject site:

- There are currently two structures on the 5.06-acre parcel. The site plan shows the larger easterly building to be 10,300 sf and the smaller westerly building to be 1,650 sf.

- The site plan shows two areas of "continued operating activities" for the existing business: an approximate 110' wide band located adjacent to the western property boundary and an approximate 150' wide band located directly south of the larger building. These two areas are shown in brown hatching on the attached site plan.
- The remaining area – located between the westerly area of "continued operating activities" and the easterly wall of the larger building – will be used for storage in conjunction with the CUP for Open Storage Yard. This area is shown as a red stripe on the attached site plan.
- The site plan shows a row of trees located along the westerly property boundary and proposed fencing to enclose all business activities. The fencing adjacent to the west, north and south property boundaries will be chain link; the fencing located adjacent to the easterly property boundary – in line with the east wall of the building – will be "fence with screening". It's unclear if this will be a solid fence or a combination of chain link fencing with landscaping or other screening materials; therefore, staff has included a recommended condition of approval which identifies acceptable "fence with screening" options in order to create a visual barrier from S. Bremer Avenue / CSAH 30.
- The written narrative explains that areas used for operating activities will transition into storage zones gradually over a three-year time period. It's unclear if this means that the two areas shown as "continued operating activities" (brown hatching) will be phased out within three years and the whole yard is intended to be an Open Storage Yard or if the site plan illustrates the proposed phasing of uses.
- The site plan shows that a septic tank is located immediately north of the larger building within the area proposed for Open Storage Yard. The tank must remain accessible and preferably clear of storage.

After reviewing the application materials and while preparing this staff report, staff inquired with the applicant about specific proposal elements but did not get a response prior to completion of the staff report. The Planning Commission may wish to discuss the following with the applicant at the August 4th meeting:

- What is the surface material of the storage area (gravel, bituminous, etc.)?
- Will customers have direct access to the storage area?
- Will the facility be open 24/7 or will the business have limited hours? If limited hours, what are the hours of operation?

When reviewing land use applications and preparing staff reports for the Planning Commission, staff typically reviews required setbacks and other dimensional standards for the subject zoning district and provides a table in the staff report detailing compliance with the minimum requirements. In the case of the Commercial/Limited Industrial (CLI) District, the Zoning Ordinance does not identify any required setbacks or other dimensional standards. Therefore, staff suggests that the Planning Commission review the proposed site plan and incorporate any recommended adjustments to the proposed setbacks as a condition of approval.

SITE ANALYSIS

The subject site is located on the west side of S. Bremer Avenue / CSAH 30 approximately 240' south of CSAH 7 / downtown Rush City. The site is located within an industrial area, with neighbors being Perry's Auto Salon to the north, Prefer Paving & Ready-Mix to the south, BNSF Railway and Plastech to the west and a mixture of commercial and residential uses to the east.

The site is generally level with a few high spots located adjacent to the southern property boundary. The most significant elevation change is in the southwest corner where the elevations range from approximately 915' to 935'. The only existing vegetation appears to be a row of trees along the western property boundary and scattered grassy areas throughout. Neither the written narrative nor site plan indicate any grading of the site as part of the project; however, the proposed storage area appears to be located primarily in the level areas of the site.



As part of the review process, the Technical Review Committee met with the applicant's representative, Tanner Holly, on July 13th. T. Holly explained that the Open Storage Yard is intended for the storage of equipment and recreational vehicles owned by others (necessitating the CUP). T. Holly added that there is no fencing around the perimeter of the property now, but it will be installed as part of the current proposal as well as a security system covering the entire property. The committee did not identify any concerns with the proposed CUP.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

- | | |
|-------------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| <i>Finding #1</i> | <i>Chapter 6 of the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy. The County finds that the proposed Open Storage Yard is consistent with the Comprehensive Plan and complies with the intent of the Commercial/Limited Industrial (CLI) District.</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |

- Finding #2* Given the nature of the proposed use, the County finds that there will be no impact on existing parks, schools, or utilities; however, there will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30. The County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.
- Factor #3* The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3* The subject site is surrounded by commercial and industrial uses to the north, south and west; therefore, the County finds that no screening is necessary in addition to the existing trees located adjacent to the westerly property boundary. The application materials show that the property owner is proposing to install a fence with screening along the easterly property boundary to provide screening from the adjacent roadway and uses to the east. The County finds that the proposed use will be sufficiently compatible with and/or separated from adjacent development by existing and proposed screening.
- Factor #4* The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4* The proposed use is industrial in nature; therefore, the County finds that it will not have an adverse impact on adjacent commercial and industrial properties to the north, south and west. The proposed use will be screened from the roadway and uses to the east; therefore, the County find that the use will have an appearance – by way of screening – that will not have an adverse impact on adjacent properties to the east.
- Factor #5* The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5* The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.
- Factor #6* The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6* The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.
- Factor #7* The proposed use will not cause traffic hazard or congestion; and
- Finding #7* There will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30 resulting from the proposed Open Storage Yard; however, the County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.
- Factor #8* The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Both the subject site and proposed use are industrial in nature and surrounded by similar commercial and industrial uses to the north, south and west; therefore, the County finds that the proposed use will not adversely impact surrounding properties by intrusion of noise, glare or general unsightliness. There are two dwellings located directly east of the subject site and proposed use; however, the County finds that the proposed use will be sufficiently separated by distance and screening to prevent any adverse impacts of noise, glare or general unsightliness.*

TOWNSHIP RECOMMENDATION

The Rushseba Town Board reviewed the proposed CUP at its July 11th meeting. The Town Board recommended approval of the CUP with no conditions.

STAFF RECOMMENDATION

Staff believes that the proposed CUP for Open Storage Yard complies with and is consistent with the intent of the County's Zoning Ordinance. Barring any new or unknown evidence of compliance discovered after the completion of this report, or during the course of the public hearing, **staff recommends approval** of the CUP with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Open Storage Yard shall be operated in general conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The permittee shall install a fence to enclose the entire Open Storage Yard area. Per Zoning Ordinance Section 4.09, the fence may be up to 8 feet in height as measured from finished grade.
3. The permittee shall incorporate screening with the fence located adjacent to the eastern property boundary to create a visual barrier from S. Bremer Avenue / CSAH 30. Acceptable forms of screening shall include fence with landscaping, chain link fence with slats, or solid fence material / board-on-board fencing.
4. The septic holding tank must remain accessible.
5. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require a Conditional Use Permit Amendment.
6. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
7. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with findings of fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on August 30, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0802, a resolution recommending approval of a Conditional Use Permit allowing an Open Storage Yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township, with conditions as presented or amended.

If the Commission chooses to recommend denial of the request for Conditional Use Permit, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2022-0802

CC: Matthew Holly, property owner
County file

Permit #

22-1158

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee \$416-
Base Fee \$525-

Wetland or Septic Fees

Plat Compliance Fee

TOTAL FEE \$571-

Street Location 995 S. BREMER AVE Tax Parcel # 07.00331.00

Legal Description E-Mail Address:

Owner: Matthew Holly Day Phone

Address 407 White Bear Avenue N

Applicant (if other than owner) Day Phone ()

Address S21, T37, R21

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Ordinance Amendment ☐
(or amendment to CUP)

Interim Use Permit ☐ Rezoning ☐
(or amendment to IUP)

Applicable section of ordinance: CUP

Description of request: Storage of Industrial equipment, Boats, and
snow mobiles outdoors.

If Variance Application, Brief
Description of Practical
Difficulty

Signature of Applicant [Signature] Date of Application 06/26/22 (BY MATTHEW HOLLY)

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

6-30-22
Date Received

7-1-22
Date Complete

8-30-22
60/120 Day Review Period

Date of Public Hearing: AUGUST 4, 2022

TOWNSHIP PRESENTATION FORMStreet Location 995 South Bremer Avenue

Legal Description _____

Owner Name Matthew Holly Day Phone: [REDACTED]Address: 4047 White Bear Avenue NApplicant: _____ Day Phone: ()
(if other than owner)

Address: _____

Type of Request: Variance ☐ Preliminary Plat ☐Administrative Appeal ☐ Administrative Permit ☐Conditional Use Permit ☒ Rezoning ☐
(or amendment to CUP)Interim Use Permit ☐ Ordinance Amendment ☐Description of Request: Storage of Industrial equipment, Boats, and
snowmobiles outdoors.Date of County Public Hearing: AUGUST 4, 2022Date of Township Presentation: July 11, 2022TOWNSHIP ACTION TAKENApproved ☒ Denied ☐

Reasons and Conditions: _____

Signature of Township Officers:

Pete John
[Signature]
[Signature]Matthew Holly
Signature of Applicant6/26/22
Date

Precision Tunneling
995 S Bremmer Ave.
Rush City MN 55069



June 30, 2022

Section: 21

Township: 037

Range: 021

Legal Description:

THAT PT OF NE ¼ OF SE ¼ DESC AS FOL: BEG AT A POINT ON W'LY LINE OF ST HY NO.61 435 FT S OF N LINE OF 8TH ST IN VILLAGE OF RUSH CITY & 427 FT S OF N LINE OF

Description of Request:

Seeking a permit to construct a chainlink screened fence as seen in Site Plan.

The property will be used for the outdoor storage of industrial equipment, boats, and snowmobiles.

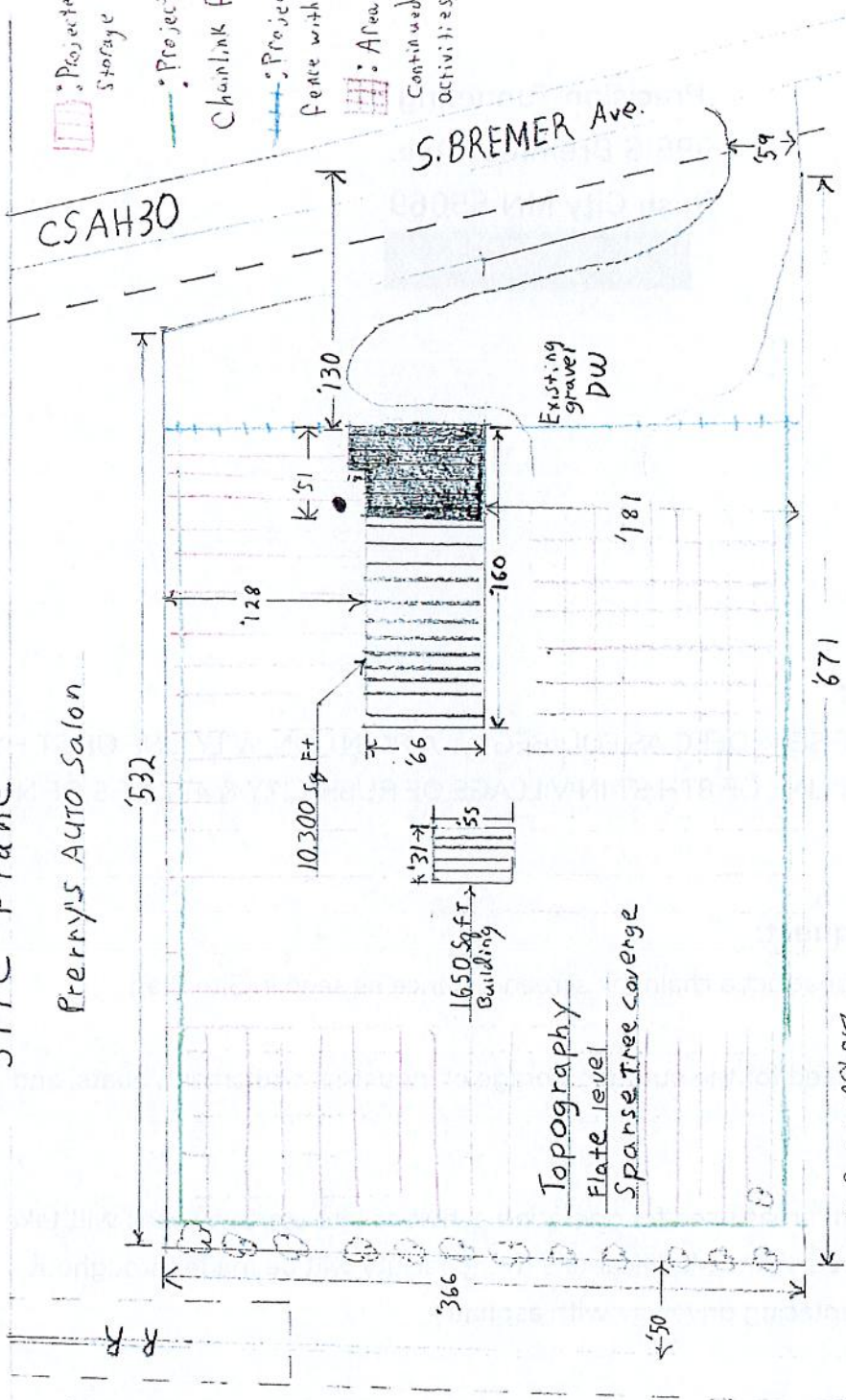
The gradual phasing of areas used for operating activities into storage zones will take place over roughly three years. Modifications to the facility will be made throughout that time frame (i.e. replacing driveway with asphalt).

Site Plane

Perry's Auto Salon

995 S. Bremer Ave.
 Rush City, MN 55069
 P.D. 070033100
 Section 21 Township
 027 Range 021 P.
 NE 1/4 of SE 1/4
 DES AS FOL: B6 AT A
 PT ON WLY LINE OF
 HY #61, 435 FT S. OF N
 LINE OF 87th ST & 427
 FT S. OF N LINE OF
 NE 1/4 OF SE 1/4 TH
 W PAR TO N LINE OF
 NE 1/4 OF SE 1/4 273.5
 FT; TH S. AT RT ANG
 107 FT TO PT OF
 BG TH W AT ANG
 227.2 FT TO ELY LINE

- Projected Storage area
- Projected Chainlink Fencing
- Projected Fence with screening
- Area of Continued operating activities



Legend Description
 THAT PT OF NE 1/4
 OF SE 1/4 DESC AS
 FOL Beg AT A POINT
 OF WLY LINE OF ST HY
 NO. 61 435 FT S. OF N. LINE
 OF 87th ST IN VILLAGE OF Rush City &
 427 FT S. OF N LINE OF

Section 21
 Township 037
 Acres 6.60
 Rush City Township

Holly - Aerial Photo

Matthew Holly – Matthew Holly, property owner, is requesting a Conditional Use Permit (CUP) for an open storage yard in the Commercial/Limited Industrial (CLI) District. The 5.06-acre property is located at 995 S Bremer Avenue, Rushseba Township, S21, T37, R21 (PID# 07.003331.00).

Holly Property - 



Rushseba Township
Sec. 21, T. 37, R. 21
PID # 07.003331.00





Holly - Aerial Photo

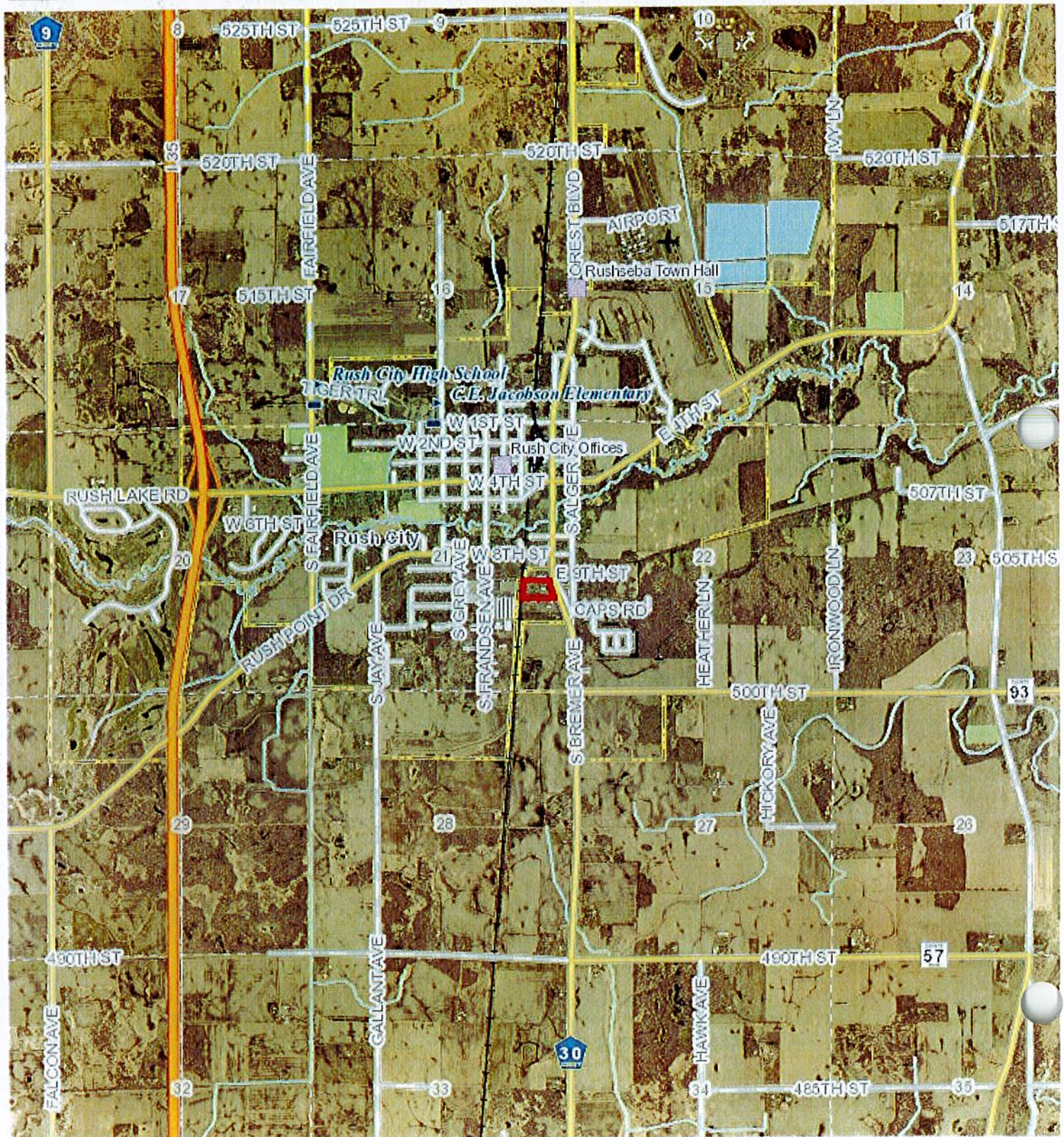
Matthew Holly – Matthew Holly, property owner, is requesting a Conditional Use Permit (CUP) for an open storage yard in the Commercial/Limited Industrial (CLI) District. The 5.06-acre property is located at 995 S Bremer Avenue, Rushseba Township, S21, T37, R21 (PID# 07.00331.00).

Holly Property - 

Rushseba Township

Sec. 21, T. 37, R. 21

PID # 07.00331.00



RESOLUTION NO. PC2022-0802

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OPEN STORAGE YARD
ON PROPERTY LOCATED AT 995 S. BREMER AVENUE / CSAH 30 IN RUSHSEBA TOWNSHIP**

WHEREAS, Matthew Holly, property owner, submitted an application dated received June 30, 2022 and considered complete on July 1, 2022 for a Conditional Use Permit allowing an Open Storage Yard on property located at 995 S. Bremer Avenue / CSAH 30 in Rushseba Township; and

WHEREAS, the subject site is located in the Commercial/Limited Industrial (CLI) District; and

WHEREAS, the subject site is 5.06± acres in size and legally described as:

PID 07.00331.00

That part of the Northeast Quarter of the Southeast Quarter of Section 21, Township 37, Range 21, Chisago County, Minnesota, bounded on the west by the BNSF Railway Right of Way; bounded on the east by the west line of Parcel 2, Chisago County Highway Right-of-Way Plat No. 104, Chisago County, Minnesota; bounded on the south by the north line of the south 470 feet of said Northeast Quarter of the Southeast Quarter; and bounded on the north by the following described line:

Commencing at the East Quarter corner of said Section 21; thence 178 degrees 02 minutes 06 seconds, assigned azimuth from North, along the east line of the Southeast Quarter of said Section 21, a distance of 299.72 feet; thence 269 degrees 21 minutes 14 seconds 628.75 feet to the northwest corner of the parcel described in Document No. 240911, Chisago County, Minnesota; thence 179 degrees 15 minutes 15 seconds along the west line of said parcel described in Document No. 240911, a distance of 10.40 feet; thence 268 degrees 36 minutes 57 seconds 110.30 feet; thence 178 degrees 36 minutes 57 seconds 232.00 feet; thence 268 degrees 36 minutes 57 seconds to the east right-of-way line of the BNSF Railway and the point of beginning of the line to be described; thence returning 88 degrees 36 minutes 57 seconds to the west line of said Parcel 2, Chisago County Highway Right of Way Plat No. 104, and said line there terminating.

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04 C:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *Chapter 6 of the Chisago County Comprehensive Plan identifies a goal of providing for a range of economic diversity and development opportunities to maintain and strengthen the County's economy. The County finds that the proposed Open Storage Yard is consistent with the Comprehensive Plan and complies with the intent of the Commercial/Limited Industrial (CLI) District.*

- Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
- Finding #2 *Given the nature of the proposed use, the County finds that there will be no impact on existing parks, schools, or utilities; however, there will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30. The County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.*
- Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3 *The subject site is surrounded by commercial and industrial uses to the north, south and west; therefore, the County finds that no screening is necessary in addition to the existing trees located adjacent to the westerly property boundary. The application materials show that the property owner is proposing to install a fence with screening along the easterly property boundary to provide screening from the adjacent roadway and uses to the east. The County finds that the proposed use will be sufficiently compatible with and/or separated from adjacent development by existing and proposed screening.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 *The proposed use is industrial in nature; therefore, the County finds that it will not have an adverse impact on adjacent commercial and industrial properties to the north, south and west. The proposed use will be screened from the roadway and uses to the east; therefore, the County find that the use will have an appearance – by way of screening – that will not have an adverse impact on adjacent properties to the east.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 *The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 *The Zoning Ordinance allows Open Storage Yards as a Conditional Use in the Commercial/Limited Industrial (CLI) District; therefore, the County finds that the proposed use meets the intent of the CLI District and Zoning Ordinance.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 *There will likely be an increase in the amount of traffic on S. Bremer Avenue / CSAH 30 resulting from the proposed Open Storage Yard; however, the County finds that the increased traffic will not be excessive and further finds that CSAH 30 has been designed for the proposed traffic levels.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 Both the subject site and proposed use are industrial in nature and surrounded by similar commercial and industrial uses to the north, south and west; therefore, the County finds that the proposed use will not adversely impact surrounding properties by intrusion of noise, glare or general unsightliness. There are two dwellings located directly east of the subject site and proposed use; however, the County finds that the proposed use will be sufficiently separated by distance and screening to prevent any adverse impacts of noise, glare or general unsightliness.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit, subject to the following conditions:

1. The Open Storage Yard shall be operated in general conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plan dated received June 30, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The permittee shall install a fence to enclose the entire Open Storage Yard area. Per Zoning Ordinance Section 4.09, the fence may be up to 8 feet in height as measured from finished grade.
3. The permittee shall incorporate screening with the fence located adjacent to the eastern property boundary to create a visual barrier from S. Bremer Avenue / CSAH 30. Acceptable forms of screening shall include fence with landscaping, chain link fence with slats, or solid fence material / board-on-board fencing.
4. The septic holding tank must remain accessible.
5. Any change involving enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require a Conditional Use Permit Amendment.
6. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
7. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of August, 2022.

Kelly Corbin _____
James McCarthy _____
Frank Storm _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

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Chisago County Request For Board Action

Meeting Date: August 17, 2022	Item Number: 13
Title of Item for Consideration: Ani Dagmar Kasten Conditional Use Permit Amendment - Commercial Recreation Area	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: A Special Use Permit was first issued to this property in 1979. Other than details found in March 1979 meeting minutes, little is known about the original 1979 CUP except reference to a request for a wood carving shop in an existing barn. In 1996 CUP Amendment was sought and granted. The 1996 CUP approved the operation of an art studio at the subject site.	
Background: Ani Dagmar Kasten, property owner, has applied for Amendment to a Rural Retail Tourism (art studio) Conditional Use Permit to allow the addition of a Commercial Recreation Area (Recreational Campground Area) and amend other existing CUP conditions. The subject property is in the Agricultural and Highway 8 Overlay Districts at 29815 Unity Avenue, Franconia Township, Parcel 04.00003.00. In addition to the existing primary residence and art studio, the proposed campground request outlines a maximum of two campsites.	
At their meeting of August 4, 2022, the Planning Commission conducted the requisite public hearing and unanimously (6-0) adopted Resolution PC2022-0803 recommending approval of the request with conditions. A resolution of the Board of Commissioners consistent with that of the Commission's recommendation is presented for Board consideration.	
Pursuant to Minnesota Statute, the 60-day agency action deadline is September 5, 2022. Among the options for the County Board at tonight's meeting are the following: • Approve the CUP amendment, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff in Resolution form. • Consider and Approve the CUP amendment, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval). • The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." • The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day	

period (or 120-day period if extended).

Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.

Attachments:

- Draft Resolution of Approval
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Ani Dagmar Kasten Conditional Use Permit Amendment request. The following is the suggested language for the motion:

“Move to Approve Resolution No. 22/0817____, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Ani Dagmar Kasten Rural Retail Tourism Art Studio Conditional Use Permit Amendment to allow the addition of a Commercial Recreation Area (Recreational Campground Area) and amend other existing CUP conditions on property located at 29815 Unity Avenue, Franconia Township, Parcel 04.00003.00.”

Implications of Action – Recommended Board action grants the requested Conditional Use Permit Amendment request with conditions.

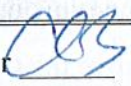
Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. Conditions placed on the CUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve _____

Deny _____

Other 

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/0817-_____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM AND COMMERCIAL RECREATION AREA ON PROPERTY LOCATED AT 29815 UNITY AVENUE IN FRANCONIA TOWNSHIP

WHEREAS, Ani Dagmar Kasten, property owner, submitted an application dated received July 1, 2022 and considered complete on July 7, 2022 for an Amendment to a Conditional Use Permit allowing Rural Retail Tourism (art studio); and

WHEREAS, the original Special Use Permit was granted by Chisago County in 1979 to allow a wood carving shop and the permit was Amended by the County in 1996 to allow an art studio (the permit now being referred to as a Conditional Use Permit); and

WHEREAS, the property owner's request includes the addition of Commercial Recreation Area (Recreational Camping Area) as an allowable use as well as Amendments to previously approved conditions; and

WHEREAS, the subject site is located in the Agricultural (AG) District / Highway 8 Overlay (HO) District; and

WHEREAS, the subject site is 10.3± acres in size and is legally described as:

PID 04.00003.00

All that part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section Two (2), Township Thirty-three (33), Range Nineteen (19), lying south of railroad right-of-way, except that part thereof platted as Harmony Heights, Revised Plat, Chisago county, Minnesota.

Except that part thereof described as follows:

That part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section Two (2), Township Thirty-three (33), Range Nineteen (19), Chisago County, Minnesota, described as follows:

Commencing at the Southeast corner of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4); thence Westerly along the South line thereof a distance of 545 feet; thence northerly, parallel to the east line of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4), to the south line of Minnesota State Highway No. 8 as now located; thence easterly, along said south highway right-of-way line, to its intersection with the most westerly line of Harmony Heights, Revised Plat; thence Southeasterly along the most westerly line of Harmony Heights Revised Plat, to its intersection with the east line of said NE 1/4 of NW 1/4; thence south, along said east line of Northeast Quarter of Northwest quarter (NE 1/4 of NW 1/4), to the point of beginning, being the southeast corner of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4).

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the CUP Amendment with conditions, per Resolution No. PC2022-0803; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its August 17, 2022 meeting and made the following findings per Zoning Ordinance Section 8.04 C:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area are consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:*

- *To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)*
- *To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)*
- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)*
- *To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *Given that the proposed Recreational Campground Area will have no more than two campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site. Further, being that the Rural Retail Tourism use will not be changing as part of the current request, the County finds that it will not create any additional demand on existing parks, schools, streets and other public facilities and utilities which serve the area.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 Given the dense vegetation of the subject site, existing screening, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties. Further, the Rural Retail Tourism use (art studio) is located within an existing structure and the County finds no evidence to suggest that the structure has an appearance causing adverse effects upon adjacent properties.

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation Areas as Conditional Uses in the AG District. In addition, Sections 4.15 and 7.21 of the Chisago County Zoning Ordinance specifically encourage the development of Rural Retail Tourism and Commercial Recreation Areas, with the following specific goals:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
- The purpose is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 See Finding #5.

Factor #7 The proposed use will not cause traffic hazard or congestion; and
Finding #7 *It is anticipated that there will be a slight increase in traffic on Unity Avenue as guests arrive and depart from the Recreational Camping Area; however, with no more than two campsites, the County finds that the road is capable of handling the anticipated traffic levels. The County finds no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion. Further, the County finds no evidence to suggest that the traffic associated with the existing and unchanging Rural Retail Tourism use (art studio) has or will cause traffic hazards or increase traffic congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness. Further, the County finds no evidence to suggest that the existing and unchanging Rural Retail Tourism use (art studio) has or will cause any adverse impacts to nearby properties.*

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for CUP Amendment, subject to the following conditions:

1. This Conditional Use Permit amends the 1979 Special Use Permit allowing a Wood Carving Shop and the 1996 Conditional Use Permit allowing an Art Studio (Rural Retail Tourism) by allowing the added use of Commercial Recreation Area (Recreational Camping Area). The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. This approval allows the property to be used for Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) purposes in accordance with the application materials, including site plan and written narrative, dated received July 1, 2022. Any significant deviation, as determined by Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
3. The property is limited to a maximum of two Recreational Camping Area tent sites. The maximum number of adult guests shall not exceed four at any given time.
4. This CUP shall allow use of the property for Recreational Camping Area purposes seven days a week from April 1 through October 31 and the use must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
5. Noise generated from the approved uses shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.

6. All guest and customer parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
7. The permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
8. Any and all MnDOT permits and approvals shall be obtained prior to work done in or near Highway 8 right-of-way (i.e., berming, sodding, etcetera).
9. Natural-appearing physical screening of the subject site from the Highway, including existing berming, shall be maintained.
10. Signage to be limited in accordance with ordinance provisions.
11. The art studio is to be used for the production of art to be sold commercially.
12. Not more than three Rural Retail Tourism commercial / retail special events are to be held annually, on non-holiday weekends.
13. Days and hours of operation shall be limited to Monday through Friday year-round from 9:00 am to 5:00 pm for the art production component of the Rural Retail Tourism use (art studio). No evening Rural Retail Tourism events are to be held.
14. No special lighting shall be permitted.
15. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Commissioner _____ seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF:

OPPOSED:

ABSENT:

Whereupon the proclamation was declared duly passed and adopted.

Approved: August 17, 2022

Richard Greene
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator

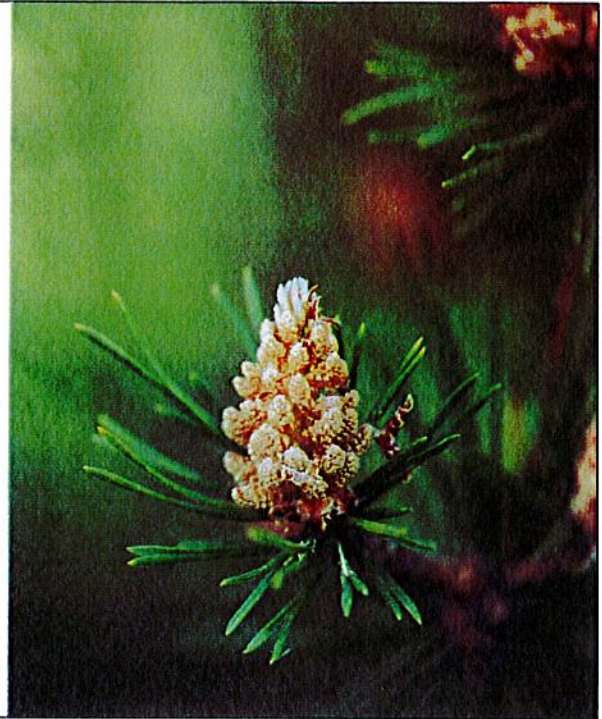
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AMENDMENT TO A CUP ALLOWING RURAL RETAIL TOURISM AND COMMERCIAL RECREATION AREA

Ani Dagmar Kasten
PID 04.00003.00
29815 Unity Avenue
Franconia Township



1



BACKGROUND:

- Original Special Use Permit approved in 1979 allowing a wood carving shop
 - Permit Amended in 1996 to allow an art studio
 - Current Amendment request would add Commercial Recreation Area use in order to allow a Recreational Camping Area for up to two tent campsites, and modify other previously approved conditions
-

2



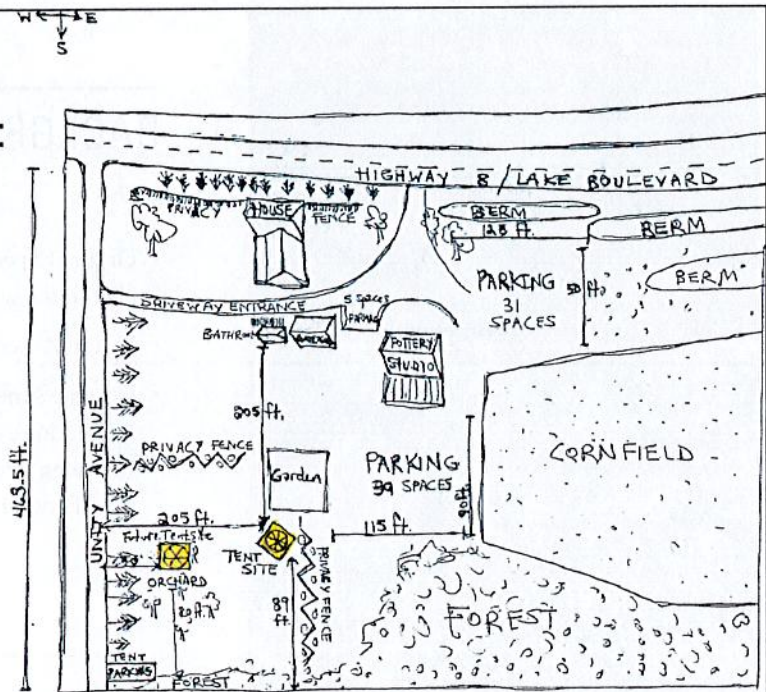
SITE INFORMATION:

- Parcel Size – 10.3 Acres
- Zoning – Agricultural (AG) District / Highway 8 Overlay (HO) District
- Surrounding Zoning - Agricultural (AG) District / Highway 8 Overlay (HO) District
- Location – SE intersection of Highway 8 and Unity Avenue
- Existing Development – Dwelling, pottery / art studio, outdoor bathroom facility for customers, various parking areas
- Previous Uses – Original site of Franconia Sculpture Park

3

PROPOSAL & SITE PLAN:

- CUP Amendment to allow Commercial Recreation Area in order to have a recreational camping area with up to two campsites
- Campsites include two tent sites; tents will be 16' in diameter
- Each campsite will allow a maximum of two guests
- Campsites proposed to be located no closer than 50' from Unity Avenue and 80' from southern property boundary
- Existing plumbed outdoor bathroom facility for guests
- Guest stays offered 7 days a week with a 2-night minimum stay; open April – October
- Quiet hours proposed from 10:00 pm to 7:00 am
- No pets allowed
- Property owner resides and works on-site



4

OTHER REQUESTED AMENDMENTS:

Conditions Approved in 1996:

1. The existing driveway to the property be permanently closed, and Unity Avenue be used as the access road to the park.
2. That any and all MnDOT permits and approvals be obtained prior to work done in or near Hwy. 8 right-of-way (i.e., berming, sodding, etcetera).
3. Natural-appearing physical screening of the park from the Highway, such as berming, with tree or prairie grass plantings to be required.
4. Signage to be limited in accordance with ordinance provisions.
5. The art studio is to be educational in nature, rather than commercial.
6. Not more than three special events are to be held annually, on non-holiday weekends.
7. Applicant is to notify the County annually of its intent to continue, on the anniversary of CUP issuance.
8. Days and hours of operation to be limited to seven days per week from 10:00 am to dusk from April 1st to December 1st of each year.
9. No evening events to be held.
10. No special lighting permitted.

Property Owner's Proposed Amendments:

5. The art studio is to be educational in nature, rather than commercial used for the production of art to be sold commercially.
8. Days and hours of operation shall be limited to seven days per week from 10:00 am to dusk from April 1st to December 1st of each year Monday through Friday year-round from 9:00 am to 5:00 pm.

5

Review Process:



TECHNICAL REVIEW
COMMITTEE
JULY 13, 2022

NO CONCERNS IDENTIFIED



FRANCONIA TOWN BOARD
JULY 19, 2022

RECOMMENDED APPROVAL WITH NO
CONDITIONS



60-DAY
REVIEW PERIOD

EXPIRES SEPTEMBER 5, 2022

6

FINDINGS OF FACT:

Finding #1	The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area are consistent with the Chisago County Comprehensive Plan and Development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses: - To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public open spaces to low-impact recreation (p 2-43) - To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities (p 4-6) - To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-14) - To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22) - To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22) - To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)
Finding #2	Given that the proposed Recreational Campground Area will have no more than two campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site. Further, being that the Rural Retail Tourism use will not be changing as part of the current request, the County finds that it will not create any additional demand on existing parks, schools, streets and other public facilities and utilities which serve the area.
Finding #3	Given the dense vegetation of the subject site, existing screening, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.
Finding #4	The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties. Further, the Rural Retail Tourism use (art studio) is located within an existing structure and the County finds no evidence to suggest that the structure has an appearance causing adverse effects upon adjacent properties.
Finding #5	The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation Areas as Conditional Uses in the AG District. In addition, Sections 1.15 and 1.21 of the Chisago County Zoning Ordinance specifically encourage the development of Rural Retail Tourism and Commercial Recreation Areas, with the following specific goals: - Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes. - To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors that is vital to the local economy - Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere - Provide opportunities for new economic growth through Rural Retail Tourism businesses. - Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities to include family farming continues to diminish in Chisago County - The purpose is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.
Finding #6	See Finding #5.
Finding #7	It is anticipated that there will be a slight increase in traffic on Utility Avenue as guests arrive and depart from the Recreational Camping Area, however, with no more than two campsites, the County finds that the road is capable of handling the anticipated traffic levels. The County finds no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion. Further, the County finds no evidence to suggest that the traffic associated with the existing and unchanging Rural Retail Tourism use (art studio) has or will cause traffic hazards or increase traffic congestion.
Finding #8	Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness. Further, the County finds no evidence to suggest that the existing and unchanging Rural Retail Tourism use (art studio) has or will cause any adverse impacts to nearby properties.

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STAFF RECOMMENDATION:

Staff believes that the existing Rural Retail Tourism use (art studio) and proposed Commercial Recreation Area use (Recreational Campground Area) comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP Amendment with conditions.

OPTIONS:

- Recommend that the County Board approve the Conditional Use Permit Amendment with Findings of Fact and conditions presented or amended.
- Should the Planning Commission determine that the proposed Conditional Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board deny the Conditional Use Permit Amendment based on factors deemed appropriate.

Note: If the Commission considers this option, specific factor(s) for denial should be included in said motion or resolution. Potential factors may include but are not limited to:

- The Applicant has not provided application materials with the level of detail necessary to thoroughly and satisfactorily review the cumulative impacts of all proposed land uses.
- The Applicant has not provided sufficient detail on land uses / activities or layout necessary to properly assess site functionality, adequate spacing / layout / parking, and scope of operations between the multiple land uses in order to ensure intensification of land uses can be supported on-site in a safe and efficient manner.
- The Applicant has not demonstrated or provided satisfactory mitigating steps to address adverse impacts to adjacent properties / property owners.

- Recommend that the County Board extend the review period an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on September 5, 2022.

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RECOMMENDED CONDITIONS OF APPROVAL:

The **property owner's proposed Amendments are shown in red**; staff's proposed adjustments and/or updates are shown in blue; and, those conditions with no proposed Amendments or adjustments are shown in black.

Recommended Condition(s):

1. This approval allows the property to be used for Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) purposes in accordance with the application materials, including site plan and written narrative, dated received July 1, 2022. Any significant deviation, as determined by Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The property is limited to a maximum of two Recreational Camping Area tent sites. The maximum number of guests shall not exceed four at any given time.
3. The Recreational Camping Area must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
4. Noise generated from the approved uses shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
5. All guest and customer parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
6. The permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. ~~The existing driveway to the property access from Highway 8 is to be permanently closed, and the existing Unity Avenue access is to be used as the access road to the park the only access to the subject site.~~
8. Any and all MnDOT permits and approvals shall be obtained prior to work done in or near Highway 8 right-of-way (i.e., berming, sodding, etcetera).
9. ~~Natural-appearing physical screening of the park subject site from the Highway, such as including existing berming, with tree or prairie grass plantings to be required shall be maintained.~~
10. Signage to be limited in accordance with ordinance provisions.
11. ~~The art studio is to be educational in nature, rather than commercial used for the production of art to be sold commercially.~~
12. Not more than three ~~Rural Retail Tourism commercial / retail~~ special events are to be held annually, on non-holiday weekends.
13. ~~Days and hours of operation shall be limited to seven days per week from 10:00 am to dusk from April 1st to December 1st of each year Monday through Friday year-round from 9:00 am to 5:00 pm for the art production component of the Rural Retail Tourism use (art studio). No evening Rural Retail Tourism events are to be held.~~
14. No special lighting shall be permitted.
15. ~~The permittee shall notify the County annually of its intent to continue, on the anniversary of issuance of the CUP Amendment. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.~~

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Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Amendment to a Conditional Use Permit Allowing Rural Retail Tourism and Commercial Recreation Area
 29815 Unity Avenue, Franconia Township
 DATE: August 4, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) in the Agricultural (AG) District / Highway 8 Overlay (HO) District. The property owner is requesting the Amendment in order to add a Recreational Camping Area with up to two campsites as an allowable use as well as modify other previously approved conditions.

SITE & APPLICATION INFORMATION

Applicant(s):	Ani Dagmar Kasten
Property Owner(s):	Ani Dagmar Kasten
Location:	29815 Unity Avenue Franconia Township Section 2, Township 33, Range 19
PID:	04.00003.00
Property Area:	10.3 Acres
Current Zoning:	Agricultural (AG) District / Highway 8 Overlay (HO) District
Adjacent Zoning:	
North:	Agricultural (AG) District / Highway 8 Overlay (HO) District
South:	Agricultural (AG) District / Highway 8 Overlay (HO) District
East:	Agricultural (AG) District / Highway 8 Overlay (HO) District
West:	Agricultural (AG) District / Highway 8 Overlay (HO) District
Date Application Received:	July 1, 2022
Date Application Complete:	July 7, 2022
60-Day Review Period:	September 5, 2022



BACKGROUND

Property owner Ani Dagmar Kasten has applied for a Conditional Use Permit (CUP) Amendment in order to add a Recreational Camping Area with up to two campsites on property located at 29815 Unity Avenue in Franconia Township, as well as modify other previously approved conditions. A request for

CUP Amendment is to be processed in the same manner as a request for a new CUP, and the Planning Commission and County Board have latitude to consider all previously approved conditions.

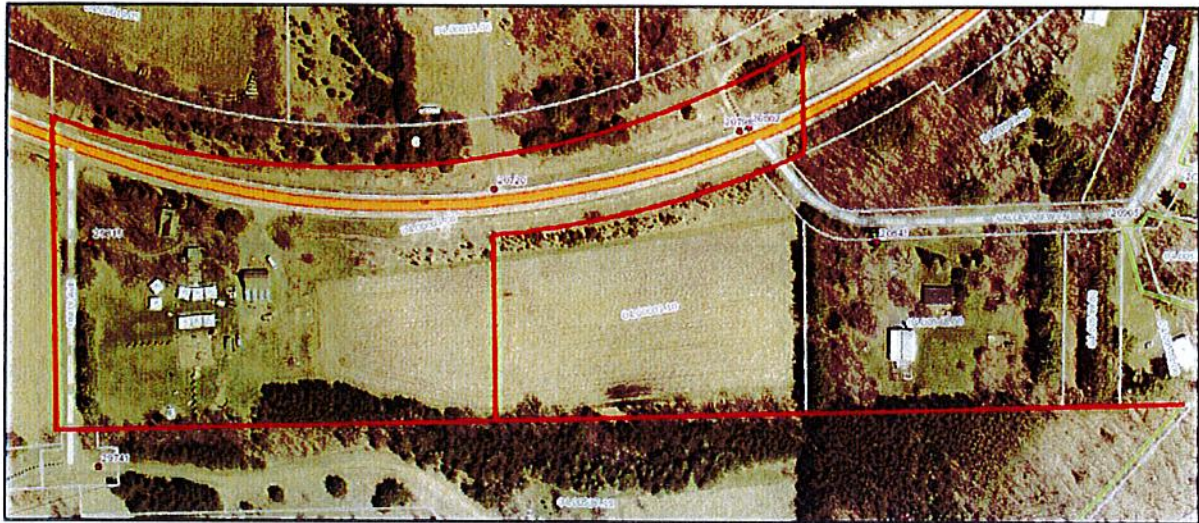
It was initially believed by staff that the original CUP was granted in 1996; however, research has shown that the CUP was in fact originally granted in 1979 (known as a Special Use Permit at that time). Other than details found in the Planning Commission's September 5, 1996 and March 29, 1979 meeting minutes, little is known about the 1979 CUP. The 1979 meeting minutes simply reference a request for a Special Use Permit to allow a wood carving shop in an existing barn. While the request was approved, the meeting minutes do not indicate that there were any conditions of approval nor does the County have any application materials to better understand the approved use. The 1996 CUP Amendment granted approval to operate an art studio at the subject site. The table below offers a brief history of the CUP and subsequent Amendments:

Date	Action
1979 (Original CUP)	Approved CUP allowing a wood carving shop.
1996 (CUP Amendment #1)	Approved CUP Amendment allowing an art studio with the following conditions: 1. The existing driveway to the property be permanently closed, and Unity Avenue be used as the access road to the park. 2. That any and all MnDOT permits and approvals be obtained prior to work done in or near Hwy. 8 right-of-way (i.e., berming, sodding, etcetera). 3. Natural-appearing physical screening of the park from the Highway, such as berming, with tree or prairie grass plantings to be required. 4. Signage to be limited in accordance with ordinance provisions. 5. The art studio is to be educational in nature, rather than commercial. 6. Not more than three special events are to be held annually, on non-holiday weekends. 7. Applicant is to notify the County annually of its intent to continue, on the anniversary of CUP issuance. 8. Days and hours of operation to be limited to seven days per week from 10:00 am to dusk from April 1st to December 1st of each year. 9. No evening events to be held. 10. No special lighting permitted.
August 4, 2022 (CUP Amendment #2)	Planning Commission conducts public hearing to consider CUP Amendment #2.

NOTE: conditions shown in **red** are conditions proposed for Amendment by the applicant.

SITE ANALYSIS

The subject site is a 10.3-acre tract of land located on the south side of Hwy 8 immediately east of Unity Avenue. An aerial view shows that the site has access from both Hwy 8 and Unity Avenue; however, the written narrative explains that the Unity Avenue access is used as the main entrance to the property. The configuration of the property is unique in that the Hwy 8 frontage extends easterly and terminates just east of the intersection of Hwy 8 and Valley View Lane, and there's a long and extremely narrow strip of land extending easterly and terminating at approximately the easternmost point of adjacent PID 04.00537.11. The image below illustrates the property boundaries in red.



The subject site is located in the Agricultural (AG) District / Highway 8 Overlay (HO) District as are all surrounding properties. The area surrounding the subject site includes a mix of residential and active agricultural uses on tracts of land ranging in size from 5 acres to 36 acres. The subject site features a single family dwelling, pottery / art studio, outdoor bathroom facility for customers / guests, and various parking areas. The property owner currently has a tent site located 89' from the southern property boundary for personal use. The proposed CUP Amendment would allow the existing tent site to be used for commercial purposes and allow for up to one additional tent.

The topography of the site includes fairly level elevations ranging from 906' in the area of the corn field to 915' near the dwelling. There is existing vegetation located along the northerly and westerly property boundaries in addition to a heavily wooded area located on and adjacent to the southern property boundary. The site also features berms adjacent to Hwy 8, as was required by the 1996 CUP Amendment (Condition #3).

PROPOSAL ANALYSIS

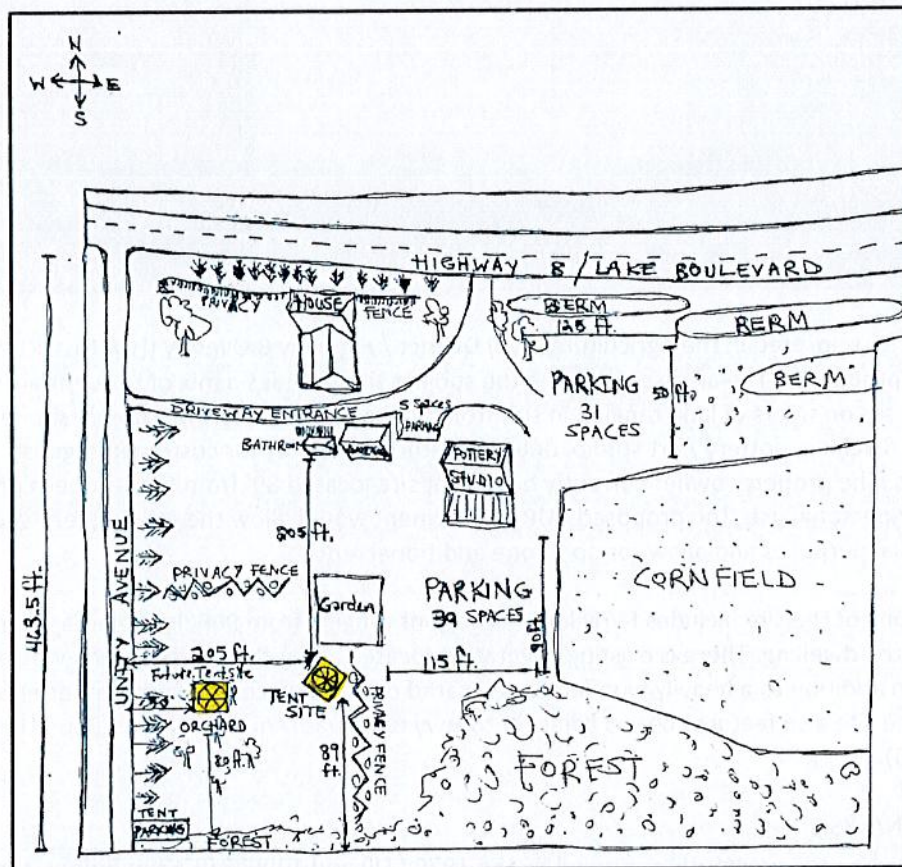
In addition to the uses previously approved by the 1979 CUP and 1996 CUP Amendment, the applicant is requesting an Amendment in order to allow a Commercial Recreation Area for a Recreational Camping Area with up to two campsites. The applicant is also proposing two modifications to previously approved conditions (shown in red above). Staff has completed a thorough review of all conditions and is recommending, if approved, other Amendments in order to address all existing uses and provide clarification. Staff's proposed Amendments are shown under the "Staff Recommendation" section and in the draft resolution.

Campsites:

The property owner is proposing up to two tent campsites (shown highlighted in the image below). As mentioned above, one site exists currently for personal use and the second site may be added at some point in the future. The site plan shows that the existing tent is located 89' from the southern property boundary and 205' from the western property boundary / Unity Avenue. The tent site includes a 20' x 20' wood platform to combat moisture and the tent itself is 16' in diameter (201 sf). The tents will include such amenities as a bed, lounge chairs, tent stove for heat, fire extinguisher, first aid kit, and rechargeable camping lanterns.

The site plan shows that the second tent site is proposed to be located west of the first tent site, approximately 80' from the southern property boundary and 50' from the western property boundary / Unity Avenue.

Each campsite will allow for a maximum of two guests.



Sanitation Facilities:

The subject site is already equipped with an outdoor bathroom facility located 205' from the existing tent. The path from the tent to the bathroom is lit with solar lighting for nighttime use. The bathroom includes a flush toilet and cold-water sink and is plumbed into the existing septic system. Because the outdoor bathroom is uninsulated, the property owner is proposing to allow camping during spring, summer, and fall (April – October); there would be no camping in the winter.

There will be a five-gallon jug and dispenser for drinking water located in the bathroom.

Driveways and Parking Areas:

The subject site currently has access to both Hwy 8 and Unity Avenue; however, the 1996 CUP Amendment suggests that the Hwy 8 access was supposed to be closed. Existing Condition #1 states, "The existing driveway to the property be permanently closed, and Unity Avenue be used as the access road to the park". The subject site is located in the Highway 8 Overlay (HO) District, and one of the main purposes of the HO District is to limit / control the number of access points in order to preserve the

natural, scenic, and functional value of the Hwy 8 corridor through Chisago County. The Planning Commission may wish to revisit the 1996 condition and determine if the Hwy 8 access should be eliminated as part of the current request. Staff has included a recommended condition of approval requiring that the Hwy 8 access be closed.

The application materials state that the existing tent site is located 100' from a gravel parking pad at the southwest corner of the property. The parking pad is 7' x 30' and can accommodate two small vehicles or one vehicle with a trailer.

Screening:

The application materials explain that the tent area has two decorative fences planted with lilacs for privacy and screening from the neighboring property to the east. There is also a heavily forested area located on and adjacent to the southern property boundary which will provide screening from the neighboring property to the south.

Scenic Features:

The written narrative explains that the subject site and proposed Recreational Camping Area are in close proximity to a public wildlife sanctuary which features walking trails through the forest and down to Lawrence Creek. Additionally, the site is located less than two miles from Interstate Park, less than one mile from Franconia Sculpture Park, and close to the Swedish Immigrant Trail.

Other Details:

- In addition to fire extinguishers, the tents will include signage with instructions for fire safety and contact information for the fire department.
- There's an in-ground stone fire pit located 20' from the existing tent, as well as a hammock and picnic table.
- A hose will be provided at all times to control fires.
- The property owner will install signage and provide a handbook to illustrate the property boundaries to prevent trespassing.
- The decorative fence located just east of the existing tent includes an electrical outlet for guest use.
- Guest stays will be offered seven days a week with a two-night minimum stay to reduce the turnover and unique visitor rate.
- The property owner is proposing to enforce quiet hours from 10:00 pm to 7:00 am.
- The property owner will not allow additional guests, parties, noise, or pets.
- The property owner resides and works on the subject site and will be the onsite caretaker during all guest stays to supervise the property and enforce site rules.
- The site / grounds will be maintained by the property owner.
- Waste removal will be handled by the property owner's current provider.

Other Requested Amendments:

The 1996 CUP Amendment was approved by the County Board with 10 conditions (shown above). Along with adding a new use (Recreational Camping Area), the property owner is proposing to modify two of the 1996 conditions. The specific conditions proposed to be Amended are detailed in the attached application supplemental materials document, shown in red above, and shown below with requested modifications (language proposed to be deleted is shown ~~stricken~~ and language proposed to be added is shown underlined).

Because a request for CUP Amendment is processed in the same manner as a request for a new CUP and the Planning Commission and County Board have latitude to consider all previously approved conditions, staff has completed a thorough review of all conditions and is recommending, if approved, other Amendments in order to address all existing uses and provide clarifications. Staff's proposed Amendments are shown under the "Staff Recommendation" section and in the draft resolution.

Property Owner's Proposed Amendments:

5. The art studio is to be ~~educational in nature, rather than commercial~~ used for the production of art to be sold commercially.
8. Days and hours of operation shall be limited to ~~seven days per week from 10:00 am to dusk from April 1st to December 1st of each year~~ Monday through Friday year-round from 9:00 am to 5:00 pm.

As part of the review process, the Technical Review Committee met with Kasten on July 13th. The committee didn't identify any concerns with the proposed CUP Amendment, other than the need to address the commercial component of the existing CUP (which the applicant has addressed in her application materials).

RECREATIONAL CAMPING AREA STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 7.21, shall consider possible effects of the proposed Recreational Camping Area based upon the following general factors and any other requirements set forth in the Zoning Ordinance or deemed otherwise relevant (*staff comments inserted in italics below*):

A. Purpose.

The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.

B. License Required.

No person, corporation, partnership, firm or other entity shall operate a Recreational Camping Area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational camping area.

This is not applicable as the State does not require a license for four or fewer campsites.

C. Conditional Use Permit Required.

A Conditional Use Permit shall be required for the construction or operation of a Recreational Camping Area. Recreational Camping Areas shall be restricted to the (A), (AP), (PAT), and (RRI/RRII) Districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

The subject site is located in the Agricultural (AG) District / Highway 8 Overlay (HO) District.

Each Conditional Use Permit application shall include the submission of a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. The site plan shall include the following:

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.
4. The proposed method of lighting the structures and site, lot field, or tract of land upon which said recreational camping area is to be located.
5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.
6. Location, size, and characteristics of each campsite.
7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.

The property owner has provided a written narrative, site plan and an application supplemental materials document for the Planning Commission's consideration. The application materials address all of the items listed above.

D. Camping Area Spacing Requirements.

Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.

The State defines Recreational Camping Area (RCA) as "any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping areas" do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational vehicles created adjacent to motor sports facilities.

Given that the proposed Recreational Camping Area will consist of fewer than five campsites, it will not be subject to State licensing requirements. The County has previously reviewed and issued family and other private campground permits with fewer than five units / campsites in the Shoreland and AG areas.

For more information about the Minnesota Rules, visit:

www.health.state.mn.us/communities/environment/recreation/lodging/rca.html and [Sec. 327.20 MN Statutes](#).

- E. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

The property owner is not proposing the installation of any utilities at this time.

- F. Water Supply, Sewage Disposal, and Toilet, Bathing, Laundry Facilities, and Lighting.
The water supply system, sewage disposal, and toilet, bathing, laundry facilities, and lighting shall be consistent with the Minnesota Rules.

The property owner has addressed all of these items in the application materials.

- G. Plumbing.
All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.

The property owner is proposing to utilize an existing bathroom facility, featuring a flush toilet and cold-water sink, which is plumbed into an existing septic system.

- H. Garbage and Refuse - Handling and Disposal.
Garbage and refuse handling and disposal shall be consistent with the Minnesota Rules and the Chisago County Solid Waste Ordinance.

Campsites will have access to receptacles for trash and recycling, and disposal will be handled by the property owner's current refuse provider.

- I. Caretaker/Operator Duties.
A responsible adult attendant or caretaker shall be in charge of every Recreational Camping Area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and records; and, to keep the facilities and the equipment in a clean, orderly and sanitary condition.

- The property owner resides and works on the subject site and will be the onsite caretaker during all guest stays to supervise the property and enforce site rules. The site / grounds will be maintained by the property owner.*

RURAL RETAIL TOURISM STANDARDS

When the original CUP and first CUP Amendment were processed, the County had not yet adopted the "Rural Retail Tourism" use. Zoning Ordinance Section 4.15 Rural Retail Tourism states that the purposes of Rural Retail Tourism are to:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses;
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

Further, allowable Rural Retail Tourism businesses shall include such things as farm or other historical heritage attractions, single family residential rental properties for retreats, crafting, weddings, receptions, bed & breakfasts; small-scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, and other uses determined by the Department to be similar in nature and scope.

Being that the Zoning Ordinance does not currently specifically identify "art studios" as a Permitted or Conditional Use in the Agricultural (AG) District and the use appears to fit well with the Rural Retail Tourism classification, staff suggests that the CUP Amendment, if approved, be approved to allow the art studio as Rural Retail Tourism. The Planning Commission will note that the draft Findings of Fact reflect Rural Retail Tourism in addition to the proposed Commercial Recreation Area use. If the Commission does not agree that the art studio should be classified as Rural Retail Tourism, the Findings of Fact will need to be amended accordingly.

The written narrative explains that the existing art studio is used for the production of artwork but there is no store front or commercial space. However, the existing CUP does allow for annual events on site (existing Condition #1 – Not more than three special events are to be held annually, on non-holiday weekends.). Slightly contrary to the existing condition, the written narrative describes four unique time frames for annual events: annual pottery tour on Mother's Day weekend; fall studio sales in September and October; and a holiday studio sale. The written narrative adds that the studio sales typically attract no more than 50 visitors over the course of the weekend, whereas the pottery tour attracts a larger undefined number of visitors. Staff is not proposing to amend the existing condition to allow more than three annual events, but the Planning Commission may wish to discuss this and amend the recommended condition of approval if deemed appropriate.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

- | | |
|------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area are consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:</i> <ul style="list-style-type: none">• <i>To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)</i>• <i>To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)</i> |

- To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)
- To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)
- To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)
- To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *Given that the proposed Recreational Campground Area will have no more than two campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site. Further, being that the Rural Retail Tourism use will not be changing as part of the current request, the County finds that it will not create any additional demand on existing parks, schools, streets and other public facilities and utilities which serve the area.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Given the dense vegetation of the subject site, existing screening, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties. Further, the Rural Retail Tourism use (art studio) is located within an existing structure and the County finds no evidence to suggest that the structure has an appearance causing adverse effects upon adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation Areas as Conditional Uses in the AG District. In addition, Sections 4.15 and 7.21 of the Chisago County Zoning Ordinance specifically encourage the development of Rural Retail Tourism and Commercial Recreation Areas, with the following specific goals:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*

- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
- *The purpose is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and
Finding #7 *It is anticipated that there will be a slight increase in traffic on Unity Avenue as guests arrive and depart from the Recreational Camping Area; however, with no more than two campsites, the County finds that the road is capable of handling the anticipated traffic levels. The County finds no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion. Further, the County finds no evidence to suggest that the traffic associated with the existing and unchanging Rural Retail Tourism use (art studio) has or will cause traffic hazards or increase traffic congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness. Further, the County finds no evidence to suggest that the existing and unchanging Rural Retail Tourism use (art studio) has or will cause any adverse impacts to nearby properties.*

TOWNSHIP RECOMMENDATION

The Franconia Town Board reviewed the proposed CUP at its July 19th meeting. The Town Board recommended approval of the CUP Amendment with no conditions.

STAFF RECOMMENDATION

Staff believes that the existing Rural Retail Tourism use (art studio) and proposed Commercial Recreation Area use (Recreational Campground Area) comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing,

staff recommends approval of the CUP Amendment with conditions (see below) and has prepared a resolution for the Commission's consideration.

The proposed conditions incorporate the property owner's desired Amendments as well as additional staff proposed adjustments in an effort to cleanly incorporate all approved land uses and provide clarification. The **property owner's proposed Amendments are shown in red**; **staff's proposed adjustments and/or updates are shown in blue**; and, those conditions with no proposed Amendments or adjustments are shown in black.

Recommended Condition(s):

1. This approval allows the property to be used for Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) purposes in accordance with the application materials, including site plan and written narrative, dated received July 1, 2022. Any significant deviation, as determined by Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The property is limited to a maximum of two Recreational Camping Area tent sites. The maximum number of guests shall not exceed four at any given time.
3. The Recreational Camping Area must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
4. Noise generated from the approved uses shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
5. All guest and customer parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
6. The permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. The existing ~~driveway to the property~~ access from Highway 8 is to be permanently closed, and the existing Unity Avenue access is to be used as the access road to the park the only access to the subject site.
8. Any and all MnDOT permits and approvals shall be obtained prior to work done in or near Highway 8 right-of-way (i.e., berming, sodding, etcetera).
9. Natural-appearing physical screening of the ~~park subject site~~ from the Highway, such as including existing berming, with tree or prairie grass plantings to be required shall be maintained.
10. Signage to be limited in accordance with ordinance provisions.
11. **The art studio is to be educational in nature, rather than commercial used for the production of art to be sold commercially.**
12. Not more than three Rural Retail Tourism commercial / retail special events are to be held annually, on non-holiday weekends.
13. **Days and hours of operation shall be limited to seven days per week from 10:00 am to dusk from April 1st to December 1st of each year Monday through Friday year-round from 9:00 am to 5:00 pm**

for the art production component of the Rural Retail Tourism use (art studio). No evening Rural Retail Tourism events are to be held.

14. No special lighting shall be permitted.

15. ~~The permittee shall notify the County annually of its intent to continue, on the anniversary of issuance of the CUP Amendment.~~ Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit Amendment with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit Amendment based on factors deemed appropriate.

Note: If the Commission considers this option, specific factor(s) for denial should be included in said motion or resolution. Potential factors may include but are not limited to:

- *The Applicant has not provided application materials with the level of detail necessary to thoroughly and satisfactorily review the cumulative impacts of all proposed land uses.*
 - *The Applicant has not provided sufficient detail on land uses/activities or layout necessary to properly assess site functionality, adequate spacing/layout/parking, and scope of operations between the multiple land uses in order to ensure intensification of land uses can be supported on-site in a safe and efficient manner.*
 - *The Applicant has not demonstrated or provided satisfactory mitigating steps to address adverse impacts to adjacent properties / property owners.*
3. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on September 5, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0803, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism and Commercial Recreation Area, with Findings of Fact and conditions as presented or amended.

If the Commission chooses to recommend denial of the request for Conditional Use Permit, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
 - d. Application supplemental materials
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Public comment from Valley View Lane property owners
5. Draft Resolution No. PC2022-0803

CC: Ani Dagmar Kasten, property owner
County file

Permit #

22-1165

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46.00

Base Fee 1,025.00

Wetland or Septic Fees

Plat Compliance Fee

TOTAL FEE 1,071.00

Street Location 29815 Unity Ave. Tax Parcel # 04.00003.00

Legal Description see attached E-Mail Address:

Owner: Ani Dagmar Kasten Day Phone

Address 29815 Unity Ave., Shafer, MN 55074

Applicant (if other than owner) Day Phone ()

Address S2, T33, R19

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☐
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: 5.06, C 5

Description of request: Commercial/Recreation Area - CUP

Amendment

If Variance Application, Brief

Description of Practical

Difficulty

Signature of Applicant

7/1/2022

Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

7-1-22

Date Received

7-7-22

Date Complete

9-5-22

60/120 Day Review Period

Date of Public
Hearing:

August 4, 2022

TOWNSHIP PRESENTATION FORM

Street Location 29815 Unity Ave.

Legal Description see attached

Owner Name Ani Dagmar Kasten Day Phone: [REDACTED]

Address: 29815 Unity Ave., Shafter MN 55074

Applicant: _____ Day Phone: () _____
(if other than owner)

Address: _____

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request: CUP Amendment - Commercial
Recreation Area

Date of County Public Hearing: AUGUST 4, 2022

Date of Township Presentation: JULY 19, 2022

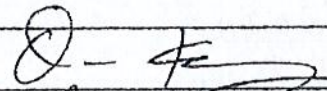
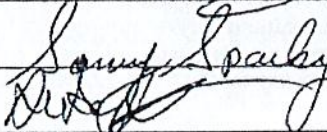
TOWNSHIP ACTION TAKEN

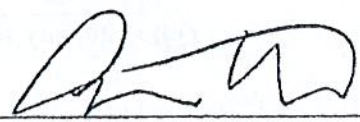
Approved ☒

Denied ☐

Reasons and Conditions: ~~XXXXX~~

Signature of Township Officers:


Signature of Applicant

7/1/2022
Date

Narrative for Bell Tent Glamp-site in Chisago County

Commercial Recreational Area at
29815 Unity Ave., Shafer MN 55074

www.anikasten.com

My name is Ani Kasten, and I live at the original location of Franconia Sculpture Park on the corner of Highway 8 and Unity Ave. I moved here in 2016 with my husband and currently operate a pottery studio on the premises. I have been a full-time potter for 22 years, and exhibit and sell my work locally and nationally through galleries and fine craft shows. We purchased our homestead from the founders of Franconia Sculpture Park, Fuller and Connee Cowles, and now are part of a small homeowner's community including the Cowles, as well as Mike and Dorene Hanson with whom we have a close-knit neighbor community. I also have a great friendship with the sculpture park through my ceramics work.

During the COVID pandemic, my family had a need for an outdoor 'guest room' to accommodate friends and family visiting when they could not enter the house. Conveniently we have an already existing and inspected outdoor bathroom for use when the property housed the Sculpture Park. We set up a beautiful canvas Bell Tent at the back of our yard and have enjoyed a unique and comfortable place to house guests where they could visit us and enjoy the outdoors.

Setting up the Bell Tent gave rise to the idea that our homestead would make an ideal retreat for tourists to visit the area and enjoy all that the St. Croix River Valley has to offer. The Tent is a luxurious outdoor dwelling, with a queen bed, two lounge chairs, and a special tent stove to heat the space on cooler nights. Our homestead features a beautiful vegetable and flower garden, an orchard and grounds housing some of the sculptures made by Fuller Cowles, the founder of Franconia Sculpture Park. Unity Avenue also ends at a small parking turnout for one of the DNR Public Wildlife Sanctuaries that has walking trails through the forest and down to Lawrence Creek. Our property is located less than 2 miles from Interstate Park, and less than a mile from the current location of Franconia Sculpture Park. We are two miles from Taylors Falls, and very close to Osceola, as well as the Swedish Immigrant Trail bike path and other attractions. Our homestead offers an ideal location for tourists to 'glamp' in style and enjoy area attractions throughout the spring, summer and early fall. The Glamp-site will provide a comfy respite at night and a way for visitors to enjoy the local restaurants and other businesses, farmers markets, and contribute to the local economy.

Housed on just under 10 acres, our homestead could in the future accommodate two tents, as depicted in the drawing. We would enjoy the opportunity to offer our homestead to a small number of guests, each tent housing two occupants. We have a small gravel turnout at the back of our meadow to accommodate parking, and no one would need to park on Unity Avenue or at the DNR parking turnout.

Our tent has one outdoor electrical outlet nearby that we also use for the operation of our homestead farm. Guests will be able to charge their phones, and other minor electrical needs can be accommodated, but we will offer the tents as an off the grid, luxury camping experience, and encourage our guests to unplug and enjoy the outdoors. There are rechargeable camping lanterns in the tents for lighting. Our camping rentals will be offered seven days a week during the spring, summer and fall, but

will be limited to two guests per tent with a two-night minimum to reduce turnover. We will not allow parties, additional guests, music or noise, and also will not allow pets.

Our outdoor bathroom is fully plumbed into the existing septic system and has a flush toilet and a cold-water sink. The Bathroom is uninsulated and only for use in warmer weather, so we would offer our camping rental only during spring, summer and fall, and close down in the winter. We maintain trash and recycling service at our property and can easily manage the waste needs for the tent rental. I work in my studio, making pottery, and am on the premises most days, as I live and work at the location. I have business insurance and am a registered LLC with the Minnesota Secretary of State, doing business as Ani Kasten Ceramics, LLC.

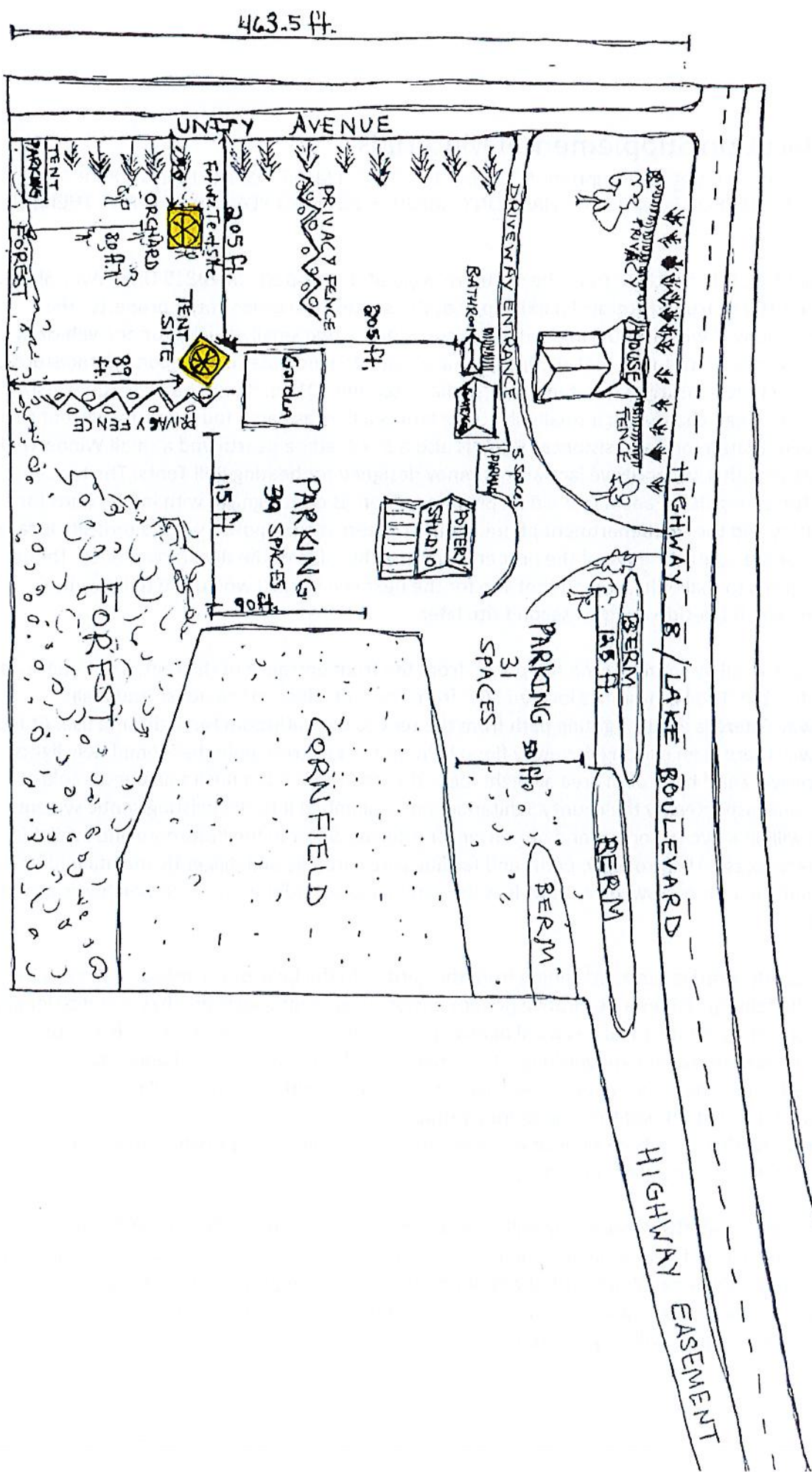
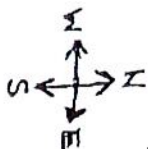
My family and I love this community and the environment of the greater St. Croix River Valley and would love to be able to host guests and share our love of this special place with visitors to the area. We are asking that the county grant us a Conditional Use Permit and Commercial Recreational Area usage for the purpose of offering short term rentals of our bell tents. Thank you for your kind consideration.

I am submitting this proposal as an amendment to the existing CUP that was approved in 1996 for John Hock and the Franconia Sculpture Park. I continue to operate the Barn located on the property as an art studio and would ask that that condition remain intact. The first few conditions pertain to the driveway and screening with berms and vegetation, and those upgrades were performed at the time the permit was issued, so I have just continued to maintain those features of the property. The driveway entrance on Unity Ave is and has remained the main entrance to the property. One change I would request is for condition number 5, "the art studio is to be educational in nature, rather than commercial". I am a one-person artist studio, but I make my living creating and selling my work commercially. I do not hold educational events at my studio. I also do not have a store front or shop on the property and use the studio purely for the creation of my artwork. I would request to keep condition 6 as well, as I have continued to hold up to three annual events, including the St. Croix Valley Pottery Tour, held on Mother's Day weekend each year. I have taken over as host of this event after the Sculpture Park moved to its new location. Other than the Pottery Tour, I have a small fall studio sale where customers come to purchase work in September and October, but this is much smaller scale than the pottery tour, and usually is less than 50 visitors over the course of the weekend. Some years I have held a small holiday studio sale as well. My general hours of operation in the studio are 9am-5pm Monday through Friday year-round, unless I am having the Pottery Tour or a studio sale which take place on weekends. This is another change from the existing condition 8, as my ceramics business is year-round rather than seasonal.

To sum up everything that is put forth in this proposal, I would like to revisit a few of the conditions contained in the existing CUP, and also have it amended to allow for the Commercial Recreational use of renting out my two-person occupancy Bell Tent for visitors to the area from April through October.

Respectfully,

Ani Kasten



Application Supplemental Materials

29815 Unity Ave Legal Description: ALL THAT PT OF NE 1/4 OF NW 1/4 LYG S OF RR R/W EX THAT PT THEREOF PLATTED AS HARMONY HEIGHTS REVISED PLAT. EX THAT PT THEREOF DES

The Bell Tent is located 89' from the southern edge of the property at 29815 Unity Ave., Shafer MN, and 100 ft. from the gravel parking pad at the southwest corner of the property. The Parking Pad is 7' wide by 30' long and can accommodate two small vehicles, or one vehicle with a trailer or watercraft. The tent site includes a 20' square wood platform to combat moisture on which the tent is installed. The tent is 16' in diameter and 201 sq. ft. and houses a queen-sized bed, two lounge chairs with a small table. The tent is a Canvas Camp four season Bell Tent that has been treated for fire resistance. There is also a 3' x 4' stone hearth and a small Winnerwell tent stove with a silicon stove jack and chimney designed for heating Bell Tents. The tent also has a fire extinguisher and a first aid kit provided. There is clear signage with instructions for fire safety and the fire department phone number. There is a proposed second tent site located also near the southern edge of the property on the other side of the decorative fence. There are no plans to make this second tent site for the next few years. I would like to leave the option open if I decide to add a second site later.

There is a small in-ground stone fire pit 20' from the front entrance of the tent, a hammock and a picnic table. The bathroom is located 205' from the tent, close to the house and main driveway. There is a solar lighting path from the tent to the bathroom for nighttime use. At the driveway there is an existing driveway flood light on the electrical pole that completely lights the driveway and bathroom area all night long. The bathroom has a flush toilet and a cold-water sink inspected by the county Sanitarian and is plumbed into the existing septic system. There will be a five-gallon jug and dispenser for drinking water in the bathroom and available for guest access. The property, paths and facilities are carefully and diligently maintained by my husband and I for our own use, as well as the safety and consideration of our neighbors and any guests.

There is a decorative fence extending from the garden to the back of the meadow next to the tent. The fence provides a decorative privacy enclosure for tent guests and has a professionally installed GFI outlet for small electrical needs on our farm or for guests. There is also a hose spigot located there for extinguishing a fire if need be. There is a hose and hand sprayer provided at all times. The tent area has two fences planted with lilacs that will provide privacy screening for the tent and the neighboring property. There is also a line of forest at the back of our meadow that is on both sides of the southern property line that provides privacy and screening from the neighboring property.

The proposed months of operation will be April-October. The tent will be available 7 days a week with a limit of two occupants, and a two-night minimum to reduce turnover. There will be clear signage and a handbook with the tent designating private property belonging to the neighbors. Quiet hours will be enforced from 10:00pm to 7:00am, and no additional guests, parties, noise or pets will be permitted.

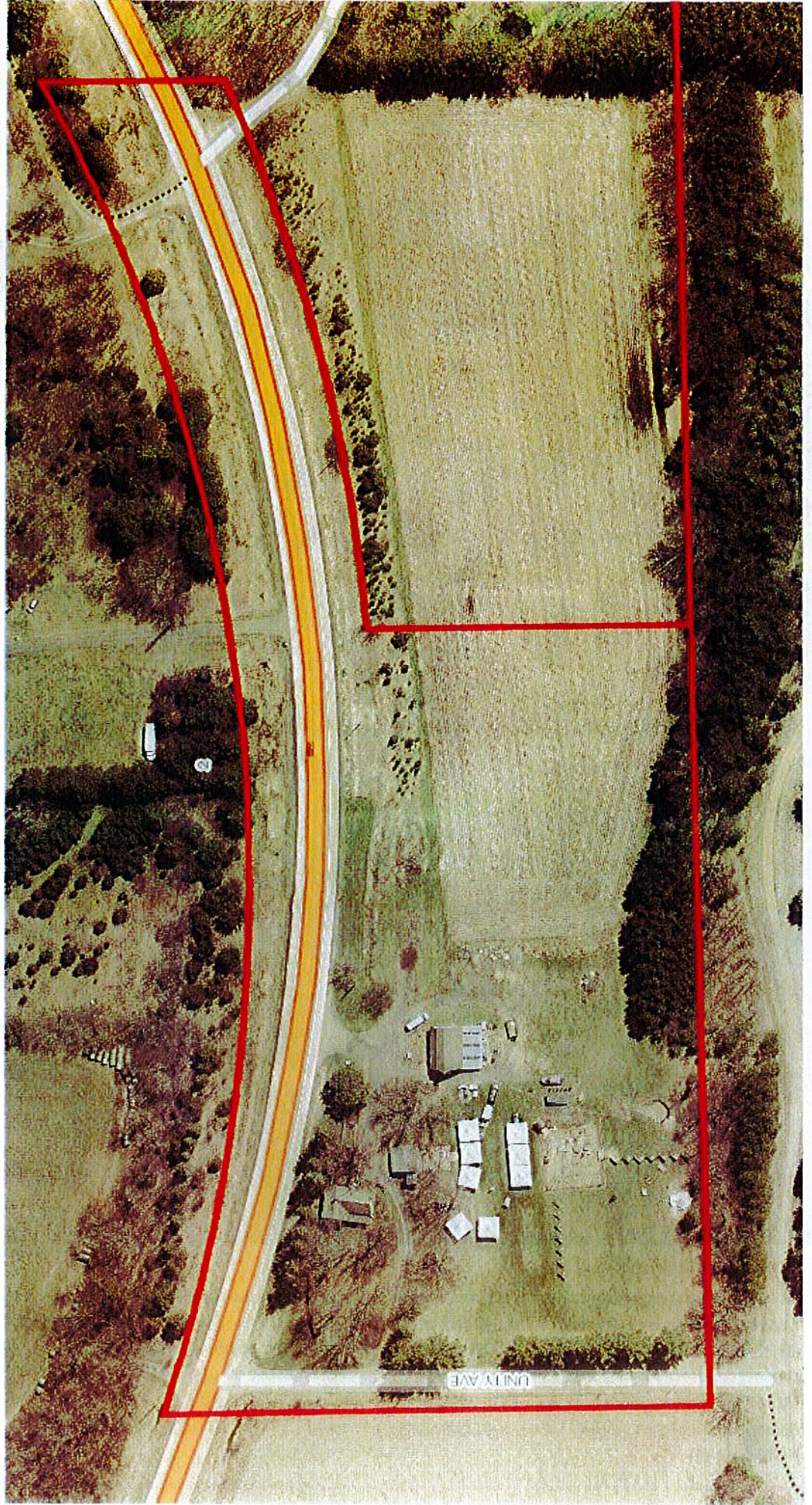
Kasten - Aerial Photo

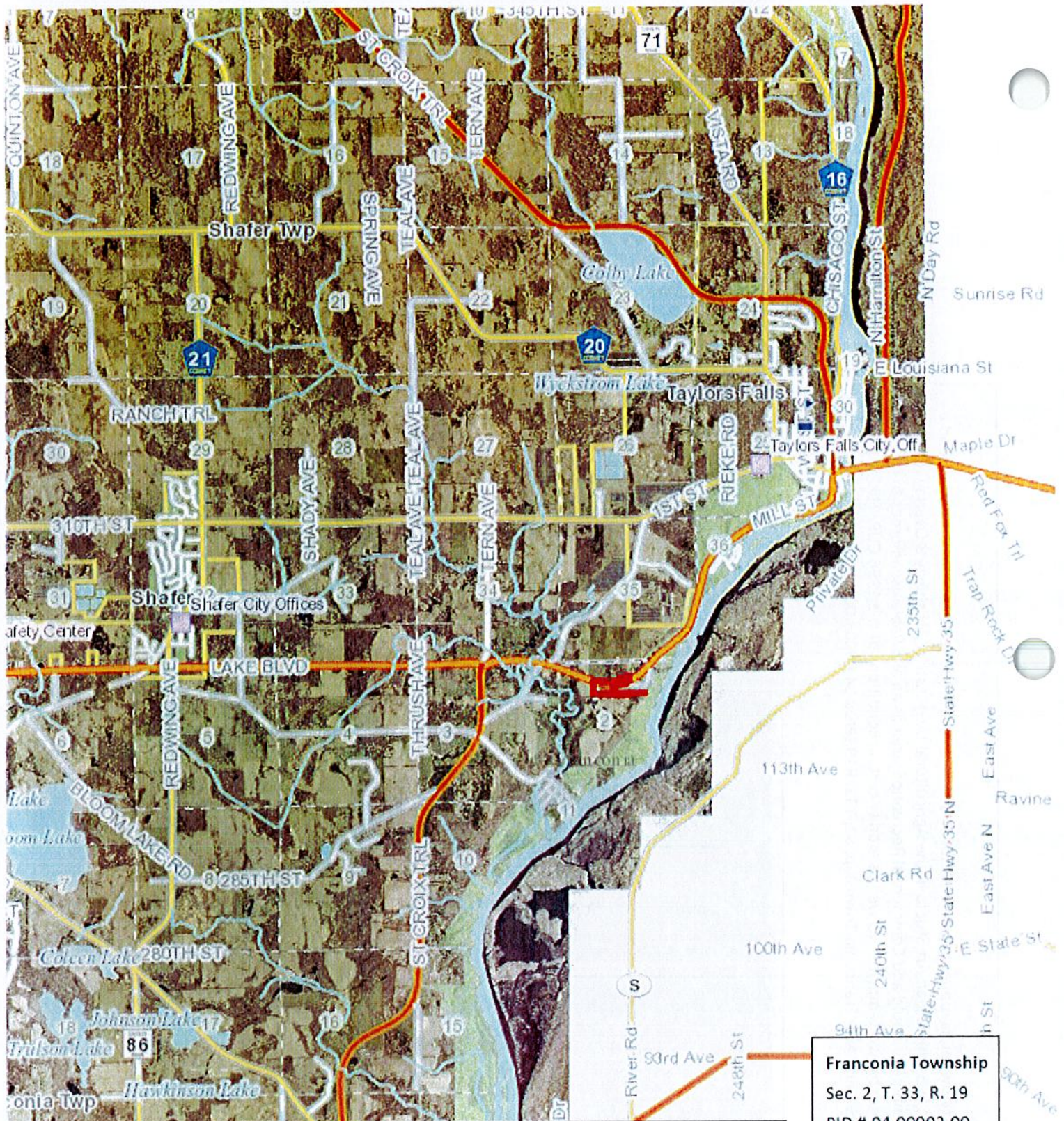
Ani Dagmar Kasten, property owner, is requesting a Conditional Use Permit (CUP) Amendment in order to amend a CUP granted in September 1996 allowing an Art Studio in the Agricultural (AG) District / Highway 8 Overlay (HO) District. The proposed Amendment would add Commercial Recreation Area as an allowable use in order to establish a private campground with up to two campsites, as well as modify certain conditions of the 1996 CUP. The 10.3-acre property is located at 29815 Unity Ave, Franconia Township, S2, T33, R19 (PID# 04.000003.00).

Kasten Property - 



Franconia Township
Sec. 2, T. 33, R. 19
PID # 04.000003.00





Kasten - Aerial Photo

Ani Dagmar Kasten, property owner, is requesting a Conditional Use Permit (CUP) Amendment in order to amend a CUP granted in September 1996 allowing an Art Studio in the Agricultural (AG) District / Highway 8 Overlay (HO) District. The proposed Amendment would add Commercial Recreation Area as an allowable use in order to establish a private campground with up to two campsites, as well as modify certain conditions of the 1996 CUP. The 10.3-acre property is located at 29815 Unity Ave, Franconia Township, S2, T33, R19 (PID# 04.00003.00).
Kasten Property - 

Franconia Township
Sec. 2, T. 33, R. 19
PID # 04.00003.00



Chisago County Environmental Services
Attn: Beth Gervais
313 No. Main Street, Room 240
Center City, MN 55012

July 20, 2022

Dear Planning Commission Members,

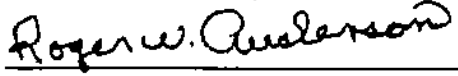
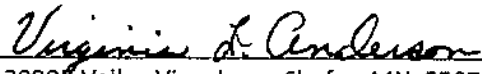
As property owners in the Harmony Heights Section, residing at Valley View Lane, Shafer, this is to state our concern/opposition to the application of Ani Dagmar Karsten for a Conditional Use Permit for the 10-acre property between Unity Ave and Valley View Lane, Shafer MN. This CUP asks to change the usage of the property from agricultural to commercial/recreation. We object for the following reasons:

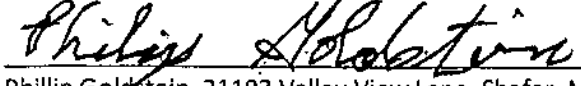
1. It opens future possibilities for uses expanding to the whole of the 10-acre property, which could affect our residential property with noise and unsightly commercial use, and also affecting the beauty of this section of Highway 8 that leads directly to the Minnesota Interstate Park.
2. It would set a precedent for more commercial or recreational use along the protected Highway 8 corridor.
3. We also have a concern about environmental damage that commercial/recreational use would cause to trees and native species along this protected section of Highway 8 from Center City to the Interstate Park. There is considerable agricultural land with frontage along this section of Highway 8.

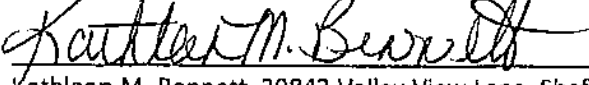
It also seems necessary to mention that there is still an open, existing driveway with parking spaces at 29815 Unity Avenue, Shafer, and this driveway exits onto Highway 8.

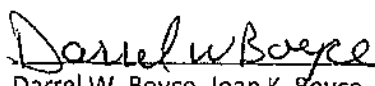
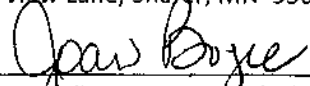
Sincerely,

 
John Thomas Calhoun, Marianne Calhoun, 20989 Valley View Lane, Shafer, MN 55074

 
Roger W. Anderson, Virginia L. Anderson, 20993 Valley View Lane, Shafer, MN 55074


Phillip Goldstein, 21193 Valley View Lane, Shafer, MN 55074


Kathleen M. Bennett, 20843 Valley View Lane, Shafer, MN 55074

 
Darrel W. Boyce, Joan K. Boyce, 20923 Valley View Lane, Shafer, MN 55074

RESOLUTION NO. PC2022-0803

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT ALLOWING RURAL
RETAIL TOURISM AND COMMERCIAL RECREATION AREA ON PROPERTY LOCATED AT
29815 UNITY AVENUE IN FRANCONIA TOWNSHIP**

WHEREAS, Ani Dagmar Kasten, property owner, submitted an application dated received July 1, 2022 and considered complete on July 7, 2022 for an Amendment to a Conditional Use Permit allowing Rural Retail Tourism (art studio); and

WHEREAS, the original Special Use Permit was granted by Chisago County in 1979 to allow a wood carving shop and the permit was Amended by the County in 1996 to allow an art studio (the permit now being referred to as a Conditional Use Permit); and

WHEREAS, the property owner's request includes the addition of Commercial Recreation Area (Recreational Camping Area) as an allowable use as well as Amendments to previously approved conditions; and

WHEREAS, the subject site is located in the Agricultural (AG) District / Highway 8 Overlay (HO) District; and

WHEREAS, the subject site is 10.3± acres in size and is legally described as:

PID 04.00003.00

All that part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section Two (2), Township Thirty-three (33), Range Nineteen (19), lying south of railroad right-of-way, except that part thereof platted as Harmony Heights, Revised Plat, Chisago county, Minnesota.

Except that part thereof described as follows:

That part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section Two (2), Township Thirty-three (33), Range Nineteen (19), Chisago County, Minnesota, described as follows:

Commencing at the Southeast corner of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4); thence Westerly along the South line thereof a distance of 545 feet; thence northerly, parallel to the east line of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4), to the south line of Minnesota State Highway No. 8 as now located; thence easterly, along said south highway right-of-way line, to its intersection with the most westerly line of Harmony Heights, Revised Plat; thence Southeasterly along the most westerly line of Harmony Heights Revised Plat, to its intersection with the east line of said NE 1/4 of NW 1/4; thence south, along said east line of Northeast Quarter of Northwest quarter (NE 1/4 of NW 1/4), to the point of beginning, being the southeast corner of said Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4).

WHEREAS, notice was provided and on August 4, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04 C:

- | | |
|------------|---|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <p><i>The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area are consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land uses:</i></p> <ul style="list-style-type: none">• <i>To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation. (p 2-43)</i>• <i>To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. (p 4-6)</i>• <i>To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy. (p 5-18)</i>• <i>To promote natural amenities in the County as assets to economic development and business opportunity. (p 6-22)</i>• <i>To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth. (p 6-22)</i>• <i>To promote tourism and commercial recreation as expanding opportunities for employment and tax base. (p 6-22)</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <p><i>Given that the proposed Recreational Campground Area will have no more than two campsites, the County finds that the proposed use will have a slight but not excessive demand on certain public facilities such as area parks and streets, but no impact on existing schools or other public facilities or utilities which serve the subject site. Further, being that the Rural Retail Tourism use will not be changing as part of the current request, the County finds that it will not create any additional demand on existing parks, schools, streets and other public facilities and utilities which serve the area.</i></p> |
| Factor #3 | The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; |
| Finding #3 | <p><i>Given the dense vegetation of the subject site, existing screening, the large size of most of the neighboring parcels, the limited amount of development in the immediate area and the proposed setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact nor deter future development.</i></p> |
| Factor #4 | The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties; |

Finding #4 *The County finds that the proposed Recreational Camping Area is largely screened by vegetation or distance from all property boundaries and will, therefore, not have an adverse effect on adjacent properties. Further, the Rural Retail Tourism use (art studio) is located within an existing structure and the County finds no evidence to suggest that the structure has an appearance causing adverse effects upon adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation Areas as Conditional Uses in the AG District. In addition, Sections 4.15 and 7.21 of the Chisago County Zoning Ordinance specifically encourage the development of Rural Retail Tourism and Commercial Recreation Areas, with the following specific goals:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
- *The purpose is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *It is anticipated that there will be a slight increase in traffic on Unity Avenue as guests arrive and depart from the Recreational Camping Area; however, with no more than two campsites, the County finds that the road is capable of handling the anticipated traffic levels. The County finds no evidence to suggest that the proposed use will cause traffic hazards or increase traffic congestion. Further, the County finds no evidence to suggest that the traffic associated with the existing and unchanging Rural Retail Tourism use (art studio) has or will cause traffic hazards or increase traffic congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Based on the property owners' statements regarding observance of quiet hours and prohibition of pets in addition to separation of the proposed Recreational Campground Area from surrounding properties by distance and vegetation, the County finds that the*

proposed use will not intrude on surrounding properties by way of noise, glare or general unsightliness. Further, the County finds no evidence to suggest that the existing and unchanging Rural Retail Tourism use (art studio) has or will cause any adverse impacts to nearby properties.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit Amendment, subject to the following conditions:

1. This approval allows the property to be used for Rural Retail Tourism (art studio) and Commercial Recreation Area (Recreational Camping Area) purposes in accordance with the application materials, including site plan and written narrative, dated received July 1, 2022. Any significant deviation, as determined by Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. The property is limited to a maximum of two Recreational Camping Area tent sites. The maximum number of guests shall not exceed four at any given time.
3. The Recreational Camping Area must adhere to the strict observance of quiet hours from 10:00 pm to 7:00 am.
4. Noise generated from the approved uses shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries in a manner that disturbs the peace.
5. All guest and customer parking shall be accommodated on-site, with supervised management of ingress and egress to eliminate conflicts in traffic flow.
6. The permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. The existing access from Highway 8 is to be permanently closed, and the existing Unity Avenue access is to be the only access to the subject site.
8. Any and all MnDOT permits and approvals shall be obtained prior to work done in or near Highway 8 right-of-way (i.e., berming, sodding, etcetera).
9. Natural-appearing physical screening of the subject site from the Highway, including existing berming, shall be maintained.
10. Signage to be limited in accordance with ordinance provisions.
11. The art studio is to be used for the production of art to be sold commercially.
12. Not more than three Rural Retail Tourism commercial / retail special events are to be held annually, on non-holiday weekends.
13. Days and hours of operation shall be limited to Monday through Friday year-round from 9:00 am to 5:00 pm for the art production component of the Rural Retail Tourism use (art studio). No evening Rural Retail Tourism events are to be held.
14. No special lighting shall be permitted.
15. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing and the activities being

conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota, this 4th day of August, 2022.

Kelly Corbin _____
James McCarthy _____
Frank Storm _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: 14
Title of Item for Consideration: Report and Recommendations from the August 10, 2022 Meeting of the Budget and Finance Committee	
Action Requested by: Budget & Finance	Department: County Board of Commissioners
Previous Action on this Matter: From time to time, the County Board discusses issues of importance/interest to the Board and/or its Committees or individual members.	
Background: Time has been set aside at tonight's meeting to review items discussed by the Budget & Finance Committee at its August 10th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions if the Board of Commissioners chooses to approve the Budget and Finance Committee's recommendations: <u>Current Year-to-Date Financial Update:</u> The Committee reviewed the current up to date financials; operating budget activity, cash flow considerations, monthly-to-annual payroll, and the local option sales and wheelage tax numbers. <u>The Committee recommended accepting the reports.</u> <u>Chisago County APRA Expenditure Request:</u> <u>2023 Budget and Levy Budget Presentations:</u> The following Departments presented their 2023 Budget requests; Public Works, Environmental Services, Enterprise Services, Sheriff's Office, Health and Human Services and Chisago County Partners. The Committee just discussed operating expenditures and revenues. The Committee did not discuss personnel costs due to a lack of health insurance costs estimates and labor negotiations. Attachment(s): • August 10th Budget and Finance Committee Packet • Recommended Cuts to Department 2023 Budgets Below	

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the August 10th Budget and Finance Report and approve the recommendations from the Budget and Finance Committee with the following motions below. Recommended Board Action, if any, may be undertaken via the above individual motions or via the following encompassing motion:

"Move to accept the August 10th Budget and Finance Report."

Implications of Action: County Board consideration and approval at tonight's meeting will allow the County to continue with its various financial planning and budgeting activities.

Budget/Financial Implications: Tonight's recommended actions may approve certain specific expenditures. Tonight's actions may also have implications for future county budgets.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. Specific legal actions/decisions are subject to final approval as to form by the County Attorney.

Administrator's Recommendation

Approve CB

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Budget & Finance Budget Changes

Adjustments to Budget

		Expenditures		Revenue		
Dept/Description	Acct Code	Exp Decrease	Exp Inc	Rev Decrease	Rev Increase	Column
7/13/2022 BF Meeting						
AT-Electricity	01-149-6253	\$ 115,000.00				
AT-Gas	01-149-6255	\$ 20,000.00				
AT-Sewer	01-149-6257	\$ 14,000.00				
Assessor Lease Vehicle?						
Probation Refunds	01-255-6803	\$ 300.00				
Probation Mileage	01-255-6330	\$ 2,000.00				
Commissioner Mileage	01-003-6330	\$ 1,500.00				
Probation Training		\$ 1,000.00				
AT Audit Cost		\$ 20,000.00				Use ARPA
Admin Misc		\$ 500.00				
8/10/2022 BF Meeting						
Surveyor	03-105-6501	\$ 2,500.00				
Maintenance	03-330-6513	\$ 6,500.00				
Equip Maint	03-340-6262	\$ 50,000.00				
Traffic Operations	03-345-6273	\$ 10,000.00				
Water Quality Grant	01-611				\$ 40,000.00	Use of Fund Balance
Data Processing Gas & Oil	01-061-6561	\$ 2,000.00				
Soil & Water	01-605-6211	\$ 50,000.00				
Historical		\$ 9,790.00				
Library			\$ 47,331.00			
Courts	01-011-6280	\$ 2,000.00				
Courts	01-011-6284	\$ 20,000.00				
Total		\$ 327,090.00	\$ 47,331.00	\$ -	\$ 40,000.00	
			\$ 279,759.00			

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Chisago County Request For Board Action

<i>Meeting Date:</i> August 17, 2022	<i>Item Number:</i> 15
<i>Title of Item for Consideration:</i> Contract for Century College SLOT Continuing Education Program	
<i>Action Requested by:</i> Sheriff Brandon Thyen	<i>Department:</i> Sheriff's Office
<i>Previous Action on this Matter:</i> The County Board of Commissioners has previously approved annual contracts with Century College for the SLOT Continuing Education Program.	
<i>Background:</i> The Sheriff's Office has utilized this program for many years to provide additional training opportunities to Corrections, Patrol, and Dispatch staff. The proposed contract with Century College SLOT Program covering the 2022-2023 education cycle	
<i>Attachment(s):</i> Contract with Century College	
<i>Action Requested/Recommended:</i> It is respectfully requested that the Chisago County Board of Commissioners approve the contract with Century College for the SLOT Program for the 2022-2023 education cycle. The suggested motion is as follows: <i>"Move to approve the contract with Century College SLOT Program for the 2022-2023 education cycle."</i>	
<i>Implications of Action:</i> A contract with Century College for continuing education classes will assist Corrections, Patrol, and Dispatch staff with meeting annual training requirements.	
<i>Budget/Financial Implications:</i> The cost of this contract has been accounted for in the current Sheriff's Office/Jail Division operating budget.	
<i>Legal/Policy Implications:</i> The proposed activities are in compliance with all applicable state and federal regulations. The County Attorney's Office has reviewed the agreement and approved as to form.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By: _____	Seconded by: _____
To: _____	
Action on Motion:	Aye _____ Nay _____ Abstain _____

F Y 23	Cost Center 211561	Obj. Code. 9182	Amount \$1,099.00 per SLOT plus books	Vendor #	P.O. #
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STATE OF MINNESOTA

MINNESOTA STATE COLLEGES AND UNIVERSITIES

Century College

INCOME CONTRACT

This contract is by and between Chisago County, on by and on behalf of Chisago County Jail (hereinafter "PURCHASER") and the State of Minnesota acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Century College (hereinafter "STATE").

WHEREAS, the PURCHASER has a need for a specific service; and

WHEREAS, the STATE, is empowered to enter into income contracts pursuant to Minnesota Statutes, Chapter 136F;

NOW, THEREFORE, it is agreed:

I. DUTIES OF STATE. The STATE agrees to provide the following:

1. The Law Enforcement Continuing Education Program of Century College will provide approximately 250 hours of POST approved training for the period September 6, 2022, through June 30, 2023.
2. Registration for training will be conducted on a first-come, first-served basis. Classes have a minimum/maximum and may be subject to cancellation if the minimum number is not met; students may be placed on a waitlist once maximum enrollment is reached. Individual participants will receive certificates of completion for each course. Students attending on-campus classes will receive certificates the day of class. Students attending virtual classes will receive certificates electronically to the email use to register within 10 business days.
3. The Training Program will be continually evaluated by means of course evaluations completed at the conclusion of each training session.
4. Training programs will be offered at Century College or on-line delivery. During the ongoing COVID-19 pandemic, the STATE shall follow safety protocols in line with guidance from the Centers for Disease Control, Minnesota Department of Health and Minnesota Office of Higher Education. These may include social distancing, cleaning protocol, number of people allowed to gather and clear communication to students and instructor. If the above criteria change, class delivery will be modified accordingly.
5. Textbooks for the class, "Better Work Through Interpersonal Communication", will be provided to individual participants on the first day of class and will be billed to the agency separately at \$20.00 per text. If a textbook is required for the course, it will be stated in the course outline.

II. DUTIES OF PURCHASER. The PURCHASER (participating agency) agrees to the following:

1. Participating agencies will publicize the program to officers and promote courses internally.
2. Registrations will be managed, communicated, and monitored by a participating agency contact person. If this person should change, participating agency needs to notify Sharon Mason of Century College immediately.

3. Participating agencies concerns and ideas for improvement should be communicated to Sharon Mason.

III. CONSIDERATION AND TERMS OF PAYMENT.

- A. Consideration for all services performed and goods or materials supplied by the STATE pursuant to this contract shall be paid by the PURCHASER as follows:

Chisago County Jail will purchase (1) SLOT totaling \$1,099.00 per SLOT.

Required textbooks will be billed separately at \$20.00 per book for courses requiring a textbook.

No-shows will be billed to the agency for the regular posted tuition fee which may be found on the Century website. A no-show is an individual enrolled who does not cancel prior to 5 p.m. (business days) the day before the class.

- B. Terms of Payment. Payment shall be made by the PURCHASER no later than 30 days following receipt of the invoice.

- IV. TERM OF CONTRACT. This contract shall be effective on September 6, 2022, or upon the date that the final required signature is obtained by the STATE, whichever occurs later, and shall remain in effect until June 30, 2023, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first.

- V. CANCELLATION. Century College reserves the right to cancel courses due to lack of enrollment. Departments will NOT receive confirmation of registration, but will be contacted by phone or by mail if the class is filled or canceled.

Notice of registration cancellation must be by 5 p.m. the day before the course. In order to ensure a satisfactory learning experience, agency managers will receive an invoice for the regular posted tuition fee if an employee is enrolled and does not show up for class. SLOTS are purchased by seat thereby substitutions are encouraged until class start.

- VI. AUTHORIZED REPRESENTATIVES. The PURCHASER'S Authorized Representative for the purposes of administration of this contract is Jonathan Gray. The STATE'S Authorized Representative for the purposes of administration of this contract is Sharon Mason. Each authorized representative shall have final authority for acceptance of services of the other party and shall have responsibility to ensure that all payments due to the other party are paid pursuant to the terms of this contract.

- VII. ASSIGNMENT. Neither the PURCHASER nor the STATE shall assign or transfer any rights or obligations under this contract without the prior written approval of the other party.

- VIII. LIABILITY. The PURCHASER shall indemnify, save and hold the STATE, its agents and employees harmless from any and all claims or causes of action arising from the performance of this contract by the PURCHASER or PURCHASER'S agents or employees. This clause shall not be construed to bar any legal remedies the PURCHASER may have for the STATE's failure to fulfill its obligations pursuant to this contract.

- IX. AMERICANS WITH DISABILITIES ACT COMPLIANCE (hereinafter "ADA"). The PURCHASER is responsible for complying with the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. and regulations promulgated pursuant to it. The STATE IS NOT responsible for issues or challenges related to compliance with the ADA beyond its own routine use of facilities, services, or other areas covered by the ADA.

- X. AMENDMENTS. Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract or their successors in office.

- XI. GOVERNMENT DATA PRACTICES. The PURCHASER agrees to comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the STATE in accordance with this contract and as it applies to all data created, collected, received, stored, used, maintained or disseminated by the PURCHASER in accordance with this contract. The civil remedies of Minnesota Statutes Section 13.8, apply to the release of the data referred to in this Article by either the PURCHASER or the STATE.

In the event the PURCHASER receives a request to release the data referred to in this Article, the PURCHASER must immediately notify the STATE. The STATE will give the PURCHASER instructions concerning this release of data to the requesting party before the data is released.

- XII. JURISDICTION AND VENUE. This contract shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or the breach thereof, shall be located only in the state or federal court with competent jurisdiction in Ramsey County, Minnesota.

- XIII. STATE AUDITS. The books, records, documents, and accounting procedures and practices of the PURCHASER relevant to this contract shall be subject to examination by the contracting department and the Legislative Auditor.

- XIV. OTHER PROVISIONS. (Attach additional page(s) if necessary):

Inclement Weather

Listen to WCCO Radio for any college closing information.

POST Credits

Peace officers who successfully complete the POST approved courses may receive peace officer continuing education credits after completing the on-campus form or web link form.

Discrimination Policy

In accordance with the administrative rules of the Minnesota POST Board and the Policy of Century College, all persons shall be eligible for enrollment in any program regardless of race, color, religion, sex, national origin, residency, marital status or physical disabilities.

If you need a reasonable accommodation for a disability (e.g., wheelchair accessibility, interpreter, Braille or large print materials) such an accommodation can be made available upon advance request. Please contact the Century College Access Center as soon as possible.

Waiting Lists

If a course should fill, officers will be put on a waiting list.

Continuing Education Cancellation Policy

Notice of registration cancellation must be received by 5 p.m. the day before the start of the course or will be considered a no-show.

Parking

Century College does not require parking permits for parking in general parking lots. Students may park in lots except in areas identified for visitor or reserved parking. You are encouraged to look at parking information on the website to determine parking best for your class location.

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

APPROVED:

**1. MINNESOTA STATE COLLEGES AND
UNIVERSITIES**

Century College

By (authorized signature)
<i>Marilyn Smith</i>
Title Associate Vice President
Date 8-4-22

3. AS TO FORM AND EXECUTION:

By (authorized college university system office signature)
Title
Date

- 2. PURCHASER: Chisago County Jail**
PURCHASER certifies that the appropriate person(s) have executed the contract on behalf of PURCHASER as required by applicable articles, by-laws, resolutions, or ordinances.

By (authorized signature)
Title
Date

By (authorized signature)
Title
Date

By (authorized signature)
Title
Date

Reviewed as to Form: *Joan K. K.*
Chisago County Attorney
8/10/2022

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Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: 16																																								
Title of Item for Consideration: ARPA Expenditure - School Grant Program																																									
Action Requested by: Chase Burnham, County Administrator	Department: Administrator																																								
Previous Action on this Matter: The County Budget and Finance Committee has been discussing and developing the 'School Grant Program' with ARPA funds since the beginning of 2022. At the June 1st, 2022 Board of Commissioners meeting, the Board created the 'Chisago County ARPA Grant Program' to fund vocational and general educational expenses. At the June 15th meeting, the Board of Commissioners approved the School Grant Program Subrecipient Agreements with Braham and Cambridge-Isanti School Districts. At the July 6th meeting, the Board of Commissioners approved the Rush City, North Branch and Forest Lake agreements.																																									
Background: As a part of the Federal American Rescue Plan Act (ARPA), the Chisago County Board of Commissioners have discussed and directed staff to develop a school grant program which allocates a total of \$600,000 of the County's total \$10.9M Coronavirus State and Local Fiscal Recovery (SLFRF) funding to the Chisago County School Districts which direct serve the students of Chisago County. The Board has allocated \$500,000 for the school districts 'Vocational' programming and \$100,000 for 'General Education' or 'Open Use.' The Board has allocated a total amount to each school district depending on the number of Chisago County residents the school district enrolls and services.																																									
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The above chart differs from what was approved at the June 1st meeting, Rush City reported the wrong the number of students. The above chart reflects the properly reflected number of Rush City students. Vocational funds should be used by school districts to support their vocational programming or classes. The funds could be used to purchase equipment, supplies, or other items this programming needs to further the training and preparation of the future workforce. The 'Open Use' or 'General Education' funds should be used to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction) related to the COVID-19																																									

pandemic.

The school districts cannot use the funds to replenish a budget stabilization fund, rainy day fund, pay a debt or similar reserve account. Additionally, the funds cannot be used to satisfy any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding.

Each school district must complete an application for the funds, and then agree to a sub-recipient agreement, which indicates that all expenditures using the County's ARPA funds comport with the guidelines of the ARPA as set forth by the US Treasury.

Attachment(s):

- Chisago Lakes School District Application

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the issuance of the ARPA funds from the 2022 Chisago County School Grant Programs to Chisago Lakes School District. The following motion is recommended;

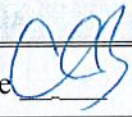
“Move to approve the issuance of Chisago County’s ARPA Fund allocation to the Chisago Lakes School District, as allocated pursuant to the 2022 Chisago County ARPA School Grant Program.”

Implications of Action: County Board consideration and approval at tonight's meeting will allow the County to issue the funds to the school districts which have completed the application and subrecipient monitoring agreement.

Budget/Financial Implications: There is no levy or budget impact by the creation of this grant program using County ARPA funds. However, this is an expenditure of up to \$600,000 of Chisago County's ARPA allocation.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation

Approve 	Deny _____	Other _____
Motion By:		Seconded by:
To:		
Action on Motion:	Aye _____	Nay _____ Abstain _____

2022 CHISAGO COUNTY ARPA SCHOOL GRANTS

APPLICATION

Application must be completed in full to be considered

SCHOOL DISTRICT: Chisago Lakes
Address: 29678 Karmel Ave, Chisago City
Primary Contact Person: Robyn Vosberg-Torgerson
Primary Contact Email: rvosberg-torgerson@isd2144.org
Primary Contact Title: Director of Business Services
Secondary Contact Person: Dean Jennissen
Secondary Contact Title: Superintendent
Secondary Contact E-Mail: djennissen@isd2144.org
Federal Tax Identification Number: 41-1762002

Vocational Funds:

Please provide specific details on how the requested ARPA funds will be used to support your school district's vocational programming or classes.

Please see the attached spreadsheet. These
supplies and equipment will be used to
support all of our middle school and
high school vocational and technical
classes.



Chisago County ARPA School Grants
Application
May 16, 2022

'Open Use' funds:

Please provide specific details on how the funds will be used to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction) related to the COVID-19 pandemic.

These funds will be used to help attract, recruit and retain excellent staff to support our students. These funds will also be used to support training of staff including offsite professional development activities.

ACKNOWLEDGEMENT:

I hereby certified that this application for Chisago County's ARPA School Grant is true and accurate to the best of my knowledge.

Robyn Mugger

School District Contact Person

8/9/2022

Signature Date



Exhibit A

2022 CHISAGO COUNTY ARPA SCHOOL GRANTS

As a part of the Federal American Rescue Plan Act (ARPA), the Chisago County Board of Commissioners have allocated a total of \$600,000 of their total \$10.9M Coronavirus State and Local Fiscal Recovery (SLFRF) fund allocation to the Chisago County School Districts directly serving the students of Chisago County.

The Board has allocated \$500,000 for 'Vocational' programming and \$100,000 for 'General Education' or 'Open Use.' The Board has allocated a total amount to each school district depending on the number of Chisago County residents the school district enrolls.

The following amounts are allocated to each school district on a per pupil basis.

School District	Chisago County Students	Vocational	General Education or 'Open Use'	TOTAL ALLOCATION
Braham	82	\$4,907.70	\$981.54	\$5,889.24
Cambridge-Isanti	239	\$14,304.15	\$2,860.83	\$17,164.98
Chisago Lakes	3182	\$190,442.70	\$38,088.54	\$228,531.24
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Rush City	907	\$54,283.95	\$10,856.79	\$65,140.74
Total Students	8354	\$499,986.90	\$99,997.38	\$599,984.28

Each school district above may apply to Chisago County for their Vocational and General Education SLFRF allocations using this application. The County will provide the funds to each school district in the form of a grant. On the grant application form, each school district must explain how the funds will be used for vocational programming of their district and how funds will be used for 'open use' or general education' and to address the learning loss caused by COVID-19. Each school district will be subject to subrecipient monitoring to confirm that their expenditures are compliant with ARPA, so all receipts must be maintained and may need to be submitted if the County requests. Each school district must enter into a Sub-recipient Grant Agreement with Chisago County to receive.

Vocational funds allocation:

These funds should be used by school districts to support their vocational programming or classes. The funds could be used to purchase equipment, supplies, or other items this programming needs to further the training and preparation of the future workforce.



Chisago County ARPA School Grants
Application
May 16, 2022

'Open Use' funds allocation:

This allocation should be used to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction) related to the COVID-19 pandemic.

Schools may use 'Open Use' allocation to pay for the salary and benefits of many school and childcare staff, including increased wages needed to recruit and retain excellent staff, and to fund premium pay, bonuses, training, and other worker supports.

Ineligible Uses:

Schools may NOT use funds to replenish a budget stabilization fund, rainy day fund, pay a debt or similar reserve account.

The funds may NOT be used to satisfy any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding.

Contact for More Information:

Chase Burnham, Chisago County Administrator
651-213-8877
chase.burnham@chisagocountymn.gov

Bridgitte Konrad, Chisago County Auditor-Treasurer
651-213-8509
bridgitte.konrad@chisagocountymn.gov

Kristin Waddell, Chisago County Chief Deputy Auditor-Treasurer
651-213-8501
kristin.waddell@chisagocountymn.gov



2022 CHISAGO COUNTY ARPA SCHOOL GRANTS Sub-recipient Grant Agreement

This Grant Agreement (this "Agreement") is entered into by and between Chisago County, Minnesota and the following Minnesota School Districts; Forest Lake, Chisago Lakes, North Branch, Cambridge-Isanti, Rush City and Braham, listed in the application(s) attached hereto as Exhibit A, each school district is located in Minnesota and serves students that reside within the territorial boundaries of the County (the "GRANTEE").

WHEREAS, the County is the recipient of a grant (as more fully described in Exhibit A, the "ARPA Grant Application") made available under the American Rescue Plan Act ("ARPA") from the United States Treasury;

WHEREAS, the Grantee has submitted to the County an application for a grant to be funded from the ARPA Grant (each application approved by the County and attached hereto from time to time in Exhibit A, an "Application"), and in reliance on the representations, certifications and warranties made by the Grantee herein and in the Applications, the County is (or will be) willing to provide restricted grants in the Grant Amount identified in the applicable Application (each, a "Grant") to the Grantee on the terms and conditions stated herein;

WHEREAS, the Grantee is willing to accept the Grant evidenced by each Application, and to thereby become a sub-recipient of the ARPA Grant, on the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties agree and bind themselves as follows:

1. EFFECTIVE DATE AND TERM

This Agreement shall commence when last executed by all parties and remain in effect no later than December 31, 2024, unless terminated by the COUNTY in writing.

2. REPORTING REQUIREMENTS TO ENSURE COMPLIANCE WITH ARPA

In order to ensure compliance with the existing ARPA guidelines set forth by the US TREASURY – while also ensuring that all expenditures within the scope of this Agreement adhere to future guidelines that may be established by the US TREASURY during the term of this Agreement – the GRANTEE, when requesting ARPA funds for eligible ARPA expenditures, shall provide to the COUNTY a comprehensive and detailed list of all such expenditures on an itemized invoice, and shall also provide any documentation to support such expenditures. Said invoice must include a statement, signed by the GRANTEE, indicating that all expenditures therein comport with the guidelines of the ARPA as set forth by the US TREASURY. No reimbursement requests may be submitted to the COUNTY after December 31, 2024.

3. TIMELINE REGARDING THE DISSEMINATION OF FUNDS TO RECIPIENT

Upon receipt of the GRANTEE's complete fund application, the COUNTY shall disseminate funds within twenty (20) days of receipt of said application. The dissemination of ARPA funds shall only occur after the COUNTY reviews the GRANTEE's application to ensure that all expenditure requests qualify for reimbursement in accordance with all published federal, state, and local guidance regarding the use of ARPA funds as specified in the ARPA. All payments from the



COUNTY to the GRANTEE are further subject to all applicable federal, state, and local laws regarding the governance of SLFRF funds within the ARPA.

4. EVOLUTION OF ARPA GUIDANCE FROM THE US TREASURY

The COUNTY may request additional information from the GRANTEE, as needed, to meet any additional guidelines regarding the use of ARPA funds that may be established by the US TREASURY during the scope of this Agreement.

5. TERMINATION

The COUNTY may terminate this Agreement, for convenience or otherwise and for no consideration or damages, upon prior notice to the GRANTEE.

6. INDEPENDENT CONTRACTOR

Each party under the Agreement shall be for all purposes an independent Contractor. Nothing contained herein will be deemed to create an association, a partnership, a joint venture, or a relationship of principal and agent, or employer and employee between the parties. The GRANTEE shall not be, or be deemed to be, or act or purport to act, as an employee, agent, or representative of the COUNTY for any purpose.

7. HOLD HARMLESS AND INDEMNIFICATION

The GRANTEE agrees to defend, indemnify, and hold the COUNTY, its officers, officials, employees, agents, and volunteers harmless from and against any and all claims, injuries, damages, losses or expenses, including without limitation personal injury, bodily injury, sickness, disease, or death, or damage to or destruction of property, which are alleged or proven to be caused in whole or in part by an act or omission of the GRANTEE, its officers, directors, employees, and/or agents relating to the GRANTEE's performance or failure to perform under this Agreement. This section shall survive the expiration or termination of this Agreement.

8. COMPLIANCE WITH LAWS AND GUIDELINES

The GRANTEE shall comply with all federal, state, and local laws and all requirements and published guidance set forth regarding the usage of any and all monies appropriated under the ARPA.

9. MAINTENANCE AND AUDIT OF RECORDS

The GRANTEE shall maintain records, books, documents, and other materials relevant to its performance under this Agreement. These records shall be subject to inspection, review, and audit by the COUNTY or its designees, the SAO, and the US TREASURY for five (5) years following termination of this Agreement. If it is determined during the course of the audit that the RECIPIENT was reimbursed for unallowable costs under this Agreement or any, the GRANTEE agrees to promptly reimburse the COUNTY for such payments upon request.

10. NOTICES

Any notices desired or required to be given hereunder shall be in writing, and shall be deemed received three (3) days after deposit with the US Postal Service (postage fully prepaid, certified mail, return receipt requested), and addressed to the party to which it is intended at its last known address, or to such person or address as either party shall designate to the other from time to time in writing forwarded in like manner:

GRANTEE

Chisago Lakes School District
29678 Karmel Ave
Chisago City MN 55013

COUNTY

Chisago County ARPA SCHOOL GRANT
Attn: Kristin Waddell, Chief Deputy Auditor-Treasurer
313 N. Main St.
Center City, MN 55012

11. IMPROPER INFLUENCE

Each party warrants that it did not and will not employ, retain, or contract with any person or entity on a contingent compensation basis for the purpose of seeking, obtaining, maintaining, or extending this Agreement. Each party agrees, warrants, and represents that no gratuity whatsoever has been or will be offered or conferred with a view towards obtaining, maintaining, or extending this Agreement.

12. CONFLICT OF INTEREST

The elected and appointed officials and employees of the parties shall not have any personal interest, direct or indirect, which gives rise to a conflict of interest.

13. TIME

Time is of the essence in this Agreement.

14. SURVIVAL

The provisions of this Agreement that by their sense and purpose should survive expiration or termination of the Agreement shall so survive. Those provisions include without limitation Indemnification and Maintenance and Audit of Records.

15. AMENDMENT

No amendment or modification to the Agreement shall be effective without prior written consent of the authorized representatives of the parties.

16. GOVERNING LAW; VENUE

The Agreement shall be governed in all respects by the laws of the State of Minnesota, both as to interpretation and performance, without regard to conflicts of law or choice of law provisions. Any action arising out of or in conjunction with the Agreement may be instituted and maintained only in a court of competent jurisdiction in Chisago County, Minnesota.



17. NON-WAIVER

No failure on the part of the COUNTY to exercise, and no delay in exercising, any right hereunder shall operate as a waiver thereof, nor shall any single or partial exercise by the COUNTY of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. The remedies herein provided are cumulative and not exclusive of any remedy available to the COUNTY at law or in equity.

18. BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors.

19. ASSIGNMENT

The GRANTEE shall not assign or transfer any of its interests in or obligations under this Agreement without the prior written consent of the COUNTY.

20. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the COUNTY and the GRANTEE for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the parties with respect to this Agreement.

21. NO THIRD-PARTY BENEFICIARIES

Nothing herein shall or be deemed to create or confer any right, action, or benefit in, to, or on the part of any person or entity that is not a party to this Agreement. This provision shall not limit any obligation which either party has to the US TREASURY in connection with the use of ARPA funds, including the obligations to provide access to records and cooperate with audits as provided in this Agreement.

22. CIVIL RIGHTS COMPLIANCE

Recipients of Federal financial assistance from the US TREASURY are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the US TREASURY do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

23. SEVERABILITY

In the event that one or more provisions of this Agreement shall be determined to be invalid by any court of competent jurisdiction or agency having jurisdiction thereof, the remainder of the Agreement shall remain in full force and effect and the invalid provisions shall be deemed deleted.

24. COUNTERPARTS

This Agreement may be executed in on or more counterparts, any of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

25. AUTHORIZATION

Each party signing below warrants to the other party, that they have the full power and authority to execute this Agreement on behalf of the party for whom they sign.

IN WITNESS WHEREOF, this Agreement is executed and shall become effective as of the last date signed below: Dated this _____ day of _____, 2022.

Signatures:

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

For the County:

By: _____
Richard Greene, Chair

Dated: _____

By: _____
Chase Burnham, County Administrator

Dated: _____

Attest:

By: _____
Christina Vollrath, Clerk of the Board

Dated: _____

Approved as to Form:

JANET REITER
CHISAGO COUNTY ATTORNEY

By: Jeffrey B. Fuge
Jeffrey B. Fuge,
Chisago County Assistant County Attorney

Dated: May 26, 2022



For GRANTEE:

GRANTEE certifies that the appropriate person(s) have executed the Agreement on behalf of GRANTEE as required by applicable articles, by-laws, resolutions, or ordinances. GRANTEE further certifies and represents that the contents of the Application and all supporting documentation are true and correct to the best of the GRANTEE's knowledge and understanding and that GRANTEE is duly authorized to receive said grant consistent with state and federal law, applicable regulations and program guidelines as described in this Grant Agreement and referenced herein

By: Robyn Vosberg-Torgerson

Dated: 8/9/2022

Printed Name: Robyn Vosberg-Torgerson

Title: Director of Business Services



Building

[illegible]

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Chisago County Request for Board Action

<i>Meeting Date:</i> August 17, 2022		<i>Item Number:</i> 17	
<i>Title of Item for Consideration:</i> SHIP Grant Agreement – Wyoming Elementary			
<i>Action Requested by:</i> Robert Benson, Director		<i>Department:</i> Health & Human Services	
<i>Previous Action on this Matter:</i> None.			
<i>Background:</i> Chisago County Health & Human Services has been awarded funding from the Minnesota Department of Health to work with communities, schools, healthcare and worksites to promote policy, system and environmental changes with a focus on improving nutrition, increasing physical activity and decreasing tobacco use and exposure. Grants will be awarded to various approved grant applicants to assist them in these efforts. Grantees are required to provide a minimum of 10% in-kind matching funds toward the completion of their project as a condition of grant acceptance. <i>Attachment(s):</i> SHIP Grant Agreement – Wyoming Elementary			
<i>Action Requested/Recommended:</i> It is respectfully requested that the Chisago County Board of Commissioners approve the Ship grant agreement – Wyoming Elementary as part of tonight's Consent Agenda. If removed from the Consent Agenda and discussed separately, the following motion is suggested: <i>“Move to approve the Ship Grant Agreement – Wyoming Elementary.”</i>			
<i>Implications of Action:</i> Approval of this Ship grant agreement will allow Wyoming Elementary to purchase training material that will give teachers the ability to teach students the dangers of tobacco and vaping through hands-on activities. <i>Budget/Financial Implications:</i> The budget will be fulfilled by State grant funding, from the Statewide Health Improvement Funds (SHIP) in the amount of \$2,000.00. <i>Legal/Policy Implications:</i> The Proposed activities are in compliance with all applicable state and federal regulations and County policies and procedures. The County Attorney has approved as to form.			
Administrator's Recommendation			
Approve		Deny _____	
		Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

**County of Chisago
State Health Improvement Program Grant Program
Grant Agreement**

This Grant Agreement is between Chisago County Community Health Board, 313 No. Main Street, Center City, MN 55012 ("County") and Wyoming Elementary, 25701 Forest Boulevard N, Wyoming, MN 55092 ("Grantee").

Recitals

WHEREAS, the County administers the local implementation of the State of Minnesota State Health Improvement Program ("SHIP") and is empowered to enter into this Grant Agreement; and

WHEREAS, Wyoming Elementary applied to County for a SHIP Grant in order to purchase training aids and educational tools that will be used to educate and inform students on the harm of using tobacco products, educational tools will be used such as a lung simulator, second-hand smoke display, educational videos and vaping displays; and

WHEREAS, after reviewing the full proposal and all supplemental documentation submitted by the Grantee, it was found that the application satisfied the requirements of Minn. Stat. § 145.986 and 16B.98; and

WHEREAS, the Grantee has been approved for a Grant in an amount not to exceed **Two Thousand Dollars (\$2,000.00)**; and

WHEREAS, the Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the County.

NOW THEREFORE, the County and the Wyoming Elementary enter into this Grant Agreement (Agreement) and agree as follows:

1. TERMS OF AGREEMENT.

- 1.1. **Effective Date:** August 18, 2022 or the date the County obtains all required signatures, **whichever is later.** The Grantee must not begin work under this Agreement until the Agreement is fully executed and the Grantee has been notified by the County's Authorized Representative to begin work.
- 1.2. **Expiration Date:** October 31, 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3. **Survival of Terms:** The following Parts shall survive the expiration or cancellation of this Agreement: Governing Law, Jurisdiction, and Venue; Publicity and Endorsement; State Audits; Indemnification; Government Data Practices and Intellectual Property; and Data Disclosure.

2. GRANTEE'S DUTIES.

Grantee, who is not a County employee, is obligated and expressly agrees to undertake and complete the Project as described in Grantee's Application and supplements and correspondence related thereto (on file at the County and incorporated into this Agreement by reference) and in accordance with the requirements of this Agreement. Grantee shall make no changes in the tasks

or schedules set forth without the written consent of the County, as provided in Paragraph 12, Amendments, of this Agreement, as applicable.

3. **TIME**

The Grantee must comply with all the time requirements described in this Agreement. In the performance of this Agreement, time is of the essence.

4. **AUTHORIZED REPRESENTATIVES**

For purposes of administering this Agreement, the County's Authorized Representative is:

Name: Courtney Wehrenberg
Title: Community Health Services Administrator
Address: 6133 402nd St., North Branch, MN 55056
Phone: 651-213-5215
Fax: 651-213-5401
Email: Courtney.Wehrenberg@chisagocounty.us

and the Grantee's Authorized Representative is:

Name: Laurie Chelgren
Address: 25701 Forest Boulevard N. Wyoming, MN 55092
Phone: 651-982-8001
Email: lchelgren@flaschools.org

To the extent possible, communication between the parties shall be made through the authorized representatives. The parties may substitute authorized representatives, as necessary, by written notification to each other.

5. **ASSIGNMENT, WAIVER, AND AGREEMENT COMPLETE**

- 5.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the County and a fully executed Assignment Agreement, executed and approved by the same parties, or their successors in office, who approved and executed this Agreement.
- 5.2. **Waiver.** If the County fails to enforce any provision of this Agreement, that failure does not waive the provision or the right to enforce it.
- 5.3. **Agreement Complete.** This Agreement contains all negotiations and agreements between the County and the Grantee. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. **CHANGES IN OWNERSHIP AND CONTROL**

This Agreement shall be binding on the County, its successors and assigns, and on the Grantee, its successors and assigns. In the event that the Grantee becomes aware that there will be a change in its ownership or control, the Grantee shall promptly notify the County's Authorized Representative, in writing, of the change.

7. **AUTHORITY TO CONTRACT**

Grantee is NOT authorized to enter into agreements needed to complete the work specified in this Agreement without the prior written consent of County, which shall not be withheld unreasonably.

8. PROJECT FUNDING AND DISBURSEMENTS

- 8.1. **Total Obligation.** The total obligation of the County for all compensation to the Grantee under this Agreement will not exceed **Two Thousand Dollars (\$2,000.00)**.
- 8.2. **Condition of Payment.** All services provided by the Grantee under this Agreement must be performed to the County's satisfaction, as determined at the sole discretion of the County Authorized Representative.
- 8.3. **Disbursements** shall not be construed as a waiver by the County of any authority it may have to remedy Grantee's noncompliance with this Agreement.
- 8.4. **Grantee Commitment of Financing.** Grantee shall provide in-kind matching funds necessary for the completion of the Project of not less than ten percent (10%) of the total grant disbursement.

9. USE OF GRANT FUNDS

Grantee shall use Grant funds solely for eligible costs as identified in Grantee's Application and as incurred within the term of this Agreement.

10. COMPLIANCE WITH THE LAW

The Grantee shall conduct the Project in compliance with all applicable provisions of federal, state, and local laws and obtain all federal, state and local permits, licenses and authorizations necessary to implement and operate the Project.

11. REPORTING REQUIREMENTS

All reporting must be provided to the County's Authorized Representative.

- 11.1. **Upon project completion,** grantee agrees to submit a short written success story with photo that outlines how the funds supported the efforts of their project.
- 11.2. **Treatment of Data.** All data (information) related to this Project and Agreement that is maintained by the County is public unless the Minnesota Data Practices Act, Minn. Stat. Ch.13, or other applicable state or federal law provides otherwise. Grantee shall use its best efforts to provide all information required to be submitted to County in a form which can be released as public information. Grantee shall use its best efforts to prepare reports and other information without disclosing trade secret or sales information. If Grantee determines that it must disclose trade secret or sales information and Grantee wishes to keep that information from being subject to disclosure under the law, Grantee shall do the following:

1. In its report, Grantee shall segregate all information Grantee believes to not be subject to disclosure under the law from all other information.
2. Grantee shall submit a written request for the information to be treated as not subject to disclosure under the law, citing the reasons for such treatment. Grantee shall submit the request to the County at the same time it submits the report containing the information in question.

The County shall not consider a request to treat data as not subject to disclosure under the law unless it is made in accordance with the above two requirements. If a request is made in accordance with the above requirements, the County shall promptly determine whether the information qualifies for nonpublic or private data treatment. If the County determines that the

information may be treated as nonpublic or private data, the County shall use its best efforts to treat the information accordingly.

12. AMENDMENTS

Any amendments to this Agreement must be in writing and will not be effective until it has been approved and executed by the same parties, or their successors in office, who approved and executed the original Agreement.

13. FAILURE TO COMPLY

- 13.1. ***Suspension or Termination.*** Failure of Grantee to comply with the terms and conditions of this Agreement shall constitute default under the terms of this Agreement unless the County agrees to an amendment under Part 12. Upon default, the County may immediately suspend or terminate the Agreement. Upon receipt of written notice of suspension or termination, Grantee shall immediately cease any expenditure of Grant funds and immediately cease incurring any expenditure for which Grant funds would be requested. Grantee shall return, upon demand, all unspent Grant funds disbursed by the County.
- 13.2. ***Repayment of Funds.*** If the County finds that the default is based on a serious breach of the terms and conditions of this Agreement such as substantial nonperformance of the Project, fraud, theft of funds, or gross negligence in the use of funds, the Grantee shall repay, upon demand, the Grant in full. Upon termination, the Grantee shall summarize in a written report the work completed prior to termination. In addition to termination, the County reserves the right to exercise all other available remedies.
- 13.3. ***Notice of Default.*** In the event of default, the County shall send a written notice to Grantee describing Grantee's failure to comply with the terms and conditions of this Agreement. At the County's election, Grantee may be provided an opportunity to correct the default of not less than seven (7) nor more than thirty (30) days. If no response is received by the County within the applicable time period or, if Grantee shall fail to satisfactorily correct the default, the County may immediately terminate the Agreement.
- 13.4. ***Response to Notice of Default.*** The County may agree to amend the terms and conditions of this Agreement if the Grantee submits a written response supported by documentation that establishes that an amendment is justified.

14. TERMINATION

The County may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the payments provided herein. Termination must be by written notice to the Grantee. The County is not obligated to pay for any costs of the Project that are incurred after the notice and effective date of termination. The County will not be assessed any penalty if the Agreement is terminated because of the decision of the Minnesota Legislature, or other funding sources, to not appropriate funds. The County must provide the Grantee notice of the lack of funding within a reasonable time of the County's receiving that notice.

15. WORKERS' COMPENSATION

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered County employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the County's obligation or responsibility.

16. PUBLICITY AND ENDORSEMENT

Any publicity regarding the subject matter of this Agreement must identify the Minnesota Department of Health and the County as a funding source and must not be released without prior written approval from the County's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Agreement. The Grantee must not claim that the Minnesota Department of Health and the County endorses its products or services.

17. HUMAN RIGHTS, EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION

The Grantee, in the conduct of the Project, shall comply with all applicable state and federal laws relating to nondiscrimination, affirmative action, and equal opportunity, now or hereafter enacted and any amendments thereto, including, but not limited to, Minnesota Statutes Ch. 363 (the Minnesota Human Rights Act), Minn. Stat. § 181.59 (applicable to Agreements for materials, supplies, and construction for or on behalf of the State), and the Americans with Disabilities Act of 1990 (P.L. 100-336).

18. LIABILITY

The Grantee must indemnify, save, and hold the County, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the County, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the County's failure to fulfill its obligations under this Grant Agreement.

19. INSURANCE

21.1 Grantee is required to maintain general liability and automobile (if a vehicle is used in performing the duties under the contract) insurance minimum limits in the amount of \$1,000,000 protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Grantee or by a subcontractor or by anyone directly or indirectly employed by the Grantee under the Contract.

21.2 Insurance coverage by the Grantee in amounts greater than the tort liability limits set for municipal corporations, pursuant to Minn. Stat. 466 shall not constitute a waiver of the liability cap(s) available to the County.

20. GOVERNMENT DATA PRACTICES AND INTELLECTUAL PROPERTY

20.1. **Government Data Practices.** The Grantee agrees to comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the County in accordance with this Agreement and as it applies to all data created, collected, received, stored, used, maintained or disseminated by Grantee in accordance with this Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this Part by either the Grantee or the County. In the event the Grantee receives a request to release the data referred to in this Part, the Grantee must immediately notify the County.

The County will give the Grantee instructions concerning the release of the data to the requesting party before the data is released.

20.2. Intellectual Property.

20.2.1. Grantee shall own all rights, title and interest in all of the materials conceived or created by the Grantee, or its employees or subcontractors, either individually or jointly with others and which arise out of the performance of this contract, created and paid for under this contract, including any inventions, reports, studies, designs, drawings, specifications, notes, documents, software and documentation, computer based training modules, electronically, magnetically or digitally recorded material, and other work in whatever form (hereinafter MATERIALS).

20.2.2. Grantee represents and warrants that MATERIALS produced or used under this contract do not and will not infringe upon any intellectual property rights of another, including, but not limited to, patents, copyrights, trade secrets, trade names, and service marks and names. The Grantee shall indemnify and defend, to the extent permitted by the Attorney General, County at the Grantee's expense from any action or claim brought against County to the extent that it is based on a claim that all or part of the MATERIALS infringe upon the intellectual property rights of another. The Grantee shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages, including, but not limited to, reasonable attorney fees arising out of this contract, amendments and supplements thereto, which are attributable to such claims or actions.

21. ANTITRUST

The Grantee hereby assigns to the County any and all claims for overcharges as to goods or services provided in connection with this contract resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.

22. JURISDICTION AND VENUE

This contract, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or breach thereof, shall be in the state or federal court with competent jurisdiction in Chisago County, Minnesota.

23. STATE AUDITS

The books, records, documents, and accounting procedures and practices of the Grantee relevant to this contract shall be subject to examination by County and the Legislative Auditor for a minimum of six (6) years from the end of the contract. In addition, the Grantee shall permit representatives of the County to visit the site of the Project during regular business hours to review the status of the Project and verify expenditures made under this Agreement.

24. SUBCONTRACTING

Grantee shall not enter into any subcontract for performance of any services contemplated under this agreement. If specifically authorized by the County, Grantee is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

APPROVED:

1. **GRANTEE**

Grantee certifies that the appropriate person(s) have executed the contract on behalf of Grantee as required by applicable articles, by-laws, resolutions, or ordinances.

By:
Title: Laurie Chelgren, Principal
Date:

2. **COUNTY OF CHISAGO**

APPROVED:

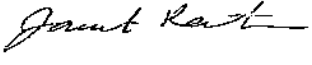
By:
Title: Rick Greene, Chair, Chisago County Board of Commissioners
Date:

CERTIFIED:

By:
Title: Chase Burnham, County Administrator
Date:

By:
Title: Robert Benson, Director, Chisago County Health & Human Services
Date:

AS TO FORM:

By: 
Title: Janet Reiter, Chisago County Attorney
Date: 8/10/2022

Chisago County Request For Board Action

Meeting Date: August 17, 2022	Item Number: 18
Title of Item for Consideration: Lower St. Croix Watershed Partnership Policy Committee Projects	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning
Previous Action on this Matter: On December 18, 2020, the Chisago County Board of Commissioners adopted Resolution No. 20/1118-2 to adopt the Lower St. Croix Comprehensive Watershed Management Plan (LSC CWMP - "<i>One Watershed One Plan – 1W1P</i>") and enter into a Joint Powers Agreement for the Implementation of the LSC CWMP. On December 18, 2020, the Chisago County Board of Commissioners appointed Commissioner Chris DuBose to serve as a representative to the LSC CWMP Implementation Policy Committee. The Chisago County Board also appointed Lance Peterson and Mike Mergens as representatives to the Implementation Policy Committee. At their January 25, 2021 meeting, the Implementation Policy Committee approved the final 2021-2022 Work Plan for Watershed Based Implementation Funding (WBIF). On February 17, 2021, the Chisago County Board of Commissioners approved the WBIF Work Plan for 2021-2022. In March the state Board of Water and Soil Resources (BWSR) approved the final Work Plan. The LSC CWMP will now receive \$1,264,531 in State WBIF grant funding to implement projects as identified in the Work Plan for years 2021-2022. At the May 18th 2022, the Board of Commissioners approved the Implementation Policy Committee and approved the Lower St. Croix Comprehensive Watershed Management Plan, and Annual Plan of Work for 2022-2023.	
Background: On July 25th, the Lower St. Croix Watershed Partnership Policy Committee voted 11-4 to recommend approval of the following action items related to funding both the CLFLWD and SWWD project requests. Motion Passed by Policy Committee on July 25, 2022. Policy Committee recommends allocating \$300,449 in LSC WBIF grant funds to the CLFLWD Sunrise River Wetland Restoration Project (see attached CLFLWD WBIF Project Request) and \$350,000 in LSC WBIF grant funds to the SWWD Trout Brook Project (see attached SWWD WBIF Project Request), including the following: 1. Recommend to partner entities that the FY21 work plan be amended to shift \$160,000 added to A5 and \$66,326 added to A6 (see page #3 of the attached LSC WBIF Project Proposal and Budget Amendment Request); 2. Direct that the FY21 work plan amendment be submitted to the entities' governing bodies and to BWSR for approval at the earliest opportunity (see page #3 of the attached LSC WBIF Project Proposal and Budget Amendment Request);	

3. Approve \$350,000 in WBIF funds for the Trout Brook Project and \$300,449 in WBIF funds for the Sunrise River Wetland Restoration Project;
4. Direct that \$350,000 in FY21 funds be applied first to the Trout Brook Project, and a minimum of \$80,449 in FY21 funds to the Sunrise River Wetland Restoration Project;
5. As to that part of approved Sunrise River Wetland Restoration Project funding not met by FY21 funds, provide in the proposed FY23 work plan for a maximum of \$220,000 in FY23 WBIF disbursement to be applied to the project;
6. Find that the commitment of FY23 funds to the Sunrise River Wetland Restoration Project is prudent and justified to establish sufficient funding certainty for the project to commence in early 2023.

Per our approved Lower St. Croix Joint Powers Agreement, governing boards must act on Policy Committee recommendations related to amendments to the annual work plan and budget within 60 days after the day in which the Policy Committee formally adopted such recommendation. The decisions of the various governing boards of the Parties will be deemed approved for purposes of this Agreement when 2/3rds of the governing bodies have adopted formal action on the respective recommendation. There are currently 16 members of the LSC WP JPA. To approve the Policy Committee recommendations listed above, we will need 11 member boards voting in-favor of the Policy Committee recommendation no later than September 23, 2022.

Attachment(s):

- WBIF Project Request: Trout Brook Stream Restoration
- WBIF Project Requests: Trout Brook and Sunrise River Projects
- WBIF Project Request: Sunrise River/Tax Forfeit Wetland Restoration

Action Requested/Recommended: The County Board is respectfully requested to approve the Trout Brook Stream Restoration project, the Trout Brook and Sunrise River Projects and the Sunrise River/Tax Forfeit Wetland Restoration projects. The following motion is suggested:

“Move to approve the Trout Brook Stream Restoration project, the Trout Brook and Sunrise River Projects and the Sunrise River/Tax Forfeit Wetland Restoration projects.”

Implications of Action: Recommended Board action will assist in implementing the Lower St. Croix Comprehensive Watershed Management Plan.

Budget/Financial Implications: There are no budget implications at this time. The approved Annual Plan of Work recognizes water resources funding investments throughout the Lower St. Croix watershed.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation

Approve 	Deny _____	Other _____
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Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

To: Lower St. Croix Policy Committee Date: 04/15/2022

From: South Washington Watershed District

Subject: WBIF Project Request: Trout Brook Stream Restoration

Table of Acronyms

CWMP: Comprehensive Watershed Management Plan	LSC: Lower St. Croix
SWCD: Soil & Water Conservation District	WD: Watershed District
WBIF: Watershed Based Implementation Funding	WMO: Watershed Management Organization

Eligible Project Sponsors

A sponsoring agency is required for each submitted project. The sponsor fills out this request. That agency must be a party to the Joint Powers Agreement for the implementation of the Lower St. Croix Comprehensive Watershed Management Plan. The sponsor, if the project is selected for funding, will enter into a subcontract with the Chisago Soil and Water Conservation District (SWCD) for project funding.

Description of Project (brief paragraph)

South Washington Watershed District (SWWD) proposes to work with to Minnesota DNR, Great River Greening, and Afton Alps to complete a stream restoration project along Trout Brook in Afton. This project will restore cold-water aquatic habitat within the stream channel, in addition to reducing phosphorus loading by 177 lbs/yr and TSS loading by 154 tons/yr.

Critical components of the Trout Brook restoration project will include re-routing the stream from its current, straightened alignment back to its historical location; re-creating a natural floodplain to reduce channel erosion and allow suspended sediment to settle-out; and re-creating natural pools, riffles, and runs for fish and other aquatic organisms.

SWWD has previously worked with Minnesota DNR and Afton Alps to restore segments upstream and downstream of the project location. See [Trout Brook Project](#) for additional information.

Benefitted Waterbody Information (add rows for additional waterbodies if necessary)

Target waterbody	Trout Brook
Target waterbody, secondary	Lake St. Croix
Waterbody area (acres)	
Watershed area (acres)	5472
DNR shoreline classification	Public Waters Stream
Description of the watershed and near-shore land uses	Ski Resort/parking lot, State Park
Impairment status	impaired
Protection or restoration	restoration

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

Project Details

Project Name	Trout Brook restoration Phase III
Project Sponsor	South Washington Watershed District
Additional Project Partner(s) (other than sponsor)	DNR, Great River Greening, Afton Alps
Project Location (lat/long, address, or description)	Denmark Township, MN
DNR Level 8 Subwatershed	3706900
Applicable WBIF Work Plan Activity	Urban restoration
Funding Specifically Allocated to this Project in Work Plan (if applicable)	
Estimated Construction Timeline	Late summer 2022
Total Project Cost	\$1,000,000
Estimated Lifetime Project Cost (incl. O&M)	\$1,000,000 (+monitoring, construction engineering and inspection and veg mgmt. covered under other programs)
Requested Grant Funding	\$350,000
Match provided, match source (cannot be state funds)	25% SWWD funds
Target Waterbody (from CWMP Table 5-2, 5-3, 5-4)	Trout Brook, delivered to LSC
Est. Phosphorus Load Reduction @ Target Waterbody	177 lbs/yr
Est. TSS Load Reduction @ Target Waterbody	154 tons/yr
Calculation Tool Used	Field data, BANCS assessment, literature
Project Lifespan	25+
Lifetime Cost-Benefit (\$/lb phosphorus removed)	\$226/lb TP/yr, \$5,650/lb TP

Pre-Project Identification

Total phosphorus load entering target waterbody	
Total suspended solids load entering target waterbody	
Major sources of nutrient loading	Regionally significant streams (table 5-2)
P reduction required to achieve water quality goal	4,140 lbs TP/yr from stream sources to LSC
Completed projects, load reduction	
Alternative projects, load reduction	None for Trout Brook streambank erosion

List of Informational Attachments/Templates Included With Form:

1. WBIF Project Request Process Flow Chart
2. CWMP Priority Waterbody Maps
3. CWMP Appendix C – Project Targeting Criteria and Scoring Matrix (for Activities 2, 4, 5, 9)
4. Wetland Restoration Scoring Matrix (for Activity 6)
5. Internal Analysis Request for Funding (for Activity 7; filled out by applicant)
6. Internal Analysis Selection Criteria (for Activity 7; filled out by subcommittee)
7. Targeting Analysis Scoring Matrix (for Activity 8)

Required Attachments for Requesting Partner to Complete (check all that apply):

- ☒ Project Plans/Visual/Map (for all requests)
- ☒ Completed Appendix C Project Scoring Matrix (for Activities 2, 4, 5, 9)
- ☐ Completed Wetland Restoration Scoring Matrix (for Activity 6)
- ☐ Completed Internal Analysis Request for Funding (for Activity 7)
- ☐ Completed Internal Analysis Selection Criteria (for Activity 7)
- ☐ Completed Targeting Analysis Scoring Matrix (for Activity 8)

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

WBIF Work Plan Activity Color Coding
Implementation - BMPs/Restoration Activities
Implementation - Shared Services
Prioritization & Analysis
Administration

Submit this form and attachments to Angie Hong at (ahong@mnwcd.org) one week prior to the Steering Committee meeting.

Policy Committee Roll Call Vote

Policy Committee roll call vote to recommend SWWD project for Lower St. Croix Watershed Based Implementation Funding in the amount of \$ \$350,000 for the Trout Brook Restoration.

Organization	Aye	Nay	Absent
Anoka SWCD			
Brown's Creek WD			
Carnelian Marine St Croix WD			
Chisago County			
Chisago Lakes LID			
Chisago SWCD			
Comfort Lake Forest Lake WD			
Isanti County			
Isanti SWCD			
Middle St. Croix WMO			
Pine County			
Pine SWCD			
South Washington WD			
Sunrise River JP WMO			
Valley Branch WD			
Washington CD			
Washington County			
TOTAL (need majority vote to pass)			

MEMORANDUM

Lower St. Croix Partnership – Watershed Based Implementation Funding

To: Policy Committee

Date: July 18, 2022

From: Steering Committee

Subject: WBIF Project Requests: Trout Brook and Sunrise River Projects

Background/Discussion

At its July 13th meeting, the Steering Committee discussed two Watershed Based Implementation Funding project requests exceeding \$50,000. According to the process discussed at the April 25th Policy Committee meeting, all WBIF grant requests exceeding \$50,000 will come to the Policy Committee for recommended approval to the fiscal agent. The purpose of this agenda item is to consider acting on these two requests. Both projects result in multiple benefits, including water quality improvements to priority watercourses identified in the Lower St. Croix Comprehensive Watershed Management Plan (CWMP).

The Steering Committee recommends fully funding both requests. Given that the combined dollar amount of these two requests exceeds the remaining FY21 WBIF grant balance, the Steering Committee recommends funding the Sunrise River Project request partially using FY21 WBIF grant dollars and partially using FY23 WBIF grant dollars. This memo provides a summary of each project, three options for funding, and one recommendation.

Project Summaries

- **Sunrise River Wetland Restoration – Comfort Lake-Forest Lake Watershed District** WBIF request: \$300,449. This project will divert flow from an existing drainage ditch system out of Heims Lake at the Highway 61 culvert and then diffuse the flow into a multi-cell wetland complex located on the Tax Forfeit property owned by the Comfort Lake-Forest Lake Watershed District. The proposed project will result in annual phosphorus reductions of approximately 81 lb/yr to the Sunrise River, a LSC CWMP priority watercourse. Construction requires frozen conditions and is estimated to occur January/February 2023. [More information on the project can be downloaded here.](#)
- **Trout Brook Project – South Washington Watershed District** WBIF request: \$350,000. South Washington Watershed District (SWWD) proposes to work with to Minnesota DNR, Great River Greening, and Afton Alps to complete a stream restoration project along Trout Brook in Afton. This project will restore cold-water aquatic habitat within the stream channel, in addition to reducing phosphorus loading by 177 lbs/yr and TSS loading by 154 tons/yr to Trout Brook, a tributary of the St. Croix River, a LSC CWMP priority watercourse. Tree work to occur fall 2022 and main construction to occur spring 2023. More information on the project can be downloaded here: 1) [Project request form](#); 2) [Project proposal](#); 3) [Technical memo - water quality benefits](#); 4) [60% Design Report](#)

Funding Options Discussed at July 13th Steering Committee

1. **Option 1:** Fund neither request. The Policy Committee may choose to simply recommend not funding either request. This is not recommended, as both projects would be considered high priority under the LSC CWMP.
2. **Option 2:** Partially fund both requests. If the Policy Committee wishes to only consider FY21 WBIF requests at this time, it may wish to somehow divide remaining FY21 WBIF balance between the two projects. Total requested dollars: \$650,449. Remaining unencumbered FY21 WBIF grant dollars: \$431,160 (note that \$100,000 of FY21 WBIF A4 funds has been allocated

MEMORANDUM

Lower St. Croix Partnership – Watershed Based Implementation Funding

towards the nonstructural agricultural BMP projects which is part of the LSC nonstructural policy that was approved unanimously at the May 25th Steering Committee).

3. **Option 3 (Recommended):** Recommend fully funding both requests by utilizing both FY21 and FY23 WBIF grant dollars.
 - a. Allocate \$350,000 of FY21 WBIF to the Trout Brook Project
 - b. Allocate \$300,449 of total WBIF to the Sunrise River Project composed of:
 - i. A minimum of \$80,449 of FY21 WBIF to the Sunrise River Project
 - ii. A maximum of \$220,000 of FY23 to the Sunrise River Project

Option 3 would require a FY21 WBIF grant work plan revision in order to shift budget dollars to A5 Structural Urban BMP Implementation for the Trout Brook Project (required shift = \$160,000 added to A5) and to shift budget dollars to A6 Wetland Restoration Implementation for the Sunrise River Project (required shift = \$66,326 added to A6). See attached budget table. The revision must be approved by 2/3 of the partners prior to submitting it to the Board of Water and Soil Resources for approval. The grant work plan revision must be approved by BWSR before the associated funds are expended. Staff estimates the grant work plan revision can be completed by this September.

Option 3 also requires the FY23 WBIF grant agreement be executed prior to the Sunrise River Project's construction beginning (estimated for January/February 2023). This also requires the approval of 2/3 of the partner boards. Staff estimates this can be completed by end of this December.

Recommended Action

Policy Committee roll call vote to allocate \$300,449 in WBIF funding to the Sunrise River Wetland Restoration Project and \$350,000 in WBIF to the Trout Brook Project, including the following:

- Recommend to partner entities that the FY21 work plan be amended to shift \$160,000 added to A5 and \$66,326 added to A6;
- Direct that the FY21 work plan amendment be submitted to the entities' governing bodies and to BWSR for approval at the earliest opportunity;
- Approve \$350,000 in WBIF funds for the Trout Brook Project and \$300,449 in WBIF funds for the Sunrise River Wetland Restoration Project;
- Direct that \$350,000 in FY21 funds be applied first to the Trout Brook Project, and a minimum of \$80,449 in FY21 funds to the Sunrise River Wetland Restoration Project;
- As to that part of approved Sunrise River Wetland Restoration Project funding not met by FY21 funds, provide in the proposed FY23 work plan for a maximum of \$220,000 in FY23 WBIF disbursement to be applied to the project;
- Find that the commitment of FY23 funds to the Sunrise River Wetland Restoration Project is prudent and justified to establish sufficient funding certainty for the project to commence in early 2023.

Attached: WBIF Budget Table and Funding Scenarios

FY21 WBIF - Lower St. Croix Watershed Partners Grant

A	B	C	D	E	F	G	H	I	J
ACTIVITY	WBIF BUDGET (April 1, 2021)	WBIF BUDGET ENCUMBERED (July 1, 2022)	WBIF BUDGET AVAILABLE (July 1, 2022)	ANTICIPATED ADDITIONAL WBIF TO BE ENCUMBERED PRIOR TO 12/31/2023	WBIF BUDGET AVAILABLE (July 13, 2022)	PROPOSED PROJECTS (July 13, 2022)	LSC W/P PROJECT SPONSOR AND NAME (Option 3)	FY21 WBIF Change in Budget	FY21 WBIF Revised Budget
A1 Basin Ag Outreach Program	\$ 200,000.00	\$ 200,000.00	\$ -	\$ -	\$ -			\$ -	\$ 200,000.00
A2 Structural Ag BMP Implementation	\$ 160,000.00	\$ 106,462.31	\$ 53,537.69		\$ 53,537.69			\$ (52,826.00)	\$ 107,174.00
A3 Shared Services Educator	\$ 125,000.00	\$ 125,000.00	\$ -	\$ -	\$ -			\$ -	\$ 125,000.00
A4 Non-Structural BMP's	\$ 200,000.00	\$ 100,000.00	\$ 100,000.00	\$ -	\$ 100,000.00			\$ (100,000.00)	\$ 100,000.00
A5 Structural Urban BMP Implementation	\$ 200,000.00	\$ 10,000.00	\$ 190,000.00		\$ 190,000.00	\$ 350,000.00	SWWD Trout Brook Project Construction	\$ 160,000.00	\$ 360,000.00
A6 Wetland Restoration Implementation	\$ 39,531.00	\$ 25,408.00	\$ 14,123.00		\$ 14,123.00	\$ 80,449.00	CLFLWD Sunrise River Tax Forfeit Project	\$ 66,326.00	\$ 105,857.00
A7 Internal Analysis	\$ 50,000.00	\$ 16,500.00	\$ 33,500.00	\$ -	\$ 33,500.00			\$ (33,500.00)	\$ 16,500.00
A8 Targeting Analysis	\$ 150,000.00	\$ 75,813.40	\$ 74,186.60	\$ 74,186.60	\$ -			\$ -	\$ 150,000.00
A9 Technical/Engineering	\$ 40,000.00	\$ -	\$ 40,000.00	\$ -	\$ 40,000.00			\$ (40,000.00)	\$ -
A10 Administration Coordination	\$ 100,000.00	\$ 88,600.00	\$ 11,400.00	\$ 11,400.00	\$ -			\$ -	\$ 100,000.00
PROJECT BALANCE:	\$ 1,264,531.00	\$ 747,783.71	\$ 516,747.29	\$ 85,586.60	\$ 431,160.69	\$ 430,449.00	\$ 711.69	\$ -	\$ 1,264,531.00

Balance

41%

59%

	CLFLWD (\$300,449)	SWWD (\$350,000)	Total
	FY21 WBIF	FY21 WBIF	FY21 WBIF
	FY23 WBIF	FY23 WBIF	FY23 WBIF
Option 1 (Fund neither)	\$ -	\$ -	\$ -
Option 2.1 (Karen Kill)	\$ 200,000.00	\$ 235,000.00	\$ 435,000.00
Option 2.2 (Mike Isensee)	\$ 136,000.00	\$ 300,000.00	\$ 436,000.00
Option 3 RECOMMENDED	\$ 80,449.00	\$ 220,000.00	\$ 650,449.00

ATTACHMENT - RECOMMENDED FUNDING SCENARIO (as discussed at July 13th Steering Committee meeting)
CLFLWD and SWWD Projects

Project	Requested Grant \$	FY21			FY23			Total Recommended Award
		FY21 Remaining Grant Budget	Recommended FY21 Award	Balance After Rec Award	FY23 Preliminary Targeting/CIP Budget	Recommended FY23 Award	Balance After Rec Award	
CLFLWD Sunrise River Wetland Project	\$300,449.00		\$80,449.00			\$220,000.00		\$300,449.00
SWWD Trout Brook Project	\$350,000.00		\$350,000.00					\$350,000.00
TOTAL	\$650,449.00	\$431,160.69	\$430,449.00	\$711.69	\$683,829.00	\$220,000.00	\$463,829.00	\$650,449.00
Comments		Remaining unencumbered \$ amt per Craig Mell's revised program log July 13 2022 (includes Jahnz Wetland). Current unencumbered balance minus anticipated encumbrances (A8 Targeting Analyses, A10 Adm/Coord)		Balance (note that an additional \$100K has been encumbered for yet unidentified non-structural ag practices)	Per Tom Dietrich's 6/22/22 convene meeting presentation *		Balance remaining for additional FY23 WBIF projects	Fully fund both requests by spanning FY21 and FY23 grants and seeking competitive grant awards when feasible.

***Total pooled FY23 WBIF = \$1,278,579.00**

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

To: Steering Committee, Policy Committee Date: May 11, 2022
From: Comfort Lake-Forest Lake Watershed District
Subject: WBIF Project Request: Sunrise River/Tax Forfeit Wetland Restoration

Table of Acronyms

CWMP: Comprehensive Watershed Management Plan	LSC: Lower St. Croix
SWCD: Soil & Water Conservation District	WD: Watershed District
WBIF: Watershed Based Implementation Funding	WMO: Watershed Management Organization

Eligible Project Sponsors

A sponsoring agency is required for each submitted project. The sponsor fills out this request. That agency must be a party to the Joint Powers Agreement for the implementation of the Lower St. Croix Comprehensive Watershed Management Plan. The sponsor, if the project is selected for funding, will enter into a subcontract with the Chisago Soil and Water Conservation District (SWCD) for project funding.

Description of Project (brief paragraph)

The Sunrise River/Tax Forfeit Wetland Restoration project would help improve and protect water quality in the Sunrise River and Comfort Lake which ultimately drain to the St. Croix River. This project will divert flow from an existing drainage ditch system out of Heims Lake at the Highway 61 culvert and then diffuse the flow into a multi-cell wetland complex located on the Tax Forfeit property owned by the Comfort Lake-Forest Lake Watershed District. The proposed project will result in annual phosphorus reductions of approximately 81 lb/yr to the Sunrise River and 60 lb/yr to Comfort Lake, pending final design and construction. The project is located immediately adjacent to a reach of the Sunrise River upstream of Comfort Lake (between Forest Lake and Comfort Lake). The river flows through wetland complexes on its way to Comfort Lake, which reduce phosphorus and sediment loading further. As such, the estimated load reductions achieved immediately at the Sunrise River are higher than the estimated reduction achieved once flow reaches Comfort Lake. The District has the opportunity to include an additional project Add Alternate (North Hwy 61 Drainage – Wetland Treatment Facility) which is estimated to achieve an additional 5 lbs/yr reduction (i.e., total reduction to Sunrise River of 86 lb/yr, and to Comfort Lake of 66 lb/yr).

The Sunrise River/Tax Forfeit Wetland Restoration project is designed to deliver additional habitat and water resource benefits. Since the project lengthens the flow path from Heims Lake by diverting water from the ditch to the enhanced wetland, peak flow rates are expected to be slightly reduced in addition to the slight reduction in water levels. The project is expected to recharge groundwater levels/increase storage by stopping ditched flows from bypassing the wetland complex and increasing residence time for infiltration. The project will also enhance habitat and the aesthetics of the area by increasing vegetation heterogeneity by creating a unique/intentional forested wetland landform. This addition, which will be visible from well-traveled Highway 61, will maximize transpiration rates and will provide unique opportunities for research and the advancement of wetland treatment. Additional habitat features include native species for forested wetlands with high transpiration rates, turtle basking logs, kestrel nesting box, and chara restoration.

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

This project leverages funds from multiple sources. However, additional funding is needed in order to maximize project returns and achieve greater load reductions to both the Sunrise River and Comfort Lake.

For more info, view the Feasibility Study:

<https://www.clflwd.org/documents/TaxForfeitFeasibilityReport.pdf>

And Comfort Lake Diagnostic Study: https://www.clflwd.org/documents/Comf_Diag_Update_5-19-2021_FINAL.pdf

Benefitted Waterbody Information (add rows for additional waterbodies if necessary)

Target waterbody	Sunrise River, Comfort Lake
Waterbody area (acres)	Comfort Lake: 218 acres
Watershed area (acres)	Comfort Lake subwatershed: 6,352 acres
DNR shoreline classification	Comfort Lake: General Development
Description of the watershed and near-shore land uses	2016 NLCD: Wetlands (33%), Developed (26%), Forest (15%), Pasture/grasslands (13%), Cultivated cropland (8%), Open water (5%). Land use and development pressures within a drainage area are key factors in the rate, timing and pollutant levels of runoff to surface water resources. Commercial and transportation development in the City of Forest Lake and along the Highway I-35, 8, and 61 corridors put added pressure on this subwatershed.
Impairment status	Comfort Lake and this reach of the Sunrise River are impaired for aquatic recreation for nutrients
Protection or restoration	Restoration project

Project Details

Project Name	Sunrise River/Tax Forfeit Wetland Restoration
Project Sponsor	Comfort Lake-Forest Lake WD
Additional Project Partner(s) (other than sponsor)	Additional grant funds leveraged from Clean Water Fund and Section 319 CLFLWD planning to work with Great River Greening to do additional habitat restoration after construction (woody vegetation planting)
Project Location (lat/long, address, or description)	PID 21.10649.00
DNR Level 8 Subwatershed	3705200
Applicable WBIF Work Plan Activity	A6 Wetland Restoration Implementation
Funding Specifically Allocated to this Project in Work Plan (if applicable)	N/A
Estimated Construction Timeline	February 2023
Total Project Cost	\$1.083 million

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

Estimated Lifetime Project Cost (incl. O&M)	\$1.14 million
Requested Grant Funding	\$300,449
Clean Water Fund Grant (state funds)	\$492,000
Match provided, match source (cannot be state funds)	\$290,501 (CLFLWD levy, Section 319 Small Watershed Focus federal grant)
Target Waterbody (from CWMP Table 5-2, 5-3, 5-4)	Sunrise River (Comfort Lake also benefits)
Est. Phosphorus Load Reduction @ Target Waterbody	81 lb/yr @ Sunrise River 60 lb/yr @ Comfort Lake (potentially add 5 lb/yr to each if include add alternate described above)
Est. TSS Load Reduction @ Target Waterbody	58,000 lb/yr @ Sunrise River 18,000 lb/yr @ Comfort Lake
Calculation Tool Used	Monitoring data, sediment cores, mass balance design model from Kadlec & Knight
Project Lifespan	30 years
Lifetime Cost-Benefit (\$/lb phosphorus removed)	\$469/lb (calculated using 30-year lifespan and 81 lb/yr reduction at Sunrise River)

Pre-Project Identification

Project targeting was completed with Comfort Lake in mind, so this section is filled out with respect to Comfort Lake. Due to the project's proximity to the Sunrise River, this project also has major benefits to the river itself, as demonstrated above.

Total phosphorus load entering target waterbody	1,991 lb/yr to Comfort Lake
Total suspended solids load entering target waterbody	132,000 lb/yr accumulation in Comfort Lake
Major sources of nutrient loading	Developed land use, row crop land use, drained wetlands
P reduction required to achieve water quality goal	193 lb/yr
Completed projects, load reduction	Bixby Park Water Quality Improvement Project – Chisago Co. Petitioned Project (92 lb/yr phosphorus reduction); Target Big Box Retrofits (5 lb/yr phosphorus reduction); Stormwater Management Permits (cumulative: 43 lb/yr)
Alternative projects, load reduction	Alternatives were considered and are described in the feasibility study (additional parcel acquisition/utilization and alternative project designs) Feasibility Study – Alternatives Considered

List of Informational Attachments/Templates Included With Form:

1. WBIF Project Request Process Flow Chart
2. CWMP Priority Waterbody Maps
3. CWMP Appendix C – Project Targeting Criteria and Scoring Matrix (for [Activities 2, 4, 5, 9](#))
4. Wetland Restoration Scoring Matrix (for [Activity 6](#))
5. Internal Analysis Request for Funding (for [Activity 7](#): filled out by applicant)
6. Internal Analysis Selection Criteria (for [Activity 7](#): filled out by subcommittee)
7. Targeting Analysis Scoring Matrix (for [Activity 8](#))

Required Attachments for Requesting Partner to Complete (check all that apply):

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

- ☒ Project Plans/Visual/Map (for all requests)
- ☒ Completed Appendix C Project Scoring Matrix (for Activities 2, 4, 5, 9)
- ☒ Completed Wetland Restoration Scoring Matrix (for Activity 6)
- ☐ Completed Internal Analysis Request for Funding (for Activity 7)
- ☐ Completed Internal Analysis Selection Criteria (for Activity 7)
- ☐ Completed Targeting Analysis Scoring Matrix (for Activity 8)

WBIF Work Plan Activity Color Coding
Implementation - BMPs/Restoration Activities
Implementation - Shared Services
Prioritization & Analysis
Administration

Submit this form and attachments to Angie Hong at (ahong@mnwcd.org) one week prior to the Steering Committee meeting.

PROJECT REQUEST FORM

Lower St. Croix Partnership – Watershed Based Implementation Funding

Steering Committee Roll Call Vote

Steering Committee roll call vote to recommend Comfort Lake-Forest Lake Watershed District's project for Lower St. Croix Watershed Based Implementation Funding in the amount of \$300,449 for the Sunrise River/Tax Forfeit Wetland Restoration Project.

Organization	Aye	Nay	Absent
Anoka SWCD			
Brown's Creek WD			
Carnelian Marine St Croix WD			
Chisago County			
Chisago Lakes LID			
Chisago SWCD			
Comfort Lake Forest Lake WD			
Isanti County			
Isanti SWCD			
Middle St. Croix WMO			
Pine County			
Pine SWCD			
South Washington WD			
Sunrise River JP WMO			
Valley Branch WD			
Washington CD			
Washington County			
TOTAL (need majority vote to pass)			

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Chisago County Request for Board Action

Meeting Date: August 17, 2022	Item Number: <u>19</u>
Title of Item for Consideration: Application for Exempt Permit – East Central Friends of the NRA	
Action Requested by: Chase Burnham, County Administrator	Department: Administration
Previous Action on this Matter: None.	
Background: The current application is from the East Central Friends of the NRA, so that the applicants can conduct a lawful raffle on October 1, 2022. The East Central Friend of the NRA is a non-profit organization. Attachments: - LG220 Application for Exempt Permit – East Central Friends of the NRA - Resolution	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the East Central Friends of the NRA's application to Conduct a raffle at their event on October 1, 2022. The recommended motion is as follows: <i>“Move to approve the East Central Friends of the NRA's resolution to conduct a raffle at their event on October 1, 2022.”</i>	
Implications of Action: Approving tonight's action would allow the East Central Friends of the NRA to raise money for its non-profit organization and its activities. Budget/Financial Implications: None – Approving the permit has any budget/financial implications on Chisago County. Legal/Policy Implications: The proposed activities appear to be in conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By: _____	Seconded by: _____
To: _____	
Action on Motion:	Aye _____ Nay _____ Abstain _____

Chisago County
Board of Commissioners

EXEMPT PERMIT FOR GAMBLING

RESOLUTION NO. 22/0817-X
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A RAFFLE
FOR THE EAST CENTRAL FRIENDS OF THE NRA

WHEREAS, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

WHEREAS, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Lent Town Hall located at 33155 Hemingway Ave., Stacy, MN 55079.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: EAST CERNAL FRIENDS OF NRA Previous Gambling Permit Number: X-
 Minnesota Tax ID Number, if any: Federal Employer ID Number (FEIN), if any: [REDACTED]
 Mailing Address: 27352 VIRGO ST NE
 City: SILVER State: MN Zip: 55079 County: CHISAGO
 Name of Chief Executive Officer (CEO): DAN LEMMERMAN
 CEO Daytime Phone: [REDACTED] CEO Email: [REDACTED]
 (permit will be emailed to this email address unless otherwise indicated below)
 Email permit to (if other than the CEO):

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- ☒ **A current calendar year Certificate of Good Standing**
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division
 60 Empire Drive, Suite 100
 St. Paul, MN 55103
 Secretary of State website, phone numbers:
www.sos.state.mn.us
 651-296-2803, or toll free 1-877-551-6767
- ☐ **IRS income tax exemption (501(c)) letter in your organization's name**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- ☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): 1st TOWN Hall
 Physical Address (do not use P.O. box): 33155 Hemingway Ave
 Check one: Silver
☒ City: Silver Zip: 55079 County: CHISAGO
☐ Township: Zip: County:
 Date(s) of activity (for raffles, indicate the date of the drawing): 10-1-22

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

**The city or county must sign before
submitting application to the
Gambling Control Board.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: 8-11-22

(Signature must be CEO's signature; designee may not sign)

Print Name: DAN LEMMON

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use of the information after this notice was given; and anyone with your written consent.

CORR.



August 9, 2022

Dear Chase,

On September 27th, 2022, we will be hosting our 29th Annual Legislative Forum at The Spare Room Events Center at Chucker's Bowl in Rush City, Minnesota. This forum is a chance for school board members and administrators in Chisago and Pine Counties to gather together to discuss state education policy. This will be a gathering for the Chisago Lakes, East Central, Hinckley-Finlayson, North Branch, Pine City and Rush City schools. Invitations have also been extended to the Willow River School District. School board members, school district administrators, St. Croix River Education District staff, and other collaborative partners will be in attendance.

We would be greatly honored if you could attend the Legislative Forum this year as we would like to recognize Chisago County's efforts in supporting our students through the use of American Rescue Plan funding during an "Ambassador for Education" award ceremony. Please let us know if you can attend on behalf of Chisago County or if you would like to send another representative in your place by Monday, September 12th using this [registration link](#).

Below is an agenda for the event:

- 5:00 Social hour
- 5:30 Dinner
- 6:00 Welcome/Award Ceremony
- 6:30 Panel featuring School Leaders and Educators

Thank you for attending this event. It is something I look forward to every year as it allows our local legislators a chance to connect with our districts and hear our stories.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Nord".

Jamie Nord
Executive Director

Association of Metropolitan School Districts
Association of Minnesota Counties
Coalition of Greater Minnesota Cities
League of Minnesota Cities
Metro Cities (Association of Metropolitan Municipalities)
Minnesota Association of School Administrators
Minnesota Association of Small Cities
Minnesota Association of Townships
Minnesota Inter-County Association
Minnesota Rural Counties
Minnesota School Boards Association
Municipal Legislative Commission
North Metro Mayors Association
Range Association of Municipalities and Schools
Southeastern MN League of Municipalities
Schools for Equity in Education
Southwest MN Council of Mayors

August 10, 2022

Dear Governor Walz, Lieutenant Governor Flanagan and Members of the Minnesota House and Senate:

As associations representing the state's local partners – its school districts, counties, cities, and townships, encompassing all citizens of our state -- we are aware of the significant challenges and needs local leaders face amid an uncertain economy and the ongoing effects of the pandemic.

Since the adjournment of the legislative session on May 23rd, we have repeatedly been asked by our members and the citizens we represent whether there will be a special session. This is not a casual ask of curiosity, but a plea and passion for us, as their representatives, to press forward to encourage your action and hold a special session.

During the 2022 legislative session, school district, county, city, and township leaders articulated needs for state support, some of which received consideration in bills that were not finalized before the conclusion of the session. Challenges faced by your peers – our locally elected officials – are at a high point and state resources play a critical role in the provision of many local services. There are many issues that need attention now and that should not wait until 2023.

Minnesota is proud of the historical partnership between the state and local governments. A strong partnership has long been imperative to ensuring local officials have the resources to address statutorily directed services that are provided locally. Local services are essential to our

quality of life and vitally important to ensure the continued health, safety, welfare, and education, for all Minnesotans. Our citizens rely on us to provide services and we rely on you for the ability to provide the same. When a breakdown occurs – at any point – issues surface and frustrations can arise.

We know you all understand the significant issues local governments are currently experiencing and we appreciate the consideration given to local issues and needs during the session. As partners, we want to work with you on our legislative needs and priorities and why a special session is so important.

We can provide many examples of pressing local needs. Generally, they include labor shortages that hinder the provision of public safety services including police and fire staffing, rapidly escalating costs to provide local services, social services, and the education of Minnesota's students. Local leaders are also working to improve deteriorating infrastructure but are doing so without appropriate state investments. There are urgent needs for funding the state's social service and mental health support services to address substantial challenges being experienced by families and communities. School districts are confronting widespread challenges for students that will only compound without necessary resources. Delays in addressing matching funds for the federal Infrastructure, Investment and Jobs Act (IIJA), and a bonding bill to address transportation, transit and infrastructure projects will result in higher costs, disjointed planning, and economic losses.

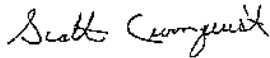
Local governments also are faced with issuing local regulations as a result of the new THC law. Prompt establishment of a state framework and parameters for regulation, established by lawmakers in partnership with local governments, is needed now. Not addressing a framework until next year is a recipe for a patchwork quilt of local laws that are likely to be inconsistent from one community to another.

We are therefore writing to respectfully, yet strongly, encourage the prompt convening of a special session to finalize supplemental budget and tax bills, the development of a capital investment bill and other critical unfinished business including state matching funds for the federal Infrastructure Investment and Jobs Act, addressing the growing special education cross subsidy, and addressing a framework for the regulation of cannabinoid products. We call upon state leaders to continue engaging with us, your local government partners, to finalize legislation that will serve the entire state.

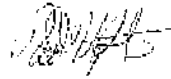
The state's historically large budget surplus provides an unprecedented opportunity for Minnesota to address the state's immediate and critical needs. We ask all state leaders to use this opportunity and to return to the work at hand. Minnesota's local governments, and the state's residents, business, families, and students are depending on you.

Now is the time for action: we stand ready to work with you and appreciate your attention to our request. Our constituents are your constituents. Let's work together in the next few weeks to complete the business started months ago and, in the end, benefit all Minnesotans.

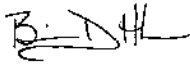
Sincerely,



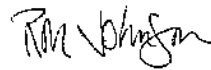
Scott Croonquist
Executive Director
Association of Metropolitan School Districts



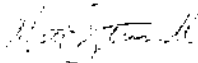
Todd Patzer
President
Association of Minnesota Counties



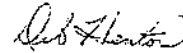
Brian Holmer
President
Coalition of Greater Minnesota Cities



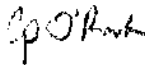
Ron Johnson
President
League of Minnesota Cities



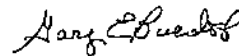
Matt Stemwedel
President
Metro Cities
(Association of Metropolitan Municipalities)



Deb Henton, Ed.D.
Executive Director
Minnesota Association of School
Administrators



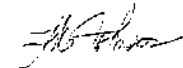
Cap O'Rourke
Executive Director
Minnesota Association of Small Cities



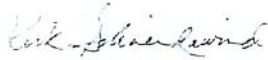
Gary Burdorf
President
Minnesota Association of Townships



Matt Massman
Executive Director
Minnesota Inter-County Association



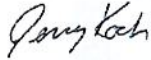
Luke Johnson
Chair
Minnesota Rural Counties



Kirk Schneidawind
Executive Director
Minnesota School Boards Association



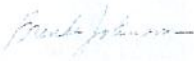
James Hovland
Chair
Municipal Legislative Commission



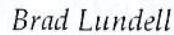
Jerry Koch
President
North Metro Mayors Association



Ida Rukavina
Executive Director
Range Association of Municipalities and
Schools



Brenda Johnson
Executive Director
Southeastern MN League of Municipalities



Brad Lundell
Executive Director
Schools for Equity in Education



Bob Byrnes
Mayor, City of Marshall
Southwest MN Council of Mayors



Patrick Baustian
Mayor, City of Luverne
Southwest MN Council of Mayors



Dave Smiglewski
Mayor, City of Granite Falls
Southwest MN Council of Mayors



Myron Koets
Mayor, City of Pipestone
Southwest MN Council of Mayors



Mike Kuhle
Mayor, City of Worthington
Southwest MN Council of Mayors

Chisago County Government Center Front Door Court Security

	2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Prohibited Items Confiscated
Prohibited Items														
Confiscations														
Sharp objects	33	32	53	41	66	47	37	0	0	0	0	0	0	309
Guns, Firearms, Magazines	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Martial arts and self-defense items	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tools & Sporting goods	5	4	9	7	7	5	5	0	0	0	0	0	0	42
Chemicals and other Dangerous Items	2	0	3	5	4	6	0	0	0	0	0	0	0	20
Total Prohibited Items	40	36	65	53	77	59	42	0	0	0	0	0	0	372
Confiscated														
Bag count	317,678	1,337	1,122	1600	1930	2466	1806	1636						11,897

	2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Services Rendered
Services Rendered														
Disturptive/Suspicious Persons Calls	0	0	1	2	1	1	0	0	0	0	0	0	0	5
Medical Assists	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officer/Deputy/Probation/911 Assist	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Emotional Disturbed Persons	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Handicap/Elderly Assists	4	2	1	1	13	1	0	0	0	0	0	0	0	22
Escorts to Motor Vehicle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Child Protection Referral	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Parking Lot Security Inspection	0	5	12	13	13	15	13	13	0	0	0	0	0	71
Door and Fire Alarms	4	0	0	0	0	0	1	0	0	0	0	0	0	5
Misc. Services Rendered	1	2	0	0	0	1	6	0	0	0	0	0	0	10
Total Services Rendered	9	9	14	18	27	18	20	0	0	0	0	0	0	105